REGULAR
COUNCIL MEETING
August 21, 1995

The regular meeting of the Elkton Town Council was held August 21, 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

ABSENT
T. R. Whitfield III

Ted Costin, Manager, Dale Davenport, Attorney, Norma 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

Bill Holt

Bill Holt, 508 Fourth Street, spoke in opposition to having a permanent station for water haulers in the downtown area. He feels the alley being considered is too narrow and with the library being relocated in that area it will present a safety hazard for the children. The increased traffic will also be a problem. He requested council strongly consider another location.

Dr. Garner Downey

Dr. Downey, 210 Lee Avenue, agreed with Mr. Holt. He stated that he feels placing a water haulers station in the downtown area would also be defeating the goals of the Main Street Program.

Councilman Bennett reported that this matter is not on the agenda for tonight's meeting and that the committee is investigating all the options in order to determine an appropriate location. He noted however that the downtown area is a business section and is where you would expect to have more traffic.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the minutes of the Regular Meeting July 17, 1995 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence asked if there were any questions on his written report and there were none. He reported that he had planned to have the three young people who had found the purse with $2000.00 inside, and turned it in, at this council meeting so they could be recognized. However, The Valley Banner printed it before he could have them come to a meeting.

Chief Pence stated that council packets included a proposed draft for parking violations and fee adjustments. All the fees would be increased but they would still be about one-third of the standard fees throughout our area. Chief Pence stated that, if adopted, these fees would probably not go into effect until the first of the year.

Director of Parks and Recreation

Mr. Theodore Pence presented and answered questions on his written report. He noted that he would be having a tournament this coming weekend and sign ups for Youth Basketball and Soccer will begin next week.

Director of Public Works

Mr. Joseph Shifflett distributed his monthly report to council. Councilman Snow asked if the town has contracted with anyone to do some tree trimming? Mr. Shifflett reported that he has discussed this briefly with Mr. Costin but no action has been taken as yet. Plans are to take a look at this in the near future.

Superintendent

Mr. Monger stated he had nothing other than his written report. Mayor Dean asked if any work has been done on the island at the dump and Mr. Monger stated there has not been.

Treasurer

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried to approve the Finance Report for the month of June.

Mrs. Leap introduced Jennifer Dean who will be working part time for the town under the Cooperative Office Education Program at Spotswood High School.

TOWN MANAGER

Mr. Costin introduced Kelly Bauserman who has accepted the position of Administrative Assistant to the Town Manager.

Mr. Costin reported that Mr. Donnie Sipe has been promoted to fill the Maintenance-Foreman's position and they are advertising to fill the vacancy created by Mr. Sipe's promotion.

Mr. Costin asked that the following committees set dates for committee meetings: Finance; Streets and Sidewalks; Public Health, Public Safety and Ordinances; and Water and Sewer.

Mr. Costin reported that there has been some interest expressed concerning Enterprise Zones. He attended an application workshop on Enterprise Zones on July 25, 1995 and has included a small amount of information on this in the council packets. He has more information available if anyone wishes to review it.

COMMITTEE REPORTS

Streets and Sidewalks

Councilman Printz reported that he has been contacted regarding some potential work that needs to be done in the park. He asked if this should be referred to the Recreation Commission and was informed this would be the proper procedure. He noted that he would notify the people who had contacted him.

Councilman Printz questioned if there is a case of possible damage in a home due to electric should this be referred to the committee? Councilman Bennett stated those involved should contact Joe Shifflett or Mr. Costin first.

OLD BUSINESS

Second Reading Section 7-1-10

Councilman F. A. Bennett moved, seconded by Councilwoman M. B. Fuller to approve on Second Reading the following amendment to Section 7-1-10 - Vendors selling door-to-door:

Sec. 7-1-10 Vendors selling door-to-door.

In addition to any other license required by this code, any individual going from one place of human habitation to another offering an item other than newspapers and fresh farm products, for sale, shall first obtain an annual permit from the chief of police and pay a fee in the amount of $30. Said fee shall be remitted to the town treasurer and paid into the general fund of the town; provided, however, when such activities are conducted on behalf of a nonprofit charitable, civic or religious organization, no fee will be charged. No individual shall be issued a permit who has been convicted of any felony or other crime of moral turpitude in any jurisdiction. In the event that the criminal record indicates a charge for any such crime, it shall be the obligation of the applicant to provide clear and convincing documentation or other evidence that the charge did not result in conviction.

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

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

NEW BUSINESS

Shen-Elk Special Exception Request

Councilman Dail reported that the Planning Commission met tonight after the Public Hearing and recommended the request from Shen-Elk Associates for a special exception permit to allow a church on acreage parcel 1A1 in Shen-Elk Plaza be approved.

Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller to grant the request for a special exception permit by Shen-Elk Associates. The vote was recorded as follows:

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

Shen-Elk Subdivision

Councilman Dail reported that the Planning Commission met last week and recommended the approval of the request by Shen-Elk Associates to subdivide property shown on Land Map 131B1, Parcel A-1A1. This divides one piece of property into three sections as plated by Thomas E. Shumate Jr. and dated August 5, 1995.

Councilman D. H. Dail moved, seconded by Councilman F. A. Bennett to approve the request by Shen-Elk Associates to subdivide Parcel A-1A1, Land Map 131B1. The vote was recorded as follows:

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

Mr. Malcolm Jones requested that a certain portion of the subdivision fee he paid be refunded as 4.881 acres of the land belonged to him, not Shen-Elk Associates, and was not a part of the subdivision.

Councilman W. E. Printz moved, seconded by Councilman R. L.

Snow and carried to refund $122.03 of the fee paid by Mr. Jones.

K & K Utility Connection Request

Councilman Bennett reported that K & K Machining has requested town sewer service on Shenandoah Avenue. They are already receiving electric and water service. Councilman Bennett pointed out that the town already has sewer in the area, however K & K will have to install a pump. The Water and Sewer Committee recommends approval of this request.

Councilman F. A. Bennett moved, seconded by Councilwoman M. B. Fuller and carried to provide sewer service to K & K Machining as requested with the provision that they adhere to town protocol.

Mayor Dean asked if council wishes for Mr. Costin to pursue Enterprise Zone designation? He pointed out that this is a good tool for drawing business to the area.

Mr. Costin explained that you have to meet certain criterias to qualify for an Enterprise Zone. It involves a lot of work but would be a feather in our cap if we got the designation. He would like to know by the September work session if council wishes to pursue this.

OLD BUSINESS

Councilman Bennett reported that they are waiting on a firm price on the lining for the reservoir and the committee is looking into other locations for a water hauling station.

Councilman Dail reported that the truck traffic on Terrace Avenue has increased. He requested council consider the feasibility of making Terrace Avenue a "no through trucks" street. This would divert the traffic away from the school and park. He feels this is not a good truck route even without the water haulers.

Councilman Bennett stated he did not feel a decision should be made tonight. He suggested sending out letters to the water haulers asking that they not use Terrace Avenue until a decision is made on where to locate a water hauling station.

Other council members expressed concern about the safety of the children as school will be starting in another week.

Mr. Costin reported that he had received some complaints and had asked Chief Pence to increase the patrolling in that area.

Council was in agreement to notifying the water haulers not to use Terrace Avenue and to send the suggestions regarding eliminating through trucks to the committee for recommendation.

Mr. Costin reported that the next work session will be September 6, 1995.

Councilwoman Fuller noted that last year a resolution of appreciation was presented regarding the landscaping at the triangle and suggested council consider similar citations for McDonalds and the Elkton Garden Club.

Councilwoman Fuller reported that Elkton will be showing up on the World Wide Internet and that the Elkton Farmer's Market opened Saturday and was a great success.

Councilwoman Fuller also suggested Chief Pence invite the boys who found the purse to a council meeting so council can publicly

commend them.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried to go into Executive Session to discuss acquisition of property and personnel relating to the police officer hired under the COPS FAST Grant.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried to go from Executive Session back into Regular Session.

Councilwoman M. B. Fuller moved that each council member to the best of his knowledge, certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered. The following council members so certified:

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

Councilman Bennett presented a letter of resignation from Rodney L. Morris of the Elkton Police Department.

Councilman F. A. Bennett moved, seconded by Councilwoman M. B. Fuller and carried to accept the resignation of Rodney L. Morris.

Mayor Dean reported that the town will be seeking applications for this position.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried to send a resolution of appreciation to the Elkton Garden Club for their work with the flowers in town.

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