REGULAR
COUNCIL MEETING
December 18, 1995

The regular meeting of the Elkton Town Council was held December 18, 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
R. L. Snow
W. E. Printz
T. R. Whitfield III

Ted Costin, Manager, Dale Davenport, Attorney, Norma Leap, Clerk, Theodore Pence, Director of Parks and 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 W. E. Printz and carried to approve the minutes of the Regular Meeting November 20, 1995 as corrected and the minutes of the Special Meeting December 12, 1995 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence presented his written report. He thanked Mr. Murphey and The Valley Banner for the article covering the individuals breaking into automobiles. Several arrests have been made. These arrest were partially due to the help of citizens being more aware of what was happening in the neighborhood and this allowed the police department to get the information needed to make the arrests.

Chief Pence reported that Mr. Costin has some pictures of damage done in Riverside Park. The individuals doing the damage have been apprehended. Chief Pence requested an estimate on the damages so he can give it to Officer Whitfield who made these charges and we can try to get restitution.

Councilman Printz asked Chief Pence about the big new intersection up near the Tannery Apartments. He has received quite a few complaints on this intersection and the traffic flow. He requested Chief Pence take a look at this situation.

Chief Pence reported that he was advised when the construction people were working there that once they had completed the job they would replace our "No Thru Truck" signs. He also noted there needs to be stop lines to show individuals where they should stop. Chief Pence stated he would get with Mr. Shifflett on this to see what needs to be done there to address the safety issue.

Director of Parks and Recreation

Mr. Pence presented his written report. He reported that basketball sign ups have been completed. They have thirty teams (about 300 children) which need to be scheduled in two gyms twice a week.

Mr. Pence reported that one of the dug outs down at the park blew over. They are going to tear the other dug out down. They will be replaced with dug outs which have been donated and Jimmy Tickle, Principal at Massanutten Vo-Tech, has said they will put the dug outs up for the Recreation Department at no charge.

Director of Public Works

Mr. Shifflett stated he had only his written report to submit and would report for Mr. Monger if there are any questions on his report.

Mr. Shifflett reported that they have had to re-evaluate the tree trimming project due to the amount that needs to be done. They looked at the primary lines where they are losing electricity and will be taking care of the worst lines first. Money is allocated for this in this year's budget. This has been re-bid and the contractor will start immediately.

Mr. Shifflett reported they have purchased a few new electric meters to install in problem areas to eliminate the process of having to redo a whole service. These meters will work with our touch read system. If these meters work like he hopes they will, Mr. Shifflett plans to asked for money to be allocated in next year's budget for additional touch read meters.

Mr. Shifflett reported that there is a recommendation from the Planning Commission for a lot line vacation for Mr. Kenneth W. Weaver which will be brought before council later in the meeting.

Councilwoman Fuller asked who would be doing the tree trimming? Mr Shifflett reported it would be John Shifflett of Shifflett's Tree Service.

Mr. Shifflett reported that Mr. Monger's report covers some of the larger projects. Mr. Lee Hill has been here to look at the Riverbank Project. He has suggested reseeding the bank when the weather improves. The last seeding was done in cold weather and we are not getting any vegetation yet.

Mr. Shifflett reported that they are still trying to negotiate something reasonable on the reservoir. This is basically on hold right now due to the weather and the holiday season.

Mr. Shifflett reported that the town's work is at a standstill on the Municipal Building, with the exception of the electrical work, until the plastering contractor comes in to do his work.

Mr. Costin added that in regards to the ISTEA application, Rockingham County has agreed to be a co-applicant. He also reported that they met last week with Mr. Kitchen of Adelphia Cable, and talked with GTE, getting some of their figures on utility relocations. They think the figures presented last year can be reduced. There will probably need to be a Public Hearing on this application in January.

Councilman Printz asked if they plan to do anything on the Blue Ridge Radio and T. V. driveway or is it too late this year? Mr. Shifflett stated they have discussed this and he thinks they can probably still get this project done if the weather improves. He pointed out that a local contractor has been the holdup on this

project and they may have to consider another contractor.

Councilman Whitfield commended Mr. Shifflett and his staff on the road conditions during the storms.

Treasurer

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

TOWN MANAGER

Mr. Costin reported that Mr. Monger's absence at this meeting is due to a death in the family.

Mr. Costin noted that the Virginia Municipal Clerks Association for Region III has named Norma Leap as Clerk of the Year for Region III. Mrs. Leap will also serve as President for the Region III Association for 1996.

Mr. Costin reported on the recent developments regarding the closing of the railroad crossing at the terminance of Ore Wash Road which joins State Road 1706 at the crossing. The railroad is now trying to take steps to get this crossing closed. There are several aspects of concern which justify this closing, one being safety and the other is the vandalism issue. Mr. Costin asked council to consider directing him to communicate with all the parties involved to express council's support in closing the crossing.

Mr. Costin stated he will be discussing the BPOL Tax later in the meeting.

COMMITTEE REPORTS

Electric Committee

Councilman Dail reported that there will be an Electric Committee meeting January 2, 1996 at 10:00 a.m.

Finance Committee

Councilman Snow reported that the Finance Committee met and discussed the BPOL Tax and investments. There will be another Finance Committee meeting tomorrow night at 6:00 p.m. to discuss investments.

Personnel Committee

Councilwoman Fuller reported that the Personnel Committee met. She was ill and not able to attend, however the other committee members continued work on the Personnel handbook and are about 65% complete on this. They also discussed leave time, as some employees are confused on this.

Public Health, Public Safety and Ordinances

Councilman Whitfield reported that later in the meeting he will be presenting Second Readings on Ordinance amendments regarding the disposition of recovered property and garbage collection.

Streets and Sidewalks Committee

Councilman Printz reported that he has had a couple of people asked about reviewing and making suggestions regarding handicapped accessible areas throughout the town. The committee will meet to discuss this issue again.

OLD BUSINESS

Second Reading Amendments of Ordinances Relating to Garbage Collection

Councilman T. R. Whitfield III moved, seconded by Councilman R. L. Snow to formally adopt on Second Reading the amendments of ordinances relating to Garbage Collection.

Councilwoman Fuller questioned Section 4-2-17 which states containers shall be set out next to the street for collection. She pointed out that there is at least one area in town where council granted permission for garbage to be collected from the alley.

Councilman Whitfield and Councilman Snow agreed to amend their motion to include in Section 4-2-17 after "shall be set out next to the street" the language "or at other locations, previously permitted". (A copy of the ordinance is attached to the minutes)

The vote was recorded as follows:

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

Second Reading Amendment of Ordinances regarding the Disposition of Recovered Property

Councilman T. R. Whitfield III moved, seconded by Councilman R. L. Snow that council adopt on Second Reading the amendment of the ordinance regarding the disposition of recovered property. (A copy of the ordinance is attached to the minutes)

The vote was recorded as follows:

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

NEW BUSINESS

Lot Line Vacation - Weaver

Councilman Dail reported that there was a request from Wayne Weaver for a lot line vacation. This follows upon the Special Exception permit which was granted last month. The Planning Commission recommended approval of the lot line vacation subject to a bond sufficient to cover all required improvements.

Mr. Costin reported that the concern was regarding the overall performance and that there be a guarantee that the project is completed. Mr. Costin pointed out that he concurred with the Planning Commission's recommendation but he raised the issue of the extent. After consultation with the Town Attorney, it appears no bond is applicable and he recommended council approve the request without limit.

Councilman D. H. Dail moved, seconded by Councilman W. E. Printz and carried five to one to grant the lot line vacation as requested by Kenneth W. Weaver between 102 and 104 North Stuart

Avenue.

Mayor Dean questioned when do the special conditions start on the Weaver property? Mr. Costin stated they applied as soon as council passed the Special Exception last month.

First Reading Ordinance Amendment regarding Cut Off Notice

Councilman F. A. Bennett moved, seconded by Councilwoman M. B. Fuller and carried to approve the First Reading to amend Section 5-4-9 (b) as presented.

Sewer Clean Out Release Form

Councilman Bennett stated that a copy of the proposed Sewer Clean Out Release Form was sent out in the council packets. The purpose of this is to release the people who perform this service. The committee has reviewed the form and is pretty much in consensus with it.

There was some concern about possibly competing with local businesses and that out rate for this service is too low.

Mr. Shifflett stated there is some advantage in the town performing this service. It gives the town the opportunity to check out the area and to keep blockages from being passed on into the Town system without the Town being aware of the problem. Council was in agreement with the form however, Councilman Snow requested that the Water and Sewer Committee reconsider the rates for this service. Council members Dail, Fuller and Whitfield were all in agreement with reconsidering the rates.

Alley Vacation/Sewer Easement

Mr. Costin reported that in reviewing the development plans for the Cline Energy facility on the corner of State Route 340 and Blue and Gold Drive a question has arisen as to the status of a twenty foot alley and a sanitary sewer easement. There is no record to indicate that the 20 foot alley was vacated and no record establishing the entire easement. Representatives of the property owner and town staff have reached an agreement to establish the sewer easement and as compensation to the property owner, the town would vacate the alley. Legal and survey costs incurred by each party to meet this agreement would be paid by each party to their respective agents for work performed by their respective agents. The Water and Sewer Committee has reviewed this and recommends taking the necessary action to complete this agreement. Mr. Costin recommended council proceed to a Public Hearing on January 15, 1996 at 7:30 p.m. as the developer hopes to begin work in March of 1996.

Councilman F. A. Bennett moved, seconded by Councilman D. H. Dail and carried to go ahead and initiate the process necessary to vacate the alley and enter into the sanitary sewer easement.

First Reading on Amendments of Ordinances regarding Business Professional Occupation License Tax

Mr. Costin reported that the Finance Committee has reviewed this model Business Professional Occupation License ordinance which was based on the model ordinance developed by Virginia Municipal League. The Business Professional Occupation License Tax was slated for elimination during last year's General Assembly but this effort was unsuccessful. One of the reasons given for eliminating Business Professional Occupation License was the variation between localities in their classification of certain practitioners. Therefore, Virginia Municipal League developed the model ordinance to address this and other concerns. It is felt that if a

significant amount of localities adopt the model, the odds of retaining this local taxing should improve.

The proposed ordinance has been reviewed by Mr. Costin, Mr. Davenport, and Mrs. Leap. No rate changes have been made on the businesses specified in both the existing ordinance and the proposed ordinance. For businesses specified in the proposed ordinance which have not been previously addressed in the town's ordinance, the maximum amount allowed under state law has been proposed in most cases. There are a few exceptions such as massage parlors, carnivals, circuses and speedways which Mr. Costin explained. There should be no significant financial impact, be it gain or loss, to the Town with the adoption of this ordinance. The primary motivation is uniformity in the attempt to retain this taxing authority. Mr. Costin recommended the adoption of this ordinance.

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the First Reading of the Amendments to the Ordinances regarding the Business Professional Occupation License Tax.

Closing of Railroad Crossing on Ore Wash Road

Councilman T. R. Whitfield III moved, seconded by Councilman W. E. Printz to direct Mr. Costin to vigorously and expediently pursue the closing of the railroad crossing at the terminance of Ore Wash Road which joins State Road 1706 at the crossing.

Councilwoman Fuller and Councilman Bennett both felt there should be an opportunity for the citizens and the property owners to express their feelings on this.

A vote was taken on the motion and it carried 4-2.

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