



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

January 12, 2021

7:00 PM

COVID Notice: All attendees and participants must observe social-distancing guidelines mandating six-foot intervals between persons. Members of the public may be required to wear facemasks.

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Recorder

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14. Closed Session

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The Council of the Town of Berryville will enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, to discuss the performance of a specific individual, and in accordance with §2.2-3711-A-29 to discuss the responses to a request for proposals for audit services.

- a. Adopt motion to enter closed session.
- b. Reconvene in open session.
- c. Adopt closed session resolution by roll-call vote.

15. Adjourn

**Berryville Town Council Item Report Summary
January 12, 2021**

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.

Findings/Current Activity

The consent agenda comprises two items to be considered for approval:

Minutes of the 12/08/20 regular meeting of the Town Council
Minutes of the 12/08/20 meeting of the Budget and Finance Committee

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 for 01.12.2021

Recommendation

Approval.

Sample Motion

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

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
December 8, 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. McDonald moved to approve the agenda. The motion passed by unanimous voice vote.

4. Presentations/Awards/Recognitions

Mayor Arnold noted that Officer Don Mason of the Berryville Police Department had received a public servant citation from VFW Chapter 9760. He also said the recent parking meter decoration contest had been a success, and thanked Ms. Dunkle and Clarke County Public Information Officer Cathy Kuehner for their contributions. He noted that County Supervisor Matt Bass was attending the present meeting.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

None.

7. Citizens' Forum

Mary Ivie suggested that the Council resume livestreaming its meetings as it had done for several months in the earlier stages of the pandemic. She said that she owned a business and that customers from out of town had praised Berryville's ambience and expressed concern about the possibility of excessive development.

8. Consent Agenda

The consent agenda comprised the minutes of the November 9 Town Council work session, the November 10 regular meeting of the Town Council, the November 16 meetings of the Community Development and Streets and Utilities Committees, and the November 17 meetings of the Public Safety and Budget and Finance Committees.

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

9. Unfinished Business

None.

10. New Business

Mr. Dalton explained that after the Town had vacated its office at 23 East Main Street in 2008, Downtown Berryville Inc. had leased space in the building for many years and that the current three-year lease would be expiring on February 14, 2021. He said DBI had expressed a desire to re-lease the building in accordance with the current agreement, which provides for one-year extensions with a maximum rent increase of 2 percent.

Recorder Gibson asked whether a three-year renewal would be possible. Mr. Dalton said he believed not. They discussed the 2 percent escalation.

Ms. Harrison recommended retaining the current rent because of the hardships caused by the pandemic. Mr. Mazzarino concurred. Mr. Dalton, responding to a question by Mr. Mazzarino, said no other parties had expressed interest in leasing the space. Mr. Mazzarino asked whether the building presented maintenance problems. Mr. Dalton said the Budget and Finance committee had discussed the need for a reserve fund for building maintenance and that 23 East Main would be covered by this.

There was a discussion of whether to round the current rent figure of \$520.20 per month.

Ms. McDonald moved that the Council of the Town of Berryville authorize the Town Manager to finalize re-lease of the property located at 23 East Main Street for a period of one year (from February 15, 2021 to February 14, 2022) and that the monthly rent during the extended term be \$520.20. The motion passed by unanimous voice vote.

11. Council Member Reports

Mayor

Mayor Arnold had nothing to add.

Recorder

Recorder Gibson had nothing to add.

Ward 1

Ms. McDonald said she had received a complaint about the accumulation of dust because of mulching.

Ward 2

Ms. Harrison thanked those who had been involved in the meter-decorating contest.

Ward 3

Mr. Mazarino had nothing to add.

Ward 4

Ms. Rodriguez offered her wishes for a merry Christmas, happy holiday and happy New Year, and recommended "shopping small" in Berryville and Clarke County.

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 gave a presentation on reform measures in criminal justice enacted during the recent special session of the General Assembly. He said Council should be aware of the changes and should also be aware that many bills that were not passed were likely to come up again, including a measure for the legalization of marijuana.

Chief White specifically addressed changes what would be wrought by the passage of HB 5058 and HB 5030. He said the former bill would have bearing specifically on motor vehicle stops related to ownership and maintenance, the rationale being that such stops disproportionately affect minorities. He said the latter bill applied to matters related to search warrants, de-certification, use of force, and training. He said he had trained his department on the new revisions.

Chief White said police are now required to report on the race, ethnicity, gender, and English-language ability of drivers they stop, and displayed data indicating that Berryville's figures in this arena are in alignment with its demographics as a whole.

Chief White said legal counsel had told him no changes to the Town Code would be needed.

Chief White said the state budget provides for \$7.5 million to be distributed to local police departments to promote optimal personnel policies and assist with the costs of reform, and that Berryville could reasonably expect to receive \$2,500 to \$3,000.

Community Development

Ms. Dunkle briefly updated the Council on the meeting schedule for the various boards associated with planning, and with construction in Hermitage Phase V and the Shenandoah Crossing and Fellowship Square subdivisions.

Administration and Finance

Mr. Jacobs said his department had been in contact with multiple agencies regarding CARES Act funding.

Recorder Gibson said the Budget and Finance Committee would interview auditing firms during the next week.

Town Manager

Mr. Dalton said Chief White had received a response from the Norfolk Southern Railroad regarding the frequent and prolonged train stoppages discussed by Council in November and that the unsatisfactory nature of the response indicated that the time had arrived for notifying higher authorities. He said staff had prepared the necessary letter. The Council agreed that the letter should be sent.

Mr. Dalton, referencing Ms. Ivie's remarks during citizens' forum, said that people with concerns about excessive development should request a meeting with Ms. Dunkle or with County Planning Director Brandon Stidham. He cited the 1992 Berryville Area Plan and the need for judicious growth in Berryville as part of a larger growth strategy, and explained that the Town and County had proceeded in a manner such that growth was confined to certain designated areas.

Mayor Arnold said most such areas had been designated approximately twenty years ago and that growth, which had been carefully controlled, was needed for the population expansion that would help local businesses grow.

Mr. Dalton said growth is helpful in paying for improvements such as those needed for the wastewater treatment plant.

Mr. Dalton and Ms. Harrison briefly discussed areas where development would still be feasible.

There was a discussion of whether remote participation in meetings without a quorum physically present would still be possible. Mr. Dalton said this had been made unclear by the expiry of the measures taken by the Commonwealth earlier in the year.

There was a discussion of whether to resume livestreaming and what this might entail.

13. Committee Updates

Budget and Finance

Recorder Gibson again noted the impending interviews of auditing firms.

Community Development

Ms. Rodriguez said the committee would meet on January 25 at 9:00 a.m.

Personnel

The Personnel Committee decided in September to reappoint Doug Shaffer to the Planning Commission.

Recorder Gibson moved that the Council of the Town of Berryville re-appoint Doug Shaffer to the Berryville Planning Commission for a term beginning on December 8, 2020 and ending on September 30, 2024. The motion passed by unanimous voice vote.

Recorder Gibson said the full Council must meet in closed session for the town manager's performance review in January and suggested doing so after that January regular meeting.

Public Safety

Ms. McDonald said the committee had met in December and reviewed progress on the new waste-disposal contract and had also discussed the curtailment of traditional holiday celebrations during the pandemic. Mr. Dalton confirmed that staff would be sending notices to persons affected by changes in the fees for refuse disposal.

Ms. McDonald said the committee would next meet on January 26 at 2:00 p.m.

Streets and Utilities

Ms. Harrison said the committee had met and informally discussed an early version of the stormwater report being prepared by the Town's engineer.

14. Closed Session

Ms. Harrison made the attached motion for the Council to enter closed session to discuss the acquisition of real property or disposition of publicly held property. The motion passed by unanimous voice vote.

The Council entered closed session at 8:24 p.m. and returned to open session at 8:50 p.m.

Ms. Harrison made the attached motion certifying the closed session, which passed by unanimous roll-call vote.

Mayor Arnold asked the Town Manager to provide an overview of the matter before the Council.

Mr. Dalton said the Town's Public Works facility property has essentially reached the limit of what can be developed there. He recounted the milestones for the property:

- Four acres purchased in 1923.
- Two groundwater reservoirs erected in 1927.
- One water reservoir removed in mid-1980s.
- Public Works building erected in late 1980s.
- Site plan developed and approved in the early 2000s.
- Phases one and two of the site plan developed in early 2000s.

- Phase three (final) of site plan developed in late 2010s.

Mr. Dalton said the opportunity to purchase the property to the north of the current Public Works facility presented itself and that the Council had permitted him to negotiate a purchase contract.

Mr. Dalton said if the Council wished to proceed, it would need to ratify the purchase contract, authorize the expenditure of funds required to purchase the property, and authorize the Town Manager to execute all documents required for the purchase.

Ms. Harrison moved that the Council of the Town of Berryville ratify the attached real estate purchase contract dated October 13, 2020 and authorize the expenditure of funds for the purchase price and the cost of post-settlement improvements. Said funds shall be drawn equally from the General Fund Contingency, Water Fund Contingency, and Sewer Fund Contingency line items of the current budget.

Ms. Harrison further moved that the Council authorize the Town Manager to finalize the real estate purchase in question and sign all documents related to the transaction.

The motion passed by unanimous voice vote.

15. Other

There was a discussion of whether the Council should begin meeting at 7:00 p.m. rather than at 7:30, with the consensus being that it should, with the change taking effect in January.

16. Adjourn

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

Ms. Rodriguez moved to adjourn, with the motion passing by consensus at 8:58 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, December 8, 2020

7:30 p.m.

Name:	Town of Berryville Resident?	
<u>Mary VIE</u>	<input checked="" type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No
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_____	<input type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No

Motion to Enter Closed Session

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-3 of the Code of Virginia, to discuss the acquisition of real property or disposition of publicly held property.

DATE: December 8, 2020

MOTION: *Harrison*

VOTE: *Unanimous voice vote*

Aye:

Nay:

Absent/Abstain:

ATTEST: _____

Erecka Gibson, Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: December 8, 2020

MOTION BY: *Harrison*

SECOND BY:

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

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

VOTE: *Unanimous roll-call vote.*

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Erecka Gibson, Recorder

REAL ESTATE PURCHASE AND SALE CONTRACT

THIS REAL ESTATE PURCHASE AND SALE CONTRACT ("Contract"), dated this 13 day of October, 2020, is by and between RURITAN CLUB OF CLARKE COUNTY, party of the first part, hereinafter referred to as Seller; and the TOWN OF BERRYVILLE, VIRGINIA, party of the second part, hereinafter referred to as Buyer.

WITNESSETH:

In consideration of the mutual covenants and other considerations hereinafter set forth, Seller agrees to sell and Buyer agrees to buy the following described property under the following terms, covenants, and conditions:

1. DESCRIPTION:

That unimproved land located in Longmarsh Magisterial District, Clarke County, Virginia, being the portion of Seller's Tax Parcel No. 14-A-2 highlighted on attached Exhibit A ("Property"), a boundary line adjustment ("BLA") plat of which shall be prepared as hereinafter set forth. This is a sale of the Property in gross and not by the acre.

In addition, Seller shall quit-claim to Buyer any access rights of the Seller to the property known as "Coleman's Lane", the approximate location of which is shown on attached Exhibit A.

2. PURCHASE PRICE: The purchase price of the Property shall be Twenty Thousand Dollars (\$20,000.00). The purchase price shall be payable by cashier's check or wire transfer at settlement.

3. STUDY PERIOD:

A. Until ninety (90) days following full execution of this Contract, Buyer, at its sole cost and expense, shall have access to the Property for the purpose of viewing, inspecting, and performing tests and studies on the Property ("Study Period"). If Buyer finds the Property to be unsatisfactory for Buyer's purposes, in Buyer's sole discretion, Buyer may elect to terminate this Contract by providing Seller with written notice of termination of this Contract; provided, however, Buyer may not make such election after 5:00 p.m. on the ninetieth (90th) day after full execution of this Contract; provided, further, if the hereinafter described BLA plat has not been approved within the said ninety (90) day period, the Study Period shall be extended to the date of approval of the BLA plat. In the event Buyer elects to terminate this Contract pursuant to this paragraph, this Contract shall be

deemed null and void and Seller and Buyer shall have no further rights or obligations one to the other hereunder.

B. During the Study Period and upon receipt of the BLA plat, Buyer at its cost shall apply for approval of the BLA plat. Seller agrees to sign any application and related documents related to the BLA plat application.

4. PLAT:

A. The Seller, at its cost, shall have prepared a BLA plat that accurately represents the Property and that meets ordinance requirements for a BLA plat; provided, however, the Buyer shall reimburse the Seller at settlement for up to \$1,500.00 of the cost of the BLA plat.

B. The Town shall work with the survey firm of Dunn Land Surveys selected by the Seller, provided said survey firm can complete the final BLA plat and submit same to the parties within thirty (30) days after full execution of this Contract. If Dunn Land Surveys indicates that the BLA plat cannot be completed in said time period, the parties shall select another survey firm which can complete the BLA plat within the thirty (30) day period.

C. The Seller shall direct the survey firm preparing the BLA plat to begin work on the BLA plat within two (2) business days of full execution of this Contract.

5. REPRESENTATIONS AND COVENANTS OF SELLER:

Seller hereby represents and covenants to Purchaser as follows:

A. The Seller is a validly existing legal entity under the laws of the Commonwealth of Virginia.

B. No litigation proceedings are pending or, to the best of Seller's knowledge, threatened, relating to Seller, the Property, or activities on the Property, which, if adversely determined, could individually or in the aggregate have an adverse effect on title to or the use and enjoyment or value of the Property or any portion thereof, or which could in any material way interfere with the consummation of this Contract.

C. That, to the best of Seller's knowledge, the Property is free from asbestos, toxic waste, and other "Hazardous Substances" (as defined below), and that Seller has no knowledge of the presence or existence of any of the foregoing matters on or about the Property. For purposes hereof: (A) the term "Hazardous Substances" shall mean and include petroleum, petroleum products, flammable explosives, radioactive material,

asbestos or asbestos containing material, polychlorinated biphenyls, urea formaldehyde or any pollutant or toxic or hazardous substance regulated, prohibited, restricted or controlled by an "Environmental Laws" (as defined below); and (B) the term "Environmental Laws" shall mean any applicable Federal, state, county, or local statutes, laws, regulations, rules, ordinances or codes relating to environmental matters, including by way of illustration and not by way of limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Sec. 9601, et seq.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Sec. 6901, et seq.; and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§11001 et seq.; and all regulations promulgated thereunder or in connection therewith. The foregoing notwithstanding, for purposes hereof "Hazardous Substances" shall not be deemed to include small quantities of typical cleaning compounds, fuel for an emergency generator, or other materials commonly used in connection with the maintenance of commercial office buildings, provided such materials are stored, used, and disposed of in compliance with all Environmental Laws. Seller represents that it has received no notice that the Property or any portion thereof are in violation of any Environmental Laws, that it will promptly inform Buyer in the event it receives any such notice (or obtains knowledge of the presence of

any hazardous Substances on or about the Property, or knowledge of any set of facts which might constitute a violation of any Environmental Law), and that it will not knowingly violate any Environmental Laws prior to settlement.

D. Between the date hereof and the date of settlement, Seller agrees to take no action which would cause any of the above listed representations and covenants to become untrue, and agrees to take all reasonable measures necessary to prevent said representations and covenants from becoming untrue.

6. REMOVAL OF PROPERTY PRIOR TO SETTLEMENT:

Prior to settlement, Seller shall remove all of Seller's personal property from the Property, including, without limitation, metal, farm implements, logs, bleachers, and any junk or other items.

7. SETTLEMENT:

A. Settlement shall be at a location in Berryville as determined by Buyer within thirty (30) days of the end of the Study Period.

B. Buyer shall notify Seller in writing within forty-five (45) days of full execution of this Contact of any title defects or title exceptions unacceptable to Buyer ("Title Exceptions"), reported by Buyer's title examiner. Seller shall bring any action or proceeding and otherwise incur any expense up to \$1,000.00 to cure or eliminate the Title Exceptions,

and if Seller shall be unable to cure or eliminate any Title Objections, not waived by Buyer in writing, the sole obligation of Seller shall be to terminate this Contract, and no party shall have any claim against the other by reason of this Contract.

C. At settlement, the Seller will deliver to Buyer, or its assigns, a good and sufficient general warranty deed, with English Covenants of Title, conveying good and marketable fee simple title to the Property, free and clear from all Title Exceptions, and which title shall be insurable by a title insurance company at standard rates.

D. At settlement, the Seller shall also deliver to Buyer an affidavit executed by Seller and delivered to Buyer's settlement attorney warranting that Seller has caused no repairs or improvements to be made to the Property within the last one hundred and twenty (120) days prior to settlement which remain unpaid at the time of settlement and that Seller has not caused to be entered, created, or executed any judgment, bankruptcy, lien, lease, or other claim against the Property or against Seller that would create an encumbrance upon the Property, except as otherwise specified herein. The affidavit called for herein shall, in any event, be sufficient to induce the title company selected by Buyer to issue its owner's policy without exception for mechanic's and materialmen's liens.

8. CLOSING COSTS: Seller will pay the Seller's transfer tax for recording said deed and any Seller's attorney's fees. Buyer shall pay all other closing costs in connection with the sale of the Property.

9. RISK OF LOSS AND POSSESSION: The risk of loss shall be with the Seller until settlement date, and possession will be given to Buyer on the settlement date.

10. PRORATION OF EXPENSES: All taxes and any other charges against the Property will be prorated as of the date of settlement.

11. REAL ESTATE COMMISSION: The Seller and Buyer acknowledge that no real estate agent was involved in this sale and each agrees to hold the other party harmless from any claim for a commission by reason of any action on their part.

12. ENTIRE AGREEMENT: This Contract constitutes the entire agreement among the parties and may not be amended except by written instruments executed by all of the parties.

13. CONSTRUCTION OF THE CONTRACT: This Contract shall be construed and interpreted according to the laws of the Commonwealth of Virginia.

14. PARTIES BOUND: This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

15. ENFORCEMENT: In the event either party is required to enforce the provisions of this Agreement, such party, if it prevails, shall be entitled to receive from the other party all costs and expenses, including, without limitation, reasonable attorneys' fees incurred, at trial and on appeal, in connection with such enforcement.

16. POST SETTLEMENT IMPROVEMENTS:

Within six (6) months after settlement under this Contract (which period may be extended by the Buyer based upon weather conditions), Buyer shall install the following improvements, without cost to Seller, on Seller's remaining portion of Tax Parcel No. 14-A-2:

(a) Install an 8" water main as represented on attached Exhibit B (arrow highlighted yellow)

(b) Install a fire hydrant on the end of the new water main

(c) Install a 2" lateral off of the new main / install a 2" water meter in a non-traffic bearing vault / install a single prong hydrant on the end of the 2" lateral

(d) Install bollards to protect improvements

The provisions of this paragraph shall survive settlement.

17. ACCESS FROM MAIN STREET:

The Seller agrees to permit the Buyer and its contractors to cross its property to access the property being acquired. This agreement would permit periodic use of the existing gravel road on the Seller's property as shown on attached Exhibit C (green highlight). The Seller reserves the right to suspend or cancel this access agreement with 15 days written notice to the Buyer.

The provisions of this paragraph shall survive settlement.

18. NOTICES: All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, or when sent overnight courier service, such as Federal Express, UPS, or Airborne, addressed respectively as follows:

If to Seller:

Ruritan Club of Clarke County

Attn:

Coil F. Milleson
P.O. Box 1167
Beeksville, Va. 22611

With copy to:

Philip Shenk
same as above

If to Buyer:

Town of Berryville, Virginia
Attn: Keith Dalton, Town Manager
101 Chalmers Court, Suite A
Berryville, VA 22611

With copy to:

Robert T. Mitchell, Jr., Esquire
Hall, Monahan, Engle, Mahan & Mitchell
9 East Boscawen Street
Winchester, VA 22601

NOTICE

Virginia law (§43-1 et seq. Code of Virginia) permits persons who have performed labor or furnished materials for the construction, removal, repair or improvement of any building or structure to file a lien against the Property.

This lien may be filed at any time after the work is commenced or the material is furnished, but not later than the earlier of (1) ninety (90) days from the last day of month in which the lienor last performed work or furnished materials or (ii) ninety (90) days from the time the construction, removal, repair or improvement is terminated. AN EFFECTIVE LIEN FOR WORK

PERFORMED PRIOR TO THE DATE OF SETTLEMENT MAY BE FILED AFTER SETTLEMENT. LEGAL COUNSEL SHOULD BE CONSULTED.

(This notice is provided pursuant to §11-2.4, Code of Virginia.)

WITNESS the following signature and seals:

RURITAN CLUB OF CLARKE COUNTY

10/14/2020
DATE

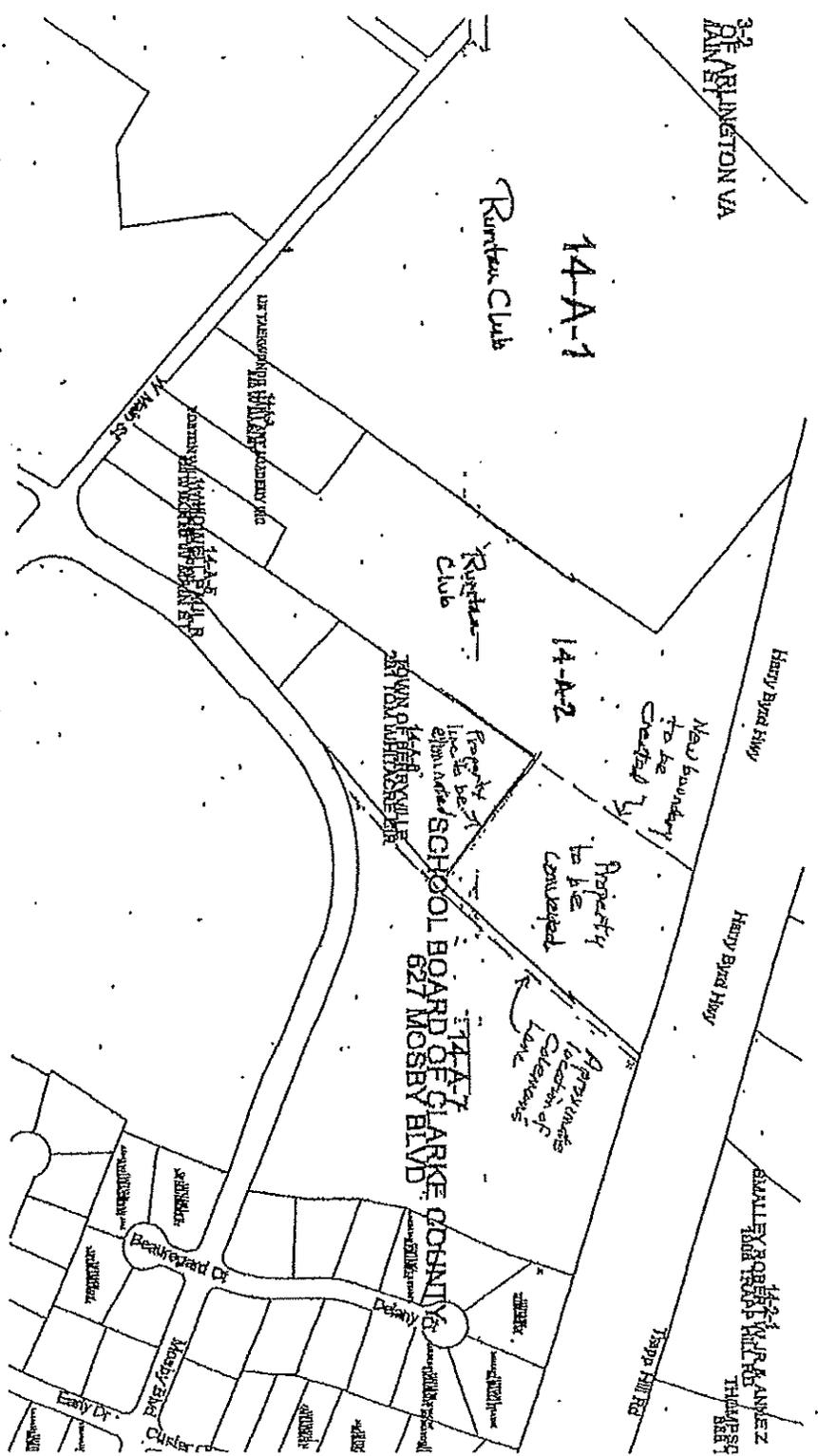
By:  (SEAL)
Gail F. Milleson, President Ruritan Club

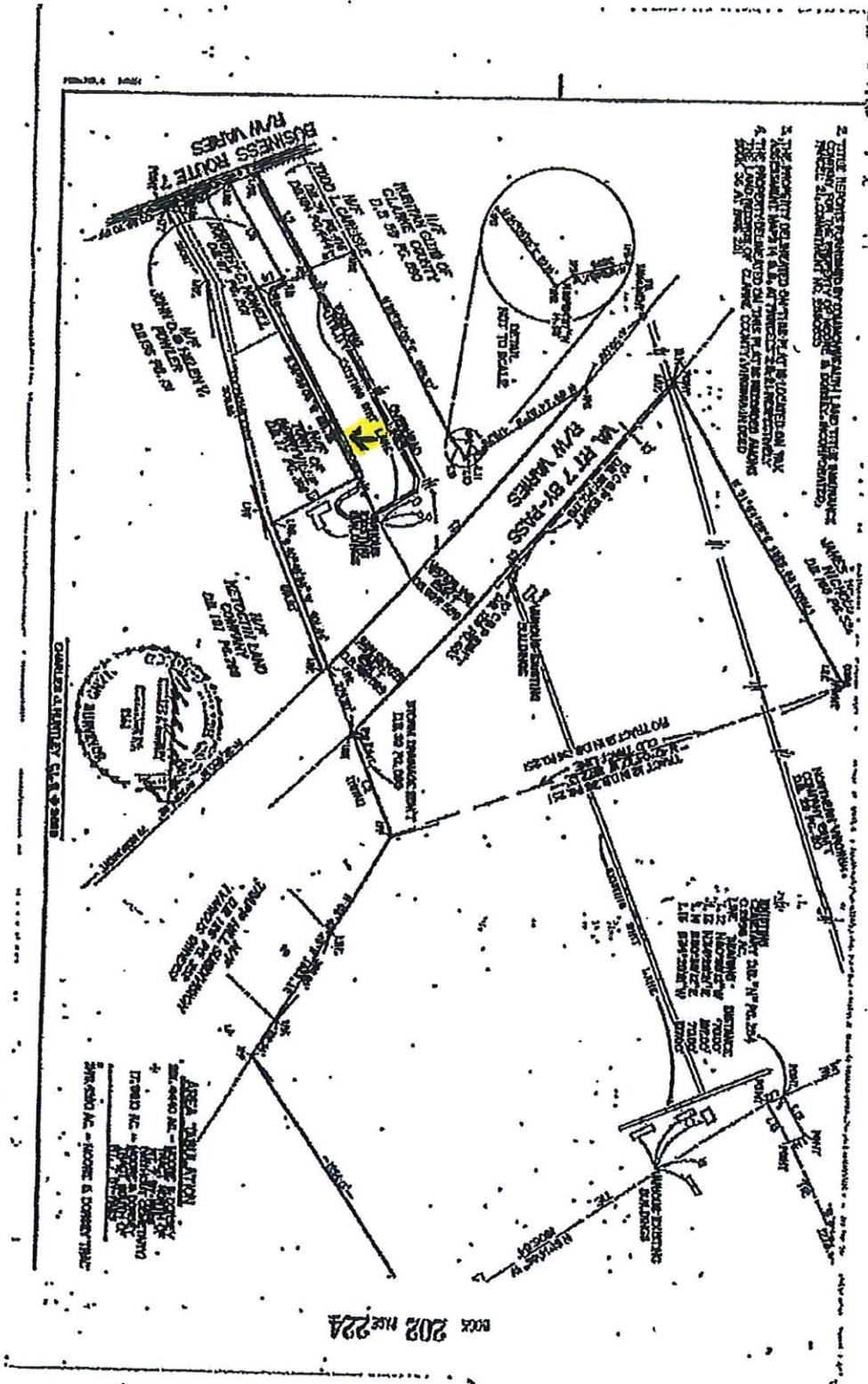
TOWN OF BERRYVILLE, VIRGINIA

10/14/20
DATE

By:  (SEAL)
Keith Dalton, Town Manager

Exhibit A





BOX 202 NCE 22A

Exhibit B

BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
MINUTES
December 8, 2020

A meeting of the Berryville Town Council Budget and Finance Committee was held on Tuesday, December 8, 2020 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: Recorder Erecka Gibson, Chair; Donna McDonald

Staff present: Keith Dalton, Town Manager; Greg Jacobs, Treasurer/Assistant Town Manager; Paul Culp, Town Clerk

Press present: none

1. Call to Order

Recorder Gibson called the meeting to order at 9:05 a.m.

2. Approval of Agenda

Ms. McDonald moved to approve the agenda. The motion passed by consensus.

3. Unfinished Business

None

4. New Business

None

5. Other

None

6. Closed Session

Ms. McDonald made the attached motion that the committee enter closed session to discuss the award of a public contract involving the expenditure of public funds. The motion passed by unanimous voice vote, and the committee entered closed session at 9:06 a.m.

The committee returned to open session at 9:37 a.m. Ms. McDonald offered the attached motion certifying the closed session, with the motion passing by unanimous roll-call vote.

7. Adjourn

Recorder Gibson invited a motion to adjourn. Ms. McDonald so moved, with the meeting adjourning by consensus at 9:39 a.m.

Motion to Enter Closed Session

I move that the Budget and Finance Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-29 of the Code of Virginia, to discuss the award of a public contract involving the expenditure of public funds.

DATE: December 8, 2020

MOTION: *McDonald*

VOTE:

Aye: *Unanimous voice vote*

Nay:

Absent/Abstain:

ATTEST: _____

Paul Culp, Town Clerk

BUDGET AND FINANCE COMMITTEE
MOTION
CLOSED SESSION RESOLUTION

DATE: December 8, 2020

MOTION BY: *McDonald*

SECOND BY: *Gibson*

I move that the Budget and Finance 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, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,

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

VOTE:

Aye: *McDonald, Gibson*

Nay: _____

Absent/Abstain: _____

ATTEST: _____
Paul Culp, Town Clerk

**Berryville Town Council Item Report Summary
January 12, 2021**

Item Title

Unfinished Business - Blight Abatement

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

1. Blight abatement

Recommendation

Sample Motion

Eight improved properties in Town have been flagged as being properties of concern because of the condition of their improvements. Please find attached the blight abatement report that was provided to the Community Development Committee on November 16, 2020.

Staff was tasked with determining which properties are the highest priority and initiating a process for having the identified blight abated in accordance with §5-5 of the Berryville Code.

Staff has prioritized the following properties for enforcement under §5-5 of the Berryville Code:

- 12 First Street
- 112 Josephine Street
- 114 Josephine Street
- 203 Josephine Street
- 225 Josephine Street*

* Staff recommends that the Council consider pursuing action in accordance with §5-3 of the Berryville Code because of the dire condition of the dwelling on the property. This matter is addressed in more detail below.

These properties were prioritized in large part because of the condition of the roofs of the improvements. The exception to that standard is 112 Josephine, which appears to be in significant systemic decline.

Certified letters have been sent to the owners of record of each property. The letters state that the Town Manager is considering making a preliminary determination that their property is blighted and requests that the owners meet with Town staff in the third week of January. A draft blight abatement plan was provided with each letter.

If the Town Manager and the owner are not able to agree on a timely resolution of the blight, then the Manager will make preliminary findings as required by §5-5 of the Berryville Code and thereby initiate the required spot blight abatement process.

225 Josephine Street

The recent snow event caused a partial collapse of the dwelling's roof. Last week a portion of the dwelling's western wall collapsed.

Staff recommends that the Council consider pursuing action in accordance with §5-3 of the Berryville Code because of the dire condition of the dwelling on the property.

If the Council determines that the dwelling might endanger the public health or safety of residents of the Town, then it may, after following a specific process, raze the structure and abate the public health risk.

If the Council wishes to pursue action in this matter then the following steps must be taken:

- The Town Council determines that the dwelling might endanger the public health or safety of other residents of the Town.
- Notice is provided to the owner of record by certified mail.
- Publication of a notice in a newspaper of general circulation.
- Owner fails to abate the danger within 30-days of the last newspaper publication.
-

If these steps are followed and the owner does not abate the danger, then the Town may take action to abate the danger and take steps to recover costs incurred.

Current photos of the properties in question will be available at the meeting.

Attachment:

- Blight Abatement Report from the November 16, 2020 Community Development Committee agenda packet.

Sample motion:

I move that the Council of the Town of Berryville, in accordance with §5-3 of the Berryville Code, finds that the dwelling located at 225 Josephine Street might endanger the public health or safety residents of the Town, and that the Town Manager is hereby directed to provide notice of this finding and the Council's intent to demolish the dwelling as required in Chapter 5 of the Berryville Code. The Town Manager is hereby authorized to proceed with action in this regard, including demolition of the dwelling, if the owner of record has not abated the danger upon the expiration of the required notice period.

Community Development Committee Agenda Item Report Summary
November 16, 2020

Item Title
Blight Abatement

Prepared By
Christy Dunkle

Background/History/General Information

The Community Development Committee discussed this matter at their September 28, 2020 meeting. The properties identified include:

- 25 Cattleman's Lane
- 12 First Street
- 112 Josephine Street
- 114 Josephine Street
- 203 Josephine Street
- 225 Josephine Street
- 227 Josephine Street
- 229 Josephine Street

At that time, staff presented photos of the properties. There was a discussion about engineering reports, public input, and the expense of the former.

Findings/Current Activity

Staff discussed Town Code §5-3 Removal, repair, etc. of buildings and other structures and §5-5 Spot blight abatement at the September 28 meeting.

Staff previously recommended the review of this matter and development of recommendations on action to be taken by the Town.

Financial Considerations

No financial considerations have been determined at this time.

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Discuss recommendations to be forwarded to Town Council for consideration.

- Attachments:
- vicinity maps and photos of addresses identified above
 - §5-3 Removal, repair, etc. of buildings and other structures
 - §5-5 Spot blight abatement
 - September 28, 2020 Community Development Staff Report

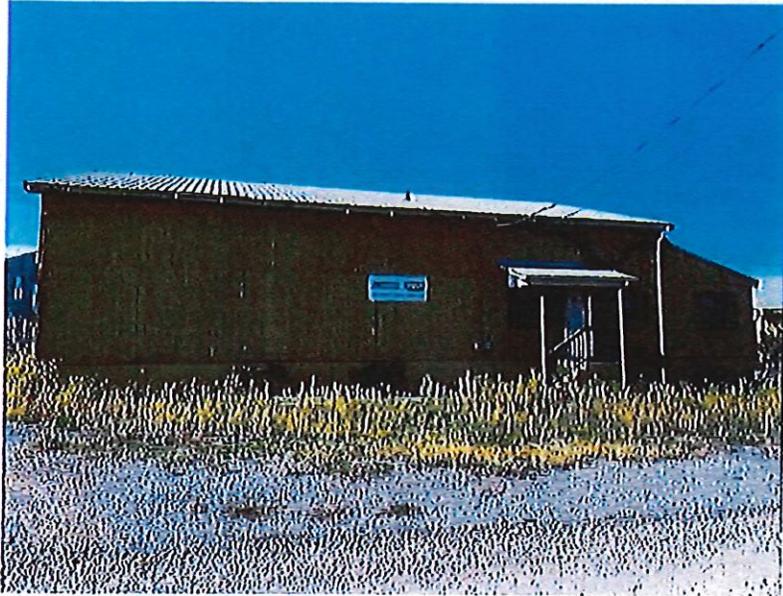
Blight Abatement

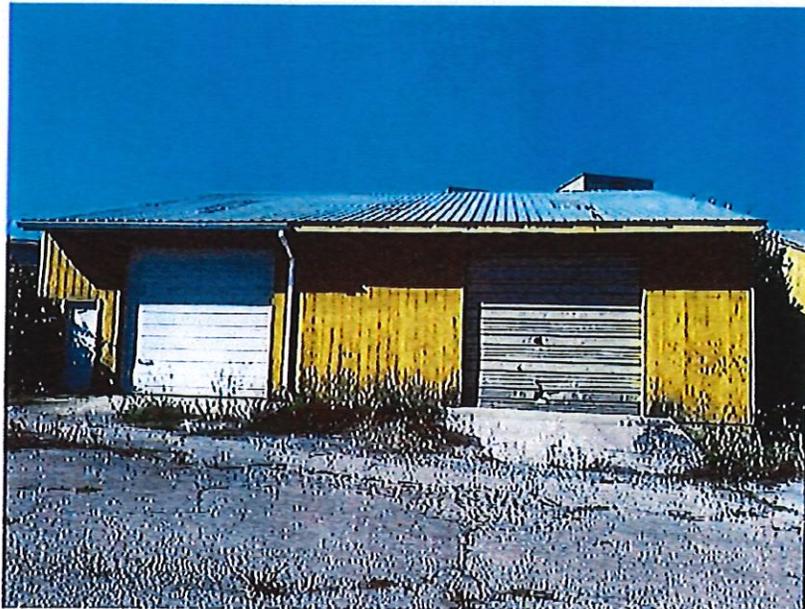
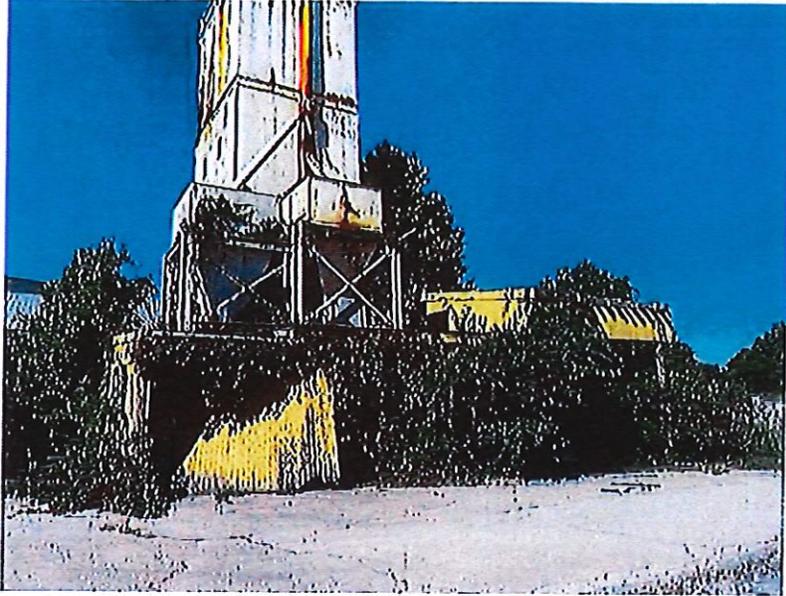
September, 2020

Properties identified:

- **25 Cattleman's Lane**
- **12 First Street**
- **112 Josephine Street**
- **114 Josephine Street**
- **203 Josephine Street**
- **225 Josephine Street**
- **227 Josephine Street**
- **229 Josephine Street**

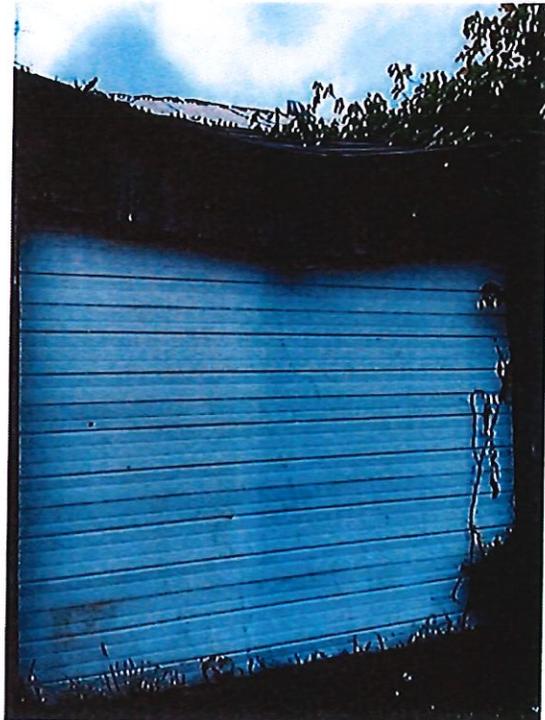
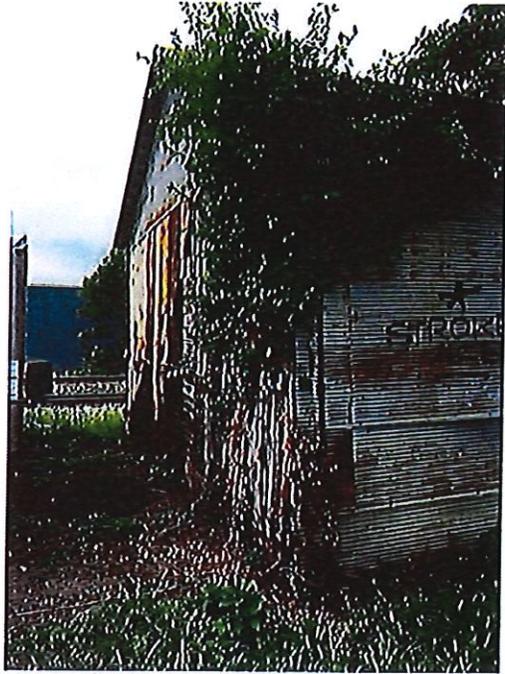
25 Cattleman's Lane

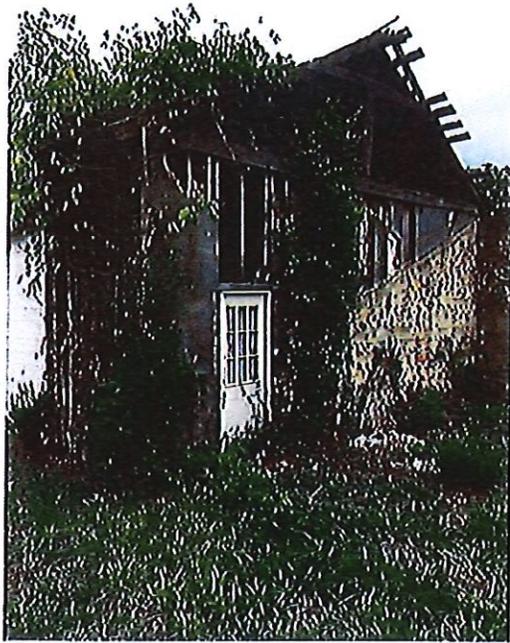




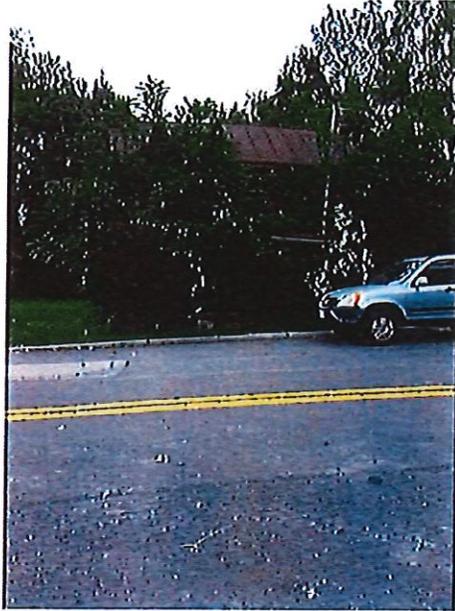
12 First Street



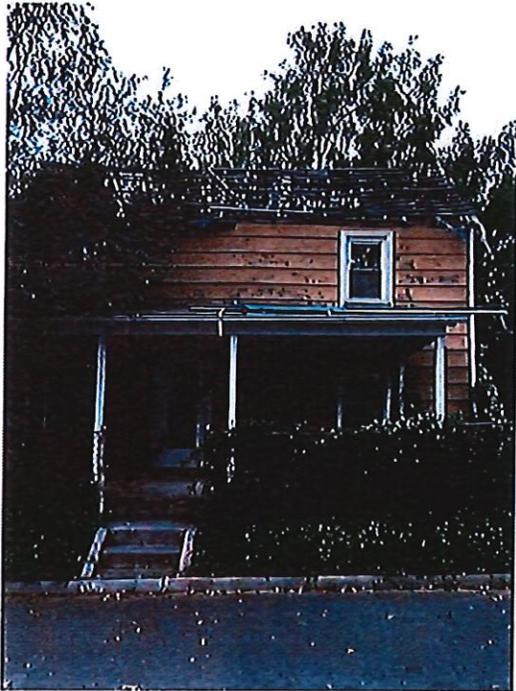
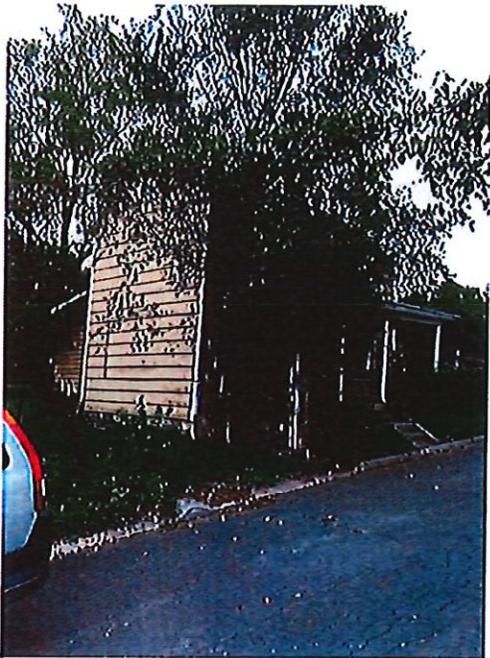


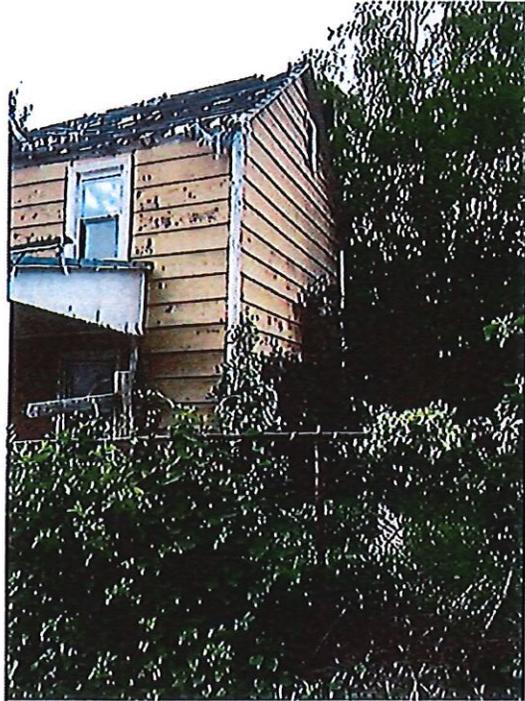


112 Josephine Street



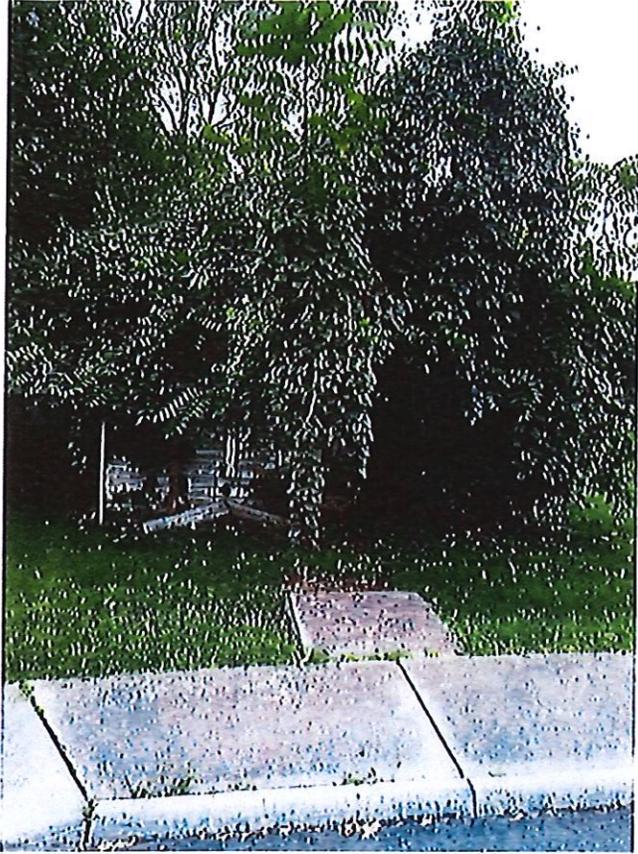
114 Josephine Street



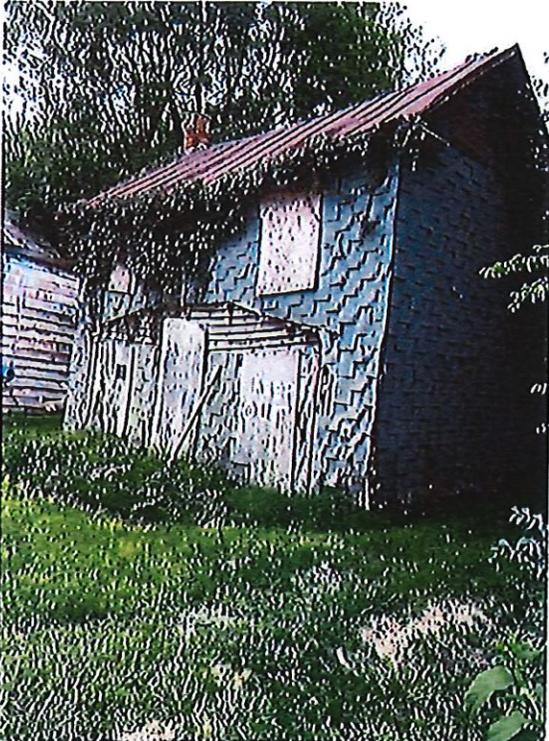


203 Josephine Street

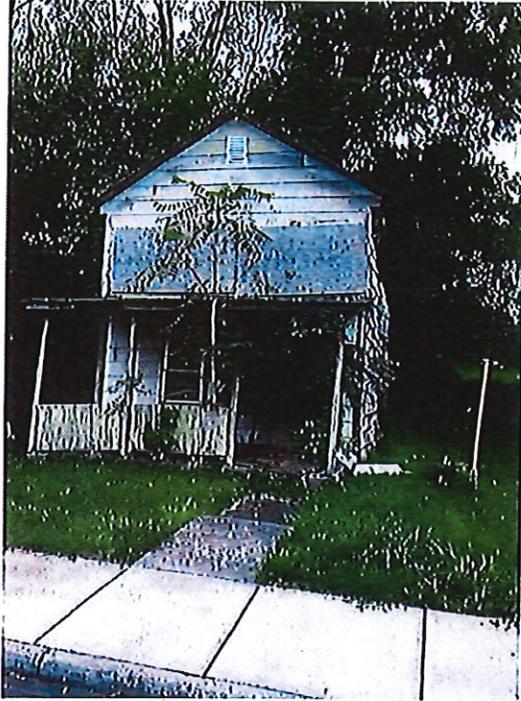


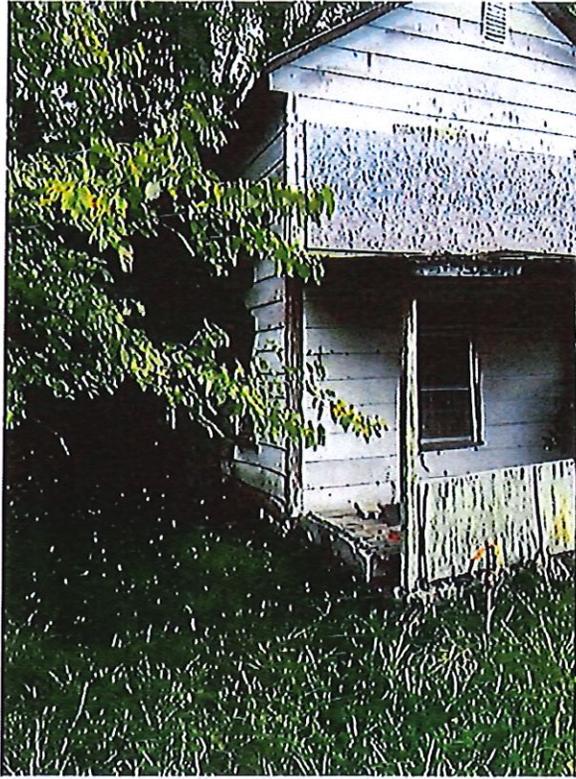


225 Josephine Street

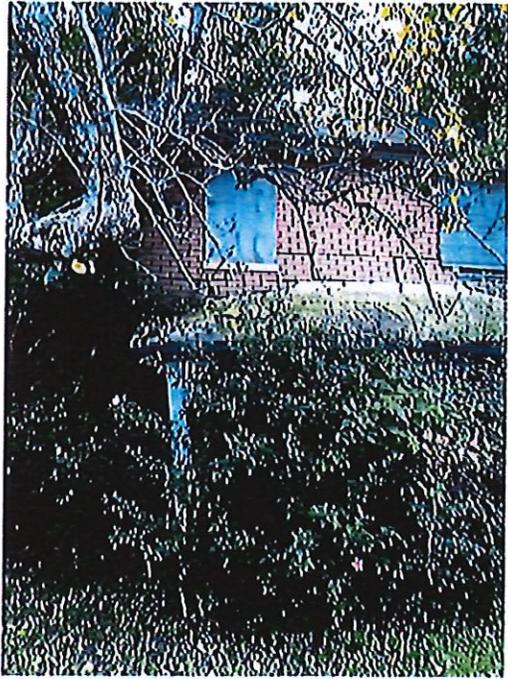
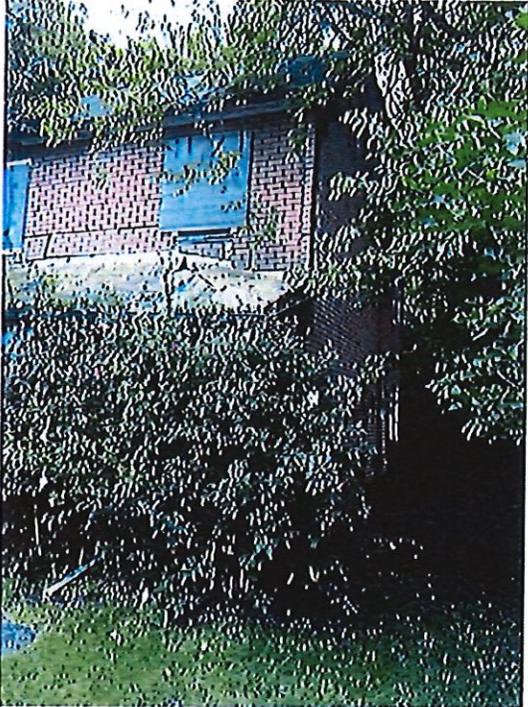


227 Josephine Street





229 Josephine Street





Sec. 5-3. - Removal, repair, etc., of buildings and other structures.

- (a) Notwithstanding any provision of section 5-1 to the contrary, owners of property in the town shall, at such time or times as council may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town.
- (b) Agents or employees of the town council are hereby authorized and empowered to remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town, if the owner and lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure said building, wall or other structure. The aforesaid reasonable notice shall be a written notice (i) mailed by certified or registered mail, return receipt requested, to the last known address of the property owner, or personally served on the owner by a person authorized to serve process under the Code of Virginia, and (ii) published once a week for two (2) successive weeks in a newspaper having general circulation in the town. No action shall be taken by the town to remove, repair, or secure any building, wall or other structure for at least thirty (30) days following the later of (i) the date of receipt shown on the return receipt, or the date of personal service, or (ii) the last date of newspaper publication.
- (c) In the event that the town council, through its agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.
- (d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid town taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia, 1950, as amended. Council may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(Ord. of 10-15-91; Ord. of 8-16-94; Ord. of 6-11-96; Ord. of 12-9-97; Ord. of 12-9-97; Ord. of 7-11-00, §§ 1—4; Ord. of 7-11-00; Ord. of 6-11-02)

State Law reference— Authority for above section, Code of Virginia, Section 15.2-906.

Sec. 5-5. - Spot blight abatement.

- (a) The Town of Berryville, in accordance with Code of Virginia § 36-49.1:1, may acquire or repair any blighted property, as defined in (b), below, by purchase or the exercise of the power of eminent domain provided in Chapter 2 of Title 25.1 of the Code of Virginia, and, further, shall have the power to hold, clear, repair, manage, or dispose of such property for purposes consistent with this section. In addition, the town may recover the cost of any repair or disposal of such property from the owner or owners of record, determined in accordance with Virginia Code § 36-27(B).
- (b) "Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards.
- (c) The town manager, or his/her designee, shall make a preliminary determination that a property is blighted in accordance with this section. The town manager or his/her designee shall send notice to the owner or owners of record, determined in accordance with Virginia Code § 36-27(B), specifying the reasons why the property is blighted. The owner or owners of record shall have thirty (30) days from the date the notice is sent in which to respond in writing with a spot blight abatement plan to address the blight within a reasonable time.
- (d) If the owner or owners of record fail to respond within the thirty (30) day period with a written spot blight abatement plan that is acceptable to the town manager or his/her designee, the town (i) may request the planning commission to conduct a public hearing and make findings and recommendations that shall be reported to town council concerning the repair or other disposition of the property in question; and (ii) in the event a public hearing is scheduled, shall prepare a written spot blight abatement plan for the repair or other disposition of the property.
- (e) Not less than three (3) weeks prior to the date of the public hearing before the planning commission, the commission shall provide, by regular and certified mail, notice of such hearing to (i) the owner of the blighted property or the agent designated by him for receipt of service or notices concerning the payment of real estate taxes within the town; (ii) the abutting property owners in each direction, including those property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any, for the immediate area. The notice shall include the plan for the intended repair or other disposition of the property. The notice of the public hearing shall be published at least twice, with not less than six (6) days elapsing between the first and second publication in a newspaper published or having general circulation in the town. The notice shall be posted on the property. The notice shall specify the time and place of the public hearing at which persons affected may appear and present their views, not less than six (6) days nor more than twenty-one (21) days after the second publication.

- (f) The planning commission, following the public hearing, shall determine whether:
- (1) The property is blighted;
 - (2) The owner has failed to cure the blight or present a reasonable plan to do so;
 - (3) The plan for the repair or other disposition of the property is in accordance with the town's comprehensive plan, zoning ordinance, and any other applicable land use regulation;
 - (4) The property is located within an area listed on the National Register of Historic Places. In such instances, the planning commission shall consult with the architectural review board regarding the proposed repair or other disposition of the property by the town council.
- (g) The planning commission shall report its findings and recommendations concerning the property to the town council. The town council, upon receipt of such findings and recommendations, may, after an advertised public hearing, affirm, modify, or reject the planning commission's findings and recommendations. If the repair or other disposition of the property is approved, the town may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and applicable law.
- (h) The town shall have a lien on all property so repaired or acquired, under an approved plan to recover the cost of (i) improvements made by the town to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien authorized by this section shall be filed in the circuit court of Clarke County and shall be subordinate to any prior liens of record. The town council may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the town through eminent domain, the cost of repair may be recovered when town council sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.
- (i) If the blighted property is occupied for personal residential purposes, town council, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisition, under an approved spot blight abatement plan, by the Town of property which has been condemned for human habitation for more than one year. In addition, upon the town exercising the powers of eminent domain in accordance with Title 25.1 of the Code of Virginia, it may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such persons.
- (j) In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in subsections (a) through (i), town council by ordinance, may declare any blighted property to constitute a nuisance, and thereupon abate the nuisance pursuant to Virginia Code § 15.2-900 or 15.2-1115. Such ordinance shall be adopted only after the

written notice by certified mail to the owner or owners of the property at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.

- (k) The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

(Ord. of 12-12-06)

Blight Abatement

Properties

Included with this report are photos of 8 properties in Berryville that should be reviewed to determine whether they are a danger to public safety or should be considered blighted.

The properties in question are (zoning designation):

25 Cattleman's Lane (L-1)	225 Josephine Street (DR-4)
12 First Street (L-1)	227 Josephine Street (DR-4)
112 Josephine Street (DR-4)	203 Josephine Street (DR-4)
114 Josephine Street (DR-4)	229 Josephine Street (DR-4)

Town Code

§5-3 – Removal, repair, etc., of buildings and other structures.

This section permits the Town Council to require a property owner to remove, repair or secure any structure which might endanger the public health or safety of residents of the Town. The section also permits the Town to take action to abate a danger if the owner refuses to do so. Costs incurred by the Town to abate the danger are charged to the owner(s). If that bill is not paid, then a tax lien is filed on the property.

§5-5 Spot blight abatement.

This section permits the Town to address issues with blighted property. This section outlines a lengthy required process that must be followed before the Town may abate the blight. The section also permits the Town to take action to abate blight if the owner refuses to do so. Costs incurred by the Town to abate blight are charged to the owner(s). If that bill is not paid, then a tax lien is filed on the property.

It is recommended that, if the Town Council determines that action to address conditions on a particular property needs to be taken, then the code section under which compliance is pursued should reflect the immediacy of the threat to the public. In other words, if the Council determines that a structure currently presents a risk to public health, then action under §5-3 would be warranted. If the threat to public health is not immediate, but the property is blighted, then action under §5-5 would be appropriate.

Attachments

- Packet containing maps and photos
- Chapter 5 of the Town Code

Recommendation

Review this matter and develop recommendations as to whether action should be taken by the Town to address the condition of the properties in question. The recommendation would be forwarded to the Town Council. The Town Council will make a determination as to whether to take action on any property under §5-3. Staff will seek guidance/direction regarding whether to take action on any properties under §5-5.

**Berryville Town Council Item Report Summary
January 12, 2021**

Item Title

Staff Reports - Public Works

Prepared By

Background/History/General Information

We experienced our first measurable snowfall of the year last month.

With the exception of one minor equipment failure all our snow plows and salt spreaders operated correctly.

Since the weather forecast was calling for below freezing temperatures for several days after the storm the decision was made to haul the snow away from the business district of Town.

The snow hauling went well and was completed in a timely manner.

Findings/Current Activity

The existing furnace that supplies heat to our shop bay has been experiencing problems lately and quit working last week.

Blossman Gas sent a technician to inspect the furnace and determined it needs replaced. The existing unit is 26 years old and will more cost effective to replace the unit.

I am waiting for a cost estimate to send Keith for his review.

Since this bay is in the middle of the building we are able to keep minimal heat in the area

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

Recommendation

Sample Motion

Berryville Town Council Item Report Summary
January 12, 2021

Item Title

Staff Reports - Public Utilities

Prepared By

Background/History/General Information

Utility Plant Operations continue to produce quality products. The Water Facility has delivered 9.565 MG of water to the distribution system with a daily average of 0.368 MGD and a daily max of 0.509 MG. The Wastewater Facility has treated 11.99 MG of waste in December with an average daily flow of 0.39 MGD and a daily max of 0.91 MG.

Drought Conditions - The Shenandoah has been flowing above the 90 percentile all month thanks to rains. No drought concerns at this time.

Findings/Current Activity

Several items worth mentioning at the WTP is that we have ran a test weekend on some of our old standby booster pumps. Both worked and maintained the water supply for twenty four hours each in the exercise. River pump #2 has been replaced and we have ran and buried some electrical conduit to supply power for heat tracing in the SET level sensor. We also took both treatment trains off line for maintenance inspection and cleaning in December.

Two issues at the WTP with minor flooding events being the first. Rains the first of the month and at Christmas caused us few problems. The second problem is the dump valve on treatment train #2 has failed. This is a valve that allows for the emptying of the settling portion of the treatment prior to back wash. We are currently manually manipulating the valve which is difficult. A new valve and actuator has been ordered and should soon arrive.

The wastewater facility dealt with two high flow events which the plant handled well. We have finally caught up on solids processing this month. The new control drive was installed for carbon pump #1 and a week later the drive for carbon pump #2 failed. The replacement has been ordered and is on site. Our Contractor has completed prep work for its installation and we should have it back up and running in January. We have now replaced all of the carbon pump drive units.

In December we processed 308,417 gallons of biosolids and completed 278 maintenance work orders for the facilities.

Attached to this report are the DMR Data sheet for the wastewater plant and the page 1 MOR for the water treatment plant. At this time we have not verified the information for delivery to the state nor have we received all data from laboratories.

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

1. December 2020 Data for Council Report

Recommendation

Sample Motion

march 2018.000

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	0.434		0.368	11.5	41	11.2	3	0.9														
2	0.517		0.468	14.5	46	10.6	5	1.2														
3	0.529		0.466	14.0	51	11.5	4	1.0														
4	0.534		0.482	15.0	41	9.1	4	1.0														
5																						
6																						
7	0.462		0.414	13.8	46	11.8	3	0.8														
8	0.497		0.419	15.3	51	12.2	4	1.1														
9	0.477		0.432	13.5	46	11.5	4	1.1														
10	0.492		0.421	13.0	35	8.6	3	0.7														
11	0.489		0.441	13.8	46	11.2	3	0.8														
12																						
13																						
14	0.508		0.440	14.0	46	10.8	3	0.8														
15	0.524		0.431	13.8	41	9.3	4	0.9														
16	0.438		0.389	12.5	46	12.5	2	0.5														
17	0.443		0.367	13.6	35	9.6	2	0.6														
18	0.447		0.400	13.6	41	10.9	3	0.7														
19	0.120		0.116	3.7	15	15.2	1	0.8														
20	0.180		0.140	4.5	15	10.1	1	0.5														
21	0.435		0.384	13.5	46	12.5	3	0.8														
22	0.476		0.399	12.5	46	11.5	3	0.8														
23	0.545		0.491	16.0	46	10.0	4	0.8														
24	0.160		0.132	5.5	15	11.4	1	0.9														
25																						
26	0.160		0.132	5.5	15	11.4	1	0.9														
27	0.143		0.147	4.0	15	12.8	1	0.7														
28	0.368		0.275	9.0	41	13.2	3	1.0														
29	0.581		0.414	17.5	71	14.6	4	0.7														
30	0.611		0.509	15.8	61	11.9	4	0.8														
31	0.580		0.487	15.0	56	11.5	3	0.7														
Total	11.149	0.000	9.565	314.1	1049	297.2	78	21.5	0.0	0.00	118.9	35.7	1.57	0.492	76	20.4	0.0	0.00	300.1	84.30	0.0	0.00
Maximum	0.611	0.000	0.509	17.5	71	15.2	5	1.2	0.0	0.00	8.3	4.6	0.08	0.052	17	3.6	0.0	0.00	18.3	4.52	0.0	0.00
Minimum	0.120	0.000	0.116	3.7	15	8.6	1	0.5	0.0	0.00	0.9	0.2	0.02	0.008	1	0.2	0.0	0.00	3.2	2.36	0.0	0.00
Average	0.429	0.000	0.368	12.1	40	11.4	3	0.8	#DIV/0!	#DIV/0!	4.6	1.4	0.06	0.019	3	0.8	#DIV/0!	#DIV/0!	11.5	3.24	#DIV/0!	#DIV/0!

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE) _____ RAW WATER SOURCE(S) USED DURING MONTH: (SOURCE/DATES) _____

PRINTED NAME: David A Tyrell

TITLE: OPERATOR CLASSIFICATION: Class 1
DPO: CERTIFICATION NO.: 1955002813

RAW WATER SOURCE(S) USED DURING MONTH: (SOURCE/DATES) _____
Shenandoah River - Entire Month

Berryville STP Monthly DMR Data

December 2020

Date	Effluent Flow MGD	Eff pH SU	Eff Temp Deg C	Eff GBD mg/l	Eff GBD 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
12/1/2020	0.37	7.1	15.3	0.00	0.00				9.7				
12/2/2020	0.24	7.1	15.9						9.6				
12/3/2020	0.24	7.2	15.2	0.00	0.00			9.8	10.2	2.55	0.79	0.72	3.34
12/4/2020	0.27	7.2	15.6						9.9				
12/5/2020	0.42	7.1	15.2						9.7				
12/6/2020	0.56	7.1	15.2						9.9				
12/7/2020	0.29	7.2	14.9	0.00	0.00				9.6	3.18	0.65	0.71	3.83
12/8/2020	0.15	7.1	14.3	0.00	0.00	0.00	0.00		10.2				
12/9/2020	0.25	7.1	14.5						10.6				
12/10/2020	0.32	7.1	14.7	0.00	0.00			8.7	10.6	3.15	0.86	1.04	4.01
12/11/2020	0.25	7.0	14.8						10.5				
12/12/2020	0.30	7.2	14.8						9.8				
12/13/2020	0.26	7.3	15.5						9.8				
12/14/2020	0.45	7.2	13.7	0.00	0.00				10.4	1.22	0.93	1.58	2.15
12/15/2020	0.52	7.3	14.6						11.0				
12/16/2020	0.32	7.2	14.0					9.2	10.7				
12/17/2020	0.17	7.4	14.2	0.00	0.00				10.7	0.92	0.69	0.44	1.61
12/18/2020	0.24	7.3	13.9						11.3				
12/19/2020	0.25	7.4	13.3						10.7				
12/20/2020	0.25	7.5	13.9						10.3				
12/21/2020	0.32	7.3	13.4	0.00	0.00				9.7	1.38	0.77	0.93	2.15
12/22/2020	0.49	7.3	13.9						9.6				
12/23/2020	0.61	7.3	13.6						9.8				
12/24/2020	0.75	7.6	14.3					10.5	9.9				
12/25/2020	0.76	7.3	13.9						10.4				
12/26/2020	0.91	7.3	13.7						10.3				
12/27/2020	0.47	7.4	14.9						11.9				
12/28/2020	0.38	7.4	13.9						10.3				
12/29/2020	0.32	7.4	13.5						11.4				
12/30/2020	0.36	7.4	14.0						10.6				
12/31/2020	0.50	7.4	14.3					10.5	10.5				
Minimum	0.15	7.0	13.3	0.00	0.00	0.00	0.00	8.7	9.6	0.92	0.65	0.44	1.61
Maximum	0.91	7.6	15.9	0.00	0.00	0.00	0.00	10.5	11.9	3.18	0.93	1.58	4.01
Total	11.99	225.2	446.9	0.00	0.00	0.00	0.00	48.7	319.6	12.40	4.69	5.43	17.09
Average	0.39	7.3	14.4	0.00	0.00	0.00	0.00	9.7	10.3	2.07	0.78	0.90	2.85
Geo Mean	0.35	7.3	14.4	1.00	1.00	1.00	1.00	9.7	10.3	1.85	0.8	0.84	2.69

Berryville STP Monthly DMR Data
December 2020

Date	Eff Total N KG/D	Eff Total P mg/l	Eff Total P KG/D	E coli No/100ml
12/1/2020				1
12/2/2020				1
12/3/2020	3.04	0.02	0.02	1
12/4/2020				1
12/5/2020				1
12/6/2020				1
12/7/2020	4.24	0.03	0.03	1
12/8/2020				1
12/9/2020				1
12/10/2020	4.86	0.03	0.04	1
12/11/2020				1
12/12/2020				1
12/13/2020				1
12/14/2020	3.67	0.03	0.05	1
12/15/2020				1
12/16/2020				1
12/17/2020	1.04	0.01	0.01	1
12/18/2020				1
12/19/2020				1
12/20/2020				1
12/21/2020	2.61	0.03	0.04	1
12/22/2020				1
12/23/2020				1
12/24/2020				1
12/25/2020				1
12/26/2020				1
12/27/2020				1
12/28/2020				1
12/29/2020				1
12/30/2020				1
12/31/2020				1
Minimum	1.04	0.01	0.01	1
Maximum	4.86	0.03	0.05	1
Total	19.43	0.15	0.18	8
Average	3.24	0.03	0.03	1
Geo Mean	2.92	0.02	0.03	1

**Berryville Town Council Item Report Summary
January 12, 2021**

Item Title

Staff Reports - Police Department

Prepared By

Background/History/General Information

Monthly Activity Report

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

Public Safety Committee

The Public Safety Committee did not meet in the month of December 2020. The meeting scheduled for January 26, 2021 has been cancelled at this time, and therefore the next scheduled meeting date for this committee would be February 23, 2021 at 2:00 pm.

State Budget Amendment

The department will be receiving \$6,052.00 from the Commonwealth as a result of the amendment to the state budget which took place during the special legislative session. The funds are to be utilized for the recruitment, retention, and training of officers. The funds can also be utilized to cover costs associated with law enforcement reforms also passed during the 2020 special legislative session.

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

1. Police and Security Report Dec 2020 (2)

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: December 2020	Year To Date 2020	December 2020	November 2020
<u>Complaints Answered</u>			
911 Hang Up:	38	1	2
Alarms:	93	7	3
Animal Complaint:	120	7	11
Assault:	28	0	2
Assist County:	52	1	1
Assist EMS and Fire:	243	13	20
Auto Larceny:	2	0	0
Burglary:	2	0	1
Civil Complaints:	62	6	1
Disturbance:	38	0	4
Domestic Disturbance:	31	2	2
Driving Under the Influence	5	0	0
Drunk In Public:	7	0	1
Fraud:	32	2	1
Larceny:	59	4	3
Harassment/Intimidation:	25	2	2
Homicide:	0	0	0
Identity Theft	3	0	0
Juvenile Related:	41	2	2
Mental Health Crisis:	63	3	7
Narcotics Related:	24	2	3
Noise:	49	4	5
Public Service:	5	0	0
Sexual Assault:	2	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	120	12	17
Trespassing:	9	0	0
Vandalism:	44	4	7
Welfare Check:	89	8	7
Miscellaneous Complaints:	470	37	34
Total Complaints Answered:	1756	117	136



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2020	December 2020	November 2020
<u>Traffic</u>			
Accidents Investigated:	21	2	2
Assist Motorist:	0	0	0
Child Safety Seat Install:	10	2	0
Funeral Escort:	34	7	6
Hit & Run:	10	2	2
Parking Tickets:	65	0	0
Traffic Warnings:	151	9	13
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	4	1	0
Expired Inspection:	12	1	1
Expired Registration:	2	0	0
Fail to Obey Highway Sign:	44	7	3
Fail to Obey Traffic Signals:	3	0	3
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	4	1	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	7	0	1
No Seat Belt:	0	0	0
Reckless Driving:	6	0	0
Speeding:	75	2	9
Miscellaneous Summons:	9	0	1
Total Traffic Summons Issued:	166	12	18
<u>Found Open at Businesses in Town</u>			
Doors:	14	1	0
Windows:	0	0	0
Garage Doors:	1	0	0



Berryville Police Department

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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	December	November
	2020	2020	2020
<u>Criminal Arrests Made</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	8	0	1
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	0	0
Drunk In Public:	5	0	1
Fail to Obey Police Officer:	3	1	0
Fail to Pay Parking Ticket:	1	0	0
Forgery:	0	0	0
Fraud:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	36	0	0
Larceny:	14	1	13
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	4	0	0
Rape:	0	0	0
Resisting Arrest:	3	0	0
Robbery:	0	0	0
Shoplifting:	2	0	0
Trespassing:	1	0	0
Vandalism:	4	0	0
Weapons Violation:	4	0	0
Miscellaneous Criminal Arrests:	23	5	4
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	116	7	19

**Berryville Town Council Item Report Summary
January 12, 2021**

Item Title

Community Development - Monthly Report

Construction Update

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

1. Com Dev

Recommendation

Sample Motion

Town Council Agenda Item Report Summary

January 12, 2021

Item Title

Community Development Update

Prepared By

Christy Dunkle

Planning Commission

The Planning Commission did not hold a meeting in December. Their next meeting is their organizational meeting scheduled for Tuesday, January 26, 2021 at 7:00 p.m.

Berryville Area Development Authority

The BADA did not hold a meeting in December. Their next meeting is scheduled for Wednesday, January 27, 2021 at 7:00 p.m.

Architectural Review Board

The Architectural Review Board in December to judge the Parking Meters on Parade contest. Their organizational meeting is scheduled for Wednesday, January 6, 2021 at 12:30 p.m.

Tree Board

The next Tree Board meeting is scheduled for Wednesday, February 3, 2021, at 7:00 p.m.

Board of Zoning Appeals

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

Town Council Agenda Item Report Summary

January 12, 2021

Item Title

Construction Project Update

Prepared By

Christy Dunkle

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
- Zoning permits have been issued for grading.

Fellowship Square Subdivision

- 50 single-family homes
- Zoned DR-4 Detached Residential
- Cluster layout
- HOA maintained facilities
- The first Certificate of Occupancy and sale occurred in November.
- Fairfax Street opened to the public on December 14, 2020 and now connects First Street to North Buckmarsh Street.

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

Motion to Enter Closed Session

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, to discuss the performance of a specific individual and in accordance with §2.2-3711-A-29 of the Code of Virginia to discuss responses to the RFP for Audit Services.

DATE: January 12, 2021

MOTION:

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____

Erecka Gibson, Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: January 12, 2021

MOTION BY:

SECOND BY:

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

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

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Erecka Gibson, Recorder