

MINUTES OF THE TIMBERVILLE TOWN COUNCIL MEETING

October 12th, 2023

The regular monthly meeting of the Timberville Town Council was held Thursday October 12th, 2023 at 7:00 p.m. in the Town Council chambers with Mayor Donald Delaughter presiding.

MEMBERS: Carl Turner-Present Sharon Jones-Present
Clarence Fox-Present Sarah Berry-Present
Debbie Jessup-Present Isaac Kelley-Present

PRESENT: Austin Garber, Town Manager
Melinda Hooke, Clerk/Treasurer
JR Dodd, Chief of Police
Quinton Callahan, Town Attorney
Beverly Garber, Town Historian
Chris Coffman, Maintenance Supervisor

GUESTS: Jennifer Coffman

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 Sarah Berry and seconded by Isaac Kelley to approve the September minutes. The motion carried with all members voting in favor.

Roll Call Vote:

Isaac Kelley-Yes Debbie Jessup-Yes
Sarah Berry-Yes Clarence Fox-Yes
Sharon Jones-Yes Carl Turner-Yes

TREASURER'S REPORT: General Fund	\$24,788.10
Water/Sewer Acct.	\$239,750.30
Loan Balance	\$724,560.30
Money Market Acct.	\$1,115,751.84
ARPA Funds	\$985,122.19

BILLS FOR PAYMENT: A motion was made by Isaac Kelley and seconded by Sarah Berry to pay the bills as presented. The motion carried with all members voting in favor.

Roll Call:

Isaac Kelley-Yes Debbie Jessup-Yes
Sarah Berry-Yes Clarence Fox-Yes
Sharon Jones-Yes Carl Turner-Yes

POLICE REPORT: Chief Dodd taught an active shooter class for Harrisonburg Fire Department. Chief Dodd also attended the annual VML Conference. He stated it was beneficial and he appreciates the opportunity to go. Chief Dodd is working to create a non-profit organization that is outside of the police department that supports the police department and its employees. For example, a non-profit could have helped to get the K9 program started. Debbie Jessup suggested last month for this to be a collaboration with other police departments and Town Attorney Quinton Callahan stated he would help. Chief Dodd would like to do a memorandum of understanding between the town police departments. The town training group does firearms training, defensive tactics driving and other high-risk things. The chief would like this documented in some form of writing.

PUBLIC WORKS: Town Manager Austin Garber said that Maintenance Supervisor Chris Coffman sent out the list of work completed by the maintenance crew.

Austin Garber spoke with Engineer Karl Schaeffer about the Spar Mar Water Line Project. The documents for the project should be sent out for bidding next week. Austin is hoping to have numbers back for next months meeting.

There were two proposals received for the American Legion Park Bathrooms Project. Austin Garber and Chris Coffman will be reviewing those and then will discuss with the appropriate committee.

Town Attorney Quinton Callahan explained that Broadway and Timberville has always had a joint Board of Zoning Appeals (BZA). Since Broadway is over the statutory threshold in terms of residents, they can setup their own BZA. Timberville will need to do the same thing. Mr. Callahan stated there was nothing in the code about how you disband a BZA. Mr. Callahan will work with Broadway's Council to figure that out. Timberville will then put together their own documents. Mr. Callahan stated the town would like to have five members on the BZA, but they will start with three.

The building on the corner of Church and Main Street was disposed of due to safety concerns and a lien was recorded for those costs. Mr. Callahan would like to move forward with giving notice to the property owner and doing a publication so he can file a petition to sell the property to pay the town for the costs. Mr. Callahan explained that if the owner wants to enter a payment plan with the town, they will contact Treasurer Melinda Hooke directly.

Mr. Callahan started digging into the "free water line" information that the previous Town Attorney Mark Callahan started. The information goes back to the early 1900s. The town bought the water rights of several people that were downstream from the spring. The town did this to be able to have a holding tank and provide more water to the town. In exchange, the town gave them free water for agricultural purposes like feeding their cattle, poultry or other animals. Mr. Callahan explained that a lot of the agriculture properties have since been developed in some capacity. Based on looking at the memos that were drafted in the late 1990s and early 2000s, Mr. Callahan stated he does not know if those people are entitled to free water anymore. He explained that a lot of those deeds stated they were entitled to free water if the Timberville Water Corporation existed. It has not existed for a long time. Mr. Callahan stated that he thinks it has been a residual thing that once you start giving away something for free, it is difficult to take it back. Mr. Callahan said he thinks the town needs to investigate the recourse on some of these properties. There are three categories of properties. Some of the deeds have specific language of it goes to their heirs and successors. He said there may be some people who are entitled to some water rights providing they are continuing to use it in the same way (agricultural purposes). The people who have developed properties to build houses and other things, should not be getting free water still. Especially if they do not have the language in there that goes to their heirs or successors. Mr. Callahan said it is going to be a process of what the town can legally do, who is entitled to what, and then what the town is going to do about it. Mr. Callahan said it would not be quick nor easy to do and he will need to update the titles on the parcels. Town Manager Austin Garber said that town staff said there were 21 residents with free water. Austin said that would be \$740 per billing or \$4400 in revenue per year that the town is losing off the free water connections. Mr. Callahan said it could cost up to \$10,000 for the work he would be doing on this and there is also the potential for liability. He asked if Council wanted him to start looking at this. Sharon Jones said that she was on that road and someone has a hydrant that they let run continuously. They were also watering their garden and Sharon stated that was a sore subject for her because we cannot water our things in town. Sharon stated she was for the town attorney checking into it. Carl Turner asked if there was an idea of how many would have the inherited rights to free water. Mr. Callahan said it depends on what the language is in the deed and who was granted the right to access the water. Mr. Callahan said that he thinks of the 21, maybe 15 do not have the language of future generations who would get it for free. Council was all in agreement for the town attorney to proceed in looking into this matter.

BUSINESS AND INDUSTRY: None

ZONING ACTIVITY:

-437 N Main St – Replace Front Porch

-323 Park Ave – Fence

PARKS AND RECREATION: Once the bids are received for the bathrooms, the whole Council will come together for a meeting to award the contract.

FINANCE: A budget amendment will need to be done at next month's meeting for ARPA expenditures for the previous fiscal year.

The annual audit has been completed.

PERSONNEL: None

PLAINS DISTRICT MEMORIAL MUSEUM: Town Historian Beverly Garber talked about different historical events that happened in Timberville. Sharon Jones reported for the month of September there were 221 guests, 55 volunteers and 170 volunteer hours. Heritage Days was great success. On Sunday, October 28th the program will be on first responders. There will be speakers there from Broadway, Timberville and Bergton.

OTHER BUSINESS: Sharon Jones asked if the town signed a cable franchise agreement with GloFiber. Austin Garber stated the town only has it for fiber. Town Attorney Quinton Callahan said that Bridgewater and Elkton have been contacted for franchise agreements for cable and he expects GloFiber to contact Timberville to do the same thing. This will give residents another option other than Comcast. Isaac Kelley said he did a ride along with one of the officers to see what it is going on in town and what their job entails. He asked questions about what the officer does, what does he like about his job and what he did not like about his job. Isaac said he has heard from multiple officers that JR is a phenomenal chief. The other thing he was told was the officers would like to work towards getting more time off, which for that to happen, they would need another officer. Isaac said that they have time off but having another officer would open a swing shift where someone could work days and someone could work nights and then someone could work middle of the day. He said there is part-time coverage but it is a headache to get it arranged last minute. Isaac said maybe Council could look at doing away with part-time coverage and hiring another full-time officer. Isaac would like to spend time at the maintenance department and office to make sure everyone is happy. He said if the town is going to grow you need a good foundation and he said employees are the foundation. He would like to discuss hiring another officer at next month's meeting. Mayor Delaughter said it comes down to if you can pay for it or not.

PUBLIC COMMENT:

ADJOURNMENT: No further business, the meeting adjourned.

RESPECTFULLY SUBMITTED,

Melinda Hooke, Clerk

Donald Delaughter, Mayor