REGULAR
COUNCIL MEETING
April 17, 1995

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

D. H. Dail
M. B. Fuller
W. E. Printz
R. L. Snow
T. R. Whitfield III

ABSENT

F. A. Bennett

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.

VISITORS

Mr. Bill Holt was present and spoke in support of EDRC and the Main Street Program. He noted that because of his business and volunteer work he travels throughout the county, up and down the valley and has the opportunity to hear what people have to say about Elkton. When he first came here twenty-two years ago, there was a stigma attached to the name of Elkton. Despite the good things Elkton did, we didn't get credit for it and it didn't change until about three years ago. Then all of a sudden there was a complete reversal of attitude. He feels the single thing that changed the attitude of the people is that Elkton is a Main Street Community and is accomplishing something. Mr. Holt pointed out that there is no better place for the town to invest their money and get a better return than in the Main Street Program. He asked council not to cut the Main Street funding.

Mr. Clyde McDaniel, President EDRC, was present and spoke in support of the continued funding of the Main Street Program. He stated that Elkton did not have an organized revitalization program prior to Main Street. However, since Elkton has been accepted into the Main Street Program, there has been a significant change for the better in the community. He feels EDRC is an investment in the town's future and questioned how could local government not support revitalization.

Ms. Ruth Deskin, Chamber of Commerce, was present to speak in support of EDRC. She feels a big part of Elkton's charm lies in its history and the preservation of its history. She stated that Elkton's involvement in the Main Street Program is helping the town gain recognition locally, regionally and statewide. It is important to Rockingham County and the Chamber of Commerce's Convention Business Bureau that Elkton continue to market and promote itself through the Main Street Program. This program is an investment in the future prosperity of Elkton. Ms. Deskin encouraged Elkton not to overlook the natural assets in the area.

Mr. Casey Billhimer spoke in support of EDRC. He feels the funds requested are not out of line. He feels that without EDRC, Elkton would not be where it is today.

Mr. Vernon Shifflett was present and spoke regarding Stonewall Memorial Park. Mr. Shifflett is chairing a committee from the VWF to upgrade the memorial and plaque. He requested the town consider paving in front of the memorial. His committee is meeting Wednesday night at 5:30 p.m. in the park and council was invited to attend the meeting.

Mr. Dwight Kite was present concerning the Washington Street rezoning project. He noted that since the Public Hearing he and Clyde McDaniel have worked on this. He feels he can bend a little but he still has questions he

has not had answered. Mr. Davenport was asked to briefly address the issues of concern presented by Mr. Kite. Mr. Davenport stated his suggestions and answers are conditioned on council wanting to do them.

Mr. Kite stated he moved into that area two years ago as an investment and he would hate to see something come in and destroy that investment. He feels if everyone works together maybe they can come up with a fair deal for all. He noted that this is a big decision that can't be made right off the bat. He would like to see a little more consideration be given to the issues and would like to talk further with the people in the area before any decisions are made.

Marsha Deavers presented the EDRC quarterly report. A few of the projects mentioned were assisting local businesses, as well as trying to improve the appearance of downtown; assisting the Town of Elkton with the ISTEA grant; met with Virginia Community Block Grant Development Program representatives to see if Elkton might qualify for CBGD funds; Kathy Frazer, Main Street Designer, met with five property owners and is scheduled to visit again May 2, 1995; working to get Main Street signs erected; hosted two small business seminars and another is planned for May 25, 1995; working on an Elkton Business Directory; sponsoring a Mother's Day promotion; and working on the Summer Concert series again for this year.

Mayor Dean welcomed Boy Scout Troop 46 and the Assistant Leader, Larry Shifflett.

MINUTES

Councilman W. E. Printz moved, seconded by Councilman D. H. Dail and carried to approve the minutes of the Regular Meeting March 20, 1995 as presented.

Councilman W. E. Printz moved, seconded by Councilman T. R. Whitfield III and carried to approve the minutes of the Special Meeting April 4, 1995 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence reported he had nothing other than his written report.

Councilman Whitfield noted that speeding tickets have increased in the last thirty days and questioned if this is seasonal or what? Chief Pence stated he would check on this but feels it is probably seasonal.

Mr. Costin pointed out that some extra radar has been run at the Elementary School in response to a citizen complaint. Chief Pence stated they have been giving additional patrol to that area to try to slow the traffic down.

Director of Parks & Recreation

Mr. Theodore Pence stated he had nothing other than his written report.

Director of Public Works

Mr. Joseph Shifflett stated he had another item to add to the Water Department report. They will be having a testing firm, Virginia Water and Waste, come in tomorrow to test the accuracy on some of the larger water compound meters. This will be at no cost to the town.

Mr. Shifflett gave a brief explanation regarding the last page of his report. Over the past several months testing has been done on some of the demand commercial electric services. These listed are the three that have been upgraded and changed out upon the advice of the consulting firm and this shows the results of the change. There will probably be twenty or thirty meters changed before they are finished.

Superintendent

Mr. Gerald Monger reported that he would like to add to Item 4 on his report. He reported that the loader on loan from Rockingham County was used for a day and a half but then broke down. It is being worked on now.

Treasurer

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the Finance Report for the month of March 1995.

Councilman Printz questioned whether the electric bill for the post office seemed rather high? Mr. Monger stated they are double checking that tomorrow.

TOWN MANAGER

Mr. Costin reported on the following items:

- Since the last council meeting there has been two meetings of the Finance Committee, Cemetery Commission meeting and Planning Commission meeting.

- Mr. Costin stated his primary focus has been on the preparation of the FY '95-'96 Budget.

- The erosion control project is underway.

- The library move requires a Second Reading.

- The Planning Commission, following a joint Public Hearing with council, recommends approval of the ATD request.

- Inquiry has been made as to why apartment complexes are excluded from the reduced sewer rate. In researching last year's motion and rationale with Mr. Davenport, it was determined that even though the discussion on the motion was clear as to intent - the motion itself did not specify or restrict. Therefore, the summer rate would be available to any individual entity, be it residential or commercial, that applies. The apartment complex making the inquiry would likely apply resulting in an approximate 100% increase in lost revenue over last year. Council has a couple of choices at this point: Let the Motion stand; Rescind the motion; or Rescind the motion and make a new, more specific motion.

- EDRC is requesting that council declare three signs town property to qualify as exempt signs and thus allow their placement. A favorable action by council amounts to an in-kind contribution to EDRC's efforts to attract clientele into the corporate limits to patronize town business. Given the probable reduction in cash contributions by the town in FY '95-'96, Mr. Costin recommended the three Virginia Main Street signs be declared town signs pursuant to the following conditions: EDRC will pay for materials; EDRC will provide written permission from the non-town landowners, and; EDRC personnel will assist town employees in the supervision of community service workers during installation of the signs.

- Likewise, allowing EDRC to use the municipal building and grounds for the summer concert series amounts to an in-kind contribution and Mr. Costin recommended that this request be granted as well.

- The proposed FY '95-'96 Budget was delivered to council on March 31, 1995. A formal presentation was made on April 4th and the Finance Committee met on April 6th and 10th. In an effort to avoid numerous special meetings to authorize and allocate the budget by July 1st, council should set a date for a Public Hearing between April 27, 1995 and May 8, 1995.

COMMITTEE REPORTS

Finance Committee

Councilman Snow reported that the Finance Committee had a couple of meetings. There was much discussion and debate on some revision of the budget as presented. A recommendation will be made later in the meeting.

Streets & Sidewalks Committee

Councilman Printz reported that his committee has not met, but they did discuss the sidewalks up on Rockingham Street at the Finance Committee meeting. They would like very much to be able to do something there right away but priorities were set and the Spotswood Sewer Project was first on the list. They do plan to correct this situation at a later time but right now it is about third or fourth on the priority list.

OLD BUSINESS

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz to approve on Second Reading an appropriation of $45,000.00 for the Library Project. The vote was recorded as follows:

YEAS: D. H. Dail, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilman D. H. Dail reported that the Planning Commission recommended the approval of the special exception permit request by ATD to utilize a portion of ShenElk Plaza for warehousing.

Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller and carried to approve the special exception permit for ATD.

Mr. Costin reported that he had asked Mrs. Engle in the Treasurer's office to pull 10 accounts, at random, from the 183 accounts that utilized the reduced summer sewer rate last year. Of the 10 accounts, the average of the total loss to the town was $181.80, which works out to an average of $18.18 per account. If you multiply the $18.18 average by 183 the loss to the town is $3,326.94. Mr. Costin passed around a chart showing the ten accounts, what they were billed for sewer on the summer rate, what they would have been charged at the regular rate and the total loss on each account. The lowest loss for one month on any of those 10 accounts was $18.00. If you multiply the low by the number of accounts it would be $3,294.00. The highest average of any of the 10 accounts was $109.80, multiplied by 183 would be a loss of $20,093.40. Mr. Costin stated that the only firm number he can give from the 10 accounts is the average of $18.18 in loss to the town. All the other numbers are statistics. The statistics say we have the potential to lose $20,000.00. Mr. Costin reported that he has discussed this with Mrs. Leap and they again would recommend that council not pursue the summer rate. However, if council wishes to do so they can let the motion stand which will allow anybody and everybody to sign up; or council can rescind the motion and make a more specific motion.

Councilman Whitfield stated that in light of the statistics presented by Mr. Costin, with the help of the Town Treasurer, he feels it would be prudent for council to reexamine this issue. If the town cannot afford to give this to everyone then they can't afford to give to anyone.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller and carried that council rescind the summer sewer rate reduction, which was adopted at the last meeting, due to the new information which has come to light.

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz to approve the following resolution prepared by Mr. Davenport to provide the summer sewer rate to those specified:

WHEREAS, Council finds that it is in the best interest of the Town to encourage gardening; and

WHEREAS, Council finds that water consumption during the summer months used for such purposes does not require sewage treatment;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Elkton sewer rate is modified for the months of May through August, 1995 with respect to services for single-family residences, townhouse residences and duplex residences for which proper application is made on or before April 28, 1995, such that the charge for sewer service during each of such months shall be the same, as to each such service, as the charge for April, 1995.

Councilman Snow stated the purpose of the motion is to help people who have gardens.

Councilman Whitfield stated that if this is the actual intent, he could support that if someone can show that they do have a vegetable garden. However, he does not feel there are 183 vegetable gardens in the Town of Elkton. He feels swimming pools and lawns should be paid for accordingly as these are luxuries, not necessities. He questioned, if the budget in the final analysis comes in short, is council willing to support another water rate increase?

Councilman Printz felt this is something the town can do to help the people with higher water usage during the first few months of the summer due to gardens, lawns, swimming pools, etc. He stated it may not be fiscally responsible, but he feels it has to do with small town ethics and should be offered only to residential customers.

Councilwoman Fuller stated she could not support the motion for the same reasons Councilman Whitfield had expressed. However, if Councilman Snow would be willing to amend his motion to put in a provision that anyone who comes in to sign up for this would sign an affidavit that they are using it for vegetable gardens, then she could support the motion. Food is a necessity; swimming pools and flower gardens are not.

Mr. Costin stated the only snag to this is that we have already had a sizeable number of sign ups.

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

YEAS: W. E. Printz and R. L. Snow

NAYS: D. H. Dail, M. B. Fuller and T. R. Whitfield III

NEW BUSINESS

Mayor Dean reported that EDRC has requested that the town declare the Virginia Main Street Community signs as town property in order to post the signs on Route 33 and 340. Permission has been obtained from the Rockingham County School Board to post a sign at the Elkton Middle School on Route 33 west, from Lillian R. Nicholson at her farm on Route 33 east, and from the Jr. O.U.A.M. at their grounds on Route 340 south. However, the sign could be placed next to the North Avenue lift station on town property.

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried that the three Virginia Main Street signs be declared town signs pursuant to the following conditions: EDRC will pay for materials; EDRC will provide written permission from the non-town landowners, and; EDRC personnel will assist town employees in the supervision of community service workers during installation of the signs.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried to approve EDRC's request and the Town Manager's recommendation to allow the "Summer Evening in Elkton" concert series to take place once again on the front lawn of the Municipal Building.

Mr. Costin stated that at one of the Finance Committee meetings several questions came up. One was have we paid off our share of the VMEA #1 generator project in Manassas and the answer is yes. Another question was have we completely finished the Spotswood Avenue Project and the answer is no. There is about $3000.00 of work to be completed this year.

Mr. Costin reported that in regards to the Rockingham Street Project, he and Mr. Monger had talked with the gentleman in Richmond that handles the Urban funds. The planning will start within the next few months, however, it appears the earliest we could work with construction is the summer of 1999.

Mr. Costin reported that the question came up about the Fifth Street bridge which is the Urban Fund Project for this year. There has been some preliminary engineering done. The gentleman from Richmond stated he knows it is wider but he is not sure it includes sidewalks. They will be contacting the railroad for the necessary right-of-ways this summer. The work should start in the calendar year 1996 but probably not be completed until the fall of 1996.

Mr. Costin presented some packets which included the updates that were made at the last Finance Committee meeting. He also gave several different ways to do the capital projects on the list without having to go through with a loan. It shows how it can be done if we don't get the ISTEA grant; if we do get the ISTEA grant, how it can be done and how we can do it and at the same time go for a loan at a lesser amount.

Councilman Whitfield stated he would not support an increase in the meals tax for two reasons. He could not ask the citizens to pay another additional tax when there is close to $900,000.00 in surplus. Secondly he feels we need to be more creative with the money we do have and to investigate investing our money where we can get a much higher dividend yield.

Mr. Costin stated he is not making a recommendation one way or the other on how to finance the project, only presenting several options. The big question remaining is are we, or are we not, going to get the ISTEA grant.

Councilman Printz asked if the Finance Committee will be meeting on this again and was told they probably would. He stated he does have a few problems and questions he would like answered. His inclination is to stay away from borrowed money and not to take too much out of the Repo Account.

Councilman Snow reported that it is the recommendation of the Finance Committee, although it was not unanimous, that this budget be presented tonight for a First Reading. He stated he has some personal problems with the way things are being done. He explained to Mr. Whitfield that the Finance Committee had talked about new ways to invest the surplus funds to acquire more dividends,but at the rate the town is going there is not going to be any funds to invest. He stated that the town is looking more like the federal government every day; we can't stand having a little money in the bank. We want to spend it so we can go in debt and then raise taxes or something.

Councilwoman Fuller stated she feels council should go ahead with a First Reading for the sake of getting the budget before the public and so that council can have time to revise it. Any questions can be worked out together with the Finance Committee.

Councilwoman M. B. Fuller moved, seconded by Councilman D. H. Dail and carried 3-2 to consider this a First Reading on the Town Manager's proposed budget for the Town of Elkton Fiscal Year 1995-1996.

A Public Hearing on the budget was set for May 1, 1995 at 7:30 p.m. in the council chambers.

Mayor Dean reported that we have received 81 applications for the Senior Clerk's position.

Councilwoman M. B. Fuller moved, seconded by Councilman R. L Snow to go into Executive Session to discuss litigation and the possible acquisition of property. The vote was recorded as follows:

YEAS: D. H. Dail, M. B. Fuller, W. E. Printz, R. L. Snow
and T. R. Whitfield III

Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller 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 council members so certified:

YEAS: D. H. Dail, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilman D. H. Dail moved, seconded by Councilman T. R. Whitfield III and carried 3-2 that council refer the Washington Street rezoning matter to the Planning Commission for further consideration of rezoning to B-3.

Councilwoman M. B. Fuller moved, seconded by Councilman D. H. Dail and carried to go into Executive Session to discuss an appointment to the Cemetery Commission.

Councilwoman M. B. Fuller moved, seconded by Councilman D. H. Dail 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 council members so certified:

YEAS: D. H. Dail, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilman Whitfield reported that the Cemetery Commission had met. Under Mr. Costin's guidance, letters were sent to all organizations which were impacted regarding the fact that the existing ordinances would be enforced. Also there were several ads in the Valley Banner, a press release in the Valley Banner and a sign installed at the cemetery with a notice regarding the enforcement of the existing ordinances.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller and carried to accept, with regret, the resignation of Frances Dean from the Cemetery Commission.

Mr. Costin was asked to send Mrs. Dean a letter of appreciation for her years of service on the Cemetery Commission.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller and carried that the Town Council appoint Mrs. Betty McGahey to fill the vacany that was created on the Cemetery Commission by Mrs. Dean's resignation.

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