

**MINUTES OF THE TOWN OF TIMBERVILLE TOWN COUNCIL MEETING
APRIL 12, 2012**

The regular monthly meeting of the Timberville Town Council was held Thursday April 12, 2012 at 7:00 p.m. in the Town of Timberville Council Chambers with Mayor Donald Delaughter presiding.

MEMBERS PRESENT: Robert Blosser, Sharon Jones
Todd Thomas, Carl Turner

PRESENT: Austin Garber, Town Manager
Wilda Wine, Clerk/Treasurer
Keith Hand, Police Chief
Mark Callahan, Town Attorney
Jeremy Hunt, DNR
Beverly Garber, Historian
Ed Blackwell, Engineer for The Summit
Mary Sunbeam
Lisa Hawkins, Attorney for Living Waters

GUESTS: Zella Arehart, Alma Ritchie
Shirley Getz, Lana Allison
Anna Branner, Alyssa Moore
Doug Ennis, Donnie Rodeffer
Jeff and Kristin Watts
June and Layton Harpine
Harvey and Brandon Alger
Larry Bompani, Sam Styers

PLEDGE OF ALLEGIANCE: Mayor Donald Delaughter led the group in the Pledge of Allegiance to the American Flag.

MINUTES: A motion was made by Carl Turner and seconded by Sharon Jones to approve the minutes of the March 8, 2012 Town Council Meeting as presented. The motion carried with all members voting in favor.

TREASURER'S REPORT:	General Fund	\$91,396.55
	Water/Sewer	\$303,104.82
	Savings/CD's	\$746,992.31

BILLS FOR PAYMENT: A motion was made by Sharon Jones and seconded by Todd Thomas to pay the bills as presented. The motion carried with all members voting in favor.

POLICE REPORT: Chief Hand reported 12 summons, 16 warnings, 4 alarm calls, 8 animal complaints, 9 disorderly conducts, 11 domestic calls, 1 juvenile complaint, 5 local

ordinances enforced, 2 petty larcencies, and 1 vandalism complaint and 105 runs. Chief Hand reported that he had applied for a \$1500 Byrnes Grant. On April 28, 2012, Timberville Police Department and Broadway Police Department will conduct the Drug Take Back Program at the Broadway Drug Store parking lot.

PUBLIC WORKS: Austin Garber submitted a report of the work completed by the maintenance crew for the month. A copy will become part of these minutes. Air Quality Systems will begin the upgrades on the HVAC systems at the Police Department and the town office on Monday. It will take 3 to 4 days to complete. This will be paid for the energy grant received by the town.

Austin Garber stated that he had met with the Broadway and New Market town managers concerning the water feasibility study. The managers would like to meet with councils or public works committees from each town to discuss the results of the study with the engineering firm. Robert Blosser stated that he would like for Timberville's Public Works committee to meet prior to meeting with the other towns.

The pool will open Memorial Day weekend. Applications for lifeguards are being accepted and the hiring process will begin soon.

On Saturday April 14th approximately 20 JMU students will volunteer for community service at the park. They will be painting and cleaning graffiti from the restrooms, walls, and picnic tables. Wilda Wine will supervise the students.

Robert Blosser questioned how the high BOD readings were affecting our treatment costs. He was informed that we had not received the bill for the current reading which was 102mg/L over our contract limit.

A bucket truck has been purchased for \$9200, which is below the amount budgeted.

Sharon Jones thanked the town maintenance crew for moving the trees from the median to the shop property.

LINE OF DUTY ACT RESOLUTION: A motion was made by Robert Blosser to adopt the resolution to opt out of the VRS administration of the Line of Duty Act and to allow VML to administer the town's coverage. Carl Turner seconded the motion. The motion carried with all members voting in favor.

PUBLIC HEARING: Mayor Donald Delaughter opened the public hearing on The Summit master plan. Ed Blackwell of Blackwell Engineering represented the owners of The Summit and submitted a master plan on behalf of the owners. The plan shows a mixture of town houses, duplexes, single family homes, and apartments. The plan also shows an assisted living facility.

Alysa Moore, 15586 Forestville Road, expressed concern about the huge traffic flow and asked if the road entrance would be large enough with a turning lane. She asked if the

covenants restricting the age to 55 and over could be overturned. She also asked if there were still plans for retail space under the assisted living facility as this would also increase traffic. Mr. Blackwell explained that VDOT will address all traffic questions after a traffic study when the site plan reaches the approval phase. Mark Callahan stated that the age restriction was one of the restrictive covenants offered with the site plan and will be recorded at the clerk's office. In addition property is zoned R-5 conditional and must meet these conditions for approval. A copy of the proffers in their entirety will become part of these minutes.

Anna Branner, 444 North Main Street, voiced her concerns about the blasting. Ed Blackwell stated that there would be pre-blast surveys of all homes and pictures taken to document future damage. Robert Blosser stated that the town would require proper bonding when the permits were issued. Anna Branner also asked if the road would meet emergency needs. She was told that it must meet VDOT standards.

Lisa Hawkins, an attorney with Lenhart Obenshain PC, representing DCS LLC owner of Living Waters asked the council to table the request. A review could eliminate a possible conflict. Ed Blackwell also asked the council to table the request at this time.

Robert Blosser made the motion to table the decision concerning the master plan of The Summit at the request of Ed Blackwell. Carl Turner seconded the motion. The motion carried with all members voting in favor.

MARY SUNBEAM TRASH ORDINANCE CONCERN: Mary Sunbeam stated that she has not used trash services at her property located at 265 North Main Street for ten years however she has been billed for trash services all this time. When she refused to pay the trash charges, her water was disconnected. She stated she took the matter to court and Judge Lane ordered her water cut back on at no charge, because the town's ordinance did not specifically address the action taken for non-payment of trash charges. She asked that citizens have a choice in whether or not they want trash service. Ms. Sunbeam gave the clerk a copy of her presentation which will become part of these minutes.

Mayor Delaughter stated that the town recognizes that it was wrong to cut off her water service for non payment of trash services. The water was turned back on as soon as the judge ruled that there was no section in the ordinance to address penalties for non payment of trash charges.

Robert Blosser stated that it is the duty of the council to decide on the proper amendments to the trash ordinance. It is not a matter for the citizens to vote on. The Code of Virginia is very specific about items that can be voted on by referendum. Trash charges and enforcement is not among those items. Council recognizes that our trash ordinance needs amending. The council must decide on the amendments and ask our attorney to draft an ordinance. After the ordinance is drafted, a public hearing will be held to get citizens input. However the final decision is ultimately that of the elected officials as set forth in the Charter of Timberville and the Code of Virginia.

BUSINESS AND INDUSTRY: No report

ZONING ACTIVITY: Wilda Wine reported the following zoning activity for the month:

291 Center Street, an accessory building

321 Second Avenue, a handicap ramp

257 Center Street, a fence

3190 Legion Way, new dwelling

1600 Riggleman Drive, an accessory building

130/132 Church Street, new duplex

Austin Garber presented council members with copies of a book entitled Better Models for Development in the Shenandoah Valley 2010, Meeting 21st Century Challenges. The book presented by Valley Conservation Council is very informative on developing areas within the valley.

Austin Garber also stated that the General Assembly changed the legislature to state that the town “may” designate an urban development area in its’ comprehensive plan when there is a large population growth. According to that legislature, the town will not have to designate an area.

PARKS AND RECREATION: Wilda Wine reported that the new merry-go-around has been ordered and should arrive within 4 to 6 weeks.

FINANCE: Chairman Robert Blosser scheduled a meeting for the week of April 23rd after the governor decides on the VRS legislature. Budget items concerning the retirement will be discussed. Public Works committee will also discuss the regional water feasibility study and the trash ordinance.

PERSONNEL: No report.

PLAINS DISTRICT MEMORIAL MUSEUM: Beverly Garber read a series of historical happenings for Timberville. Wilda Wine reported that the museum’s annual fundraiser dinner and dance will be held April 14th at the community center.

OTHER BUSINESS: Austin Garber thanked everyone who helped at the Easter Egg Hunt and Cargill for helping to sponsor the event. Approximately 225 children attended.

The New Market Rebels baseball team will have a special night to honor Timberville. The game will be June 8th. They have asked the mayor to throw out the first pitch.

Paul and Anna Huffman will be leaving the area, moving to Bridgewater April 26th. Council has asked Austin to do something for them, possibly a plaque to be presented before they leave.

BROADWAY BAND BOOSTER DONATION: Robert Blosser speaking as a private citizen asked council to consider a donation to the Broadway Band Boosters to help pay for the new band uniforms. The uniforms cost \$26,000. The school board has appropriated \$25,000. The Band Boosters must make up the \$1000 difference. Carl Turner made the motion to donate \$500. Todd Thomas seconded the motion. The motion carried.

PUBLIC COMMENT: Anna Branner thanked Wilda Wine for making her and Shirley Getz's birthday week special.

ADJOURNMENT: No further business, the meeting adjourned.

RESPECTFULLY SUBMITTED,

Wilda Wine, Clerk

Donald Delaughter, Mayor