REGULAR
COUNCIL MEETING
January 16, 1995

The regular meeting of the Elkton Town Council was held January 16, 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
M. B. Fuller
W. E. Printz
R. L. Snow
T. R. Whitfield III

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.

Mr. Joseph Correa, District 5 representative on the Board of Supervisors, was present to give an update regarding his activities. He distributed copies of the meeting schedule for the Board of Supervisors for 1995 and a rezoning review process calendar which the new County Director of Planning is distributing. He reported on his new committee assignments for 1995 and reported the ones on which he felt the town might have some dealings and he might can be of assistance in the future. The committees are Board representative on the County Planning Commission; Vice Chairman of the Shenandoah National Park Blue Ridge Committee for Community Relations; will serve on the Central Shenandoah Planning District Commission; Board of Directors for the Rockingham Development Corporation; and Harrisonburg-Rockingham Visitors Convention Bureau. He urged council to call if there is anything he can do relating to these committees.

Mr. Correa reported that he has made the following appointments and reappointments: Lori Dixon, representative on the Rockingham County Planning Commission; Allen Grosman and Allen Knicely on the County Recreation Commission; John Adams on the Industrial Development Party; Elwood C. Shifflett to serve as road viewer; Lloyd Monger and Gary Burner on the Road Naming Committee; Avery Whitfield on the Board of Building Appeals; Dee Martin on the Community Services Board; Bob Acker on the Board of Equalization, Real Estate Assessment; Bob Necsary on the Rockingham County School Board; Kathleen Wissinger on the County Social Services Advisory Board and Stan Patterson on the County Board of Zoning Appeals.

Mr. Correa reported that the county has received a request from Copper, Hamrick, Mars & Nicely on behalf of a client to install water and sewer facilities to a portion of the R. S. Monger Subdivision located on the south side of Business 33 just west of Elkton. The county Director of Public Works was authorized on January 11th to contact the Town of Elkton with the required sixty day notice regarding this request.

Mr. Correa reported that the bridge project just outside the Town of Elkton is just about complete and the Route 759 Project is in the beginning stages. There is some road work planned just outside of Elkton, some bridge work on Route 626 and the widening and resurfacing of Route 628. He hopes to find out this month about their request for a traffic light at the intersection of Route 340 and Rockingham Street. Councilman Printz and Mr. Correa have been trying to work on this for several years. They submitted this under a special VDOT Highway Safety Improvement Program last fall and hope to have a favorable response.

Mr. Correa gave an update on the RMH Project on Route 33. RMH is in the process of exploring the feasibility of extending water and sewer lines out from in front of the Jamesway Shopping Center. The estimate cost would be approximately $300,000.00 to extend these lines. RMH has obligated $60,000.00 in their contract for water and sewer and are contacting the other land owners in the area to see who would be interested in participating in the cost of extending these water and sewer services. They should know what they are going to do by February.

Councilman Printz thanked Mr. Correa for all his help and support to the town.

Mr. Costin reported that the town has received the notice on the water and sewer extension to the R. S. Monger Subdivision.

Mr. Costin also reported that the contractor on the bridge work just outside of town took it upon himself to set up shop on the boat ramp property. Mr. Costin spoke with Mr. Lineberry, and Mr. Shifflett to the contractor, about this and that the town might need some help in encouraging the contractor to clean things up down there. Mr. Correa stated he has already spoken to the County Engineer in December regarding this and will make another call tomorrow.

Councilwoman Fuller asked about the proposed Shenandoah National Park Station at the foot of the mountain. Mr. Correa stated that he and Congressman Goodlatte met with the park officials because he had received quite a few comments and concern about the park setting up shop there. The last they heard the park has a certain amount of money allocated for capital improvements. The park does not plan to do anything in fiscal year 1995-96 but plan to use the money in fiscal year 1996-1997 because if they don't use the money they will lose it. Mr. Correa told the park officials that just to use the money would be ludicrous if it doesn't make sense. The park has not committed to scratch the project and he has not gotten off their backs yet about scratching the project.

Marsha Deavers, EDRC Main Street Project Manager, presented their quarterly report. She reported that in the last quarter four more facades have been completed downtown and at least three more are underway. EDRC has been working with the Town of Elkton assisting in the ISTEA Grant. The local banks have agreed to renew their participation in the facade improvement and building rehabilitation program. Three new businesses have opened in the last quarter and there are three looking into the possibility of starting a business in Elkton. EDRC has put together an information packet for persons wanting information on the town. They will be conducting some seminars for small businesses. The first seminar will be January 19th at 5:30 p.m. on Tax Strategies. The Halloween Who Do and Home Town Christmas programs were very successful and they are working on the summer evening concert series. Ms. Deavers reported that Robert Tolsma and Nancy Hulings have been appointed to the Board of Directors to replace two members who have resigned.

Councilman Printz questioned Ms. Deavers regarding the traffic count which she indicated was included in their information packet. Ms. Deavers reported that the traffic counts were obtained from VDOT and only show Route 33 and 340. She pointed out that these counts are good for businesses who are thinking about locating on these routes as they show how many cars pass these locations in a day and the potential for customers.

Mr. Bill Holt, 508 Fourth Street, was present and reported that he is pleased with the Elkton police force and his comments are in no way critical of the police. He pointed out that in the past few months there has been vandalism, as well as littering and loitering, going on in town and the town does not seem to have a handle on how to solve this problem. He feels there is no way an officer in a patrol car can cover the whole town and prevent this sort of thing. He feels the town needs more police officers,

perhaps one on foot and one in a car. He is pleased to know that the town has applied for a grant to provide another officer but there is the possibility they may not get the grant or it might be a great deal of time before it is received. He pointed out that the need is now and requested council do whatever is necessary to put an additional officer on the force so there can be two officers on duty at night during the week.

Mr. Odell Crawford was present and stated it was his understanding that the town plans to close the street behind the car wash. Mayor Dean stated he did not believe this was going to come up tonight.

Carrie Beth Hensley was present representing the Youth in Government Club at Spotswood High School. She reported that they are sending over a dozen students to Richmond to participate in the Model General Assembly. The cost is $300.00 per student and each student has paid $100.00 so far toward the cost. She requested council consider giving some monetary support as they have in the past.

The following people spoke in support of cruising during the citizens portion of the meeting: Carroll Campbell, Buddy McDaniel, Hazel Crider, Mildred Shifflett, Jerry Taylor, B. W. Gooden, William Dean and Ernie Herring. They felt the town needs to work with the young people and to try to provide more entertainment in the town. They did not think the freedom to cruise the town should be taken away.

Mrs. Crider read a letter from Gene and Caroline Brill and their daughter Adair Brill stating they would be opposed to the closing of, or any changes to, Wirt Avenue. They felt the town should not jeopardize one of the faithful businesses that is open after five and on weekends. They suggested council consider some minor controls for the young people that everyone could live with.

Mrs. Crider presented a petition signed by approximately 310 people which stated "we, the undersign want Wirt Avenue, located behind Elkton Car Wash, to remain as is, and open at all times. Also, we do not want an ordinance against cruising and our young people."

One of the people speaking in favor of cruising indicated that he did not feel council was really aware of what they are considering as far as the cruising ordinance is concerned. Mr. Costin pointed out that council has had a draft of the proposed ordinance since Wednesday night of last week so he does not want anyone to leave the council chambers tonight thinking council does not know what they are considering. He also stated he will have ten copies of the proposed ordinance at the dispatcher's window by 9:00 a.m. tomorrow morning for anyone wishing to see the ordinance. The copies will be on a first come, first served basis.

Ms. Fran Camden was present and presented updated information on EAUS. She gave a brief history on EAUS and the programs they offer. This is an organization of dedicated people and they are still expanding. They present a good image for the town and she does not feel they will dissolve in any of our lifetimes. Ms. Camden stated EAUS does not have a problem with giving the Town of Elkton a financial statement as they present one each year to the United Way and also file a 990 Form with the federal government. Letters have been sent to the thirty-two churches in the Elkton area on behalf of the EAUS building fund. She stated she hopes the Elkton Town Council will donate $5,000.00 to this fund without any stipulations and EAUS promises it will be well spent.

Mrs. Elaine Austin of east Rockingham Street stated she has seen a map in the paper of things that are going to be done but noticed that it stops right at east Rockingham Street. She would like to know if any of these projects are going to be continued on east Rockingham. She is mainly concerned about the sidewalks. There are a lot of senior citizens

that walk in this area but the sidewalks are so bad and it is not safe to walk in the street. There is also a regular water fall that comes down behind their property. She would like to see something done about these problems in her lifetime.

Mr. Vernon Shifflett stated that no municipality has the right to run any excess water off the streets onto private property and the other residents in his area feel the same. It is damaging their property. He stated he has asked council members to come up and take a look at the problem but no one has ever come.

Mr. Joe Early and Mr. B. W. Gooden both spoke in opposition to the town applying for the ISTEA Grant. Mr. Early did not feel the town can afford to do this and the citizens cannot keep paying more taxes and higher prices. Mr. Gooden was opposed to all this money being spent downtown. He feels the town needs to be spending their money replacing lines, some of which have been in the ground for over seventy years. He pointed out that the town is losing more water than they are pumping. He feels the best thing council can do for the downtown area is widen Warren Avenue, open "A" Street and try to get another grocery store in town. Mr. Gooden also suggested that changing the caution light downtown to a stop light might help with the cruising traffic and that the grant application should be brought to a referendum .

Mr. Bill Holt stated he has no personal problem with cruising, however he does feel it can be a problem for someone from out of town passing through this area. He feels the way to solve a good part of the problem is by working together but pointed out that working together is a two way street. It is not the cruisers that gets to him it is when they stop. He said if he could go one week without having to pick up fast food wrappers, beer bottles, etc., with the cruisers policing themselves, then he will feel that the system is working.

Steve Menking of Wirt Avenue stated his problem is not necessarily with the cruisers but with the ones who are breaking the law, the ones speeding, the ones throwing trash on the streets and the ones playing loud music. He feels it is time to buckle down and enforce the laws.

Larry Morris of Wirt Avenue stated he would be glad to serve on a committee to work with council on this problem.

Odell Crawford stated he feels the police are doing a good job and that they can't stop everyone that is breaking the law. He feels the police have a pretty good handle on the cruising.

Susan Workman asked Mr. Printz about the "no loitering after 11:00 p.m." sign he had said he was going to put up at the car wash. Mr. Printz stated that Ms. Workman had indicated she did not want the sign put up. Ms. Workman said she did not oppose the sign just the wording. She stated she is not opposed to cruising but she feels 11:00 p.m. is late enough for kids under eighteen years of age to be out.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the regular meeting December 19, 1994 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence stated he had nothing to report other than his written report. Mayor Dean noted that the reports reflect that the police average about fifty adult arrests per month or approximately six hundred a year.

Director of Public Works

Mr. Shifflett added to his written report that the Electric Department has lines down at the spring. They are in the process of being upgraded and rebuilt this week.

Mr. Whitfield stated he noticed under the Garbage Report that our contract with Waste Management expires June 30, 1995 and he hopes that council will look at alternative sources. He commented that what they have seen in the last several years is rate increase after rate increase.

Town Superintendent

Councilwoman Fuller asked Mr. Monger what council would have to do to drop "West" from the addresses West Spotswood. Mr. Monger stated he thought all it would take is a motion.

Director of Parks & Recreation

Mr. Pence reported he has contacted Massanutten Ski Resort but has to go back on Wednesday as the man he needs to talk to wasn't there.

Treasurer

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the Finance Report for the month of December 1994.

TOWN MANAGER'S REPORT

Mr. Costin stated that the Water & Sewer Committee, the Streets & Sidewalks Committee and the Personnel Committee need to meet next month before the council meeting. The erosion problem is going as well as can be expected at this point. DEQ has given a verbal approval. An application fee and acknowledgement from Rockingham County were required and both have been sent to DEQ.

Mr. Costin reported that the new telephones will be installed this week and that the employees will be talking with a representative from the Virginia Credit Union to see what their level of interest is in the credit union.

COMMITTEE REPORTS

Finance Committee

Councilman Snow reported that the Finance Committee met after the last council meeting. The committee was in agreement to give EAUS $5,000.00 up front with the stipulation that their charter be changed which would revert the property to the town should the organization fold. The committee also recommended that each organization requesting funds from the Town of Elkton be required to provide the town with a copy of their financial statement.

Councilman Snow stated he will not be making a motion on either of these recommendations tonight due to some new information he has received since the meeting.

Personnel Committee

Councilwoman Fuller reported that the committee met this week and worked on a job description for the Assistant Lineman which will be presented for approval later in the meeting.

Public Health, Public Safety & Ordinances

Mayor Dean reported that the committee has held two meetings. They discussed yard sales and the cruising ordinance.

Councilman Bennett reported that they also discussed some code changes, two of which were in reference to interfering with females and collection fee exemptions.

Streets & Sidewalks Committee

Councilman Printz stated that Mr. Vernon Shifflett is incorrect in his assumption that they have never been up to Rockingham Street to take a look at his problem. Councilman Printz feels just about everyone has been up there. They set priorities and decided to go first with the Spotswood side due to people there getting water in their basements. There are limited funds so priorities have to be set and Mr. Shifflett's problem is presently about third on the list.

Councilwoman Fuller questioned if the drop basin which was put in on Spotswood Avenue alleviated any of Mr. Shifflett's problem and Mr. Monger stated it did not. Mr. Monger feels the answer to the problem is to regrade the streets, put in curb and gutter and let the water run into the system they are putting in.

OLD BUSINESS

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller to approve on Second Reading an ordinance amending Title 7, Chapter 1, Article B of the Code of the Town of Elkton, Virginia by adding a new section regulating yard sales.

Councilman Bennett stated he feels that the two yard sales should be increased to three and that signs should be covered under the town sign ordinance so Section (d) should be eliminated.

Councilmen Printz and Snow both were in agreement with Councilman Bennett. Councilman Dail stated he would not be opposed to the changes recommended by Councilman Bennett.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow to amend Section (b) of the Yard Sale Ordinance to read three yard sales, to delete Section (d) and reletter Section (e) to be (d).

Councilman Whitfield stated he can visualize the telephone poles being riddled with signs advertising yard sales. This is a nuisance and a hazard and he feels Section (d) should be left as it is. Councilman Bennett stated that signs on telephone poles are not allowed and this should be enforced.

A vote was taken on the motion to amend and recorded as follows:

YEAS: F. A. Bennett, D. H. Dail, W. E. Printz and R. L. Snow

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

A vote was then taken on the amended motion and recorded as follows:

YEAS: F. A. Bennett, D. H. Dail, W. E. Printz, and R. L. Snow

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

Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller and carried to approve on Second Reading the following code change:

✓Sec. 4-4-27 (b)

(b) It is the policy of the town to discontinue electric service to customers by reason of nonpayment of bill only after notice and a meaningful opportunity to be heard on

disputed bills. If any bill is not paid by the date specified in the preceding paragraph, a second bill will be mailed containing a cutoff notice that if the bill is not paid within five (5) working days of the mailing of the second bill, service will be discontinued for nonpayment.

Councilman Dail reported that on January 9, 1995 the Elkton Planning Commission unanimously voted to recommend that the Elkton Town Council grant the request of a lot line vacation for Phillip and Debbie Workman.

Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller and carried that council approve the request for a lot line vacation by Phillip and Debbie Workman.

Mayor Dean thanked Mr. Monger, Marsha Deavers and Mr. Costin on the work they have done on the ISTEA Grant application as he feels they have done an excellent job.

Councilman Whitfield also commended all the staff and volunteers for the work done. He questioned the fact that he did not see a notation covering the purchasing of the property across the street. Mr. Monger stated that is part of Phase 4. Mr. Costin noted that the town will have to apply for each phase and this application cover Phase 1 only.

Councilwoman Fuller questioned how much of the $800,000.00 grant money would be for infrastructure. Mr. Monger gave the following breakdown:

Storm Sewer	$93,863.
Water Lines	$36,800.
Sanitary Sewer	$83,520.
Electric (includes putting everything underground including telephone & cable)	$442,997.
Streetscape (includes curb, gutter, sidewalks, pavement, trees & light)	$296,803.

The cost to the town would be approximately $190,000. They hope to recover $14,000. from the Streetscape Plan which has already been done.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller to formally adopt the resolution which would allow the Town of Elkton to officially apply for the ISTEA Grant.

Councilman Printz questioned where the funding will come from. Mayor Dean stated some will have to come out of the General Fund and probably over a period of two years.

Councilwoman Fuller stated she feels the town will have the option to refuse the grant if it is awarded and is not what we had anticipated.

Councilman Bennett stated he is not in favor of pursuing this grant at this time as he feels the town cannot afford it. He can see a tax increase in the making.

Councilman Snow questioned what is the prospects of getting Phases 2,3, and 4 if we are awarded Phase 1. Mayor Dean stated there are no guarantees. Councilman Snow also questioned the fact that he had read somewhere that the town would have to reimburse VDOT for any streets the town might tear up, etc. It was pointed out that the resolution agrees that if the Town subsequently elects to cancel the project they will reimburse VDOT for the total amount of the costs expended by VDOT through the date the department is notified of such cancellation. Councilman Snow stated that he has some reservations but he thinks it is good if the town

can spend $1,000,000.00 and only use $200,000.00 of the town's money. He stated he is concerned that the $800,000.00 the town has in the bank is not going to last very long. He has counted over $500,000.00 of projects that council has talked about doing and he wonders if anyone has given any thought as to how they are going to cover these expenses down the road.

Councilman Dail stated he has some of the same concerns that Councilman Snow has. He is not sure all the items included are absolutely necessary or are highest priority needs. However, some are very high priority needs and he doesn't feel he can look a gift horse in the mouth. The town would end up spending more for the necessary things without the grant so why not take the grant and end up spending a little less.

Councilwoman Fuller stated she agrees with Councilman Dail on this. It seems to her that some of the projects Councilman Snow added up in the $500,000.00 are some of the projects included in the grant and the town would be wise to take the grant.

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

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

NAYS: F. A. Bennett

Councilwoman Fuller reported on the job description for an Assistant Lineman and the recommended salary range of $12,992. to $19,488. She stated that the town staff has recommended looking for someone that has had at least two years electrical experience.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to approve the Personnel Committee's recommendation to approve the job description for the Assistant Lineman and the salary range as stated.

Councilmen Bennett and Snow both felt the extra work, by proper planning of the work, could be done by subcontracting and would be cheaper to the town. Mayor Dean stated he felt the price would be higher for a contractor.

Councilman Printz questioned if the present employees would be given the opportunity to apply for the position and given the proper training needed. Councilwoman Fuller stated it has always been her understanding that any position is open to all the town employees. Mr. Costin explained that they had suggested someone with experience due to the safety and liability issues.

Councilman Whitfield pointed out that when the question of a new position came up, the committee was told that this person would be needed eight hours a day, five days a week. He would also be concerned that our present insurance would not cover someone who is not a town employee.

Councilwoman Fuller pointed out that the electric system does belong to the town and the town must get out and repair the system when there is a problem. She feels it is very important to have adequate staff, with all the safety measures taken, to do the job that is necessary to be done.

The vote was taken on the motion and carried four to two.

Councilman T. R. Whitfield III moved, seconded by Councilman W. E. Printz to approve the First Reading on the 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 as presented.

Mr. Costin explained that the primary change in (c) is the last sentence "Failure to do so will result in a retroactive application of the refuse collection fee to the date of reoccupation as determined by the Town Treasurer." Section (d) has been changed so that the written application will now go to the Town Treasurer rather than the Superintendent and proof will be required that there is a suitable alternative.

Councilman Bennett stated he would like to see small apartment owners being able to haul their own trash.

Mr. Costin explained to Mr. Bennett that the deep honest opinion of the staff is that the loop holes and the exceptions are nightmares to administer. Their recommendation would be to do away with the exceptions.

Councilwoman Fuller was concerned about the fact that residents do not have the option to haul their own trash as businesses do and she is not sure this is fair.

Councilman Bennett presented the First Reading to repeal Section 9-3-4 Businesses not to be open to public during specified hours and Section 9-3-89 Interfering with females.

Councilman W. E. Printz moved to table the Cruising Ordinance indefinitely until the committee can do some more research to see if there is some way there can be a compromise as suggested by some of the citizens. There was no second to the motion.

Councilman Whitfield stated he feels council should vote to resolve this issue rather than continue. Council was elected to make the citizens lives easier and he does not believe another new regulation restricting people's movement is going to improve the quality of life. Every month the police department attests that they are understaffed which forces them to put in overtime hours. Another ordinance would just put more work on this department. He pointed out that with increased business, we are going to have increased traffic. He has heard five points throughout these discussions; they are loitering, littering, excessive noise, vandalism and speeding. He doesn't feel the town needs another new law regulating movement and the frequency of movement to enforce what we already have on the books. The message he would like to send to all people throughout the Commonwealth, etc. is all are welcome here, however, understand that if you come here and you loiter, litter, vandalize, speed or indulge in excessive noise, you will be penalized. He proposes a public relations campaign publicizing our laws and what the fines are if these laws are broken. He stated that if these laws need to be made more restrictive he is willing to do that.

Councilman Printz stated he had been opposed to the "no parking" in the downtown area and sure enough he does not feel these did the job that was anticipated. He feels we are back at the junction we were before. He also feels a cruising ordinance would hurt his business and questioned what council is going to do if the ordinance doesn't work. Councilman Printz stated that the town has allowed, through zoning, the intermix of residence and business and it is creating a lot of pain. He thinks they are looking in the wrong places to fix the problem. What is needed is to enforce the laws that are presently on the books. Councilman Printz presented a petition against a cruising ordinance and the closing of Wirt Avenue which has been signed by fourteen business people of the town.

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett to approve the First Reading on the proposed Cruising Ordinance, Section 8-1-24. The vote was taken and recorded as follows:

YEAS: M. B. Fuller

NAYS: F. A. Bennett, D. H. Dail, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilman Snow reported that the Finance Committee had agreed to recommend giving $5,000.00 up front to EAUS with the stipulation that they have a charter change which would revert their property to the Town of Elkton if they ever folded. Due to new information being received regarding this, he will not make any motion tonight. He would be in favor of taking this back to the committee for further discussion.

Mr. Costin explained that EAUS changed their charter from reading "then all remaining property and assets shall become the possessions of the Salvation Army or (should this organization not accept them) any such organization or organizations organized and operated exclusively for charitable, education, religious, or scientific purposes" to "possessions of any Elkton Area qualified 501(c)(3) or such organization or organizations organized and operated exclusively for charitable, education, religious, or scientific purposes, in the Elkton Area, as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954".

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to refer this back to the Finance Committee.

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