

DAMASCUS TOWN COUNCIL

Minutes for May 6, 2024

6:00pm Public Hearing

Council Members Present: Susan Coleman, Tom Hayes, Beaty Jackson, and Robert Kemmerlin

Absent: Charles Fields and Jack McCrady

Also Present: Katie Lamb, Mayor
Tuesday Pope, Town Clerk
Shawna Cook, Town Treasurer
Julie Kroll, Recreation Program Director
Lucy Phillips, Legal Counsel

Mayor Lamb called the Public Hearing to order to solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for a project. Information on the amount of funding available, the requirements on benefit to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary are available. Carrie Trivette (Project manager with the MRPDC) and Anna Meade (Rehab Specialist) provided details and answered questions about the Scattered Site housing rehab project.

Mayor Lamb opened the floor for Citizens comments and questions. There were none to be heard.

At 6:24 the Public Hearing ended, and Mayor Lamb called a Recess until 7pm.

7:00pm Regular Called Council Meeting

Council Members Present: Susan Coleman, Tom Hayes, Beaty Jackson, Robert Kemmerlin, and Jack McCrady

Absent: Charles Fields

Also Present: Katie Lamb, Mayor
Tuesday Pope, Town Clerk
Shawna Cook, Town Treasurer
Julie Kroll, Recreation Program Director
Kermit Turner, Police Chief
Lucy Phillips, Legal Counsel

7:00pm: Mayor Lamb called the meeting to order and led the Pledge of Allegiance; Ms. Coleman gave the invocation.

Mayor Lamb asked for approval of the April 1, 2024, Regular Called Council Meeting Minutes as presented.

- Mr. McCrady made a motion to approve the Minutes, as presented. Ms. Coleman 2nd the motion, which passed (5-0).

Mayor Lamb asked for approval of the agenda, as presented.

- Ms. Coleman made a motion to approve the agenda as presented. Mr. Jackson 2nd the motion, which passed (5-0).

Committee Reports

Budget, Finance, and Administration:

Town Treasurer, Shawna Cook, submitted the following report for the previous month:

***Real Estate & Personal Property Taxes:** The collection rate for 2023 second half Real Estate is at 79.85% and 2023 Personal Property is at 77.63%.*

***Meals & Lodging Tax:** \$12,473.42 in Meal Taxes and \$9,379.83 in Lodging Taxes were collected for April 2024.*

Town of Damascus Virginia Investment Pool (VIP)	Account Balance	FYTD Income	Inception Date
RESERVE FUND	\$58,790.98	\$2,625.33	08/11/2017
EARMARK POLICE VEHICLE	\$498.82	\$630.57	04/04/2018
SEWER FUND CD	\$28,579.14	\$1,276.19	11/26/2018
ANTHEM RECOVERY	\$47,764.58	\$2,133.04	12/21/2018
ADDITIONAL WORKING CAPITAL	\$1,869.50	\$83.59	08/08/2019
TRAIL DAYS RESERVE	\$8,104.88	\$361.91	05/14/2020
TOD ARPA 2021	\$626,690.91	\$29,403.47	06/29/2021
VIP Stable NAV Liquidity Pool	\$772,298.81	\$36,514.10	

<u>Bank</u>	<u>Balance</u>
BANK OF DAMASCUS GENERAL FUND	409,055.97
TRUIST ARPA (CLOSED)	0.00
BOM ARPA	76.00
BOM CDBG ARC DOWNTOWN	478.70
BOM CDBG PROGRAM INCOME	13,548.82
TRUIST GENERAL FUND (CLOSED)	0.00
	423,159.49

I have been working with the files and researching state law. The Town's existing software from the time prior to my employment doesn't appear to have had the capacity to calculate interest on late payment of meals or lodging taxes or of late business license application filings. Additionally,

there was no provision for the correct application/ accrual of penalties for lodging tax. Please note the Town of Damascus ordinances listed below:

Transient Lodging:

Sec. 22-206. - Penalties for late payment.

If a person shall fail or refuse to remit to the town treasurer the tax required to be collected and paid under this article within the time and in the amount specified, there shall be added to such tax by the town treasurer a penalty in the amount of ten percent and interest at the rate of ten percent per annum, which shall be computed upon the taxes and penalty from the first day of the month next following the month in which such taxes are due and payable.

Meals Tax:

Sec. 22-247. - Penalty and interest.

If any person whose duty it is to do so shall fail or refuse to make the report or remit the tax required by this article within the time and in the amount required, there shall be added to the tax by the treasurer a penalty on the amount of ten percent of the tax, and interest thereon at the rate of ten percent per annum, which shall be computed upon the tax and penalty from the date such tax was due and payable.

Working with the software and the time available will not allow a complete review of every file regarding what was being done and what the state law requires. It does seem that the lack of calculation and collection of interest and misapplication of lodging penalty was consistent, although incorrect. I would request that any taxpayer who has a concern regarding any of their accounts and calculation of any penalties, please file a petition for review of their account with me. My understanding is that I am allowed to review the file from January 1, 2020, to the present date. I would request the Council please consider allowing me to proceed with the approval of refunds up to a predetermined amount, perhaps \$2500 per month for taxpayers who have been affected by wrongly collected penalties. I wanted the Council to be aware of the issue. Accufund does offer an additional module that can be implemented which will calculate interest for these late accounts. It is approximately \$1295. My understanding is that the ability to calculate and apply this interest will satisfy the mandatory requirements of state law, which I have discussed with Ms. Phillips, our legal counsel. I would request that the Council approve the additional purchase of the Accounts Receivable module from Accufund.

- The Council tabled further discussion of the purchase of the Accounts Receivable module from AccuFund until the June Council meeting.
- Ms. Coleman made a motion to accept the Treasurer's report and to authorize the Treasurer to issue refunds due as a result of erroneous assessments not to exceed cumulative total of \$2,500.00 within a month in accordance with Virginia Code section 58.1-3981. Mr. McCrady 2nd the motion, which passed (5-0).

Announcements:

- *Due to issues with the software, the 2024 first half real estate and public service bills are not out yet. I am requesting that the Council consider extending the deadline to June 20, 2024.*
- Ms. Coleman made a motion to extend the deadline to June 20, 2024, as requested. Mr. McCrady 2nd the motion, which passed (5-0).
- *As a reminder, the business license deadline was extended to May 31, 2024.*
- *Please note that the new quote for flood insurance is available and will require a Council vote.*
- Mr. Jackson made a motion to renew the Town's Natural Catastrophe Insurance Program (NCIP) flood insurance coverage for FY24-25. Ms. Coleman 2nd the motion, which passed (5-0).
- *VaCorp renewal information is available and a vote is required to continue coverage.*
- Ms. Coleman made a motion to renew the Town's VaCorp public entity insurance coverage for FY24-25. Mr. Kemmerlin 2nd the motion, which passed (5-0).
- *A vote is needed to move approximately \$150,000 - \$200,000 from the Bank of Damascus General Fund to the Virginia Investment Pool Additional Working Capital account to capture interest for the funds.*
- Ms. Coleman made a motion to authorize the Treasurer to move up to \$200,000 from the Town's General Fund to the VIP account, as requested. Mr. Kemmerlin 2nd the motion, which passed (5-0).

Streets, Lights and Maintenance:

Mr. McCrady reported that the department had been busy with mowing, weed eating, brush pick-up, putting up banners, and pool season preparation. Also, the backhoe is now operational again.

Parks and Recreation:

Mr. Jackson reported that the pool cover has been removed, and the prior manager is training the new manager, which is working out great. Trail Days is almost here, and Tuesday and Julie are doing a great job getting everything for that ready. The Farmers Market kicked off for the season this past weekend, and we need Council approval for the 2024 Farmers market Manager Agreement with Donna Foltz as the Market manager (with no changes from 2023) to be executed.

- Mr. Jackson made a motion to renew the Market manager agreement with Donna Foltz again for the 2024 Damascus Farmers Market. Mr. McCrady 2nd the motion, which passed (5-0).

Planning Commission:

Nothing to report at this time.

Police and Fire Advisory:

Chief Turner presented the following report for the previous month:

Operations:

April 2024, Damascus Officers had 104 calls for service. We have taken 11 investigative reports and made 5 arrests. We had one reportable accident.

Arrests are as follows: Intoxicated in Public 1, Shoplift 1 and Warrant Service 3.

Traffic Enforcement Activities: *We issued 12 citations along with 19 warnings. The Speeding violations were 25 mph zone 3, 35 mph zone 2, Reckless Driving 4, Expired Tags 2 and No Drivers License 1.*

Speeding complaint areas include: *Damascus Dr & Douglas Dr.*

Special Report: *We completed our bi-annual drug take back and had 67lbs of unwanted/expired medication turned in. We were asked to attend the Public Library reading program last month and Officer Thurston went and spoke with the children about stranger danger.*

Special Notes:

Speed Signs, the batteries came in and I got them replaced and charged. I placed the signs out on April 12 – 21 with a result of: Douglas Dr= 38,916 vehicles and N Beaver Dam Ave= 38,175 vehicles. I recharged them and placed them out on April 22-29 with the result of: Douglas Dr= 34,002 and N Beaver Dam Ave= 26,239. Grand Total of 137,332 vehicles.

Police Vehicles: *The new vehicle is complete and, on the road, as of May 1, 2024.*

Auxiliary: *Nothing new currently.*

Citation Totals by Charge

Damascus Police Department

(04/01/2024 - 04/30/2024)

Charge:	Number of Charges:
46.2-300 - NO DRIVERS LICENSE	1
46.2-613 - Expired thirty day tag / Improper Registration	1
46.2-646 - EXPIRED REGISTRATION	1
46.2-802 - FAIL TO DRIVE RIGHT OF HIGHWAY	2
46.2-852 - reckless driving	2
46.2-874 - SPEEDING 25 MPH ZONE	3
46.2-875 - SPEEDING 35 MPH ZONE	2
Total:	12

Arrest Race/Sex Totals by Offense

Damascus Police Department

(04/01/2024 - 04/30/2024)

Primary Offense:	White Male:	Black Male:	Indian Male:	Asian/ Pac. Isl. Male:	White Female:	Black Female:	Indian Female:	Asian/ Pac. Isl. Female:	Juven.:	Adult:	Resd.:	NonRes.:	Arrests:
23C - Shoplifting	1	0	0	0	0	0	0	0	0	1	0	1	1
90G - Liquor Law Violations	1	0	0	0	0	0	0	0	0	1	0	1	1
90Z - All Other Offenses	2	0	0	0	1	0	0	0	0	3	1	2	3
Totals:	4	0	0	0	1	0	0	0	0	5	1	4	5

Incident Case Status Totals by Offense

Damascus Police Department

(04/01/2024 - 04/30/2024)

Offense:	Active:	Active TOT O/A:	Inactive:	Inactive WOF:	Closed Service:	Closed Except.:	Closed Arrest:	Adult Arrest:	Juvenile Arrest:	Adu./Juv. Arrest:	Unfnd.:	Rptd.:	Actual:
13C - Intimidation	1	0	0	0	0	0	0	0	0	0	0	1	1
18.2-817 - Elude Law Enforcement Endanger	0	0	0	0	1	0	0	0	0	0	0	1	1
26A - False Pretenses/Swindle/Confidence Game	1	0	0	0	0	0	0	0	0	0	0	1	1
35A - Drug/Narcotic Violations	3	0	0	0	0	0	0	0	0	0	0	3	3
35B - Drug Equipment Violations	1	0	0	0	0	0	0	0	0	0	0	1	1
90G - Liquor Law Violations	0	0	0	0	0	0	1	1	0	0	0	1	1
90Z - All Other Offenses	0	0	0	0	0	0	3	3	0	0	0	3	3
Totals:	6	0	0	0	1	0	4	4	0	0	0	11	11

Accidents Successfully Exported To TREDIS

Damascus Police Department

(04/01/2024 - 04/30/2024)

Submission Date:	Accident Number:	TREDIS Number:	Resubmission?
04/10/2024 - 00:44	24-00007	241015005	No

Total Successful Exports: 1

Total Accidents Successfully Exported: 1

Damascus Volunteer Fire Department

Chief Turner presented the following report for the previous month's activities:

Damascus Fire Department

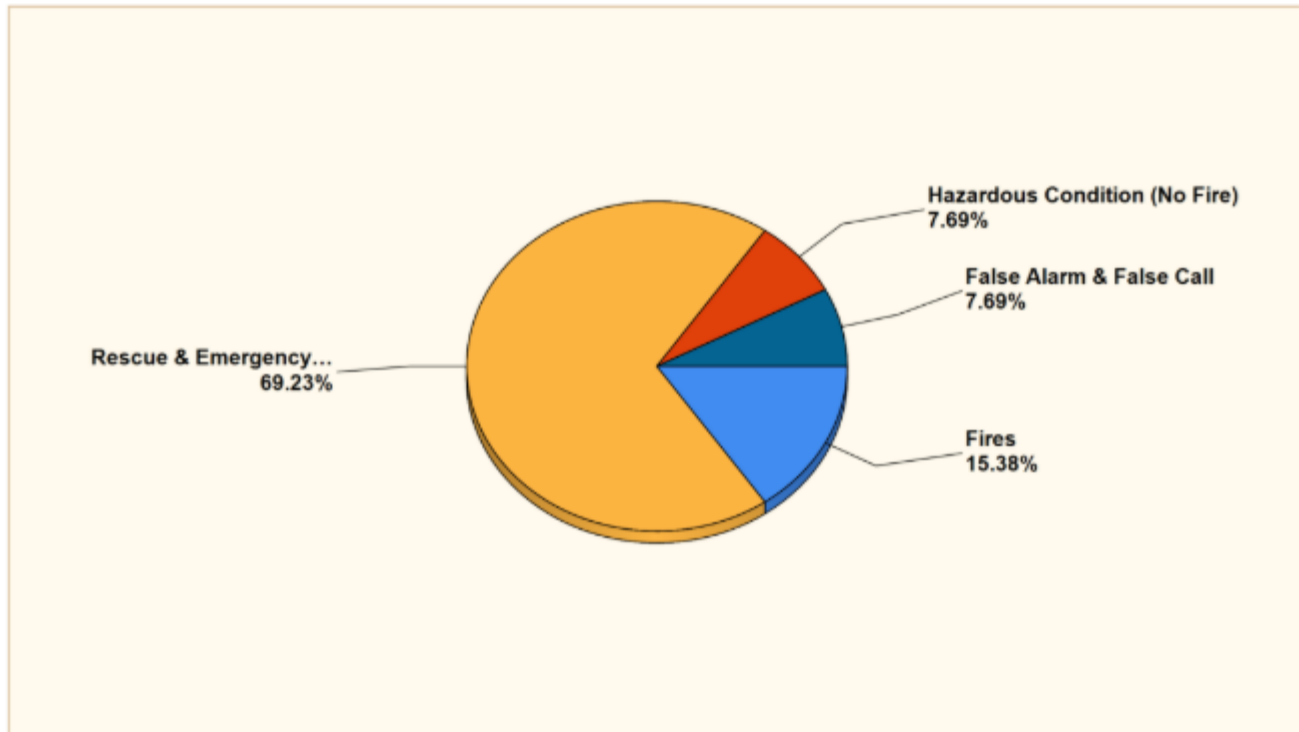


Damascus, VA

This report was generated on 5/1/2024 9:39:09 AM

Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 04/01/2024 | End Date: 04/30/2024

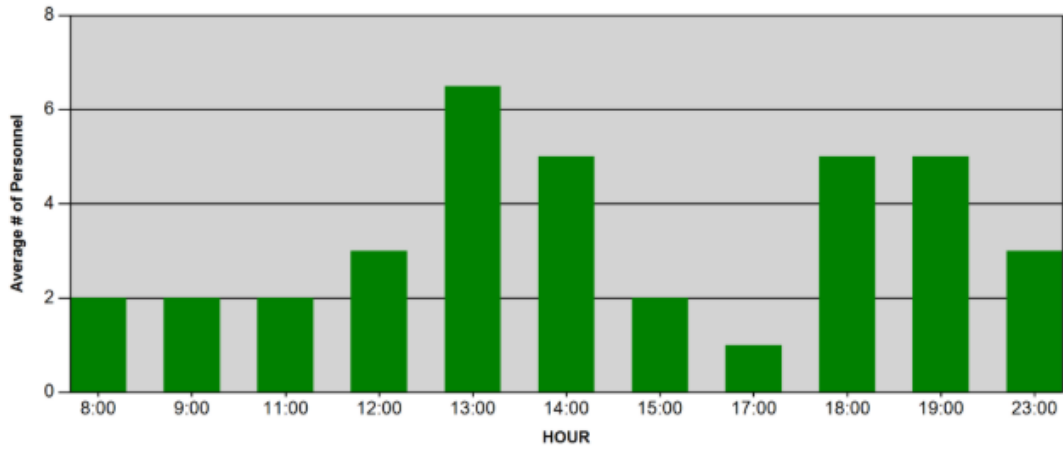


MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	2	15.38%
Rescue & Emergency Medical Service	9	69.23%
Hazardous Condition (No Fire)	1	7.69%
False Alarm & False Call	1	7.69%
TOTAL	13	100%

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
130 - Mobile property (vehicle) fire, other	1	7.69%
142 - Brush or brush-and-grass mixture fire	1	7.69%
311 - Medical assist, assist EMS crew	5	38.46%
322 - Motor vehicle accident with injuries	2	15.38%
324 - Motor vehicle accident with no injuries.	1	7.69%
341 - Search for person on land	1	7.69%
421 - Chemical hazard (no spill or leak)	1	7.69%
735 - Alarm system sounded due to malfunction	1	7.69%
TOTAL INCIDENTS:	13	100%

Average Number of Responding Personnel per Hour for Date Range

Start Date: 04/01/2024 | End Date: 04/30/2024



Hour	Avg. # Personnel
08:00 - 08:59	2.00
09:00 - 09:59	2.00
11:00 - 11:59	2.00
12:00 - 12:59	3.00
13:00 - 13:59	6.50
14:00 - 14:59	5.00
15:00 - 15:59	2.00
17:00 - 17:59	1.00
18:00 - 18:59	5.00
19:00 - 19:59	5.00
23:00 - 23:59	3.00

Incident Statistics

Zone(s): All Zones | Start Date: 04/01/2024 | End Date: 04/30/2024

INCIDENT COUNT			
INCIDENT TYPE		# INCIDENTS	
EMS		9	
FIRE		4	
TOTAL		13	
TOTAL TRANSPORTS (N2 and N3)			
APPARATUS	# of APPARATUS TRANSPORTS	# of PATIENT TRANSPORTS	TOTAL # of PATIENT CONTACTS
TOTAL			
PRE-INCIDENT VALUE		LOSSES	
\$0.00		\$0.00	
CO CHECKS			
TOTAL			
MUTUAL AID			
Aid Type		Total	
Aid Received		1	
OVERLAPPING CALLS			
# OVERLAPPING		% OVERLAPPING	
0		0	
LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)			
Station	EMS	FIRE	
Station 1400	0:12:52	0:05:13	
AVERAGE FOR ALL CALLS		0:10:19	
LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)			
Station	EMS	FIRE	
Station 1400	0:02:56	0:02:34	
AVERAGE FOR ALL CALLS		0:03:35	
AGENCY		AVERAGE TIME ON SCENE (MM:SS)	
Damascus Fire Department		49:45	

Incident Type and Street Name for Date Range

Incident Status: Reviewed | Start Date: 04/01/2024 | End Date: 04/30/2024

Incident Date	Address	Incident Type
04/04/2024	creeper trail, Damascus, VA 24236	Search for person on land
04/07/2024	Jeb Stuart HWY, Damascus, VA 24236	Brush or brush-and-grass mixture fire
04/08/2024	Rhea Valley RD, Meadowview (RR name Meadow View), VA 24361	Medical assist, assist EMS crew
04/10/2024	Peppertree, Damascus, VA 24236	Medical assist, assist EMS crew
04/15/2024	Mountain City RD, Damascus, VA 24236	Motor vehicle accident with injuries
04/19/2024	22413 Jeb Stuart HWY, Damascus, VA 24236	Alarm system sounded due to malfunction
04/19/2024	549 Bowlin, Damascus, VA 24236	Medical assist, assist EMS crew
04/19/2024	Plymouth CT, Damascus, VA 24236	Medical assist, assist EMS crew
04/21/2024	Chestnut Mountain RD, Damascus, VA 24236	Motor vehicle accident with injuries
04/23/2024	Jeb Stuart HWY, Abingdon, VA 24210	Mobile property (vehicle) fire, other
04/25/2024	27178 Osceola Road, Abingdon, VA 24210	Medical assist, assist EMS crew
04/27/2024	Mock AVE, Damascus, VA 24236	Chemical hazard (no spill or leak)
04/27/2024	Jeb Stuart HWY, Damascus, VA 24236	Motor vehicle accident with no injuries.
		Total incidents: 13

Personnel Hours for Incidents for Date Range (Not Payroll Related)

Start Date: 04/01/2024 | End Date: 04/30/2024

PERSONNEL	TIME SPENT ON INCIDENTS (Hours:Minutes Dispatched to Cleared Scene)
Barr, Derek	1:27
Campbell, Candace	3:33
Campbell, Dalton	1:02
Campbell, Wendy	1:27
Hicks, Emilee	2:26
Johnson, Michael	9:05
Jones, Dave	1:02
Norris, Ralph	2:08
Phipps, Jennifer	1:59
Reedy, Tony Mitchell	3:35
Richey, Jordan	9:23
Turner, Kermit	8:37
Turner, Walter B	8:42
Widener, Alex	1:02
Widener, Anthony	1:27
Total:	56:56

Response Percentage per Station per Personnel for Incident Types for Personnel

Personnel: All Personnel | Incident Type(s): All Incident Types | Start Date: 04/01/2024 | End Date: 04/30/2024

Personnel	Calls Attended	% of Calls for Selected Incident Types
Station: Station 1400		
Barr, Derek	1	7.7%
Campbell, Candace	5	38.5%
Campbell, Dalton	1	7.7%
Campbell, Wendy	1	7.7%
Greer, Jesse	1	7.7%
Hicks, Emilee	4	30.8%
Hicks, Mindi	3	23.1%
Hicks, Noah	3	23.1%
Johnson, Michael	11	84.6%
Jones, Andrew	1	7.7%
Jones, Dave	3	23.1%
Justice, Jason	1	7.7%
Norris, Ralph	1	7.7%
Phipps, Jennifer	4	30.8%
Reedy, Tony Mitchell	2	15.4%
Richey, Jordan	13	100.0%
Turner, Kermit	9	69.2%
Turner, Walter B	9	69.2%
Widener, Alex	1	7.7%
Widener, Anthony	3	23.1%
Widener, Bailey	1	7.7%
Total Incidents for Station Station 1400	13	

Total Incidents for all Stations

13

Special Committees

Nothing at this time.

Citizens Comments

Citizens Comments were heard from the following people:

1. David Atwood, N. Legion St., Damascus

Mayor Lamb reported that Mr. Kemmerlin has taken it upon himself to try to respond to the previous month's Citizens Comments under his Council Members Report.

Manager's Report

Mayor Lamb presented the following Manager's Report, as submitted by Gavin Blevins:

Scattered Site Housing Rehab Project

- *Currently working on project closeout and application for Phase II.*
- *The second public hearing to apply for CDBG funds for phase II will be at the June Town Council meeting. The Council will have to pass a resolution and complete the certification of signatures at that time.*
- *Applications are due June 12th.*

Creeper Trail

- *Trestles 30 & 31: The bents are currently being inspected prior to final approval by USFS on the bid documents (option A: requires metal rods for structural support vs Option B: requires replacement of bridge bents).*

DOF Urban & Community Forestry

- *We have submitted and have approval for reimbursement of initial tree removal work. We plan on bidding the majority of the tree removal to be completed at the beginning of FY25, including replanting in the Fall 2024 (minus the work to remove the trees in Tent City).*

Miscellaneous

- *Camera Upgrade: I'm still working with vendors to finalize the proposal for camera system upgrades Town-wide, integrating into our current network, and including electronic locks for public restrooms. This may include an agreement for managed services.*
- *VTC Drive 2.0 grant: The Town completed final submission to VTC by 03/15 for the \$20,000 to complete a market study. I'll be following up with Washington County and the IDA and to*

secure the additional matching funds; once that is done, I'll advertise a request for proposals.

- Laurel Creek Trail: I've sent drawings to VDOT to reconfigure the trail along Reynolds Street; once VDOT has agreed, I will order signs and line up contractor(s).
- Audit: The engagement letter for Owens CPA that does the annual audit is included in your packet and needs to be executed.
 - o Please vote to accept the engagement letter and authorize the mayor to execute.
 - Ms. Coleman made a motion to authorize the Mayor to execute the 2023-24 audit engagement letter with Owens CPA and Associates, as presented. Mr. Kemmerlin 2nd the motion, which passed (5-0).
- Printer lease: I have a digital contract to order the printer under the lease agreement (5 years) to start on July 01.
 - o Please vote to initiate the printer lease and authorize the town manager to execute.
 - Ms. Coleman made a motion to authorize the Town Manager to execute a 60-month commercial printer lease with Hungate Business Solutions, as requested. Mr. Hayes 2nd the motion, which passed (5-0).

Code Enforcement:

Mayor Lamb presented the following activity report for April from the Town's Code Enforcement Officer, Marty Berry:

Visits and Contacts: 20
Zoning: 3
Lodging: 9
Meals: 3
Complaints and Investigations: 4
Assist P.D: 1

Legal Matters

Nothing at this time.

Old Business

- Ms. Coleman made a motion to un-table the Oct. 2021 Council decision to table any action on the lodging study group recommendations regarding transient lodging establishments in residential areas and restore the topic for the June Council Meeting for reconsideration. Mr. Hayes 2nd the motion, which passed (5-0).

New Business

1. July 3rd Independence Day event relocation (this has been approved by the Washington County Board of Supervisors)
 - Ms. Coleman made a motion to authorize moving the Town's July 3rd Independence Day event from the Town Park over to the Beaverdam Creek Park (County ball fields on S. Shady Ave.). Mr. Kemmerlin 2nd the motion, which passed (5-0).
2. LOVEworks Mural Selection
 - Ms. Coleman made a motion to choose Monica Aguilar as the artist to do the Damascus LOVEworks mural. Mr. Jackson 2nd the motion, which passed (5-0).
3. Tree Removal – Tent City
 - Mr. Blevins has quotes from both Gregors and Adams Tree Services, and this can be discussed and decided on during the May 7, 2024, Special Called Council Meeting.

Consent Agenda

- Ms. Coleman made a motion to pay the bills for invoices exceeding \$2,500, 2nd by Mr. Jackson. The motion passed (5-0).
- Ms. Coleman made a motion to pay the bills presented as well as the standard and/or recurring bills that will come in before the next Council meeting. Mr. Kemmerlin 2nd the motion, which passed (5-0).

Mayor & Council Members Reports

Mayor Lamb reported that the CDBG Scattered Site Housing Rehab Project is going well. Thank you to the Town Treasurer, Clerk, Recreation Program Director, and Parks and Recreation Chairman for all their hard work. Also, the Damascus Senior Center will be hosting a bean dinner fundraiser on May 11th to raise money to help put a new roof on their building.

Mr. Jackson stated he would still love to see the possibility of a community garden, with raised beds, at the Senior Center next year.

Mr. Kemmerlin, following up with Elizabeth McCartin's Citizen Comments at the previous meeting, stated that the Town Manager has contacted the power company about the replacement lights they have been installing; and, possibly in the Fall the Town will be replacing some of the trees that had to be cut down previously.

Mr. McCrady stated that the maintenance crew is going to start patching some asphalt after Trail Days; they will be painting the bathroom ceilings at the tent city bathhouse with special mold-killing paint before the festival; the beautification committee resigned, but there is a group of ladies that would like to do some beautification projects, but don't want to work for the Town.

Also, he has contacted WCSA twice about S. Shady Ave. as well as Bank St., where they cut across the road to run water lines but haven't filled them back in completely.

Announcements

UPCOMING EVENTS & OTHER ANNOUNCEMENTS:

- May 4th - Farmers Market Opening Day - Saturdays 9am-noon
- May 11th – Town-Wide Yard Sale
- May 16th – Tent City Opens to Campers
- May 17th-19th – Appalachian Trail Days Festival
- May 25th – Town Pool 2024 Swim Season's Opening Day
- May 27th – Town Hall will be CLOSED in observance of Memorial Day

➤ *For information on upcoming events, go to our website visitdamascus.org. For citizen info go to damascus.org, and don't forget our social media presence on **Facebook** and **Instagram**!*

- Mr. Jackson made a motion to adjourn, 2nd by Mr. McCrady. The motion passed (5-0).

Katie Lamb, Mayor

Tuesday Pope, Clerk