REGULAR
COUNCIL MEETING
April 17, 1989

The regular meeting of the Elkton Town Council was held April 17, 1989 at 8:00 P.M. with the Mayor Charles E. Dean presiding. The following council members were present: B. B. Holt, R. B. Hutton, H. W. Leap, L. C. Life and R. L. Snow. R. E. Davis was absent. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Mr. Welty Hensley, representative of the Elkton Historical Society, was present and reported that some construction is being done at the Miller-Kite House on the outside of the building and requested the town furnish water and sewer which they need during construction.

Mrs. Hazel Crider, Mr. Tom Whitfield, Mr. Wayne Printz and Mr. Herbert Baugher spoke in opposition of a cruising ordinance. A petition against the town council voting on any type of cruising ordinance or restriction of freedom toward our youth or any other individual was presented by Mr. Printz. It was pointed out that most of the businesses in the area affected by the cruising had been contacted and are opposed to a cruising ordinance. The general feeling of those speaking was that if there is a problem it can be handled without an ordinance. Mr. Printz stated that he feels a cruising ordinance would be a violation of their constitutional and civil rights. He stated he would be happy to work with council to try to come up with a workable solution which would be agreeable to both sides.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to approve the minutes of the regular meeting March 20, 1989 as presented.

Mr. Monger presented his written monthly report to each council member and gave each member a copy of the Financial Management Review which was made by EPA of the sewer treatment plant and the records involved.

Mayor Dean asked Mr. Monger about the meeting with Mr. Osborne concerning the preliminary plans for the traffic lights at the intersection of Shenandoah Avenue and Stuart Avenue. Mr. Monger stated it is still scheduled for September and most of the work will be on the side at the Little League Park. Plans are to try to lineup the intersections as much as possible.

Councilwoman Life asked about the fluoride. Mr. Monger reported they are still having some problems with the pump losing its prime. The fluoride is in the system now. He also reported that he has heard nothing from the grant.

Councilman Holt spoke regarding the cruising ordinance. He explained that on ordinances, procedure requires a First Reading which will be done at this meeting, but action by council would not be taken until the next meeting. He stated that the ordinance drawn up by Mr. Davenport is based on Harrisonburg's ordinance. He pointed out that there has been no problems that he is award of regarding constitutionality. Councilman Holt reported that the adults with whom he has talked, with the exception of one, feel council needs to do something about the cruising. His experience has been that the majority of young people are courteous and will allow people to enter off the side streets and as long as this continues he sees no problem with not having a cruising ordinance. He pointed out that there is a real problem for the residents of Wirt Avenue and suggested that the young people police themselves and correct these problems. He stated he would give the First Reading on the cruising ordinance but was not recommending passing the ordinance. He asked council members to try to get feed back from the town citizens between now and the next meeting.

The following First Reading was presented on the cruising ordinance:

AN ORDINANCE TO ADD A NEW ARTICLE
TO THE CODE OF ORDINANCES OF THE TOWN OF ELKTON, VIRGINIA

BE IT RESOLVED, That the Code of Ordinances, Town of Elkton, Virginia, is hereby amended by adding a section, to be numbered Article E of Title 8, which section reads as follows:

Sec. 8-1-61. Purpose.

A general public nuisance and threat to the public safety results from the repetitive unnecessary driving of motor vehicles, also known as cruising, within the municipal limits of the Town. The purpose of this article is to reduce noise, air pollution, traffic congestion, obstruction of street, sidewalks and parking lots, impediment of access to buildings open to the public, and interference with the use of property or the conduct of business, and to ensure access for safety vehicles through the Town, by restricting repetitive driving of motor vehicles.

Sec. 8-1-12. Definitions.

For the purposes of this article the following definitions shall apply:

Cruising is driving a motor vehicle on a street past a traffic-control point, designated by a police officer, under conditions in which traffic is congested at or near the control point, three (3) or more times within any two-hour period between __:00 p.m. and 6:00 a.m. Passing the control point a third time under the same conditions stated herein shall constitute cruising and therefore a violation of this section.

Traffic-control point shall mean a reference point on a street selected and marked by a police officer for the purpose of enforcing this article.

Sec. 8-1-63. Cruising prohibited.

No person shall engage in cruising. For the purpose of this article, the owner of the vehicle, if present in the vehicle at the time of the violation, or, if not, the person having the owner's authority to use the vehicle, shall be considered the person cruising regardless of whether that person is actually driving the motor vehicle.

Sec. 8-1-64. Exclusion.

This article shall not apply to official emergency or police vehicles, buses for hire, other business vehicles being driven for business purposes, or to residents of the Town traveling to a specific destination.

Sec. 8-1-65. Penalty.

Any person found guilty of violating this article shall be guilty of a Class 3 misdemeanor and shall be fined a minimum of one hundred dollars ($100.00) but not more than five hundred dollars ($500.00). No part of the minimum fine shall be suspended upon conviction.

Mayor Dean was asked if there would be a Public Hearing on the ordinance and he stated it is not required but that council probably would have a hearing.

Councilwoman Life suggested that if those involved are not in favor of a cruising ordinance that they come up with something else that might be workable. She suggested to Mr. Printz that he work with council as he is the only business in town that allows loitering. Perhaps he could set a deadline at night so the people living in that area could get some rest.

Councilman Holt answered several questions regarding the proposed ordinance.

Councilman Holt reported on the progress of the new zoning ordinances. He stated they are not moving as fast as he would like but are trying to eliminate some of the inconsistencies. He reported that Calvin Shaffer, Councilman Hutton and Mr. Monger attended an all day meeting Saturday, April 8th. in Harrisonburg concerning planning.

Chief Pence answered questions on the monthly police report and the Public Safety Department. He reported that Dispatcher Barbara Gentry is going to school for certification.

Councilwoman Life stated it would be nice if council could be kept up to date on what's going on in the different departments, status of employees, etc. She suggested maybe a newsletter or memo.

Mayor Dean suggested this be done at council meetings. He stated that Mr. Monger is taking a different approach and is going to be contracting some of the work, such as mowing, street sweeping and line painting.

Chief Pence commented on the problems in regards to cruisers. One of the problems is cars stopping in the middle of the road, sometimes more than two abreast, to talk thus holding up traffic. He pointed out that it is against the law to stop and allow people to come out from side streets at the intersections. He also stated that the rights of property owners is being disregarded and that numerous of those young people present tonight are the ones committing these violations. He suggested possibly considering methods of altering the traffic pattern.

There was some discussion on possible ways to correct the situation or improve it.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for March 1989.

Councilman Snow reported that the 1989-1990 Budget is ready for a First Reading. The proposed budget includes a 5% salary increase and includes Recreation as a department.

Councilman Leap stated he is very happy to see that the guttering has been installed on the Municipal Building and questioned if the proposed budget includes funds to do some inside work on the Municipal Building as it needs it badly and should be done before it gets any worse. Mr. Monger stated the budget does have monies set up for building repairs but probably not enough to do a lot of work to the building.

Councilman Snow presented the following First Reading on the 1989-1990 Budget:

1989-1990
BUDGET

EXPECTED REVENUE

General Fund	
General Government	$ 426,094.
Recreation Department	17,469.
	$ 443,563.

Utility Accounts	
Electric Department	$1,055,915.
Water Department	116,176.
Sewer Department	176,532.
	$1,348,623.
TOTAL REVENUE	$1,792,186.

EXPECTED DISBURSEMENTS

General Fund	
General Government	$ 50,730.
Recreation Department	54,969.
Garbage Department	91,347.
Street Department	160,709.
Public Safety	221,902.
	$ 579,657.
Utility Accounts	
Electric Department	$ 924,059.
Water Department	115,773.
Sewer Department	172,697.
	$1,212.529.
TOTAL DISBURSEMENTS	$1,792,186.

Mayor Dean stated a Public Hearing will be set for the proposed budget before the next regular meeting.

Mayor Dean reported that he had received a letter from Councilman Davis stating he would be unable to attend the regular April meeting due to working the 4 to 12 shift. Councilman Davis reported that the Electric Committee has met and arrived at a decision concerning the last VEPCO rebate. Due to his being unable to be at the meeting, it was decided to wait until the May meeting to present a recommendation. The committee also discussed additional street lighting in the Elkwood subdivision. They are awaiting a cost estimate from Vepco. Mr. Monger is planning to make a report concerning the Manassas generating project.

Councilman R. L. Snow moved, seconded by Councilman H. W. Leap to approve on Second Reading the appropriation of an additional $3,500.00 for the Central Shenandoah Planning District Commission to complete the zoning ordinances. The vote was recorded as follows:

Holt	- yea	Life	- yea
Hutton	- yea	Snow	- yea
Leap	- yea		

Councilwoman L. C. Life reported that Clean Up Week is the week of May 15th. and that an advertisement should be put in the paper on this. She also reported that the caboose will be moved Wednesday morning at 9:00 a.m.

Councilwoman Life asked Mr. Monger to report on the paving which is scheduled to begin this week. Mr. Monger reported that plans are to pave Fairfax Avenue, Prospect Avenue, Summitt Avenue, Sixth Street from Washington Avenue to the end, Seventh Street from Washington Avenue to Fairfax Avenue, Terrace Avenue from Spotswood Trail to "A" Street, Lucas Lane, "C" Street from Terrace Avenue to Stuart Avenue, Ashby Avenue from Spotswood Avenue to Terrace Avenue, "E" Street from Stuart Avenue to the end and Lee Avenue from Spotswood Avenue to the end, providing money holds out.

Councilman Leap asked if there are any plans to do any sidewalk repairs. Mr. Monger reported they are still working on the layout for Spotswood Avenue but this work probably will not be started until after July. They probably will do in front

of the Municipal Building next year.

Councilman H. W. Leap moved, seconded by Councilwoman L. C. Life and carried to turn on the water and connect the electric for the Historical Society to be doing repairs at the Miller-Kite House.

Councilman Hutton reported for the Personnel Committee that everything is taken care of.

Mayor Dean reported that the Rockingham Municipal League will meet Wednesday, April 19th. in Grottoes at the Fire House. Dinner will be at 6:30 p.m. and the meeting at 7:30 p.m.

Mr. Monger reported on the bath rooms in Memorial Park. The fixtures and windows are not in yet. Current has been run over to the building. They are waiting for the locks to be installed on the doors and they still have to decide on the pump. Dirt is being used from Terrace Avenue to fill in around the building.

As there was no further business, the meeting adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk