REGULAR
COUNCIL MEETING
May 17, 1993

The regular meeting of the Elkton Town Council was held May 17, 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

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

ABSENT

F. A. Bennett

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

Debi Driver, Elkton Main Street Project Manager, presented a quarterly report on EDRC activities and the Tour DuPont. She reported that the town wide yard sale will be held June 19, 1993.

Councilman Printz complimented Ms. Driver and EDRC on the work done on the Tour DuPont.

Mayor Dean, on behalf of the council, thanked Ms. Driver for coordinating the Tour Dupont and stated she did an excellent job for the town.

Mr. Jim McCarthey of Tannery Apartments was present regarding a recycling problem. For the past four months, they have refused to pick up his recycling. He has been to Mr. Monger's office two or three times, have called the recycling people from Mr. Monger's office and they still refuse to pick up his recycling. Because of this, he has refused to pay for this service and now he is being told that his electricity is going to be cut off if he doesn't pay the bill. Mr. McCarthey stated he does not feel this is right.

Mayor Dean stated that he feels council will remove the recycling portion of the bill since they have not been picking this up, but this will be taken up later in the meeting.

MINUTES

A motion was presented by Councilman R. L. Snow, seconded by Councilman T. R. Whitfield III and carried unanimously to approve the minutes of the regular council meeting April 19, 1993 and the public hearing May 12, 1993 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Warren Pence presented the monthly police report and answered questions.

Chief Pence reported that he has a Virginia state flag which has been presented to the town by Mr. Peter Way to be placed in the council chambers.

Officer Donald Jenkins and Sergeant Robert Marshall came before council requesting council's consideration in providing police officers with the 25 year hazardous duty retirement plan.

Mayor Dean pointed out that this has been placed in the 1993-1994 proposed budget for consideration.

Chief Pence also requested council's consideration of the 25 year retirement plan.

Councilman Printz complimented Officer Jenkins and Sergeant Marshall on their presentation and stated he is in support of this plan. He also commented on a recent road block in town and asked Chief Pence to possibly consider using some other method and to utilize road blocks only as a last resort.

Town Superintendent

Mr. Monger presented his monthly report and answered questions.

Councilwoman Fuller referred to Mr. Monger's report at the April meeting which stated that in meeting with Vickie Racca of Farmers Home Administration, she had indicated that the town would be wasting their time applying for a grant. Councilwoman Fuller asked if Ms. Racca had given a reason for this? Mr. Monger stated that Ms. Racca said our medium income was too high and that the town would barely qualify for a loan.

Treasurer

A motion was presented by Councilman R. L. Snow, seconded by Councilman W. E. Printz and carried unanimously to approve the Finance Report for the month of April.

Mrs. Leap reported that Councilman Davis had requested that she talk with the bank regarding a short term investment for the two cemetery Certificate of Deposits which mature in May. Mrs. Leap stated she has renewed these C. D.'s for five years with one penalty free withdrawal on each. Councilman Davis had also asked Mrs. Leap about the Real Estate Account on which we are having to pay a monthly service charge. She checked with the bank and found another type account which can be opened that will not charge a service charge. Council will need to pass a resolution in order to change this account.

Mrs. Leap reported that she has been contacted by the auditors. They will be in one day in June to do some preliminary work. They will be back the first day of July and will return the third week for approximately eight days to complete the audit.

COMMITTEE REPORTS

Electric Committee

Mayor Dean recognized Ms. Diane Murphy and Mr. David Miller from GTE who were present regarding the telephone franchise.

Mr. Davenport gave a brief history on the present franchise which is expiring. Each council member was given a copy of a resolution approving a proposed franchise ordinance. Mr. Davenport explained that this is a three step process to adopt a franchise. First you will adopt the form and direct that it be advertised. Then the town will receive bids and award the franchise.

Mr. Davenport reviewed the proposed ordinance and the changes. Two of the changes mentioned were changing the length of the franchise from 30 years to 15 years and the new franchise does not include any free lines.

Councilman R. C. Davis moved, seconded by Councilman W. E. Printz and carried to adopt this resolution as written for providing for a telephone franchise for Elkton.

Councilman Davis reported on the regulator station. We still have Virginia Power's regulator on line. Hopefully we will be able to install our own regulators and return Virginia Power's within the next two weeks. The cost to overhaul the last two was $3,576.25.

Councilman Davis presented a request from the Elkton Fire Company for the town to donate the electricity for their annual Fireman's Carnival.

Councilman R. C. Davis moved, seconded by Councilman R. L. Snow and carried to donate the electricity for the Fireman's Carnival.

Finance Committee

Councilman Snow reported that the Finance Committee met and have prepared a proposed 1993-1994 Budget. The following proposed budget was presented as a First Reading:

EXPECTED REVENUE

General Fund	
General Government	$ 568,552.
Recreation Department	20,000.
	$ 588,552.
Utility Accounts	
Electric Department	$1,157,284.
Water Department	141,049.
Sewer Department	201,315.
	$1,499,648.
TOTAL REVENUES	$2,088,200.

EXPECTED DISBURSEMENTS

General Fund	
General Government	$ 98,750.
Recreation Department	89,100.
Garbage Department	132,850.
Street Department-Hwg. Maint.	145,830.
Street Department	22,081.
Public Safety	273,250.
	$ 761,861.
Utility Accounts	
Electric Department	$1,013,050.
Water Department	131,612.
Sewer Department	179,823.
	$1,324,485.
TOTAL DISBURSEMENTS	$2,086,346.
Surplus	**$ 1,854.**

Councilman Snow pointed out that the proposed budget includes a water rate increase of approximately 15%, sewer rate increase of 5% and refuse rate increase of 4%. This is to help those departments balance.

Mayor Dean highlighted some of the changes in revenues and expenditures.

Councilman Printz stated he cannot support any type of increase at this time. One of the reasons is that the town has some water meters and pipes that need to be replaced and he feels the system should be made more efficient and then we could recapture some of the revenue we should be getting now. He feels other methods should be investigated before raising rates. He suggested the Finance Committee have another meeting to try to cut some areas of the budget and, if nothing else, come up with a more minimal rate increase.

It was noted that council will need to set a date for a Public Hearing on the budget.

Personnel Committee

Councilwoman Fuller reported that the Personnel Committee held two meetings this month and continued to work on the Personnel Management System. The committee continues to assess the town's computer hardware and software needs and made some related budget recommendations for fiscal 1993-1994. They also built in a 4% salary increase for town employees in the budget for fiscal 1993-1994.

Councilwoman Fuller announced that the committee has planned an employee get together for Wednesday, May 19 at 12:00 noon in the council chambers. The Public Safety Department will be the host and pizza will be served. Council members are invited to attend.

Councilwoman Fuller stated that with respect to the recommendation made by the committee in February that the town employ a town manager, she would like to report that the Personnel Committee still unanimously supports the recommendation for the reasons originally offered. They had planned to bring this to motion this evening but in light of the fact that Councilman Bennett is not present they have decided to defer bringing this to motion until the next council meeting.

Councilwoman Fuller thanked and complimented the town, especially the Town Superintendent's office and the Chief of Police's department, for their help with the Tour DuPont.

Councilwoman Fuller reported that there is another round of grant applications coming up from the Center on Rural Development. Grants are available for both feasibility studies and implementation. She feels this grant could possibly be worked in with the town's erosion problem on the river bank. The deadline for application is July 7th. Central Shenandoah Planning District has offered their help should the town decide they want to apply for a grant and their services would be free of charge.

Councilwoman Fuller asked if a letter of thanks was written to the Elkton Alumni Association and the owners of the Elkton Plaza for their contributions toward the town's sponsorship of the Tour DuPont? Mayor Dean stated we have not done this. Councilwoman Fuller suggested letters be sent.

Public Health, Ordinances & Recreation Committee

Councilman Whitfield announced that a sign for the Monger Pavilion, which is the picnic shelter that the town owns in Stonewall Memorial Park, is being completed and the stonemason, Mr. J. J. Correa, who the town has contracted to complete the fireplace is scheduled to begin work Saturday with completion tentatively scheduled for mid June, pending complications.

Councilman Whitfield reported that letters have been sent to newly appointed Grottoes Mayor Doug Shifflett congratulating him on his appointment and former Mayor Eugene Souder wishing him good health and acknowledging his years of service to the Town of Grottoes.

UNFINISHED BUSINESS

Councilman R. L. Snow moved, seconded by Councilman M. B. Fuller to approve on Second Reading the Cemetery Budget as presented in the minutes of the April 19, 1993 meeting. The vote was recorded as follows:

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

NEW BUSINESS

Councilman Snow presented a recommendation from the Recreation Commission to appoint Stephanie Pence Dofflemyer to serve on the Recreation Commission to fill an out of town vacancy.

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve a resolution to appoint Stephanie Pence Dofflemyer to serve on the Recreation Commission to fill an out of town vacancy.

Councilwoman Fuller suggested that, just as a matter of policy, when council makes an appointment to either commissions or even to positions of employment that they consider going into Executive Session.

Councilman Whitfield thanked the town employees, EDRC and Debi Driver for their coordination of the Tour DuPont.

Councilman Whitfield stated he would like to diplomatically remind town residents that it is illegal to post Yard or Garage Sale signs on Electric poles, Street signs or "Stop" signs. The EDRC sponsored Elkton Yard and Sidewalk Sale Day is Saturday, June 19. He does not know what the plans are this year but in the past they have offered free advertisement for participants.

Councilman Whitfield announced that the estate of the late Hobby Robinson has donated an antique wooden wall-mount style flag pole to the Town of Elkton. Currently the town flies a flag on the rear of town hall and he would like to suggest that the town procure a flag for this donated flag pole and it be flown from the front porch of town hall.

Mayor Dean stated that Donnie Jenkins or Gerald Monger probably could get a flag for this purpose.

Councilman Whitfield reported that the Elkton Planning Commission met on Monday, April 26 and Monday, May 12. The commission's priority focus for the remainder of May and the month of June is to evaluate and make formal recommendations regarding the suggestions offered by Greg Brittingham, and the Center for Rural Development and the National and State Main Street Resource Team. In the interim, each commission member is working independently with Central Shenandoah Planning District Commission planner Sara Hollberg. In July, they will resume work on Elkton's Comprehensive Plan. Their next Planning Commission meeting is Monday, June 14 beginning at 7:00 p.m.

Councilman Whitfield distributed copies of draft ordinances which the Town adopts annually to update its DUI and Precious Metal Ordinances. This takes into account and incorporates any changes in state law which have been made in the last General Assembly session.

Councilman T. R. Whitfield III stated he would like to make a motion that the Elkton Town Council consider this the formal first reading of an ordinance amending Section 7-1-39 pertaining to Precious Metals Dealers and an ordinance to amend Section 8-1-1 and Section 8-1-2, Article A, Chapter 1, of Title 8, dealing with DUI's of the Code of Ordinances of the Town of Elkton, Virginia. A copy of these are attached to the minutes.

Councilman Whitfield reported that the Planning Commission also discussed the subdivision of a parcel of land owned by Mr. Wayne Weaver located on North Street. He read a letter from the Planning Commission which stated there were no comments against this request and the Planning Commission felt the request to subdivide this lot would be appropriate to the neighborhood and recommended approval. Also they approved a lot subdivision request by Hubert L. & Bertha M. Hansbrough.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller that the Elkton Town Council approve the subdivision of a parcel of land owned by Mr. Wayne Weaver, located on North Street in Elkton. The vote was recorded as follows:

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

Councilman Whitfield reported that the Planning Commission will meet again on Monday, June 14 at 7:00 p.m. and all council members, or anyone else, is welcome to attend.

Councilman Whitfield reported that as part of Elkton's inclusion in the Virginia Main Street Program, a facade renovation for Town Hall is currently being prepared by the design firm Frazier and Associates of Staunton. In addition to the exterior of Town Hall, the interior needs attention as well. He volunteered to coordinate a steering committee comprised of council members, town employees, town residents, members of the EDRC Design Review Committee and interested professionals to evaluate and make a formal recommendation to the Town Council regarding implementation of the suggested facade renovation, interior and exterior painting, landscaping and then he would like for this committee's future role to be implementation. There were no objections from council. Councilman Whitfield stated he hopes to have recommendations by the next meeting.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller and carried that the next scheduled council meeting June 21, 1993 begin at 7:30 p.m.

Mayor Dean reported on a letter from the Planning Commission. The Commission and the EDRC are scheduled to meet on Wednesday, June 2, 1993 at 7:00 p.m. to discuss the proposal of Elkton's current zoning ordinances prepared by Greg Brittingham. Council is invited to attend this meeting. Mr. Monger stated that the Planning Commission wants to know exactly what is expected of them.

Councilman Printz asked where we stand on the position of Recreation Coordinator. Councilman Snow stated they are reviewing the approximately sixteen applications and hope to have a recommendation by the time council has a special meeting.

Councilman Printz remarked that he has heard some talk that there may be an attempt to move one of our police officers to this position. He stated he has a lot of respect for this police officer and would like to see him stay where he is. He also feels the town needs to establish a job posting procedure. Mayor Dean stated the Personnel Committee will consider this recommendation.

Councilman R. C. Davis moved, seconded by Councilman R. L. Snow and carried to approve that the Town Council resolves that Mrs. Leap be authorized to talk to NationsBank, to close out one checking account and open another one allowing the Treasurer or Mayor to write checks on that account.

Mayor Dean commented on the article in the Daily News-Record which said the Town has hired a consultant to deal with the dump erosion problem. He read the following letter which is being sent to the paper to straighten out this error:

> "In his story which ran Monday, your reporter Derek Barr accurately reported the status of Elkton's efforts to deal with the erosion at its old landfill site. However, his editor wrongly summarized the report in the headline, which said the Town has hired a consultant. Lee Hill is a state employee and his agency, the Department of Conservation and Recreation, provides his expertise as a service of state government. The Town has not hired Mr. Hill as a consultant. It is pleased to benefit from his knowledge and looks forward to receiving his report."

Councilwoman Fuller set a Personnel Committee meeting for Thursday, May 20 at 8:30 p.m.

As there was no further business, the meeting adjourned.

ATTACHMENTS:

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, 1993, 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 June 21, 1993).

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, 1993, 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 June 21, 1993)

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 June 21, 1993)

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

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