



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

November 10, 2020

7:30 PM

Item

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3. Approval of Agenda
4. Presentations/Awards and Recognitions
5. Public Hearings
6. Discussion of Public Hearing Items
7. Citizens' Forum
8. Consent Agenda
Approval of Minutes

9. Unfinished Business

10. New Business

11. Council Member Reports

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Recorder

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Public Works

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Community Development

Monthly Report

Construction Update

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Monthly Report

RFP for Auditing Services

Town Manager

13. Committee Updates

Budget and Finance

Community Development

Personnel, Appointments, and Policy

Appointment to Planning Commission

Public Safety

Streets and Utilities

Downtown Street Lighting

Railroad Crossing Concerns

14. Closed Session

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15. Adjourn



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**Berryville Town Council Item Report Summary
November 10, 2020**

Item Title

Consent Agenda - Approval of Minutes

Prepared By

Background/History/General Information

A consent agenda is a tool utilized by the Town Council for grouping routine business and reports into one agenda item.

Any Council member may, as a matter of privilege, remove an item from the consent agenda and have it replaced with another agenda item.

The consent agenda comprises the following five items to be considered for approval:

Minutes of the 10/13/20 regular meeting of the Town Council
Minutes of the 10/05/20 meeting of the Community Development Committee
Minutes of the 10/19/20 meeting of the Community Development Committee
Minutes of the 10/26/20 meeting of the Personnel Committee
Minutes of the 10/27/2020 meeting of the Streets and Utilities Committee

Findings/Current Activity

None

Financial Considerations

None

Schedule/Deadlines

Timely approval of minutes is preferable, but no deadline for such approval exists.

Other Considerations

None

Attachments

1. Consent Agenda

Recommendation

Sample Motion

I move that the Council of the Town of Berryville approve the consent agenda.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 5, 2020

A called meeting of the Berryville Town Council Community Development Committee was held on Monday, October 5, 2020 at 6:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee: Chair Kara Rodriguez, Diane Harrison

Staff participating: Christy Dunkle, Community Development Director

Other Town Council member present: Mayor Jay Arnold

Press: Mickey Powell, Winchester Star

1. Call to Order

Ms. Harrison called the meeting to order at 6:00 p.m.

2. Introductions

Ms. Harrison said this was a public input session for business owners to discuss holiday promotions and asked that those in attendance (approximately 18 people) identify themselves and their respective businesses.

3. Dine and Shop promotion

Ms. Harrison discussed the shop-and-dine rack cards that were previously produced. Jenni Ligday, Berryville Main Street board member, agreed to discuss the card with a designer and business owners would contribute to get the item printed.

4. Parking Meter Decorating Contest participation

Ms. Harrison recognized Ms. Dunkle, who urged businesses to participate with new designs in order to bring people downtown.

5. Discussion: Ideas for Small Business Saturday

Ms. Harrison asked for a discussion on promotion ideas for Small Business Saturday which will be held on Saturday, November 28, 2020. Items discussed included the Clarke County Farmers' Market, Christmas tree sales, seasonal scavenger hunt, index card raffle where customers would receive a sticker at each shop, and Hogan's Alley pop-up shop or craft event for children with up to six participants. Sarah Ames said the Barns would be happy to assist with any activities, noting the requirement of limited numbers of participants.

6. Discussion: ideas for month of December

Ideas discussed included the items referenced above plus activities each Saturday of the month including downtown musicians, family activities in Rose Hill Park (e.g., making reindeer food and writing letters to Santa, participation with the library), publication of an ornament in the Clarke Monthly on which the public would cut out, write a word about the community, and post in service and restaurant storefronts.

Other activities discussed by the group include showing outdoor movies, piano play in Hogan's Alley, fabrication of a backdrop for photo opportunities (e.g., outdoor mantel, fireplace), the creation of a hashtag to use for downtown promotions (#aberrymerrychristmas was suggested) which would enable photo albums to be created, and photo opportunities in the park or Hogan's Alley. Mayor Arnold discussed Berryville Main Street activities including Berryville Bucks. He said business owner participation is critical in the success of the organization. Elizabeth Mock suggested a downtown business Facebook group in order to keep in touch with one another.

7. Discussion: pop-up shops downtown

This item was discussed previously.

8. Community Interaction

Ms. Harrison suggested waiting until Berryville Main Street's board meeting on Monday to determine whether the organization would be able to assist with implementing ideas discussed at the meeting.

9. Tourist interaction

This item was not directly discussed.

10. Funding

It was determined that business owners would each participate in funding the shop-and-dine rack card.

11. Next steps

There was a discussion about the status of Berryville Main Street and Virginia Main Street requirements. Ms. Harrison and Ms. Rodriguez set a public input session to follow up with this meeting for Monday, October 19, 2020 at 6:00 p.m.

12. Adjourn

The meeting was adjourned at 7:35 p.m.

**MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
October 13, 2020
7:30 p.m.**

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Donna McDonald, Diane Harrison; Grant Mazzarino; Kara Rodriguez

Staff: Present--Keith Dalton, Town Manager; Greg Jacobs, Assistant Town Manager/Treasurer; Christy Dunkle, Community Development Director; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

Mayor Arnold noted the non-standard seating arrangement of Council members because of social-distancing protocols during the coronavirus pandemic.

Ms. Harrison moved to approve the agenda. The motion passed by unanimous voice vote.

4. Presentations/Awards/Recognitions

Mayor Arnold noted the attached proclamation of October 4 recognizing the 109th birthday of Viola Brown.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

None.

7. Citizens' Forum

No members of the public expressed a desire to address the meeting.

8. Consent Agenda

The consent agenda comprised the minutes of the September 8 regular meeting of the Town Council; the September 22 meetings of the Personnel, Streets and Utilities, and Budget and Finance Committees; the minutes of the September 28 meeting of the Community Development Committee; and the minutes of the September 29 meeting of the Public Safety Committee.

Recorder Gibson moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.

9. Unfinished Business

Mayor Arnold said the Council had discussed trick-or-treating protocols during its previous meeting but had awaited guidance from the Health Department and Centers for Disease Control before arranging a discussion that would lead to a decision about how to handle trick-or-treating during the pandemic. He directed Council's attention to the recommendations included in the agenda packet. The mayor said he thought the Council should follow its established practice of officially setting a day and time, in order to establish parameters for uniformity of practice and enable the police department to organize optimally, while encouraging parents to decide the matter for themselves with reference to the recommendations of health agencies. He invited further discussion.

Ms. Rodriguez said she concurred with Mayor Arnold and that Berryville residents expect the Town to provide some regulation of trick-or-treating.

Mr. Mazzarino said an outright prohibition would likely be unenforceable and would create difficulties for the police as well as raising questions about civil liberties. He recommended setting a date and time and allowing families to make their own decisions on the basis of the guidance available from health agencies.

Ms. McDonald said the decision should be up to each family. She asked whether designation of a particular time was necessary, and expressed concern that an influx of out-of-town visitors for trick-or-treating could compromise Clarke County's relatively light experience of the pandemic.

Ms. Harrison said she agreed with Ms. McDonald.

Ms. Rodriguez made the attached motion setting the hours for trick-or-treating at 6:00 p.m. to 8:30 p.m. on October 31 and describing additional protocols and precautions. The result of a voice vote being unclear, Mayor Arnold called for a show of hands. The vote was as follows:

McDonald: Nay
Harrison: Nay
Mazzarino: Aye
Rodriguez: Aye
Gibson: Nay
Arnold: Aye

The results being deadlocked, the motion failed. No date or time for trick-or-treating was established.

Ms. Rodriguez asked that Mr. Dalton or Chief White clarify what the non-establishment of a regulatory measure would mean in practical terms. Mr. Dalton said anyone would be able to trick-or-treat at any time and that police staffing would be problematic. Chief White concurred, noting that the standard 11:00 p.m. curfew for juveniles would still apply. Mr. Dalton said he shared Mr. Mazzarino's concerns regarding the Town's authority to impose a prohibition.

Ms. McDonald said prohibition was not under discussion, and suggested that an extra police officer be on duty for the occasion. Chief White said this was a possibility. Ms. Rodriguez asked whether the non-establishment of particular hours would affect police staffing on the evening of the 31st. Mr. Dalton said this had not yet been discussed. Mr. Dalton said staffing would be determined by the decision the Council had just made. Mayor Arnold noted the inadvisability of the police department's strength at a particular time being widely known.

Ms. Harrison said Berryville tends to attract large numbers of out-of-town trick-or-treaters and that setting hours could attract an undesirable influx during the pandemic, creating a public-health risk.

10. New Business

None.

11. Council Member Reports

Mayor

Mayor Arnold said that on September 26 he had attended the ribbon-cutting and grand opening at Sweet Elephant on Main Street and that new businesses are beneficial to the Town.

Recorder

Recorder Gibson had nothing to add.

Ward 1

Ms. McDonald had nothing to add.

Ward 2

Ms. Harrison had nothing to add.

Ward 3

Mr. Mazzarino had nothing to add.

Ward 4

Ms. Rodriguez commended the County elections staff and urged timely voting.

12. Staff Reports

Public Works

Nothing was added to the written report provided in the agenda packet.

Public Utilities

Nothing was added to the written report provided in the agenda packet.

Police

Chief White commended two officers who had been selected for Valor Awards sponsored by the Top of Virginia Regional Chamber of Commerce. He said Officer Joe Shoremount would receive the Lifesaving Award for saving the life of a patient experiencing a medical emergency and that Officer Preston Funk would receive the Meritorious Action Award for his quick thinking and heroic actions on the scene of a vehicle accident involving a tractor-trailer driver experiencing a catastrophic medical emergency in the vicinity of a heavily populated area.

Chief White said these are examples of the everyday performance of Berryville officers and that he is proud of his personnel.

Community Development

Ms. Dunkle said the Planning Commission would meet on October 27 at 7:00 p.m. and the Berryville Area Development Authority on October 28. She then provided an update on construction in Robert Regan Village, Hermitage Phase V, and the Shenandoah Crossing and Fellowship Square subdivisions.

Mr. Dalton said paving in Fellowship Square would be complete within two weeks and that staff was considering timing for opening Fairfax Street.

Ms. McDonald asked whether sidewalks would be constructed on currently existing East Fairfax and whether the large tree would be removed. Mr. Dalton said no such off-site improvements would be completed by the subdivision's developer. He said the Town was exploring the possibility of applying for grants to complete sidewalks on East and West Fairfax Street. He said the tree in question would have to come down and noted that this task would be expensive. Ms. McDonald said the Battletown HOA would participate in the tree-removal project.

Ms. McDonald asked about planned development in the area behind the new lots on Fairfax Street and the lots on Osborne Street. Ms. Dunkle said the area was recreational/open space and would not have any houses on it. Ms. McDonald asked whether the trees in that area would be removed. Ms. Dunkle said not necessarily.

Ms. McDonald noted concerns about the condition of trees in the area, some of which she said are leaning over her property. Mr. Dalton said the Town has discussed these trees with the property owner but can go no farther in the matter, lacking the authority to compel compliance.

Ms. Dunkle briefly updated Council on the progress of work performed by the consultancy engaged by the Town for branding and marketing services. She said staff would like to be able to proceed with the use of the new logo and the final draft of the manual that had been provided to Council in September.

Ms. Harrison said the logo would be beneficial for community unity.

Ms. Harrison moved that the Council of the Town of Berryville accept the logo as designed and direct staff to work with the consultant to complete the project and obtain the deliverables. The motion passed by unanimous voice vote.

Ms. Dunkle said the final phase of Hermitage had been approved by state and local agencies and that the next step would be for Council to approve bonds in the amount of \$6,359,560 for public improvements and \$211,768.38 for erosion and sediment controls.

Recorder Gibson moved that the Council of the Town of Berryville approve the public improvement and erosion and sediment control bonds for the following amounts:

Public improvements: \$6,359,560.00

Erosion and sediment control: \$211,768.38

The motion passed by unanimous voice vote.

Administration and Finance

Mr. Jacobs said he expected an increase in use of the Town's online payment system. Ms. Rodriguez asked whether the Town was experiencing a dramatic decline in revenues. Mr. Jacobs said it was not but that more information would be available with the tax data in December.

Town Manager

Mr. Dalton had nothing further to report.

13. Committee Updates

Budget and Finance

A discussion established that the committee would meet at 9:00 a.m. on November 17.

Community Development

Ms. Rodriguez said the committee had met with local merchants on October 5 to discuss holiday promotions and that it would meet again for the same purpose on October 19 at 6:00. A discussion established that the committee would also meet at 1:00 p.m. on November 16.

Mr. Dalton briefly updated Council on potential blight abatement measures recently discussed in committee. He said staff had been directed to set priorities and authorized to get an engineer's opinion, cautioning that excessive expenditures on engineering could result in an insufficiency of funds remaining available for the abatement itself.

Personnel

Mayor Arnold said the committee in its September meeting had interviewed Jon Burge for a vacancy on the Architectural Review Board.

Recorder Gibson moved that the Council of the Town of Berryville appoint Jon Burge to the Berryville Architectural Review Board for a term beginning October 13 and ending on September 30, 2024. The motion passed by unanimous voice vote.

A discussion established that the committee would meet at 9:00 a.m. on October 27 to interview applicants for a vacancy on the Planning Commission.

Public Safety

Ms. McDonald said the Town needs an additional police officer, preferably in a supervisory role. She asked Chief White to describe the duties of such an officer and the benefits of being able to have a supervisor on each shift. Ms. McDonald asked that Council note this as an item for the next budget.

A discussion established that the committee would meet at 2:00 p.m. on November 17.

Streets and Utilities

A discussion established that the committee would meet at 1:30 p.m. on October 27 and at 2:00 p.m. on November 16.

14. Closed Session

None.

15. Other

A discussion established that the Council would convene in a work session at 3:00 p.m. on November 9 to discuss the proposed Southeast Collector road.

Ms. McDonald said Mr. Dalton had updated the Public Safety Committee on the status of the Town's refuse disposal contract and that she appreciated his efforts.

15. Adjourn

No other business coming before Council, Mayor Arnold invited a motion to adjourn.

Recorder Gibson moved to adjourn, with the motion passing by consensus at 8:28 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

Town of Berryville
Berryville-Clarke County
Government Center
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**A PROCLAMATION OF THE MAYOR OF THE TOWN OF BERRYVILLE, VIRGINIA
HONORING THE 109TH BIRTHDAY OF VIOLA BROWN**

WHEREAS, Mrs. Viola Brown is celebrating her 109th birthday today; and

WHEREAS, the Berryville Town Council honored Mrs. Brown by declaring Viola Brown Centennial Celebration Day in the Town of Berryville on her 100th birthday in 2011; and

WHEREAS, Mrs. Brown is a long-time active participant in the social and civic life of the community; and

WHEREAS, Mrs. Brown was Treasurer of Zion Baptist Church for 37 years and served in many capacities for the church; and

WHEREAS, Mrs. Brown is known for her delicious Christmas cookies and lemon meringue pie and excels at all types of cooking, which resulted in the publication of a collection of her recipes titled *Viola's Favorite Recipes* in 1988; and

WHEREAS, when asked if she had a secret for a long and happy life, Mrs. Brown's answer was "Put your trust in God and help others."

NOW LET IT BE KNOWN that October 4, 2020 is hereby proclaimed Viola Brown Day in the Town of Berryville, Virginia.

By order of the Mayor on this fourth day of October, 2020.

[Redacted Signature]
Harry Lee Arnold, Jr., Mayor

Harry Lee Arnold, Jr.
Mayor

Breoka L. Gibson
Recorder

Council Members

Donna Marie McDonald
Ward 1

Diane Harrison
Ward 2

Grant Mazzatino
Ward 3

Kara C. Rodriguez
Ward 4

Kelli R. Dalton
Town Manager

MOTION TO SET HOURS FOR TRICK-OR-TREATING

I move that the Council of the Town of Berryville, in accordance with §13-38 of the Berryville Code, designate October 31, 2020 between the hours of 6:00 pm and 8:30 p.m. as the period in which trick-or-treating may occur within the Berryville town limits. Residents who wish to participate in giving treats should turn on their porch lights during designated hours. Trick-or-treaters should only visit homes at which a porch light is activated.

The Council acknowledges guidance provided by the Centers for Disease Control and the Virginia Department of Health that includes a determination that "traditional trick-or-treating" constitutes a "higher-risk" activity during the COVID-19 pandemic and leaves the decision as to whether to participate in trick-or-treating this year to each family. Those choosing to participate in trick-or-treating this year are encouraged to follow precautions including social distancing, wearing proper face coverings, and washing hands frequently.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 19, 2020

A called meeting of the Berryville Town Council Community Development Committee was held on Monday, October 19, 2020 at 6:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee: Chair Kara Rodriguez, Diane Harrison

Staff participating: Christy Dunkle, Community Development Director

Other Town Council member present: Mayor Jay Arnold

Press: Mickey Powell, Winchester Star

1. Call to Order

Chair Rodriguez called the meeting to order at 6:00 p.m.

2. Introductions

Ms. Harrison asked those who were not at the previous meeting to introduce themselves.

3. Shop-and-Dine promotion

Ms. Harrison distributed the draft rack card and asked for comments by noon on Tuesday. Ms. Ragland asked that her restaurant be removed from the rack card as she will not be reopening her business. It was determined that 4,000 rack cards would be ordered. Elizabeth Mock said payments from business owners should be forwarded to Ms. Harrison to cover the printing costs. There was a discussion about distribution of the rack card.

4. Berryville Main Street update

Ms. Ragland said the \$1,500 giveaway was full and identified holiday events on the brochure. She said they are working on the tree lighting event. Ms. Harrison asked the status of the organization. Mayor Arnold said no decision has been made as to the future of the organization and that they were currently working on the two holiday promotions (giveaway and tree lighting). There was a discussion about long range plans for the organization and the yard sales and cruise-in events.

5. Berryville Business Facebook page

Ms. Harrison asked Ms. Mock to discuss the downtown business Facebook page she created. Ms. Mock said she would add anyone to the private group who wished to join. She said she hoped for discussion of ideas and promotions within the group.

6. Parking Meter Decorating Contest participation

Ms. Harrison asked Ms. Dunkle to discuss the parking meter contest. Ms. Dunkle said she has received 15 applications. She said some of the participants from previous years will not be decorating this year including Sponseller's Flower Shop and Berryville Treasures. She said she anticipates future promotions through the County's Facebook page.

7. Discussion: Ideas for Small Business Saturday

Ms. Harrison discussed some ideas for promoting the day including a treasure hunt and coupon in the Clarke Monthly. There was a discussion about the creation of a gift guide on Facebook. Ms. Mock and Ms. Dunkle said they would contact Cathy Kuehner to discuss options.

8. Discussion: ideas for month of December

Ms. Harrison asked for input on activities for December. There was a discussion about musicians around downtown during the holidays.

9. Discussion: logo presentation

Ms. Harrison asked Ms. Dunkle to review the logos recently created for the Town, events, and other organizations as a result of the branding effort.

10. Next Steps

It was determined that businesses should connect on the newly created Facebook page.

11. Adjourn

The meeting was adjourned at 7:12 p.m.

BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 26, 2020

A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee was held on Monday, October 26 at 9:00 a.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the Committee present: Mayor Jay Arnold, Chair; Recorder Erecka Gibson

Staff present: Christy Dunkle, Assistant Town Manager/Planner

1. Call to Order

Mayor Arnold called the meeting to order at 9:00 a.m.

2. Approval of Agenda

Recorder Gibson moved to approve the agenda. The motion passed by consensus.

3. Closed Session

Recorder Gibson made the attached motion to enter closed session, which passed by unanimous voice vote.

The committee returned to open session at 9:15 a.m. Recorder Gibson made the attached motion, which passed by unanimous roll-call vote.

4. Other

Recorder Gibson said that Ryan Tibbens, a member of the Board of Zoning Appeals, is committed to the community and that she believes he would be an asset to the Planning Commission. Mayor Arnold concurred. Recorder Gibson moved to recommend that the full Town Council, in its November meeting, appoint Mr. Tibbens to the Planning Commission. The motion passed by unanimous voice vote.

5. Adjourn

There being no further discussion, Recorder Gibson moved for adjournment, which occurred by consensus at 9:18 a.m.

Town of Berryville
Personnel, Appointments, and Policy Committee
MOTION TO ENTER CLOSED SESSION

Date: October 26, 2020

MOTION BY: *Gibson*

SECOND BY:

I move that the Personnel, Appointments, and Policy Committee of the Council of the Town of Berryville enter a closed session in accordance with § 2.2-3711-A-1, Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment.

VOTE:

Aye: *Unanimous voice vote*

Nay:

Attest: _____

Erecka L. Gibson, Recorder

Town of Berryville
Personnel, Appointments, and Policy Committee
CLOSED SESSION RESOLUTION

Date: October 26, 2020

MOTION BY:

SECOND BY:

I move that the Personnel, Appointments, and Policy Committee of the Council of the Town of Berryville adopt the following resolution certifying it 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:

RESOLUTION

WHEREAS, § 2.2-3712-D, 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.

ROLL CALL VOTE:

Aye: *Unanimous*

Nay:

Attest: _____

Erecka L. Gibson, Recorder

.BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 27, 2020

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, October 27 at 1:30 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Members of the Committee present: Diane Harrison, Chair; Kara Rodriguez

Staff present: Keith Dalton, Town Manager; Paul Culp, Town Clerk; David Tyrrell, Director of Public Utilities; Christy Dunkle, Community Development Director; Neal White, Chief of Police

Press present: none

Also present: Ron Mislowsky, office director for Pennoni Associates

1. Call to Order

Ms. Harrison called the meeting to order at 1:30 p.m.

2. Approval of Agenda

Ms. Harrison noted the desirability of moving the item on stormwater higher on the agenda as a courtesy to Mr. Mislowsky's schedule. Ms. Rodriguez moved to approve the amended agenda, with the motion passing by consensus.

3. Unfinished Business

Stormwater

Mr. Mislowsky briefly described Pennoni Associates' study of three new points of entry for water flowing into Town Run. He said further adjustments would be needed and that he would draft a report within two weeks for the committee to discuss in November.

Mr. Dalton said staff would like to give the Town Council cost estimates for inclusion in the budget process. He said Main Street would be due for paving in the next few years and that the ideal would be a resolution of the drainage problems shortly before that occurs. He highlighted an aspect of the engineer's work that would provide the Council with information regarding whether two structures on Main Street would need to be increased in size. He said that if these two structures need upgrading, the Town should work with VDOT to perform the work near the time when Main Street is paved, in order to save on restoration costs, and that the Town should prepare to pay for the work.

Complaint Regarding Water Intake

Mr. Dalton reminded the committee that local resident Jay Corbalis had attended the September Town Council meeting and voiced concerns about what he described as problematic conditions at the Town's water intake. Mr. Dalton said that the concern about insufficient ventilation of the pump and a vacuum at the cap had been the most important of the matters Mr. Corbalis had mentioned. Mr. Dalton said that he and Mr. Tyrrell had inspected the area and had detected no problems but were exploring a change to the configuration of the vent. He said they had detected no vacuum.

Mr. Dalton said staff does not see a major problem regarding erosion around the intake structure but that riprap on the sides of the intake would be desirable for long-term maintenance. He said Mr. Tyrrell had discussed the matter with the Army Corps of Engineers and would proceed when given permission.

Mr. Tyrrell briefed the committee on debris screening and the treatment of organic products.

Mr. Dalton and Mr. Tyrrell briefly described periodic, scheduled maintenance procedures at the site.

Ms. Harrison asked whether staff had considered installing security cameras at the treatment plant. Mr. Dalton and Mr. Tyrrell enumerated the logistical problems associated with such an installation.

Mr. Dalton and the committee agreed that staff should send Mr. Corbalis a letter explaining that his matters of concern have been reviewed.

Transportation-related Improvements in Fairfax Street Area

Ms. Harrison complimented the quality of work on the walkway on Bundy Street.

Mr. Dalton said staff is working with the Town's engineer to determine the costs of schematic designs for improvements on East Fairfax Street and along the east side of North Buckmarsh Street from East Fairfax to Mosby Boulevard, and on cost estimates for the work. He noted multiple areas where an engineer's opinion is needed.

There was a discussion of stop sign placement, traffic patterns, and pedestrian safety.

Lighting in the Downtown Area

Ms. Dunkle said the estimated cost of the program agreed upon earlier in the year had risen from \$5,875 to \$6,161 during the time that had elapsed since the end of the period during which the original estimate was applicable. There was a discussion of whether some of the \$10,000 budgeted for Christmas lights, which had not yet been ordered, might be applied to the streetlight project. The committee decided to address the matter with the full Council in its November meeting.

4. New Business

Dangerous-tree Ordinance

Ms. Harrison having asked staff what options the Town might have for dealing with dangerous trees on private property, Mr. Dalton reported that he has not yet received definitive word from the Town's attorney regarding the existence or lack thereof of enabling legislation that would permit the Town to enact an applicable ordinance.

Ms. Harrison asked whether the Town is empowered to deal with branches that obscure necessary signage. Mr. Dalton said that it is, and asked committee members for a list of properties where this occurs.

Train Traffic

Chief White said he had not yet received a response to his written request to Norfolk and Southern Railway that it pursue measures for averting service interruptions such as the one that had recently blocked an intersection in Berryville for two and a half hours at considerable inconvenience to motorists, the police department, and the emergency dispatch center.

There was a discussion of whether to bring the matter to the attention of officials at higher levels of government. The consensus was that staff should draft letters to state and federal officials.

Web-based Parking Meter Payment System

Ms. Harrison said the Town needs to meet the needs of people who are not technologically proficient as well as the needs of those who are. Mr. Dalton and Chief White concurred with this and agreed to explore options.

5. Other

The committee agreed to reconvene again as scheduled on November 16 at 2:00 p.m.

Mr. Dalton briefly updated the committee on progress in the Fellowship Square and Rockcroft subdivisions and said staff is working on a priority list for paving. Mr. Dalton and Ms. Harrison discussed paving in particular areas.

Ms. Dunkle said staff would soon meet with County staff to discuss the proposed southeast collector road. She said she had no update on a proposed Transportation Alternatives Program grant for work on Mosby Boulevard.

6. Closed Session

There was no closed session.

7. Adjourn

The meeting adjourned by consensus at 2:28 p.m. on a motion by Ms. Rodriguez.



November 5, 2020

Town of Berryville
110 Chalmers Court, Suite A
Berryville, Virginia 22611

Dear Mayor & Council,

Downtown Berryville Incorporated a 501c3 nonprofit organization DBA Berryville Main Street has faced many obstacles during the 2019 & 2020 years as many organizations have. We have been hindered with our ability to have our very successful events that bring people to the downtown businesses and the loss of this valuable income to provide promotions for the businesses. We have a dedicated Board of Directors that are meeting and working hard to continue to support Berryville and expanded areas of Clarke County that benefits everyone. We will continue to seek out talented individuals and businesses to enhance our ability to support everyone. Even with our limited funding and resources we still have been very successful. We have always appreciated the support that the Town Council has given us and ask for your continued support as we work to enhance the capabilities and resources, we are able to offer to businesses. We are looking forward to improving our presence and rebranding. We thought it was important to update you of the work that we continue to do.

- September 1, 2009 a promissory note for \$35,000 was signed with the County of Clarke for Berryville Main Street. Even with the challenges that we have been faced with that amount is nearly paid off.
- Our very successful \$1,500 giveaway that has occurred for ten years with the businesses is underway. There are 42 businesses that have paid Berryville Main Street to participate. As the winners are drawn, we know that \$1,500 will be spent only with the participating businesses using Berryville Bucks
- As you know the Town is partnering with us on the ever-popular parking meters on display contest that many people and visitors alike enjoy seeing and add to the holiday decorations downtown.
- We are also organizing and sponsoring the tree lighting in the park this year as we have for years.

With the continued support of the businesses and Town Council we will continue to work on projects that benefit us all. Should you have any additional questions please feel free to contact me.

Thank you,

A handwritten signature in black ink that reads "Kim Ragland". The signature is written in a cursive, flowing style.

Kim Ragland
President

Berryville Town Council Item Report Summary
November 10, 2020

Item Title

Staff Reports - Public Works

Prepared By

Report of the Department of Public Works
November 1, 2020

Water Distribution System

During the past month we experienced two water main breaks on the the ten inch transmission line.

On October eighth the Water Treatment Plant Operator contacted Public Works and informed us the pressure at the plant had dropped to zero which indicates we have experienced a significant break in the in the transmission main.

Public Works personnel found the problem in the area of the 2,000 block of Springsbury Road. After we excavated the area we found a twenty foot section of pipe had ruptured. We repaired the break by installing a 20 foot section of C909 PVC pipe and two Hy-Max couplings.

The second water break occurred on October 14th. The Public Works Department was contacted by the Utilities Department and was informed the water plant was operating for hours and the water towers were not gaining any water. We found a large volume of water running into the side ditch on Jack Enders Boulevard near Josephine Street.

In an effort to find the possible location of the leak we decided to install our sewer inspection camera into the storm sewer and conduct a televised video inspection of the storm sewer main. We were successful in locating an area approximately 485 feet to the west of Jack Enders Boulevard where water was entering the storm pipe. With the use of our ground mike listening device we were able to identify an area we believed the leak was located.

This leak was producing a large flow of water which was going to require a shut down of water service to several areas of our distribution system. Prior to shutting down any valves, we decided to issue a Red Alert to inform our customers of the possibility of water interruption in their area. Unfortunately during the process of shutting down valves we encountered a failure of a crucial valve needed to complete this shutdown. As a result of this valve failure we had to shut down other areas of our water system that was not in the Red Alert Advisory.

Once we finally achieved a water shut down we were able to repair the leak. The cause of the leak was the pipe resting on a large rock ledge which over time wore a significant hole in the pipe. We had to remove the rock with the use of an air compressor and jack hammer. Once the rock was removed we

then installed a stainless steel repair sleeve to abate the issue. All of Public Works Personnel endured a long 19 hour day to repair this leak and get our customer back in water.

In the near future we will be installing a six inch valve Byrd Avenue and an ten inch valve on the transmission line in the orchard of Berryville Graphics. This work is being done to replace the ten inch valve that failed and to improve our capability to lessen the amount of customers that will be affected if another water interruption is needed.

Construction Activity

Fellowship Square

All the utilities in Fellowship Square have been completed and have met the Towns Standards for acceptance.

Base asphalt has been applied to all the streets in Fellowship Square.

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

Recommendation

Sample Motion

**Berryville Town Council Item Report Summary
November 10, 2020**

Item Title

Staff Reports - Public Utilities

Prepared By

Background/History/General Information

Water treatment has been busy but steady for the month of October. We have delivered 11.366 MG of water to the distribution system with a daily average of 0.379 MGD and daily max of 0.693 MG.

The wastewater plant has treated 8.53 MG with a daily average of 0.28 MGD and a Max of 0.43 MG. Both facilities are operating within parameters for the month of October.

Drought Conditions – The Shenandoah has been running above the statistical averages for the month of October. The available water supply is not a concern at this time.

Findings/Current Activity

Water Treatment

The water plant finish pumps are again in full operation with the replacement and programming of a new soft start for pump #2.

River pump #2 has broken a pump shaft and we are awaiting word to see if a repair is possible or if we will need to replace the pump. We have also added some modifications to the river intake pump vault. These modifications can be removed in a few minutes should the threat of flooding arise to prevent damage but they do improve employee safety when working in the area. We do plan to add additional modifications once permits can be obtained.

The semiannual cleaning of the river vault and maintenance to the filtration trains are scheduled for completion in November.

Wastewater Treatment

The wastewater plant has been producing a high quality of effluent and nutrient removal in October. We have completed the installation of new bracing and piping to serve the drum screens. Booster pumps on this system have been destroying the water lines serving this equipment often in the past. We are hoping that the new bracing and pipe configuration along with additional surge suppression in the pipe will lesson the rate of failure.

Permeate pump #1 has been returned from the factory after a rebuild and has been reinstalled and is functioning well. We have one more permeate pump in need of rebuild and will pull and send it out later

this fall.

We had a blockage of the supernatant lines coming from the solids holding tanks. Utilities staff were able to tear down the piping in sections until they were able to clear all of the problem areas. We also switched solids holding tanks and are working to clean the tank taken out of service.

We started October with both of our solids presses out of service for the first two weeks. With some reprogramming work by our contractor press #2 is back in full service and running well. We continue to have issues with solids press #1. We had it up and running for about six hours. When we tried to restart it the next day the issues with it returned. We have spent about three weeks of focused time on tracing wiring and checking connections, working with factory reps both on site and remotely to trouble shoot this issue, we have replaced the CPU, power supply, back up battery, and output cards, and worked to completely reprogram the control system and still have not fully found the cause of the issue. Each item we have replaced has taken care of some issue but full resolution has not been achieved. Our factory rep has made arrangements to purchase support from one of the PLC providers and will be bringing them into the mix and further trouble shooting the issue. The press ran very well for the six hours it did operate and we are hopeful it will be up and fully functional soon. In the mean time we are pressing solids six to seven days a week to catch up with the system solids levels. With two presses fully operational we average solids pressing two or three days per week depending upon our need to remove excess solids from the treatment system. Even with only one operational press we are able to dewater more solids each day than we produce.

We have completed about 350 maintenance work orders between the two facilities in October and have processed 157,645 gallons of biosolids with one press.

Attached to this report is the first page of the VDH MOR for the water plant and the DMR report for the wastewater plant for the month of October. Not all data has been received from our contract lab and final review of data for state submission has not been completed.

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

1. 2020 October Council Operations Reports

Recommendation

Sample Motion

October 2020,000

No. Connections Served: 1738
Population Served: 4185

Flows and Chemical Dosages

DATE	Raw Water Treated MGD	Finished Water Produced MGD	Finished Water Delivered MGD	Hours in Service	Raw Water Chemicals										Finished Water Chemicals							
					Alum	Carbon	Chlorine	Fluoride	Polymer	KMnO4	Soda Ash	Chlorine	Corr Inhibitor									
	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L				
1	0.505		0.435	15.0	41	9.6	4	0.9														
2	0.445		0.495	15.0	41	10.9	4	1.2														
3	0.153		0.124	4.5	10	8.0	1	0.6														
4																						
5	0.516		0.461	15.0	36	8.2	4	0.9														
6	0.504		0.440	15.2	41	9.7	4	1.0														
7	0.514		0.458	15.0	41	9.5	4	0.9														
8	0.301		0.360	8.8	20	8.1	2	0.6														
9	0.471		0.460	15.0	41	10.3	4	0.9														
10	0.259		0.225	7.8	20	9.4	2	1.1														
11	0.211		0.176	6.3	15	8.6	2	0.9														
12	0.206		0.189	5.8	15	8.7	1	0.7														
13	0.512		0.443	15.0	35	8.3	4	0.8														
14	0.511		0.438	14.0	41	9.5	4	1.0														
15	0.466		0.437	14.5	35	9.1	4	1.1														
16	0.514		0.459	14.0	35	8.3	4	0.8														
17	0.229		0.194	6.0	20	10.6	3	1.5														
18	0.543		0.213	7.0	15	8.0	1	0.6														
19	0.547		0.472	16.0	46	10.1	5	1.1														
20	0.478		0.491	15.0	41	8.9	3	0.7														
21	0.478		0.407	12.5	35	8.9	3	0.8														
22	0.778		0.693	21.5	56	8.6	5	0.8														
23	0.547		0.475	15.0	41	8.9	0	0.0														
24	0.316		0.276	8.0	15	5.8	4	1.4														
25	0.103		0.094	3.0	5	5.9	1	0.9														
26	0.564		0.495	15.0	46	9.7	4	0.9														
27	0.531		0.477	15.0	41	9.2	4	0.9														
28	0.579		0.408	16.0	41	8.4	4	0.9														
29	0.580		0.509	16.3	30	6.3	4	0.7														
30	0.442		0.391	12.0	30	8.3	3	0.9														
31	0.160		0.173	5.0	15	11.4	2	1.2														
Total	12.714	0.000	11.366	364.0	943	265.1	94	27.0	0.0	0.00	129.3	39.0	1.65	0.461	98	27.9	0.0	0.00	379.7	106.01	0.0	0.00
Maximum	0.778	0.000	0.693	21.5	56	11.4	5	1.5	0.0	0.00	9.1	3.6	0.10	0.017	8	1.3	0.0	0.00	23.7	4.12	0.0	0.00
Minimum	0.103	0.000	0.094	3.0	5	5.8	0	0.0	0.0	0.00	0.8	0.2	0.01	0.010	1	0.8	0.0	0.00	3.2	1.63	0.0	0.00
Average	0.424	0.000	0.379	12.1	31	8.8	3	0.9	#DIV/0!	#DIV/0!	4.3	1.3	0.05	0.015	3	0.9	#DIV/0!	#DIV/0!	12.7	3.53	#DIV/0!	#DIV/0!

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE)

RAW WATER SOURCE(S) USED DURING MONTH:

(SOURCE/DATES)

PRINTED NAME

David A Tyrrell

Shenandoah River - Entire Month

TITLE: OPERATOR CLASSIFICATION
DPOR CERTIFICATION NO.

Class 1
1955002813

Berryville STP Monthly DMR Data

October 2020

Date	Effluent Flow MGD	Eff pH SU	Eff Temp Deg C	Eff CBOD mg/l	Eff CBOD KG/D	Eff TSS mg/l	Eff TSS KG/D	Effluent DO River mg/l	Effluent DO WWTP mg/l	Eff NO2-/NO3 mg/l	Eff TKN mg/l	Eff TKN KG/D	Eff Total N mg/l
10/1/2020	0.28	6.9	21.7	2.00	2.12			8.3	7.9	0.00	0.60	0.64	0.60
10/2/2020	0.22	6.7	21.7						8.0				
10/3/2020	0.22	6.6	20.9						8.1				
10/4/2020	0.22	6.7	20.6						8.0				
10/5/2020	0.21	7.0	20.5	2.00	1.59				8.1	1.18	0.82	0.65	2.00
10/6/2020	0.21	6.7	20.0	3.00	2.38				7.7				
10/7/2020	0.21	6.7	20.3						8.2				
10/8/2020	0.21	6.6	20.5	2.00	1.59				7.5	0.58	0.69	0.55	1.27
10/9/2020	0.24	6.6	20.4						7.6				
10/10/2020	0.27	6.6	20.7					8.4	7.5				
10/11/2020	0.33	6.7	20.8						8.3				
10/12/2020	0.43	6.9	21.1	14.00	22.79				8.7	0.00	0.95	1.55	0.95
10/13/2020	0.35	6.8	21.2	3.00	3.97	0.00	0.00		8.2				
10/14/2020	0.31	7.0	20.9						8.2				
10/15/2020	0.29	7.0	20.9	2.00	2.20				7.6	0.07	0.86	0.94	0.93
10/16/2020	0.24	7.1	20.8						8.2				
10/17/2020	0.24	7.1	20.0						8.3				
10/18/2020	0.24	7.0	19.7						8.3				
10/19/2020	0.23	6.8	19.6	0.00	0.00				8.4	0.24	0.78	0.68	1.02
10/20/2020	0.26	7.0	19.8						7.9				
10/21/2020	0.27	6.9	19.6						8.8				
10/22/2020	0.27	6.8	20.1	0.00	0.00				8.6	0.22	0.88	0.90	1.10
10/23/2020	0.29	6.9	20.6					9.2	8.6				
10/24/2020	0.29	6.7	20.9						8.8				
10/25/2020	0.28	6.9	20.8						7.9				
10/26/2020	0.28	6.8	19.7						8.5				
10/27/2020	0.27	6.8	20.2						8.7				
10/28/2020	0.30	6.9	20.3						8.6				
10/29/2020	0.42	6.9	20.5					9.0	8.8				
10/30/2020	0.38	6.9	19.8						8.5				
10/31/2020	0.27	7.0	18.9						9.0				
Minimum	0.21	6.6	18.9	0.00	0.00	0.00	0.00	8.3	7.5	0.00	0.60	0.55	0.60
Maximum	0.43	7.1	21.7	14.00	22.79	0.00	0.00	9.2	9.0	1.18	0.95	1.55	2.00
Total	8.53	212.0	833.5	28.00	36.64	0.00	0.00	34.9	265.4	2.29	5.58	5.90	7.87
Average	0.28	6.8	20.4	2.11	4.07	0.00	0.00	8.7	8.2	0.33	0.80	0.84	1.12
Geo Mean	0.27	6.8	20.4	2.33	2.39	1.00	1.00	8.7	8.2	0.43	0.8	0.80	1.06

Berryville STP Monthly DMR Data

October 2020

Date	Eff. Total N KG/D	Eff. Total P mg/l	Eff. Total P KG/D	E. Coli No./100ml
10/1/2020	0.64	0.02	0.02	1
10/2/2020				
10/3/2020				
10/4/2020				
10/5/2020	1.59	0.03	0.02	0
10/6/2020				1
10/7/2020				
10/8/2020	1.01	0.03	0.02	1
10/9/2020				
10/10/2020				
10/11/2020				
10/12/2020	1.55	0.10	0.16	1
10/13/2020				1
10/14/2020				
10/15/2020	1.02	0.00	0.00	1
10/16/2020				
10/17/2020				
10/18/2020				
10/19/2020	0.89	0.00	0.00	1
10/20/2020				
10/21/2020				
10/22/2020	1.13	0.00	0.00	1
10/23/2020				
10/24/2020				
10/25/2020				
10/26/2020				
10/27/2020				
10/28/2020				
10/29/2020				
10/30/2020				
10/31/2020				
Minimum	0.84	0.00	0.00	0
Maximum	1.59	0.10	0.16	1
Total	7.83	0.18	0.23	9
Average	1.12	0.03	0.03	1
Geo Mean	1.07	0.15	0.15	1

**Berryville Town Council Item Report Summary
November 10, 2020**

Item Title

Staff Reports - Police Department

Prepared By

Background/History/General Information

Monthly Activity Report

The activity report for the month of October 2020 is attached to this memo.

Public Safety Committee

The Public Safety Committee did not meet in October 2020. The Committee will next meet on November 17, 2020 at 2:00 pm in the A/B meeting room.

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

1. Police and Security Report Oct 2020

Recommendation

Sample Motion



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

Police and Security Report

Month/Year: October 2020	Year To Date 2020	October 2020	September 2020
<u>Complaints Answered</u>			
911 Hang Up:	35	2	5
Alarms:	83	8	6
Animal Complaint:	102	11	5
Assault:	26	0	3
Assist County:	50	5	5
Assist EMS and Fire:	210	10	13
Auto Larceny:	2	0	0
Burglary:	1	0	0
Civil Complaints:	55	5	3
Disturbance:	34	4	3
Domestic Disturbance:	27	2	4
Driving Under the Influence	5	1	0
Drunk In Public:	6	0	2
Fraud:	29	7	1
Larceny:	52	12	6
Harassment/Intimidation:	21	5	2
Homicide:	0	0	0
Identity Theft	3	1	1
Juvenile Related:	37	5	3
Mental Health Crisis:	53	5	4
Narcotics Related:	19	4	0
Noise:	40	7	2
Public Service:	5	1	0
Sexual Assault:	2	0	1
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	91	13	9
Trespassing:	9	2	1
Vandalism:	33	5	10
Welfare Check:	74	6	8
Miscellaneous Complaints:	399	36	33
Total Complaints Answered:	1503	157	130



Berryville Police Department

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

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2020	October 2020	September 2020
<u>Traffic</u>			
Accidents Investigated:	17	1	3
Assist Motorist:	0	0	0
Child Safety Seat Install:	8	2	1
Funeral Escort:	21	2	2
Hit & Run:	6	1	0
Parking Tickets:	65	0	0
Traffic Warnings:	129	9	12
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	3	0	0
Expired Inspection:	10	0	0
Expired Registration:	2	0	0
Fail to Obey Highway Sign:	34	3	5
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	3	0	1
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	6	1	0
No Seat Belt:	0	0	0
Reckless Driving:	6	2	0
Speeding:	64	0	8
Miscellaneous Summons:	8	0	0
Total Traffic Summons Issued:	136	6	14
<u>Found Open at Businesses in Town</u>			
Doors:	13	1	2
Windows:	0	0	0
Garage Doors:	1	0	0



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2020	October 2020	September 2020
<u>Criminal Arrests Made</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	7	1	0
Assault and Battery on Police Officer:	2	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	1	0	0
Disorderly Conduct:	0	0	0
Driving Under the Influence:	5	1	0
Drunk In Public:	4	0	1
Fail to Obey Police Officer:	2	0	0
Fail to Pay Parking Ticket:	1	0	1
Forgery:	0	0	0
Fraud:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	36	4	0
Petty Larceny:	0	0	0
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	4	2	0
Rape:	0	0	0
Resisting Arrest:	3	0	0
Robbery:	0	0	0
Shoplifting:	2	0	0
Trespassing:	1	0	0
Vandalism:	4	4	0
Weapons Violation:	4	0	0
Miscellaneous Criminal Arrests:	14	4	0
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	90	16	2

Town Council Agenda Item Report Summary

November 10, 2020

Item Title

Community Development Update

Prepared By

Christy Dunkle

Planning Commission

The Planning Commission did not hold a meeting in October. Their next meeting is scheduled for November 24, 2020 at 7:00pm.

Berryville Area Development Authority

The BADA held a meeting on Wednesday, October 28, 2020 to discuss the following:

House of Lords, Inc. and Ding Yi Wang, Owners (Jon Erickson, Morris & Ritchie Associates, Agent) are requesting Final Plat and Site Plan approval in order to construct an extension of McNeil Drive, creating a two-lot subdivision on the parcel identified as Tax Map Parcel number 14-5-251E zoned Business Commercial (BC). SP 01-20

As there were a number of reviews and determinations that were not completed over the 60-day extension requested by the applicant, the applicant withdrew the application. Due to the Thanksgiving holiday, the BADA will meet in early December should they need to hold a meeting.

Architectural Review Board

The Architectural Review Board will be meeting on Wednesday, November 4, 2020 to discuss a sign review and the Berryville Main Street Parking Meter Contest.

Tree Board

No meeting was held since the October Council meeting.

Board of Zoning Appeals

The BZA has not held a meeting since the last Council meeting.

Town Council Agenda Item Report Summary

November 10, 2020

Item Title

Construction Project Update

Prepared By

Christy Dunkle

Robert Regan Village

- 120 age- and income-restricted apartments
- Final Certificate of Occupancy issued
- Currently accepting applications
- Final Report

Shenandoah Crossing Subdivision

- 82 single-family homes
- Owned by D.R. Horton, Inc.
- To be developed by D.R. Horton, Inc.
- Zoned DR-2 Detached Residential
- Cluster layout
- HOA-maintained facilities
- Utility and paving installation under way
- Grading and building plans under review

Fellowship Square Subdivision

- 50 single-family homes
- Zoned DR-4 Detached Residential
- Cluster layout
- HOA maintained facilities
- Intermittent pavement has been applied on Fairfax Street
- Houses under construction on the Fellowship Square property
- Staff currently reviewing traffic patterns and notifications for the opening the new portion of Fairfax Street (on or after December 1, 2020)

Hermitage Phase V

- 71 single-family homes
- Currently owned by Silver Lake Development
- Final phase of Hermitage subdivision (started 2000)
- Zoned R-1 and DR-1
- Rezoning approved by Town Council at the September 10, 2019 meeting to align new layout with proposed parcel lines
- Phase V will have HOA oversight, other phases will not be affected
- Review of construction plans completed
- DEQ stormwater permitting approved

- Final plat approved by Planning Commission and BADA on Wednesday, July 22, 2020
- Deed of dedication reviewed and approved
- Bond approved by Town Council at their October meeting
- No anticipated start date or activity since the last Council meeting

**Berryville Town Council Item Report Summary
November 10, 2020**

Item Title

Community Development - Monthly Report

Construction Update

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

Recommendation

Sample Motion

**Berryville Town Council Item Report Summary
November 10, 2020**

Item Title

Staff Reports - Administration and Finance

Prepared By

Background/History/General Information

Berryville Town Council Item Report Summary

November 10, 2020

Item Title

Staff Reports – Business and Finance

Prepared By

Gregory C. Jacobs, Director of Finance

Status of RFP's currently working

Refuse and Garbage Collection RFP (RFP # 2020-4) – contract currently with Republic Services for their review/approval.

Audit Services draft RFP (RFP # 2020-5) – A draft of the RFP was attached for Council's review with last month's Council packet and again with this month's packet. It is requested that council approve the RFP for publication at this Council Meeting. A motion is attached.

Below is the suggested schedule of the Process:

- 10/13/2020 Council receives draft of RFP to review.
- 11/10/2020 Council approves RFP for publication at November Council Meeting.
- 11/13/2020 RFP # 2020-5 is published.
- 12/2/2020 Responses are due back to the Town.
- 12/8/2020 Budget and Finance Committee reviews responses.
- 12/14 – 12/18/2020 Council interviews of prospective Audit Firms.
- 1/12/2021 – Council Approves selected Audit Firm at January 2021 Council Meeting.

- 1/15/2021 – Audit Contract Awarded.

Employee Health Insurance RFP (RFP # 2020-06) Staff prepared a very rough draft of a Health Insurance RFP to provide Employee Health Insurance. This is being done in preparation if Anthem Health Plans of Virginia and Valley Health Services cannot reach a contract agreement thereby forcing many of our employee's health care providers to be "out of network."

Water Meter Replacement IFB (IFB # 2020-07) Staff prepared a rough draft of an IFB for the Water Meter Replacement project. This draft is currently for review and discussion purposes.

Collection of Utility Payments

On Tuesday October 6, 2020, staff was directed to resume the practice of disconnecting past due water and sewer accounts. We started with the 10 accounts that were 90+ days delinquent. By the end of the day, 8 of those accounts had been paid, and are now current.

On October 16, 2020 the staff sent out 148 cut-off notices for the remaining past due water and sewer accounts. Most of those accounts were brought current before actual cut-off process was started. Prior to cut-off, eight accounts requested extensions and one account requested help through FISH. On October 27, 2020 the staff started cut-off of 29 delinquent accounts. All but one of those accounts have been paid and are now current.

CARES Act Update

We received reimbursement for COVID related expenditures from May 16, 2020 through August 18, 2020 of \$6,108.10 on October 15, 2020.

We submitted a request for reimbursement for expenditures from August 19 through September 1, 2020 totaling \$145.74 in October.

On October 26, 2020 we submitted an additional request for reimbursement of Police Hazard Pay under the CARES Act. This first request is for weeks worked from March 7, 2020 through October 24, 2020 and is in the amount of \$24,100. We are projecting an additional \$7,300 through the end of the calendar year for a total of \$31,400 to be

reimbursed for Hazard Pay under the CARES Act in 2020.

Billing for additional refuse totes

The staff put together an informational packet regarding the changes coming related to refuse and recycling. There will be charges for additional refuse totes. The packet included a detailed information page that explained the new fees, the fee structure, and provided a form to use to request additional totes. In addition, there will be a choice of three different sizes of Recyclable Containers.

This additional fee will be included in the water and sewer monthly bill beginning in January 2021.

The process of outsourcing the utility billing has begun. We hope to have the new billing process in place by January 1, 2021.

Personal Property Tax and Real Estate Taxes

We have received the Personal Property Tax and Real Estate Tax assessment files from the Clarke County Commissioner of Revenue and they have been uploaded to our system by our software providers.

Staff has begun the long and arduous task of Personal Property Tax and Real Estate Tax billing. We plan on sending out Real Estate Tax bills this week and Personal Property Tax bills next week.

Finance and Administration Department Staff Changes

Our Finance Clerk that has worked for the Town of Berryville for over seven years has accepted a job with another Governmental Entity. We have advertised the position and are in the process of interviewing applicants.

New Water and Sewer Rates

The new Water and Sewer rates go into effect on November 19, 2020.

A/P Check Listing for October 1, 2020 through October 30, 2020

Please see attached a listing of checks issued from October 1, 2020 through October 30, 2020.

ACH Transactions for October 1, 2020 through October 30, 2020

Please see attached a listing of payments made by ACH for October 2020

Bank of America P-Card Statements (payments made by town credit cards)

The report of October 2020 P-Card Purchases that will be paid on November 25, 2020 was not available at the time this report was drafted. This report will be provided on the night of the November Council meeting as it is available at that time.

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

Recommendation

Sample Motion

Check Listing

Date From: 10/1/2020 Date To: 10/30/2020

Vendor Range: 4IMPRINT, INC. - ZENON ENVIRONMENTAL CORPORATION

Town of Berryville
11/02/2020 11:54 AM

Page: 1 of 2

Check Number	Bank	Vendor	Date	Amount
6252	1	CORE & MAIN LP	10/02/2020	\$10,601.82
6253	1	Cynthia Poulin	10/02/2020	\$540.00
6254	1	HAWKS JERRY M 3404	10/02/2020	\$41.30
6255	1	HAWKS JERRY M 3405	10/02/2020	\$18.75
6256	1	James River Equipment	10/02/2020	\$1,484.18
6257	1	JODI KERN	10/02/2020	\$20.00
6258	1	MANAHAN KEVIN WAYNE 2182	10/02/2020	\$30.15
6259	1	Michelle M. Jones	10/02/2020	\$3,259.40
6260	1	T-Mobile USA, Inc	10/02/2020	\$3,999.90
6261	1	VUPS	10/02/2020	\$137.55
6262	1	W L CONSTRUCTION & PAVING, INC.	10/02/2020	\$20,200.00
6263	1	Bureau for Child Support Enforcement	10/13/2020	\$875.00
6264	1	COMBS WASTEWATER MANAGEMENT LLC	10/13/2020	\$75.00
6265	1	Commercial Press Inc	10/13/2020	\$408.75
6266	1	Cynthia Poulin	10/13/2020	\$585.00
6267	1	Douglas A. Shaffer	10/13/2020	\$75.00
6268	1	H. Allen Kitselman	10/13/2020	\$75.00
6269	1	H20 Pipe Cleaning LLC	10/13/2020	\$4,375.00
6270	1	JOHANNA ELIZABETH BACKOVER	10/13/2020	\$92.90
6271	1	Keith Dalton	10/13/2020	\$50.00
6272	1	Michelle M. Jones	10/13/2020	\$1,697.50
6273	1	SAADET ERGEN	10/13/2020	\$169.58
6274	1	SHERWOOD-LOGAN & ASSOC	10/13/2020	\$10,410.76
6275	1	STURGIS WEB SERVICES	10/13/2020	\$180.00
6276	1	The Hall Company	10/13/2020	\$671.67
6277	1	Treasurer of Frederick County	10/13/2020	\$4,183.26
6278	1	ANDERSON LAWN CARE, INC.	10/20/2020	\$1,100.00
6279	1	Barns of Rose Hill	10/20/2020	\$4,500.00
6280	1	Hall, Monahan, Engle, Mahan & Mitchell	10/20/2020	\$8,087.50
6281	1	JERRY T ATKINS	10/20/2020	\$37.06
6282	1	JOE SHOREMOUNT	10/20/2020	\$8.42
6283	1	Minnesota Life Insurance Co.	10/20/2020	\$349.24

Check Listing

Date From: 10/1/2020 Date To: 10/30/2020

Vendor Range: 4IMPRINT, INC. - ZENON ENVIRONMENTAL CORPORATION

Town of Berryville
11/02/2020 11:54 AM

Page: 2 of 2

Check Number	Bank	Vendor	Date	Amount
6284	1	Northern Shenandoah Valley Regional Commission	10/20/2020	\$1,575.00
6285	1	PENNONI ASSOCIATES INC	10/20/2020	\$16,289.50
6286	1	Southern Software, Inc.	10/20/2020	\$850.00
6287	1	Stuart M. Perry, Inc	10/20/2020	\$2,970.43
6288	1	The Winchester Star	10/20/2020	\$225.00
6289	1	VIRASEC IT Support Services, Inc.	10/20/2020	\$2,399.68
6290	1	West Virginia DMV	10/20/2020	\$30.00
6291	1	ARNETT MULDROW & ASSOCIATES, LTD	10/28/2020	\$6,630.00
6292	1	Bureau for Child Support Enforcement	10/28/2020	\$875.00
6293	1	Clarke County Animal Shelter	10/28/2020	\$62.01
6294	1	Commercial Press Inc	10/28/2020	\$199.00
6295	1	CROWN TROPHY LLC	10/28/2020	\$105.00
6296	1	Cynthia Poulin	10/28/2020	\$633.75
6297	1	EMMA RUTH ELLEN RHODES 7828	10/28/2020	\$518.31
6298	1	Minnesota Life Insurance Co.	10/28/2020	\$349.24
6299	1	MORGAN-KELLER INC	10/28/2020	\$1,225.00
6300	1	USPS	10/28/2020	\$3,000.00
6301	1	VIRASEC IT Support Services, Inc.	10/28/2020	\$660.00
50	Checks Totaling -			\$116,936.61

Totals By Fund

	Checks	Voids	Total
100	\$85,130.11		\$85,130.11
501	\$16,709.45		\$16,709.45
502	\$15,097.05		\$15,097.05
Totals:	\$116,936.61		\$116,936.61

ACH Transactions

Date From - 10/1/2020 Date To -10/31/2020

Town of Berryville

Description	Date	Amount	Bank Acct #
VRS	10/10/2020	\$ 25,466.21	1
US Treasury - Payroll Taxes	10/2/2020	\$ 10,826.72	1
Payroll Transfer - Town Council	10/13/2020	\$ 1,453.49	2
US Bank - copier lease payment	10/10/2020	\$ 1,305.44	2
ICMA-RC VRS Hybrid	10/2/2020	\$ 384.31	1
		\$ 618.13	\$ 1,002.44
Comp of MD - Payroll Taxes	10/15/2020	\$ 97.00	1
Treas of WV - Payroll Taxes	10/15/2020	\$ 514.00	1
Treas of VA - Payroll Taxes	10/15/2020	\$ 2,585.00	1
Payroll Transfer - SM Exempt	10/15/2020	\$ 13,967.14	2
Payroll Transfer - BW Non Exempt	10/16/2020	\$ 34,762.03	2
USDA RD DCFO - Gov't Center	10/17/2020	\$ 10,123.00	1
US Treasury - Payroll Taxes	10/13/2020	\$ 241.02	1
US Treasury - Payroll Taxes	10/15/2020	\$ 5,610.85	1
BOA - P-Card Payment	10/25/2020	\$ 78,565.58	1
Payroll Transfer - BW Non Exempt PR	10/2/2020	\$ 33,630.16	2
Payroll Transfer - BW Non Exempt PR	10/30/2020	\$ 35,750.40	2
US Treasury - Payroll Taxes	10/16/2020	\$ 11,315.75	1
ICMA-RC VRS Hybrid	10/16/2020	\$ 382.90	1
		\$ 616.56	\$ 999.46
US Treasury - Payroll Taxes	10/30/2020	\$ 11,620.29	1
US Treasury - Payroll Taxes	10/29/2020	\$ 5,610.85	1
Payroll Transfer - SM Exempt	10/29/2020	\$ 13,967.14	2
Mansfield - Fuel Card Due	10/15/2020	\$ 608.07	2
Mansfield - Fuel Card Due	10/30/2020	\$ 587.12	2
Lincoln Financial	10/1/2020	\$ 843.43	2
Nationwide Retirement Solutions	10/16/2020	\$ 740.00	2
Nationwide Retirement Solutions	10/30/2020	\$ 690.00	2
Comp of MD - Payroll Taxes	10/30/2020	\$ 126.00	1
Treas of WV - Payroll Taxes	10/30/2020	\$ 407.00	1
Treas of VA - Payroll Taxes	10/30/2020	\$ 1,796.00	1
VA Employment Commission	10/31/2020	\$ 6.14	1
Anthem	10/1/2020	\$ 28,759.00	1
PSN Chargeback Fee	NA	\$	1
ACH Reversal - NSF Pmt,	NA	\$	2
		<u>\$ 333,976.73</u>	
Totals:			
Payroll		\$ 133,530.36	
US Treasury		\$ 45,225.48	
Treas of WV		\$ 921.00	
Comp of MD		\$ 223.00	
Treas of VA		\$ 4,381.00	
Mansfield Oil		\$ 1,195.19	
ICMA-RC VRS Hybrid		\$ 2,001.90	
VRS		\$ 25,466.21	
PSN Chargeback Fee		\$	
Anthem		\$ 28,759.00	
US Bank Copier Lease		\$ 1,305.44	
Lincoln Financial		\$ 843.43	
Nationwide Retirement Solutions		\$ 1,430.00	
BOA P-Card payment		\$ 78,565.58	
VA Employment Commission		\$ 6.14	
USDA Bond Payment		\$ 10,123.00	
Returned ACH pmts/NSF		\$	
		<u>\$ 333,976.73</u>	
Funds from "Operating Acct" aka Bank # 1		\$ 195,672.31	
Funds from "Deposit Acct" aka Bank #2		\$ 138,304.42	
		<u>\$ 333,976.73</u>	



**TOWN OF BERRYVILLE, VIRGINIA
REQUEST FOR PROPOSAL
AUDIT SERVICES RFP #2020-05**

ISSUE DATE: November 12, 2020

DUE DATE: December 2, 2020, 2:00 PM

DELIVERY ADDRESS: 101 Chalmers Court, Suite A
Berryville, VA 22611

CONTACT: Gregory C. Jacobs
Director of Finance/Treasurer
E-mail: treasurer@berryvilleVA.gov

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Available on the Town web site:

Annual CAFR through 2020 <http://www.berryvilleva.gov>

Annual Budgets through FY 2021 <http://www.berryvilleva.gov>

I. INTRODUCTION AND BACKGROUND INFORMATION

- A. **General Information** - The Town of Berryville (“Town”) is requesting proposals from qualified certified public accounting firms to audit its financial statements beginning with the fiscal year ending June 30, 2021.
- B. **Agreement Term** – It is the intent of the Town to enter into a five-year Agreement beginning with services for the fiscal year ending June 30, 2021 through June 30, 2025. The Town reserves the right to renew the contract for two (2) additional one (1) year periods. This contract may be renewed at the expiration of its term by agreement of both parties. Contract renewals must be authorized by the Town Council and coordinated through the Town Manager.
- C. **Background** - The Town serves an area of 2.275 square miles with an estimated population of 4,342 as of 2018. The Town's fiscal year begins on July 1 and ends on June 30.

Services - The Town provides the following services to its citizens:

- General governmental services including: police, refuse collection and disposal, water and sewer utility, parks and recreation, and maintenance of streets and roadways.
- The Town has a total payroll, including benefits of \$1.72 million covering 33 full-time and 8 part-time employees.
- The Town is organized into five departments. The accounting and financial reporting functions of the Town are centralized.
- More detailed information on the government and its finances can be found in the Comprehensive Annual Financial Report for fiscal year 2020 and Budget for fiscal year 2021. These can be found on the Town’s website at www.berryvilleva.gov.

Fund Structure - The Town uses the following fund types and account groups in its financial reporting:

Fund Type/Account Group	Number of Individual Funds	Number With Legally Adopted Annual Budgets
General Fund	1	1
Enterprise Funds	2	2

Budgetary Basis of Accounting - The Town prepares its budgets on a basis consistent with generally accepted accounting principles.

Federal and State Financial Assistance – The Town receives federal assistance directly from the federal government or as pass through funds.

Pension Plan - The Town participates in the Virginia Retirement System, which is a Multiple-Employer Defined Benefit Plan. The Virginia Retirement System provides actuarial services for this plan. The Town also offers its employees a choice of deferred compensation plans in accordance with Internal Revenue Code 457.

Component Units – The Town has no component units.

Joint Ventures - The Town does not participate in any joint ventures.

Magnitude of Finance Operations - The finance department is headed by Gregory C. Jacobs, Director of Finance/Treasurer, and consists of 5 employees. The principal functions performed and the numbers of employees assigned to each are as follows:

- Director of Finance/Treasurer (collections, procurement, budget) 1
- Deputy Treasurer/Utility Clerk (real estate, personal property, utility billing) 1
- Front Desk Clerk (customer service, meals tax, cigarette tax, business license) 1
- Finance Clerk (accounts payable, payroll, procurement, reimbursables) 1
- Town Clerk (FOIA, minutes) 1

Computer Systems.- The Town’s integrated accounting system and files are shared via server. The following are details:

Hardware:

Type of Equipment	Server
Model/Make of Equipment	SQL database engine and Windows 10 operating software.
Networked	Yes

Software:

<u>Vendor</u>	<u>Applications</u>
Southern Software	General Ledger/Accounting
FMS	Accounts Payable
	Payroll/Personnel
	Business Licenses
	Budget Preparation
	Utility Billing
	Property Taxes

Availability of Prior Audit Reports and Working Papers – Prior year’s CAFR may be found on the Town’s website. The audit firm of Robinson, Farmer, Cox Associates, P.O. Box 6580 Charlottesville, VA 22906 performed the Town's audit for the last ten fiscal years. Their contact is Josh Roller at (434) 973-8314.

II. SCOPE OF WORK

A. Auditing and Reporting Services

1. Comprehensive Annual Financial Report (“CAFR”) - The auditor shall prepare and deliver to the Town an Independent Auditor’s Report that expresses an opinion regarding whether the Town’s basic financial statements, as presented in the CAFR, are fairly presented and in conformance with generally accepted accounting principles.

The auditor shall also perform certain procedures in regards to the required supplementary information and supporting schedules of individual funds.

2. Single Audit - The auditor shall determine if there is a requirement to examine, perform tests, and report on the Schedule of Expenditures of Federal Awards and all

related reports according to OMB Circular A-133 Compliance Supplement Requirements. If such a requirement exists, and estimate of additional time and fees required to perform such procedures will be provided to Town's Management, and shall be stated separately from total audit contract amount.

3. APA Transmittal Forms - The Auditor of Public Accounts for the Commonwealth of Virginia ("Auditor of Public Accounts") requires all local governments to complete Comparative Report Transmittal Forms in accordance with the provisions of the Uniform Financial Reporting Manual. Each fiscal year, the auditor shall prepare all such required forms, perform all procedures specified in the Uniform Financial Reporting Manual, and submit the completed forms for each fiscal year to the Auditor of Public Accounts no later than the November 30th following the end of the Town's fiscal year.
4. GASB and FASB Pronouncements - The auditor shall keep the Town fully informed of all pronouncements issued by the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standard Board (FASB). The auditor shall assist the Town as needed in complying with all GASB and FASB requirements.
5. Public Presentation of Audit - The auditor shall present a summary of its Independent Auditor's Report to the Town Council at a public session in December (usually the 2nd Tuesday of the month) each year. Town Council must be provided with the audit no less than 14 days before the presentation.
6. Other Requirements – The auditor shall provide assistance with the following items:
 - a) Reconciliation of beginning fund balances against prior year audited financial statements; propose adjustments as necessary.
 - b) Reconciliation of federal and state funding against trial balances per the Auditor of Public Accounts reports; propose adjustments as necessary.
 - c) Review of accounts payable accruals and payroll accruals to determine completeness.
 - d) Assistance to staff with recording the addition and disposal of assets to the depreciation system as needed.
 - e) Preparation of journal entries, as necessary, related to debt service.
 - f) Preparation of other entries, as necessary, to various funds so that fund basis financial statements will be ready for audit.
 - g) Assistance to staff with gathering information necessary for auditors to prepare entity wide financial statements.
 - h) Assistance to staff regarding any transactions that may not have been recorded properly; propose adjustments as needed.

B. Auditing Standards to Be Followed

The auditor shall audit all funds and financial statements of the Town in accordance with: (1) the standards for financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, (2) the provisions of the OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, and (3) the Specifications for Audits of Counties, Cities and Towns of the Auditor of Public Accounts, Commonwealth of Virginia.

C. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of five years, unless the firm is notified in writing by the Town of the need to extend the retention period. The auditor will be required to make working papers available, upon request, to the following parties or their designees:

1. State Audit Agencies
2. U.S. General Accountability Office (GAO)
3. Parties designated by the federal or state governments or by the Town as part of an audit quality review process.
4. Auditors of entities of which the Town is a sub-recipient of grant funds.
5. Successor auditors of the Town.

D. Contact Persons/Locations of Offices

After Agreement award, the auditor's principal contact with the Town will be Gregory C. Jacobs, Director of Finance/Treasurer, who will coordinate the assistance to be provided by the Town to the auditor; email: treasurer@berryvilleva.gov.

E. Town's Time Requirements

The Town is subject to certain mandated reporting deadlines imposed by legal regulations, which the auditor shall meet. These include the following:

The Comprehensive Annual Financial Report together with transmittal forms is due to the Auditor of Public Accounts, Commonwealth of Virginia, no later than November 30 of each year.

To meet this mandated reporting deadline, the Town requires the following deadlines of the auditor:

1. The auditor must schedule and attend an entrance conference with the Town no later than January 31, 2021. An entrance conference will not be held for subsequent years of the Agreement unless specifically requested by the Town or the auditor.
2. Upon request, the auditor shall be available to meet or talk with the Director of Finance/Treasurer.
3. No later than February 15, 2020, and May 15th of each year thereafter, the auditor shall provide the Town with the following: (1) a calendar of the scheduled work, and (2) a list of the schedules that must be prepared by the Town, including system-generated reports and letters necessary for both interim work and final test work.
4. No later than September 30th each year, the auditor shall complete all fieldwork.
5. No later than October 20th each year, the auditor shall provide the Town with a draft CAFR including all financial statements, footnotes and required supplemental schedules. No later than November 10th each year, the Town's Director of Finance/Treasurer will review the draft CAFR and deliver to the auditor all corrections, the MDA, and the Letter of Transmittal.

6. No later than November 20th each year, the auditor shall deliver to the Town all final CAFR review comments.
7. No later than November 30th each year, the auditor shall issue to the Town its independent Auditor's Report.
8. No later than November 30th each year, the auditor shall submit to the Auditor of Public Accounts all documents that are required by the Auditor of Public Accounts to be submitted by November 30th.
9. No later than December 10th each year, the auditor shall provide the Town with 20 hard copies of the bound CAFR, including the Independent Auditor's Report, and an electronic .pdf file of the same.
10. The auditor shall present the CAFR, including the Independent Auditor's Report, to the Town Council during a regularly scheduled Town Council meeting in December (usually the 2nd Tuesday of the month).

F. Assistance to Be Provided to the Auditor; Report Preparation

1. Finance Department - The Finance Department has the responsibility for maintaining the general accounts of the Town and is the central oversight and coordinating agency for the town wide audit of financial statements. The Finance Department will provide the support necessary for the completion of a successful audit and will complete all of the prepared-by-client work papers for the auditor.
2. Town Departments - All Town departments will assist the auditor by assembling and making available information pertinent to the examination and providing knowledgeable personnel to meet with the auditor to explain agency operations.
3. Office Accommodations - The Town will provide the auditor with reasonable office accommodations. The auditor will also be provided with access to the internet, telephone lines, photocopying facilities and FAX machines. All work conducted on the Town's premises shall be accomplished between the Town's standard office hours of 8:00 a.m. and 5:00 p.m., Mondays through Fridays, holidays excepted, unless otherwise prearranged. While auditor personnel are at the Town's sites, they are required to comply with all rules and regulations of the Town with specific mention being made of complying with rules and regulations governing conduct with respect to health and safety not only as they relate to themselves, but also to Town personnel.

G. Site Visits

The Town reserves the right to visit the auditor's offices without prior notice, in order to assess the capabilities of individual auditors and to contact references provided with the proposals.

III. PROPOSAL SUBMISSION REQUIREMENTS

- A. **General Requirements** - The purpose of the offeror's proposal is to demonstrate the qualifications, competence, and capacity to undertake an independent audit of the Town in conformity with the requirements of this request for proposals ["RFP"]. As such, the substance of proposals will carry more weight than their form or manner of presentation. The offeror's

proposal should demonstrate the qualifications of the offeror and of the particular staff to be assigned to this engagement. It should also specify an offeror's approach that will meet the request for proposals requirements.

The offeror's proposal should address all the points outlined in this RFP. The proposal should be prepared simply, providing a straightforward, concise description of the offeror's capabilities to satisfy the requirements of the RFP. The submitted proposal shall form an integral part of the resulting Agreement, by reference. Therefore, offerors should exercise extreme care in describing what services are included or excluded in the proposal.

The Town will follow the evaluation process and selection criteria described later in this RFP. In order to enhance this process and provide each offeror with an equal opportunity for consideration, adherence to a standardized proposal format is required. The format of each proposal must contain the following elements organized into separate chapters or sections. The maximum pages allowed for each element is listed. Any section that exceeds this maximum may not be considered.

	Maximum # of Pgs.
Table of Contents	1
RFP Submission Form	1
Offeror's cover sheet listing:	2
• Contact person and telephone number	
• Statement of independence	
• Statement of license to practice in Virginia	
Letter of transmittal and/or executive summary	2
Profile and Government Experience of the Offeror	4
Qualifications and Government Experience of the assigned Staff (Maximum Pages Per Person)	2
Audit approach and work plan	10
Ability to meet the Town's time requirements	1
Commitment to provide continuity of assigned Staff	1
References of Government clients	2

These elements parallel the Town's proposal evaluation criteria. The Town is not responsible for failure to locate, consider, and evaluate qualification factors presented outside of this format. The following paragraphs provide guidelines to each offeror for information that must be include in the proposal.

- B. Independence** - The offeror shall provide an affirmative statement in its proposal that the offeror is independent of the Town as defined by generally accepted auditing standards and the U.S. General Accounting Office's Government Auditing Standards and the Ethics Rules of the AICPA.

The offeror shall also list and describe in its proposal the offeror's professional relationships involving the Town for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the services described within this RFP.

- C. License to Practice in Virginia** – The offeror shall include an affirmative statement in its proposal representing that the offeror and all assigned key professional staff are properly

licensed to practice as certified public accountants in the Commonwealth of Virginia, and meet any and all other specific qualification requirements imposed by state or local law.

D. Profile and Government Experience of Offeror - The offeror's proposal must provide:

1. A description of the offeror, including its size and geographical focus;
2. The size of the offeror's governmental staff;
3. The location of the office from which the work on this engagement is to be performed and the nature of the professional staff to be employed in the engagement on a full-time basis and the number and nature of the staff to be employed on a part-time basis;
4. The description of the range of services performed by the office from which work on this engagement is to be performed, such as audits, accounting, tax services or management services;
5. A summary of the offeror's staff and management rotation policy and depth of available experiences;
6. An outline of all the professional development programs provided to and required of the offeror's audit staff, including government-specific development programs; and
7. A copy of the report on its most recent external quality control review, with a statement addressing whether that quality control review included a review of specific government engagements; in addition, the offeror shall provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. The offeror shall provide information on the circumstances and status of any disciplinary action taken or pending against the offeror during the past three (3) years with state regulatory bodies or professional organizations.

E. Qualifications and Government Experience of the Assigned Staff - Identify the principal supervisory and management staff, including partners, managers, other supervisors, and specialists who would be assigned to this engagement. For each person assigned to this engagement, provide: (i) a resume, (ii) information regarding his or her specific government auditing experience (e.g. utilities, retirement plans, investments, federal grants etc.), (iii) information regarding relevant continuing professional education for the past three (3) years, (iv) a list of professional organizations of which the individual is a member, and (v) a list of other engagements, if any, to which the individual will be assigned during the period of time they are performing services for the Town.

F. Audit Approach and Work Plan - The offeror's proposal must set forth a work plan to perform the services required in this RFP, including an explanation of the audit approach to be followed. In developing the work plan, reference should be made to such sources of information as the Town's CAFR, organizational chart, manuals and programs, and financial and other management information systems. The offeror should clearly distinguish tasks that the auditor will undertake as distinguished from those that are the responsibility of the Town.

Offerors must provide the following information in their work plan:

1. Discussion regarding the overall approach and process in conducting the services required under this RFP.
2. Explanation regarding how the offeror proposes to use Town staff, if at all, during an audit, indicating the approximate staff time required and the types of information or schedules required.
3. Manner in which the offeror intends to use computer-assisted auditing procedures and statistical sampling techniques. Indicate sample size if possible. Describe the approach to be taken in drawing audit samples for the purposes of compliance testing.
4. Extent of use of financial software in the engagement.
5. Type and extent of analytical procedures to be used in the engagement.
6. Approach to be taken to gain and document an understanding of the Town's internal control structure.
7. Identification of specialized government audit manuals and/or programs utilized.
8. Discussion on how the audit staff plans to audit computerized systems.
9. Procedures followed in the technical review of audited financial statements prior to their issuance.
10. Statement verifying the offeror's understanding of the specific reporting requirements outlined in this RFP.
11. Description of any anticipated potential audit problems, the auditor's approach to resolving these problems, and any special assistance that will be requested from the Town.
12. Description of how the offeror's proposed work plan will meet the Town's time requirements detailed at Section II.E. of this RFP.
13. Identify each significant phase of work.
14. Provide time estimates for each significant phase of work.
15. Identify the individual staff members by name and title to be assigned to each significant phase of work.
16. For each significant phase of work, identify any specialists the offeror plans to use;
17. For each significant phase of work, (a) itemize the tasks involved, (b) provide a schedule for each task, and (c) identify whether the Town or the offeror has primary responsibility for each task.
18. Identify and discuss any documentation or authorization that will be required from the Town, anticipated problem areas, proposed solutions to the problem areas, etc.

G. Commitment to Provide Continuity of Assigned Staff

1. The offeror must indicate what amount of assurance the offeror can give to the Town that the principal supervisory and management staff will continue for the full duration of the engagement.
2. The offeror must commit to describe how it will provide the Town advance notice and an opportunity for input concerning any staff change by the offeror during the term of this engagement.

H. References - This section of the offeror's proposal must:

1. List or describe representative clients served in the last three years by the office from which the work on this engagement is to be performed, focusing on clients similar in size and complexity to the Town, and provide dates of service.
 2. Provide the current name, address, and telephone number of at least three specific local government references the offeror has served either currently or in the past three years; preferably those where one or more of the assigned staff provided the same or similar services as requested herein.
 3. Each reference must indicate the scope of services provided to each referenced client.
- I. Meeting; Non-Binding Cost Estimate -** After the Town has reviewed all proposals, the Town will invite one or more of the highest-rated and fully-qualified offerors to the Town to discuss their proposals and to deliver a non-binding cost estimate during the week of December 14th.

When requested, the cost estimate shall include estimated number of hours and hourly rates for all job categories that will be used to accomplish work under this Agreement. All costs for reimbursable items such as travel, printing and reproduction along with a percentage markup of all reimbursable items provided by an outside source such as printing and courier express must be included. If any sub consultants are to be used, a percentage markup of their cost shall be included. The cost estimate is to include fees for each Agreement year of service, FY 2021 through FY 2025.

The auditor's fee must be priced assuming the Town will implement all GASB's required reporting changes over the period of the Agreement. In proposing fees for the Agreement period, the offeror should assume the Town will continue to grow in size and complexity. If the offeror believes there are extraordinary changes to the Town's size or complexity that would require a fee increase, these should be identified.

IV. EVALUATION CRITERIA

It is anticipated that an offeror will be selected and an Agreement executed between both parties by January 15, 2021. The Town will evaluate proposals based on the following criteria:

1. Qualifications and government experience of the offeror.
2. Qualifications and government experience of the assigned staff.
3. Audit approach and work plan.
4. Ability to complete all services required under this RFP by the required deadlines.

5. Commitment to provide continuity of audit staff.
6. References from clients similar in size and complexity to the Town.

V. INSTRUCTIONS AND AGREEMENT TERMS AND PROVISIONS

- A. **Right to Reject Proposals** - Submission of a proposal indicates acceptance by the offeror of the conditions contained in this RFP unless clearly and specifically noted in the proposal submitted and confirmed in the Agreement between the Town and the firm selected. The Town reserves the right, without prejudice, to reject any or all proposals.
- B. **Cost in Preparing Proposals** - There is no expressed or implied obligation for the Town to reimburse responding firms for any expenses incurred in responding to this request.
- C. **Submission of Proposals** - All proposals must be submitted in a sealed envelope, labeled with the proposal title and number, and addressed to:

Gregory C. Jacobs, Director of Finance/Treasurer
Town of Berryville
101 Chalmers Court, Suite A
Berryville, VA 22611

In order for a proposal to be considered by the Town, the Town must receive one original and four copies of the proposal no later than 2:00 PM, December 2, 2020 local time. Proposals received after the submission deadline will be returned unopened. Proposals in the form of telegrams, telephone calls, facsimiles or electronic mail will not be accepted. It is the sole responsibility of the offeror to ensure the receipt of the proposal by the Town.

The Town reserves the right to reject any or all proposals submitted and to cancel this RFP.

During the evaluation process, the Town reserves the right, where it may serve the Town's best interest, to request additional information or clarifications from offerors, or to allow corrections of errors or omissions.

The Town reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the Agreement between the Town and the selected offeror.

- D. **Inquiries** - Inquiries concerning this RFP must be made in writing to: Gregory C. Jacobs, Directory of Finance/Treasurer, treasurer@berryvilleva.gov.

Contact with personnel of the Town other than Gregory C. Jacobs, Director of Finance/Treasurer regarding this RFP may be grounds for elimination from the selection process.

- E. **Disposition of Proposals** - All materials submitted in response to this RFP will become the property of the Town. One copy of each proposal shall be retained for official files and will become a public record after the award and will be open to public inspection. It is understood

that the proposal will become part of the official file on this matter without obligation on the part of the Town except as to the disclosure restrictions contained in Section F "Disclosure."

- F. **Disclosure** - In compliance with the Town's purchasing policy, all proposals will be available for public inspection after the Agreement award. Trade secrets and proprietary information submitted by a vendor in connection with a procurement shall not be subject to public disclosure under the Virginia Freedom of Information Act, however, the offeror must invoke the protection of this legislation prior to or upon submission of the data or other materials, and must identify the specific area or scope of data or other materials to be protected and state reasons why protection is necessary. An all-inclusive statement that the entire proposal is proprietary is unacceptable. A statement that costs are to be protected is unacceptable.
- G. **Cost Incurred in Responding** - This solicitation does not commit the Town to pay any costs incurred in the preparation and submission of proposals or in making necessary studies or designs for the preparation thereof.
- H. **Prime Vendor Responsibilities** - Offerors may propose services that are provided by others, but any services proposed must meet all of the requirements of this RFP.

If the Offeror's proposal includes services provided by others, the Offeror will be required to act as the prime vendor for all such items and must assume full responsibility for the procurement, delivery and quality of such services. The Offeror will be considered the sole point of contact with regard to all stipulations, including payment of all charges and the meeting of all requirements of this RFP.

- I. **Laws and Regulations** - The Offeror's attention is directed to the fact that all applicable Commonwealth of Virginia laws, municipal ordinances and the rules and regulations of all authorities having jurisdiction over the Agreement shall apply to the Agreement throughout, and they will be considered to be included in the Agreement the same as though herein written out in full.
- J. **Conflict of Interest Statement** - The conflict of interest statement attached to this RFP must be executed and returned with the offeror's proposal. See Section III of Attachment B.
- K. **Ethics in Public Contracting** – The offeror will familiarize itself with the "Ethics in Public Contracting" section of the Virginia Public Procurement Act found in the Code of Virginia, Article 6, Section 2.2-4367 through 2.2-4377, and will abide by such provisions in submission of its proposal and performance of any Agreement awarded.
- L. **Non-Discrimination** – The offeror agrees that it will adhere to the non- discrimination requirements set forth in the Code of Virginia, Section 2.2-4310, which will be incorporated into any Agreement awarded. The offeror agrees to comply, and to require all suppliers and sub consultants paid in whole or in part from payments made under the Agreement to comply, with Section 122(A)(1) of the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512), as amended to wit:

No person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a State government or unit of local government, which government or unit receives funds made available under Subtitle A (of Title 1 of the Act).

Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

Any prohibition against discrimination on the basis of religion, or any exemption from such prohibition, as provided in the Civil Rights Act of 1964 or Title VIII of the Act of April 11, 1968, hereafter referred to as the Civil Rights Act of 1968, shall also apply to any such program or activity.

- M. Anti-collusion** - The signer of the proposal must declare that all persons, companies, and parties interested in the Agreement as principals or owners of the offeror are named therein; that the proposal is made without collusion with any other person, persons, company, or parties submitting a proposal; that the proposal is in all respects fair and made in good faith without collusion or fraud; and that the signer of the proposal has authority to contractually bind the offeror. See Section IV of the RFP Submission Form, under Attachment B.

- N. Agreement Execution** - The successful offeror will be required to execute the attached Agreement, provided under Attachment C. Questions or concerns with any of the Agreement terms and conditions are to be addressed in the original proposal.

ATTACHMENT A
AN INFORMATION OVERVIEW OF BERRYVILLE, VIRGINIA

1. Description of unit including location, physical size, recent and prospective annexation.

A 2.3 square-mile municipality located IN THE NORTHERN Shenandoah Valley, 11 miles east of Winchester and 5 miles south of the West Virginia border in Clarke County Virginia

2. Population:

2000 – 2,963

2010 – 4,185

2014 – 4,297 (Est)

2018 – 4,342 (Est)

3. Description of enterprises operated.

Water and Wastewater Utilities

4. Personnel/payroll

-Number of personnel, full-time.

Currently (FY 20) 39

Exempt - 12

Non-exempt - 27

-Estimated employee turnover.

5 employees per year.

5. Tax collections

-Number of bills issued.

Approximately 3,200 Personal Property

3,525 Real Estate

6. Enterprise billings

-Number of bills (monthly period).

Water and Wastewater – 1,725

-Average number of delinquent bills.

Water and Wastewater -160 second notices

7. Accounts Payable Checks

-Number per month - 50

Accounts Payable transactions per month – 200

8. Major bank accounts

-Number of bank accounts by type.

Three (two operating and one payroll)

-Average monthly activity in each bank account.

Deposits: operating 20, payroll 6

9. Special conditions

-Describe arrangements to collect taxes for others. N/A

-Describe arrangements to perform fiscal or accounting functions for others. N/A

10. Listing of separately functioning Authorities, Boards and Commissions created by the governing body and currently in operation.

Boards and Commissions are adjuncts to the Town Council and do not function independently - They are:

- Berryville Planning Commission
- Berryville Architectural Review Board
- Berryville Board of Zoning Appeals
- Berryville Area Development Authority
- Berryville Tree Board

ATTACHMENT B
AUDIT SERVICES RFP SUBMISSION FORM
RFP #2020-05

SECTION I – COMPANY IDENTIFICATION AND OWNERSHIP DISCLOSURE

Company _____

Address _____

Contact Person _____ Title _____

Telephone No. _____ Fax No. _____ Email _____

Organized under the laws of the State of _____

Principal place of business _____

Following are the names and addresses of all persons having an ownership interest of 3% or more in the company (attach more sheets if necessary):

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

The Town of Berryville requests, as a matter of policy, that any consultant or firm awarded an Agreement resulting from a formal solicitation issued by the Town shall make certification as specified below. Receipt of such certification shall be a prerequisite to the award of Agreement and payment thereof.

SECTION II – EMPLOYEES NOT TO BENEFIT

I (we) hereby certify that if the Agreement is awarded to our firm, partnership, or corporation, that no employee of the Town of Berryville, or members of his/her immediate family, including spouse, parents or children has received or been promised, directly or indirectly, any financial benefit by way of fee, commission, finder's fee, political contribution, or any similar form of remuneration on account of the act of awarding and/or executing this Agreement.

SECTION III – CONFLICTS OF INTEREST

This solicitation is subject to the provisions of VA Code Ann. Section 2.2-3100 et seq., the State and Local Government Conflict of Interests Act.

The offeror [] is [] is not aware of any information bearing on the existence of any potential organizational conflict of interest.

SECTION IV – COLLUSION

I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting an offer for the same services, materials, supplies, or equipment and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of the State and federal law and can result in fines, prison sentences, and civil damage awards. I hereby certify that the responses to the above representations, certifications, and other statements are accurate and complete. I agree to abide by all conditions of this RFP and certify that I am authorized to sign for my company.

Signature _____ Date _____

Name (Printed) _____ Title _____

OFFEROR MUST RETURN THIS FORM WITH PROPOSAL

- A. The offeror warrants that it is willing and able to comply with Commonwealth of Virginia laws with respect to foreign (non-state of Virginia) corporations.
- B. The offeror warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts or omissions of any of the offeror’s officers, employees or agents.
- C. The offeror warrants that it will not delegate or subcontract its responsibilities under an agreement with the Town without the express prior written permission of the Town.
- D. The offeror warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

ATTACHMENT C
AUDIT SERVICES AGREEMENT RFP #2020-05

This agreement ("Agreement") is made this _____ day of _____, 2021, by and between the TOWN OF BERRYVILLE, VIRGINIA ("Town"), a municipal corporation, and _____, a _____ having a usual place of business at _____ ("Auditor").

The Auditor and the Town, in consideration of the mutual covenants, promises, and agreements herein contained, hereby agree as follows:

1. Provision of Services.

The Auditor shall provide all services as described in the Town's request for proposal #2020-05 ("RFP") and as described in the Auditor's proposal dated _____. ("Proposal"). The RFP and Proposal are incorporated into this Agreement as if set out fully herein.

2. Interpretation.

Where the terms of this Agreement and the Proposal are at variance, the provisions of this Agreement shall prevail.

3. Term.

The term of this Agreement shall commence on January 15, 2021 and shall be effective through June 30, 2025. This Agreement may be renewed with the mutual consent of both parties for up to two additional one-year terms. Such renewal is subject to the annual review and recommendation of the Town Manager, the satisfactory negotiation of terms, the concurrence of the Town Council, and the availability of an annual appropriation.

4. Compensation.

In return for the services identified above, the Town certifies that sufficient funds are budgeted and appropriated and shall compensate the Auditor within thirty (30) days after receipt of a proper invoice for the amount of payment due or thirty (30) days after receipt of services, whichever is later, and in accordance with paragraph numbered 5 of this Agreement.

The Town shall pay the Auditor at the hourly rates shown on the attached rate schedule. The total annual cost shall not exceed \$_____.

5. Method of Payment.

The Auditor shall submit invoices to the Town with all supporting documentation and shall be reimbursed as follows:

Payment shall be made upon receipt of an invoice, which details the hours worked and services performed. The Auditor shall mail all invoices to the address specified below.

Town of Berryville
ATTN: Gregory C. Jacobs, Director of Finance/Treasurer
101 Chalmers Court, Suite A
Berryville, VA 22611

All invoices shall be Net 30 and indicate the date for services provided, and a brief description of the services provided. Failure to provide the above information will result in the invoice being returned to the Vendor. The Town will not be liable for any resulting delays in payment as a result thereof. The Town reserves the right to make payment via a Corporate Purchasing Card, but will not pay surcharges if payment is made via a Corporate Purchasing Card.

6. Controlling Law and Venue.

This Agreement is made, entered into, and shall be performed in the Town of Berryville, Virginia, and shall be governed by the applicable laws of the Commonwealth of Virginia. Any dispute arising out of the Agreement, its interpretations, or its performance shall be litigated only in the Clarke County General District Court or the Circuit Court of the County of Clarke, Virginia. The Auditor shall comply with applicable federal, state and local laws and regulations.

7. Assignment of Agreement.

The Auditor is prohibited from assigning this Agreement in whole or in part without the prior written consent of the Town.

8. Modification of Agreement.

The Agreement may be amended or modified only by a written modification acceptable to both the Town and Auditor.

9. Insurance.

A. At all times during the term of this Agreement and all renewals thereof, the Auditor shall maintain:

- (1) A general liability insurance policy with a minimum primary limit of \$1,000,000 combined single limits, and an excess liability policy with a minimum limit of \$3,000,000. The Auditor's general liability and excess liability policies must be properly endorsed by a separate insurance company issued endorsement to list the Town as an additional insured. The endorsements must be issued by the same insurance company that provides the Auditor's general liability policy and excess liability policy. A notation listing the Town as an additional insured on the certificate of insurance is not sufficient. General liability and excess liability coverage shall be on an occurrence basis with an insurer licensed to conduct business in the Commonwealth of Virginia. The insurer must have an A. M. Best rating of A- or better. Prior to the Auditor commencing work under the Agreement, the Auditor shall provide the Town with a certificate of insurance evidencing compliance with all requirements under this paragraph.
- (2) Workers' compensation coverage in compliance with the laws of the Commonwealth of Virginia. The insurer shall be licensed to conduct business in the Commonwealth of Virginia. The insurer must have an A. M. Best rating of A- or better. As an alternative, it is acceptable for the Auditor to be insured by a group self-insurance association that is licensed by the Virginia Bureau of Insurance.
- (3) Employer's liability insurance with a limit of at least (a) \$100,000 for bodily injury per accident, (b) \$100,000 for bodily injury by disease per employee, and (c) a policy limit of \$500,000 for bodily injury by disease. Prior to the Auditor commencing work under the Agreement, the Auditor shall provide the Town with a certificate of insurance evidencing compliance with all requirements under this paragraph.
- (4) Commercial automobile liability insurance policy for vehicles that are owned, scheduled,

non-owned, or hired by the Auditor with a combined single limit of not less than \$1,000,000 per occurrence. The coverage must be symbol "1" liability coverage. The insurer must be licensed to conduct business in the Commonwealth of Virginia and must have an A. M. Best rating of A- or better. Prior to the Auditor commencing work under the Agreement, the Auditor shall provide the Town with a certificate of insurance evidencing compliance with all requirements under this paragraph.

- B. INSURANCE COVERAGES REQUIRED BY THIS AGREEMENT SHALL BE IN FORCE THROUGHOUT THE AGREEMENT TERM AND THE TERM OF ANY RENEWALS THEREOF. SHOULD THE AUDITOR FAIL TO PROVIDE ACCEPTABLE EVIDENCE OF INSURANCE COVERAGES REQUIRED UNDER THIS AGREEMENT WITHIN FIVE (5) DAYS OF THE TOWN'S WRITTEN REQUEST, THE TOWN SHALL HAVE THE ABSOLUTE RIGHT TO IMMEDIATELY TERMINATE THE AGREEMENT WITHOUT ANY FURTHER OBLIGATION TO THE AUDITOR, AND THE AUDITOR SHALL BE LIABLE TO THE TOWN FOR THE ENTIRE ADDITIONAL COST OF PROCURING THE UNCOMPLETED PORTION OF THE AGREEMENT AT THE TIME OF TERMINATION.**
- C. The Auditor shall require the same insurance coverage from its sub consultants as the Town requires of the Auditor under this Agreement. Compliance by the Auditor and any of its sub consultants with the insurance requirements under this Agreement shall not relieve the Auditor or any sub consultants from their liabilities and obligations under this Agreement.
- D. Nothing contained herein shall be construed to create a contractual relationship between the Town and any sub consultant of the Auditor. The Auditor shall be fully responsible to the Town for the acts and omissions of the Auditor's employees, the Auditor's sub consultants, and the employees of any sub consultant.
- E. In the event the Auditor cannot meet the specifications required by these insurance requirements, alternate insurance coverage, satisfactory to the Office of the Town Manager, or his designee, may be considered if proposed by Auditor at the time of proposal submission.
- F. Prior to commencing work under this Agreement or any renewal thereof, the Auditor shall provide the Town an original, signed Certificate of Insurance evidencing the insurance coverage and other insurance requirements of this Agreement, and shall have it filed with the Office of the Town Manager, or his designee.
- G. For each sub consultant, the Auditor shall provide the Town an original, signed Certificate of Insurance evidencing the insurance coverages and other insurance requirements of this Agreement, and shall have it filed with the Office of the Town Manager, or his designee, before the sub consultant commences work.
- H. If an "ACORD" Insurance Certificate form is used by the Auditor's insurance agent, the words, "endeavor to" and "...but failure to mail such notice shall impose no obligation or liability of any kind upon the company" in the "Cancellation" paragraph of the form shall be deleted.

10. Audit.

The Auditor shall retain all books, records, and other documents relative to this Agreement for five (5) years after final payment, or until audited by the Town, whichever is sooner. The Town, its authorized agents, and/or State auditors shall have full access to and the right to examine any of said materials during said period.

11. Indemnification and Hold Harmless.

The Auditor shall, for itself, its agents, servants, employees, and sub consultants, perform all work under or associated with this Agreement in accordance with any and all applicable professional standards and in accordance with sound financial accounting and auditing practices and principles. As to all matters of professional responsibility, the Auditor shall indemnify and hold harmless the Town and its agents, volunteers, servants, employees, and officials from and against any and all liability, losses, reasonable attorneys' fees, litigation expenses, and other expenses suffered by the Town and any indemnified party or entity as the result of any claim to the extent it is found to have been caused by the negligent acts, errors, or omissions of the Auditor, or those for whom Auditor is legally liable.

If the Auditor contracts with any sub consultants for the work under this Agreement, the Auditor shall enter into an Agreement with each such sub consultant that indemnifies, defends, and holds harmless the Town and its agents, volunteers, servants, employees, and officials from and against any and all liability, losses, reasonable attorneys' fees, litigation expenses, and other expenses suffered by the Town and any indemnified party or entity as the result of any claim to the extent it is found to have been caused by the negligent acts, errors, or omissions of the sub consultant, or those for whom the sub consultant is legally liable.

The attorney(s) selected to defend the Town shall be subject to approval by the Town. The Auditor expressly understands and agrees that any insurance protection required by this Agreement, or otherwise provided by the Auditor, shall in no way limit the responsibility to indemnify, keep and hold harmless and defend the Town as herein provided.

12. Employment Discrimination Prohibited (Code of Virginia, Section 2.2-4311)

- A. The Auditor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to normal operations of the Auditor. The Auditor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting for the provisions of this nondiscrimination clause.
- B. All solicitations or advertisements for employees placed by or on behalf of the Auditor, will state that the Auditor is an equal opportunity employer.
- C. Notices, advertisements and solicitations placed in accordance with a federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of the section.
- D. The Auditor shall include the provisions of the foregoing paragraphs A, B and C in every contract between the Auditor and a sub consultant, and in every purchase order by the Auditor of over \$10,000, so that the provisions will be binding upon each sub consultant and vendor of the Auditor.

13. Drug Free Workplace to be Maintained (Code of Virginia, Section 2.2-4312).

- A. During the performance of this Agreement, the Auditor agrees to (i) provide a drug- free workplace for the Auditor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Auditor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or

advertisements for employees placed by or on behalf of the Auditor that the Auditor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every contract between the Auditor and a sub consultant, and in every purchase order by the Auditor of over \$10,000, so that the provisions will be binding upon each sub consultant and vendor of the Auditor.

- B. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with this Agreement, which was awarded to the Auditor in accordance with the Virginia Public Procurement Act. The Auditor's employees are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of this Agreement.

14. No Discrimination against Faith-Based Organizations.

The Auditor agrees to not discriminate against faith-based organizations as that term is defined in Virginia Code Section 2.2-4343.1.

15. The Auditor Does Not and Shall Not Knowingly Employ an Unauthorized Alien.

During the term of this Agreement and any renewals thereof, the Auditor agrees that it does not and shall not knowingly employ an unauthorized alien as defined in the Immigration Reform and Control Act of 1986.

16. Auditor Compliance with State Law; Foreign and Domestic Businesses Authorized to Transact Business in the Commonwealth.

- A. Pursuant to Section 2.2-4311.2 of the Code of Virginia, the Auditor shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity.
- B. The Auditor shall not allow its existence, its certificate of authority, or its registration to transact business in the Commonwealth to lapse, be revoked, or be cancelled at any time during the term of this Agreement or any renewals thereof.
- C. The Town may terminate this Agreement with the Auditor if the Auditor fails to remain in compliance with the provisions of Section Sixteen of this Agreement, or Section 2.2-4311.2 of the Code of Virginia.

17. Notice Address.

All notices provided under this Agreement shall be sent to the following persons at their respective physical or electronic address. All notices sent to a physical address shall be sent by certified mail, return receipt requested.

- 1. For TOWN: 101 Chalmers Court, Site A, Berryville, VA 22611
- 2. For AUDITOR:

Each party may amend the contact person and address by providing prior written notice to the other party.

18. Termination by Town without Cause.

The Town may terminate this Agreement for any reason by providing notice to the Auditor no fewer than ten days in advance of the termination date and by paying any and all sums already earned by the Auditor under this Agreement, including reasonable documented expenses incurred in reliance upon this Agreement.

19. Integration Clause.

This Agreement shall constitute the whole agreement between the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Agreement shall supersede all previous communications, representations or agreements, written or verbal, between the parties hereto related to the subject of this Agreement.

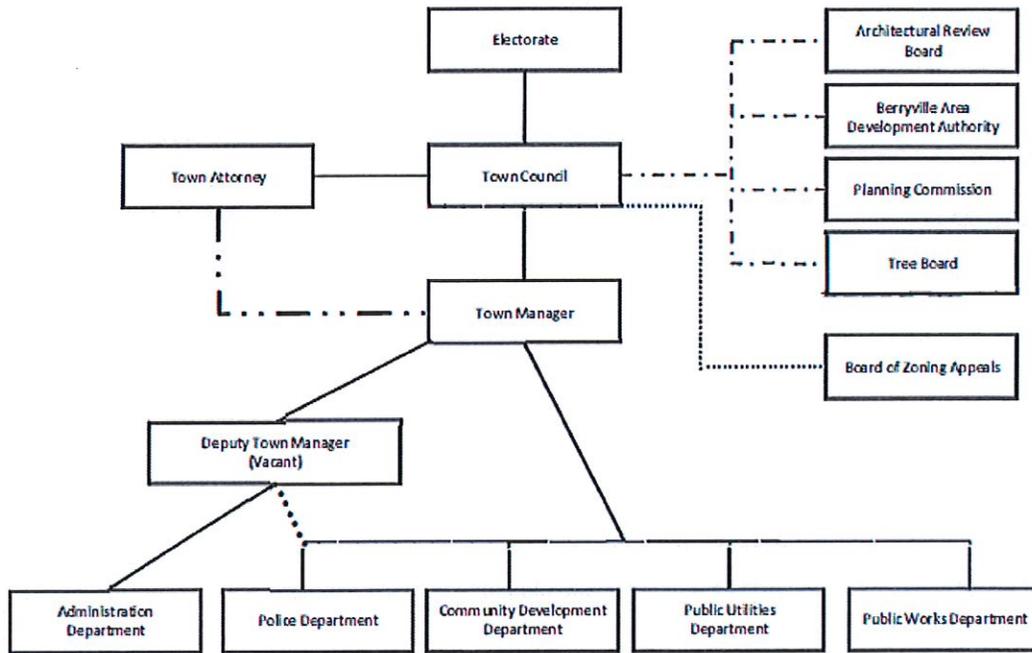
ATTACHMENT D - ORGANIZATIONAL CHART



TOWN OF BERRYVILLE

Virginia

Town of Berryville Organizational Chart



BERRYVILLE TOWN COUNCIL

MOTION TO APPROVE ISSUANCE OF THE REQUEST FOR PROPOSAL FOR
FINANCIAL AUDIT SERVICES

Date: November 10, 2020

Motion By:

Second By:

I move that the Council of the Town of Berryville approve issuance of the Request for Proposal for Financial Audit Services.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Erecka L. Gibson, Recorder

**Berryville Town Council Item Report Summary
November 10, 2020**

Item Title

Administration and Finance - Monthly Report

RFP for Auditing Services

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

Recommendation

Sample Motion

**Berryville Town Council Item Report Summary
November 10, 2020**

Item Title

Personnel, Appointments, and Policy - Appointment to Planning Commission

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

1. PC appointment Personnel Committee 111020

Recommendation

Sample Motion

Town Council Agenda Item Report Summary

November 10, 2020

Item Title

Planning Commission appointment

Prepared By

Christy Dunkle

Background/History/General Information

The Personnel Committee met on September 22, 2020 and interviewed Ryan Tibbens for an appointment to the Planning Commission. This opening was the result of Planning Commission member Dale Barton choosing not to be reappointed. She was originally appointed to the Planning Commission in November, 2012.

Findings/Current Activity

Mr. Tibbens is a teacher for Loudoun County School System since 2006 and has participated on a number of boards in Clarke and Loudoun counties. He has been a member of the Berryville Board of Zoning Appeals since 2018.

Financial Considerations

Planning Commissioners are paid a stipend for each meeting that they attend.

Schedule/Deadlines

Ms. Barton's term expired on June 30, 2020. Staff is recommending that a quarterly schedule be continued with the four-year term beginning on November 10, 2020 and ending on December 31, 2024.

Other Considerations

N/A

Recommendation

The Personnel Committee has recommended that Mr. Tibbens be appointed to the Berryville Planning Commission.

Sample Motion:

I move that the Council of the Town of Berryville appoint Ryan Tibbens to the Berryville Planning Commission for a term beginning on November 10, 2020 and ending on December 31, 2024.

COPI

RECEIVED

JUN 18 2018

Town of Berryville, VA



Town of Berryville Talent Bank Form

Any citizen of the Town of Berryville who is interested in serving as a member of a board or commission in the Town of Berryville may complete and return this form to the Town Clerk at 101 Chalmers Ct., Suite A, Berryville, VA 22611 or townmanager@berryvilleva.gov.

Applicant name: Ryan Tibbens Date: 6/8/2018

Boards or Commissions Applied For: Board of Zoning Appeals

Address: [Redacted]

Home phone: [Redacted] Work phone: [Redacted]

Cell phone: [Redacted] Email address: [Redacted]

Time Availability: varies day 6-9pm evening

Estimated number of hours available per month: Varies, usually 2-10

Employment History

Employer: Loudoun County Public Schools Position held: Teacher

Employer Address: 21000 Education Court Ashburn, VA 20148

Length of Employment: 12 years (2006-Present)

Other Skills and Qualifications

Please indicate and special considerations that particularly qualify you for this appointment:
I'm a thoughtful, open-minded person with strong reading, writing, and public speaking skills. I've worked in a variety of settings, including seasonal contracting, masonry, and landscaping. I have served on the board of several organizations and believe I can help the town through service in this position.

Educational History

Please list schools attended and degrees earned:
-- James Madison University, Master of Arts in Teaching (English, grades 6-12; 3.957 GPA)
-- James Madison University, Bachelor of Arts in English (minors in secondary education and anthropology; 3.772 GPA)
-- Mechanicsburg Area Senior High (Mechanicsburg, PA)



Civic and Professional Activities

Please list organizations, honors, offices held, etc.:

- Executive Board (Prelate), Berryville Moose Lodge, 2017-2018
- Executive Board (High School Member-at-Large), Virginia Association of Teachers of English, 2008-2011
- Social Committee Leader, Phi Sigma Pi National Honor Fraternity, 2004-2005
- Member/leader of a variety of Loudoun County Public Schools committees (Vocabulary Committee, Benchmark Exam Committee, Grade level team leader, etc.)
- Leader/coach of several school activities (Varsity Golf, JV Softball, UNICEF Club, TED Talks Club, Cinematography Club, etc.)

Please attach a narrative explaining why you are interested in serving on a Town board or commission.

Pursuant to the Commonwealth of Virginia Conflict of Interest Act governing elected and appointed public officials, does the nature and status of your employment, business interests or ownership of property present a potential conflict of interest relative to the appointed position in which you are interested? Yes _____ No X

If required by applicable provision of the Conflict of Interest Act, would you be willing to file with the Clerk of the Circuit Court a Public Official Disclosure Form listing all assets, business and property interests? Yes X No _____

Applicant signature: _____ Date: 6/8/2018

**Berryville Town Council Item Report Summary
November 10, 2020**

Item Title

Streets and Utilities - Downtown Street Lighting

Railroad Crossing Concerns

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

1. Street Light staff report Streets and Utilities 110520
2. Railroad concern

Recommendation

Sample Motion

Town Council Agenda Item Report Summary

November 10, 2020

Item Title

Street Light Pilot Program Follow-up

Prepared By

Christy Dunkle

Background/History/General Information

Town Council has discussed this matter earlier in the year. A downtown lighting pilot program, conducted by Rappahannock Electric Cooperative (REC) in January of 2020, modified three lights on East Main Street and Hogan's Alley with varying wattage and arm length. A survey was posted on the Town's web site requesting input from residents with the results presented to Town Council in March of this year. Based on survey input, the 10' arm with 70-watt light emitting diode (LED) was deemed the most suitable in this location. Staff identified an additional 19 existing street lights on Main Street, Buckmarsh Street, and Crow Street that should be considered for this modification.

Findings/Current Activity

The Streets and Utilities Committee discussed the project and updated costs at their October 27, 2020 meeting. They have requested that full Council discuss the matter and financial options for the installation. The original cost estimate, made in June of this year, was \$5,875.00. Staff contacted Jeff Hinson, REC Director of Member Services & Community Relations in the Blue Ridge District, who updated the cost to \$6,161.00. Like the original cost estimate, the current estimate will need to be updated if the installation goes beyond three months.

Financial Considerations

Mr. Hinson has estimated that the cost to modify the lighting identified in downtown Berryville to a 10' arm with a 70W LED as identified by staff and approved by Town Council at the May meeting will be \$6,161.00.

Schedule/Deadlines

The current cost estimate is valid for three months.

Other Considerations

N/A

Recommendation

Discuss the project and determine funding (in the amount of \$6,161.00) for the current fiscal year budget.

Background

The Chair of the Streets and Utilities Committee has observed several instances in which the train signal crossing arms on Main and Josephine Streets are deployed for extended periods of time. She is concerned about the frequency of these instances and how these extended street closures could hinder police, fire, and EMS response time.

The Chair asked staff about the matter and a letter written to Norfolk and Southern in this regard and a log (from 1/2019 and 10/20) of lengthy blockages was provided to the Committee.

Chair Harrison recommended that the Committee examine:

- what can be done to limit these lengthy signal arm deployments.
- strategies/procedures to provide first responders with the information that they need to avoid undue delay during lengthy signal arm deployments.

The Committee discussed the matter and determined that it would elevate this matter to the Town Council. Further, the Committee recommends to the Council that letters expressing the Town's concerns in this regard be sent to our federal and state elected officials. Staff was asked to provide a draft letter for inclusion in the November Town Council packet.

Discussion

The Council is asked to review the attached information and determine how it wishes to proceed.

Attachments

- Letter from Chief White to N&S dated September 3, 2019
- List of RR Crossing blockages from 1/19 to 10/23/20
- Sample letter to be sent to federal and state elected officials

Sample Motion

I move that the Council of the Town of Berryville authorize the Mayor to contact Berryville's federal and state represented officials regarding extended railroad crossing blockages.



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

September 3, 2019

Norfolk & Southern Railroad
1200 Peachtree St. NE
Atlanta, GA 30309

Via E-mail

RE: Service Interruption

Safety and Compliance Division,

On August 28, 2019 the Town of Berryville located in Clarke County Virginia experienced a substantial service interruption at the grade crossing located on East Main Street. A train blocking the intersection was reported close to 10:00 am and the crossing remained blocked until 12:30 pm. The two and a half hour interruption was apparently caused when a train heading north was diverted to a siding in order to allow a southbound train to pass. Unfortunately, the southbound train experienced some malfunction which required the northbound train to remain on the siding for an extended period of time. The other issue dealt with the length of the northbound train as it was far too long for the siding and extended beyond the grade crossing.

This interruption caused serious traffic issues and delays on the principle east/west roadway within our town. The Town of Berryville was required to deploy a majority of our limited law enforcement resources to detour traffic, and due to the extended length of the interruption the Public Works Department along with the Virginia Department of Transportation were called upon to establish a wider range of detour routes. On the periphery, the police department and emergency dispatch center also had to field numerous calls about the interruption as well as concerns that there had been a derailment and hazardous materials spill.

I would request that this incident be reviewed with the hope that future interruptions similar to this can be avoided. Hopefully there are available solutions that can be explored that balance the transportation needs of both Norfolk & Southern Corporation as well as the Town of Berryville. I would also appreciate to be contacted concerning your findings and possible future solutions.

Respectfully,

W. Neal White
Chief of Police

Railroad Crossing Blockages
 January 2019 - October 2020

Date	Start	End	Total	# Officers	Crossing
1/4/2019	7:23	8:24	61	1	Josephine
1/18/2019	14:56	15:41	45	2	Josephine & Main
1/31/2019	1:25	1:59	34	1	Main
1/31/2019	9:31	9:41	10	1	Main
4/27/2019	21:33	21:45	12	1	Josephine
6/28/2019	10:08	10:47	39	2	Main
7/19/2019	19:33	20:23	50	2	Main
8/12/2019	15:12	15:37	25	1	Main
8/28/2019	10:29	12:33	124	2	Main
9/10/2019	17:05	17:32	27	1	Main
10/7/2019	16:08	16:17	9	1	Main
10/9/2019	19:10	19:14	4	1	Main
10/24/2019	12:06	12:31	25	1	Main
11/7/2019	14:49	15:23	34	1	Main
12/14/2019	18:06	19:00	54	2	Main
1/10/2020	17:36	18:31	57	2	Main
2/29/2020	23:02	2:03	181	2	Main
3/7/2020	9:11	11:06	115	2	Main
3/7/2020	16:50	17:51	61	1	Main
3/11/2020	14:00	14:08	8	1	Main
3/23/2020	15:12	15:58	46	2	Main
4/5/2020	10:55	12:38	103	1	Josephine & Main
4/13/2020	14:57	16:00	63	1	Main
4/22/2020	16:14	17:25	71	1	Main
4/23/2020	13:26	14:46	80	1	Main
5/16/2020	8:18	9:48	90	1	Josephine
5/20/2020	17:12	17:41	29	1	Main
6/1/2020	13:02	13:27	25	1	Main
6/8/2020	7:16	7:22	6	1	Main
7/7/2020	18:49	19:22	33	1	Main
7/9/2020	18:11	18:14	3	1	Main
7/12/2020	11:11	11:16	5	1	Main
7/27/2020	7:15	8:19	64	1	Josephine
8/10/2020	14:54	15:34	40	1	Main
8/13/2020	10:06	10:30	24	1	Main
9/19/2020	15:25	15:52	27	1	Main
10/12/2020	14:02	14:55	53	1	Main

Total Incidents 37 Total Min 1737
 (28h 57m)

This letter is written concerning the extended blockage of streets in Berryville by train traffic. These extended street blockages have increased in frequency and duration in the past couple of years and show no signs of abating.

The Council believes that the extended blockages of Main and Josephine Streets by rail traffic constitute a risk to public safety. More specifically, over the past two years extended street closures related to railroad traffic have become more frequent and will most certainly result in delayed response from emergency response personnel.

Over the past two years the Berryville Police Department has logged extended street blockages at the Town's two railroad crossings. During that period, there have been at least thirty-five instances of train-related street closures lasting five minutes or longer. Twenty-two of those incidents lasted thirty minutes or longer, fifteen lasted fifty minutes or longer, five lasted ninety minutes or longer, and two incidents lasted one hundred and twenty minutes or longer. One incident, which occurred on February 29, 2020, lasted over three hours.

Berryville Chief of Police Neal White wrote to Norfolk and Southern about this matter on September 3, 2019, but received no response.

The Council would like to discuss this matter with Norfolk and Southern in order to determine whether procedures can be adopted that will reduce the frequency and duration of such extended street blockages. The Council requests that you assist the Town by advocating for our community and directing us to the correct party at Norfolk and Southern that can discuss this matter with Town officials.

It is important that I state that the Berryville Town Council is very supportive of Norfolk and Southern's mission and is keenly aware that they face great challenges while moving freight across the nation. The Council is most appreciative of Norfolk and Southern's great efforts to move freight in the safest manner possible. We are certain that it is in the realm of public safety where we will find common ground upon which to address this matter.

Please find attached:

- Letter to Norfolk and Southern from Chief Neal White and
- Log of railroad crossing blockages from January 2019 to October 2020.

If anyone from your office needs any additional information regarding this matter, please have them contact Keith Dalton, Town Manager at townmanager@berryvilleva.gov or 540.955.1099.

Sincerely,

Harry Lee Arnold, Jr.
Mayor