

MINUTES OF THE TIMBERVILLE TOWN COUNCIL MEETING

April 13th, 2023

The regular monthly meeting of the Timberville Town Council was held Thursday April 13th, 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
Quinton Callahan, Town Attorney
Beverly Garber, Town Historian
Brad Berry, Planning Commission
Karl Magenhoefer, Planning Commission
Kevin Farmer, Planning Commission
Sarah Southerly, Planning Commission

GUESTS: Paula Bowman Laura Rao
Butch Bowman Karl Schweigert
Kevin Santiago
Lily Gatesman

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 Clarence Fox and seconded by Sarah Berry to approve the March 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	\$140,927.07
Water/Sewer Acct.	\$284,060.72
Loan Balance	\$772,409.89
Money Market Acct.	\$1,191,026.13
ARPA Funds	\$1,134,767.27

BILLS FOR PAYMENT: A motion was made by Sharon Jones and seconded by Debbie Jessup to pay the bills as presented. 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

POLICE REPORT: Chief Dodd sent out his monthly email to Council. There are 16-18 ordinance violations documented so far this season. The officers will send out a letter to contact anyone in violation. The speed enforcement company, Blue Line Solutions, is trying to figure out what type of equipment can be offered to the town. Once the proposal is received, Town Attorney Quinton Callahan will review it.

PUBLIC WORKS: The Spar Mine Water Line Project is in the works. There were several trees in the easement where the water line will be constructed. The trees were removed, and Town Manager Austin Garber thanked the two property owners who granted temporary easements for the tree removal. There has been a lot of interest in the warehouse property. Austin Garber has spoken with multiple people since the property has been listed for sale. The one group was looking at industrial use. It is currently zoned commercial. However, there is an adjacent lot that is zoned industrial. So that would be an easy zoning change, if needed.

The drop boxes have been removed from the old Mason Motors Lot. They are now in the town's impound lot. Austin Garber has not heard anything from the owners.

VDOT is hosting a meeting on their 6-year improvement plan.

Debbie Jessup inquired about purchasing a property that is listed for sale on Lone Pine Dr. It would give road front access to the American Legion Park from Lone Pine Dr. Austin Garber spoke with the realtor and the house is in foreclosure. Since there is a reverse mortgage on the property, it makes the process even longer. If the town is interested in making an offer, they could direct the town attorney to do that. The town has sponsored a Broadway Bruins game for several years. The price has gone up from \$400 to \$600. Austin Garber asked Council if they wanted to sponsor the whole \$600. Sarah Berry made a motion to sponsor the game at \$600. Isaac Kelley seconded the motion. With a tie of 3-3, Mayor Delaughter voted yes to sponsor the game at \$600.

Roll Call Vote:

Isaac Kelley-Yes	Debbie Jessup-No	Mayor Delaughter-Yes
Sarah Berry-Yes	Clarence Fox-Yes	
Sharon Jones-No	Carl Turner-No	

PUBLIC HEARING FOR LAND DEVELOPMENT REGULATIONS: Karl Magenhofer called to order the Planning Commission Meeting. He stated there was not any new or old business before the board and asked if anyone had anything they wanted to bring up. Mayor Delaughter opened the floor for public comment. Paula Bowman asked if in section 712.09 the wording should be changed from "should" to "shall" pertaining to lighting. Mayor Delaughter stated that he is worried about areas that cannot have lighting that you just do not have a crosswalk, then you have people walking anywhere. Karl Magenhofer stated that "shall" leaves you no wiggle room, but the infrastructure would not support "shall" and thinks it needs to be "should". Karl Schweigert from the Moose Lodge wanted clarification on the wording of "skilled games and the like" section of the gaming ordinance. Town Attorney Quinton Callahan said that it is gaming machines, not pinball or shuffleboard. Mr. Schweigert stated the Moose Lodge does not have skill games; they only have chance games. He stated he does not feel like the Moose Lodge should fall under that section listed since they are a charitable organization. Mr. Callahan explained that the wording "skilled game and the like" is referring to zoning ordinances. The zoning administrator would make the determination if any type of game or gaming machine would be in violation. Also, the zoning administrator has the right to go in and inspect the machines and see how many there are. If found in violation, a citation could be given. An appeal could then be made to the Board of Zoning Appeals if someone disagrees with the citation. Mr. Callahan explained that was the reasoning for distinguishing between public and private establishments and to cut down on regulating private. Debbie Jessup asked about the draft that was sent out on conditional use, she stated it did not list private or public. It just said establishment. Ms. Jessup said she spoke with the town attorney and it was supposed to only say public establishments. She said two lines were added and they now say private with the same regulations. Mr. Callahan said that the key difference is on the public establishments, they are not allowed to have any more than 4 gaming machines. Private establishments can have more than 4 gaming machines, but they need a waiver. Mr. Callahan stated that Planning Commission wanted the wording in there like that. He said once the public comment section is finished Council can discuss changing it. Mr. Callahan then read the definition of a skill game. Mayor Delaughter reminded that the intention was not to limit any private establishment. After all comments were made, Mayor Delaughter closed the public comment section. Karl Magenhofer from the Planning Commission recommended the approval of the LDR as written and submitted. Karl Magenhofer adjourned the

Planning Commission Meeting. Debbie Jessup made a motion to remove sections B & C in reference to private establishments. Isaac Kelley seconded the motion.

Roll Call Vote:

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

Debbie Jessup made a motion to approve the Land Development Regulations Amendments and Reenactments as presented. Sarah Berry seconded the motion.

Roll Call Vote:

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

BUSINESS AND INDUSTRY: Austin Garber spoke with the new owner of the old Mason Motor lot. He stated there may be some progress moving forward with that property.

ZONING ACTIVITY:

337 First Ave – Fence

225 Community Circle – New Home

15604 Forestville Rd – New Pool

PARKS AND RECREATION: The kayak launch is completed. The funds for the project were donated by Cargill. There will be a dedication to thank Cargill for their donation.

Austin Garber thanked everyone who came out to the Easter Egg Hunt. There were 265 in attendance.

FINANCE: Council would like to have another budget meeting to look at each line item of the budget. Austin Garber will contact them about setting up a date towards the end of April.

PERSONNEL: None

PLAINS DISTRICT MEMORIAL MUSEUM: Sharon Jones reported the Vintage Market will be April 28th and 29th from 9-4 at the American Legion Park. The display is Historic Broadway and, the Landon and Polly Wean Collection.

Beverly Garber reported on historic events in Timberville.

OTHER BUSINESS: None

PUBLIC COMMENT: None

ADJOURNMENT: No further business, the meeting adjourned.

RESPECTFULLY SUBMITTED,

Melinda Hooke, Clerk

Donald Delaughter, Mayor