

**MINUTES OF THE TOWN OF TIMBERVILLE TOWN COUNCIL MEETING
JUNE 14, 2012**

The regular monthly meeting of the Timberville Town Council was held Thursday June 14, 2012 at 7:00 p.m. in the Town of Timberville Council Chambers with Mayor Donald Delaughter presiding.

MEMBERS PRESENT: Robert Blosser, Sharon Jones
Juanita Price, Danny Sawyer
Todd Thomas, Carl Turner

PRESENT: Austin Garber, Town Manager
Wilda Wine, Clerk/Treasurer
Keith Hand, Police Chief
Mark Callahan, Town Attorney
Tony Wilt, Virginia General Assembly Delegate 26th Dist.
Jeremy Hunt, DNR
Florence Barrett, NFJ
Beverly Garber, Historian

GUESTS: Anna Branner, Janna Blosser
Dusty Whetzel, Brian Phelps
Mary Sunbeam, Lana Allison
Shirley Getz

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

Sharon Jones introduced 26th District Delegate Tony Wilt. She had invited him to attend the meeting to answer questions and receive comments from council concerning the unfunded mandates facing localities. Tony Wilt, president and general manager of Superior Concrete, has served as a delegate in the Virginia General Assembly since 2010 representing the 26th District. One of the concerns addressed by Delegate Wilt was the status of Virginia Retirement System. He gave council members a handout on the Virginia Retirement System Update. Attorney Mark Callahan asked if there was anyway the town could opt out of the VRS system. Delegate Wilt stated that he thought that there had been a few localities that tried but they found it more advantageous to remain in the system. He stated that the 20 billion dollar shortfall is due to stock market changes. Two thirds of the unfunded loss are on the investment side and 1/3 result from lack of funding from the state and localities. However, lack of state funding would not affect town funding for employees. Sharon Jones asked if legislature could be passed prohibiting government from touching VRS funds. Delegate Wilt stated that the government had not touched the funds, but had not put in money into the fund for state employees. He stated that this biennium budget has included two billion dollars for funding for the shortfall and a plan for the next ten years. Robert Blosser stated that the town expenses for retirement had already increased from 10% to 18.28 percent since 1997. He feared what the future

expenses would be for the town. If the town could opt out of VRS monies could be put into an employee 401K that the employee could manage. He also questioned where the General Assembly got the authority to make the localities give their employees a 5% pay raise to cover their cost of retirement. Delegate Wilt stated that Virginia Code gave the General Assembly the authority and it was necessary to keep the VRS solvent. Mayor Donald Delaughter asked if the VRS board members were State employees. Mark Callahan asked if the General Assembly had considered benefit cuts like other states. Mayor Delaughter asked Delegate Wilt to express the council's concerns and feelings to the General Assembly. Delegate Wilt was asked to find out if the Town could opt out of the VRS and what happens to the funds already paid in if town opts out. He was to check on employee benefit cuts being considered. Mayor Delaughter asked that the General Assembly make sure they were fixing things that were broke, not starting new programs. Sharon Jones asked that he go back to Richmond and explain that the unfunded mandates like the VRS and LODA and new policy starting July 1st that police fines go into the State's general fund, were harming localities. Council thanked Delegate Wilt for his willingness to come address council.

PUBLIC HEARING ON TRASH ORDINANCE ADOPTION: Mark Callahan presented council with the updated ordinance for collection of trash fees. Mayor Donald Delaughter stated an updated ordinance was necessary for the enforcement of payment for trash collection. The new ordinance made trash collection mandatory for all active utility customers. The penalty for non-payment of these charges in addition to the 10% currently charged for delinquency on the 20th day following the billing, will be \$50.00 a month beginning on the 50th day following the billing date. All charges and delinquent fees not paid will constitute a lien on the property owners real estate. According to Virginia Code a property owner is responsible for the delinquent bills of the renters. Thirty days prior to the putting a lien on the real estate the property owner must be given 30 days written notice so that the owner can pay the delinquent bill. State law supersedes the ordinances of the town; therefore, it was not necessary to incorporate rental properties into this ordinance. The public hearing was opened for public comment. Mary Sunbeam stated that it was un-American to put a lien on a person's property for failure to pay for trash collection. She compared the town's ordinance to the mandates of the General Assembly for VRS. She stated that citizens should have the right to remove trash services from their water and sewer bill. She stated council had no concern for the residents of Timberville and the reasons the trash bills were unpaid. Robert Blosser stated that the town had a contract for trash removal and an obligation to pay for these services and needed an ordinance to enforce bill payment. He stated the authority to do this was granted by the town's charter. A motion was made by Danny Sawyer to adopt the Article V. Solid Waste sections 6-5.1, 6-5.2, and 6-5.3 as verbalized by town attorney Mark Callahan. Todd Thomas seconded the motion. The motion carried with all members voting in favor of adoption.

MINUTES: A motion was made by Carl Turner and seconded by Sharon Jones to approve the minutes of the May 10, 2012 council as presented the motion carried with all members voting in favor.

TREASURER'S REPORT:	General Fund	\$ 41,679.86
	Water/Sewer	207,536.07
	Cert of Deposit/SA	849,492.31

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

POLICE REPORT: Chief Keith Hand reported 22 summons, a couple drunk in public charges, four alarms, four disorderly conduct charges, and six domestics. The department had 46 assists, one grand larceny, 18 local ordinances enforced, two petty larcenies and one vandalism complaint. Officers worked the lawn party which went smoothly.

ADOPTION OF VIRGINIA CODE 5-1.1: A motion was made by Carl Turner and seconded by Danny Sawyer to adopt Virginia Code 5-1.1 to incorporate the changes effective July 1, 2012. This allows officers to write tickets under Virginia Code. The motion carried with all members voting in favor.

PUBLIC WORKS: Town Manager Austin Garber gave council a list of the jobs completed by the maintenance crew for the month. A copy will become part of these minutes. He also reported that the BOD's for May were 262mg/L which is 12mg/L over the contract limit. Reimbursement has been received for the heating and air conditioning upgrades for the town office and police department through the Energy Grant. Reimbursement was \$22,000.00. The town's portion of the project was \$3000.00. Dukes Root Control has performed work on sewer lines part will be paid for in this fiscal year and the remainder in the next fiscal year. The pool is up and running full time. Ashley Sites is the manager. She hopes to be able to have an evening for adult swim only. The engineering firm for the water projects is preparing for the aerial topos. Markers have been placed around town. Dominion Virginia Power has given the town an estimate for the lights requested on North Main Street. The public works committee will review the estimate and make a decision. An agreement must be adopted to go ahead with the safe route to schools grant. The American Legion Post has donated the ROW. The sidewalk construction will be concrete and the part crossing the school property will be asphalt. A motion was made by Juanita Price and seconded by Sharon Jones to go ahead with the agreement. However questions were raised by Robert Blosser. He wanted the cost of bridge clarified in writing from VDOT and that the town would incur no expense. He also wanted to make sure the sidewalks were incorporated into the state ROWs. The school must agree to maintain the sidewalk since construction will not be on the state right of way. It was the consensus of council to wait until the next meeting to adopt the agreement after these concerns have been addressed.

BUSINESS AND INDUSTRY: No report.

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

272 North Main Street- an accessory building
232 Oak Street- a new fence
3335 Legion Way- construction of a new dwelling
360 First Avenue- new fence
368 Fifth Avenue- renovations

PARKS AND RECREATION: Sharon Jones reported that Modern Woodmen had given \$150.00. She had purchased one tree and two rose bushes for the town office. They will be giving her money to purchase two more trees. Donald Delaughter stated that the Timberville Lions Club also wished to purchase two trees and needed an amount.

FINANCE: ADOPTION OF FY 2012-2013 BUDGET: Mayor Delaughter explained the increase in budget over the previous year. Approximately 1.5 million dollars has been budgeted for improvements to the water system. The improvements will replace old 4 inch line, make improvements to the water tower and increase pressure and fire flows. The money will be borrowed and payments made. The current debt will be paid off in July so that the only payments will be for the improvements. A motion was made by Robert Blosser and seconded by Carl Turner to adopt the budget as presented. The motion carried with all members voting in favor.

VRS RESOLUTIONS: VRS has required the town to adopt two resolutions. One is for the employer part of the retirement costs. The other resolution is for the 5% pay increase for employees to cover the employee contribution. This increase can be completed over a five year period. A motion was made to adopt the resolution stating that the town will pay the assessed employer contribution rate of 14.28% and the resolution stating that the town will give employees a 5% increase over a five year period to cover the cost of the employee contribution by Robert Blosser. Juanita Price seconded the motion. The motion carried with all members voting in favor.

PLAINS DISTRICT MEMORIAL MUSEUM: Historian Beverly Garber read a list of historical happenings in Timberville. Wilda Wine reported 344 volunteer hours. Visitors for the month totaled 402. The Civil War exhibit will continue through the month of August. The museum is having some electrical work done in the rear of the building.

OTHER BUSINESS: Town Manager Austin Garber read thank you cards and emails. The BHS/JFH Band Boosters thanked council for the contribution for the new band uniforms. Paul and Anna Huffman's daughter thanked council for the visit and the plaque presented to them on the eve of their moving to Bridgewater.

Mayor Delaughter stated that he had been in the park and that he was amazed how well the employees kept the park. He was even impressed by the new merry-go-round.

Ellen Nash had stopped in by the town office and stated she had a prior commitment preventing her from attending the council meeting. She wanted to tell everyone hello.

PUBLIC COMMENT: Mary Sunbeam stated that she wanted to go on record that a lien against a person's home for non payment of trash fees was an abuse of power.

ADJOURNMENT: No further business, the meeting adjourned.

RESPECTFULLY SUBMITTED,

Wilda Wine, Clerk

Donald Delaughter, Mayor