

## MINUTES OF THE TIMBERVILLE TOWN COUNCIL MEETING

September 12<sup>th</sup>, 2019

The regular monthly meeting of the Town of Timberville Council was held Thursday September 12<sup>th</sup>, 2019 at 7:00 p.m. in the Town's council chambers with Mayor Donald Delaughter presiding.

**MEMBERS:** Robert Blosser-Present Carl Turner-Present  
Juanita Price-Present Ned Overton-Present  
Sharon Jones-Present Natalie Sherlock-Present

**PRESENT:** Austin Garber, Town Manager  
Melinda Cleaver, Clerk/Treasurer  
JR Dodd, Chief of Police  
Mark Callahan, Town Attorney  
Beverly Garber, Town Historian

**GUESTS:** Grace Trumbo Halee Stroh David Bruce  
Madison Taylor Randy Andes Kimberly Bruce  
Sarah Berry Shea Alexander Shawn Sherlock  
Bobbie Wilinski Jazmyne Campbell Andy Sams  
Linda Zweigler Alyx Dellinger Charlie Wilfong  
James Zweigler Tammy Ennis Aaron Moyers  
Myles Curry Jennifer Grogg Julie Weaver  
Emma Resto Molly Clark Benny Mehta

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

**APPROVAL OF MINUTES:** A motion was made by Carl Turner and seconded by Juanita Price to approve the minutes of the August 8<sup>th</sup>, 2019 council. The motion carried with all members voting in favor.

<b>TREASURER'S REPORT:</b> General Fund	\$33,484.99
Water/Sewer Acct.	\$66,208.76
Water Money Market	\$1,177,945.75
General Money Market	\$143,924.63
Loan Balance	\$804,134.97

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

**CART PRESENTATION:** Shea Alexander, a member of CART, thanked the town for support and involvement with last year's Christmas Village. He stated that there were over 850 that attended the tree lighting, \$69,000 in vendor sales and a 30% meals tax increase. CART is requesting to use the American Legion horse stalls as the location for this year's event, waive any rental fees and waive business license fees. They are also asking for funding to go towards upgrades that have already been allocated for that park. Shea stated that CART wanted to partner with the Town to make improvements to the American Legion Park for the Christmas Village event and other events in the future. Mayor Delaughter stated that there is \$3500 allocated for the American Legion Park. Shea stated they have gravel donated and discounted lumber that could save the town money. Some of the projects to be completed are heightening stall walls to roof line, heighten interior walls and convert stall doors to dutch doors. CART was looking to upgrade the electrical service to 400amp at the expense of \$8776.00 for the Town. He states that they also have a backup plan of individual heaters for each stall at the expense of CART and they would be CART's property. Attorney Mark Callahan stated his concern for the

heaters around dry wood. Shea said they were looking at “buddy heaters” that take a small propane tank and have tip protectors. Attorney Mark Callahan asked what type of insurance CART has if they burn the stalls down. Shea stated he could not answer that question. Robert Blosser stated the park is owned by the Town so liability would fall on the Town. Attorney Mark Callahan stated the Town needed to check with their insurance. Robert Blosser stated the town would have to get three bids for the electrical work. Attorney Mark Callahan stated he would look into the liabilities and Austin Garber would check on the insurance coverage. Carl Turner asked if the fees are waived for just this event of the Christmas Village or multiple uses. Shea responded just the 2019 Christmas Village fees. Mayor Delaughter stated that the Town will need to check on pulling permits and an inspection. Mayor Delaughter asked Shea if they had insurance last year and he stated they had general liability for the duration of the event. Town Attorney Mark Callahan stated he would like to see a copy of it. Ned Overton made a motion to allow CART to use the American Legion Park for the Christmas Village and waive the rent in exchange for the upgrades to the facilities, subject to satisfactory insurance. Natalie Sherlock seconded the motion with all members voting in favor. Ned Overton made a motion that pursuant to the ordinance code 4.1-39 that the council waives the BPOL fees for the vendors at the Christmas Village, subject to satisfactory insurance. Carl Turner seconded the motion with all members voting in favor. Ned Overton made a motion to make available the allocated funding up to \$3500 to work in kind with upgrades. Sharon Jones seconded the motion with Carl Turner, Juanita Price, Sharon Jones and Ned Overton voting in favor. Robert Blosser was opposed and Natalie Sherlock abstained.

**POLICE REPORT:** Chief Dodd gave council a copy of a mutual aid agreement between the Broadway and Timberville Police Departments. The purpose of the agreement is to allow each town to assist one another on calls, which removes the Sheriff’s department from that communication. It gives equal authority to both departments over both towns. All liability would be assumed by the town that employs the officer. Robert Blosser asked if our insurance company accepts the wording of the agreement for liability. Attorney Mark Callahan stated the town managers should get a letter from their insurance companies stating they would cover the third-party liability and workers compensation plan. Natalie Sherlock made a motion to approve the mutual aid agreement with verification of the insurances. Ned Overton seconded the motion with all members voting in favor. A new hire named Rodney Wilson will be starting on Monday, September 16<sup>th</sup>. He has a very good resume with 24 years of experience.

**PUBLIC WORKS:** Town Manager Austin Garber gave the council a list of the jobs completed by the maintenance crew. A copy will become part of these minutes. BOD’s for August were 193 mg/L which is 57 mg/L under our contract limit and is based on four samples.

Austin Garber met with the Asbestos Environmental Inspector out at 157 N Main St. He received a proposal of \$5200 for the asbestos testing and for doing the profiling of the hazardous material, which does not include any remediation of any asbestos found or remediation of the hazardous material. He stated that since it came in at that amount, he would try to find some other companies to give him some quotes. Robert Blosser asked if the owner is aware that this financial responsibility is going to fall on her. Austin stated he has told her verbally and Town Attorney Mark Callahan stated he will check the letters he has sent her.

The taxes for the Summit Properties are delinquent by three years. Town Attorney Mark Callahan stated that after two years delinquent, the Town could sell for non-payment of taxes. Austin Garber also suggested to rezone the property to R-1 before the Town looks at selling it for taxes. He states it may be more appealing to a developer if the 55+ age restriction is lifted. Town Attorney Mark Callahan asked if the rezoning could be made on the town’s motion. Austin Garber stated that the Town can initiate rezoning and lift the 55+ age restriction. Robert Blosser reminded of the residents who live in that development’s expression of not wanting the restriction lifted. The property has not been mowed and Chief Dodd and Austin Garber discussed having someone mow it. However, there is no way to be reimbursed for the charges since they have been unable to reach the owner who lives overseas. Ned Overton made a motion to file suit to enforce the taxes per the Code of Virginia 58.1-3965 that allows

for the disposal of real estate due to unpaid taxes. Natalie Sherlock seconded the motion with all members voting in favor.

VDOT and the Planning District Commission felt that Safe Routes to School would not be the best option for the Crosswalk/Sidewalk Project for South Main Street and McCauley. They recommend Revenue Sharing is the better option with an 80/20 match. This would require a Public Hearing to proceed with the application and pass a resolution, which is due by October 1<sup>st</sup>. Austin Garber is still waiting to get a quote from VDOT for the cost of the project.

Austin Garber and Maintenance Supervisor Chris Coffman met with VDOT about the drain under Memorial Park Drive, where the sink hole keeps opening up. VDOT is checking to see whose responsibility it is.

Trash Collection services has been put out for bid.

The SCADA System work is going well.

Next month there will be a Conditional Use Hearing for a laundromat at the old Salvation Army building that will go to Planning Commission for review at next week's meeting.

There has been a request from a resident on Virginia Ave West to see if there was anything that could be done to improve the road. Austin Garber states he will work on getting bids.

Sharon Jones reminded to have the maintenance department water the trees.

**BUSINESS AND INDUSTRY:** No Report

**ZONING ACTIVITY:** Melinda Cleaver reported the following zoning activity:

301 Walnut Dr – Accessory Building

3120 Legion Way – Deck Addition

177 S C St – Accessory Building

**PARKS AND RECREATION:** The American Legion Post 278 would like to fund the sign for the American Legion Park and have a drawing of what the sign would look like. The Post wants to know if the Town wants them to proceed with purchasing the granite for the sign. Mayor Delaughter thought they were trying to get it installed by next May. He asks if that is something the council is interested in the Post funding and installing. Ned Overton commented that he thinks it's premature to put a sign up when the park plan has not been completed because it may not match with the design of the park. The plan is projected to be back from the planners by February of next year. Robert Blosser asked if this sign was for the area that they identified that they wanted to keep in the park or would this be the main sign. Mayor Delaughter stated it was the main sign. Robert Blosser stated that there was nothing on the presented sign that said Town of Timberville. Mayor Delaughter stated that the Timberville emblem can be added to the sign. Mayor Delaughter and Austin Garber will meet with George Tuscano to discuss the changes. Robert Blosser would like to see the Post 278 smaller on the sign and that it is the Town of Timberville's Park. The council decided to wait on the park plan to come back and then move forward with the design of the sign. Austin Garber will let Michael Gray know.

**FINANCE:** Austin Garber asked that council decide on a percentage for Personal Property Tax Relief. The County's percentage for this year is 45%. Austin recommends 42% relief. Robert Blosser made a motion to adopt 42% for Personal Property Tax Relief. Sharon Jones seconded the motion. Ned Overton, Carl Turner, Juanita Price, Robert Blosser and Sharon Jones voted in favor. Natalie Sherlock was opposed.

**PERSONNEL:** New Police Officer Rodney Wilson.

COIA (Conflict of Interest Act) training seminar is being held in Woodstock on October 1<sup>st</sup> at 11:00AM if any council are interested in going. Training has to be completed by 12/31/2019. FOIA (Freedom of Information Act) training will be in 2020. Austin Garber is checking for some online options for the training.

**PLAINS DISTRICT MEMORIAL MUSEUM:** Historian Beverly Garber reported on happenings in Timberville. Melinda Cleaver reported that the current exhibit is, "Plains District Orchards in the Early

Days". Also showing is a smaller exhibit, "Bird Haven – An Early American Experiment in Communal Living. Sharon Jones reminded council that Heritage Day at the Museum is next Saturday, September 21<sup>st</sup> from 10-2.

**OTHER BUSINESS:** Natalie Sherlock requested to see a full accounting list of Town funds spent, in this Fiscal year, on legal fees by council members that were not directed to do so. Natalie Sherlock made a motion that no single council member can make contact or spend money on legal fees without prior approval of the council or at the direction of the town manager. Ned Overton seconded the motion with all members voting in favor.

Carl Turner thanked the public works department and Town Manager Austin Garber for their hard work early this morning on the main line water break.

**PUBLIC COMMENT:** No Comment

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

**RESPECTFULLY SUBMITTED,**

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Melinda Cleaver, Clerk

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Donald Delaughter, Mayor