

**BERRYVILLE TOWN COUNCIL
POLICE AND SECURITY COMMITTEE
Wednesday, March 7, 2012
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
9:30 a.m.**

MINUTES

Roll:

Town Council:

Present: Mary Daniel, Chair; David Tollett

Staff: Neal White, Chief of Police

1. **Call to Order** – Mary Daniel, Chairman
Chairman Daniel called the meeting to order at 9:34 a.m.
2. **COPS Program** – Chief White gave a brief update of the COPS program.
3. **Handicapped Parking Spaces** – After a discussion the Committee agreed to address the matter at the next meeting.
4. **Other Business** – The next meeting was set for April 11, 2012 at 9:30 a.m.
5. **Adjourn**
The committee meeting was adjourned at 10:15 A.M.

Neal White, Chief of Police

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, March 13, 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; David Tollett; Mary Daniel;

Absent: Lawrence Russell, III

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. Public Hearing-** Spot Blight Abatement Plan for 23 Josephine Street
Spot Blight Abatement Plan for 23 Josephine Street (Tax Map Parcel 14A5-8B-13A)
pursuant to Section 5-5 of the Berryville Code

Mayor Kirby opened the Public Hearing at 7:30 p.m. There was no public comment.

Council member Tollett asked if the owner has responded to notice of this hearing. Mr. Dalton said that staff has not heard from the owner. Mayor Kirby said that he last spoke to the owner on February 6 but has not heard from him since. The Public Hearing was closed at 7:32 p.m.

- 2. Call to Order:** Wilson Kirby, Mayor
Mayor Kirby called the regular meeting to order at 7:32 p.m.

- 3. Approval of Minutes**

February 14, 2012

Upon motion by Council member Tollett, seconded by Recorder Arnold, the minutes of the February 14, 2012 meeting were unanimously approved.

- 4. Citizen's Forum**

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

- 5. Report of the Mayor**

Mayor Kirby said he had nothing to report but that things are going well in town.

- 6. Planning and Zoning Matters:** Christy Dunkle
Set Public Hearing – Special Use Permit for Home Occupation

Ms. Dunkle said that the Planning Commission will be holding a public hearing on this matter at their March 27, 2012 meeting and will forward recommendations to Council for the April meeting. She asked that the Town Council set a public hearing on the matter for their April meeting. She explained that the applicant wants to open a small retail store as a home occupation. The Town Council set a public hearing on the matter for their April 10 meeting.

7. Report of Town Manager

Blight Abatement – 23 Josephine Street

Mr. Dalton explained that he met with the property owner on the property but they were not able to come up with a mutually agreeable plan to abate the blight. He said that he then developed a blight abatement plan which was forwarded to the Planning Commission. He said that the Planning Commission reviewed the plan and the issues pertaining to the property and made the specific findings required by § 5-5 of the Berryville Code and the Planning Commission then recommended the blight abatement plan to the Town Council.

Mr. Dalton said that this has been a long process. He said that there was considerable public comment at the Planning Commission voicing concern that the property owner should have more time to deal with the property. The Planning Commission then deferred action for three months. The property owner did not take any action during that time to abate the blight on the property.

Mr. Dalton then reviewed the blight abatement plan (ATT 2) with the Town Council.

Mr. Dalton explained that in accordance with § 5-5 of the Berryville Code the Town Council may choose to approve or disapprove the blight abatement plan as written or modify it as they see it. He said that staff recommends approval of the plan and that the owner be notified that the plan will be completed and that the cost of the abatement activities will be applied as a lien to the property.

Mayor Kirby recommended that the Town Council approve the blight abatement plan and take action on the property. He said that he met with the property owner in February but that the owner has not been back in touch with him since the meeting.

Ms. Daniel asked if lien holders had been notified of these proceedings. Mr. Dalton said that he would make sure that any lien holders are notified.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville in accordance with Section 5-5 of the Code of the Town of Berryville approved and adopted the attached Blight Abatement Plan (ATT 2) for the structures and property located at 23 Josephine Street. Further, the Town Council authorized staff to notify the owner of said property that the Blight Abatement Plan will now be completed and that all costs for abating the blight on said property shall be recovered from the property owner in accordance with Section 5-5 of the Code of the Town of Berryville.

VOTE:

Recorded Vote:

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

Extension of Refuse Collection/Disposal and Curbside Recycling Collection Contract

Mr. Dalton explained that the initial term of the Town's current contract for garbage and recycling collection services, which began on July 1, 2008, was extended last year by Council to June 30, 2012. The current contract provides for annual extension of the contract by written agreement of both parties. He said that such agreement must be reached at least 90 days prior to contract expiration. He noted that the relationship with the contractor has been good and that they are interested in extending the contact.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville approved the extension of the attached Garbage and Refuse Collection/Disposal Contract (Parts A and B). (ATT 3)

Said extension shall commence on July 1, 2012 and end on June 30, 2013.

This approval shall authorize the Town Manager to confirm the contract extension with the vendor in writing.

VOTE:

Recorded Vote:

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

Josephine Street Preliminary Information Form

Mr. Dalton explained that Clarke County staff approached Town staff about two weeks ago to request that \$1500 is set aside in the Town's next budget to complete a Preliminary Information Form (PIF) to secure a historic district designation for Josephine Street. He said that Clarke County has been working for some time on developing the Chapel Rural Historic District and the Josephine Street area was to be included in that

district but the State has advised against that and has stated that Josephine Street could stand on its own as a district.

Mr. Dalton spoke about the history of the project. He said that according to the Project Description for the PIF, in 2004/2005 the County received a Certified Local Government grant to complete a PIF on the Josephine Street area as a part of the expansion of the Berryville Historic District. The grant funds were declined because of opposition from the residents of Josephine Street.

Mr. Dalton said that on March 2, 2012 the Town received a letter from the Josephine School Community Museum President Dorothy Davis (ATT 4); a letter from the Clarke County Historical Association President Howard Means (ATT 5); and a letter from the Josephine Improvement Association, Inc. President Kenneth Liggins (including a petition) (ATT 6), all supporting the County's application for the historic designation.

Council member Kitselman advised that the Berryville Historic District could also be amended to include the Josephine Street area but this would require a review of the entire district. He said that he supports this effort and that Josephine Street is a valuable part of this County. He said that he hopes this designation will allow us to work with the museum to restore and protect the historic Josephine City. He said that partnering with Clarke County makes economic sense as well.

Mayor Kirby said that he supports this effort, especially since the Josephine Street community has shown their support. Recorder Arnold said that he would prefer to have the area in the Berryville Historic District but he will support this because it is a good way to get Josephine Street designated as an historic district. Council member Daniel said that she thinks that this is a really good investment.

Upon motion by Council member Daniel, seconded by Council member Tollett the Council of the Town of Berryville authorized the Town Manager to notify the County of Clarke that a line item for the Josephine Street Preliminary Information Form application will be added to the Town of Berryville's FY 12-13 Budget.

VOTE:

Recorded Vote:

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

8. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

There has not been a meeting this year.

b) Budget Finance / CIP – Jay Arnold

Recorder Arnold reported that the committee will meet tomorrow. The Town Council then set a Public Hearing on tax rates for their next meeting.

c) Community Improvements – Allen Kitselman

Council member Kitselman reported that the Rich Rau Ride is May 19 and that Bike Virginia is June 22 to 24. He said that there is a planning meeting for Bike Virginia on March 27 and that this event will be a huge economic benefit to the Town.

Council member Kitselman spoke about the coverage in the local internet news outlet about his comments on the Wayfinding Signage project. He said that he wanted to make it clear that this project is the result of a free study that was done because of our association with Virginia Main Street. He said that the designs were vetted by a committee of citizens and the Architectural Review Board. He said that his comments about the design choice were his personal opinion and that when signs are constructed every effort will be made to use local vendors.

Council member Kitselman congratulated Mr. McClemens for being the first to get a TOD sign on Route 7 and he thanked him for that effort. He noted that the Town is carrying a budget line item for Wayfinding and TOD signs and that the council and staff continue to work on the project.

d) Planning Commission – Lawrence Russell

Mr. Russell was absent.

e) Police and Security – Mary Daniel

Approval of Minutes

March 7, 2012

Upon motion by Council member Tollett, seconded by Council member Daniel, the minutes of the March 7, 2012 Police and Security Committee meeting were unanimously approved.

Council member Daniel reported that the next committee meeting is scheduled for April 11 and that the committee is talking about handicapped street parking spaces.

f) Streets and Utilities – Wilson Kirby

Approval of Minutes

February 14, 2012

Upon motion by Council member Tollett, seconded by Mayor Kirby, the minutes of the February 14, 2012 Streets and Utilities Committee meeting were unanimously approved.

Mayor Kirby said the committee met just prior to the Town Council meeting and were briefed on the proposed Sewer Use Ordinance and proposed changes to water and sewer fees and planning and zoning fees. The Town Council set a public hearing for their April

10 meeting on the proposed ordinance and the proposed fees. Mr. Dalton noted that the proposed sewer fees include the programmed increase in sewer user fees.

g) Personnel / Appointments – Jay Arnold
No report.

9. Closed Session

The Berryville Town Council will enter closed session in accordance with §2.2-3711-A-7 regarding probable litigation concerning the Berryville-Clarke County Government Center HVAC system.

a. Motion to enter Closed Session

It was moved by Council Recorder Arnold, seconded by Council member Kitselman that the Council of the Town of Berryville enter Closed Session pursuant to §2.2-3711-A-7 regarding probable litigation concerning the Berryville-Clarke County Government Center HVAC system.

VOTE:

Recorded Vote:

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

b. Enter Closed Session

The Town Council entered closed session at 8:11 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 8:24 p.m.

d. Certification of Closed Session

**Town of Berryville
RESOLUTION**

MEETING DATE: March 13, 2012

MOTION BY: Allen Kitselman

SECOND BY: David 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

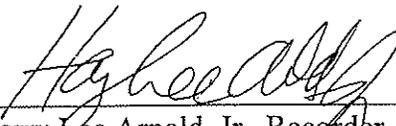
WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

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:

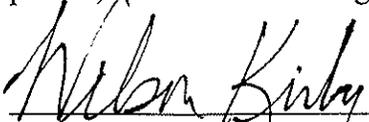
| | |
|---------------------|---|
| Ayes: | Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Allen Kitselman Mary Daniel David Tollett |
| Nays: | None |
| Absent: | Lawrence Russell, III |
| Abstain: | None |
| Absent During Vote: | Lawrence Russell, III |



Harry Lee Arnold, Jr., Recorder

10. Adjourn

Upon motion by Council member Kitselman, seconded by Council member Tollett and passed, the Council meeting was adjourned at 8:26 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder

Good evening ladies and gentlemen,

I would like to start by saying I am sorry if any-one miss understood my comments over the last couple day on who should pay for my signs. I never asked or expected the town of Berryville and /or Berryville Main Street to fund the Berryville grille Highway signage.

If I may clarify why Signage is such a Passionate issue for me. Two and half years ago when Heidi & I decided to cash in every dime of savings and 401ks to start the Berryville Grille during very bad economic times in 2009. One of the first things I did was to hunt out and partner with Berryville main Street Origination. We believe in them because of their bi-laws..

Article 2.01.. The purpose of Berryville Main street shall be to promote and support Berryville's Historic district as a vital center of commercial and cultural life for Berryville and Clarke County..

But as time went on I was not seeing that Mission Statement coming true at all. When I raised concerns that I had with The President and The Main Street manager humored me with promises that they would and were working on that. The next thing that happened was main street ask me if I would like to go to a 2 day class held by Virginia and national main street origination to learn how to be a successful main street I said yes. I learned a lot but the number one thing I learned was you need to have Signage. They taught me that it is a must for a main Street to survive. So with that knowledge I began to ask every month for about 6 months when would will get the V-Dot Highways signage saying something like “Downtown Main Street Shopping “, or “Historic Downtown Berryville Business District”. At this point the president and manager said they didn’t have the \$950.00 a year it would cost in the budget. Then I ask to see a breakdown of where is all the money

They raise in dues and get in donations from the public ie. 25K from The Town Of Berryville as I was a paying member and also sat on the Economic Committee and felt it was my right to see them. They refused and I was no longer invited to any meetings. This is why I am So Passionate about the Signage .. With Out it we will die.

In Closing this is again why I urge the Town Council and Town Manager to Start to require accounting of how main street spends our tax dollars. And also evidence that we are getting our biggest bang for our money to Promote Our Town.

Thanks You . May God Bless you all and the town of Berryville and Clarke county

Town of Berryville
Berryville-Clarke County
Government Center
101 Chalmers Court Suite A
Berryville, VA 22611



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www.berryvilleva.gov
Town of Berryville
Blight Abatement Plan
23 Josephine Street, Berryville, VA
Tax Map Parcel 14A5-8B-13A

Overview

This Blight Abatement Plan, prepared in accordance with § 5-5 of the Berryville Code, provides for the demolition of all structures on the subject property and the removal of all trash and refuse. This plan requires that the site be stabilized in a manner that provides for future mowing and other maintenance.

Permitting

Obtain all necessary permits including demolition, erosion and sedimentation control etc.

Utilities

Request disconnection of all non-town utilities and verify the work has been completed.

Disconnect sewer service by cutting and capping lateral near the property line at the front of the property.

Disconnect water service by cutting lateral on house side of meter cock. Provide protection for existing water meter cock.

Erosion and Sedimentation Control

All required erosion and sedimentation controls will be installed.

Demolition of Structures/Removal of Debris

All structures on the subject property will be demolished.

Site will be cleared of trash and refuse.

All material from the demolition of the structures, as well as other trash and refuse collected from the site, will be removed from the site and land filled in accordance with all applicable regulation and law.

Abandonment of cesspool

Cesspool in rear of property will be abandoned in accordance with Virginia Department of Health regulations.

Wilson Kirby
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Lawrence Russell, III
Ward 1

H. Allen Kitselman, III
Ward 2

Mary L.C. Daniel
Ward 3

David L. Tollett
Ward 4

Keith R. Dalton
Town Manager

Clearing and removal of plant material

Site will be cleared of brush, weeds and trees from a line approximately 20' south of the accessory structure forward to the street. Other trees or growth determined to be hazardous to adjoining properties will also be removed.

All material from clearing and plant material removal will be removed from the site and disposed of at the Frederick County Regional Landfill in accordance with that facility's requirements.

Fence

Remove approximately 30' of fence on the west side of the property near Josephine Street.

Fencing material removed will be disposed of in the same manner as provided for other debris on the site.

Grading

Building sites and cleared areas will be filled and graded to provide positive drainage and a surface that can be easily maintained.

Stabilization

After final grade has been established all disturbed areas will be stabilized in accordance with the Virginia Erosion and Sediment Control Handbook.

Unforeseen Hazards

Should other health hazards be discovered during abatement work, action will be taken to address those hazards.

Schedule

Once a contract is awarded for the project it is expected that the work will be completed within 60 days.

Plan Prepared by: Keith R. Dalton, Town Manager

SECTION III: PROPOSED CONTRACT, PART A AND PART B

TOWN OF BERRYVILLE

CONTRACT: GARBAGE AND REFUSE COLLECTTON/DISPOSAL (PART A)
CURBSIDE RECYCLING COLLECTION SERVICE (PART B)

THIS CONTRACT, made this 13 day of June, 2008, by and between

BFI Waste Services LLC, Winchester, Va, hereinafter called "the contractor" and the TOWN OF BERRYVILLE, VIRGINIA, hereinafter called "the town".

WITNESSETH

That the contractor and the town, in consideration of the mutual agreements and covenants herein contained, agree as follows:

Section I: General Terms and Provisions

1. Unless otherwise specified and stated herein, all paragraphs, terms and provisions as set forth herein shall apply equally to both Part A and Part B of this contract.
2. The contractor shall furnish labor, equipment and all other things necessary, except containers, for collection and disposal of garbage and refuse (Part A) and for all labor and equipment, including new and/or replacement containers as may be required and necessary, for provision of residential curbside collection, transportation and marketing of recyclable materials (Part B) within the municipal corporate limits of the town, as such municipal boundaries presently exist and as they may be adjusted in the future, for a thirty-six (36) month contract period beginning July 1, 2008, and ending June 30, 2011, in accordance with the following contract documents which are attached to and made a part of this contract:
 - A. Section I: General Information and Terms of Solicitation:
 - (1) Invitation to Bid
 - (2) Goal and Scope of Service
 - (3) Schedule and Basis of Contractor Selection
 - (4) Terms of Solicitation
 - (5) Instructions to Bidders
 - B. Section II: General Specifications:
 - Part A: Garbage and Refuse Collection/Disposal:
 - (1) Intent and Purpose
 - (2) Definitions
 - (3) Collection Schedule
 - (4) Equipment

- (5) Service to be Performed
- (6) Service and Complaints
- (7) Performance Guarantees
- (8) Contract Official
- (9) Assignments
- (10) Extension of Contract
- (11) Number of Properties to be Served
- (12) Disposal of Garbage and Refuse
- (13) Payment of Debts and Claims
- (14) Insurance Required
- (15) Litigation

Part B: Curbside Recycling Collection Service:

- (1) Intent and Purpose
- (2) Definitions
- (3) Service to be Performed
- (4) Marketing of Materials
- (5) Reporting Requirements
- (6) Program Promotion
- (7) Other Responsibilities
- (8) Miscellaneous Instructions
- (9) Insurance Required
- (10) Changes/Additions/Deletions
- (11) Performance Guarantees

C. Section IV: Contractor's Bid Proposal:

- (1) Part A: Garbage and Refuse Collection/Disposal
- (2) Part B: Curbside Recycling Collection Service
- (3) Part C: Additional Bid Items

D. Section V: Attachments

- (1) Chapter 8 of the Code of the Town of Berryville
- (2) Specifications for Curbside Recycling Containers

2. Notice by the town to the contractor concerning this contract shall be deemed properly given if placed in the United States mail, postage paid, addressed to the contractor at 403 Lenoir Drive Winchester VA 22603.
Notices by the contractor to the town concerning this contract shall be deemed properly given if placed in the United States mail, postage paid, addressed to the Town Manager, Town of Berryville, 23 East Main Street, Berryville, Virginia, 22611.
3. This contract may be amended by the parties hereto, from time to time, only by mutual agreement of the contractor and the town, in writing, executed in duplicate, a duplicate copy of which will be attached hereto and made a part hereof.

4. The contractor hereby agrees to indemnify and hold harmless the Town of Berryville, Virginia, its elected officials, officers, agents and all employees and volunteers, from any and all claims for bodily injury, personal injury and/or property damage, including cost of investigation, all expenses for litigation, including attorney fees, and the cost of appeals arising out of any claims or suits which result from errors, omissions, or negligent acts of the contractor and his/her officers, employees, agents and/or subcontractors.
5. The contractor agrees to the following non-discrimination provisions during the performance of this contract:
 - (a) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, handicap, or national origin in accordance with all federal laws applicable to governmental entities.
 - (b) The contractor hereby certifies that he/she is an Equal Opportunity Employer, and that all solicitations and/or advertisements for employees placed by or on behalf of the contract shall state that he/she is an Equal Opportunity Employer.
 - (c) Notices, advertisements and solicitations placed in accordance with applicable federal laws, rules and regulations shall be deemed sufficient for the purpose of meeting the requirements of this section.
6. In the execution of this contract, the contractor has furnished to the town the specified performance guarantee in the form of cash, a certified check, or a duly executed performance bond in such form and amount as specified within the contract documents, or in lieu thereof, provided the Town Council has agreed as evidenced by the signature of its officers/agents herein, contractor agrees that the town shall deduct and retain one-tenth (1/10) of the total amounts due the contractor monthly for the first ten (10) months of the contract term for, the purpose of guaranteeing the contractor's performance of its obligations under the contract and to reimburse the town for expenses it may incur in the event the contractor breaches the contract. Monies held by the town under this contract shall be invested in an interest-bearing account at the prevailing rate of interest paid by an institution of the town's choosing and will be paid with earned interest to the contractor following the final month of this contract, only upon successful completion of all terms of the contract. If all the terms herein are not completed successfully, as determined by the town, such retained monies, including earned interest, will be used to complete all terms of this contract, or used by the town for the cost of effecting alternative arrangements for the successful performance of the contractor's obligations, herein during the time of negotiation for a new contract for such services.
7. This contract binds and inures to the benefit of the administrators, successors and assigns of the respective parties hereto.

Section II: Part A--Garbage and Refuse Collection

1. The town shall pay to the contractor the contract sum and unit charges set out below, said payments to be made as hereinafter provided:

- (a) The contract sum of \$172,890.00 shall be paid for services performed for regular garbage and refuse curbside collection service during Contract Year One (July 1, 2008 to June 30, 2009) of this contract in twelve monthly installments, made as provided herein, less amounts retained as a performance guarantee (if applicable pursuant to paragraph 6 above).
- (b) The unit charge of \$8.50 per month for each additional residential property served for regular garbage and refuse curbside collection service; the unit charge of \$ 8.50 for each additional commercial property served with once-weekly collection service; and the unit charge of \$ 17.00 for each additional commercial property served with twice-weekly collection service. Accounting of additional residential and commercial properties served and concurrent adjustment of the yearly contract sum shall be made as of January 1, 2009 and each six (6) months thereafter throughout the term of the contact.
- (c) The unit charge of \$25.00 for separate and alternative collection and disposal of water heaters, ranges, dishwashers, clothes dryers, or other similar household appliances or similar items for which alternative arrangements for collection and disposal separate from but in conjunction with regularly scheduled collection and disposal of garbage and refuse may be necessary.
- (d) The unit charge of \$40.00 for separate and alternative collection and disposal of refrigerators, air-conditioners, or other similar household items or appliances which are prohibited from disposal at the Frederick-Winchester-Clarke Regional Landfill.
- (e) After the end of each month, the contractor shall send to the town a statement of the contract sum and unit charges for services performed during that month. The contractor shall submit a detailed listing of all unit charges pursuant to paragraph (c) herein, including identification of property address and item(s) collected for alternative disposal.

Monthly statements must be submitted to the attention of the Assistant Town Manager/Treasurer. The Town will pay the amount due within thirty (30) days of the receipt of such statement.

- (f) The contract sum and unit charges to be paid in equal monthly installments for services performed for regular garbage and refuse collection during Contract Year Two (July 1, 2009 through June 30, 2010) and Contract Year Three (July 1, 2010 through June 30, 2011) of this contract shall be an amount equal to the contract

sum and unit charges paid during Contract Year One increased or decreased by one hundred percent (100%) of the net percentage change in the Gross National Product Implicit Deflator as most recently published or by one hundred percent (100%) of the net Percentage change in the Consumer Price Index for urban wage earners and clerical employees as most recently published at the time by the Bureau of Labor Standards, whichever is smaller.

- (g) The unit charge for separate and alternative collection and disposal pursuant to paragraph (c) herein may be adjusted as of July 1 of Contract Year Two and Contract Year Three during the term of this contract, upon successful negotiation and agreement by the contractor and the town. The adjusted contract unit price may be increased or decreased in such amount as the contractor and the town agree is necessary for the contractor to recoup the per unit cost for the separate and alternative service to be provided. The contractor shall notify the town of any proposed increase in such unit Charge for the next Contract Year no later than March 30 of each contract year.
2. If at any time during the contract period, the contractor's costs of collection are reduced such that contractor makes a general price reduction in the comparable price of any service covered by the contract to comparable customers (in terms of volume and scope of services performed), an equivalent price reduction based on similar quantities and/or considerations shall apply to this contract for the duration of the contract period (or until the price is further reduced). Such price reduction shall be effective at the same time and in the same manner as the reduction in the price to other comparable customers generally. The contractor shall submit an invoice indicating thereon that the reduction is pursuant to this "Price Reduction" provision of the contract.

Section III: Part B--Residential Curbside Recycling Collection

1. The town shall pay to the contractor the contract sum and unit charges set out below, said payments to be made as hereinafter provided, for Contract Year One:
- (a) The contract sum of \$4.00 per residential unit times 1489 residential units, or per year, prorated in equal monthly installments of \$5,956.00, less amounts retained as a performance guarantee (if applicable pursuant to paragraph 6 above) .
 - (b) The sum of \$ 4.00 per month as the per unit charge for each additional residential property served, with monthly accountings of each such additional residential property served.
 - (c) At the end of each month, the contractor, shall send to the town a statement of the monthly contract sum and unit charges for services performed during that month. Monthly statements must be submitted to the attention of the Assistant Town Manager/Treasurer (amount due will be paid within thirty (30) days of the receipt of

statement). Contractor may combine the monthly statements required herein for Part B with the monthly statement required for Part A, so long as the combined statement clearly separates and identifies charges related to Part A and Part B of the contract .

2. For Contract Year Two (July 1, 2009 to June 30, 2010) and Contract Year Three (July 1, 2010 to June 30, 2011) the town shall pay to the contractor the unit charges set out in (a) and (b) above for Contract Year One ADJUSTED, however, as set out below:
 - (a) The monthly contract sum and unit charges for shall be increased or decreased by one hundred percent (100 %) of the net change in the Gross National Product Implicit Deflator or most recently published by the United States Department of Commerce, or the Consumer Price Index for Urban Wage Earners and Clerical Employees as most recently published by the Bureau of Labor Statistics, whichever is smaller.
 - (b) The contract sum and unit charges to be paid in equal monthly installments for services performed pursuant to Part B of the contract may be further adjusted as of July 1 of Contract Year Two (July 1 , 2009) and Contract Year Three (July 1, 2010) during the term of this contract, upon successful negotiation and agreement by the town and the contractor. The adjusted contract sum and unit charges may be increased or decreased in such amount as the contractor is able to demonstrate is necessary for the contractor to recoup the per unit costs for services provided. The contractor shall notify the town of any proposed increase in monthly unit charges for the next contract year no later than March 30 of each contract year. No other adjustments in unit charges shall be considered or permitted.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names the day and date first said above.

CONTRACTOR:

BFI Waste Services. LLC

By: Max Davis

Title: General Manager

WITNESS: Robert W. Kuhn

TOWN OF BERRYVILLE, VIRGINIA

By: [Signature]

Title: Town Manager

ATTEST: Celeste Heath

~~Harry L. Arnold, Jr., Recorder~~

Celeste Heath, Town Clerk



Josephine School Community Museum

The Clarke County African-American Cultural Center

Preserving a Legacy



Board of Directors

Rosetta B. Clay, *Founder*

Dorothy P. Davis, *President*

Dee Dee Liggins, *JIA President*

Charles Johnston, *Vice-President*

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John Burns

Helen O. Carr

Brenda Jones

Paul R. Jones

Maurita Powell

Mr. David Ash

Clarke County Administrator

101 Chalmers Court

Berryville, Virginia 22611

February 28, 2012

Dear Mr. Ash,

I am writing as President of the Josephine School Community Museum and the Clarke County African American Cultural Center to state our support of pursuing National Historic District designation for the Josephine City community. We are very excited by this prospect and will help in this endeavor.

We are appreciative of the county's past support of projects which have investigated the county's African American history and feel that official recognition of Josephine City's historic significance will only add to that knowledge.

Yours truly,

Dorothy P. Davis

Cc: Keith Dalton, Berryville Town Manager

We are an incorporated 501(c)(3) tax exempt organization.

Our building is on the National Register of Historic Places.

www.jschoolmuseum.org

540-955-5512

303 Josephine Street

P. O. Box 423

Berryville, VA 22611

CLARKE COUNTY HISTORICAL ASSOCIATION ATT 5

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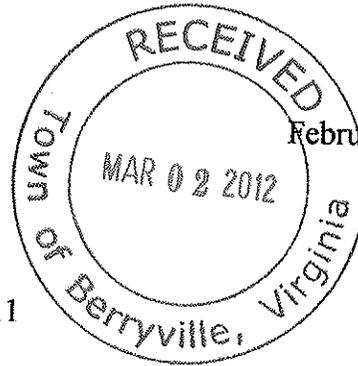
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MILL MANAGER

ANN FINCH
ADMINISTRATIVE ASSISTANT



David Ash
County Administrator
101 Chalmers Court
Berryville, Virginia 22611

Dear David,

The Clarke County Historical Association very much appreciates the fact that the county is applying to the Department of Historic Resources for Certified Local Government Funds to finance both the National Register Nomination for the Chapel Rural Historic District and a Preliminary Information Form for the Josephine City Historic District. These are exciting projects, very worthy of the county's support.

We at CCHA are happy to help in any way we can, including offering our archives to aid in the research involved with these projects.

Sincerely,

A handwritten signature in black ink, appearing to be "H. Means".

Howard Means,
President

cc: Keith Dalton, Berryville Town Manager



Josephine Improvement Association, Inc.

PO Box 344
Berryville, VA 22611



February 29th 2012

KDL
David Ash, County Administrator
101 Chalmers Court
Berryville, Virginia 22611

Dear Mr. Ash,

The Josephine Improvement Association, Inc, supports the listing of the Josephine City Community to the National Register of Historic Places separates from The Chapel Rural Historic District Nomination. We are very happy about the prospect of Clarke County applying for Certified Local Government Funds to the Department of Historic Resources to help fund the project.

Please let us know how we can help move the project forward.

The attached petition includes signatures of property owners and residents along Josephine Street in Josephine City, and testifies to the support of this project from the community.

Sincerely,

Kenneth D. Liggins President
Josephine Improvement Association, Inc.

cc: Keith Dalton, Berryville Town Manager

WITHOUT STRUGGLE, THERE CAN BE NO PROGRESS

As a resident along Josephine Street, I support Clarke County's application to the Department of Historic Resources to begin the process of establishing a Josephine City National Register Historic District.

| Name | Address |
|--|---|
| Kenneth D. Higgins | 206 Josephine Street Berryville VA 22611 |
| Josephine Higgins Mrs. Church Higgins President | P.O. Box 462 / 310 Josephine St. Berryville VA 22611 |
| Duke L. Brown | 113 Josephine Street Berryville, VA 22611 |
| Dorothy | 118 Josephine St Berryville, VA 22611 |
| Julia Paige | 118 Josephine St. Berryville, VA 22611 |
| Julma Gause | 118 Josephine Va Berryville, Va 22611 |
| Anno Smith | 20 Josephine St Berryville Va 22611 |
| Shirley Nickens | 102 Josephine St. |
| Kevin Higgins | 109 Josephine St Berryville |
| Jay Thurston | 103 JOSEPHINE ST. #13 BERRYVILLE |
| Rozetta B. Clay | 108 York Street, |
| Charlotte L. Miller | 202 Josephine St. Berryville VA 22611 |
| Janie | 202 JOSEPHINE ST BERRYVILLE, VA. 22611 |
| Ethel Pennell Smith | 308 Josephine St Berryville Va 22611 |
| Geneva B Jackson | 205 Josephine St Berryville Va 22611 |
| David Jackson | 205 Josephine St Berryville VA |

**BERRYVILLE TOWN COUNCIL
STREETS AND UTILITIES COMMITTEE
Tuesday, March 13, 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; Dave Tyrrell, Director of Public Utilities

- 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 Use Ordinance
Mr. Dalton and Mr. Tyrrell reviewed the proposed ordinance with the committee. The committee agreed to forward the proposed ordinance to Town Council tonight.
- 3. Discussion** – Schedule of Water and Sewer Fees and Charges
Mr. Dalton explained the new fee structure and changes to specific fees. The committee agreed to forward the proposed ordinance to Town Council tonight.
- 4. Discussion – Street Maintenance**
Mr. Dalton explained that staff's focus at this point is to get the Town's Construction Standards in shape prior to July 1. Mr. Boor discussed street related standards. Ms. Dunkle explained the process that she has been pursuing to develop standards and permits.
- 5. Next Meeting**
The next meeting of the Streets and Utilities Committee meeting was set for March 21, 2012 at 2:00 p.m. to tour the wastewater treatment plant.
- 6. Other**
Mr. Tyrrell gave an update on progress at the treatment plant and provided a synopsis of work to be completed through plant completion late summer or early fall.

Mr. Boor updated the committee on lateral replacement in the Hermitage subdivision and the sewer main replacement on Byrd Avenue. He also explained that there had been a sewer blockage on Rosemont Circle and that his crews would be inspecting the line in the coming weeks.

Mr. Dalton discussed Norfolk Southern's planned work at Main and First Streets and Station Road. The committee expressed support for complete closing of the area during construction so that a better quality job can be completed.

6. Adjourn

The committee meeting was adjourned at 6:52 P.M.



Keith R. Dalton, Town Manager

**BERRYVILLE TOWN COUNCIL
BUDGET AND FINANCE COMMITTEE
Wednesday, March 14, 2012
Berryville-Clarke County Government Center
AB Meeting Room
Called Meeting
2:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Recorder Harry Lee Arnold, Jr., Chair; Mary Daniel

Staff: Keith Dalton, Town Manager; Desiree Moreland, Treasurer/Asst. Town Manager;

1. Call to Order – Recorder Harry Lee Arnold, Jr., Chair
Chairman Arnold called the meeting to order at 2:00 p.m.

2. Review Draft FY 2013 Budget

Mrs. Moreland reviewed the draft FY 2013 Budget. The committee discussed Machinery and Tools taxes and other revenue sources. The committee discussed the possible impact on compensation costs of SB497.

There was a discussion about water rates in relation to needed upgrades.

3. Review Draft 5-Year Capital Improvements Plan

Mr. Dalton reviewed the updated Capital Improvements Plan with the committee.

4. Other

5. Adjourn

The committee meeting was adjourned at 3:17 p.m.



Keith R. Dalton, Town Manager