REGULAR
COUNCIL MEETING
July 19, 1993

The regular meeting of the Elkton Town Council was held July 19, 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, Robert Marshall, Sergeant, and Gerald Monger, Superintendent were also present.

Millard Dearing, representing EPIC, was present requesting the town close off sections of Henry Street and "B" Street in front of the Elkton Elementary School on October 16 & 17, 1993 for the Elkton Autumn Days Festival.

Mr. Dearing also expressed a concern by EPIC regarding the area in the park where Fort Stonewall was constructed by EPIC. In 1992 they requested council make several small improvements which would make this facility more attractive, safe and useful. These requests included trash cans, water fountains, benches and lighting. Council referred this request to the Recreation Department. EPIC attended a Recreation Commission meeting and presented their requests in writing. To date only trash cans have been provided. No other action or proposals have been presented to EPIC. EPIC plans to begin construction in a few weeks of Phase II of Fort Stonewall at a cost of $11,000.00 but is reluctant to spend this money on a project that is plagued by vandalism and a lack of council support. They feel there is a lack of minimal improvements as requested in 1992, enforcement of the dust till dawn hours and posted speed limit, lack of proper cleaning of the area and no maintenance of the existing structure. Mr. Dearing stated they need the support of Council, the Police Department and Recreation Department to keep Fort Stonewall as one of the major attractions for young people in Elkton. They are requesting motion lights, signs that are highly visible listing rules and hours, strong enforcement of these park rules and all improvements that were requested in 1992.

Mr. Denis Toomey, representing EDRC, presented an annual report from EDRC. He stated EDRC has had a very successful year. The membership has increased from 45 to 66 members. They have also exceeded their projected private sector fund raising commitment. EDRC is being managed by the Executive Committee for day to day administration and they are currently searching for a new project manager, which is a part time position. They hope to have this position filled by the end of September. At the present time the office is being staffed by volunteers. Mr. Toomey briefly outlined the projects which have been completed, those in progress and future projects. He thanked the town for their support, Marsha Fuller, EDRC President, Tom Whitfield, EDRC Secretary and Councilman Wayne Printz for their services to EDRC this past year.

Mr. Clyde McDaniel came before council regarding the property at 330 W. Washington Avenue which is being considered for a Special Use Permit to allow the building to be used as a church. This property is up for sale and McDaniel Brothers are considering buying it back from the present owner. There was some controversy when they sold it and it was rezoned from business to residential. An option was presented to the owners when they were requesting the residential zoning be changed back to business zoning. This suggested option was the possibility of rezoning this area to B-3. Mr. McDaniel wanted to know if this option is still open.

Mr. Davenport stated this was an option suggested by someone for consideration but was never approved by council or stated that they would look favorably on this. The owner could still apply to have this area rezoned to a more flexible business zone where some more restrictive list of usage are permitted with a permit.

Mr. McDaniel stated that his reason for bringing this up is that if that option is still out there, there is a potential that McDaniel Brothers may sign a contract with the present owners contingent on that being rezoned to B-3. There is also a possibility of going along with the R-4 as this does allow duplexes. He questioned if they did this, would they have to comply with the set backs?

Mayor Dean suggested that Mr. McDaniel get in touch with Mr. Monger and Mr. Davenport before making any decisions.

Mr. Bill Hitt questioned that if the Special Use Permit is granted to use the building as a church, will the zoning remain R-4? What will happen to the 'grandfather clause' if the building is reverted from a business to a church? Council had no response to these questions at this point.

Katie Whitfield stated she would like to thank the town and employees for the repair work they did in completing the fireplace in the shelter at Stonewall Memorial Park and requested they repair the electricity.

MINUTES

A motion was presented by Councilman R. L. Snow, seconded by Councilwoman M. B. Fuller and carried unanimously to approve the minutes of the Regular Meeting June 21, 1993 and the Special Meeting June 29, 1993 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Sergeant Marshall presented the monthly police report.

Mayor Dean asked Sergeant Marshall to consider the comments presented by Mr. Dearing and see what can be done about the problems. Sergeant Marshall stated they are working on this and he would make a note to do some extra patrols. He also feels we need some more no parking signs in the area. Mayor Dean asked the police department to work with Mr. Monger to get a sign up and to enforce it stating the park is closed after certain hours.

Town Superintendent

Mr. Monger reported that he has a Special Exception Permit application from Richard Rogers and Gary Wood to allow the construction of another mini-storage building on Shenandoah Avenue. A Public Hearing on this has been set for August 16, 1993 at 7:00 p.m. before the Regular Council Meeting. They will also include some zoning changes on the sign ordinances at this Public Hearing.

Treasurer

A motion was presented by Councilman R. L. Snow, seconded by Councilwoman M. B. Fuller and carried unanimously to approve the Finance Report for the month of June 1993.

Mrs. Leap reported that the auditors will return Wednesday and will be here approximately seven or eight days completing the audit.

COMMITTEE REPORTS

Finance Committee

A motion was presented by Councilman R. L. Snow and seconded by Councilman W. E. Printz to set the Real Estate Tax Rate at $0.105 per $100. of assessed value and the Personal Property tax Rate at $0.46 per $100. of assessed value. 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

A motion was presented by Councilman R. L. Snow, seconded by Councilwoman M. B. Fuller and carried unanimously to set the regular council meeting time at 7:30 p.m. for the year 1993-94.

Streets and Sidewalks Committee

Councilman Printz reported he was unable to get with Mr. Monger today, due to an emergency, in regards to some drainage problems Mr. Bennington is having at his store Sports-R-Fun. Councilman Printz stated that they will get back to Mr. Bennington on this within the next week or so.

Water and Sewer Committee

Mr. Bennett reported that they have not had a formal committee meeting but there was one thing that was missed when they presented the water and sewer rate increases. This is regarding outside water haulers and the fire company who provides water for people with swimming pools. The recommendation is to charge water haulers the same rate as other water users, $5.00 each month plus $1.35 for each thousand gallons of water. Those people who are having the fire company fill their pools would not pay the $5.00 if they have already paid it on a regular water bill, but would only pay the $1.35 for each thousand gallons of water used to fill the pools.

The question was asked how we account for the water used? Mr. Monger stated at present we are taking their word for it. Councilman Bennett stated they are considering metering this if it is feasible.

A motion was presented by Councilwoman M. B. Fuller, seconded by Councilman R. L. Snow and carried unanimously to accept Councilman Bennett's recommendation to council at the next council meeting as to metering at the needed locations.

Public Health, Ordinances and Recreation Committee

Councilman Whitfield reported that the Planning Commission met July 12th. He reported that the commission recommends that the Town of Elkton grant the Special Exception Permit to allow the building located at 330 W. Washington Avenue to be used as a church.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller to accept the recommendation by the Planning Commission to grant the Special Exception Permit to allow the building located at 330 W. Washington Avenue to be used as a church.

The question was raised as to what this will do regarding the 'grandfather clause' and reverting back to business. Councilman Printz questioned if we could possibly be hurting the property by reverting to a church at this time?

After further discussion, Councilwoman Fuller withdrew her second and Councilman Whitfield his motion. Mr. Monger was asked to notify the Real Estate Agent regarding this.

Councilman Whitfield reported that the Planning Commission recommends the Town of Elkton grant a Special Exception Permit for the construction of Building No. 4 for storage on Shenandoah Avenue. A Public Hearing on this request has been set for August 16, 1993 at 7:00 p.m. before the Regular Council Meeting.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller and carried unanimously that the Elkton Town Council officially close sections of Henry Avenue and "B" Street on October 16 and 17, 1993 to coincide with the Elkton Autumn Days Festival.

Councilman Whitfield reiterated EPIC's requests which were for lights, signs, enforcement of rules governing the park, additional maintenance, increased safety checks, water fountains and benches. There was a discussion of possible speed bumps and gate at the top of the park. He expressed his appreciation to EPIC for the large investment of $20,000. thus far and the anticipated investment of $11,000., as well as the time and efforts they have put into this project.

Councilman Snow stated he feels a gate would be a waste of time unless you fence the whole park, as people go over the hill and even come up the railroad track. He pointed out that the Recreation Commission did review the list brought to them last year by EPIC. Four tables were placed down there. There was no support by the Recreation Commission for a speed bump. They discussed lighting. Mr. Monger was in the process of putting lights on the highway. The committee felt there was two ways to look at lighting. If more lights were placed there people might feel it was alright to be down there. The committee felt the lighting was adequate. Plans are to install one water fountain in the next few weeks and two others in the future. He invited EPIC to attend the Recreation Commission meeting Monday at 7:30 p.m. to discuss these requests.

Councilman T. R. Whitfield presented a motion that the Elkton Town Council allocate funds to install two lights, two benches and one water fountain around the periphery of Fort Stonewall, signs throughout the park determined as needed, one water fountain around the immediate periphery of the tennis courts and one water fountain location to be determined. The vote was recorded as follows:

YEAS: M. B. Fuller, W. E. Printz and T. R. Whitfield III

NAYS: F. A. Bennett, R. C. Davis, R. L. Snow and Mayor Dean

Councilman Bennett, Councilman Davis and Councilman Snow all stated they were not opposed to the projects but felt they needed to know prices and if money was in the budget to cover these projects. Mayor Dean stated he could support lighting and signs.

Councilman T. R. Whitfield III presented a motion, seconded by Councilwoman M. B. Fuller that the Town of Elkton appropriate funds to install two additional lights and two benches/tables at the periphery of Fort Stonewall and signs posted throughout the park, the location and amount to be determined as needed. The money for these items is to come from the Recreation Department Budget. The vote was recorded as follows:

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

NAYS: F. A. Bennett and R. L. Snow

Mr. Monger was asked to work with Chief Pence, Sergeant Marshall and the Recreation Commission on the wording and location of the signs.

UNFINISHED BUSINESS

Councilman Whitfield reported that he, along with Councilwoman Fuller, met with Cathy Frazier, of Frazier & Associates, who is the designated architect and designer for the Virginia Main Street

Program. She visited here last Firday to take some measurements and notes for the facade renovation for town hall and the other town buildings that the Town of Elkton owns. They hope to have the schematic drawings in the near future to present to council.

NEW BUSINESS

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III and carried unanimously that council go into Executive Session for three reasons:

1. To consider the assignment of the Utility Clerk to an upgraded job description.
2. To consider the appointment of a town manager and how it relates to the assignments of our current town employees, specifically the Department Heads and Recreation Coordinator.
3. To consult with legal counsel pertaining to probable litigation.

Councilwoman M. B. Fuller 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 M. B. Fuller presented a motion, seconded by Councilman T. R. Whitfield III that council approve the revision of the Town Superintendent's job description which title is to be changed to Town Superintendent/Zoning Administrator and of which council has copies. The motion carried on a 4-2 vote.

Councilwoman M. B. Fuller presented a motion, seconded by Councilman T. R. Whitfield III that council approve the upgrading of Utility Clerk's position to that of Director of Public Works and discontinue the position of Utility Clerk based on the copy presented to each council member. The motion carried on a 4-2 vote.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to approve a salary adjustment for the position upgrade of Director of Public Works which at this time would have a range of $18,000. to $23,264. The motion carried on a 4-2 vote.

Councilwoman Fuller announced that she will not move for approval of the Town Manager's job description this evening due to the fact that adjustments need to be made prior to presentation to council for approval.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried unanimously that a resolution be drafted expressing appreciation to the Cave's, the owners of the Hair Gallery, for the landscaping at the triangle.

Councilwoman Fuller brought to council's attention that a couple members of the Planning Commission have indicated to her that from time to time they are going to need administrative help and may need this help sometime soon. She wondered if the town could advertise to find out if there is anyone in Elkton with a real good knowledge of Word Perfect who might be willing to work part time for any board or commission needing this help. Councilwoman Fuller also asked if the town could purchase a flip chart stand? She reported that in an informal discussion with a Planning Commission member, she was told

that the Planning Commission has discussed a possible ordinance on commercial vehicles on public property and they do not feel this comes under their responsibility. They feel the town needs to look at this.

Councilman Whitfield stated oversized vehicles was brought up for discussion by the Planning Commission as requested by council and the consensus was that it is out of the realm of the Planning Commission to make a recommendation on this. Mr. Davenport stated he has been asked to draft something on this and will be looking into doing so.

There was some further discussion on part time help but no action was taken. Mayor Dean stated he feels Mr. Monger could go ahead and get a flip chart stand.

Mayor Dean stated he had received a recommendation from Councilman Whitfield to consider restructuring committees. After talking with other council members, Mayor Dean recommended leaving the committees as they are until the next fiscal year.

Councilman Whitfield referred to his memo on committees. The only committee changes would be Public Health, Public Safety and Ordinances would be together as they seem to have a lot of commonality with each other. Recreation, because it has become increasingly important, would become a singular committee. Because of these changes, you would probably see some possible change in chairing. He personally feels it would work better with these changes.

Mayor Dean stated it has been the practice to appointment committees at the beginning of the fiscal year after elections and council is reorganizing. Mr. Davenport stated it can be done at any time during the year if you want to change the ordinance.

Councilman Whitfield requested he not be reappointed to the Planning Commission as liaison. He feels it would be good to give someone else the opportunity to serve. He agreed to serve for one more meeting only until the Mayor and Council can come up with someone else.

Mayor Dean suggested Mr. Monger be taken off the Planning Commission as a voting member and he serve as a support member only. Mr. Monger was in agreement with this suggestion. No action was taken at this time.

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