

BERRYVILLE TOWN COUNCIL
PERSONNEL COMMITTEE
Wednesday, January 6, 2010
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
1:00 p.m.

MINUTES

Roll:

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder

Staff: Keith Dalton, Town Manager

Press: None

1. **Call to Order** – Jay Arnold, Chairman
Chairman Arnold called the meeting to order at 1:01 p.m.

2. **Closed Session**
Pursuant to Sections 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 Council member 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 and discussion of candidates.

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 1:01 p.m.
- c. Reconvene Open Session
The Town Council reconvened in open session at 2:05 p.m.
- d. Certification of Closed Session

Town of Berryville
Personnel Committee of the Town Council
RESOLUTION

MEETING DATE: January 6, 2010

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:

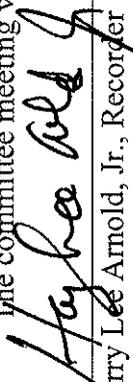
Ayes: Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
None
None
None

Nays:
Absent During Vote:
Absent During Meeting:



Harry Lee Arnold, Jr., Recorder

3. **Adjourn**
The committee meeting was adjourned at 2:06 P.M.



Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
Tuesday, January 12, 2010
Berryville-Clarke County Government Center
Regular Meeting
6:00 p.m.

MINUTES

Roll:

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Mary Daniel; Allen Kitselman; Allan W. McWilliams, Lawrence Russell, III
Staff: Keith Dalton, Town Manager; Christy Dunkle, Town Planner/Assistant Town Manager; Neal White, Chief of Police; Dave Tyrrell, Director of Utilities; Celeste Heath, Town Clerk

Press: Val Van Meter, Winchester Star

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

- 2. Closed Session** - Pursuant to Sections 2.2-3711.A.29 and 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for discussions related to the award of a contract for the construction of the Berryville Wastewater Treatment Plant Expansion and Upgrade and discussions related to the appointment of individuals to the Planning Commission, Board of Zoning Appeals, and Architectural Review Board, respectively.
 - a. Motion to enter Closed Session
 It was moved by Recorder Arnold, seconded by Council member McWilliams that the Council of the Town of Berryville enter Closed Session pursuant to Sections 2.2-3711.A.29 and 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for discussions related to the award of a contract for the construction of the Berryville Wastewater Treatment Plant Expansion and Upgrade and discussions related to the appointment of individuals to the Planning Commission, Board of Zoning Appeals, and Architectural Review Board, respectively.

VOTE:

Recorded Vote:

Ayes:

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

Allen Kitselman
 Allan McWilliams
 Lawrence Russell, III

Nays:

None

Absent During Vote:

None

Absent During Meeting:

None

- b. Enter Closed Session
The Town Council entered closed session at 6:01 p.m.
- c. Reconvene Open Session
The Town Council reconvened in open session at 7:40 p.m.
- d. Certification of Closed Session

**Town of Berryville
RESOLUTION**

MEETING DATE: January 12, 2010

MOTION BY: Harry Lee Arnold, Jr., Recorder

SECOND BY: Allan McWilliams

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
- Mary Daniel
- Allen Kitselman
- Allan W. McWilliams
- Lawrence Russell, III

Nays:

Absent During Vote:

Absent During Meeting:

- None
- None
- None



 Harry Lee Arnold, Jr., Recorder

3. Approval of Minutes:

December 8, 2009

Upon motion by Recorder Arnold, seconded by Council member McWilliams, the minutes of the December 8, 2009 meeting were unanimously approved.

Personnel Committee

January 6, 2010

Upon motion by Mayor Kirby, seconded by Recorder Arnold, the minutes of the January 6, 2010 Personnel Committee meeting were unanimously approved.

4. Citizen's Forum:

Robina Bouffault, Chair of the Clarke County School Board, said that the town should have received a letter stating that the School Board is amenable to paying the town \$200,000 for the completion of a booster station to deal with the fire flow issue at the high school site. She said that approval on this matter is needed tonight in order to get construction moving.

Reverend Dan Garrett, read a letter from Clarke Affordable Senior Housing regarding the Robert Regan House. (Attachment I.)

He said that the 60-units were not financially feasible so the project has been reduced to 48-units. Council member McWilliams asked how many of the proposed 48 units would be income non-restricted. Rev. Garrett said that all of the apartments would be income restricted but the 18 single family units would not be income restricted. Council member McWilliams said that he liked that change.

Mr. Dalton pointed out that the applicant had to reduce the number of units in the Regan House to under 50 units in order to qualify for the maximum amount of points in their tax credit application.

Mr. Dalton addressed the letter by saying that it is important to point out that the Town Council required that McClellan and Chamberlain Streets be in acceptable condition so that a quit claim deed and other necessary items could be put in place and that if it doesn't meet VDOT's criteria for three users, it does not kill the deal. He said that the street simply has to be brought up to VDOT standards; that is all that the Council required.

Mayor Kirby reiterated that the Council is just concerned that the street is to VDOT standards so that it will be accepted by VDOT when they determine that there are three users.

Ms. Dunkle said that there are still some significant pedestrian issues to be addressed at the McClellan Street entrance. Rev. Garrett said that he believes that these issues can be addressed.

Rev. Daniel L. Garrett - 303 Archer Court, Berryville

On behalf of the Virginia United Methodist Housing Development Corporation and the Clarke Affordable Senior Housing Coalition, I want tonight to express my thanks to the Town Council for several of your decisions that bring us to a successful stage in providing Senior Affordable Housing in Berryville.

Thank you for:

- The rezoning
- The approval of a special use permit and preliminary site plan
- And the approval of the process that will allow us to apply for the necessary tax credits for the project.

These are significant accomplishments in a long process.

The Virginia United Methodist Housing Development Corporation has addressed the concerns you expressed in the preliminary site plan, and have now offered the necessary revisions to meet your concerns. The addition of the road you desired into the Robert Regan House is made possible by reducing the number of apartments from 60 units as you previously approved to 48 units. This reduction as well as the addition of some single family building sites adjacent to Robert Regan House makes the project financially feasible with the addition of the road.

The only remaining concern is the issue cited in your staff report tonight concerning improvements to the McClellan Street entrance. Our concern all along has been that VDOT requires three users in order to take that street into the system. Greenfields Assisted Care is the primary user. Robert Regan House would become the second user. Mary Hardesty House enters from Mosby, but we would suggest that you ask VDOT to consider Marty Hardesty House the third user since they do use McClellan for trash removal and for some parking. If VDOT will take the street into the system, Virginia United Methodist Housing is willing to make any punch list repairs to the street.

We are at a significant stage tonight in this project. From our perspective the Virginia United Methodist Housing Corporation has met all your requirements. I look forward to an additional expression of thanks upon your final approval.

Daniel L. Garrett, Chairperson
Clarke Affordable Senior Housing

"BERRYVILLE HEIGHTS"

MASTER PLAN:

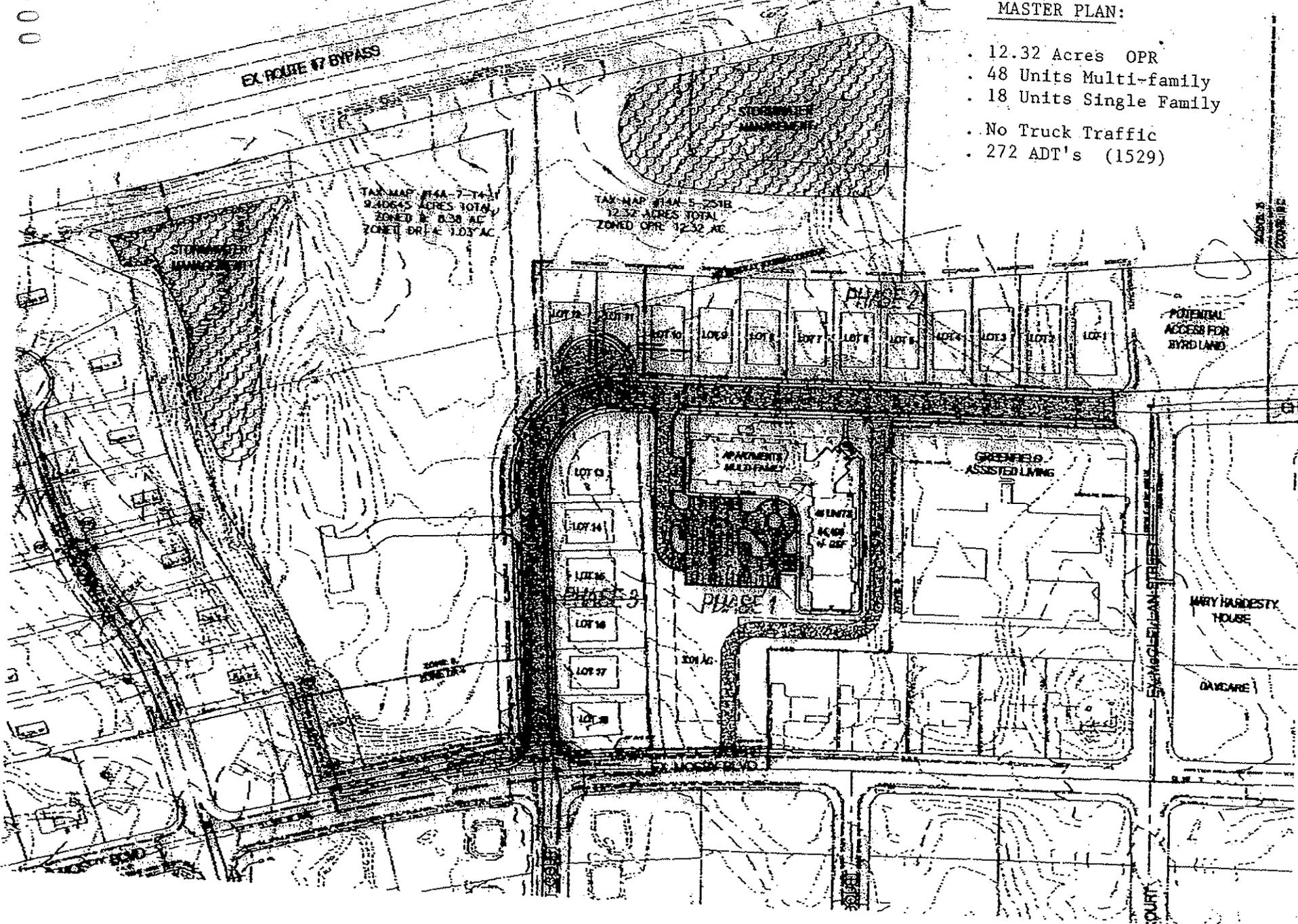
- 12.32 Acres OPR
- 48 Units Multi-family
- 18 Units Single Family
- No Truck Traffic
- 272 ADT's (1529)

000480

EX ROUTE 67 BYPASS

TAX MAP #144-7-14-31
9.40645 ACRES TOTAL
ZONED R 0.30 AC
ZONED DRA 1.03 AC

TAX MAP #144-5-251B
12.32 ACRES TOTAL
ZONED OPR 12.32 AC



ZONED R
ZONED DRA

EX ROUTE 67 BYPASS

COURT

5. Report of Mayor: Wilson Kirby
Mayor Kirby introduced a Resolution of Appreciation and Thanks for Harold Rohde.

Upon motion by Council member Daniel, seconded by Council member McWilliams, the Council of the Town of Berryville unanimously adopted the attached Resolution of Appreciation and Thanks for Harold Rohde.

VOTE:

Recorded Vote:

Ayes:

- Wilson Kirby, Mayor
- Harry Lee Arnold, Jr., Recorder
- Mary Daniel
- Allen Kitselman
- Allan McWilliams
- Lawrence Russell, III

Nays:

Abstain:

Absent During Meeting:

- None
- None
- None

**TOWN COUNCIL OF THE TOWN OF BERRYVILLE
RESOLUTION OF APPRECIATION AND THANKS**

WHEREAS, Harold Rohde was first appointed to the Planning Commission on July 28, 1998; and

WHEREAS, Mr. Rohde was appointed several more times serving on that commission for over eleven years; and

WHEREAS, For six of the eleven years Mr. Rohde was elected by his peers to serve as Chairman of the Planning Commission; and

WHEREAS, During his tenure Mr. Rohde has faithfully served the citizens of the Town of Berryville utilizing his expertise to guide and manage development and lead this important commission through a critical time in our town's history; and

WHEREAS, Without fail, in all of his dealings with the public and other public officials, Mr. Rohde executed the duties of his office in a fair and just manner; and

WHEREAS, Through his work with the town Mr. Rohde has served as a shining example of a citizen's concern for his community and has truly positively affected the lives of Berryville's residents; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Berryville, that Harold Rohde's long and distinguished service to this community is recognized and that he is thanked for his hard work and devotion.

By Order of the Town Council of the Town of Berryville on this the twelfth day of January, 2010.


Wilson Kirby, Mayor


Harry Lee Arnold, Jr., Recorder

Mayor Kirby thanked all of those involved in the opening of the Fire House Gallery in the old town office.

Mayor Kirby said that there would be no changes to the Town Council Committee assignments. Committee assignments are as follows:

COMMITTEES	MEMBERS
BUDGET AND FINANCE	Jay Arnold, Chair Mary Daniel
COMMUNITY IMPROVEMENTS	Allen Kitselman, III, Chair Allan W. McWilliams
PERSONNEL COMMITTEE	Jay Arnold, Chair Wilson Kirby
POLICE AND SECURITY	Lawrence Russell, Chair Mary Daniel
STREET AND UTILITIES	Wilson Kirby, Chair Allan W. McWilliams Barry Nicholson, Citizen Member
LIASONS	
BERRYVILLE AREA DEVELOPMENT AUTHORITY	Allen Kitselman, III
BERRYVILLE PLANNING COMMISSION	Lawrence Russell

6. Planning and Zoning Matters: Christy Dunkle Ms. Dunkle reported that the Planning Commission met on December 22 and reviewed a preliminary site plan for the 63-lot Fellowship Square subdivision. The applicant has requested that further review take place at the February Planning Commission meeting. The Planning Commission also recognized Mr. Rohde at their December meeting.

Ms Dunkle said that the BADA, ARB and BZA did not hold meetings in December.

7. Report of the Town Manager – Keith Dalton
Update on Clarke County High School Project

Mr. Dalton reported VDOT will hold a scoping meeting for the Mosby Project on January 13th. He said that he and Ms. Dunkle will attend the meeting.

Mr. Dalton said that as the Town Council directed, a letter concerning the draft Deeds of Dedication was sent to the School Board on December 11, 2009 and that no revised Deeds of Dedication have been received.

Mr. Dalton said that the High School Special Use Permit conditions require the School Board to deal with the fire flow issues using the PHR&A plan or other means that are approved by the town. He said that he doesn't have much detail, but that the School Board believes that they have something that will work for about \$200,000 and would like to provide \$200,000 to the town complete the booster station. He said that he talked to Dr. Murphy about this proposal on Friday and contacted PHR&A today to find out what the School board would need to do to allow the Town to use the original plans; what needs to be done to get those plans in biddable form and what the revised cost estimates would be.

Wastewater Treatment Plant:

Mr. Dalton asked that the Council enter closed session at the end of the meeting because he has become aware of a property acquisition issue that needs to be addressed. The council agreed.

Mr. Dalton reported that the apparent low bidder for the Wastewater Treatment Plant is Caldwell Santmyer, inc. He presented a letter recommending award to Caldwell and Santmyer, Inc. from the town's engineers, Whitman, Requardt & Associates.
(Attachment 2.)

Bob Krallinger, from Whitman Requardt explained that the bids ranged from 21.68 to 27.38 million and that Caldwell and Santmyer, Inc. was the apparent low bidder. He said that his firm had some questions about the bid and that Caldwell and Santmyer adequately addressed the questions. He said that his firm met with the general contractor and subs to review the scope and schedule and to get an appreciation of how they will approach the job. They also took some field trips to look at a Caldwell and Santmyer project and to look at a treatment plant that the subs completed in order to get an appreciation for the quality of their work. He said that these steps lead to the recommendation of award letter that Mr. Dalton just presented to council.

Mr. Dalton said that the cost of this project will unfortunately be carried by utility users in the form of increased sewer rates and availability fees. He said that there are only so many ways to pay for this and that grants have been pursued and received, but money has to be borrowed and that there are only so many ways to pay for those loans.

Council member Daniel said that the money has to come from the utility fund, not from general revenue and that unfortunately the cost of this plant is roughly four times what we thought it would be in 2006.

Mr. Dalton said that there is also the cost of the outfall line to be considered.

Mayor Kirby called for a motion to award this contract. Mr. Dalton presented a resolution regarding intent to award the contract that he said was written with the assistance of the Town's attorney. He said that there are special issues related to DEQ's review of minority business solicitation by the contractor that have to be signed off on by the DEQ before final award.

Upon motion by Recorder Arnold, seconded by Council member McWilliams, the Council of the Town of Berryville unanimously adopted the attached resolution regarding the intent to award the contract for the construction of the Berryville Wastewater Treatment Plant Expansion and Upgrade.

Council member McWilliams said that this is an unfunded mandate by the Commonwealth of Virginia and is not the case that the town woke up one day and said we want to build a new sewer plant. He said that he believes the old plant is working fine and that spending this money will not help the Chesapeake Bay.

Council member Daniel said that she hopes this does help the Chesapeake Bay. She said that we lived cheaply for years and we now have to pay the price. She said that this council now has to make the tough decisions because we now have no choice but to comply with these environmental regulations in a timely fashion. She said that every jurisdiction in the Valley is or will be dealing with this issue.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

Abstain:

Absent During Meeting:

None

None

None

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BERRYVILLE

MEETING DATE: January 12, 2010

MOTION BY: Harry Lee Arnold, Jr., Recorder

SECOND BY: Allan W. McWilliams

WHEREAS, the bid opening for the contract for the construction of the Berryville Wastewater Treatment Plant Expansion and Upgrade was held on December 15, 2009; and WHEREAS, Caldwell and Santmyer, Inc. was the low bidder; and WHEREAS, the bid of Caldwell and Santmyer, Inc. has been reviewed by the Town staff and the Town's engineers and architects for the project.

NOW, THEREFORE, be it resolved that the Town Council hereby expresses its intent to award the contract to Caldwell and Santmyer, Inc., upon Caldwell and Santmyer, Inc. timely providing all documentation as may be required to obtain Virginia Department of Environmental Quality approval of the procurement package, together with any other required documentation, and upon the DEQ approving the procurement package for funding.

VOTE:
Ayes:

- Wilson Kirby, Mayor
- Harry Lee Arnold, Jr., Recorder
- Mary Daniel
- Allen Kinselman
- Allan McWilliams
- Lawrence Russell, III

Nays:
Abstain:
Absent During Meeting: None
None
None



Harry Lee Arnold, Jr., Recorder



WHITMAN, REQUARDT & ASSOCIATES, LLP
ENGINEERS • ARCHITECTS • PLANNERS

EST. 1915

January 12, 2009

Mr. Keith Dalton
Town Manager
Town of Berryville
101 Chalmers Court, Suite A
Berryville, VA 22611

Re: Town of Berryville Wastewater Treatment Plant Recommendation of Award

Dear Mr. Dalton:

WR&A in association with Stearns and Wheeler GHD, recommend that the Town of Berryville issue a Notice of Award to Caldwell and Santmyer, inc. for the above referenced project. Bids for this project were opened on December 15th 2009. The Town received a total of 13 bids for the project. Caldwell Santmyer, inc. was the lowest bid at \$21,768,333. The second lowest bidder was English Construction Company Inc., with a bid of \$22,260,000.

Subsequent to the Bid opening, it was evident that Caldwell Santmyer, inc. had not previously constructed wastewater treatment plant project previously. Additionally, there were some minor issues associated with their Bid that required clarification. The following actions and correspondence associated with the apparent low bidder are noted:

1. Caldwell and Santmyer, inc., prepared a letter dated December 18, 2009 confirming their bid is accurate, complete and represents the whole scope of the project. Additionally, the letter clarified two desired changes to the named equipment in the project.
2. WR&A prepared a letter dated December 21, 2009 which identified issues requiring clarification in Caldwell and Santmyer's Bid documents. This letter also documented that Caldwell and Santmyer did not submit the required Certified Statement of Non-Collusion. WR&A advised Caldwell and Santmyer that the issues reflect informalities in their Bid which require additional information to correct and the requested equipment substitutions did not meet the requirements of the Bid Form.
3. Caldwell and Santmyer, Inc., prepared a letter dated December 23, 2009 which adequately provided the requested information and also included the requested Certified Statement of Non-Collusion.
4. Staff from WR&A, Stearns and Wheeler GHD and the Town met with a representative from Caldwell Santmyer, Inc. on January 5th, 2010 and conducted a follow-up meeting with Caldwell and Santmyer and several of their key subcontractors on January 7th, 2010. The meeting allowed

3701 Pender Drive, Suite 210, Fairfax, Virginia 22030 www.wrallp.com Phone: 703.293.9717 Fax: 703.273.6773

Baltimore, MD • Fairfax, VA • Georgetown, DE • Newport News, VA • Pittsburgh, PA • Richmond, VA • Wilmington, DE • York, PA

000467
Attachment 2

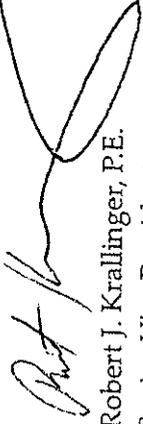
the engineering staff and Town staff to review the scope and approach anticipated by the Contractors. They were also advised that the Virginia Department of Environmental Quality (DEQ) must also review and approve additional documentation prior to the contract being executed.

5. On January 11, 2010, WR&A and Town staff visited the Town of Woodstock Wastewater Treatment Plant which is being constructed by the same mechanical, electrical and instrumentation subcontractors as is being proposed for the Town of Berryville's project. A visit was also made on the same day to the Shenandoah River State Park which is under construction with Caldwell Santmyer serving as the General Contractor.

In summary, we believe that we have adequately evaluated Caldwell and Santmyer, Inc's Bid documents and the capability of their subcontractors proposed for this project. Caldwell Santmyer is aware that DEQ must review and approve of additional documentation, as stated in the specifications, prior to the Contract being executed.

Very truly yours,

Whitman, Requardt & Associates, LLP



Robert J. Krallinger, P.E.
Senior Vice President

Enclosures

cc: File

Old Town Office Safe

Mr. Dalton reported that the safe is still in the 23 East Main Street office and needs to be moved because of space issues. He said that the Historical society does not want it. He asked if the council is amenable to selling the safe. Council member McWilliams said that he thinks this matter should be left to the discretion of the Town Manager. The council agreed.

8. Standing Committee Reports:

- a) BADA Liaison – Allen Kitselman
Nothing to add to report.
- b) Budget Finance / CIP – Jay Arnold
Recorder Arnold reported that the Budget Calendar is available.

Mr. Dalton said that he neglected to present a proposed amendment to the employee handbook during his report.

Ms. Moreland said that this is an insurance company requirement that will allow the town to check an employee's driving record to make sure that they are insurable.

Council member McWilliams asked if a town employee receives a speeding ticket while driving their own car on their own time could it jeopardize their employment with the town. Mr. Dalton said that it could if it makes a person who must drive for their job become uninsurable.

Council member Daniel said that the policy calls for review of the driving record by the Town Manager and asked about the process for remediation after that. Mr. Dalton said that it then becomes a discipline matter and that remediation such as driver safety courses may be required.

Council member Daniel asked who reviews the Town Manager's driving record. Mr. Dalton said that he serves at the pleasure of the Town Council, so the Town Council has that authority.

Upon motion by Council member McWilliams, seconded by Council member Kitselman, the Council of the Town of Berryville unanimously adopted the attached amendment to the Employee Handbook.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Mary Daniel
Allen Kitselman
Allan McWilliams
Lawrence Russell, III
None
None
None

Nays:

Abstain:

Absent During Meeting:

Town of Berryville Employee Handbook

188 Drivers Policy

Effective Date: 01/12/2010

Revision Date:

Town of Berryville Drivers Policy

The Town of Berryville expects its drivers to operate in a safe, legal and professional manner at all times. Drivers convicted of moving violations jeopardize their livelihood and the town's safety standards. All drivers for the town are expected to maintain an acceptable driving record. Moving violations include speeding, improper lane changes, driving too fast for conditions, following too close, failure to yield, etc.

Motor Vehicle Records (MVRs) will be obtained annually after a signed MVR privacy protection waiver is received from the employee. The Town Manager will review the MVR to assure that town safety standards regarding driving are upheld.

The Town of Berryville believes that our employees are our most valuable assets and the success of the town is determined by the quality of our employees and their actions. The Town of Berryville is committed to retaining the most qualified employees and that extends to driving privileges.

Town of Berryville Employee Handbook

000471

Federal Driver's Privacy Protection Act Authorization to Obtain Motor Vehicle Report

For the sole purpose of determination and evaluation of my motor vehicle operating record and pursuant to the State and Federal regulations of compliance, I,

_____ authorize the Town of Berryville to obtain my Motor Vehicle Record. I understand that this record may contain personal information in addition to any/all driver violations and/or accidents, which may be on record through the _____ State Department of Motor Vehicles. I also authorize release of this information to my employer.

Signature of Employee

Social Security Number

Drivers License Number

State

Date of Birth

Street Address and Mailing Address

City

State

Zip Code

Date Signed

- c) Community Improvements – Allen Kitselman
Council member Kitselman said that the committee is still working on street banners and will visit Luray to see their downtown improvements. The Community Summit effort continues and will have a Facebook page soon.
- d) Personnel / Appointments – Wilson Kirby
Mayor Kirby said that there are several appointments to be made.

Upon motion by Council member Russell, seconded by Council member McWilliams, the Council of the Town of Berryville unanimously appointed Isaiah Brown to the Berryville Planning Commission for a term ending January 12, 2014.

VOTE:

Recorded Vote:

Ayes:

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

Allen Kitselman
Allan McWilliams
Lawrence Russell, III

Nays: None

Abstain: None

Absent During Meeting: None

Upon motion by Council member McWilliams, seconded by Council member Daniel, the Council of the Town of Berryville unanimously re-appointed John Lincoln to the Berryville Planning Commission for a term ending November 30, 2013.

VOTE:

Recorded Vote:

Ayes:

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

Allen Kitselman
Allan McWilliams
Lawrence Russell, III

Nays: None

Abstain: None

Absent During Meeting: None

Upon motion by Council member Kitselman, seconded by Council member McWilliams, the Council of the Town of Berryville unanimously recommended that the Circuit Court of Clarke County appoint Dandridge B. Allen to the Berryville Board of Zoning Appeals for a four year term.

VOTE:

Recorded Vote:

Ayes:

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

Allen Kitselman
 Allan McWilliams
 Lawrence Russell, III
 None
 None
 None
 Nays:
 Abstain:
 Absent During Meeting:

Upon motion by Council member Kitselman, seconded by Council member Russell, the Council of the Town of Berryville unanimously appointed Barbara Sue Cooper to the Berryville Architectural Review Board for a term ending January 12, 2014.

VOIE:

Recorded Vote:

Ayes:

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

Allen Kitselman
 Allan McWilliams
 Lawrence Russell, III
 None
 None
 None
 Nays:
 Abstain:
 Absent During Meeting:

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

f) Police and Security – Lawrence Russell.

Chief White presented General Order 16 – Uniforms and Personal Appearance.

Upon motion by Recorder Arnold, seconded by Council member McWilliams, the Council of the Town of Berryville unanimously adopted the attached General Order 16 – Uniforms and Personal Appearance.

VOIE:

Recorded Vote:

Ayes:

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

Allen Kitselman
 Allan McWilliams
 Lawrence Russell, III
 None
 None
 None
 Nays:
 Abstain:
 Absent During Meeting:

GENERAL ORDER

NUMBER : 16 SUBJECT : UNIFORMS & PERSONAL APPEARANCE	EFFECTIVE DATE : 05/01/2000 REVIEW DATE : 01/12/2010 APPROVED BY COUNCIL : 01/12/2010
CHIEF OF POLICE :	W. Neal White
MAYOR :	Wilson Kirby
RECORDER :	Harry L. 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

Employees of the Berryville Police Department are expected to adhere to the guidelines set forth in this general order regarding uniform requirements and personal appearance while engaged in professional activities. While in uniform, department personnel are expected to maintain a professional appearance at all times.

II. PURPOSE

The image of departmental personnel is based on a variety of aspects which include the manner in which a uniform is worn as well as the general grooming, hygiene, and overall appearance of the department member. The purpose of this general order is to establish guidelines for uniform standards and personal appearance of all department employees engaged in a variety of functions while on duty. The Berryville Police Department maintains that a professional image within the community is essential to the mission of law enforcement.

III. PROCEDURES

- A. Uniforms and Equipment
1. Employees of the department will be responsible for the proper care and use of department property and equipment assigned to them, and will promptly report to their supervisor any loss, damage, destruction or defect therein.
 2. Employees shall keep their uniforms clean and pressed, shoes and duty gear polished and shined, and badges and nameplates clean and bright.
 3. Employees wearing civilian clothing on duty will present a neat and clean appearance. Employees will wear clothing which is appropriate to the type of duties and citizen contacts expected, e.g., coat and tie for men and equivalent skirt and blouse or pants outfit for women is required for business contacts. Civilian dress should not be a source of negative comment from the public and consistent with contemporary business fashion.
 4. Employees of the department will not temporarily or permanently convert any department property to their own use or use of any other person.
 5. When an employee of the department terminates employment, all issued uniforms and equipment shall be returned to the Chief of Police or designee within ten days. Uniforms shall be cleaned and equipment shall be in operational condition. Failure to return all issued items, or return of items in damaged condition will result in withholding of final pay or legal action.
 6. Only the uniforms listed in this General Order will be approved for duty. No combination of uniform styles shall be permitted unless approved in advance by the Chief of Police. (e.g.: Bike polo shirt will not be worn with Class A uniform pants.)
 7. Employees of the department will have as part of their issued equipment a copy of the Policy and Procedure manual, Town of Berryville Employee Handbook, and Town of Berryville Code.
 8. When uniform items are damaged or worn out and need replacement, officers shall request replacement or repair in writing to the Chief of Police, giving reasons why the items were damaged.
 9. The Berryville Police Department furnishes the following uniform items:
 - (3) Short Sleeve Shirts
 - (3) Long Sleeve Shirts
 - (3) Flat Pocket Cargo Pants
 - (1) Class A Uniform Pants
 - (2) Clip On Neck Ties
 - (1) Baseball Style Cap
 - (1) Dress Uniform Hat with Hat Badge
 - (1) Pair Shoes (per year)
 - (1) Commando Sweater
 - (1) Winter Coat

- (1) Rain Coat
- (1) ANSI Traffic Vest
- (1) Inner Duty Belt
- (1) Duty Belt
- (1) Gun Holster
- (1) Handcuff Case
- (1) Can OC Spray and Case
- (1) Glove Case
- (1) Magazine Case
- (1) Portable Radio Case
- (1) Portable Radio with Charging Station
- (2) Sets of Handcuffs
- (1) Expandable Baton and Case
- (1) Uniform Badge
- (1) Wallet with Wallet Badge
- (1) Department Issued Photo ID
- (1) Name Plate
- (4) Belt Keepers
- (1) Flashlight Ring
- (1) Flashlight Holder
- (1) Key Keeper
- (1) Earpiece Attachment for Portable Radio
- (1) .40 Caliber Semi-Auto Pistol
- (3) .40 Caliber Magazines
- (1) Whistle and Chain

B. Uniform Standards – Class “A”

1. The Class “A” Uniform shall consist of a fully equipped duty belt accompanied with the long sleeve shirt, tie, and 4 pocket uniform pants. A dress blouse may be worn with this uniform.
2. A black t-shirt should be worn under the uniform shirt.
3. Black socks should be worn with this uniform.
4. This is the uniform standard that shall be worn for court and other special public appearances. As an exception, during summer weather the short sleeve version of the Class “A” uniform may be worn for court and special functions, except for funerals.

C. Uniform Standards – Class “B”

1. The Class “B” Uniform will also be referred to as a duty uniform.
2. In warm weather the duty uniform will consist of a fully equipped duty belt, short sleeve shirt, black undershirt, and flat pocket cargo pants.
3. In cold weather the duty uniform will consist of a fully equipped duty belt, long sleeve shirt, and flat pocket cargo pants. A black t-shirt or black mock turtle neck shall be worn under the shirt. If a black t-shirt is worn, then a black clip-on tie shall be worn with the uniform.
4. Black socks should be worn with this uniform.

D. Bicycle Patrol Uniform Standards

1. The bicycle patrol uniform will only be issued to those officers who have completed an IPMBA certified training. The bicycle uniform will only be worn when the officer is performing bike patrol activities. The bicycle patrol uniform is not acceptable court attire.
2. The bicycle patrol officer will be issued the following uniforms and equipment by the department:
 - (1) DOT Approved Helmet
 - (1) Pair Zip Off Patrol Pants
 - (2) Pair Uniform Shorts
 - (3) Uniform Polo Shirts with Name Tag and Sewn Badge
 - (1) Royal Blue Riding Jacket
 - (1) Set Nylon Duty Gear

E. Inclement Weather / Utility Uniform

1. The utility uniform shall only be worn during weather emergencies while on duty. These types of emergencies include snowfall and heavy rains leading to potential flooding scenarios.
2. The utility uniform may be worn during training exercises such as firearms qualification.
3. The utility uniform shirt will be a long sleeve BDU style made of wrinkle resistant cotton material. The shirt shall be tucked into the trousers. Department shoulder patches will be sewn on both shoulders, a name tag will be sewn over the left breast pocket, and a badge patch will be sewn over the left breast pocket.
4. The utility uniform pants will be a BDU style trouser made of the same material as the shirt. The pants will be worn with black boots, and the pants may be bloused at the individual officer's preference.
5. A black t-shirt shall be worn under the utility uniform shirt.
6. The Chief of Police will select the manufacturer and style of the exact utility uniform.

F. Uniform Shirt Standards

1. The uniform shirt shall be worn with the metal badge pinned over the left breast pocket. The nameplate shall be pinned centered and at the top of the right breast pocket.
2. Pins designating "Instructor" or Field Training Officer" may be worn directly over the nameplate.
3. Collar pins issued by the department for the designation of rank shall be placed in the apex of each corner of the collar.
4. When whistles are worn with the uniform they shall be worn with the chain hooked underneath the right shoulder epaulet and the whistle placed in the right breast pocket. The chain shall be placed under the right corner of the flap pocket.

5. Hash marks shall be worn on the left sleeve of long sleeve uniform shirts only. Each hash mark will denote five (5) years of service with the Berryville Police Department.
6. Any additional alterations or additions to the uniform shirt require the authorization of the Chief of Police.

G. Additions To The Uniform

1. Headwear
 - (a) The dress uniform hat should be worn with the class A uniform in the performance of daily duties, but the individual officer may opt to not wear a hat. For special functions such as parades and funeral details, the dress hat shall accompany the class A uniform. A hat cover is provided for the dress hat in case of inclement weather.
 - (b) The baseball style cap is a practical alternative to the dress hat for routine assignments during inclement weather. The baseball cap may be worn in lieu of the dress uniform hat during routine patrol assignments.
 - (c) Toboggans may be worn with the uniform during cold weather. The toboggan shall be black and may be monogrammed with the word "POLICE", or "BPD". Toboggans will not be supplied by the department.
2. Gloves
 - (a) Black gloves may be worn with the uniform during cold or inclement weather. The style of glove worn shall depend on the function that the individual officer is performing. When selecting a glove, the officer should be conscious of the image that the addition of the glove portrays to the public. Gloves can provide both warmth and protection to the officer against weather and a variety of hazards that the officer is exposed to during patrol functions.
 - (b) No gloves with leaded knuckles or other configurations intended for striking will be allowed for use.
 - (c) Gloves shall be purchased at the expense of the individual officer with the exception of latex or nitrile gloves supplied by the department for personal protection.
3. Ties
 - (a) The clip on tie supplied by the department shall be worn with the long sleeve uniform shirt. The tie shall be worn during the hours of 0800 hrs. and 1700 hrs. daily with the long sleeve shirt, unless a black mock turtle neck shirt is worn under the uniform shirt.
 - (b) The tie shall be worn for all court appearances when the long sleeve shirt is worn.
4. Traffic Vests
 - (a) The traffic vest will comply with all current Federal standards for safety.

- (b) The traffic vest shall be worn over the uniform during traffic directing activities.
- 5. Jackets / Coats
 - (a) Jackets and coats will be supplied by the department. The jacket shall have a badge patch sewn over the left breast with shoulder patches sewn on both shoulders. Any jackets or coats not supplied by the department shall require the approval of the Chief of Police before they can be worn for duty.
 - (b) Raincoats shall be supplied by the department and will only be worn in conditions that are appropriate.
- 6. Winter / Commando Sweater
 - (a) The winter sweater will be worn over a long sleeve uniform shirt and tucked into the uniform pants.
 - (b) The metal badge shall be worn over the left breast. The metal nametag shall be worn over the right breast. Shoulder patches shall be sewn on both shoulders.
 - (c) A tie must be worn under the sweater unless a black mock turtleneck is worn under the uniform shirt.
- 7. Footwear
 - (a) The department will provide an annual reimbursement for the purchase of one set of footwear per officer per year.
 - (b) The footwear shall be black and may be either a shoe or boot depending on the individual officer's preference.

H. Body Armor

- 1. The department provides body armor for all sworn personnel upon written request on a departmental form. Those employees who request body armor must wear it at all times while on duty. Those employees who do not wish to wear body armor shall indicate so on a departmental form.
The department encourages the use of body armor by all sworn personnel.
- 2. Body armor may be worn over the uniform shirt only with an approved vest carrier; otherwise the body armor will be worn under the uniform shirt. The approved outer vest carrier shall resemble the appearance of a uniform shirt with a badge and nameplate worn in the same locations as a uniform shirt.
- 3. Outer vest carriers shall not be approved for wear during court appearances or funerals. For these functions, the vest should be worn under the appropriate uniform shirt for court.

I. Grooming

- 1. Hair Styles – Male
 - (a) Hair on top of the head will be neatly groomed. The length/bulk of the hair will not be excessive or present a ragged or extreme appearance. When combed, the hair may extend ¼ inch below the top of the ears and may not touch the shirt collar in the back. An afro hairstyle will

- be worn no more than 1 ½ inches thick at any point on the head. In all cases, the bulk or length of the hair will not interfere with the normal wear of the dress uniform hat.
- (b) Sideburns will not extend below the earlobe and will at no point be more than 1 ½ inches wide. Sideburns will not exceed ½ inch in bulk, will not flare, and will be trimmed horizontally across the bottom.
 - (c) Officers will be clean-shaven, however mustaches are permitted. Mustaches will be neatly trimmed and will not exceed more than ½ inch beyond the corners of the mouth, they will not extend more than ¼ inch below the corners of the mouth. Mustaches will be professional and neat in length and appearance, and will not cover the upper lip. Handlebar mustaches are not permitted.
 - (d) Beards, goatees, or other growth of hair below the lower lip will not be permitted. Exception: Sworn personnel must present a medical excuse from a physician that facial hair should be worn. The medical excuse must provide the reason for facial hair wear and if possible the duration. The excuse will be forwarded through the employee's chain of command and a copy of the excuse will be placed in the employee's personnel file.
 - (e) Hair color and styles for all male employees, sworn or civilian, must be of a natural hair color, tasteful, and in keeping with the professional image of the Department. Male employees will not wear hair accessories while on duty or in uniform.
2. Hair Styles – Female
- (a) Female officers in uniform will wear their hair in modest styles that do not extend below the bottom of the shirt collar in the back.
 - (b) Hair that extends below the bottom of the collar must be worn pinned up in a neat manner. While worn pinned up, no part of the hair will extend below the bottom of the shirt collar. If it is worn up and begins to become disheveled, it must be put up again or worn down, meeting the length regulations. Hair accessories must be functional, not ornamental, and are restricted to the following:
 - (1) Dark blue or black ribbons or terry-covered rubber bands.
 - (2) Silver, gold, black, dark blue or dark brown barrettes or clips.
 - (3) Black, white, dark blue or dark brown head bands.
 - (4) All other accessories are restricted to black, white, dark blue or dark brown in color.
 - (c) No accessory may have decorations on it and each accessory may be only one color.
 - (d) In all cases, the bulk, length, or style in which the hair is worn will not interfere with the normal wear of the dress hat.
 - (e) All hairstyles, hair colors and accessories for all police employees must be tasteful and in keeping with the professional image of the Department. Hair colors must also be of a natural color.

3. Accessories and Makeup

- (a) Officers are expected to realize that any jewelry worn while on duty may be damaged, lost, or could cause injury to the officer. In order to maintain the professional image of the Department, jewelry or makeup must be worn in moderation so as not to draw undue attention to the officer.
- (b) Officers may wear no more than one ring per hand. For the purposes of this policy, a wedding band and accompanying ring will be considered as one ring.
- (c) Male officers may not wear earrings. Female officers may wear no more than one earring per ear and it must be worn in the lobe of the ear. Pierced earrings must have a small post. Hoop or pendant style earrings may not be worn. Earrings must be ball, disc or solitaire with the following restrictions:
 - (1) Ball earrings may be gold, silver, or white (pearl) in color and no larger than 6mm.
 - (2) Disc earrings may be gold or silver in color and no larger than 12mm.
 - (3) Solitaire earrings may be any gemstone or their facsimile and no larger than ½ karat.
- (d) Officers in uniform will not wear visible neck chains or necklaces.
 - (1) Male plain clothes officers will wear no visible neck chains or necklaces.
 - (2) Female plain clothes officers may wear neck chains or necklaces that are consistent with professional business attire.
- (e) Officers will not wear bracelets, other than medic alert and metal tributes to fallen officers, while in uniform.
- (f) Wigs or hairpieces will not be worn on duty in uniform except for cosmetic reasons to cover natural baldness or physical disfiguration. If, under these conditions, a wig or hairpiece is worn, it shall conform to department standards.
- (g) Cosmetics, if worn, shall be subdued and blended to match the natural skin color of the individual. Makeup shall not be worn by male officers. Additionally, officers will adhere to the following guidelines:
 - (1) False eyelashes are prohibited.
 - (2) Eyeliner will not extend beyond the outline of the eye.
 - (3) Lipstick will not extend beyond the lip or corners of the mouth.
- (h) Fingernails shall be clean and trimmed at all times. Fingernail polish, if worn, shall be clear
- (i) Handbags will not be carried while on duty and in uniform; however, this is not intended to include briefcases or letter cases normally used to carry working papers.
- (j) Visible body piercings, aside from earrings for female employees, shall not be worn while on duty or in uniform.

- (k) All facial (including but not limited to eyebrow, lip, and nose) and tongue jewelry is prohibited. This applies to civilian employees of the department as well.
 - (l) All visible dental ornamentation is prohibited, such as gold/silver fillings or appliques unless deemed medically necessary. This applies to civilian employees of the department as well.
4. Exceptions
- (a) Officers of the Department on special assignment, where their dress and hairstyle must be conducive to the nature of the assignment and clientele dealt with, are exempt from this policy for the duration of the assignment. For the purpose of this order, the Chief of Police will determine what constitutes a special assignment within the meaning and intent of this exception.
 - (b) Officer recruits are governed by the Police Academy Rules and Regulations regarding personal appearance for the duration of their academy class.

J. Tattoos/Brands

1. Personnel employed prior to the effective date of this order will not be required to cover any visible tattoos/brands that were in existence prior to this order going into effect, provided that the tattoos/brands are not offensive, inappropriate, or unprofessional, and the previously received tattoos/brands have been properly documented.
2. Officers with visible pre-existing tattoos/brands shall provide a letter to their supervisor for documentation. This letter shall be placed in their personnel file.
3. If the tattoo/brand is offensive, inappropriate or unprofessional, it must be covered by the departmental uniform.
4. Tattoos/brands that are offensive, inappropriate and unprofessional include, but are not limited to those that are gang and drug related, racist, sexually suggestive or explicit, or undermine the town or departmental values.
5. If an employee chooses to obtain a tattoo/brand after the effective date of this order, the tattoo/brand must be located in an area that can be covered by the departmental uniform.
6. These regulations apply also to civilian employees of the Department.
7. Applicants for sworn and civilian positions shall be considered for employment if they have visible tattoos/brands that can be completely covered by clothing. This consideration will be done on a case by case basis based on the tattoo/brand if not obscene, does not advocate sexual, racial, ethnic or religious discrimination and does not detract from the appropriate conservative, professional image of the Department. The Chief of Police will make the final determination.

Mr. Dalton said that Public Works did a heck of a job with the big snowfall. He said that there have also been numerous water breaks because the fluctuation in temperature. He said that Public Works crews have labored in the bitter cold to repair these breaks. He thanked the Public Works Department for their good work.

Mayor Kirby asked if there was any further business before the Closed Session. Ms. Bouffault asked for action on the high school fire flow issue. Mayor Kirby said that there is homework to do with the town's engineers before a decision can be made.

Closed Session - Pursuant to Section 2.2-3711.A.3 of the Code of Virginia, 1950, As Amended, for discussions related to the acquisition of real property, specifically the acquisition of easements for the treated wastewater outfall line.

c. Motion to enter Closed Session

It was moved by Recorder Arnold, seconded by Council member McWilliams that the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711.A.3 of the Code of Virginia, 1950, As Amended, for discussions related to the acquisition of real property, specifically the acquisition of easements for the treated wastewater outfall line.

VOTE:

Recorded Vote:

Ayes:

- Wilson Kirby, Mayor
- Harry Lee Arnold, Jr., Recorder
- Mary Daniel
- Allen Kitselman
- Allan McWilliams
- Lawrence Russell, III

Nays:

- None
- None
- None

d. Enter Closed Session

The Town Council entered closed session at 8:34 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 8:49 p.m.

d. Certification of Closed Session

**Town of Berryville
RESOLUTION**

MEETING DATE: January 12, 2010

MOTION BY: Allen Kitselman

SECOND BY: Lawrence Russell, III

CERTIFICATION OF CLOSED SESSION

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

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

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

VOTE:

Recorded Vote:

Ayes:

- Wilson Kirby, Mayor
- Harry Lee Arnold, Jr., Recorder
- Mary Daniel
- Allen Kitselman
- Allan W. McWilliams
- Lawrence Russell, III

Nays:

Absent During Vote:

Absent During Meeting:



Harry Lee Arnold, Jr., Recorder

Upon motion by Council member McWilliams, seconded by Council member Daniel, the Council of the Town of Berryville unanimously approved the easement on the property identified as Tax Map Parcel 16 ((A)) 3, Stuart M. Perry, Inc. owner and authorized a payment of \$3042.33 for the easement and authorized the Mayor to sign the easement.

VOTE:

Recorded Vote:

Ayes:

- Wilson Kirby, Mayor
- Harry Lee Arnold, Jr., Recorder
- Mary Daniel
- Allen Kitselman
- Allan McWilliams
- Lawrence Russell, III

Nays:

None

Abstain:

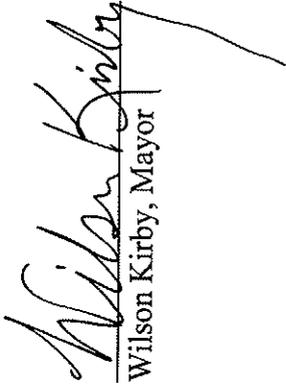
None

Absent During Meeting:

None

Adjourn

There being no further business, on motion by Council member McWilliams, seconded by Council member Daniel and passed, the Council meeting was adjourned at 8:51 p.m.



 Wilson Kirby, Mayor



 Harry Lee Arnold, Jr., Recorder