REGULAR
COUNCIL MEETING
September 20, 1993

The regular meeting of the Elkton Town Council was held September 20, 1993 at 7:30 p.m. in the council chambers with the Mayor Charles E. Dean presiding. The roll call is recorded as follows:

PRESENT

F. A. Bennett
R. C. Davis
M. B. Fuller
W. E. Printz
R. L. Snow
T. R. Whitfield III

Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

VISITORS

Wayne Davis, representing the Elkton Fire Company, spoke regarding road blocks. He reported that when the Fire Company called to schedule setting up a road block for their fund drive a Dispatcher told them road blocks have been limited to one per organization. The Fire Company usually has two or three per year and if they are not allowed to do this it would decrease their donations. They need these donations for their operations. The Fire Company asked Council to take this into consideration and to allow them to continue with their road blocks.

Mayor Dean stated they discussed limiting road blocks about four months ago but no final decision has been made.

Mr. Donnie Meadows was present representing small businesses and to speak in favor of portable signs. He feels the portable signs are a positive thing for small businesses and asked Council to take this into consideration before making any decisions.

Mr. Eddie Cave, representing the A-Squad Football Team, stated they need a place to practice. Mr. Pence has talked with Mr. Dudash at the Middle School and he will give them permission to use their field if they can get the lights working. After looking into the problem it seems all is needed is to energize the transformer. Mr. Cave asked Council to give Mr. Monger permission to use town equipment to check out the problem and to energize the transformer.

Mayor Dean asked who is going to pay for the lights? Mr. Cave stated that Mr. Bob Necsary, School Board Member, is checking to see if the School Board will pay, if not either the Rockingham Recreation Commission or the A-Squad will pay for the lights.

As there was no opposition, Mr. Monger was given permission to check out these lights.

Bobbi Rae Monger, Recreation Commission Member, was present to ask for Council's approval for the Recreation Commission to apply for a grant to install a public fishing ramp. They also requested Mr. Monger be allowed to prepare the grant application. The three possible sites proposed for the ramp would be under the old river bridge, at Riverside Park or at the mouth of Elk Run Creek. The application has to be completed by October 18, 1993.

Millard Dearing, EPIC representative, was present and reported that Phase II of Fort Stonewall is now open. He reported that EPIC has attended two meetings of the Elkton Recreation Commission and he feels they have developed a good working relationship. He was not aware until he attended the meetings that all the monies in the Recreation Department budget do not go to the parks or for programs. He is trying to reeducate the public so they also are aware of this fact. Mr. Dearing stated he has been told that the items EPIC requested are being worked on and will all be completed as monies

become available. He feels lighting is the main priority due to vandalism and the other main concern is fencing due to the railroad. He expressed appreciation for all the town does and asked if all their requests cannot be taken care of this year to please consider them in next year's budget.

Warren Shifflett was present on behalf of his sister Leona Dean. He stated that Mrs. Dean caught a strange man looking in her side door. She called the police but no one showed up. He asked that Council check on this.

MINUTES

A motion was presented by Councilwoman M. B. Fuller, seconded by Councilman R. L. Snow and carried unanimously to approve the minutes of the Public Hearing, August 16, 1993 and the Regular Meeting, August 16, 1993 as presented.

Theodore Pence, Recreation Coordinator, presented a Recreation Department Budget Report for July and August and answered questions. He gave a brief review of the programs being offered at this time and noted that they have started a soccer program this year. Mayor Dean urged Mr. Pence to try to include more programs for Senior Citizens.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence presented the monthly police report and answered questions. Councilwoman Fuller asked if it would be possible to get a follow up report on arrests and convictions. Chief Pence stated they could give a summary without any names.

Chief Pence advised Mr. Warren Shifflett, regarding his sister Leona Dean's problem with a prowler, that Officer Monte Dean was in the alley behind Mrs. Dean's residents three minutes after receiving the call.

Town Superintendent

Mr. Monger reported that he has two men in Basic Lineman's School in King Mountain, North Carolina for a week. He also brought council up to date on the regulator station.

Treasurer

A motion was presented by Councilman F. A. Bennett, seconded by Councilman R. L. Snow and carried unanimously to approve the Finance Report for the month of August 1993.

Mrs. Leap presented a report on Cemetery Expenses from November 19, 1984 through June 30, 1993 and a proposed Cemetery Budget for 1993-94.

COMMITTEE REPORTS

Finance Committee

Councilman R. L. Snow moved, seconded by Councilman R. C. Davis to approve the First Reading of the Cemetery Expenses from November 19, 1984 through June 30, 1993 as presented. A copy of these expenditures will be attached to the official minutes. The vote was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis, M. B. Fuller,
W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilman R. L. Snow moved, seconded by Councilwoman M. B. Fuller to approve the following First Reading on the proposed 1993-1994 Cemetery Budget:

OPERATING BUDGET

Ads	$ 100.00
Equipment & Mower Upkeep	1,200.00
Legal Work	250.00
Misc. Labor (Sales, Records, Layoffs)	10,000.00
Tree Trimming	500.00
Top Soil	200.00
Mowing	2,500.00
Flags	100.00
Bank Service Charges	175.00
Office Supplies	100.00
Stamps and Postage	125.00
Miscellaneous (Ins., Move graves, Audit, etc.)	500.00
	$15,750.00

CAPITAL IMPROVEMENT BUDGET

Fence Removal	$ 2,950.25
Fence Replaced	7,800.00
Landscape	1,834.00
Stakeout	2,500.00
Road Construction	15,000.00
Building	2,200.00
	$32,284.25

TOTAL BUDGET	**$48,034.25**

The vote on the motion was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz to approve the First Reading to transfer $32,000.00 from the Cemetery Real Estate Account to the Cemetery General Fund to pay for the new addition to the cemetery and $25,000.00 from the Perpetual Care Account to the Cemetery General Fund for operating expenses. The vote was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Electric Committee

Councilman R. C. Davis stated he would like to have a short Electric Committee meeting immediately following the council meeting.

Personnel Committee

Councilwoman Fuller reported on the tenative schedule for hiring a town manager. Applications will be accepted through November 1, 1993. Ads will be placed in the Public Administration Times, VML Newsletter, VACO Newsletter and the ICMA Newsletter. The ad will also be posted in the Career Service offices of thirteen universities which will cover four states. The applications will be screened and selected applicants interviewed during the month of November. Plans are to tender an offer to the successful applicant in December and to have the manager on board the beginning of January 1994.

Councilwoman Fuller reported she has received a large quanity of good material from the VML regarding the hiring of a town manager and she will get copies of this information to each council member.

Councilwoman Fuller stated she would like to have a short Personnel Committee meeting after the council meeting.

Public Health, Ordinances & Recreation Committee

Councilman Whitfield stated the Public Health, Ordinances and Recreation Committee will meet and make a recommendation to council regarding road blocks by organizations as fund raisers.

Streets & Sidewalks Committee

Councilman Printz stated that some work has been done on "F" and North Streets to help alleviate a safety problem and some paving has been done on Jackson Avenue where they have been working on the sewer project. They are still working on signs to the park.

UNFINISHED BUSINESS

Mrs. Leap reported that the audit report is not complete as the auditors are waiting to receive information from Lee Hill regarding the old dump site clean up as this may need to be included in the report.

Councilman Snow asked where the town stands on closing the road to Riverside Park? Mr. Monger stated they still need to get with the Fire Company regarding the turn around near the substation. They are working on this and it shouldn't be too much longer. There will need to be a Public Hearing but the County will do this.

NEW BUSINESS

The sign ordinance changes which have been recommended for approval by the Planning Commission were presented and it was noted that the commission has no problem with the changes suggested by Mr. Davenport. Councilwoman Fuller pointed out that there has been a Public Hearing, as required, on the proposed changes. Mayor Dean reviewed the changes.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to approve the sign ordinance draft as presented by the Planning Commission.

There was some discussion as to whether portable signs are grandfathered. Mr. Davenport stated he doubted if they would be. Councilman Whitfield stated portable signs were not covered by the old ordinance so they would not be grandfathered.

Councilman Printz asked council to hold off for another thirty days before taking action on the sign ordinances as he still has a lot of questions.

Councilmen Bennett, Printz and Snow expressed some concern over the complete elimination of all portable signs. Councilman Snow suggested that people with portable signs could possibly resort to using temporary signs.

Mrs. Lupi Lacy, of Cuzz's, reported that they have spent a lot of money on their portable sign and she feels imposing these types of restrictions on small businesses have a negative rather than positive affect.

Mr. Donnie Meadows stated the portable sign he uses has helped his business. He feels the town needs to help generate business in town and should reevaluate their decision regarding portable signs.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to amend the motion to include the town attorneys recommendations. The vote was recorded as follows:

YEAS: M. B. Fuller and T. R. Whitfield III

NAYS: F. A. Bennett, R. C. Davis, W. E. Printz and R. L. Snow

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to approve the sign ordinance draft which the Planning Commission has submitted, including the Town Attorney's recommendations, with the exception to all areas relating to portable signs which will be reviewed further at a later date. The vote was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis, M. B. Fuller, R. L. Snow and T. R. Whitfield III

NAYS: W. E. Printz

Mr. Monger pointed out that all portable signs are illegal and questioned if he is to start enforcing this by having the portable signs taken down. Mayor Dean stated not to take any action at this time.

Garland Davis stated he feels if the town is going to enforce one law they should enforce them all.

Councilwoman Fuller and Councilman Whitfield agreed that all ordinances should be enforced or eliminate them if they are not going to be enforced.

Mayor Dean requested that anyone having any thoughts on portable signs to please pass them on to the Planning Commission.

Councilman T. R. Whitfield III moved, seconded by Councilman R. L. Snow to sanction and authorize the Recreation Commission to pursue funding for a boat landing by October 18, 1993.

Councilman T. R. Whitfield III moved, seconded by Councilman R. L. Snow to amend the motion to include that the location of the boat landing is to be determined by the Town Council based on recommendations from the State. The vote was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to go into Executive Session to discuss the appointment of Planning Commission members and the recommendation of a member to the Board of Zoning Appeals. The vote was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilman W. E. Printz moved, seconded by Councilman F. A. Bennett and carried unanimously to go from Executive Session back into Regular Session.

Councilwoman Fuller moved that council certify that to the best of the council members knowledge only public business matters lawfully exempted from open meeting requirements under the appropriate sections of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the Executive Meeting was convened were heard, discussed or considered in the meeting by our public body. The vote was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilwoman Fuller reported that there are two vacancies on the Planning Commission. A motion will be made to fill one of the positions and as there were so few names for consideration council will solicit more names before filling the other position.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz to appoint Lou Ellen Kirkendall to the Elkton Planning Commission.

Councilman Whitfield explained that, even though Mrs. Kirkendall is his sister, this position is not a paid position so he plans to vote for Mrs. Kirkendall as he feels she is highly qualified for the position.

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

YEAS: R. C. Davis, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

NAYS: F. A. Bennett

Councilman T. R. Whitfield III moved, seconded by Councilman F. A. Bennett and carried to recommend that Thomas Weyrick be appointed to the Town of Elkton Board of Zoning Appeals.

Councilman Whitfield stated he feels council should recognize Penny Hutton for his many years of loyal service to the Elkton Town Council and the community.

Councilman Whitfield presented the facade design for the Municipal Building prepared by Frazier & Associates and reviewed some of the recommendations they have made. Mayor Dean asked Councilman Whitfield and Mr. Monger to get with Kathy Frazier to discuss the recommendations and what can be done.

It was reported that Mr. Davenport had met with the Planning Commission regarding the preliminary development plan for Section 3, Phase 1 and 2 of a Subdivision of 16.7 acres in Elkwood Subdivision. The Town will need to have a Public Hearing on this. Mr. Davenport stated he will get a summary regarding this development to council for their review.

The regular council meeting scheduled for October 18, 1993 was changed to Wednesday, October 20, 1993 at 7:30 p.m. due to the VML Annual Meeting which will be held in Richmond on October 17-19. A Public Hearing will be held at 7:00 p.m. October 20, 1993 before the council meeting on the preliminary development plan for Section 3, Phase 1 and 2 in the Elkwood Subdivision.

Mayor Dean stated that Mr. Davenport had been asked to take a look at truck parking and has presented a proposed ordinance for consideration. The Public Health, Ordinances, & Recreation Committee will meet and take a look at this ordinance.

Mr. Davenport was also asked to take a look at the Cemetery and Recreation Commission By-Laws. He feels these by-laws probably should be updated.

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

ELK RUN CEMETERY

REGULAR ACCOUNT

CEMETERY EXPENSES

November 19, 1984 - June 30, 1993

Bank Service Charges		$ 1,142.19
Cemetery Call Outs		515.29
Commissions - Lot sales, maintenance collections, etc.		2,045.38
Equipment & Mower Upkeep		4,347.62
Insurance		1,854.00
Miscellaneous		11,679.70
Ads	74.30	
Bank Box Rent	225.00	
Bookcase & Filing Cabinet	118.50	
Computer Programming	1,216.00	
Fees- State Corporation Comm.	36.51	
Fence	273.05	
Flags	45.00	
Install Curb	177.92	
Legal Work, Title, etc.	253.30	
Mailing Rules, Regulations	547.80	
Miscellaneous Labor	1,373.44	
Move Grave	300.00	
Mower Decks (3)	1,378.00	
Open Grave	150.00	
Payroll Taxes	84.60	
Record Deed	24.00	
Refund on Maint. Payment	4.00	
Remove Stump and Tree	105.00	
Repair Chimney at Tenant House	91.69	
Signs	290.00	
Special Use Permit Application	50.00	
Survey	575.00	
Telephone Calls	7.64	
Top Soil	110.00	
Trim Shrubs, Trees, etc.	3,635.00	
Trip Expenses-Harrisonburg	73.96	
Water Heater	230.00	
Weed Eater & Gas Trimmer	229.99	
	11,679.70	
Mowing		18,569.44
Supplies		5,526.73
		$45,680.35

ELK RUN CEMETERY REAL ESTATE ACCOUNT

Purchase land	$ 9,800.00