

**BERRYVILLE TOWN COUNCIL
POLICE AND SECURITY COMMITTEE
Wednesday, February 1, 2012
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
11:00 a.m.**

MINUTES

Roll:

Town Council:

Present: Mary Daniel, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Neal White, Chief of Police

1. **Call to Order** – Mary Daniel, Chairman
Chairman Daniel called the meeting to order at 11:01 a.m.

2. **Commercial Motor Vehicle Ordinance** – Chief White said that the committee asked staff to review the Town Code regarding trailers. He presented suggested draft changes to section 10-49 and 10-50 of the Town Code. Upon motion by Council member Daniel, second by Council member Tollett the committee sent the draft ordinance to the full Town Council for review.

3. **Yard Sale Ordinance** – Chief White said that the committee asked staff to review Section 19 of the Town Code regarding yard sales. He presented suggested draft changes to the ordinance section. Upon motion by Council member Tollett, second by Council member Daniel the committee sent the draft ordinance to the full Town Council for review.

4. **Other Business** – Mr. Dalton spoke to the committee about a possible security key ordinance. Chief White then informed the committee that the Police Department's Annual Report is available and reviewed some of the highlights.

The next meeting was set for March 7, 2012 at 10:30 a.m.

5. **Adjourn**

The committee meeting was adjourned at 11:48 A.M.



Keith Dalton, Town Manager

**BERRYVILLE TOWN COUNCIL
STREETS AND UTILITIES COMMITTEE
Thursday, February 14, 2012
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
6:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Mayor Wilson Kirby, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Christy Dunkle, Assistant Town Manager/Planner

1. Call to Order – Mayor Wilson Kirby, Chair
Mayor Kirby called the meeting to order at 6:00 p.m.

2. Discussion – Berryville Code Amendment – Sewer Ordinance
Mr. Dalton explained that as a part of the agreement to receive funding for the new wastewater treatment plant the Town is obligated to adopt a new sewer use ordinance that will replace the current ordinance. He reviewed with the committee details of a finalized ordinance. The committee agreed to forward the final draft ordinance to the Town Council in March.

3. Discussion – Water Distribution System Improvements
Mr. Dalton explained that staff has been examining the water distribution system with an eye for improving fire protection and water quality. There was a discussion of the projects in general. Mr. Dalton and Mr. Boor presented a prioritized list of projects with projected costs.

4. Next Meeting
The next meeting of the Streets and Utilities Committee meeting was set for March 8, 2012 at 1:30 p.m.

5. Other
Mr. Dalton spoke about VDOT work at Main and Hermitage. Ms. Dunkle spoke on context sensitive solutions and Safe Routes to Schools. Mr. Dalton gave the Committee an update of the progress on the wastewater treatment plant.

6. Adjourn
The committee meeting was adjourned at 7:03 P.M.

Keith R. Dalton, Town Manager

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, February 14, 2012
Berryville-Clarke County Government Center
Regular Meeting
7:15 p.m.

Roll:

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; David Tollett; Mary Daniel; Lawrence Russell, III

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

Press: Val Van Meter, Winchester Star; Mike Dowling, ClarkeDailyNews.com

1. Closed Session

The Berryville Town Council will enter closed session in accordance with §2.2-3711-A-5, Code of Virginia, discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the businesses' or industry's interest in locating or expanding its facilities in the community.

a. Motion to enter Closed Session

It was moved by Council Recorder Arnold, seconded by Council member Russell that the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711-A-29 of the Code of Virginia, 1950, As Amended, for the purpose of discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the businesses' or industry's interest in locating or expanding its facilities in the community.

VOTE:

Recorded Vote:

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

b. Enter Closed Session

The Town Council entered closed session at 7:15 p.m.

Ms. Daniel entered the Closed Session at 7:18 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 7:42 p.m.

d. Certification of Closed Session

**Town of Berryville
RESOLUTION**

MEETING DATE: February 14, 2012

MOTION BY: Harry Lee Arnold, Jr., Recorder

SECOND BY: Allen Kitselman

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
Lawrence Russell, III
David Tollett

Nays:

None

Absent:

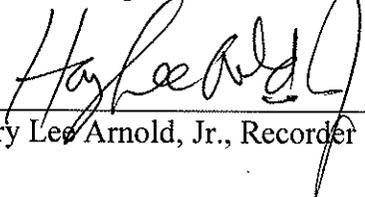
None

Abstain:

None

Absent During Vote:

None



Harry Lee Arnold, Jr., Recorder

2. Call to Order: Wilson Kirby, Mayor

Mayor Kirby called the regular meeting to order at 7:43 p.m.

3. Approval of Minutes

January 10, 2012

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the minutes of the January 10, 2012 meeting were unanimously approved.

4. Citizen's Forum

Brian McClemens, 333 East Fairfax Street, read a statement regarding economic development. (ATT 1)

5. Report of the Mayor

Department of Conservation and Recreation Presentation Concerning Stormwater Regulations

Mayor Kirby introduced Kelly Vanover, Regional Manager for the Virginia Department of Conservation and Recreation (DCR). Mr. Vanover said that he has been talking with staff about pending changes in the Commonwealth's stormwater management standards.

Mr. Vanover said that localities will now be able to administer their own stormwater management programs or opt to have the Commonwealth administer the program. He said that there will be grant monies for localities that administer their own programs.

Mr. Vanover said that DCR is looking for an expression of general interest by March 10 from localities that would like to start their own program. He noted that this is not a formal commitment and that details would be forthcoming. Mr. Dalton asked about timing for implementation of a program. Mr. Vanover replied that the full program is not slated to be implemented until July 2014 so there is time to make a decision. He noted that a model ordinance should be available to localities this summer.

Mr. Dalton asked about grandfathering of projects that are already approved. Mr. Vanover said that projects approved before July 2014 would have 10 years to complete the project.

Proclamation of disABILITY Awareness Week

Upon motion by Council member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville unanimously adopted the attached Proclamation regarding disABILITY Awareness Week

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Lawrence Russell, III

Nays:	None
Absent:	None
Abstain:	None
Absent During Vote:	None

Proclamation
Council of the Town of Berryville
DisABILITY Awareness Week

WHEREAS, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

WHEREAS, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and engage in remunerative employment; and

WHEREAS, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

WHEREAS, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

WHEREAS, family, friends and neighbors play a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of Virginians with disabilities; and

WHEREAS, millions of people in the United States have disabilities, and with the increasing age of our population, Virginians and Americans must learn more about the special needs and abilities of this growing population; and

WHEREAS, agencies and organizations throughout Virginia participate in disability awareness programs during disABILITY Awareness Week to enhance public understanding of and appreciation for the limitations and abilities of people living with disabilities;

NOW, THEREFORE we, The Town Council of the Town of Berryville, do hereby proclaim the week of April 14-20, 2012 as disABILITY AWARENESS Week, and we call this observance to the attention of all our citizens, and we urge all residents to honor this occasion.



Wilson L. Kirby, Mayor

DATED: February 14, 2012

Cool Spring Battlefield Park Proposal

Mayor Kirby recognized Alison Teetor representing the County of Clarke. Ms. Teetor spoke about the proposed Cool Spring Battlefield Park in Clarke County. She said that the Northern Virginia Regional Parks Authority would manage the park in exchange for the County joining the park authority at a cost of \$65,000 per year. She said that the park promotes the goals of the County's Comprehensive Plan and that it would increase tourism revenue. She said that she would welcome financial support for the project from the Town Council but official non-monetary support would also be helpful.

Council member Daniel said that in principle it looks like a good project. Council member Kitselman noted that the 150th anniversary of the Battle of Cool Spring is in 2014.

6. Planning and Zoning Matters: Christy Dunkle

Ms. Dunkle reported that the Planning Commission held a meeting on Tuesday, January 24, 2012 at which they forwarded the blight abatement plan drafted by Mr. Dalton to Town Council for consideration.

Action Item - Virginia Commission for the Arts Local Government Challenge Grant

Ms. Dunkle explained that the Town of Berryville was awarded a \$5,000 Local Government Challenge matching grant from the Virginia Commission for the Arts for Berryville Main Street and the Fire House Gallery last year. She said that Berryville Main Street would like to continue the partnership in 2012. She explained that the grant can be for as much as \$5,000 and is a match to local government's funding of arts organizations. She said that she recommends that the match be made from the annual \$25,000 grant from the Town of Berryville if the Town Council wishes to continue this partnership.

Upon motion by Council member Kitselman, seconded by Council member Russell the Council of the Town of Berryville unanimously approved the application for the Virginia Commission for the Arts' Local Government Challenge Grant identifying Berryville Main Street as the recipient of the match. Matching Grant Funds will be appropriated from the Town's annual contribution to Berryville Main Street.

VOTE:

Recorded Vote:

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

Valley Earthfest

Ms. Dunkle reported that she has not received a completed application for this event so there is nothing for the Town Council to take action on.

Bike Virginia Event

Ms. Dunkle reported that Bike Virginia, a non-profit that promotes bike and pedestrian safety, is hosting part of their 25th anniversary bike tour in Clarke County. She said that participants will be lodging and eating in Berryville on June 23 and 24. She said that there will be a big event downtown on June 23 and that this event will generate revenue in town. She said that there is a meeting at the Barns about the event at 6 pm on February 15.

Council member Kitselman asked about how many participants there will be. Ms. Dunkle said that they are expecting around 2000 people. Mayor Kirby asked if the camping and transportation has been approved by the Clarke County School Board. Ms. Dunkle said that it has and that the participants will camp at the high school.

Wayfinding Signage

Ms. Dunkle gave an informational update on the progress of the signage project. Council member Kitselman said that there was a democratic process in choosing the sign design but he was not in favor of the sign design that was chosen. He said that he feels that we have the opportunity to step out and do something different. He said that the next steps in the process are to talk about funding and to develop the design. He noted that ultimately the Town Council makes the decision on both of these matters.

Ms. Dunkle noted that the signage consultant said that VDOT currently has a moratorium for installing this type of signs so there is not a hurry to make a decision. There was then a general discussion of the designs presented and how the project might be funded.

Update on Clarke County High School

Ms. Dunkle stated that the final progress meeting was held on January 17. She said that the ribbon cutting will be on April 28. Mayor Kirby noted that the Clarke County Building Official has offered to take the Town Council on a walk through.

8. Report of Town Manager

Spot Blight Abatement

Mr. Dalton said that the Planning Commission met in January and reviewed the issues pertaining to the property at 23 Josephine Street and made the specific findings required by § 5-5 of the Berryville Code.

He said that he recommends setting a public hearing on the proposed blight abatement plan for 23 Josephine Street for the March 13, 2012 Town Council meeting.

Mayor Kirby recommended that the Town Council set the Public Hearing. Council member Kitselman asked if there has been correspondence from the owner. Mr. Dalton said there has not. Mayor Kirby said that he met with the property owner who said he has

a plan for the property but has not been back in touch with him since the meeting. The Town Council set a Public Hearing on the matter for March 13, 2012.

9. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

There has not been a meeting this year.

b) Budget Finance / CIP – Jay Arnold

Recorder Arnold presented the budget calendar.

c) Community Improvements – Allen Kitselman

Council member Kitselman reported that the Forum for Rural Innovation is on March 9 and that the Rich Rau Ride is May 19. He noted that the issue with the name for Barns of Rose Hill has been resolved. He said that he is working on a mobile stage for the amphitheatre at the government center.

d) Planning Commission – Lawrence Russell

Nothing to add.

e) Police and Security – Mary Daniel

Approval of Minutes

February 1, 2012

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

Commercial Motor Vehicle Ordinance

Chief White presented a draft of a Police and Security Committee recommended update to Town Code Sections 10-49 and 10-50. Council member Daniel asked if Chief White received any comments on the draft from the public. He said that he received no public comment.

Upon motion by Council member Tollett, seconded by Council member Daniel the Council of the Town of Berryville unanimously adopted the attached ordinances repealing and re-enacting Chapter 10, Motor Vehicles and Traffic; Sections 10-49 and 10-50, of the Code of the Town of Berryville, as attached.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent:

None

Abstain:

None

Absent During Vote:

None

AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 10, MOTOR VEHICLES AND TRAFFIC;
ARTICLE III STOPPING, STANDING AND PARKING;
SECTION 10-49 PARKING OF COMMERCIAL VEHICLES
IN RESIDENTIAL AREAS,
OF THE CODE OF THE TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of Town of Berryville, that Chapter 10, Article III;
Section 10-49 Parking of commercial vehicles in residential areas, of the Code of the
Town of Berryville, is repealed and re-enacted as attached.

VOTE:

Recorded Vote:

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

SIGNED Wilson L. Kirby Date: February 14, 2012
Wilson L. Kirby, Mayor

ATTEST: Harry Lee Arnold, Jr. Date: February 14, 2012
Harry Lee Arnold, Jr., Recorder

Sec. 10-49. Parking of commercial vehicles in residential areas.

(a) No person shall park or leave standing any commercial vehicle in any residentially zoned area of the town; provided that, during regularly scheduled school hours, school buses may be parked in such residentially zoned areas by their drivers for a continuous period not to exceed six (6) hours.

(b) No vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous or hazardous materials shall be permitted to be parked or left standing in any residentially zoned area.

(c) This section shall not be applicable to commercial vehicles picking up or discharging passengers or merchandise or pursuant to performance of work or service in residential areas.

(d) For the purpose of this section, the term "commercial vehicle" shall mean:

i. Every motor vehicle in excess of twenty-two (22) feet in length, or

ii. In excess of ten (10) feet in height, or

iii. With a gross weight (GW), registered gross weight (RGW), empty weight (EW), or curb weight (CW) in excess of ten thousand (10,000) pounds, or

iv. With a manufacturers gross vehicle weight rating (MGVWR), gross vehicle weight rating (GVWR), or gross combined weight rating (GCWR) in excess of twenty thousand (20,000) pounds.

v. The term shall include any semitrailers, construction equipment, cranes, well drilling apparatus and other heavy equipment; however, this section shall not prohibit parking of such equipment if being used for construction activities at sites where valid building or land disturbance permits are in force or such activity is otherwise allowed.

(e) Any violation of this section shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100.00).

(Ord. of 6-10-97; Ord. of 12-8-09)

AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 10, MOTOR VEHICLES AND TRAFFIC;
ARTICLE III STOPPING, STANDING AND PARKING;
SECTION 10-50 PARKING AND STORAGE OF TRAVEL
TRAILERS, BOATS, ETC. IN RESIDENTIAL AREAS,
OF THE CODE OF THE TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of Town of Berryville, that Chapter 10, Article III;
Section 10-50 Parking and storage of travel trailers, boats, etc. in residential areas, of the
Code of the Town of Berryville, is repealed and re-enacted as attached.

VOTE:

Recorded Vote:

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

SIGNED Wilson L. Kirby Date: February 14, 2012
Wilson L. Kirby, Mayor

ATTEST: Harry Lee Arnold, Jr. Date: February 14, 2012
Harry Lee Arnold, Jr., Recorder

Sec. 10-50. Parking and storage of travel trailers, boats etc., in residential areas.

Any owner of a travel trailer, motor home, boat and/or boat trailer, utility or cargo trailer in excess of ten (10) feet in length, truck camper, habitable bus or recreational vehicle may park or store such equipment in any residentially zoned area of the town provided that:

- (1) The vehicle has displayed all required licenses,
- (2) The vehicle is located no closer to any street than the principal structure; except that said vehicle may be parked closer to the street than the principle structure for a period not to exceed forty-eight (48) hours when the owner of the vehicle is a resident of the street and is arriving or departing on a journey in the vehicle,
- (3) The vehicle does not exceed thirty-two (32) feet in length or nine (9) feet in height, and
- (4) The vehicle is not inhabited while parked in said residentially zoned area.

Any violation of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed twenty-five dollars (\$25.00).

(Ord. of 6-10-97)

Yard Sale Ordinance

Chief White said that review of this ordinance was brought to the Police and Security Committee by way of the Planning Commission. He presented a draft ordinance and said that the Police and Security Committee recommended adoption and that the ordinance has been reviewed by the Town's legal counsel. Council member Daniel confirmed that no public comment was received about the draft ordinance.

Upon motion by Council member Daniel, seconded by Council member Tollett the Council of the Town of Berryville unanimously adopted the attached ordinance repealing and re-enacting Chapter 19, Yard Sales, of the Code of the Town of Berryville, as attached.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby,*Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent:

None

Abstain:

None

Absent During Vote:

None

AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 19, YARD SALES;
OF THE CODE OF THE TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of Town of Berryville, that Chapter 19, Yard Sales, of the Code of the Town of Berryville, is repealed and re-enacted as attached.

VOTE:

Recorded Vote:

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

SIGNED Wilson L. Kirby Date: February 14, 2012
Wilson L. Kirby, Mayor

ATTEST: Harry Lee Arnold, Jr. Date: February 14, 2012
Harry Lee Arnold, Jr., Recorder

Chapter 19 YARD SALES

Sec. 19-1 Definitions

The following definitions shall apply for purposes of this Chapter:

(a) "Yard sale" - A sale of personal property not purchased for resale or obtained on consignment, operated out of a single-family, two-family or multiple-family dwelling, on a vacant lot or elsewhere, of two (2) hours or more duration, and shall include a "garage sale", "basement sale", "attic sale", "rummage sale", and "moving sale".

(b) "Community yard sale" - A yard sale organized and advertised by a not-for-profit civic organization or a homeowners association or similar neighborhood association.

(c) "Person" - An individual, corporation, partnership, limited liability company, partnership, or unincorporated association.

Sec. 19-2 Violations of chapter

Any violation of this chapter shall constitute a misdemeanor punishable by a fine not exceeding twenty five dollars (\$25.00).

Cross references: Penalty for misdemeanor, sec. 1-11.

Sec. 19-3 Permit Required

(a) No person shall conduct a yard sale without a permit issued by the Town Treasurer or designee.

(b) No person shall conduct a community yard sale without a permit issued by the Town Manager or designee.

(c) Applications for permits shall be made on Town forms provided for that purpose.

(d) An application for a permit may be denied if the applicant has violated the provision of this Chapter two (2) or more times in the calendar year in which the permit is being sought.

(e) There shall be a limit of six (6) yard sales authorized per calendar year per property address.

(f) Denial of an application for a permit for a yard sale may be appealed to the Town Manager within ten (10) days. Denial of an application for a community yard sale may be appealed to the Town Council at its next regularly scheduled meeting.

(g) Permits issued under this Chapter are not transferable.

Sec. 19-4 Same - Fee

(a) There shall be no fee for a permit required by this Chapter; provided, however, that if more than two (2) such permits are issued during any calendar year for yard sales at the same location, a fee of ten dollars (\$10.00) shall be charged for each permit after the first two (2). Such fee shall not be prorated for any reason, but in case a

sale for which such fee has been paid is rained out, no fee will be charged for the next sale date.

(b) A community yard sale for the purpose of raising money to be used solely for charitable, community service, or nonprofit recreational or religious purposes, consistent with the organization's charter or organizational purpose, shall be exempt from the fee provided for in subsection (a) of this section. Such exemption may be granted by the Town Treasurer, upon receipt of a written request setting forth the use of which proceeds of the sale will be applied, together with such proof as may be required by the Treasurer as to the nonprofit status of the organization.

(c) An individual's participation in a permitted community yard sale shall not count towards that individual's annual total of permitted sales.

Sec. 19-6 Sale Conditions

The following conditions shall apply to all yard sales and community yard sales:

(a) No yard sale shall continue longer than three (3) consecutive days.

(b) Yard sales shall be limited to the hours of 7:00 AM to 7:00 PM.

(c) Items to be sold shall not be displayed for sale more than two (2) hours prior to the advertised start time of the yard sale. Within two (2) hours after the conclusion of the sale or by 9:00 PM, whichever is earlier, on the final day of the sale all unsold items shall be removed from view, disposed of, or stored in a completely enclosed structure.

(d) The person to whom a permit is issued and the owner/tenant of the site where the yard sale is held are responsible for maintaining order.

(e) The yard sale shall not obstruct the flow of traffic on a public street or pedestrian traffic on a public sidewalk.

(f) A copy of the permit shall be conspicuously displayed upon the premises during the time of the sale so it may be inspected by an authorized representative of the Town.

Sec. 19.7 Signage

The following signage conditions shall apply to all yard sales and community yard sales:

(a) No more than two (2) signs of not more than four (4) square feet may be displayed on the site where the yard sale is being conducted.

(b) No signs may be erected or placed within highway right-of-ways or upon utility poles or highway signs in violation of Code of Virginia § 33.1-373, or in violation of Town Ordinance Sec. 3-2.

(c) All signs must be removed within eight (8) hours of the conclusion of the sale.

General Order 33 – Body Armor

Chief White explained that a Federal grant that the Police Department receives for body armor requires a General Order requiring that it be worn.

Upon motion by Council member Daniel, seconded by Council member Tollett the Council of the Town of Berryville unanimously approved

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent:

None

Abstain:

None

Absent During Vote:

None

GENERAL ORDER

NUMBER : # 33 SUBJECT : Body Armor	EFFECTIVE DATE: 03/01/2012 REVIEW DATE: APPROVED BY COUNCIL: 02/14/2012
CHIEF OF POLICE :	W. Neal White
MAYOR :	Wilson Kirby
RECORDER :	Harry Lee Arnold Jr.

NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this order, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I. POLICY

The safety of employees within this agency is of paramount concern to the Berryville Police Department. One of the most tested, and proven successful, devices available to aid in minimizing or eliminating the risk of serious personal injury or death of an officer is the use of body armor. The Department is committed to enhancing the safety of officers and therefore will provide each member of the department with body armor that will afford a reasonable level of protection consistent with the level of ballistic projectile threat that might normally be encountered by an officer engaged in routine uniform field duties.

II. PURPOSE

The purpose of this order is to provide members of the Berryville Police Department with guidelines for the proper use and care of body armor.

III. PROCEDURES

1. Issuance of Body Armor
 - A. All sworn officers of the Berryville Police Department shall be issued body armor by the Department.
 - B. All body armor issued shall comply with the current minimum protective standards prescribed by N.I.J.

- C. The specific model and threat level of body armor issued by the Department shall be selected by the Chief of Police.
- D. An officer may elect to wear personally owned body armor that provides at least the same, or greater, level of ballistic projectile threat protection as afforded by the body armor provided by the department. An officer who desires to utilize personally owned body armor must obtain approval from the Chief of Police prior to utilization of such body armor.
- E. The body armor provided by the Department or personally owned by an officer will be replaced (every 5 years) based upon the manufacturer's specific instructions and/or warranty regarding its span of effectiveness.

2. Use of Body Armor

- A. All officers, regardless of rank, assigned to field duty assignments shall wear body armor with the following exceptions:
 - 1) When an agency approved physician determines that an officer has a medical condition that would preclude the use of body armor,
 - 2) When the officer is involved in undercover or plainclothes work that his supervisor determines would be compromised by the use of body armor; or
 - 3) When the officer is assigned to perform an administrative function.
- B. Officers routinely exempted from wearing body armor because of their assignment in an administrative function shall wear body armor when they are performing field duty assignments.
- C. Only carriers approved by the Chief of Police will be utilized to don body armor.

3. Inspections of Body Armor

- A. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through periodic documented inspections of their employees' body armor. (Appendix A. Body Armor Inspection Sheet)
- B. Body armor that is worn, damaged, or potentially ineffective due to poor fit shall be immediately brought to the attention of the Chief of Police. Body armor that must be replaced due to misuse, abuse, or neglect shall be at the expense of the officer.

4. Care and Maintenance

- A. Each officer is responsible for the proper care and storage of body armor in accordance with the manufacturer's instructions.
 - 1) Ballistic panels should only be cleaned when necessary for hygienic purposes. Ballistic panels should **never** be machine washed or dry-cleaned.

- 2) Body armor carriers can be cleaned, after the removal of ballistic panels, by commercial dry-cleaning or machine washed in warm water with a low sudsing detergent. The carrier can be line dried or in a dryer at a medium temperature.
 - 3) Bleach should **never** be used on the ballistic panels or carrier.
 - 4) Body armor should be stored in a flat position when not in use. Hanging the body armor causes the elastic straps to stretch.
 - 5) Body armor should not be left in a vehicle so that it is exposed to damaging ultraviolet rays (sunlight).
- B. Officers shall not make any repairs or alterations to the body armor.
- C. Officers are responsible for reporting any damage or wear to the ballistic panels or carrier to the Chief of Police.



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

Appendix A. Body Armor Inspection Sheet

Date: _____

Manufacturer: _____ Model: _____

Male: _____ Female: _____ Size: _____

Serial Number: _____ Manufactured Date:

Issued To: _____ Inspected By:

Yes No

A. Labeling

___ ___ 1. Is a label attached to each part of the carrier and ballistic panels

___ ___ 2. Is information on the labels legible

___ ___ 3. Does the model comply with NIJ standard 0101.04

B. General Condition / Appearance

___ ___ 1. Does the carrier have any visible rip, tears, or holes

___ ___ 2. Is the armor relatively clean and free of dirt and debris

___ ___
Yes No 3. Are closure devices securely attached to the vest and operational

___ ___ 4. If protective element is encased in a non-removable cover,
is any material (fabric) exposed

___ ___ 5. If protective element is not encased in a non-removable cover,
is the material frayed

___ ___ 6. Are there creases in the armor

___ ___ 7. Is the armor free from odor

C. Care and Maintenance

___ ___ 1. Does the officer responsible for the vest understand and follow
the manufacturer's care and cleaning instructions

___ ___ 2. Does the officer responsible for the vest understand and follow
the department policy regarding care, maintenance, and wearing
of the vest

D. Size / Fit

___ ___ 1. Does the vest fit the officer properly and securely

E. Overall Evaluation

___ Excellent / New ___ Good ___ Fair ___ Poor

Comments:

f) Streets and Utilities – Wilson Kirby

Approval of Minutes

January 19, 2012

Upon motion by Council member Tollett, seconded by Mayor Kirby, the minutes of the January 19, 2012 Streets and Utilities Committee meeting were unanimously approved.

Mayor Kirby noted that the Committee met at 6 pm this evening to discuss updating the Sewer Use Ordinance and to discuss water distribution system improvements.

g) Personnel / Appointments – Jay Arnold

Appointment to the Northern Shenandoah Valley Regional Commission Board

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously appointed Mayor Wilson L. Kirby as representative and Christina Dunkle as alternate to the Northern Shenandoah Valley Regional Commission for a one-year term to begin February 14, 2012 and end on February 14, 2013.

VOTE:

Recorded Vote:

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

Appointment to the Clarke County Economic Development Advisory Committee

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously appointed Christina Dunkle to the Clarke County Economic Development Authority for a one-year term to begin on February 14, 2012 and end on February 14, 2013.

VOTE:

Recorded Vote:

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

Appointments to the Old Dominion Alcohol Safety Action Program Board and the Community Criminal Justice Board

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously appointed Chief Neal White to the Old Dominion Alcohol Safety Action Program Board and to the Community Criminal Justice Board for three-year terms to begin on February 14, 2012 and end on February 14, 2015.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent:

None

Abstain:

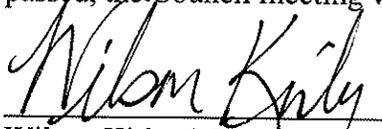
None

Absent During Vote:

None

10. Adjourn

Upon motion by Council member Tollett, seconded by Council member Daniel and passed, the Council meeting was adjourned at 9:05 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder

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ATT 1

2/14/12
Bill Conrad

I would like to say a few words about economic development in the Town of Berryville because, as an owner of multiple businesses, I think that the "Our Town" must be a proactive agent of change and with all of the talk lately about battlefields and tourism it's time for "Our Town" to take a serious approach to economic development.

A lot of people think that the our government can ring a bell and businesses will show up and open shop, but business owners like me and many others whom I have spoken with in the town know that isn't the case. What the government and "the Town" in particular can do is create an environment of opportunity that is attractive to businesses. Berryville has attracted interest from big companies like Wendy's and Ford who came here to shoot commercials because Berryville looks like the perfect small town. That's our asset as a town, and we need our town government to support and promote that image of Berryville. To have people travel here, and make the town of Berryville a day or weekend trip destination.

②

As a business owner I know that times are tough and money is tight, but the town keeps spending \$25K a year to support Berryville's Main Street Economic Development, but where is the return on that investment? How does the town measure whether they are doing anything successful to promote the town? Who at Berryville Main Street or in the town government decides how the money is to be used and are they the best people to be making that decision for all of the business owners in Berryville?

I think it's time for our town to allow competition for those funds. To hold a public work session and receive proposals on how best to grow Berryville's Merchants. (examples: radio ads, highways signage, news articles and a state of the art website are a few ideas) and to use the resources of the many business owners who already are and have been hard at work in this town to grow a real and sustainable vision and strategy for economic prosperity in Berryville.