REGULAR
COUNCIL MEETING
June 19, 1995

The regular meeting of the Elkton Town Council was held June 19, 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
M. B. Fuller
W. E. Printz
R. L. Snow
T. R. Whitfield III

ABSENT
D. H. Dail

Ted Costin, Manager, Dale Davenport, Attorney, Norma 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. Joseph R. Correa, Jr., Rockingham County District 5 Supervisor, was present and presented a check to the town in the amount of $50,000.00 from Rockingham County. This check is to be used toward the out of town portion of the Route 759 Project to replace the utilities plus installing a sleeve for the extension of lines in the future.

Council members thanked Supervisor Correa and the County for their help on this project and the river bank project. They also expressed their appreciation to Supervisor Correa for his help and support on the various issues in the past that have concerned the town.

Councilwoman Fuller expressed her concern regarding possible strip development along the Route 33 corridor and increasing of businesses along the Route 33 bypass. She feels this is detrimental to the Town of Elkton and asked if the County has any stance regarding this issue.

Supervisor Correa stated that the only rezoning which has occurred in the past several years, and which he has supported, is the Rockingham Memorial Hospital development. He pointed out that there is a rezoning request pending, but it is off Route 33. The County does address this in the County Comprehensive Growth Plan and he will send a copy of this to Mr. Monger. He stated the County is also concerned about the proliferation of billboards. There was no regulations regarding this and the Board of Supervisors has now established some regulations.

Supervisor Correa gave an update on the RMH project. He stated that final cost analysis are being obtained by the owners to establish the cost to run utilities to the property. They hope to be able to get started on this project in the fall.

Mr. Mel Kirkendall, Mrs. Lou Kirkendall, Mr. Peter Bonavita, Mr. Jim Spart, Mr. Vernon Shifflett and Mr. Bill Holt were present to express their concerns regarding problems which they feel are created by the cruising in Elkton. The problems mentioned were congestion, litter, loitering, noise, vandalism, verbal abuse, safety and image. They requested that council recognize that there is a problem and take steps to correct this problem.

Mrs. Mildred Shifflett, Mrs. Hazel Crider, Mrs. Caroline Brill and Mr. Bobby Gooden spoke in opposition to a cruising ordinance. They felt the town needs to work with the young people and if there

are problems they can be worked out together. They did not feel the young people are responsible for the vandalism. It was suggested the town give this more consideration before taking any further action.

Mrs. Crider and Mrs. Brill both expressed concern over the low water pressure in Elkwood and the number of water haulers being supplied with water by the town. Mrs. Brill also stated that she feels the council did not give the residents any summer sewer break after changing their minds so many times.

Mr. Bobby Gooden requested council give consideration to Mr. Vernon Shifflett's previous request to do some paving down in Memorial Park at the VFW Memorial.

Mr. Welty Hensley reported to council that the annual Jr. O.U.A.M. Field Day Parade will be August 11, 1995 at 6:00 p.m. He requested the town's help in putting up the speakers, as well as other things that go with the parade. They also requested monetary support for the bands.

Mr. Welty Hensley reported that the Horse Show will be September 9, 1995. They are requesting some assistance from Mr. Hammer and the use of the bucket truck in installing the sound system. They may also need some help with some road work where they have their trailer.

Mr. Hensley expressed appreciation to the council members for giving of their time in service to the community. He also stated he did not know who was responsible, but that the cemetery really looks nice. He expressed his thanks for this.

Mrs. Laverne Hitt of Grottoes was present concerning the cemetery. She expressed her concern over the way the cemetery clean up was handled. She noted that town employees had taken things home and this concerned her. Mrs. Hitt pointed out that there is one angel left up at the cemetery and it is not in concrete as stated in the rules. The angel on her daughter's grave had been there almost six years and was set in concrete, yet it was torn up. She had been taking care of her daughter's grave herself so it presented no problem to the mowers. She stated that she was not notified of the clean up and that she does not feel putting it in the paper is official. Everyone does not get, or read, the paper. She stated she feels the town should reimburse her for the angel which was removed.

Mr. Costin responded to Mrs. Hitt that he was personally and professionally offended by her allegations that town employees removed things and kept them for themselves. He gave Mrs. Hitt the name of the Commonwealth Attorney and stated that he feels sure the Commonwealth Attorney would conduct an investigation if she present her evidence to him.

Mr. Millard Dearing spoke regarding the cruising and the cemetery issues. He pointed out that the town doesn't need an ordinance which stops people moving in town. If council does not want people to move in the Town of Elkton, then they should not be encouraged to come into the town. If council does not want the town to grow, then discourage cruising. He stated that the cemetery looks nice since it has been cleaned up, however he does not feel the Valley Banner should be used to notify the people about policy. He was concerned that the flags were taken off the veteran's graves and that flowers on his mother's grave were removed within a few days after her death. This did not allow the family to complete their grieving process. Mr. Dearing stated he feels an apology is due to all those who had items removed from their loved ones graves.

Ms. Donna Mowbray, EPIC Autumn Days Coordinator, reported that the Ninth Annual Autumn Days Arts and Crafts Festival will be held on October 21 and 22, 1995. They are requesting permission to close off sections of "B" Street and Henry Avenue in front of the Elkton Elementary School for that weekend. They also plan to have their Antique/Classic Car Show on Sunday, October 22nd and would like permission to close the parking area in front of the new Elkton Library for the show from noon until 5:00 p.m.

Councilman Printz stated he had talked with Chief Pence regarding the cruising problem and possible ways to address the issues on both sides. He requested that Chief Pence give his opinion on this issue.

Chief Pence stated he would prefer waiting until everyone else has had a chance to speak before he gives his opinion.

Councilman Printz stated he feels very strongly about the cruising issue and that people need to realize you can't legislate morality.

Councilwoman Fuller stated that the last time the cruising issue came up the council chambers were so packed that a lot of the citizens who were outside did not have the opportunity to speak concerning this. Those who did not get a chance to speak felt that their side of the issue was not heard. Since that time, a residence group has been meeting and Councilwoman Fuller was invited to attend one of their meetings as they knew they would have a sympathetic ear. Councilwoman Fuller stated she believes that cruising and loitering creates problems within the Town of Elkton. She does not know the best way to address this, nor does the group of people who have been meeting. However, there is a conception out there by one segment of our community that has some problems relating to cruising and loitering. There is no attempt at this council meeting tonight to enact a cruising ordinance or any sort of ordinance. Councilwoman Fuller stated what she would like is some sort of acknowledgement that cruising and loitering do create problems within the Town of Elkton. Possibly the way to address this is to have some sort of committee, as suggested by Mrs. Crider, or at least it be referred to the Public Safety Committee for consideration.

Councilwoman Fuller stated that in order to get away from the emotional side, and to present the factual side of this issue, she has gone back over the police records for the last year and a half to look at the infractions that have occurred within the Town of Elkton and to try to determine who the infractions were committed by. Councilwoman Fuller distributed copies of the infractions.

Councilman Printz stated his opposition to the list of infractions being distributed as council had not approved the distribution of this information. He pointed out that he was opposed to the way this was being handled as it should have gone through the proper committee first.

Councilwoman Fuller stated that the information distributed is public knowledge and she had cleared this with our attorney before handing out this information. The only reason this information is being distributed is to get this problem kicked back to the Public Safety Committee for consideration.

Councilwoman M. B. Fuller moved, seconded by Councilman F. A. Bennett and carried that the problems associated with cruising and loitering be sent to the Public Safety Committee for recommendation to the Town of Elkton.

Councilman Whitfield thanked all the citizens for being

present and presenting their opinions. He feels council has very diplomatically been reminded that they work for the public. Councilman Whitfield stated he is willing to work toward a solution to the cruising issue although he could not support a cruising ordinance as such. He pointed out that each citizen's opinion is important and urged them to continue contacting council with problems and suggestions.

Councilwoman Fuller stated that one of the problems that they sometimes hear at council is that the existing ordinances are not being enforced and if they were enforced we would not be having these problems. She stated that what she would like to do is put out some sort of resolution, or motion, that this council supports the enforcement of the existing ordinances and our police officers will know it.

Councilmen Bennett, Printz and Snow all felt that as council members they do support the ordinances and their enforcement, but passing a resolution was not necessary.

Councilwoman M. B. Fuller moved, seconded by Councilman F. A. Bennett that council publicly state that they support our police department in the execution of the enforcement of the existing ordinances of the Town of Elkton.

Councilman Bennett stated he doesn't think this is needed as in executing their duties as council members they should be behind the police. However, he seconded the motion in order to have it discussed on the floor.

Councilwoman Fuller stated that if there is a question in the community as to council's commitment to doing this, then council needs to reassure the community that they are willing to support the police department in enforcing the ordinances. She does not feel this is too much to ask of council members.

Councilman Snow stated he would not vote on this. He feels each council member supports the police department and the town ordinances and you don't need a motion committing council members publicly to that purpose.

Councilman Printz stated he could not understand why this sort of thing came on the floor like this. These issues should go through the committees so they are not publicly debated.

Councilman Whitfield stated he agreed with Councilman Snow that as a council member he does support the ordinances and their enforcement and a resolution stating this is not necessary.

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

YEAS: M. B. Fuller

NAYS: F. A. Bennett

ABSTAIN: W. E. Printz, R. L. Snow and T. R. Whitfield III

Mayor Dean declared there was no vote.

Chief Pence stated that the cruising and loitering issue has been coming up for ten years and this is the first opportunity he has had to address the issue. He commented that if he was going to be paid to do the job, then let him make some decisions. He pointed out that he does not need to be micro-managed down to the level he is being done now. Chief Pence noted that when he first became Chief of Police Elkton had the highest rate of crime in Rockingham County; the lowest rate of solving crimes. We have gone

from that situation to now having the lowest rate of crime and the highest rate of solving crimes. He feels the reason we have a cruising problem today is that there are more automobiles on the road. Things are not out of control here in the town and there are good things going on here. Chief Pence reported that the statistic given show that 75% of the charges made in the town are non-residents. What this indicates is Elkton has created a society and community that attracts people. We do not have major problems like other areas. He feels the town has to make up their minds; do we want to draw people into town or not. Chief Pence stated the way he plans to address the littering problem is by personally picking up the trash from the Valley Banner parking lot all the way down past the Municipal Building. He pointed out that 75% of the kids out here come from broken homes and it would be great if people would take an interest in them and invite them into their homes. The police department is doing their part in trying to help. However, we do have trouble makers; we do have problems and we have vandalism. But there isn't any place in the United States that doesn't have these problems.

DEPARTMENT HEAD REPORTS

Director of Public Works

Mr. Joseph Shifflett stated he has one thing to add to his written report. The rezoning request for the Ashby Lam property was recommended as unfavorable by the Elkton Planning Commission.

Superintendent

Mr. Monger stated he has nothing other than his written report.

Mr. Monger was asked what the approximate total cost is going to be on the Route 759 Project. Mr. Monger stated he feels it is going to run about $130,000.00.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the minutes of the Regular Meeting May 15, 1995 as presented and the Special Meeting May 30, 1995 as corrected.

DEPARTMENT HEAD REPORTS - cont.

Chief of Police

Chief Pence reported that they will be accepting applications for another police officer under the COPS FAST grant. They hope to have this position filled by the second week in July. He anticipates utilizing this position to address all the issues that are of major concern to the citizens of this community, such as vandalism and littering.

Chief Pence stated there is one issue he need to address but does not have to have any response from council. In order for his department to be effective, and the moral of his department to work, he wants to go back to the same form of operation that he enjoyed the first ten or twelve years he was here. If anyone has a complaint with him, or his department, or a suggestion, he would appreciate it if they would go directly to Mr. Costin and then allow Mr. Costin to communicate directly with Chief Pence. The direct attempt to supervise a police department, or police officers, by individual council people is disruptive. It is disruptive to have his officers operate under guidelines handed down by so many people. He is currently going through a series of

morale issues because of this. He is open to suggestions and wants to work with everyone, but policy cannot be dictated by individuals. He requested they be allowed to utilize their years of experience to police this town and that Mr. Costin be given the opportunity to be directly in charge of supervising the police department.

Chief Pence reported that they have addressed the issue of people running the red light at the intersection of Route 340 and Shenandoah Avenue. They have issued several summons.

Director of Parks and Recreation

Mr. Theodore Pence reported that the Mark Merica Tournament was held yesterday. It was difficult scheduling thirty-two games on one field in two days. He pointed out that they need more playing space.

Treasurer

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

TOWN MANAGER

Mr. Costin reported that a retirement picnic was held on June 2nd for Betty Engle who has retired. He thanked council members for attending. He also thanked Councilman Whitfield who was unable to attend due to a prior commitment, however he did help with the gift selection.

Mr. Costin introduced Nancy Sours who has replaced Mrs. Engle as Senior Clerk in the Treasurer's Office and Heath Myers, Assistant Lineman, who has been with the Electric Department for about three months.

Mr. Costin reported that we are still without some of our equipment which was damaged by the lightning strike and are in the process of replacing this equipment. Contact has been made with a couple of engineering firms in regards to the reservoir and they are waiting for their proposals.

COMMITTEE REPORTS

Electric Committee

Councilman Bennett reported that the town has always given, in the way of a donation, the cost of the electric bill for the Elkton Volunteer Fire Company's carnival. He had planned to bring this up at the last Special Meeting but did not make the meeting.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to donate the electric for the Fireman's Carnival.

Personnel Committee

Councilwoman Fuller stated the only item they have is the Job Description for the Administrative Assistant to the Town Manager. The position has been approved but council needs to approve the job description.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III and carried to approve the job description for the Administrative Assistant to the Town Manager.

Public Health, Public Safety, and Ordinances Committee

Councilman Whitfield reported that there are two ordinances that council re-enacts at this time every year, Section 7-1-39 which deals with Precious Metal Dealers and Section 8-1-1 and Section 8-1-2 dealing with Driving Under the Influence.

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller and carried to approve the First Reading to adopt these revised ordinances Section 7-1-39, Section 8-1-1 and Section 8-1-2.

Councilman F. A. Bennett moved, seconded by Councilwoman M. B. Fuller and carried to approve the request by Donna Mowbray of EPIC to close off Sections of "B" Street and Henry Avenue and down in front of the new library and fire hall area for Autumn Days on October 21 and 22, 1995 as presented in their letter. This is to be coordinated with the Chief of Police.

Streets and Sidewalks Committee

Councilman Printz reported that in regards to the issue of accessibility to a building by disabled persons, this issue is being taken care of.

Councilman Printz stated he needs to have a committee meeting this month. He hopes the committee will be able to start on a long term plan to replace sidewalks for the next year's budget.

Water and Sewer Committee

Councilman Bennett reported that they have had two committee meetings and will be addressing several issues at their next meeting.

OLD BUSINESS

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried to approve on Second Reading the 1995-96 Budget Appropriations as presented. The vote was recorded as follows:

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

NEW BUSINESS

Councilman Bennett reported that we have had an increase in water haulers since the Bear Lithia problem. He stated a better system is needed to try to keep better records and to abide by the Health Department regulations. The cost for materials to do the necessary work to accomplish this is estimated at $1,965.68. They plan to install the metering devices for the water haulers behind the fire hall. They feel they could control this better there and it would reduce traffic on Terrace Avenue. He pointed out that this is not to expand any services to the county but is intended to maintain what we are doing now and provide better controls.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow to go ahead and pursue the purchasing of the meters and backflow preventers behind the shops at a cost of $1,965.68.

There was some concern expressed about blocking the alley and about the town's water pressure problems in some areas.

Councilman Whitfield stated that although he is sympathetic to the needs of the County residents, he feels that council's first obligation is to the 2000 people living in Elkton. He thinks that

if we are going to continue to sell to water haulers we need a better system of accounting for the water used. He does not feel the location suggested is desirable.

Councilman Bennett again stated that his motion is not intended to expand water service to the County but is to maintain to this point what we have been doing in the past. We also need this to get water for ourselves legally through the Health Department.

Councilwoman Fuller stated she does not feel Elkton should be the business of selling water to commercial water haulers. She thinks council needs to consider first whether they want to continue selling to water haulers and if so, need to look for a better location to provide this service. The downtown area is not an ideal location.

Councilman Printz suggested this be sent back to the committee for further study.

Mr. Costin stated he wanted council to be aware that for the town maintenance needs, we can get our water from a hydrant and would not have to have a backflow protector. He also commented regarding the ELkwood water pressure problem. Mr. Costin reported that a check value was installed to help maintain the pressure in that area. However, right now the reservoir is at about half capacity to help the engineers do some inspections. This has resulted in some variations of pressure that we do not normally have and could be causing some of our pressure problems in Elkwood.

Councilman Snow stated there are a lot of real concerns and he does not think we should block the alley behind the shop. However, he feels we need to address these problems now and resolve them.

After some further discussion, Councilman Bennett withdrew his motion and Councilman Snow his second. This matter was referred back to the Water and Sewer Committee.

A special meeting was set for Tuesday, June 27, 1995 at 8:00 p.m. to have the Second Reading on the 1994-95 reallocations.

Councilman Bennett reported that the engineers will be bringing back suggestions and prices on the reservoir.

Mr. Costin reported that according to an assessment from the engineers, there is a significant leak at the reservoir.

Mr. Costin reported that in Mr. Shifflett's report the Elkton Planning Commission had been asked by the Rockingham County Zoning Officials to review several rezoning requests from individuals in Rockingham County. The Elkton Planning Commission's response was favorable for the Knight Communication's request but were not favorable for the request by Mr. Ashby Lam. Mr. Lam had withdrawn the application, with plans to resubmit it along with further information, however, the Elkton Planning Commission was not aware of this the night of their meeting.

Mr. Tom Weyrick, Chairman of the Elkton Planning Commission, reported that the recommendation on Knight Communication was favorable but on a split vote. He stated that Knight Construction is requesting that their property on the east side of Route 829, north of Route 33, be rezoned from A2 to B1. There are some stringent stipulations included, one of which will be no access from Route 33.

Councilman R. L. Snow moved to support the Elkton Planning Commission's recommendation regarding Knight Communication's

rezoning request.

Mayor Dean stated the motion died from a lack of a second so council has no recommendation.

Councilwoman Fuller stated she was not able to second the motion and could not have supported it, but it is with regret. She noted that she is so concerned about the rezoning of agricultural property on Route 33 bypass to business because we are going to end up with business strip development from Elkton to Harrisonburg. She feels this would kill our town. It would be difficult for her to support any sort of business rezoning out there.

Councilman R. L. Snow moved, seconded by Councilwoman M. B. Fuller and carried to approve the First Reading on the 1994-95 Budget Transfers and Additional Appropriations.

Councilman Bennett was excused from the meeting due to going to work.

Councilman Printz stated that council had not made a formal motion to send to the County regarding the rezoning request by Knight Communications and questioned whether council should not give them an answer of yea or nay.

Mayor Dean stated that a motion was made. It was not seconded so it did not pass.

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

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

Councilman R. L. Snow moved 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: M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

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