

**MINUTES OF THE SPECIAL TIMBERVILLE TOWN COUNCIL MEETING  
DECEMBER 8, 2015**

A special called meeting of the Timberville Town Council was held Tuesday December 8, 2015 at 6:00 p.m. in the Timberville Council Chambers with Mayor Donald Delaughter presiding.

**MEMBERS PRESENT:** Robert Blosser, Sharon Jones  
Ned Overton, Juanita Price  
Todd Thomas, Carl Turner

**PRESENT:** Austin Garber, Town Manager  
Wilda Wine, Clerk/Treasurer  
Mark Callahan, Town Attorney  
Larry Good, Karl Magenhofer, Kevin Hinkle, Staci Wood, Planning Commission  
Tom Kleine, Attorney representing Walmart  
John Wright, Bohler Engineering  
Beverly Garber, Town Historian  
Nolan Stout, Daily News Record

**GUESTS:** Larry Bowman, Dusty Whetzel  
Randy Andes, David Harris,  
Paula Brumbeck, Jake Depoy

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

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

**IMPROVEMENTS AT TOWN OFFICE:** A bid had been received for installing new carpet or refinishing the hardwood floors in the office building. Additional bids have been solicited, but not received to date. Mayor Delaughter asked council if they wish to proceed with the project before more time and effort was put in to receive additional proposals. It was the consensus of the group that they would like to see the improvements made. Bid proposals will be reviewed at the January 14, 2015 regular council meeting.

**WALMART REQUEST TO REVISE SITE PLAN AND PROFFERS:** Mayor Delaughter explained that any small revisions to site plan could be approved by Austin Garber, the Town Manager. Any major changes according to the proffers offered must come before the Town Council for approval. Tom Kleine attorney for Walmart addressed council stating that they were seeking to amend the site plan previously approved. Walmart officials are currently evaluating the feasibility of installing the fuel stations at this time. They are considering it a phasing request. They are requesting not to build the proposed fueling station at this time. All infrastructure will be put in place for development of that portion of the property. Walmart will either build the fueling station in the future or come back to council for approval of another use. Walmart is currently actively marketing the existing separate parcel that was not included in the development of the store property. If they decide not to build a fueling station at a later

date, they would also actively market the corner lot for possible leasing options. John Wright of Bohler Engineering presented a modified site plan that showed the corner lot as a grassy area. Rockingham County has approved the new site plan for storm water management. Estimated loss revenue is between \$1100 -\$2600 per year if the fueling station is not built. The revenue generated by the store property will be higher than originally projected, because the cost of the store development has increased from 11.8 million dollars to 12.8 million dollars. The grand opening of the store will be in late July or August. Robert Blosser voiced concern that once the occupancy permit is issued there would be no enforcement to require them to build on the corner. He stated that he had only received one letter referencing the revision of the plans, and that writer wanted to hold Walmart to the original agreement. He also stated that he would have preferred to see the parcel divided off of the property. Tom Kleine stated that Virginia Code allows for phasing of development. Mark Callahan stated that the proffer should be amended. Tom Kleine will work with Mark Callahan on acceptable wording of the proffers and bring them back to the January 14<sup>th</sup> meeting for review. A motion was made by Robert Blosser and seconded by Ned Overton to table the request from Walmart until the language in the proffer has been rewritten. The motion carried with all council members voting in favor. Mark Callahan stated that the new amended proffers should be available for the public to view or on the Town's web site.

**PUBLIC COMMENT:**

Paula Brumbeck asked that council approve the revision. She would like to see a nice restaurant on the site instead of the fueling station.

Larry Good asked why the proffers were not written prior to tonight's meeting.

**ADJOURNMENT:** No further business, the meeting adjourned.

RESPECTFULLY SUBMITTED,

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Wilda Wine, Clerk

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Donald Delaughter, Mayor