

**BERRYVILLE TOWN COUNCIL  
STREETS AND UTILITIES COMMITTEE  
Wednesday, May 2, 2012  
Berryville-Clarke County Government Center  
Town Council Conference Room  
Called Meeting  
10:30 a.m.**

**MINUTES**

**Roll:**

**Town Council:**

Present: Mayor Wilson Kirby, Chair; David Tollett

**Staff:** Keith Dalton, Town Manager; Dave Tyrrell, Director of Public Utilities; Rick Boor, Director of Public Works; Christy Dunkle, Assistant Town Manager/Planner; Ralph Elliot, Supervisor, Public Works

**Press:** None

1. **Call to Order** – Mayor Wilson Kirby, Chair  
Mayor Kirby called the meeting to order at 10:30 a.m.

2. **Discussion** – Construction Standards  
Ms. Dunkle reviewed permits and construction standards relating to street maintenance. The committee directed staff to introduce the matter to Town Council on May 8. They recommended that the town Council set a Public Hearing on the fee portion for their June with action that same evening

3. **Other**  
Mr. Boor updated the committee on Public Works activities.

Norm Freeman addressed his concerns about the Jackson Drive pond to the committee.

The next meeting of the Streets and Utilities Committee meeting was set for May 30, 2012 at 10:30 a.m.

4. **Adjourn**  
The committee meeting was adjourned at 11:36 a.m.

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

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, May 8, 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; 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. Public Hearing- Proposed FY 2013 Budget**

Mayor Kirby opened the Public Hearing at 7:30 p.m.

There was no public comment. Ms. Moreland reported that there was no public comment in the Town Office.

The Public Hearing was closed at 7:31 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**

April 10, 2012

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

**4. Citizen's Forum**

There was no citizen comment.

**5. Closed Session –**

The Berryville Town Council will enter closed session in accordance with §2.2-3711-A-5, Code of Virginia, for 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 Recorder Arnold, seconded by Council member Tollett that the Council of the Town of Berryville enter Closed Session pursuant to §2.2-3711-A-7 for 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  
  Mary Daniel  
  Allen Kitselman  
  David Tollett  
  Lawrence Russell, III

Nays:                                 None

Absent:                               None

Abstain:                             None

Absent During Vote:               None

b.    Enter Closed Session

      The Town Council entered closed session at 7:33 p.m.

c.    Reconvene Open Session

      The Town Council reconvened in open session at 8:03 p.m.

d.    Certification of Closed Session

**Town of Berryville  
RESOLUTION**

MEETING DATE: May 8, 2012  
MOTION BY: Harry Lee Arnold, Jr.  
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:

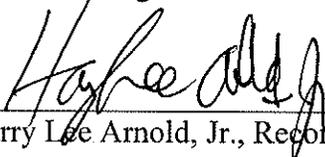
Ayes: Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Allen Kitselman  
Mary Daniel  
David Tollett  
Lawrence Russell, III

Nays: None

Absent: None

Abstain: None

Absent During Vote: None

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

**6. Report of the Mayor**

Mayor Kirby introduced a Proclamation regarding Click It or Ticket. Upon motion by Council member Daniel, seconded by Council member Tollett the Council of the Town of Berryville adopted the attached Proclamation.



# Proclamation

*By the  
Town Council  
of  
The Town of Berryville, Virginia*

- WHEREAS,** the safety and security of the citizens of the Town of Berryville and surrounding areas are vitally important; and
- WHEREAS,** a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and
- WHEREAS,** the use of seat belts in passenger vehicles saved an estimated 12,546 lives in 2010; and
- WHEREAS,** regular seat belt use is the single most effective way to protect people and to reduce fatalities in motor vehicle crashes;
- WHEREAS,** the use of seat belts is supported by the laws of the Commonwealth of Virginia and Town of Berryville;
- WHEREAS,** May 21 through June 3, 2012, has been selected as the national *Click It or Ticket* mobilization enforcement period;
- WHEREAS,** across the country law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes;
- AND WHEREAS,** increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes;

**NOW, THEREFORE,** the Berryville Town Council does hereby proclaim and announce May 21 to June 3, 2012, as the *Click It or Ticket* Mobilization in the Town of Berryville and urge all citizens to always wear seat belts when driving or riding on our roadways.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of the Town of Berryville



\_\_\_\_\_  
Mayor Wilson Kirby, Town of Berryville

\_\_\_\_\_  
[Date]

## **7. Planning and Zoning Matters**

### **Action Item – Set Public Hearing – Planning and Zoning Fees**

The Town Council set a Public Hearing for their next meeting on proposed modifications to the Planning and Zoning Fee Schedule to add fees associated with the Town's takeover of street maintenance from VDOT.

Mr. Dalton said that there will also be changes to the Town's Construction Standards in relation to assuming street maintenance responsibilities presented at the next regular council meeting.

Ms. Dunkle reported that the next Planning Commission on May 22 will be a joint meeting with the BADA to discuss Comprehensive and Berryville Area Plan updates.

## **8. Report of Town Manager**

The Town Manager had no items this month.

## **9. Standing Committee Reports**

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

Council member Kitselman said that the BADA will meet with the Planning Commission on May 22.

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

Recorder Arnold recognized Ms. Moreland to talk about the Line of Duty Act Fund.

Ms. Moreland explained that July 1 is the deadline for localities to opt out of the Line of Duty Act Fund. She said that when opting out a jurisdiction may self insure or purchase commercial insurance. She said that staff recommends opting out of the participation in the VRS Line of Duty Fund and providing this coverage through VML commercial insurance.

Mr. Dalton said that the VRS Line of Duty pool will be filled with those who cannot get commercial coverage and that is not the pool we should be in. He said that the VML coverage looks like a good option and that he recommends that the Town Council opt out of the Line of Duty Act Fund.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville adopted the attached Resolution providing for the Irrevocable Election Not to Participate in the Line of Duty Act Fund.

Council member Daniel said that she would like to make the decision about which insurance coverage to obtain at the next meeting. Ms. Moreland said she would continue to look at commercial coverage but that the VML insurance looks like the best choice.

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**

### **Irrevocable Election Not to Participate in Line of Duty Act Fund**

WHEREAS, PURSUANT TO Item 258 of the 2010 Appropriation Act, paragraph B of the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code §9.1-400 et seq.); and

WHEREAS, FOR THE PURPOSES OF ADMINISTRATION OF THE Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the 2010 Appropriation Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, IT IS THE INTENT OF THE Town of Berryville to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town of Berryville irrevocably elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further RESOLVED that the following entities:

Berryville Police Department

To the best of the knowledge of the Town of Berryville, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the Town of Berryville agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and make the State Comptroller on behalf of the Town of Berryville on or after July 1, 2010 except for benefits paid on your behalf of FY 2012; and it is further

RESOLVED that as a non-participating employer, the Town of Berryville agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that, the Town of Berryville shall reimburse the State Comptroller no more frequently than on a monthly basis for amounts invoiced by the State Comptroller.

Adopted in Berryville, Virginia this eighth day of May, 2012.

Wilson L. Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

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 reported that he, staff and the Barns are working on a mobile stage for the park.

d) Planning Commission – Lawrence Russell

Nothing to add to report.

e) Police and Security – Mary Daniel

Council member Daniel reported that the committee will meet tomorrow. She said that the chief has two General Orders for Town Council consideration. She said that these General Orders put into writing what is already in practice.

Upon motion by Council member Daniel, seconded by Council member Tollett the Council of the Town of Berryville adopted the attached General Order 2 (Patrol) (ATT 1).

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

Upon motion by Council member Daniel, seconded by Council member Tollett the Council of the Town of Berryville adopted the attached General Order 20 (In-Car Video) (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

**Approval of Minutes**

May 2, 2012

Upon motion by Council member Tollett, seconded by Mayor Kirby, the minutes of the May 2, 2012 Streets and Utilities Committee meeting were unanimously approved.

g) Personnel / Appointments – Jay Arnold

**Approval of Minutes**

April 17, 2012

Upon motion by Mayor Kirby, seconded by Recorder Arnold, the minutes of the April 17, 2012 Personnel Committee meeting were unanimously approved.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously appointed Jim Barb to a four year term on the Architectural Review Board to commence on June 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:

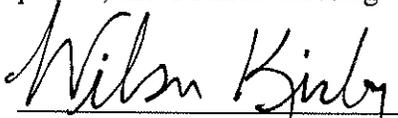
None

Abstain:

None

**11. Adjourn**

Upon motion by Council member Daniel, seconded by Council member Russell and passed, the Council meeting was adjourned at 8:24 p.m.

  
\_\_\_\_\_  
Wilson Kirby, Mayor

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

**GENERAL ORDER**

NUMBER : 2 SUBJECT : <b>Patrol</b>	EFFECTIVE DATE: 05/14/91  REVIEW DATE: 5/8/2012  APPROVED BY COUNCIL:
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 police patrol is a primary law enforcement function and embraces much more than the act of patrolling. ON patrol, officer engage in a wide variety of activities including enforcing traffic/criminal laws, answering complaints, conducting follow up investigations, community relations, transporting prisoners, and crime prevention activities.

**II. PURPOSE:**

The purpose of this order is to establish procedures for the coordination of patrol with other department functions, for the scheduling and assigning of officers, and procedures that encourage optimum use of manpower.

**III. PROCEDURES:**

1. Communications/coordination/cooperation between components:

All patrol officers must cooperate and exchange information with other personnel of the department. This cooperation and exchange are accomplished by, but not limited to:

- a. Review daily by all patrol and administrative personnel of offense/incident reports, activity sheet and miscellaneous information made available by use of information boards. This review should trigger the sharing of information and assistance.
- b. Review of and participation by all personnel in development of new policies or procedures.

2. Police personnel regular shift duties:

- a. Each street in the Town will be patrolled by a marked police vehicle at least once each half shift on an irregular patrol pattern.
- b. The Town business district will be patrolled on foot, at all times when scheduling permits. Foot patrol duties will be equally divided between each officer per shift. The business district is defined as follows:
  - a. Main Street – Rice to Chalmers Court.
  - b. Buckmarsh Street – Swan to Academy.
  - c. Church Street –Liberty Street to Swan Avenue.
  - d. Crow Street – Buckmarsh to Church Street.
- c. If an officer becomes involved with a call for service or arrest, the Remaining officer shall automatically assume the assignment of mobile patrol. Once both officers resume general patrol duties, each shall return to their regular assignment.
- d. Foot patrols will be conducted on an irregular patrol pattern, weather conditions permitting. During such patrols, loitering and parking regulations will be enforced. Doors and windows of all business establishments (front and rear) will be checked during the period 9 p.m. to 7:00 a.m. daily. All irregular findings shall be documented on the officers shift log and an unsecured building report form. The business owners shall be immediately advised of such findings.
- e. Schools, churches and all public buildings within the Town will be checked on a regular daily basis for unauthorized entry or occupancy. Doors and windows will be particularly

checked to assure security when these buildings are not being utilized by authorized occupants.

- f. Without exception, officers transporting non-police department civilians (non-employees) shall notify the Clarke County Emergency Communications Center of the transport via radio. The notice shall include the point of origin, vehicle odometer reading, and the destination. Upon arriving, the officer shall so notify the Clarke County ECC and give the odometer reading. The Communications specialist shall log the information and record the time of each notification. Authorized departmental ride-alongs are governed by separate procedures and do not fall into this category of non-employee transports.

### 3. Daily Activity Report

- a. A daily shift log must be completed prior to being relieved from shift. These reports shall contain detailed information of all complaints/actions taken and account for the officer's time during each shift.

### 4. Incidents requiring presence of supervisor:

Supervisors will be notified and assume command of the following types of incidents:

- a. Injury to an officer.
- b. Anytime an officer becomes involved in a vehicle pursuit.
- c. Accident involving a police vehicle.
- d. Any use of force resulting in injury.
- e. Any incident where death occurs.
- f. Major crimes to include *attempted murder*, murder, *rape*, robbery, *suicide*, riot, racial disturbance or any other situation where the officer assigned shall deem necessary.
- g. Barricade/hostage situations.
- h. Disasters, catastrophes, or severe weather producing emergency conditions.
- i. Serious complaint or incident involving a police officer.
- j. Serious accident, injury or incident involving Town personnel or property.

### 5. Police Hazards

- a. A wide variety of hazardous situations such as bad road/weather conditions, unsafe structures, and potentially

dangerous calls for service will normally be identified by patrol officers or announced by local media. Information about any of these hazardous or potentially hazardous situations should be reported, shared among officers and other agencies and passed on to subsequent shifts.

Supervisors will attempt to ensure corrective action is taken and notification and to the oncoming shift orally, through the supervisors *shift log* or by information memo.

- b. Information concerning hazardous/potentially hazardous situations received by the oncoming shift shall be passed on to all personnel in order to prepare and plan.
6. Medical Examiner: The medical examiner will always be notified when an officer responds to a death call. Upon request of the on-scene officer, the dispatcher will notify the medical examiner. The name of the victim, location, telephone number and any preliminary facts pertaining to the death will be given to the medical examiner. The medical examiners will normally then communicate directly by telephone with the police officer or may come to the scene prior to giving instructions to the police officer.
  7. Street/highway/public utility personnel: At any time when a hazard exists, the Officer identifying the situation will request that the dispatcher make proper notification in order that it may be corrected rapidly. Typical situations are:
    1. Immediate notification to proper agency:
      - a. Essential traffic light in need of repair.
      - b. Large holes in road.
      - c. Electrical power lines down.
      - d. Large debris, etc. in road
      - e. Breaks in water, gas, or other utility mains.
      - f. Snow, ice on road
      - g. Fire hazards needing immediate attention.
    2. Notification at beginning of next business day:
      - a. Non essential traffic lights in need of repair.
      - b. Small, (non hazardous) holes in road.
      - c. Street lights in need of repair.
      - d. Telephone/video cables down but not creating a hazard.
      - e. Dead animals in the road.
      - f. Potential fire hazards not requiring immediate attention.
      - g. Excessive growth of weeds, grass, etc.
    3. Some hazardous situations may demand immediate notification of local radio stations in order to request immediate public service announcements. Normally supervisors will advise the stations when such a hazard exists.

## GENERAL ORDER

NUMBER : <b>20</b> SUBJECT : <b>In-Car Video</b>	EFFECTIVE DATE: 12/13/2005  REVIEW DATE:  APPROVED BY COUNCIL: 12/13/2005
CHIEF OF POLICE :	
MAYOR :	
RECORDER :	

**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.

**NOTE:** In-Car Video Systems (ICV) have proven to be a valuable asset in officer safety. ICV is effective for the documentation of violator and officer conduct.

### I. POLICY

It is the policy of the Berryville Police Department that all personnel assigned to a vehicle equipped with In-Car Video (ICV) adhere to the procedures set forth in this General Order. The use of In-Car Video has proven to be a valuable law enforcement tool in the prosecution of traffic violations and related offenses, for the evaluation of officer tactics and performance, and for training purposes. ICV equipment shall be used only for legitimate law enforcement purposes in accordance with applicable law and departmental guidelines.

### II. PURPOSE

The purpose of this General Order is to establish uniform guidelines for the proper use of In-Car Video (ICV) by members of the Berryville Police Department.

### **III. DEFINITIONS**

- A. ICV: An acronym for In-Car Video, this term refers to audio/video recording equipment designed for fixed installation in patrol vehicles. This general order does not apply to the use of hand held camcorders or audio/video surveillance devices.
- B. ICV Operator: An officer who has received instruction in the operation and use of the specific In-Car video devices installed in departmental vehicles, and who is authorized to utilize such equipment for enforcement purposes.

### **IV. PROCEDURES**

#### A. Authorized Use:

- 1. The Berryville Police Department has approved the use of ICV systems to accomplish legitimate police objectives including but not limited to:
  - (a) Accurate documentation of events, actions, conditions and statements made during investigative stops, field interviews, arrest and critical incidents so as to enhance officer reports, collection of evidence, and court room testimony.
  - (b) Reviewing probable cause for arrest, custody procedures, officer and suspect interaction, and evidence for investigative purpose, and
  - (c) Evaluation of officer tactics and field performance and for training purposes.

#### B. Operating Procedures

- 1. Only those officers who have received instruction and demonstrated proficiency in the proper operation and use of ICV equipment shall be authorized by the Department to use such equipment.
- 2. The care and security of ICV equipment is the responsibility of the officer assigned to that patrol vehicle. ICV systems will be maintained and operated according to the manufacturer's instructions and recommendations. Officers shall not alter ICV equipment in any manner.
- 3. Prior to beginning a shift, the officer shall determine if the ICV system installed in their vehicle is working properly and shall immediately report any malfunction or problem to a supervisor. Officers should also ensure they have adequate recording memory remaining on the ICV system to

complete their shift. As a guideline, disks should be replaced prior to having one hour of recording capacity left.

4. The ICV equipment utilized by the Department is normally installed and designed to activate automatically when the patrol car's emergency lights are in operation. ICV equipment can also be remotely activated by the officer for outside the vehicle by using the remote audio receiver and wireless microphone transmitter. Once probable cause is observed, ICV should be activated remotely if automatic activation by use of emergency lights is not practical.
5. ICV equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic.
6. Where practical, officers are authorized to use ICV equipment to record the actions of suspects during field interviews, vehicle stops, field sobriety testing, arrests and investigative detention and field searches, as well as to record crime and accident scenes, or other events such as the confiscation and documentation of evidence or contraband.
7. Officers should observe the following general procedures to ensure that the ICV equipment will properly record traffic stops or other enforcement actions undertaken in the field.
  - (a) Make sure that the video camera is properly positioned and adjusted at the correct viewing angle to visually record the events;
  - (b) The ICV will not be deactivated until the vehicle stop or other enforcement action is completed.
  - (c) The wireless microphone will be turned "ON" in order to provide audio recording as well as video recording during ICV activation; and
  - (d) The officer is to denote on their daily checklist that the ICV equipment was checked and found to be in good working condition or document problems that were reported to a supervisor.
8. ICV operators are strongly cautioned to avoid any use of ICV equipment to make audio recordings of telephone calls or other privileged forms of communication.
9. ICV operators shall not have the authority to erase, reuse or in any manner alter the ICV recordings except as specifically provided in this General Order. All completed disks shall be properly labeled and identified prior to being submitted for evidentiary storage or normal sixty day storage.
10. ICV operators are encouraged to notify their supervisor of any recorded event that may be of value for training purposes.

11. ICV operators should officially note in all incidents, arrests and any other related reports when audio/video recordings have been made with ICV equipment.
12. ICV operators shall record transports of all detainees and non-employee civilians, with the exception of department approved ride-alongs.

**V. Disc Control**

- A. The Chief of Police, or supervisor(s) designated by the Chief is responsible coordinating the control process which includes logging the disk into the property room.
  1. Each disk will be pre-numbered for assignment to a specific vehicle with a sequential control number (example 04-01, 04-02) and then issued accordingly by a supervisor.
  2. Only the Chief of Police or supervisor(s) designated by the Chief can remove a disk from the ICV vault.
  3. The keys to each secure disk vault in patrol cars will be kept in the possession of the Chief of Police or supervisor(s) designated by the Chief of Police.
  4. When a disk is removed from the ICV the replacement shall be numbered with a sequential number. This number along with the date, time and supervisors name will be logged into the disk control log.
  5. At no time will the sequential numbering be altered. Sequential numbering will continue for as long as the vehicle is in service or until the ICV is taken out of service.
  6. A disk is considered evidence therefore all disks will immediately be submitted into evidence as set forth in General Order #13.
  7. Disks will be segregated by vehicle in a sequential order in a centralized location within the property room.
  8. Officer's corresponding case number for incidents contained on a disk will be logged onto a property inventory form as set forth in General Order #13.

9. All action involving the removal and replacement of a disk into the ICV vault will be recorded in the disk control log.
10. Through random review of recordings, the Chief of Police or supervisor(s) designated by the Chief shall insure that personnel are adhering to agency procedures and shall take corrective action as required. This action shall be documented in the disk control log and on the property inventory form.
11. The Chief of Police or the property clerk will coordinate the disposal or re-use of disks in accordance with the provisions set forth in General Order #13.
12. ICV recordings shall not be released to any outside agency or individual or duplicated for such dissemination without the prior consent of the Chief of Police or pursuant to a valid court order.
13. ICV recordings may be reviewed by defendants at the Berryville Police Department under the Police Chief's supervision. If the defendant believes that the recording contains exculpatory evidence, then a copy will be made available, but the defendant shall supply the appropriate medium for the recording to be copied onto.

## **VI. SUPERVISORY RESPONSIBILITIES**

- A. Supervisory personnel who manage officers assigned to utilize ICV equipment are responsible for the following:
  1. Ensure that all officers follow the established procedures for the use and maintenance of ICV equipment, handling of video/audio recordings and the completion of ICV documentation;
  2. Conduct and document a periodic review of ICV recordings to assess officer performance, determine whether ICV equipment is being fully and properly used, and to identify material that may be of value for training purposes, and
  3. Ensure that repairs and replacement of damaged or non functional ICV equipment is properly performed.

## **VII. DATA MANAGEMENT**

- A. The following practices must be adhered to in order to prevent any evidence tampering or potential dissemination to outside sources via unlawful computer information theft (hacking).
1. Viewing of ICV recordings will only occur on the Chief's workstation which is outfitted with approved software from the ICV manufacturer. The Chief or supervisor(s) designated by the Chief are the only approved personnel to use this workstation.
  2. When recordings are viewed, or copies of recordings are made, the Chief's workstation must be disconnected from the Berryville Police Department network to ensure that no tampering of the recorded materials will occur.
  3. Once the viewing or duplication of ICV recordings are completed, any temporary files potentially saved to the hard drive must be deleted before the workstation is reconnected to the network.

**BERRYVILLE TOWN COUNCIL  
POLICE AND SECURITY COMMITTEE  
Wednesday, May 9, 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 11:11 a.m.
2. **Report of the Chief** – Chief White gave a brief update of departmental activities.
3. **Handicapped Parking Spaces** – After a discussion the Committee agreed to forward their recommendations to Town Council for review at the regular Town Council meeting in June.
4. **General Order Review/Revision Procedures** – Mr. Dalton and Chief White discussed the procedures for amending or approving General Orders. The Committee asked staff to review these procedures and make recommendations to the Committee at their next meeting.
5. **Status of Emergency Key Access Structures Ordinance** – The Committee referred this item back to staff for further development.
4. **Other Business** – The next meeting was set for June 13, 2012 at 10:00 a.m.
5. **Adjourn**  
The committee meeting was adjourned at 12:09 P.M.

  
\_\_\_\_\_  
Keith Dalton, Town Manager

**BERRYVILLE TOWN COUNCIL  
PERSONNEL COMMITTEE  
Tuesday, May 14, 2012  
Berryville-Clarke County Government Center  
Town Council Conference Room  
Called 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 1:00 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 1:25 p.m.

**d. Certification of Closed Session**

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

MEETING DATE: May 14, 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

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Harry Lee Arnold, Jr., Recorder

**4. Adjourn**

The committee meeting was continued until May 15, 2012 at 9:00 a.m.

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Keith R. Dalton, Town Manager

**BERRYVILLE TOWN COUNCIL  
PERSONNEL COMMITTEE  
Tuesday, May 15, 2012  
Berryville-Clarke County Government Center  
Town Council Conference Room  
Continued Meeting  
9:00 a.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

Mayor Kirby reconvened the meeting at 9:00 a.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 9:02 a.m.

**c. Reconvene Open Session**

The Town Council reconvened in open session at 10:04 a.m.

**d. Certification of Closed Session**

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

MEETING DATE: May 15, 2012

MOTION BY: Wilson Kirby

SECOND BY: Harry Lee Arnold, Jr.

CERTIFICATION OF CLOSED SESSION

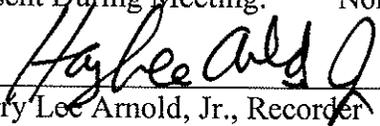
WHEREAS, the Personnel Committee of the Council of the Town of Berryville, Virginia (Committee), has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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

  
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Harry Lee Arnold, Jr., Recorder

**3. Discussion** – The committee discussed possible recommendations to Town Council regarding appointments to the Board of Zoning Appeals.

**4. Adjourn**

The committee meeting was adjourned 10:06 a.m.

  
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Keith R. Dalton, Town Manager