REGULAR
COUNCIL MEETING
May 15, 1995

The regular meeting of the Elkton Town Council was held May 15, 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 and Recreation, Warren Pence, Chief of Police and Joseph Shifflett, Director of Public Works were also present.

VISITORS

Mr. George Williams was present. He stated it was his understanding that the town is going to run sewer and water to the Medical Center across the river when it is built. Mr. Williams owns property in that area and was wondering if he could get water and sewer run to his property and what it would cost.

Mr. Costin reported that Supervisor Joseph R. Correa Jr. had requested to be put on the agenda but due to the untimely death of David Berry, County Commissioner of Revenue, he is not able to be here tonight.

MINUTES

Councilman R.L. Snow moved, seconded by Councilwoman M. B. Fuller and carried to approve the minutes of the Regular Meeting April 17, 1995 and the Public Hearing May 1, 1995 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

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

Director of Parks and Recreation

Mr. Pence stated he had nothing except his written report. Councilwoman Fuller requested that Mr. Pence briefly explain what the budget figures represent and what the totals actually mean. Mr. Pence reviewed and explained the report.

Mayor Dean asked how Mr. Pence is handling the concession stand at the park this year? Mr. Pence stated he will be running it and using part time help. Last year the stand was rented out. The Recreation Department only received $1,800.00 from the stand so they decided to run it themselves this year.

Director of Public Works

Mr. Joseph Shifflett stated he had left out of his report that they have replaced another demand meter at the Rockingham Cooperative Farm Bureau.

Superintendent

Mr. Gerald Monger reported that he has nothing except his written report.

Mayor Dean asked how the library work is progressing and if anything had been done on the interior. It was reported that Shen-Valley Drywall has completed the interior framing and it is now ready to go on with the electrical and plumbing. They are in the process of getting everything in that will be needed to complete the exterior. The exterior will not look identical to the plan but will be as close as they can make it.

Councilwoman Fuller reported that she has viewed the river bank erosion project and it looks wonderful. She stated that Mr. Monger and the town staff have done a great job down there.

Treasurer

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

Town Manager

Mr. Costin reported on the following items:

- They had thought they would be able to finish the river bank erosion control project by the end of this fiscal year but the rain looks like it will prevent this.

- The library work is pretty much on schedule.

- Comments on the cemetery clean up have been mostly negative, but there has been a few positives. Mr. Costin pointed out that the work was basically asked to be done by the Cemetery Commission. Plenty of advanced notice was given to what was to be touched and what was not to be touched. Mr. Costin stated he is confident that the men followed all the rules to the letter.

- Mr. Costin recommended that, as we are only four days away from knowing about the ISTEA Grant. Council postpone the Second Reading on the Budget and the First Reading on Budget Appropriations until a special meeting to be set sometime during the week of May 22nd.

- Mr. Costin stated that his recommendation on the Washington Avenue rezoning issue is that the rezoning not be approved. It is his analysis that this action results in spot zoning. The Comprehensive Plan designates the area as residential and one thing he learned in the seven years he was a Director of Planning and Zoning was to stick with the Comprehensive Plan. You not only win in legal terms, but in community improvement terms also. As to the special exception, the five conditions are pretty good conditions as far as governing any type of use, but you have sixteen commercial uses that are too broad for a residential neighborhood.

Councilman Printz stated the Cemetery Commission did a very good job on the cemetery but he wondered if there is anything that can be done to make the situation a little better as it seems to be an important issue with a lot of people. He suggested taking it back before the Cemetery Commission to see if there can be some compromise.

Mr. Costin referred this to Councilman Whitfield, who is the Council's representative on the Cemetery Commission. He will probably want to raise some issues to the attorney in advance of a Cemetery Commission meeting, as there are contractual obligations in the deed language that governs what can or can not go in there.

COMMITTEE REPORTS

Electric Committee

Councilman Dail reported that the Electric Committee will be meeting on Thursday, May 18th, after the Water and Sewer Committee meeting which was originally scheduled for 2:00 p.m. However, the Water and Sewer Committee time has been changed to 4:00 p.m. on the same date so the Electric Committee meeting will follow after that meeting.

Personnel Committee

Councilwoman Fuller reported that the committee is still working on revising the Employees Manual. Hopefully it will be ready by the next council meeting.

The Town Manager and Town Treasurer have been involved in interviews for the position of Senior Clerk in the Treasurer's Office. Mr. Costin stated that they have a verbal commitment for the Senior Clerk position, but nothing in writing as yet.

OLD BUSINESS

Council members were in agreement to hold off on the Second Reading on the 1995-96 Budget and First Reading on the Budget Appropriations.

A special meeting was set for Tuesday, May 30, 1995 at 7:00 p.m. to have the Second Reading on the 1995-96 Budget and the First Reading on the Budget Appropriations.

Councilman Dail reported that the Planning Commission met May 8, 1995 to discuss the requested rezoning on Washington Avenue. The Planning Commission on May 8, after an advertised public hearing, recommended a change of zoning on Lots 1 through 6, Block 36, Section 6 of Rockingham County Land Map 131B1, and addressed as 336 W. Washington Avenue, Elkton, Virginia, from R-4 Residential to Planned Business District B-3, with the attached restricted uses.

Councilman D. H. Dail moved, seconded by Councilman W. E. Printz that council approve this change of zoning with the attached restrictions.

Councilwoman Fuller explained that she understands all the hard work that has gone into this. A tremendous effort has been made by the property owners and the people in the area and she respects this. However, as a planning and zoning issue, she could not support the zoning change. The property itself lies in a residential neighborhood. She could and would support the grand-fathered business use as this encourages the property owners, whoever they may be in the future, to move this property into residential use as the Comprehensive Plan calls for. For the long term planning and zoning of Elkton, Councilwoman Fuller feels she has to continue to support the Planning Commission's original recommendation that the property be used as R-4. She pointed out that there are no people she trusts more than the McDaniels to do what is right by that property, but they may not always have this property.

Councilman Dail pointed out that he had originally voted against the proposed rezoning in September, because he was uncomfortable with the B-3 zoning as it is too ambiguous to say that a zone is up to the discretion of the Planning Commission and the Council. To him that says there is no zoning there at all. However, with the additional restrictions and permitted uses added on top of this rezoning, it makes it more palatable for the neighborhood and makes him more comfortable with it in general because there is some control.

The vote was taken 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

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Elkton sewer rate is modified for the months of June, July and August, 1995 with respect to services for single-family residences, townhouse residences, and duplex residences, for which proper application is made on or before May 31, 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 May, 1995.

Councilman Dail stated he is not unalterably opposed in principal to the measure. However, as it is written now, he feels there are two parts. One is, he does not feel they have looked at this as closely in the past as to actually the amount of money this has been costing the town. This process has been started but he feels this is something that should have been looked at in committee before it was brought to the full council. Secondly he thinks that if the principal behind this is that we should not be charging full sewer rate for individual customers who are not using full sewer services during the summer months, then it should also include all residential properties and not just single family homes, townhouses and duplexes. If in fact these others are not using full sewer services then they will derive the benefit from the ordinance as presented from this measure and if they are, then they will benefit from it just like everyone else.

Councilman Bennett stated the intent was not to give a sewer break to anyone who wanted it for whatever reason but for a specific reason to help those with gardens during the dry summer months. It is not done to benefit businesses.

Councilwoman Fuller stated that although the town has a history of doing this, it does not have a history of coming out of committee and it should. She pointed out that the town doesn't have anyway to measure how much water goes into the sewer in the summer. There probably is an increase of water going in due to people working outside, its hotter and they take more showers and people do more laundry. One of the questions asked was how many swimming pools in the town actually go into the sewer system. She feels this is an issue that we do not have an answer to. Councilwoman Fuller stated she is not unalterably opposed to this but she does feel it needs to be looked at very carefully.

Councilman Printz stated he feels this is one of the small things we can do for our citizens.

Councilman Whitfield pointed out that historically we have had to have water and sewer rate increases. We are giving this sewer break to certain individuals on their residence, and in some cases this is an enormous amount. He is not opposed to subsidizing gardens, but he feels swimming pools and lawns are luxuries and he does not feel they should be subsidized. Councilman Whitfield stated he would be in favor of some type of rebate to all the citizens, however he feels this is geared to the people who need it the least. If council wants to give something back to everyone, he would support that as he feels it needs to be fair to everyone.

A vote was taken and a motion was recorded as follows:

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

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

Mayor Dean voted YEA to break the tie.

Mayor Dean asked Councilman Bennett to discuss at their Water and Sewer Committee meeting on Thursday the fact that some wells in the area are closed due to bacteria. This has resulted in a number of water haulers using town water services.

NEW BUSINESS

Councilman Printz set a Streets and Sidewalks Committee meeting for Thursday, May 18th following the Electric Committee meeting.

Councilman Printz stated he would like to see some type of July 4th activities or celebration within the Town of Elkton. He suggested fireworks.

Mayor Dean pointed out that you would have to have a license to put off fireworks, plus the cost would be pretty high. He reported that EDRC, along with EPIC and the Historical Society, are looking into some type of celebration for next year.

Councilman Snow stated he didn't know if it would be feasible or not but if all the clubs and towns in Rockingham County would contribute to this, they could have quite a good fireworks displays from Massanutten Peak.

Councilwoman Fuller stated it is not official, but she was told today by a volunteer in the library that Elkton is going to get a full time librarian.

Councilman Snow asked what is the completion date of the library? Mr. Monger reported they are trying to finish by June 30th.

Councilman R. L. Snow moved seconded by Councilman W. E. Printz to go into Executive Session to discuss appointments of commission members and possible property acquisition. 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

Councilwoman Fuller moved, seconded by Councilman R. L. Snow 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: F. A. Bennett, D. H. Dail, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilman R. L. Snow moved, seconded by Councilwoman M. B. Fuller and carried to approve the Recreation Commission appointments as follows:

		Expires
Randell L. Snow, Council Representative		
Stephanie Pence	1 year	9/30/96
Eddie Cave	1 year	9/30/96
Joe Flick	6 months	9/30/95
Joe Gooden	1 year	9/30/96
Jesse Knighton	6 months	9/30/95
Lynn Meadows	6 months	9/30/95
Bobbie Rae Monger	6 months	9/30/95
Jeff Workman	1 year	9/30/96

Mr. Costin reported on a letter he received from the Boy Scout Troop that visited the council last month. They stated that as a service group they would like to do their part in the community. They asked if Mr. Costin or Council had any ideas of any community service projects that their troop could become involved with. Mr. Costin reported he has talked with the Scout Master. They discussed the library move and the need to move the books from the second floor down. If Council approves, they will use the scouts to help move these books.

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