REGULAR
COUNCIL MEETING
February 20, 1995

The regular meeting of the Elkton Town Council was held Monday, February 20, 1995 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
D. H. Dail
R. L. Snow
T. R. Whitfield III

ABSENT

M. B. Fuller
W. E. Printz

Ted Costin, Town Manager, Dale Davenport, Attorney, Norma R. Leap, Clerk, Gerald Monger, Superintendent, Theodore Pence, Director of Parks & Recreation, Warren Pence, Chief of Police and Joseph Shifflett, Director of Public Works were also present.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman D. H. Dail and carried to approve the minutes of the Public Hearing January 16, 1995 and the Regular Meeting January 16, 1995 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence reported on a letter he received from Joseph E. Brann, Director of COPS, stating the town has been approved for the COPS FAST grant. In about two weeks the town will receive a packet of information which must be completed and submitted before the grant funds can be accessed.

Chief Pence reported that they are initiating the paper work for a second grant which will be utilized solely for covering overtime. This could be a 75-25 matching grant but the town's portion would be already covered in the budgeted overtime.

Councilman Bennett questioned if the increase in seat belt violation arrests is a result of the grant received for this. Chief Pence stated that his department is utilizing approximately $3000.00 from a grant for officers to work overtime specifically for the seat belt program.

Chief Pence reported there was some vandalism in the park over the weekend.

Director of Public Works

Mr. Shifflett reported that he and Mr. Costin had met with Mr. Davenport to go over some procedures regarding enforcing ordinance violations. He plans to proceed with this as soon as he becomes a little more clear on the procedures.

Mr. Shifflett reported that recently there was some fault action on the substation and they were pleased to see that the substation reacted without error or delay.

Councilman Snow questioned what is being done on North Street. Mr. Shifflett stated they are upgrading some old copper lines as they have had some voltage problems in that area.

Mayor Dean stated that the Streets & Sidewalks Committee needs to meet as Mr. Shifflett has some areas of concern which need to be addressed.

Director of Parks & Recreation

Mr. Pence asked if there were any questions on his written report. He also reported that the vandalism in the park was taken care of this morning.

Town Superintendent

Mr. Monger reported that the ISTEA grant application was submitted on January 31, 1995 at 12:20 p.m.

Mr. Monger reported that they decided to use town forces to strip the old police department building. Once the building is stripped, they will make a decision on how much work to do with town forces and what portion will be contracted.

Mr. Monger reported he spent some time in the General Assembly concerning House Bills No. 2051 and 1648. Both of those bills concern electric. He stated it seems at this time that we lost both of these bills but it did help to get our foot in the door and alerted us to be on our toes for what may follow next year.

Treasurer

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the Finance Report for the month of January 1995.

TOWN MANAGER

Mr. Costin briefly highlighted his written report. He reported that he had attended three committee meetings this past month. He and Councilman Whitfield participated in the VML/VACO Legislative Day on February 9, 1995. The town is permitted at the State level on the Erosion Project. Federal permits are being sought. He has been advised that the Army Corps of Engineers will issue a permit in early March. Mr. Costin will be bringing up the item of new copiers under New Business. $8,000.00 was budgeted in the Capital Improvements budget for a copier. The town can purchase two copiers, a desk top and a full size, for $7,527.00. This includes the maintenance on the two new copiers and the maintenance on the existing copier. The copiers would be distributed around the building making it a little easier for everyone needing to make copies.

COMMITTEE REPORTS

Electric Committee

Councilman Dail reported he will be having an Electric Committee meeting next week, time to be determined later.

Finance Committee

Councilman Snow reported that the Finance Committee met and discussed the EAUS donation. He will present the committee's recommendation later in the meeting.

OLD BUSINESS

Mr. Costin reported that there was a First Reading last month on Sec. 4-2-30 Schedule of charges for the collection of garbage and refuse. He explained the changes made since the First Reading. Section (d) has been changed from "evidenced by a contract with a firm authorized and licensed to conduct such business in the Commonwealth of Va." to read "evidenced by a contract with an entity engaged in the business of refuse collection and disposal." The reason for the change is that Mr. Costin discovered that trash haulers do not need any type of state license. However, they are required to haul the trash to a place that is regulated. Section (e) is a completely new section and addresses those people who are presently exempt. This would allow those people to continue their exempt status and may extend their exempt status to any newly established like activity.

Councilman T. R. Whitfield III moved, seconded by Councilman D. H. Dail to formally approve on Second Reading the following ordinance to amend Section 4-2-20 C and 4-2-20 D, Chapter 2, Article B of the Code of Ordinances of the Town of Elkton, Va. dealing with the collection of garbage and refuse.

AN ORDINANCE AMENDING SECTION 4-2-20 C AND 4-2-20 D, CHAPTER 2, ARTICLE B OF THE CODE OF ORDINANCES OF THE TOWN OF ELKTON, VIRGINIA

Sec. 4-2-20 Schedule of charges for the collection of garbage and refuse.

(c) Any house, apartment, or business may be exempt from the refuse collection fee if the owners of such property notify the Town Treasurer in writing that it is unoccupied. It shall then become their responsibility to notify the Town Treasurer again in writing when it is reoccupied. Failure to do so will result in a retroactive application of the refuse collection fee to the date of application as determined by the Town Treasurer.

(d) Any business or apartment house may be exempt from the refuse collection fee upon written application to the Town Treasurer and proof that suitable alternative provisions for the removal of any and all trash, garbage, refuse, litter, and other like substances have been made for the location specified as evidenced by a contract with an entity engaged in the business of refuse collection and disposal.

(e) Those businesses or apartment houses in compliance with this section as it existed on January 1, 1995 may continue their exempt status and may extend their exempt status to any newly established like activity. (Code 1966, Sec. 26-16 as amended by Ord. of 3/10/80, and as further amended by Ordinance of 1/20/86 and as further amended by Ord. of 2/20/95.)

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

YEAS: F. A. Bennett, D. H. Dail, R. L. Snow and T. R. Whitfield III

Councilman T. R. Whitfield III moved, seconded by Councilman F. A. Bennett to formally approve on Second Reading an ordinance to repeal Sec. 9-3-4 dealing with Businesses not to be open to the public during specified hours and Sec. 9-3-89 dealing with Interfering with females. The vote was taken on the motion and recorded as follows:

YEAS: F. A. Bennett, D. H. Dail, R. L. Snow and T. R. Whitfield III

Councilman Snow reported that the Finance Committee recommends that the town donate $5,000.00 to EAUS, along with the stipulation that future donations could and may likely be impacted.

Councilman R. L. Snow moved, seconded by Councilman T. R. Whitfield III that the town donate $5,000.00 to EAUS with the stipulation that future donations could be impacted. The vote was recorded as follows:

YEAS: F. A. Bennett, D. H. Dail, R. L. Snow and T. R. Whitfield III

Councilman Snow reported that the committee discussed the idea of nongovernmental groups who are approaching the town for funds. They recommend requiring them to make their request by the end of February and to include, along with their request, their most recent annual finance report.

Councilman R. L. Snow moved, seconded by Councilman T. R. Whitfield III and carried that nongovernmental groups must submit their request for funds by the end of February each year and along with their request include a copy of their most recent annual finance report.

Councilman T. R. Whitfield III moved, seconded by Councilman D. H. Dail and carried to authorize the Personnel Officer and Treasurer to take the steps necessary to provide Credit Union membership to those interested and offer the direct deposit.

NEW BUSINESS

Councilman R. L. Snow moved, seconded by Councilman D. H. Dail and carried 3-1 to make a $420.00 contribution to the Spotswood Model General Assembly to support Elkton area students who are involved in this program.

Mr. Costin reported that we had five companies offer seven bids on the copiers. Virginia Copiers is the company we presently have our copier and maintenance agreement with and the services have been good. They have presented the lowest bid for a copier with a large 20 bin sorter to be placed in the Treasurer/Clerk's office, a desk top copier to be placed in the offices of the Director of Public Works and Superintent's offices to be shared by those departments and the existing copier would be moved to the second floor to be used by the Town Manager and the Director of Parks & Recreation. The bid also includes maintenance contracts on all three copiers. Mr. Costin stated he recommends council authorize this purchase.

Councilman T. R. Whitfield III moved, seconded by Councilman R. L. Snow and carried that in accordance with our approved Capital Improvements Budget, Mr. Costin be authorized to purchase two copiers and three maintenance contracts at a cost of $7,527.00. This is the First Reading on the appropriations.

Chief Pence reported that the police department has its own copier which they obtained through the Military Surplus. They have invested about $400.00 in the copier which is valued at approximately $3,500.00. One of the stipulations of this donation, however, is that it must be utilized exclusively for police work and cannot be used by any other departments.

Councilman Bennett reported that the town has received the request for water and sewer services to the subdivision just west of Shen Valley Dry Wall. There is no real reason, under the conditions set forth by the county when they put in the line for the town, for the town to deny this request. The committee, however, feels Mr. Costin, Mr. Monger and Mr. Shifflett should be involved to be sure the lines, etc. are put in appropriately. Mr. Monger stated they have found some things which need to be changed and will be talking with them about these.

Mr. Bennett reported there has been some discussions on unmetered water. He feels it is a good time to send letters to all known water haulers as set forth in a previous council meeting, informing them that if they are hooking up to a hydrant, or whatever, they would be set up as a billed customer of the town and would have to pay a base rate regardless of whether they have usage or not. Staff is presently compiling some cost factors for metering or special hydrants at several locations. There has been some problems with water pressure in Elkwood resulting from a water truck filling up from the main. They feel making these changes will help correct these problems.

The Water & Sewer Committee discussed their position on clogged sewer lines. It was suggested that the town needs to take a closer look at what this service is costing. They feel where there is known line problems and the town is called on a regular basis to open these lines, the service should be discontinued until the property owner corrects the problem causing the constant stoppage.

Councilman Whitfield stated he feels council should take a moment to recognize the service offered by the late Ward Suiter who served on the town council and died a short time ago.

Councilman T. R. Whitfield III moved, seconded by Councilman F. A. Bennett to go into Executive Session to discuss pending litigation and possible appointment of a member to the Board of Zoning Appeals. The vote was recorded as follows:

YEAS: F. A. Bennett, D. H. Dail, R. L. Snow, and T. R. Whitfield III

Councilman T. R. Whitfield III moved to go from Executive Session back into Regular Session and that each member, to the best of his knowledge, certify that only public business matters lawfully exempted from open meeting requirements under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed or considered. The following members so certified:

YEAS: F. A. Bennett, D. H. Dail, R. L. Snow and and T. R. Whitfield III

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried that council recommend to the Circuit Court the reappointment of Tom Weyrick to the Board of Zoning Appeals.

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