REGULAR
COUNCIL MEETING
December 21, 1992

The regular meeting of the Elkton Town Council was held December 21, 1992 at 8:00 p.m. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: F. A. Bennett, R. C. Davis, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Prior to the council meeting, at 7:45 p.m., Delegate Peter Way met with council members. He stated that if he could answer any questions, be of any help, provide any service, or if there were any areas of concern to please contact him. He said it was an honor to represent the people of Elkton and he would be open to any advice or suggestions.

Councilman Bennett expressed concern over the VRS investigations. Delegate Way stated he feels there will be some legislation coming forth regarding protection of retirement money.

Mayor Dean expressed council's appreciation to Delegate Way for his taking the time to come across the mountain and meet with the citizens of Elkton and the council.

Debi Driver, EDRC Project Manager, was present to report on work she has been doing on the Tour DuPont. In late September or early October, Ms. Driver contacted the Marketing Director at Massanutten regarding revising the Tour DuPont to come through downtown Elkton. The Director then approached the necessary authorities and has just recently found out that Elkton will be involved with the tour. Ms. Driver reviewed and answered questions on the cost and opportunities regarding sponsorship. The suggested sponsorship for the Town is $2,500.00. They would like to have a firm commitment by January 1, 1993.

Mr. Steve Zapton, President of The Society of Port Republic Preservationists, was present to brief council regarding a proposed bill to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia. He requested council consider sending a letter endorsing this bill.

Councilman R. L. Snow moved, seconded by Councilwoman M. B. Fuller and carried to approve the minutes of the Regular Meeting November 16, 1992 as corrected and the Special Meeting of December 10, 1992 as presented.

Chief Pence presented the monthly police report. He reported that one of our part-time dispatchers, Danny Conley, is still in the hospital with a broken leg. He will be dropped as a part-time dispatcher so he can have his social security benefits reinstated. Chief Pence also reported that the V.F.W. Post in Elkton recognized Officer Monte Dean for his participation in reviving the young boy whose heart stopped at the Horse Show in September.

Councilman R. L. Snow moved, seconded by Councilman T. R. Whitfield III and carried to approve the Finance Report for the month of November.

Mrs. Leap suggested the Town close their bank account with Dominion Bank as they no longer have a branch in Elkton and to close the account with NationsBank where we have been depositing the Court House Maintenance Funds. There are just a few fees coming in for this fund and they can be handled through the General Fund.

Councilman R. L. Snow moved, seconded by Councilwoman M. B. Fuller and carried to close the Dominion Bank Account and the CHMF Account and allow Mrs. Leap to pay the CHMF through the General Fund.

Councilman R. C. Davis reported on a resolution upon which council needs to take action. This resolution gives the Mayor the authority to act for the town in the installation of the additional diesel generator.

Councilman R. C. Davis moved, seconded by Councilman R. L. Snow and carried to approve the following resolution:

RESOLUTION

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS REGARDING THE JOINT OWNERSHIP BY **THE TOWN OF ELKTON** AND THE OTHER MEMBERS OF THE VIRGINIA MUNICIPAL ELECTRIC ASSOCIATION NO. 1 OF ADDITIONAL DIESEL GENERATION FACILITIES TO BE LOCATED IN MANASSAS, VIRGINIA.

WHEREAS, **THE TOWN OF ELKTON** is a member of Virginia Municipal Electric Association No. 1 ("VMEA"), through which it and other VMEA members jointly exercise their municipal powers pursuant to Virginia Code Section 15.1-21 to reliably and economically meet the needs of the members' municipal electric systems:

WHEREAS, **THE TOWN OF ELKTON** meets the requirements of its municipal electric systems other than those supplied by the Southeastern Power Administration [and/or its own generation], through the purchase of power jointly with other VMEA members from Virginia Electric and Power Company ("VEPCO"); through the construction in Manassas, jointly with other VMEA members, of certain diesel generation for which VMEA receives credit on its monthly power bills from VEPCO; and through the construction in Manassas, jointly with other VMEA members, of certain diesel generation ("peak shaving facilities") which VMEA operates to reduce the VMEA load served by VEPCO and thereby reduce VEPCO's demand charges to VMEA;

WHEREAS, VEMA has investigated means by which the members of VMEA can achieve greater savings in supplying the electric requirements of their municipal electric systems, and has developed an arrangement under which the members of VEMA would jointly own additional peak shaving facilities, to be located in Manassas, which VMEA would operate to further reduce the VMEA load served by VEPCO and thereby further reduce VEPCO's demand charges to VMEA;

WHEREAS, **THE TOWN OF ELKTON** has determined that the additional VMEA peak shaving facilities arrangement is the best course available to it to minimize its power expenditures while at the same time reliably serving the needs of its members' municipal utility systems;

WHEREAS, on November 5, 1992, the Board of Directors of VMEA voted to approve the following contracts for execution by VMEA and for submission to the governing bodies of the VMEA members for approval and execution (where applicable) in order to effectuate the peak shaving facilities arrangement:

1. Second Admendment to the Power Sales Contract Between Virginia Municipal Electric Association #1 and each of the members of VMEA;

2. First Supplement and Amendment to the Initial Peak Shaving Facilities Agreement Among Virginia Municipal Electric Association #1 and the Town of Blackstone, the Town of Culpeper, the Town of Elkton, the City of Franklin,

the City of Manassas, the Town of Wakefield, Virginia and the Harrisonburg Electric Commission; and

3. First Supplement and Amendment to Second Construction and Operation Agreement Between Virginia Municipal Electric Association #1 and the City of Manassas, Virginia.

WHEREAS, **THE TOWN OF ELKTON** and VMEA have the authority to enter into such arrangements;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN/CITY COUNCIL OF **THE TOWN OF ELKTON**, VIRGINIA:

1. To authorize the execution by the Mayor of **THE TOWN OF ELKTON** of the Second Amendment to the Power Sales Contract Between Virginia Municipal Electric Association #1 and the Town/City of **THE TOWN OF ELKTON**, Virginia (substantially in the form in which it is presented);

2. To authorize the execution by the Mayor of **THE TOWN OF ELKTON** of the First Supplement and Amendment to the Initial Peak Shaving Facilities Agreement Among Virginia Municipal Electric Association #1 and the Town of Blackstone, the Town of Culpeper, the Town of Elkton, the City of Franklin, the City of Manassas, the Town of Wakefield, Virginia and the Harrisonburg Electric Commission (substantially in the form in which it is presented), and the payment to VEMA of **THE TOWN OF ELKTON**'s share of the cost of the additional peak shaving facilities in accordance with that contract; and

3. To authorize the Mayor of **THE TOWN OF ELKTON** to consent to and acknowledge the First Supplement and Amendment to the Second Construction and Operation Agreement Between Virginia Municipal Electric Association #1 and the City of Manassas, Virginia.

Councilman Davis reported on a letter from ATD-American Co. (old Wrangler building) regarding their utility bill which was due November 26, 1992. According to ATD they did not receive their bill until six days after the due date. They are requesting that council consider waiving the penalty of $225.09.

According to Mrs Leap, the utility bills were mailed out as normal. Some members of council felt they might be setting a precedent if this penalty is waived.

Councilman R. E. Davis moved, seconded by Councilwoman M. B. Fuller to request ATD-American to pay the penalty.

Councilman R. E. Davis moved, seconded by Councilwoman M. B. Fuller to amend the motion to include providing no evividence to the contrary appears showing that the bill was postmarked after the due date. The motion carried as amended.

Mayor Dean requested the appropriate committees look into what people moving out in the middle of the month should be charged. There have been some complaints.

Councilman Printz reported that the Streets and Sidewalks Committee had met and discussed some of the current sidewalk conditions. Some work has been done at Valley Lunch, Nationwide Insurance and also by Fisher's. He stated that there are still some parts of a list which he has to get out to the committee.

Councilman Printz reported on a request from Valley Heritage regarding repairing or replacing the sidewalk beside their building. They will be willing to pay 50% of the cost. Councilman Printz pointed out that there is a possibility of some capital project work being done

in that area which would require tearing up the sidewalk, but he doesn't feel this is going to happen anytime soon.

Mr. Monger pointed out that a lot of money has been spent on a plan for this area and he does not feel the Town should go against the plan.

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller to replace the sidewalk completely on the North side of Valley Heritage with the cost divided equally, 50% to the Town of Elkton and 50% to the Valley Heritage. The completion date to be April 30, 1993 only if the Streetscape Plan or any other revitalization plan for Spotswood will not start by June 30, 1993.

There was considerable discussion regarding this motion. Setting priorities was discussed. Councilwoman Fuller felt council members should have a list of the priorities which have been set.

After further discussion, Councilman Snow stated he feels Mr. Monger should take a look at this and report back to council whether he feels the sidewalk can be done without having to redo it later.

Councilman W. E. Printz withdrew his motion and Councilwoman M. B. Fuller her second. Mr. Monger, council members and the Streets and Sidewalk Committee were asked to take a look at this Valley Heritage request and at the plans for upper Spotswood between now and the next meeting.

Councilman Printz reported that work is being done on some other items such as moving some stop signs, putting up signs, signs for the parks and a stop light at the intersection of Rockingham Street and Stuart Avenue.

Councilman Whitfield suggested looking into whether Valley Heritage would be willing to pay 50% for patching the sidewalk if we feel we cannot replace it at this time.

Councilman Whitfield reported that fourteen employees completed the Word-Perfect Computer Training Class at Spotswood High School.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller to approve on Second Reading the allocation of funds to purchase a personal computer for the Recreation Department not to exceed $1,500.00. The vote was recorded as follows:

Bennett	-	nay	Printz	-	yea
Davis	-	yea	Snow	-	yea
Fuller	-	yea	Whitfield	-	yea

Councilman Whitfield reported that members of the Ordinance Committee met with the EDRC Design and Review Committee and began the ground work for the ordinance enforcement campaign and some further recommendations for reevaluating existing ordinances.

Councilman Whitfield stated he would like to thank the Elkton Woman's Society and town employees for decorating the Municipal Building and the town Christmas tree. He feels the Town should send a letter of thanks to Debbie Pence Turner, President of the Elkton Woman's Society. He brought some concerns which have initiated from the tree lighting. The big tree out front not only is covered with English ivy but also has some poison ivy on it. One child that was at the tree lighting was playing on the tree and contacted poison ivy.

Councilman Whitfield asked permission from council to try to eradicate the poison ivy only, not the English ivy, due to the health threat.

There was some discussion regarding the landscaping around the Municipal Building.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to get estimates from at least three nurseries or landscapers in the area, including Shreckhise , to do the landscaping at the town office; prior to doing this, the Town contact Ann Dixon or any other person council might recommend, to give the Town an estimate on a landscaping plan which will then be taken to the landscaper of choice.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller to amend the motion to include studying the elimination of the poison ivy.

Councilwoman Fuller and Councilman Whitfield withdrew their motion and amendment.

Councilman R. C. Davis moved, seconded by Councilman T. R. Whitfield III and carried to ask three reputable nurseries in the area to come down to look at the town hall building, give us a plan and price to do landscaping, shrubbery, etc. and study the ivy situation.

Councilman Whitfield was asked to coordinate with Mr. Monger on this project.

Councilman Whitfield reported on complaints regarding vandalism in the rest rooms at the Stonewall Memorial Park, with the possible suggestions of a need for a gate to be installed. Mr. Monger stated the rest rooms should be closed. Councilwoman Fuller stated the complaint she received regarded a window being broken and four wheelers in the park. Councilman Whitfield stated he will ask Chief Pence to investigate this situation.

Councilman Whitfield reported on the shelter in the park which was donated by the Monger family. There are several things needing to be done at the shelter. The fireplace needs to be completed, lights installed, and a plaque to commemorate the Monger family for their contribution. It is his understanding that the reason it hasn't been completed is there are a number of people involved in the Monger family and they have not been able to come to a consensus on some final choices and decision. Councilman Whitfield stated he would like to intercede and to maybe contact each segment of the family and get them to come to a consensus on what they would like to be done.

Councilman Snow stated that according to Bobbie Rae Monger several of the family members plan to finish the chimney and she also has a plaque that is to go on the chimney. Councilman Whitfield will contact Mrs. Monger to find out what the status is and try to speed up the process.

Mr. Monger reported on a letter from William Veno, Director of Planning for Rockingham County, regarding Benjamin King's application for rezoning land on the north side of Route 33 approximately ½ mile west of Route 637 near Elkton. There will be a Public Hearing before the County Planning Commission Tuesday, January 5, 1993, at 7:00 p.m. in the Board of Supervisor's meeting room. Mr. Veno stated they would appreciate receiving any viewpoints or concerns, in writing, pertaining to Mr. King's request prior to the hearing.

Councilman Bennett reported that Mr. Monger was in receipt of a letter from Mr. King, which he passed on to the Water and Sewer Committee, requesting permission to connect to the Town's water and sewer system. The committee met and have a recommendation which Councilman Bennett will place in form of a motion.

Councilman F. A. Bennett moved, seconded by Councilman R. C. Davis to grant King Construction permission to connect approximately 100 lots to the Town of Elkton water and sewer system. Said lots to be located on roughly 43.25 acres of the Betty Heisten Life property as recorded in Deed Book 361, Page 45 and shown on the Tax Map as 130 (A) 99. If and when said connection is made, then all construction and payments are made according to the Code of Ordinances of the Town of Elkton, Virginia. (See Section 5-3-8 as amended 5/18/87, Section 5-2-5 as amended 5/18/87, Section 5-2-17 and Section 5-3-15).

A vote was taken on the motion and recorded as follows:

Bennett	- yea	Printz	- yea
Davis	- yea	Snow	- yea
Fuller	- yea	Whitfield	- yea

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried that the Mayor be authorized to sign all documents necessary on the Route 759 New Town Road Project so they can proceed as scheduled.

Councilman W. E. Printz moved, seconded by Councilman T. R. Whitfield III and carried to pass the following resolution to approve the 1995 Highway Functional Classification for the Town of Elkton:

Resolution

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, Section 1006, required that the Virginia Department of Transportation (VDOT) functionally reclassify the roads and streets in the Commonwealth, by December 31, 1992, based on their current and anticipated functional usage; and,

WHEREAS, the Virginia Department of Transportation has previously functionally classified the state highways in accordance with the guidelines presented in the "Highway Functional Classification Manual" (Volume 26, Appendix 12, Highway Planning Program Manual); and,

WHEREAS, the Virginia Department of Transportation has updated the functional classification in accordance with the "Highway Functional Classification Manual" (Revised, March 1989) and aforementioned ISTEA of 1991,

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN OF ELKTON concurs with the "1995 Highway Functional Classification" for **THE TOWN OF ELKTON** as updated by the Virginia Department of Transportation.

Councilwoman Fuller commented on the letter from Bill Veno regarding Benny King's rezoning request and stating that the County welcomes any comments or concerns which Mr. Monger or other town officials may have. She feels this is one of the situations the Town is not quite prepared for. She does not know if Elkton has a Comprehensive Plan, but if so it is in need of updating. She directed council's attention to the fact that when the Main Street people and Greg Brittingham were in town they came up with a number of suggestions with respect to the development of the town. One of the things that comes out in the Main Street Resource Team Report is that they encourage the town to protect the entrance ways into town, particularly at U.S. 33 coming in from the west. Greg Brittingham's Summary and Evaluation of his Elkton Site Visit say EDRC and town officials should establish a close working relationship with Rockingham County Planning Staff to ensure that County plans and ordinances are compatible with the goals and objectives of the community. A great deal of damage is possible to the entrance ways if the County approves inappropriate commercial and high density residential development along the entry corridors. It is incumbent upon town representatives to work in cooperation with the County to identify potentials for conflict and eliminate them before an unfortunate situation occurs. Councilwoman Fuller stated that she is not implying that Mr. King's request is an unfortunate situation, but it highlights the fact that Elkton, as a community, needs to sit down relatively quickly and come up with some sort of long term plan for future development. She feels the County would be willing to work with us on this.

The second thing in Mr. King's proposal is that his request has four commercial lots and Councilwoman Fuller stated she is personally concerned about that from the standpoint of downtown development. The town has invested $25,000.00 in the Main Street Program. They

are trying to revitalize our downtown from an economic standpoint and trying to encourage investment in the downtown. There is still a significant amount of space available in the downtown and a shopping center which does not seem to be doing very well. She is concerned about the town essentially encouraging development outside the town limits. She feels the town should respond to the County and at least express the concern about commercial development, if the rest of the council feels this is an issue. Also, the town should very shortly talk to the County about the possibility of developing some sort of zoning or comprehensive plan in junction with the town.

Councilman Whitfield and Councilman Printz agreed with Councilwoman Fuller. They feel as representatives they should be advocates for businesses within the town limits. They feel that as far as Mr. King's development, his track record proves his development would be a positive asset, but they would prefer no commercial development along Route 33.

Councilman Bennett and Councilman Davis both stated they were not opposed to the rezoning and did not feel it would impact the downtown. Councilman Bennett stated he feels when the previous council voted to extend the water and sewer out to the county, they took a stand then. Councilman Davis stated he would like to see the town have some input as to what is located adjacent to the town, but he questioned if we need to be concerned that far out.

Mayor Dean stated that Mr. Davenport has pointed out that our charter gives the town authority two miles out of town, of course the County says we don't have this authority. Mr. Davenport feels we should sometime request an opinion from the Attorney General about this question, to see if it is legal or not. Mr. Davenport was asked to request this opinion.

Mayor Dean reported that Bill Davis asked him to point out the fact that his development will create more water problems for his business and that area and this would be a town problem if they ever annex.

Mr. King pointed out that he will be required to present a detailed erosion plan before his request is approved. As far as commercial development, he is not about to have anything there that would be unsitely or detrimental to the development of the subdivision.

Councilwoman Fuller reiterated her concern regarding strip and commercial development on Route 33.

Mayor Dean stated that he needs a consensus to present to the County Planning Commission as they have requested.

Mr. King stated that if Mayor Dean wants to form a council committee, he would be happy to meet with them. He does not intend to back off from the commercial lots, but would be willing to hear some other points of view regarding this development.

Councilwoman M. B. Fuller moved, seconded by Councilman R. L. Snow and carried to form a town committee to sit down and work with Mr. King on design specifications for his development.

Councilwoman M. B. Fuller moved, seconded by Councilman R. L. Snow that the town be present at the Rockingham County Planning Commission meeting and express their concerns about the development of our corridors coming into town and that we would like to work with the Rockingham County Planning Commission on the development of those areas.

Councilman Bennett stated he feels that by doing this it is painting a bad picture with the whole council. If a person's viewpoints aren't available, and he doesn't know if he can be there that particular night, and if three people go up and say they oppose Mr. King's lots, that paints a picture to the County that this council is opposed to it and that's not true.

Councilman Bennett called for the question and his motion failed.

Councilman Davis questioned if going to the Public Hearing on Mr. King's situation is the proper place and time to bring up the council's concerns regarding working with the County on developing a comprehensive plan, etc. Mayor Dean stated that Councilwoman Fuller's point is going to be that we have concerns about the way the area is developed and about Mr. King's plans as they are drawn up. Councilman Davis stated it sounds to him like this is going to be taken as opposing Mr. King's commercial lots and Mayor Dean said he feels it will be. Councilwoman Fuller does not feel this is going to sound as if we are opposed to rezoning Mr. King's lots to commercial. She feels they will realize council is concerned about the development of our entrance ways.

Mayor Dean asked Mr. Davenport how he would interpret this. Mr. Davenport stated he feels that if the motion passes the council is opposed to it or very concerned. If it doesn't pass, you don't send anyone to the meeting.

Councilman Snow noted that if the motion is voted down, any member of council could attend the meeting and express their individual concerns. Councilwoman Fuller pointed out that the individual would not have the weight of the Elkton Town Council in the concern about the development of our corridors.

A vote was taken on the motion and recorded as follows:

Bennett	-	nay	Printz	-	yea
Davis	-	nay	Snow	-	nay
Fuller	-	yea	Whitfield	-	yea

Mayor Dean - yea

Mayor Dean asked those willing to serve on the committee to get with Mr. King.

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz to approve the First Reading to fund $2,500.00 for the Tour DuPont.

After some discussion, Councilman R. L. Snow moved, seconded by Councilman W. E. Printz to amend the motion to explore the Public-Private Partnership. The Town will provide $1,500.00 and the private sector provide the rest. The vote was taken and recorded as follows:

Bennett	-	nay	Printz	-	yea
Davis	-	yea	Snow	-	yea
Fuller	-	yea	Whitfield	-	yea

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III and carried that the Town make copies of the Main Street Resource Team Report to give to every council member, every Planning Commission member and every member of the Board of Zoning Appeals.

A Personnel Committee meeting was set for January 8, 1993 at 5:00 p.m.

Mr. Davenport gave an update report on the dump site issue. Work is being done on letters for the Mayor to send to various agencies that might be involved with the Division of Waste Management. The letter will contain information regarding the contents of the resolution passed by the Town and asking the agencies for any concerns or goals. The letter was sent out this week to the Department of Waste Management for their approval.

The Department of Waste Management received an inquiry from the Friends of the River in which they expressed their concerns. Mayor Dean has approved a letter to go to them stating the Town is interested in solving the problem and inviting their comments.

Mr. Davenport has recommended that Mr. Monger put some warning signs out at the old dump site and also to restrict entrance to the old site by locking the gates.

Councilman R. L. Snow moved, seconded by Councilman T. R. Whitfield III that council write a letter supporting the Battlefield Resolution. The vote was recorded as follows:

Bennett	-	nay	Printz	-	nay
Davis	-	nay	Snow	-	yea
Fuller	-	yea	Whitfield	-	yea

Mayor Dean - nay

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