REGULAR
COUNCIL MEETING
August 17, 1992

The regular meeting of the Elkton Town Council was held August 17, 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, M. B. Fuller, R. L. Snow and T. R. Whitfield III. R. C. Davis and W. E. Printz were absent. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Mr. Peter Bonavita was present representing Mr. Raymond Gooden. Mr. Bonavita asked if council could consider the change of lot size requirements in R-3 separately from R-4 and R-5. This would help expedite the solution to Mr. Gooden's problem on Lots 21 and 22 in Elkwood.

Mr. George Williams was present to see what the town plans to do regarding the drainage problem on Hill Avenue. Mr. Monger stated they have studied the drainage situation on Hill Avenue and will pave the drainage ditch although he does not feel this will solve the problem.

Mr. Wayne Rothery was present concerning his request to combine Lots 4,5,6 and Parcel "B" to create two lots. Mr. Rothery stated that the Planning Commission has approved this request and asked council to also approve it.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to approve the minutes of the regular meeting July 20, 1992 as presented.

Mr. Gerald Monger, Superintendent, presented a written report to each council member concerning the activities in his department.

Councilman Whitfield stated that in regards to Mr. Bonavita's concern, he will forward it to the Planning Commission. He ask Mr. Bonavita if he would like to speak at the Planning Commission meeting on August 31st and he said he would.

Councilman Whitfield reported that the Planning Commission has approved the request by Wayne and Karen Rothery to combine Lots 4,5,6 and Parcel "B" to create two lots.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller that council accept the Planning Commission's recommendation to combine Lots 4,5,6 and Parcel "B" to create two lots. The vote was recorded as follows:

Bennett	-	yea	Snow	-	yea
Fuller	-	yea	Whitfield	-	yea

Councilman T. R. Whitfield III presented the following First Reading on Section 7-1-39 Precious Metals Dealers and Section 8-1-1 and Section 8-1-2, Article A, Chapter 1, of Title 8, of the Code of Ordinances of the Town of Elkton, Virginia:

AN ORDINANCE AMENDING SECTION 7-1-39

Section 7-1-39 of the Code of Ordinances of the Town of Elkton, Virginia is hereby amended to read as follows:

7-1-39 Precious Metals Dealers. All of the provisions and requirements of the laws of the state contained in Chapter 41 of Title 54.1 of the Code of Virginia as in force and effect on July 1, 1992, except those provisions which by their nature can have no effect or application to the Town, if any, are hereby adopted and incorporated in this Chapter by reference and made applicable within the Town, as fully as though set forth at length herein, except as provided herein. An initial permit issued hereunder be valid for the remainder of the calendar year of issuance, without proration of the application fee, and any renewed permit

shall be valid for the calendar year of issuance. (Ord. of August 21, 1989; Amended by Ord. of September 21, 1992).

AN ORDINANCE TO AMEND SECTION 8-1-1 AND SECTION 8-1-2 ARTICLE A, CHAPTER 1, OF TITLE 8, OF THE CODE OF ORDINANCES OF THE TOWN OF ELKTON, VIRGINIA

BE IT RESOLVED that Section 8-1-1, Article A, Chapter 1, of Title 8, of the Code of Ordinances of the Town of Elkton, Virginia is amended to read as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 and Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, as in force and effect on July 1, 1992, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the town, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or under Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia. To the extent that any provisions of Title 8 of the Elkton Town Code may be inconsistent with the provisions and requirements of Title 46.2 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia hereby adopted, the title 8 provisions are superseded. (Ord. of Nov. 8, 1976; Amended by Ord. of September 21, 1992)

BE IT FURTHER RESOLVED that Section 8-1-2, Article A, Chapter 1, of Title 8, of the Code of Ordinances of the Town of Elkton, Virginia is hereby amended to read as follows:

Words and terms used and contained in this Chapter shall be as defined in the Code of Virginia, Section 46.2-100. (Code 1966, Sec. 17-1; Amended by Ord. of September 21, 1992)

Councilman Whitfield reported on the town float that was placed in the Field Day parade. He stated that the float was very successful. $400.00 was allocated for the float and it looks as if the cost will run about $200.00. Councilman Whitfield thanked all who helped with the float.

Councilman Whitfield reported that he has had some complaints on Waste Management of Va.-Blue Ridge, formerly A.R.S., who we contract to handle the garbage collection. Their employees work on a time basis and the more quickly they do their job the sooner they go home. The result is they are spilling the garbage on the streets. Mr. Whitfield reported they are currently writing a letter to the General Manager of Waste Management concerning this complaint. According to Mr. Monger, Waste Management is receptive to suggestions and complaints. Other council members reported that there have been complaints regarding the smell from dumpsters and not being careful with the trash receptacles and lids. Councilman Whitfield stated they would include these complaints in the letter.

Councilman Whitfield reported that he has received some concerns about a dramatic increase in electric, water and sewer utility rates this month as opposed to last month. Mayor Dean stated he feels this was due to the heat which resulted in more fans and air conditioners being used.

Councilman Whitfield reported on the speeding problem in the Stonewall Memorial Park. Council had discussed in a previous meeting installing "Children at Play" signs and speed limit signs. He felt this might be something we need to expedite more quickly. Speed bumps might be something to look at in the future. The committee has no recommendation at this point other than requesting Chief Pence and his officers continue to monitor the situation and strictly enforce the speed limit.

Councilman Whitfield stated the main synopsis of their committee meeting was ordinance enforcement. The objectives are:

1. Update Ordinance Book.
2. Provide all police officers with an updated book.
3. Utilize Adelphia Cable's public access service.
4. Print reminders of things needing to be done on utility bills.
5. Begin with a positive, upbeat Public Awareness Campaign.
6. Send letters to each tax payer owning property in town making them aware of the ordinances and what is expected of the property owner regarding these ordinances.
7. Town has been mowing numerous lots in town. The consensus of the committee is that the town is not in the business to landscape and maintain these lots. Currently the fee for mowing lots is $15.00 for the first hour, $7.50 for the half hour. In order to discourage this practice, the charge will be increased to $30.00 for an hour or any part of any hour, $60.00 for two hours or any part of two hours and so forth.
8. Working to update ordinances and make them more specific so they will be easier to enforce. These suggested changes will be sent to Mr. Davenport for review.

Mr. Davenport reported that council could consider the request from Raymond Gooden to consider the lot sizes in R-3 separately and take action to reduce the lot size requirement from 12,500 sq. ft. to 9,375 sq. ft. if council desires to do so. Mr. Gooden would then have to go through the Planning Commission and the proper channels to obtain the lot line revision he needs. No action was taken to reconsider this matter.

Chief Pence presented his monthly police report and answered questions.

Councilman Bennett asked about the status of changing the "Yield Signs" to "Stop Signs". Mr. Monger stated they are in the process of ordering the necessary signs.

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the Finance Report for the month of July.

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett to approve on Second Reading up to $30,600.00 for the roof at the fire hall and the Mayor be authorized to approve this expenditure upon the receipt of the proper bids. The vote was recorded as follows:

Bennett	-	yea	Snow	-	yea
Fuller	-	yea	Whitfield	-	yea

Painting at the fire hall was discussed. Mr. Monger needs to set up specifications and get bids on this and the painting at the town office.

Councilman Bennett reported that there will be a Water & Sewer Committee meeting next Wednesday night, August 19th., at 7:00 p.m. The committee will meet with Mr. Bill O'Brien regarding the Newtown Road Project. Everyone was invited to attend the meeting.

Councilwoman Fuller expressed her appreciation to Councilman Whitfield for the beautiful float. She asked if there was anyone who needed to be sent a special thank you note and it was indicated that a thank you note needed to be written to Katie Whitfield who did a major portion of the work on the float.

Councilwoman Fuller reported that Mr. Monger and Mr. Joe Shifflett attended a CORD workshop. Mr. Monger stated that most of the emphasis at the meeting was on innovative ideas which could be used by other towns.

Mayor Dean asked where we stand on the closing of the street over at Riverside Park and on the boat landing. Mr. Monger stated he has not talked to the State lately on the street and he has to draw up a plan for the boat landing before anything further can be done.

Councilwoman Fuller asked about the letter that was to be sent to our delegate supporting the City of Alexandria's position against the building of a stadium for the Washington Redskins at Potomac Yard. Mayor Dean reported that he did not write a letter as several council members were opposed to doing this.

Councilwoman Fuller presented the following Personnel Committee Report:

1. The Personnel Committee is averaging three meetings a month. Thanked the members of the Personnel Committee, the Department Heads, and this last month, Councilman Snow, for the long hours dedicated and the work accomplished.
2. Personnel Committee continues to work on the Town's Personnel Management System, which will be a complimentary document to the Town of Elkton's Employees' Handbook.
3. In this past month the Department Heads have completed the employees performance evaluations, where appropriate, of the employees in their respective departments, and the Personnel Committee has reviewed these evaluations. The Personnel Committee itself has completed the performance evaluations of the Department Heads, but not the reviews, as they are Council's responsibility.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III that, immediately prior to the end of the regularly scheduled Council Meeting, the Town Council go into Executive Session--exclusive of everyone except the Town Attorney and where the Mayor and Chair of Personnel deem appropriate, the Chief of Police--to consider the following three items in accordance with the Code of Virginia, Section 2.1-344, Paragraph (1):

(1) the employee performance of the Town Department Heads, Chief of Police Warren Pence, Town Superintendent Mr. Gerald Monger and Town Treasurer Mrs. Norma Leap.
(2) the assignment of a particular job description to town employee Rick Carey
(3) the salaries of employees of the Town

The vote on the motion was recorded as follows:

Bennett	-	yea	Snow	-	yea
Fuller	-	yea	Whitfield	-	yea

Councilwoman Fuller continued with the report from the Personnel Committee:

4. Gave the following background on Town's wordprocessing system:

   Town Treasurer: WordStar (no formal training)
   Town Superintendent: Smart (no formal training, good system for those who know it but limited in number of people who know this system)
   Police Department: no system at all

One of the problems that has faced us as Council members, Planning Commission members, and the general public, is the lack of availability of updated town documents. Councilwoman Fuller stated she was referring specifically to the Town Charter and Code (which was published in 1980) and whose ordinances have gone through extensive revisions since then; the zoning ordinances of the Town of Elkton which, as most of the council members have recently seen, are critical if they are to make informed decisions; the Town of Elkton Employees' Handbook; upcoming documents such as the comprehensive plan, the annexation feasibility study, and the Town's Personnel Management System, to name a few.

To alleviate this problem, Councilwoman Fuller suggested Council consider the following:

(1) purchasing an industry-standard wordprocessing system, specifically, Wordperfect 5.1, for each of our three departments
(2) arranging for formal training in Wordperfect for representatives of each department
(3) allocate $2,500.00 to purchase computer hardware (IBM compatible PC with at least 40 megabyte hard disk drive, a color monitor, a 24-pin dot matrix printer, necessary cables
(4) hiring temporary help to do word-processing on town documents.

Councilwoman M. B. Fuller moved, seconded by Councilman R. L. Snow to allocate $2,500.00 to buy computer hardware: IBM compatible P.C. with at least a 40 megabyte hard disk drive, a color monitor, a 24-pin dot matrix printer and necessary cable. This would include purchasing the industry-standard wordprocessing system Wordperfect 5.1 for each of our three departments through the State Contract and arrange for formal training in Wordperfect for representatives of each department. Where and when this training will be will be determined by cost and availability. There would be a stipulation that the hardware that is bought can be used later in a net working system. The $2,500.00 will be taken from the $5000.00 budgeted for the computer system.

Councilman Bennett stated he feels there are a lot of unanswered questions and he is not ready to vote on this tonight.

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

Bennett	-	nay	Snow	-	yea
Fuller	-	yea	Whitfield	-	yea

Councilwoman Fuller moved to go into Executive Session as previously voted upon.

Councilwoman M. B. Fuller moved, seconded by Councilman R. L. Snow and carried to go from Executive Session back into Regular Session.

The council certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session and (ii) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Council. AYES: Bennett, Fuller, Snow, and Whitfield.

Councilwoman M. B. Fuller moved, seconded by Councilman R. L. Snow and carried to change the job description of police dispatcher Rick Carey from that of Telecommunicator to Telecommunicator/VCIN Instructor.

Councilwoman M. B. Fuller moved, seconded by Councilman F. A. Bennett to present the First Reading to appropriate an amount not to exceed $3,250.00 to constitute salary increases. The vote was recorded as follows:

Bennett	-	yea	Snow	-	yea
Fuller	-	yea	Whitfield	-	yea

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