

## MINUTES OF THE TIMBERVILLE TOWN COUNCIL MEETING

October 14<sup>th</sup>, 2021

The regular monthly meeting of the Town of Timberville Council was held Thursday October 14<sup>th</sup>, 2021 at 7:00 p.m. in the Town's council chambers with Mayor Donald Delaughter presiding.

**MEMBERS:** Carl Turner-Present Sharon Jones-Present  
Clarence Fox-Present Natalie Sherlock-Absent  
Debbie Jessup-Present Ned Overton-Present

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

**GUESTS:** Sarah Southerly Paula Bowman  
Sarah Berry Butch Bowman  
Jennifer Turner Juanita Price  
Greg Turner Jared Hammer  
Mike Griffith Melissa Hammer  
Chris Roush Lindsey Hilliard  
Kathy Roush Richard Griffith

**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 Debbie Jessup and seconded by Clarence Fox to approve the September Council Minutes. The motion carried with all present members voting in favor.

Roll Call Vote:

Carl Turner-Yes Sharon Jones-Yes  
Clarence Fox-Yes Ned Overton-Yes  
Debbie Jessup-Yes

<b>TREASURER'S REPORT:</b> General Fund	\$26,651.02
Water/Sewer Acct.	\$227,215.25
Loan Balance	\$913,381.04
CAT Financial	\$8,935.78
American Legion Park	\$180,000
Money Market Acct.	\$1,238,734.18
ARPA Funds	\$812,585.56

**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 present members voting in favor.

Roll Call Vote:

Carl Turner-Yes Sharon Jones-Yes  
Clarence Fox-Yes Ned Overton-Yes  
Debbie Jessup-Yes

**RECOGNITION OF PREVIOUS COUNCILMEMBER:** Town Manager Austin Garber read the Certificate of Recognition for previous councilmember Juanita Price and Mayor Delaughter presented the award to her.

**POLICE REPORT:** Chief Dodd stated that a lot of good applications were received for the open police officer position. Luke Paczewski was hired to fill the vacant position.

The chief stated that the police department has two events coming up. The first one is the Trunk R Treat held by the town on Thursday, October 28<sup>th</sup> from 6-8 pm at the American Legion Park. The Second event is being held by Plains Elementary PTO on Sunday, October 24<sup>th</sup> from 2:00-4:00 pm.

**PUBLIC WORKS:** Town Manager Austin Garber gave Council a list of the jobs completed by the maintenance crew. A copy will become part of these minutes.

Town Manager Austin Garber submitted the very long application for the boat launch at the park. He is waiting to hear back on approval and hopefully get started on that project fairly soon.

The unanimous census of Council was to have a public hearing to let GlowFiber (internet service provider) have a possible franchise agreement in town. This will be another option for residents to choose from for internet service. Austin Garber stated that the public hearing will be setup for November's Council Meeting.

The contractor for the Sacra Building has spoken with Rockingham County Building Official. The Town has submitted the application for the demo permit. The contractor will begin working on the asbestos removal. Austin Garber has been in contact with the building owner. The date of demo should be scheduled sometime soon.

**OCCUPANCY LIMIT ORDINANCE PUBLIC HEARING:** Mayor Delaughter started the public hearing around 7:12 pm. Town Manager Austin Garber explained that he had been notified of different dwellings in town that have an unusual number of inhabitants. Council discussed it and the police department was made aware and tried to enforce some different things. Planning Commission started reviewing various ordinances from other localities. They chose to model one after Winchester's ordinance and it was reviewed by the town attorney's office. The ordinance puts restrictions on how many individuals can live in a residence based on the number of bedrooms and the size of the rooms. Austin Garber stated that there are conditions that are becoming unsafe and unsanitary. He stated that there are some regulations in the Land Development Regulations that they tried to use to address the issues, but it can be difficult because of interpretation of familial status and relationships. The proposed ordinance is clearer based on the number of people and should give the Town enough authority to address the issues. Austin Garber stated that the main reason for the ordinance is not to displace people, but protect individuals who are in these dwellings. Chief Dodd stated that the employers have been notified as well.

Melissa Hammer, who lives at 115 Granny Smith Dr. stated that her issues are the domestic violence and fighting that is going on and her children are afraid to go outside and rodents (mice) problem from one end of the street to the other. She would like to know her neighbors and would like it to be families.

Kathy Roush, who lives at 102 Granny Smith Dr. stated that the lady who moved in across the street, came over to see her and told her that if you wanted a bed (at her residence) that it would cost \$300 a month or a chair was \$150 a month. She stated that she feels everyone deserves a roof over their head, but she thinks about the hygiene and that it's not safe.

Greg Turner said that when the dwellings were built, he worked with the Town to create something that was attractive and it worked out well. He states the Town had done a great job and he's impressed with the ordinance that the Town is trying to pass and appreciates the Town trying to help out. He stated that he thinks there are safety and health issues there.

Sarah Southerly, who lives at 111 Granny Smith Dr. stated that she appreciates everyone trying to help out the families. She has spoken with some of the family members and she states they are very quiet and kind. She feels that the number of people (40-50) living in the dwellings have been over exaggerated and that it may be over crowded, but not as many as had been stated. She feels like the ordinance is going to help with safety, but she states as far as the rodent issue, that there are multiple factors that could be causing it. She doesn't think the families should be blamed. She stated she does not have roaches or mice and that's her experience and she can only speak for her residence. She also wanted to speak on behalf of the families, because they were not present. She feels like the families are being targeted and she does not like that.

Richard Griffith, who lives at 104 Granny Smith Dr. stated that they live across the street and that six people are living in the garage. He stated that house was the only house on the street with a basement and the lady who owns the house told him she was putting three bedrooms down there. He stated that there is not a bathroom in the basement. He was told by one of the occupants that there are 30 people living there and he has seen a lot in and out with mattresses and they never leave. He stated that the roach problem is a direct result of them putting their trash in three cans and it smells. He stated the house directly down from 101 told him that he would count 20 mice a day in house. Mr. Griffith stated that he has never had any roaches or mice at his place. He stated it is a very serious thing that has nothing to do with race, that its a public safety issue.

Lindsay Hilliard, who lives at 103 Granny Smith Dr. stated that she's lived there for two years and never had a bug/mice problem until recently. Her husband has caught 25 mice and has pictures. She states that it is getting expensive buying traps and the mice feces is a problem especially having small children and having to have mice traps sitting around. She stated there are multiple people living in the residence. She thinks that the stationary people (mother, older man and someone else) lives upstairs and the rest have migrated to the basement and she stated it's nasty. She said they pee outside as well as other things and there are tons of roaches crawling on the walls. She stated the problem is out of control.

Jarred Hammer, who lives at 115 Granny Smith Dr. stated that these people are not families. They are random people who come and go and he sees 7-10 in and out all of the time walking the streets.

With no more public comments, Mayor Delaughter closed the public comment section.

Town Attorney Quinton Callahan stated the ordinance is focused on health and public safety. The goal is to give the police department and zoning administrator authority to be able to investigate the situation, due to the number of complaints received. This will ensure that residents are following building standards and health and safety codes. Mr. Callahan stated that if they are not, then seek a civil remedy for an injunction so they have to follow to health and safety code. Carl Turner stated that the ordinance is not about infringing on any one's rights. It's about making things right. Carl Turner made a motion to adopt the Occupancy Limit Ordinance. Debbie Jessup seconded the motion.

Roll Call Vote:

Carl Turner-Yes	Sharon Jones-Yes
Clarence Fox-Yes	Ned Overton-Yes
Debbie Jessup-Yes	

**BUSINESS AND INDUSTRY:** None

**ZONING ACTIVITY:**

-341 N Main St - Fence

**PARKS AND RECREATION:** Mayor Delaughter stated that he and Treasurer Melinda Hooke will be working on a new park spreadsheet with the remaining balances that were leftover.

**FINANCE:** Town Manager Austin Garber asked that Council decide on a percentage for Personal Property Tax Relief. Austin Garber recommended to set the rate at 33% relief. Sharon Jones made a motion to adopt 33% Personal Property Tax Relief. Carl Turner seconded the motion.

Roll Call Vote:

Carl Turner-Yes	Sharon Jones-Yes
Clarence Fox-Yes	Ned Overton-Yes
Debbie Jessup-Yes	

**PERSONNEL:** Town Manager Austin Garber has been working on the ad for the maintenance contract worker.

**PLAINS DISTRICT MEMORIAL MUSEUM:** Sharon Jones reported that the museum is open, but all activities have been cancelled for the rest of the year. Town Historian Beverly Garber reported on different happenings in the past.

**OTHER BUSINESS:** None

**PUBLIC COMMENT:** Paula Bowman stated that the truck traffic is all hours of the days and nights on Memorial Park Drive. She asked Council to revisit contacting VDOT about putting a sign up on 211 stating for the trucks to go left instead of right. She also asked about when one of the sections of the walking path, at the Plains District Memorial Park, would be completed and thought it would be nice if the path could be paved. Town Manager Austin Garber stated he would contact VDOT about the sign and that the maintenance crew finished working on the path this afternoon.

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

**RESPECTFULLY SUBMITTED,**

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Melinda Hooke, Clerk

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Donald Delaughter, Mayor