



Berryville Police Department

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

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

W. Neal White – Chief of Police

Police and Security Committee Meeting

Minutes

November 7, 2012

Attendance: Mary Daniel – Chair, Dave Tollett, Keith Dalton – Town Manager, Neal White – Police Chief

The meeting was called to order at 10:05 am by committee chair Mary Daniel.

Chief White advised that the department did not receive funding through the Byrne one-time equipment grant to receive a police cruiser.

Chief White advised that the department did receive a grant through Safe Routes to School for the purchase and distribution of bicycle lights. The grant award is for \$1,000.00 and should be able to cover the purchase of 50 lights.

The department is also working in conjunction with Clarke County Public School and the Planning Department to apply for an infra-structure grant through Safe Routes to School. The concept of the grant proposal is to make sidewalk improvements on Swan Avenue which serves Johnson-Williams Middle School.

Chief White advised the committee that heading into the holiday season residents should be aware that larcenies from automobiles tend to increase. This past weekend there were vehicles that had items taken from them and others that were rummaged through. This is not an incident specific to the town as other jurisdictions in the area suffer from the same crime. It would be helpful if members of the committee get the word out to those in their wards that removing valuables from their vehicles as well as locking them are best practices to help them avoid becoming a victim.

Mr. Dalton Joined the meeting.

Chair Mary Daniel asked if there was any impact from Super Storm Sandy in town. She was advised that the police department and public works department prepared in advance of the storm and fortunately did not have to respond to any major catastrophes.



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Chief White updated the committee that a traffic study was conducted at the intersection of Tyson and Hermitage to collect data related to traffic volume and speed. The data indicates that there is increased volume in the morning school arrival time and again between the 5:00 pm and 6:00 pm hour. This data will be used to best deploy resources to modify driving behavior.

Chief White and Mr. Dalton also updated the committee about preparations that took place in advance of the Presidential election. All went well at the polling sites in town and there were no incidents that were brought to the attention of the police department. Mr. Dalton and Chief White both expressed that General Registrar Barbara Bosserman exerted tremendous effort in preparing for large voter turnout which facilitated a smooth Election Day process.

Mr. Dalton updated the committee on the timeline for implementation of the new fleet card and purchase card programs.

Mr. Dalton advised the committee that the ordinance development concerning key boxes for commercial sites is still in development. During some recent research it was discovered that the Virginia Statewide Fire Prevention Code through adoption of the International Fire Code (2012 revision) does have language concerning the requirement of emergency key access for sites. Mr. Dalton has set a meeting with concerned parties to include representatives from John H. Enders Fire Company and the Clarke County Building Department for November 14, 2012. Mrs. Daniel advised that it may also be useful to seek input from local insurers about the ordinance.

The next meeting for this committee was set for January 2, 2013 at 10:00 am in the A/B meeting room of the Joint Government Center.

Being no further business, the meeting was adjourned at 10:50 am.

Submitted By: Chief W. Neal White

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, November 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; Douglas Shaffer; David Tollett; Mary Daniel

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

Press: Val Van Meter, Winchester Star

1. Call to Order: Wilson Kirby, Mayor

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

2. Approval of Minutes

October 9, 2012

Upon motion by Recorder Arnold, seconded by Council member Shaffer, the minutes of the October 9, 2012 meeting were unanimously approved.

3. Citizen's Forum

Gary Braithwaite, 12 Lincoln Avenue, spoke about storm water drainage near his property and asked if the concrete channel near his house could be extended.

The Mayor recognized Mr. Dalton on the matter. Mr. Dalton said that the Town Council wanted to look at this matter again after the as-built drawings for the High School detention pond were reviewed by the Towns' engineer. He said that the review has been completed and the engineer feels that the pond has been built in accordance with the design and recommended that the as-built plan should be approved.

Mr. Dalton said that Mr. Braithwaite believes that what has happened upstream of his house has increased the amount of water that is in Town Run beside his home. Mr. Dalton said that Mr. Braithwaite stated that since the High School was constructed he has a wet basement and that he has become concerned that water will enter his basement through a window. He said that Mr. Braithwaite feels that his basement is wet because the ground is now saturated from the extended period of time water now flows in the channel after rain events and thinks that extension of the existing concrete channel would address the problem. Mr. Dalton noted that the high school pond de-waters over 2 days or more after a storm event and that the rate of flow seems very controlled.

Council member Daniel asked about the cost of extending the concrete channel. Mr. Dalton said that the estimated cost is \$4,000 and that does not include engineering review or any review by the Corps of Engineers or DEQ.

Council member Daniel asked if Mr. Braithwaite would meet with her and Mr. Dalton on this matter. Mr. Braithwaite agreed to a meeting.

4. Report of the Mayor

Mayor Kirby reported that the Veterans Day Service at the Veterans Memorial was a success and well attended. He thanked all of those involved in making the service possible.

Mayor Kirby called Chief Neal White and Officer Dan Morozewicz forward. The Mayor explained that Officer Morozewicz received an award from MADD (Mothers Against Drunk Driving) for his efforts to reduce impaired driving. Chief White presented the award to Officer Morozewicz and noted that he had several successful prosecutions and has completed advanced DUI training.

5. Planning and Zoning Matters

Action Item – Set Public Hearing

Ms. Dunkle reported that the Planning Commission held a public hearing on October 23, 2012 on the following request:

Loudoun Propane, (Dale Schulz, President, Agent), is requesting a Special Use Permit in order to operate a Petroleum Bulk Station and Terminal (NAICS 424710) per Section 612.4(m) of the Town of Berryville Zoning Ordinance on the property located at 535 Jack Enders Boulevard, identified as Tax Map Parcel number 14-7-7 zoned BP Business Park.

She said that the Planning Commission recommended that the Town Council approve the request as presented. The Town Council set a public hearing on the matter for their December meeting.

Unattended Clothing Donation Facilities

Ms. Dunkle said that she drafted ordinance language concerning unattended clothing donation facilities which the Planning Commission directed staff to make some modifications and return to them for review.

Berryville Area Development Authority

The BADA will work on the Berryville Area Plan update at their next meeting which is scheduled for December 19 at 6:00pm.

Architectural Review Board

The ARB held a meeting on November 7, 2012 and reviewed several items.

6. Report of Town Manager

AT&T Water Tank Lease

Mr. Dalton said that in 2001 the Town and Triton PCS entered into a lease to permit Triton to install cell antennas on the northwest elevated tank. In 2006 the permissible number of antennas increased from 3 to 6 and rent was increased by \$200 per month. He said that the lessee is now requesting that an increase in antennas from 6 to 9. He said

that any such change would require an amendment to the agreement, requiring a public hearing. He said that this item is the subject of the closed session at the end of the meeting.

12 Lincoln Avenue

Mr. Dalton and Council member Daniel set a meeting with Mr. Braithwaite for November 15 at 12 Lincoln Avenue.

7. Standing Committee Reports

a) BADA Liaison – Allen Kitselman
Nothing to add to report.

b) Budget Finance / CIP – Jay Arnold
Nothing to add to report.

c) Community Improvements – Allen Kitselman
A meeting was set for January 2, 2013 at 11 a.m.

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

e) Police and Security – Mary Daniel
Council member Daniel reported that the Town received a grant from Safe Routes to Schools to purchase bicycle lights.

Approval of Minutes

November 7, 2012

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

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

g) Personnel / Appointments – Jay Arnold
Recorder Arnold reported that the Personnel Committee met on October 18 to interview Planning Commission candidates.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville appointed Dale Barton to the Berryville Planning Commission for a four year term to commence on November 13, 2012.

VOTE:

Recorded Vote:

Ayes:

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

Douglas Shaffer
David Tollett
Mary Daniel
Nays: None
Absent: None
Abstain: None

Upon motion by Recorder Arnold, seconded by Council member Shaffer the Council of the Town of Berryville re-appointed Allen Kitselman to the Berryville Area Development Authority for a four year term to commence on November 13, 2012.

VOTE:

Recorded Vote:

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

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville re-appointed Douglas Shaffer to the Berryville Planning Commission for a four year term to commence on November 13, 2012.

VOTE:

Recorded Vote:

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

Amendments to Employee Handbook

Recorder Arnold said that the Personnel Committee discussed amendments to three sections of the Employee handbook at their October 18 meeting and made several recommendations to the Town Council. He said that the committee recommended that the Town Council amend Section 512 Business Travel Expenses to change the mileage reimbursement rate to .555 per mile and to add language to provide for the use of purchasing and fuel cards; amend Section 314 Educational Assistance to provide specific steps to be taken to qualify for educational reimbursement; and Amend Section 305 to clarify that Lee-Jackson Day is a recognized holiday and to provide guidance on how last minute holiday declarations are handled.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville amended the Town of Berryville Employee Handbook Sections 303, 314 and 512 as attached.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

305 Holidays

Effective Date:

12/18/1998

Revision Date:

09/13/2011

The Town of Berryville will grant holiday time off to all employees on the holidays listed below:

- * New Year's Day (January 1)
- * Lee -Jackson Day (second Friday in January)
- * Martin Luther King, Jr. Day (third Monday in January)
- * Presidents' Day (third Monday in February)
- * Memorial Day (last Monday in May)
- * Independence Day (July 4)
- * Labor Day (first Monday in September)
- * Columbus Day (second Monday in October)
- * Veterans' Day (November 11)
- * Thanksgiving (fourth Thursday in November)
- * Day after Thanksgiving
- * Christmas (December 25)

In addition, any other day so declared by the President, Governor of Virginia or the Town Council provided that, any declaration made by the President or Governor within 15 days of the holiday to be observed must be approved by either the Town Council or the Town Manager.

The Town of Berryville will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- * Regular full-time employees

To be eligible for holiday pay, employees must be on pay status the day immediately preceding and the first scheduled day immediately following the holiday.

If the nature of services of a department requires that department operate on a holiday, alternative plans for providing an equal number of holidays to employees of the department may be authorized by the Town Manager.

Eligible non-exempt employees who, due to a work schedule of a continuous operation, are unable to observe any of the above scheduled or approved alternative holidays, are eligible for pay for overtime work at a rate of twice their regular hourly or equivalent hourly rate. This provision for holiday overtime pay shall apply to employees who, due to the nature of services of the employee's department, are requested to work on a scheduled or approved alternative holiday by the department head, with approval of the Town Manager.

Exempt employees may accrue compensatory time for holidays worked at the direction of the Town Manager.

A recognized holiday that falls on a Saturday will be observed the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

314 Educational Assistance

Effective Date: 12/18/1998

Revision Date: 3/22/2004

The Town of Berryville recognizes that the skills and knowledge of its employees are critical to the success of the town. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the Town of Berryville.

The Town of Berryville will provide educational assistance to all eligible employees immediately upon assignment to an eligible employment classification. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course. Employees in the following employee classification(s) are eligible for educational assistance:

* Regular full-time employees

~~Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable future position in the town in order to be eligible for educational assistance. The Town Manager has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position.~~

Courses must be completed with an average grade of "C" in order to receive reimbursement. Employees should contact the Town Manager for more information or questions about educational assistance.

Items eligible for reimbursement are tuition, books and related fees.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position in the town in order to be eligible for educational assistance. The Town Manager has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable-future position.

Prior to any commitment to a school or course of study the following must occur:

1) employee must contact their supervisor and present a written plan which, at a minimum, includes the following:

- Employee name, position, and department
- Institution of higher learning employee intends to attend
- Field of study and degree, licensing, or certification program employee desires to pursue
- One-page narrative explaining how the desired course of study will benefit employee, department, and Town of Berryville
- Length of time program is expected to take
- Expected program cost and reimbursement employee intends to request

2) supervisor must:

- Meet with employee to discuss employee's plan
- Provide recommendation for proposed course of study including identification of funding source for reimbursement
- Forward employee's plan and supervisor recommendation to the Town Manager

3) town manager must:

- Approve or disapprove employee's plan

To receive reimbursement for a class, employee must receive a grade of "C" or higher. Items eligible for reimbursement are tuition, books and related school fees. All reimbursement requests must be submitted to employee's supervisor within 15 days of receipt of grades for the term in question. The Town Manager has sole discretion to determine what costs may be reimbursed. Each year, within 15 days of the anniversary of the approval of the employee's written plan, employee must submit an updated plan to their supervisor and town manager. Town Manager must approve or deny continuation of the course of study within 10 days of receipt of updated plan.

While educational assistance is expected to enhance employees' performance and professional abilities, the Town of Berryville cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

In the event that an employee voluntarily leaves employment within one year of completing any educational program, the employee will be responsible for reimbursing the Town for all costs associated with the training or educational opportunity.

512 Business Travel Expenses

Effective Date: 12/18/1998

Revision Date: 5/13/2008

The Town of Berryville will reimburse employees for reasonable business travel expenses

incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Town Manager in the form of a completed Travel Request Form.

Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Town of Berryville as set out in the expense guidelines below:

Under no circumstances are alcoholic beverages to be charged to or reimbursed by the town. Employees shall be diligent in keeping all charges for meals and lodging at a reasonable minimum. With respect to meals, the following shall serve as general guidelines only. Per person expenditures (including tips) above the following guidelines, however will require justification by the employee: Breakfast - \$6.75; Lunch - \$10.00; Dinner - \$16.50; maximum daily reimbursement for \$33.35.

The maximum daily reimbursement applies only if the employee is out of town for work-related travel/training for more than a 24 hour period. If meals are included in the cost of registration for programs no separate or additional reimbursement for those meals will be made.

Mileage is reimbursed at the rate of ~~\$.505~~ \$.555 per mile.

In the event of use of a private vehicle for travel, charges for gasoline/oil to the town's credit card, purchasing card or fuel card shall be deducted from the mileage reimbursement. In no case shall charges for any other vehicle maintenance items for a private vehicle be made to the town's credit card, purchasing card or fuel card.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the Town of Berryville may not be used for personal use without prior approval.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within 15 days. Reports should be accompanied by receipts for all individual expenses. Proper budget codes should be inserted in the proper place on the report.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

Architectural Review Board

Mr. Dalton noted that there is one vacancy on the Architectural Review Board.

8. Closed Session – The Berryville Town Council entered closed session in accordance with §2.2-3711-A-29, Code of Virginia, for discussion of contract negotiations.

a. Motion to enter Closed Session

It was moved by Council member Tollett, seconded by Council member Kitselman that the Council of the Town of Berryville enter Closed Session to discuss the award of a contract for HVAC work at the Berryville-Clarke County Government Center pursuant to bids, pursuant to VA Code § 2.2-3711 (A) (29) and to discuss the proposed amendment of a lease for antenna on the northwest elevated water tank, pursuant to VA Code § 2.2-3711 (A) (3).

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

Abstain:

None

Absent During Vote:

None

b. Enter Closed Session

The Town Council entered closed session at 7:55 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 8:28 p.m.

d. Certification of Closed Session

**Town of Berryville
RESOLUTION**

MEETING DATE: November 13, 2012

MOTION BY: Allen Kitselman

SECOND BY: Dave Tollett

CERTIFICATION OF CLOSED SESSION

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

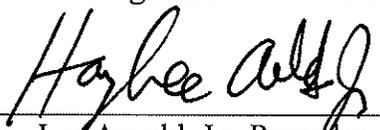
None

Abstain:

None

Absent During Vote:

None



Harry Lee Arnold, Jr., Recorder

The Town Council set a public hearing on the matter for their December 11, 2012 regular meeting.

Other

There was a brief discussion of recent water line breaks and upcoming holiday.

9. Continuation

Upon motion by Council member Daniel, seconded by Council member Kitselman and passed, the Council meeting was continued until November 28, 2012 at 4:00 P.M.

**MINUTES
BERRYVILLE TOWN COUNCIL
Wednesday, November 28, 2012
Berryville-Clarke County Government Center
Continued Meeting
4:00 p.m.**

Roll:

Town Council:

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

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

Press: None

HVAC Work at Government Center

Mr. Dalton reported that the Joint Building Committee recommended that the Town Council and the Board of Supervisors accept a bid from Blauch Brothers for renovation of the HVAC system. He explained that they recommended accepting some of the alternates and options in the bid. He said that the Town share of the \$388,172 budget is \$144,788.16. He said that the Board of Supervisors has met and accepted the Joint Building Committee's recommendations.

There was a discussion among the Council about how the project will proceed. Council member Kitselman spoke about the Committee's recommendation for an electric rather than hydronic system for the reheating VAV. He said that he is satisfied that the electric system is the best choice in this instance.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville along with the Clarke County Board of Supervisors:

- Accepted the low bid from Blauch Brothers for renovation of HVAC system at 101 Chalmers Court;
- Accepted the option providing for electric reheat on the VAV system;
- Added to the bid the alternate including the glycol make up unit;

- Established a budget that includes a base amount of \$299,695 plus \$88,477 (which would cover an allowance for a control system that is yet to have been quoted, a glycol feed system, contingencies (20 %), and contract administration/inspection) for a total budget of \$388,172. Noting that this temperature control system is being recommended for installation to address temperature and humidity problems that have existed since the building was constructed and occupied, and will be included in the claims being addressed with the architect under his contract.
- Established the Town share of the \$388,172 budget is \$144,788.16.

VOTE:

Recorded Vote:

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

Amendments to the FY 2012 Budget

Ms. Moreland said that two items necessitate an amendment to the current budget. She said that there are also some housekeeping items staff recommends that the Council address.

Ms. Moreland explained that when the revenue estimate for funds the Town would receive from VDOT were established, VDOT quoted a quarterly figure instead of an annual figure. She said that this would increase the VDOT Lane Mileage Allowance would increase from \$108,000 to \$431,812.

She said that staff also recommends moving funds from the CIP for additional principal payments for the Government Center debt to a new line item for the HVAC renovation.

Ms. Moreland said that staff also recommends some minor changes. She said that the Town's new auditors recommended budget amendments if a line item looks as if it will go over by 20% or more. She said that there are several accounts staff recommends adjusting including the Hermitage stormwater pond maintenance fund and building services provided by the County at the Government Center.

The Town Council discussed VDOT funding. Mr. Dalton said that these funds go back to the Commonwealth if they are not used. He said that he is working with staff to establish with VDOT what work has been done in the past 10 to 12 years in order to establish priorities and is working on getting asphalt and slurry contracts in place so that we will be ready to pave. He said that staff and the Streets and Utilities Committee will look at how much of the funds are left after the snow season and maintenance projects will be completed accordingly.

The Town Council set a public hearing on the budget amendments for January 8, 2013 at 7:30 p.m.

10. Adjourn

Upon motion by Council member Tollett, seconded by Council member Kitselman and passed, the Council meeting was adjourned at 4:22 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder