# REGULAR
# COUNCIL MEETING
# March 18, 1996

The regular meeting of the Elkton Town Council was held March 18, 1996 at 7:30 p.m. in the council chambers with the Mayor Charles E. Dean presiding. The roll call was as follows:

PRESENT

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

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.

## CITIZENS COMMENTS

Boy Scout Troop 46

Mayor Dean welcomed Mr. Jimmy Tickle and Boy Scout Troop 46 members who were present. Mr. Tickle pointed out that they are working on their Citizenship Merit Badge.

Donna Mowbray

Donna Mowbray, EPIC Elkton Autumn Days Coordinator, was present to request permission to close off sections of "B" Street and Henry Avenue in front of the Elkton Elementary School for the weekend of October 19 and 20, 1996 for their Tenth Annual Autumn Days Arts and Crafts Festival. They also requested permission to close the parking area in front of the new Library for an Antique/Classic Car Show on Sunday, October 20, 1996.

Hazel Crider

Hazel Crider was present and stated that she appreciates the fact that the Town has been trying to revitalize downtown Elkton. However she is concerned about the dump site on the edge of town. This is an eye sore and it is not laid out very well. She requested council look into this situation and see if something can be done about it.

Another area of concern was the snow removal. Mrs. Crider stated she appreciated the long hours put in by the town employees and think they did a good job. She feels that although a good job was done during the storm there was no follow up afterwards. There were several bad situations, such as the one at Elkton Pharmacy and Seven-11. She suggested this be kept in mind for next year.

Mrs. Crider expressed concern about the amount of money being spent. She stated that she was not saying it hasn't been spent wisely, but she does feel some of it could have been saved. She, and quite a few of the people she has talked with, do not want a tax increase and are greatly concerned about the increased spending. Mrs. Crider stated that, with the exception of the Fire Company and Rescue Squad, she feels all organizations in town should be paying their own way and the Town of Elkton should not be donating to them.

Mrs. Crider stated she feels negotiations on the Town Manager's contract should be left until after the new council is in office. She asked that council give consideration to these concerns and suggestions.

## MINUTES

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III and carried to approve the minutes of the Public Hearing February 12, 1996 and the Regular Meeting February 19, 1996 as presented.

## DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence introduced Denise Hisey and Tiffany Dinges, new dispatchers, who were hired to replace Michael Boyd and Richard Carey. Mr. Carey is now Administrative Assistant to the Town Manager. Chief Pence reported that Tammy Sampson and Denyce Wood have been hired as part time dispatchers.

Chief Pence asked if there were any questions on his monthly report. He also reported that he had met again with the Citizens Committee and that there will be another meeting within the next month or so.

Director of Parks and Recreation

Mr. Theodore Pence stated he had nothing other than his written report.

Director of Public Works

Mr. Shifflett reported that the water had been off this afternoon due to an emergency on North Street. The problem was corrected and the water back on within a short period of time.

Mr. Shifflett stated he had nothing else to report except what was in his written report.

Mayor Dean questioned when the sewer line project on Blue and Gold Drive would be starting? Mr. Shifflett stated it would probably be around the end of the month.

Councilwoman Fuller questioned if there were any problems with the tree trimming this year?. Mr. Shifflett stated that Mr. Dearing had called to asked if they were finished with the first phase and he had addressed this but he had received no other calls or complaints. Councilwoman Fuller noted that there was a letter in the paper about the trimming and Mr. Shifflett pointed out that he, nor Mr. Costin, had been contacted by this person.

Mr. Costin asked if he was correct that the snow piles at the Seven-11 were on private property and were not put there by the town. Mr. Shifflett confirmed that this was correct.

Councilman Whitfield stated he feels the follow up was superlative. The residents he has spoken to were pleased. There were extreme natural causes that the town had no control over, but he feels the way it was handled was fantastic. He pointed out that the Director of Public Works worked over ninety hours in one week without any compensation as he is on salary. He feels the town crew deserves a lot of credit.

Superintendent

Mr. Monger reported that both offices have been moved but are not set up as yet.

Mayor Dean questioned the purpose of moving the tree stumps to the riverbank? Mr. Monger stated that these stumps will be cut off approximately 25 to 30 feet long. A ditch will be dug from

the edge of the river back and the truck of the tree will be buried. The root wads will be left sticking out into the river and this helps collect the water.

Treasurer

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the Finance Report for the month of February 1996.

Councilwoman Fuller stated she would like to see the percentage earned on our investment money included on the finance report each month.

## TOWN MANAGER

Mr. Costin recognized Rick Carey who has been hired to replace Kelly Downey as the Administrative Assistance to the Town Manager.

Mr. Costin asked council to hold a special meeting, preferably Monday, April 1, 1996, or sometime that week for him to present the budget.

Mr. Costin noted that the Cline Energy Alley Easement needs to be acted upon before the replacement of lines can be started.

## COMMITTEE REPORTS

Electric Committee

Councilman Dail reported that he attended the Board meeting of the VMEA in Richmond last Thursday. There were issues discussed that will need to be discussed in detail by the Electric Committee. He also pointed out that he will have a VMEA Resolution to present later under New Business.

Personnel Committee

Councilwoman Fuller reported that the committee has been working on the Town Employee's Handbook and to the best of her knowledge it is just about in its final shape. There are a few changes which need to be reviewed by the committee before the document is recommend to council for adoption.

Public Health, Public Safety and Ordinances

Mayor Dean reported that the committee met and discussed several personnel handbook questions which had been raised by the Public Safety Department.

Streets and Sidewalks

Councilman Printz reported that the committee had met. One of our town citizens came to the meeting regarding a concern about what the town is doing in their area in regards to widening the street and the sidewalks being fixed. The committee reiterated that there is an order of events or an agenda that is being followed and that the particular area in question by the citizen is scheduled in the future, not any time soon.

Councilman Printz reported to Mrs. Crider that he has talked with the Town Manager regarding the snow removal follow up. Councilman Printz stated that he has received complaints from several citizens. He commended the town employees on the work that was done, however he stated he does feel there should be a meeting to discuss these issues as there are more concerned than he had thought.

## OLD BUSINESS

### Personnel Handbook

Councilwoman Fuller stated she has no motion to make at this time.

### Cline Energy Alley/Easement

Councilman Dail reported that the Planning Commission has viewed the Cline property and recommend that the easement grant and lot lines vacation on that property be approved.

Councilman D. H. Dail moved, seconded by Councilman W. E. Printz to accept the Planning Commission's recommendation on both items. 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

### Special Exception-Ran Mar Corporation

Councilman Dail reported that the Planning Commission and the Town of Elkton held a joint Public Hearing on March 11, 1996 to consider a request by Ran Mar Corporation for a Special Exception for the establishment of a warehouse on property owned by them. The Planning Commission met following the hearing and recommended approval of this request.

Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller to approve the Special Exception for Ran Mar Corporation as recommended by the Planning Commission. 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

### Citizen/Police Complaint Form

Mr. Costin presented the proposed citizen complaint form. This form was modeled after one used by Front Royal and is used to document situations surrounding complaints against uniformed police officers by citizens. The police department is generally receptive to this as it requires the citizen to put his/her complaint in writing. Mr. Costin recommended adoption of this form.

There was some discussion by council as to whether the town would pay for the cost of a notary and why a notary is needed. It was felt that if a citizen is required to have their complaint notarized it would help deter false complaints.

Councilman F. A. Bennett moved, seconded by Councilman T. R. Whitfield III and carried to accept the complaint form as presented in the council packets.

### VMEA Resolution

Councilman Dail reported that back in November when council signed the rate structuring agreement which would alter the revenue sharing calculations, Culpeper decided not to participate. Culpeper's council has now approved participation in this agreement so this requires a Fourth Amendment to the contract to include Culpeper.

Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller to accept the Fourth Amendment to the VMEA Contract. 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

**Recognition of G. W. Berry**

Councilman Whitfield reported that, as most are aware, Mr. G. W. Berry is in very poor health. He has been a member of the cemetery commission since approximately 1966. In recognition of his years of service, the cemetery commission would like to recommend that funds be allocated to purchase trees to be planted at the cemetery in his honor.

Councilman T. R. Whitfield III moved, seconded by Councilman W. E. Printz and carried to purchase the trees in Mr. Berry's honor.

**Street Closing**

Councilwoman M. B. Fuller moved, seconded by Councilman F. A. Bennett and carried that the Town of Elkton close off the requested sections of "B" Street and Henry Avenue, in front to the Elementary School, for Autumn Days October 19 and 20, 1996 and also to close the parking area in front of the new library for the Antique/Classic Car Show from noon until 5:00 p.m.

**MAYOR'S BUSINESS**

**Special Meeting**

A special meeting was set for April 2, 1996 at 6:30 p.m. for the Budget Presentation.

**Water Tank Purchase**

Mayor Dean stated that Mr. Monger needs a decision regarding purchasing the proposed water tank.

Mr. Monger reported that the cost of the tank is $2,000.00 from the Federal Surplus and it will cost approximately $2,000.00 to have it delivered.

Mayor Dean asked if this tank could be placed in Elkwood to help with the pressure problems. Mr. Monger stated it could. It would require treatment. Mr. Monger was asked to check the regulations on using the tank in this manner.

Councilman F. A. Bennett moved, seconded by Councilman D. H. Dail to allocate the money to purchase the water tank.

Councilwoman Fuller questioned whether there is a down side to purchasing the tank. Mr. Monger stated that the down side would be the cost to install the tank and land to place it on. She also questioned if land can not be found to place the tank, can we sell the tank after the reservoir is repaired. Mr. Monger was not sure of this and would have to check.

Mr. Costin stated that Mr. Monger and Mr Shifflett feel the town should purchase this tank so he would go along with their recommendation. He does however have some concern regarding acquisition of land. He pointed out that this is a good opportunity to purchase the tank but he is not sure how many opportunities we can afford to take advantage of.

A vote was taken on the motion to purchase the tank and 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

**Blue Ridge Radio and TV Project**

Councilman Bennett stated he would like to echo Councilman Printz's earlier request regarding the problem at Blue Ridge Radio & TV. March is here, hopefully the plant mix operations are now up and going, and the town needs to get this project completed. Mr. Shifflett reported he has talked to B & S Contracting out of Harrisonburg and they are going to do the work. He is not sure when they will start but it should be within the next couple of weeks.

**Request for Town Tag Deduction-Fire Company**

Councilman Bennett reported that he was approached by a member of the fire department regarding the fact that the county gives a $5.00 deduction on decals to members of the fire companies and rescue squads in the county. This person asked that the town consider doing this for town citizens who are qualified members of the fire company.

Mayor Dean stated that this was considered and rejected about four years ago as council did not feel there were that many involved and the town did not want to set a precedent.

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz that, as a jester of appreciation for their services, members of the fire company and rescue squad be given a $5.00 deduction on their town tags, upon presentation of proper authorization that they are eligible for this deduction.

There was some discussion on the motion regarding the fact that we have other volunteers on boards and commission. Also we are already selling town tags and there is the possibility of having to issue refunds.

Councilman F. A. Bennett moved to amend his motion, seconded by Councilman W. E. Printz that this would become effective next year. The vote was taken on the motion and it carried.

**Summer Sewer Rate**

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried that the Town of Elkton's summer sewer rate be modified the same as last year.

Mayor Dean noted this would be based on the April usage. As there was no disagreement to this clarification it was taken as a consensus amendment.

Councilman Whitfield stated his opposition to this proposed action. Several things mentioned were (1) does not encourage conservation of water usage; (2) excess of expenditures over revenues in these departments; (3) Town Manager and Treasurer have not supported this in the past; (4) he feels breaks should be given to the most needy and there are better ways to do this; and (5) it should be something that could be given to every household across the board.

Councilman Bennett pointed out that the figures shown in the audit and on the finance report do not indicate a loss of revenue but indicates expenditures which were for large projects, new meters, etc. which were not covered in the budget.

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

**Questions**

Councilman Printz stated he has been approached by a town citizen who would like to know the proper procedure to extend their driveway.

Mr. Costin stated they need to have Mr. Shifflett take a look at this to determine what needs to be done.

**EXECUTIVE SESSION**

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to go into Executive Session to discuss the following three items:

1. The consideration of prospective candidates for employment.
2. An appointment to the Cemetery Commission.
3. The acquisition of real property for public purposes.

The motion carried unanimously.

Councilwoman M. B. Fuller moved that each council member certify that they only discussed the items that were indicated and that to the best of their knowledge 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, R. L. Snow and T. R. Whitfield III

**Appointment to Cemetery Commission**

Councilman T. R. Whitfield III moved, seconded by Councilman W. E. Printz and carried that the Elkton Town Council appoint Florence Barrett to the Elk Run Cemetery Commission.

**Advertisement for Town Treasurer/Clerk Position**

Councilwoman M. B. Fuller moved, seconded by Councilman F. A. Bennett and carried 5-1 that the Town Council authorize the Town Manager to advertise for the position of Town Treasurer/Clerk.

**Adjournment**

As there was no further business, the Mayor declared the meeting adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk