

**BERRYVILLE TOWN COUNCIL  
PERSONNEL COMMITTEE  
Tuesday, June 11, 2012  
Berryville-Clarke County Government Center  
Town Council Conference Room  
Continued Meeting  
1:00 p.m.**

**MINUTES**

**Roll:**

**Town Council:**

Present: Recorder Jay Arnold, Chair; Mayor Wilson Kirby

**Staff:** Keith Dalton, Town Manager

**Press:** None

**1. Call to Order** – Recorder Jay Arnold, Chair  
Recorder Arnold reconvened the meeting at 1:02 p.m..

**2. Closed Session**

Pursuant to Section 2.2-3711-A-1 of the Code of Virginia, 1950, As Amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

**a. Motion to enter Closed Session**

It was moved by Mayor Kirby, seconded by Recorder Arnold that the Personnel Committee of the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

**VOTE:**

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder
Nays:	None
Absent During Vote:	None
Absent During Meeting:	None

**b. Enter Closed Session**

The Personnel Committee of the Town Council entered closed session at 1:03 p.m.

**c. Reconvene Open Session**

The Town Council reconvened in open session at 1:45 p.m.

**d. Certification of Closed Session**

**Town of Berryville  
Personnel Committee of the Town Council  
RESOLUTION**

MEETING DATE: June 11, 2012

MOTION BY: Wilson Kirby

SECOND BY: Harry Lee Arnold, Jr.

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Personnel Committee of the Council of the Town of Berryville, Virginia (Committee), 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 Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Committee 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 Committee.

VOTE:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder
Nays:	None
Absent During Vote:	None
Absent During Meeting:	None

---

Harry Lee Arnold, Jr., Recorder

**3. Discussion** – The committee discussed possible appointment recommendations to Town Council and decided to recommend the following:

That the Council of the Town of Berryville recommend the following to the Clarke County Circuit Court:

Appointment of Warren DiLandro to the Town of Berryville Board of Zoning Appeals for a five year term, with such term commencing upon approval by the Court.  
Appointment of Gwen Malone to the Town of Berryville Board of Zoning Appeals for a five year term, with such term commencing upon approval by the Court.

That the Council of the Town of Berryville make the following appointments:

Russell Heikes to fill the expired term of Lawrence Russell, III on the Berryville Planning Commission with said term to begin on 7/1/12 and ending on 6/30/16.

Sheryl Reid to fill the unexpired term of Wesley B. Shaffer on the Berryville Planning Commission with said term to begin on 6/12/12 and ending on 8/31/12.

Reappoint Frank Lee to the Berryville Area Development Authority with the term beginning 6/12/12 and ending on 6/11/16

Appoint Richard G. Sponseller as the Town of Berryville's representative on the Barns of Rose Hill Board of Directors with the term beginning 6/12/12 and ending on 6/11/15.

Appoint Harry Lee Arnold, Jr. as the Town of Berryville's representative on the Downtown Berryville Incorporated/Berryville Main Street Board of Directors with the term beginning 6/12/12 and ending on 6/11/15.

**4. Adjourn**

The committee meeting was adjourned 2:10 p.m.

  
\_\_\_\_\_  
Keith R. Dalton, Town Manager

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, June 12, 2012**  
**Continued to Tuesday, June 26, 2012**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**6:30 p.m.**

**Roll:**

**Town Council:**

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

**Staff:** Keith Dalton, Town Manager; Neal White, Police Chief; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Treasurer; 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-7, Code of Virginia, in order to consult with legal counsel and staff regarding probable litigation related to the construction of the Wastewater Treatment Plant and in accordance with §2.2-3711-A-29, Code of Virginia, regarding discussion of amending the construction administration contract with WR&A for the Wastewater Treatment Plant.

a. Motion to enter Closed Session

It was moved by Recorder Arnold, seconded by Council member Russell that the Council of the Town of Berryville enter Closed Session in accordance with §2.2-3711-A-29, Code of Virginia, regarding discussion of amending the construction administration contract with WR&A for the Wastewater Treatment Plant.

VOTE:

Recorded Vote:

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

Robert Mitchell and Robert Krallinger entered closed session with the Town Council. Council member Kitselman entered the closed session immediately after the vote.

b. Enter Closed Session

The Town Council entered closed session at 6:31 p.m.

- c. Reconvene Open Session  
The Town Council reconvened in open session at 7:43 p.m.
- d. Certification of Closed Session

**Town of Berryville  
RESOLUTION**

MEETING DATE: June 12, 2012

MOTION BY: Harry Lee Arnold, Jr.

SECOND BY: Lawrence Russell, III

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  
Lawrence Russell, III

Nays: None

Absent: None

Abstain: None

Absent During Vote: None

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

**2. Public Hearing: Proposed Changes to Planning and Zoning Fees**

A proposed amendment to the Town of Berryville's Planning and Zoning Fees adding Permit Fees for Activity in the Town of Berryville Right-of-Way effective July 1, 2012 in accordance with accepting maintenance responsibility from VDOT for Secondary Streets. There was no public comment. The Public Hearing was closed at 7:46 p.m.

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

Mayor Kirby called the regular meeting to order at 7:46 p.m.

**4. Approval of Minutes**

May 8, 2012

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the minutes of the May 8, 2012 meeting were unanimously approved.

**5. Citizen's Forum**

There was no citizen comment.

**6. Report of the Mayor**

Mayor Kirby introduced a Resolution of Appreciation for Lawrence Russell, III. Upon motion by Council member Tollett, seconded by Council member Kitselman, the Council of the Town of Berryville unanimously adopted the attached Resolution of Appreciation.

**TOWN OF BERRYVILLE  
TOWN COUNCIL**

**Resolution of Appreciation for Lawrence Russell, III**

WHEREAS, Lawrence Russell, III has loyally and faithfully served as a member of the Town Council of the Town of Berryville since 1999; and

WHEREAS, Mr. Russell served as a Planning Commissioner since 1992 and was Chairman of the Planning Commission from 1997 to 1999; and

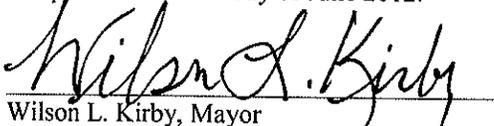
WHEREAS, Mr. Russell has served as the Chairman of the Police and Security Committee, championing public safety and law enforcement with integrity for the citizens of Berryville; and

WHEREAS, Mr. Russell is greatly respected for his dedication to the interests of the Town and all of its citizens and for his continued good humor through all of life's obstacles;

NOW THEREFORE BE IT RESOLVED, by the Council of the Town of Berryville, that the invaluable contributions made by Mr. Russell to the current and future well-being of the Town of Berryville is hereby recognized, and

BE IT FURTHER RESOLVED, that a copy of this Resolution of Appreciation shall be entered upon the official minutes of the proceedings of the Town Council.

Adopted this the 12<sup>th</sup> day of June 2012.

  
Wilson L. Kirby, Mayor

**7. Planning and Zoning Matters**

**Action Item – Planning and Zoning Fees**

Upon motion by Council member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville adopted the attached Planning and Zoning Fee Schedule establishing permit fees related to maintenance of secondary streets effective July 1, 2012.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

PLANNING AND ZONING FEES  
 Effective July 1, 2012

1. ZONING ORDINANCE

REZONING (MAP AMENDMENTS)

Base Fee .....\$4,000  
 Per Acre Fee after the first acre.....\$2,000  
 Consulting services, if required ..... Cost

ORDINANCE TEXT AMENDMENT\* .....\$700  
 Consulting services, if required Cost

\* Provided that the Berryville Planning Commission or Town Council agree to sponsor the amendment

SPECIAL USE PERMIT

Residential, including home occupations, private swimming pools and  
 tennis courts – when required.....\$250 (plus site plan fees)  
 Commercial/Industrial.....\$2,000 (plus cost of site plan)  
 Consulting services, if required..... Cost

SITE DEVELOPMENT PLANS

Residential (New/Major Revision) .....\$2,000  
 Per dwelling unit .....\$125  
 Commercial/Industrial (New/Major Revision) .....\$4,000  
 Plus Per required parking space .....\$125  
 Minor revision/administrative review .....\$125  
 Consulting services, if required ..... Cost

BOARD OF ZONING APPEALS

Variance .....\$500  
 Per request, for two or more at same meeting .....\$225  
 Appeals .....\$500 (if finding for citizen, then fee  
 refunded)  
 Consulting services, if required Cost

	Consulting services, if required	Cost
SIGN PERMITS .....		\$25
EROSION/SEDIMENT CONTROL PERMITS		
Base Fee .....		\$500
Per Disturbed Acre Fee .....		\$50
Consulting services, if required .....		Cost
ZONING PERMITS		
Residential Accessory Building .....		\$50
Temporary Family Health Care Structure .....		\$100
Residential Additions (incl. decks, porches, basement remodeling, and swimming pools) .....		\$75
Fence Permits .....		\$50
Residential .....		\$200
Commercial/Industrial .....		\$250
ZONING DETERMINATION LETTER .....		\$150
(Identification of property zoning and permitted uses requiring interpretation of Town regulations)		
2. <u>SUBDIVISION ORDINANCE</u>		
SUBDIVISION PLATS (Minor) .....		\$500
(Two lots with no public improvements-pursuant to Article IIE)		
PRELIMINARY PLATS (Major)		
Base Fee .....		\$4,000
Per Lot Fee .....		\$50
FINAL PLATS (Major)		
Base Fee .....		\$1,000
Per Lot .....		\$50
Consulting services, if required .....		Cost
INDIVIDUAL LOT GRADING PLANS		
Review of Grading Plan Prior to Issuance of Zoning Permit .....		\$150 or at cost, whichever is greater
Review of As-Built Grading Plan .....		\$150 or at cost, whichever is greater
Re-review of Grading Plan .....		\$75 or at cost, whichever is greater
Re-review of As-Built Grading Plan .....		\$75 or at cost, whichever is greater
VACATION OF PLAT .....		\$350
PLAT REVISIONS/BOUNDARY LINE ADJUSTMENT .....		\$350 (plus \$50 per lot)
3. <u>STORMWATER MANAGEMENT ORDINANCE</u>		
Stormwater Management Plan		
Base Fee .....		\$150
Per Acre Fee (\$850 maximum) .....		\$25
Consulting services, if required .....		Cost
4. <u>SALE OF PUBLICATIONS</u>		
Zoning, Subdivision, and Stormwater Management Ordinances (single publication) ..		\$30
Comprehensive Plan .....		\$30

Berryville Area Plan .....	\$20
Construction Standards Manual.....	\$10

5. COLLECTION PROCEDURES; EXPENSE REIMBURSEMENTS

Payment of all applicable fees and charges established herein shall be made to the Town Treasurer at the time of submission of application for actions pertaining to zoning and subdivision matters. Fees and expenses for professional consulting services deemed necessary by the Town Council for matters pertaining to zoning, subdivision and land development matters shall be reimbursed to the Town at cost, or as may be determined by separate, written agreement duly adopted and entered by the Town Council and the applicant. If payment is not made in a timely fashion, cost of collections (including attorney's fees) will be charged to the applicant.

6. Permit Fees for Activity in the Town of Berryville Right-of-Way

The application fee for a single permit is \$100. Additive costs shall be applied as indicated below. The applicant shall submit the total costs for fees which will be reviewed by the Director of Public Works.

Activity	Additive Fee
Private Entrances .....	None
Commercial Entrance .....	\$150 for first
entrance	
.....	\$50 for each
additional entrance	
Street Connection .....	\$150 for first
connection	
.....	\$50 for each
additional connection	
Temporary Construction Entrance.....	\$10 for each
entrance	
Turn Lane .....	\$10 per 100
linear feet	
Crossover.....	\$500 per
crossover	
Curb & Gutter.....	\$10 per 100
linear feet	
Reconstruction of Roadway.....	\$10 per 100
linear feet	
Sidewalk .....	\$10 per 100
linear feet	
Traffic Signal.....	\$1,000 per signal
installation	
Tree Trimming .....	\$10 per acre or
100 feet of frontage	
Landscaping.....	\$10 per acre or
100 feet of frontage	
Storm Sewer .....	\$10 per 100
linear feet	
Box Culvert or Bridge .....	\$5 per linear foot
of attachment	
Drop Inlet .....	\$10 per inlet
Paved Ditch .....	\$10 per 100
linear feet	
Under Drain or Cross Drain.....	\$10 per crossing
Above-ground structure (including poles, pedestals, fire hydrants, towers, etc.).....	\$10 per structure
Pole Attachment .....	\$10 per structure
Span guy .....	\$10 per crossing

Additive guy and anchor .....	\$10 per guy and anchor
Underground Utility – Parallel .....	\$10 per 100 linear feet
Overhead or Underground Crossing .....	\$10 per crossing
Excavation Charge (including Test Bores & Emergency Opening) .....	\$10 per opening

Time extensions for active permits shall incur a monetary charge equal to one-half the application fee charged to the initial permit. Expired permits may be reinstated; however, fees for reinstatement of expired permits shall equal the application fee.

**Accommodation Fees**

After Initial installation, the Town Council or a designee shall determine the annual compensation for the use of the right-of-way by a utility, except as provided in 24VAC30-151-740. The rates shall be established on the following basis:

1. Limited Access Crossings - \$50 per crossing.
2. Limited Access Longitudinal Installation - \$250 per mile annual use payment.

The Town Council agreed to continue this meeting to June 26 at 5 p.m. in order to hold necessary Public Hearings.

The Town Council then set a Public Hearing on modifications to the Town of Berryville Construction Standards related to maintenance of secondary streets at the continued meeting on June 26 at 5 p.m.

The Town Council then set a Public Hearing on a Special Use Permit for CIE International for their July 12 regular meeting.

Ms. Dunkle then reported on Planning Commission and BADA joint meeting regarding the Berryville Area Plan proceedings.

**8. Report of Town Manager**

**Whitman Requardt Associates (WRA) Scope Amendment**

Mr. Dalton reported that staff is recommending Scope Amendment #2 for the WRA contract for construction services for the sewer plant because the on-site representative period has run out on the contract and needs to be extended. He said that DEQ said that they will provide no more funding for the project unless a full-time on-site representative is in place. Mr. Tyrrell reported that the cost of the scope amendment is \$235,490. He said that he recommends changing the wording in the scope amendment to allow for a discount if the work is completed early.

Upon motion by Council member Kitselman, seconded by Council member Daniel the Council of the Town of Berryville authorized the Town Manager to approve Scope Amendment # 2 to the contract with Whitman Requardt Associates.

VOTE:

Recorded Vote:

Ayes: Wilson Kirby, Mayor

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

Nays: None  
Absent: None  
Abstain: None

#### Virginia Municipal League Insurance

Mr. Dalton asked Ms. Moreland to explain this item. Ms. Moreland said that when the Town Council opted out of the Line of Duty Act Fund (LODA) last month the Town was then required to self insure or insure with commercial insurance. She said that because the Town's current insurance carrier does not write LODA insurance, staff recommends that the Town purchase this insurance from the Virginia Municipal League Group Self Insurance Association (VMLGSIA). She said that because the LODA insurance is only available when liability and property coverage is also purchased from VMLGSIA, staff recommends that liability and property coverage be conveyed to VMLGSIA.

Upon motion by Recorder Arnold, seconded by Council member Daniel the Council of the Town of Berryville authorized the Town Manager to convey liability and property coverage to the Virginia Municipal League Group Self Insurance Association effective July 1, 2012.

#### VOTE:

Recorded Vote:

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

Nays: None  
Absent: None  
Abstain: None

#### Employee Handbook Amendment – Identification Card Policy

Mr. Dalton presented an amendment to the Employee Handbook to add a policy regarding identification cards.

Upon motion by Council member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville amended the Town of Berryville Employee Handbook to add Section 587 – Town of Berryville Identification Card Policy, effective July 1, 2012.

#### VOTE:

Recorded Vote:

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

Nays: None  
Absent: None  
Abstain: None

587

**Town of Berryville Identification Card Policy**

Effective 7/1/2012

Revision Date 6/12/12

The purpose of the Identification Card Policy is:

- To provide standards and requirements for the display of identification
- To provide a consistent method of identification of Town employees
- To provide an additional means of establishing a safe work place for employees
- To provide a safe environment for the public to conduct business

This policy applies to all Town employees while on Town property, and/or while conducting Town business in the community.

**PROCEDURES:**

Unless otherwise authorized by the Town Manager, all Town employees are required to display or carry identification cards provided by the Town when on duty or conducting Town business.

Employees should display or carry their identification cards when hosting or appearing at Town functions or community events in their capacity as a Town employee.

Employees may use judgment in deciding whether to wear their identification cards while conducting official business that is not on Town property if anonymity is a consideration. Employee should consult with supervisor if there is a question as to whether their identification card should be displayed.

Employees may not wear identification cards during non-work hours or at community events at which they are not representing the Town.

Identification cards will be provided by the Town and will include a photo of the employee, the employee's name, and the department/division in which the employee works.

Identification cards shall be worn, displayed or carried in accordance with each Department Head's written directive. Said Directives shall be provided to Department staff, Town Manager, Assistant Town Manager/Treasurer and Town Clerk.

Identification cards are the property of the Town of Berryville. Employees shall surrender identification cards to their supervisor upon termination of employment, or when requested.

Lost or misplaced identification cards shall be immediately reported to the employee's supervisor. A replacement identification card will be issued as necessary and a record of the lost identification card noted. Cost of replacement identification cards may be charged to the employee.

**Request for Easements Across Rose Hill Park**

Mr. Dalton reported on a request from Jay Hillerson requesting three easements across Rose Hill Park to serve 101 East Main Street.

Mayor Kirby recognized Mr. Hillerson. He said that he intends to develop the back of the property at 101 East Main Street and would need gas, water and electric easements across Rose Hill Park to do that. He noted that there is an approved site plan in place for this project. He said that the largest obstacle is the electric service because he cannot obtain

an easement from his neighbor. He said that electric service could come from Main Street but it would require an above ground pole that would reduce parking.

Mr. Dalton said that the electric easement request is a new item and he has not had time to review it. He noted that it is quite crowded where the electric service would need to go.

The Town Council discussed the matter with Mr. Hillerson. Recorder Arnold asked if the site plan shows how the property will be served by utilities. Mr. Hillerson said that originally water and electric were going to come off Chalmers Court but that he cannot obtain easements from the adjacent property owner.

Council member Daniel said that she would rather have more on-site parking and underground electric service. Council member Kitselman asked Mr. Dalton to flesh this out with Mr. Hillerson. He said that he agrees with Ms. Daniel.

## **9. Standing Committee Reports**

### **a) BADA Liaison – Allen Kitselman**

Council member Kitselman said that the BADA met with the Planning Commission on May 22 regarding the Berryville Area Plan update.

### **b) Budget Finance / CIP – Jay Arnold**

Recorder Arnold recognized Ms. Moreland. She presented a Resolution to Elect the VRS Employee Contribution Rate of 5% with an increase in creditable compensation to offset the cost of the employee contribution as required by the 2012 Acts of Assembly (SB497), effective July 1, 2012. Mr. Dalton noted that all this was mandated by the General Assembly although localities protested that the Commonwealth cannot dictate salary increases.

Ms. Moreland also presented a Resolution to Elect the VRS Certified Contribution Rate of 9.28% Effective July 1, 2012. She said that this lowers the Town's contribution rate because employees now pay 5%.

Upon motion by Recorder Arnold, seconded by Council member Daniel the Council of the Town of Berryville adopted the attached Resolution to Elect the VRS Employee Contribution Rate of 5%, with an increase in creditable compensation to offset the cost of the employee contribution as required by the 2012 Acts of Assembly (SB497), effective July 1, 2012.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:  
Abstain:

None  
None

## Resolution

WHEREAS, THE Town of Berryville 55368 employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY 2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Town of Berryville 55368 employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their credible compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their credible compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of credible compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total credible compensation, effective July 1, 2012 to each such employee in service on June 30, 2012,, to offset the cost of member contributions, such increase in total credible compensation to be equal to the difference between five percent of the employee's total credible compensation and the percentage of the member contribution paid by such employee on January 1, 2012

BE IT THEREFORE RESOLVED, that the Town of Berryville 55368 does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	0%	5%
Plan 2	0%	5%
FY 2013 Employee	0%	5%

; and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Town of Berryville in Lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Town of Berryville directly instead of having them paid to VRS; and BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Town of Berryville shall be reduced by the amount of member contributions picked up by the Town of Berryville on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of the Town of Berryville 55368 are hereby authorized and directed in the name of the Town of Berryville to carry out the provisions of this resolution, and said officers of the Town of Berryville are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Berryville for this purpose.

  
Wilson L. Kirby, Mayor

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

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville adopted the attached Resolution to Elect the VRS Certified Contribution Rate of 9.28% effective July 1, 2012.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

### Resolution

BE IT RESOLVED, that the Town of Berryville 55368 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a)the contribution rate in effect for FY 2012, or b)seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by Virginia Retirement System Board of Trustees for the 2012-14 biennium ( the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(l) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and BE IT ALSO RESOLVED, that the Town of Berryville 55368 does hereby certify to the Virginia Retirement Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

The Certified Rate of 9.28%

BE IT ALSO RESOLVED, that the Town of Berryville 55368 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of the resolution; and

NOW, THEREFORE, the officers of the Town of Berryville 55368 are hereby authorized and directed in the name of the Town of Berryville to carry out the provisions of this resolution, and said officers of the Town of Berryville are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Berryville for this purpose.

  
Wilson L. Kirby, Mayor

  
Harry Lee Arnold, Jr., Recorder

Adoption of Budget and Appropriation of Funds  
Recorder Arnold presented the Fiscal Year 2012-2013 Budget.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville adopted the proposed Budget for Fiscal Year 2012-2013, an approved copy of which shall be incorporated into and become a part of the Official Minutes of this meeting (ATT 1), and further, that all funds as set forth in the approved budget shall hereby be appropriated for Fiscal Year 2012-2013.

VOTE:

Recorded Vote:

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

Set Public Hearing - HB 567 – Water and Sewer Deposit

Ms. Moreland asked the Town Council to set a Public Hearing regarding raising the water and sewer utility deposits in accordance with HB 567. The Council set a Public Hearing on the matter for the continued meeting on June 26, 2012 at 5 p.m.

c) Community Improvements – Allen Kitselman  
Nothing to add to report.

d) Planning Commission – Lawrence Russell  
Nothing to add to report.

e) Police and Security – Mary Daniel

**Approval of Minutes**

May 9, 2012

Upon motion by Council member Tollett, seconded by Council member Daniel, the minutes of the May 9, 2012 Police and Security Committee meeting were unanimously approved.

Council member Daniel asked Mr. Dalton to speak about the Handicapped Parking Space Policy. Mr. Dalton said that the committee has reviewed the policy that was developed in response to citizen requests to staff regarding handicapped parking spaces. He said that the policy establishes a review process for requests for handicapped parking spaces.

Upon motion by Council member Daniel, seconded by Council member Tollett the Council of the Town of Berryville adopted the attached Residential Handicapped Parking Space Policy/Application (ATT 2).

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

f) Streets and Utilities – Wilson Kirby  
Nothing to add to reports.

g) Personnel / Appointments – Jay Arnold

**Approval of Minutes**

April 17, 2012

Upon motion by Mayor Kirby, seconded by Recorder Arnold, the minutes of the May 14, May 15 and June 12, 2012 Personnel Committee meetings were unanimously approved.

**Appointments**

Upon motion by Mayor Kirby, seconded by Recorder Arnold the Council of the Town of Berryville unanimously recommended the following to the Clarke County Circuit Court:

Appointment of Warren DiLandro to the Town of Berryville Board of Zoning Appeals for a five year term, with such term commencing upon approval by the Court.

Appointment of Gwen Malone to the Town of Berryville Board of Zoning Appeals for a five year term, with such term commencing upon approval by the Court.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

Mr. Dalton said that Ms. Malone, who is a member of the Planning Commission, will serve as liaison from the BZA to the Planning Commission.  
Upon motion by Mayor Kirby, seconded by Council member Tollett the Council of the Town of Berryville unanimously made the following appointments:

Russell Heikes to fill the expired term of Lawrence Russell, III on the Berryville Planning Commission with said term to begin on 7/1/12 and ending on 6/30/16.

Sheryl Reid to fill the unexpired term of Wesley B. Shaffer on the Berryville Planning Commission with said term to begin on 6/12/12 and ending on 8/31/12.

Reappoint Frank Lee to the Berryville Area Development Authority with the term beginning 6/12/12 and ending on 6/11/16.

Appoint Richard G. Sponseller as the Town of Berryville's representative on the Barns of Rose Hill Board of Directors with the term beginning 6/12/12 and ending on 6/11/15.

Appoint Harry Lee Arnold, Jr. as the Town of Berryville's representative on the Downtown Berryville Incorporated/Berryville Main Street Board of Directors with the term beginning 6/12/12 and ending on 6/11/15.

VOTE:

Recorded Vote:

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

#### **10. Other**

Mayor Kirby recognized Mr. Dalton who thanked and congratulated Governor McDonnell, Clarke County and Berryville Graphics for the recent Governor's Opportunity Grant that will bring 84 new jobs to Berryville. Mayor Kirby said that this is great news for Berryville and that he is pleased that the Commonwealth, Clarke County, the Town of Berryville and Berryville Graphics worked so well together on this project.

#### **11. Continuation of meeting**

Upon motion by Council member Russell, seconded by Council member Kitselman and passed, the Council meeting was continued until June 26 at 5:00 p.m.

Tuesday, June 26, 2012  
Berryville-Clarke County Government Center  
Continued Regular Meeting  
5:00 p.m.

**Roll:**

**Town Council:**

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

Absent: Mary Daniel

**Staff:** Keith Dalton, Town Manager; Neal White, Police Chief; Christy Dunkle, Assistant  
Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Treasurer; Celeste  
Heath, Town Clerk

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

**12. Public Hearings**

Proposed Amendment to Sections 1 and 2 of the Town of Berryville Construction  
Standards

Proposed Changes to Schedule of Water and Sewer Fees

Proposed Granting of Easements in Rose Hill Park

Mayor Kirby opened the Public Hearings at 5:00 p.m. There was no public comment. The  
Public Hearings were closed at 5:02 p.m.

**13. Other**

Mr. Dalton said that there are two items that staff recommends action on.

Proposed Modifications to the Town of Berryville Construction Standards and  
Specifications Manual

Mr. Dalton said that Ms. Dunkle has handled this item and that the changes are to make  
sure that VDOT standards are in the Town's Construction Standards. She said that  
changes to Section 1 establish standards for noise and dust control and that changes to  
Section 2 address VDOT standards.

Upon motion by Council member Tollett, seconded by Council member Kitselman the  
Council of the Town of Berryville adopted the attached text amendments to Chapters 1  
and 2 of the Berryville Construction Standards and Specifications Manual establishing  
Section 1. General Information, item V. Noise; Section 1. General Information, item VI.  
Dust Control; and Section 2. General Design Standards, item VIII. Streets and Related  
Improvements in the Public Right-of-Way. (ATT 3).

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder

	Allen Kitselman
	Lawrence Russell, III
	David Tollett
Nays:	None
Absent:	Mary Daniel
Abstain:	None

Proposed Changes to Schedule of Water and Sewer Fees

Mr. Dalton said that while the Town Council recently changed the utility deposit rate to protect the interests of the Town, higher rates must now be adopted to conform to new state law. He said that these rates must be in place by July 1, 2012 and though they are high, the Town does not have a choice in the matter. Staff recommends that Council approve this change to abide by state law but that they are concerned that the rates are high.

Ms. Moreland explained that there is also a new state required form that landlords must complete in order to allow tenants to put the utility bill in their name. She said that a letter will be sent to all landlords to inform them of the changes. Mr. Dalton said that none of this, including the deposit, will be retroactive. Council member Tollett asked if the deposit rates will be in the letter to the landlords. Ms. Moreland said that they would.

Upon motion by Council member Tollett, seconded by Council member Kitselman the Council of the Town of Berryville amended the Schedule of Water and Sewer Fees and Charges to reflect an increase in Security Deposits in the amount of 3 months of water and sewer bills as required by VA Code §15.2-2119.F.(iii) as follows:

- Residential: \$ 225
- Business/Commercial (excluding Restaurants and Laundries): \$ 860
- Restaurant: \$ 785
- Laundry: \$2,450

VOTE:

Recorded Vote:

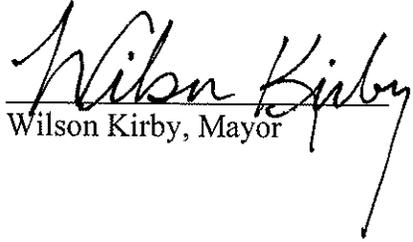
Ayes:	Wilson Kirby, Mayor
	Harry Lee Arnold, Jr., Recorder
	Allen Kitselman
	Lawrence Russell, III
	David Tollett
Nays:	None
Absent:	Mary Daniel
Abstain:	None

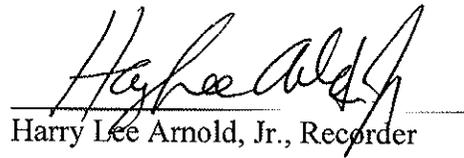
Request for Easements in Rose Hill Park

Mr. Dalton reported that staff is still working with Mr. Hillerson and will report to the Council at their next regular meeting.

**14. Adjourn**

Upon motion by Council member Russell, seconded by Recorder Arnold, the meeting was adjourned at 5:15 p.m.

  
Wilson Kirby, Mayor

  
Harry Lee Arnold, Jr., Recorder