

## MINUTES OF THE TIMBERVILLE TOWN COUNCIL MEETING

November 12<sup>th</sup>, 2020

A meeting of the Town of Timberville Council was held Thursday November 12<sup>th</sup>, 2020 at 7:00 p.m. electronically on zoom 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  
Quinton Callahan, Town Attorney  
JR Dodd, Chief of Police  
Cecilia Valdez, Marketing & Events

**AUTHORITY TO CONDUCT MEETINGS ELECTRONICALLY:** Town Manager Austin Garber read a statement detailing the authority to conduct electronic public meetings to address essential business, citing the Declaration of Local Emergency, the Resolution Authorizing Electronic Public Meetings and the Emergency Ordinance to Address Continuity of Operations, The declaration, resolution and ordinance were adopted at a special meeting held on Tuesday, May 26<sup>th</sup>, 2020. These orders are in effect for 6 months from the date of adoption. Timberville Town Council and town staff were in attendance. Transaction of business by the meeting participants was conducted through the Zoom electronic conferencing platform and was live streamed on the Town of Timberville's YouTube channel for public viewing. Required notifications were listed on social media outlets and sent by email.

**APPROVAL OF MINUTES:** Natalie Sherlock made a motion to approve the October 8<sup>th</sup> Council Minutes. Carl Turner seconded the motion.

Roll Call Vote:

Carl Turner-Yes Ned Overton-Yes  
Bob Blosser-Yes Sharon Jones-Yes  
Natalie Sherlock-Yes Juanita Price-Yes

<b>TREASURER'S REPORT:</b> General Fund	\$44,252.31
Water/Sewer Acct.	\$46,225.39
Loan Balance	\$690,934.24
CAT Financial	\$17,718.22
American Legion Park	\$185,000
Money Market Acct.	\$1,254,067.84
Cares Act Fund	\$133,061.63

**BILLS FOR PAYMENT:** A motion was made by Sharon Jones and seconded by Natalie Sherlock to pay the bills as presented for the month of November.

Roll Call Vote:

Carl Turner-Yes Ned Overton-Yes  
Bob Blosser-Yes Sharon Jones-Yes  
Natalie Sherlock-Yes Juanita Price-Yes

**AUTHORITY TO CONDUCT MEETINGS ELECTRONICALLY:** Town Attorney Quinton Callahan explained that the ordinance that was passed in May 2020 was good for six months and needs to be extended, if the council wished to do so. The resolution was already passed to adopt the ordinance. A roll call vote would

need to happen to pass the two amendments. The last “whereas” paragraph on page 3 and the second to last paragraph on page 5 are the only amendments to the ordinance. The extension would be good until May 26, 2021.

Roll Call Vote:

Carl Turner-Yes	Ned Overton-Yes
Bob Blosser-Yes	Sharon Jones-Yes
Natalie Sherlock-Yes	Juanita Price-Yes

Town Manager Austin Garber stated that the official results of the election were received today. Mayor Don Delaughter was re-elected, along with Council Member Carl Turner. Write-in candidates that received the most votes were Clarence Fox and Debbie Jessup. They will fill the two open council seats. Austin Garber will create a tour of the town video for the new council members and current ones. FOIA Training will need to be completed by council members by the end of this year. Newly elected council members will have two months after they take office to complete the training. Austin will get the link sent out for council members to complete the FOIA Training.

**NEW POLICE ORDINANCES PUBLIC HEARING:** Mayor Delaughter started the public hearing at 7:12PM. Chief Dodd stated that there were specific issues in town that caused him to then go out and look for ordinances to resolve the problems. Code 2-3.44 designation of police to enforce trespass violations will be the first ordinance for discussion. The ordinance will allow the business owner to give the police department authority to make trespassers leave a property and to charge them with trespassing, if the officer felt that was appropriate.

Code 5-9.25 sleeping in motor vehicles will be the second ordinance for council to consider. Chief Dodd notes two changes in the copy’s council received. The first is to change the title of the ordinance from automobiles to motor vehicles. The second is to change “within the city” to “within the town”.

Chief Dodd explains the reasoning for this ordinance will address people habitually sleeping in motor vehicles in the town, most specifically on roadways. He stated the intent for this is not for someone who is sleeping their car due to the heat in their house not working. The intent is for people who are actually living in an automobile on the street. He explains this causes a lot of distraction for people driving on the roadway and the concern of where one would use the bathroom. Robert Blosser asked if private property should be excluded. He states he feels the language is a bit broad. Chief Dodd stated that he prefers to leave it as is. The chief and the officers would use this ordinance on a discretionary basis. Carl Turner stated he thinks it should stay the way it is written. Mayor Delaughter opened it up for public comment. After receiving no public comment, the public hearing was closed. Carl Turner made a motion to approve trespass ordinance 2-3.44. Sharon Jones seconded the motion.

Roll Call Vote:

Carl Turner-Yes	Ned Overton-Yes
Bob Blosser-Yes	Sharon Jones-Yes
Natalie Sherlock-Yes	Juanita Price-Yes

Carl Turner made a motion to approve the sleeping in motor vehicles ordinance 5-9.25. Sharon Jones seconded the motion.

Roll Call Vote:

Carl Turner-Yes	Ned Overton-Yes
Bob Blosser-Yes	Sharon Jones-Yes
Natalie Sherlock-Yes	Juanita Price-Yes

**WATER TANK PUBLIC HEARING:** Mayor Delaughter started the public hearing at 7:28PM. Austin Garber explained that the old water tank on Town Reservoir Lane was sold on the surplus item site. The purchaser thought he could repurpose it and has never been able to do so and turned it back over to the town. The property across the lane from where the tank sets has been sold. The new owner of the property contacted the town about allowing him to take the tank down at his expense since it blocks his view. Austin states the town has no purpose for the property. If council decides to dispose of the

property tonight, then Austin will come up with a method of disposal to determine how to get rid of the property. The tank sets on about a third of an acre, with a water line that extends up to the new tank. Austin states that if council decides to get rid of the property, the town would get an easement with the new owner. The owner that expressed interest in the property said that there would be no issue with giving the town an easement for the water line. Austin Garber recommends to write a contract with the new owner to have them take the tank down. He states that he would like to have included that if the tank is not taken down then the land reverts back to the town. Town Attorney Quinton Callahan states the first thing is to know the will of the council and then discuss contracts. Mayor Delaughter opened it up for public comment. Receiving no public comment, the public hearing was closed. Robert Blosser made a motion to approve the disposal of the property in question. Ned Overton seconded the motion.

Roll Call Vote:

Carl Turner-Yes	Ned Overton-Yes
Bob Blosser-Yes	Sharon Jones-Yes
Natalie Sherlock-Yes	Juanita Price-Yes

**ORDINANCE BOOK PUBLIC HEARING:** Mayor Delaughter started the public hearing at 7:41PM. Mayor Delaughter thanked Cecilia Valdez for organizing and typing up the ordinance book. He also thanked Austin Garber and Quinton Callahan’s office for all the corrections and work they put into it as well. This will now allow the ordinance book to be electronic. Council went through Titles 1, 3, 4 and 6. Austin Garber stated Title 2 & 5 are police department ordinances and they will need to be compared to Virginia Codes and were not in review. Austin Garber asked for guidance from council on section the Peddlers section in Title 4. In the title it states a fee of \$500 and in the paragraph list the fee as \$50. Chief Dodd reminded that there is a police ordinance for peddling door to door not being permitted and states that paragraph can be taken out. Robert Blosser asked if a food truck would fall under this section. Mayor Delaughter stated that a \$50 license (which is a minimum fee) would cover them, unless their sales are more than a minimum license. Therefore, the amount of \$500 in the title, will be removed. Austin Garber noted a change for the Vehicle License Fee date to change from February 28<sup>th</sup> to December 31<sup>st</sup>. Austin Garber noted the rate table changes in Title 6. Mayor Delaughter opened it up for public comment. Austin Garber stated the ordinance book was posted online for review and he received no comments through phone calls or emails prior to the meeting. Paula Bowman called in to remind that the word “peddlers” needed to be removed from the title in the above-mentioned section of Title 4. Austin Garber stated he would remove that. Mayor Delaughter then closed the public comment section and the public hearing. Ned Overton made a motion to approve the ordinance book. Natalie Sherlock seconded the motion.

Roll Call Vote:

Carl Turner-Yes	Ned Overton-Yes
Bob Blosser-Yes	Sharon Jones-Yes
Natalie Sherlock-Yes	Juanita Price-Yes

**CARES ACT FUNDING DISCUSSION:** Town Manager Austin Garber presented council a list of items to consider using the CARES Act Funding on. He reminded that funds that are not spent by December 31<sup>st</sup> would be returned back to the county. Council went line by line of the list and discussed each item. Robert Blosser reminded that CARES Act Funding was to be used for expenditures incurred by the public health emergency, were not accounted for in the budget that was already passed and incurred during the period of March 1<sup>st</sup> – December 30<sup>th</sup>, 2020. All records will be subject to audit. The locality should retain documentation of all uses of the funds including but not limited to: payroll time, records and sales receipts. Such documentation shall be produced to the commonwealth upon request. All such records will be subject to audit. Robert Blosser stated he is questioning how the town could come up with a dollar amount for employee pay. He stated he thinks it’s supposed to be spent on necessary expenditures and not necessarily just a bonus. He states that if expenses that were paid doesn’t qualify then the town would be required to pay back the unqualified expense. Town Attorney Quinton Callahan stated he would spend some time with Austin Garber to see if they can get some code provisions to justify some of the expenses. Mayor Delaughter stated that was a good idea and there was no reason to

spend the money just to be spending the money. Robert Blosser reminded that the funds cannot be used as a revenue replacement for lower than expected revenue.

Project #1 – Front Office Protective Barriers: All council members approved.

Project #2 – Telework Setup: All council members approved.

Project #3 – PPE (Personal Protective Equipment): All council members approved.

Project #4 – Employee Pay: All council members approved contingent upon review with town attorney.

Project #5 – Equipment to Stream Meetings: Council Member’s Robert Blosser, Sharon Jones, Carl Turner and Juanita Price were opposed. This project will be removed from the list.

Project #6 – Fire Department Grant: All council members approved contingent upon finding out how much revenue was lost. CARES Act Funds then would make up the difference through a grant, if needed.

Project #7 – Touchless Bathroom Fixtures: Carl Turner, Natalie Sherlock, Ned Overton, Sharon Jones and Juanita Price approved this project. Robert Blosser was opposed.

Project #8 – Positive Drive Delivery System: Council Member’s Robert Blosser, Sharon Jones, Carl Turner and Juanita Price were opposed. This project will be removed from the list.

Project #9 – Council Room Column Removal: Council Member’s Robert Blosser, Sharon Jones, Carl Turner and Juanita Price were opposed. This project will be removed from the list.

Project #10 – Town Office Message Board: Carl Turner, Natalie Sherlock, Ned Overton, Sharon Jones and Juanita Price approved this project. Robert Blosser was opposed.

Project #11 – Business Grants: All council members approved. Town Attorney Quinton Callahan will assist Austin Garber on preparing the application. Robert Blosser would like to see the criteria for business grants from other localities that Austin Garber has received. Austin will email that out to council.

Ned Overton suggested to add the legal fees the town incurred that are COVID related. All council members agreed to add this expense to the list.

Carl Turner made a motion to proceed with the newly agreed upon list. Sharon Jones seconded the motion.

Roll Call Vote:

Carl Turner-Yes	Ned Overton-Yes
Bob Blosser-Yes	Sharon Jones-Yes
Natalie Sherlock-Yes	Juanita Price-Yes

Mayor Delaughter thanked Superior Concrete for their concrete donation. He also thanked Creative Concrete for their work at the American Legion Park.

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

**RESPECTFULLY SUBMITTED,**

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Melinda Cleaver, Clerk

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Donald Delaughter, Mayor