# REGULAR
# COUNCIL MEETING
# August 19, 1996

The regular meeting of the Elkton Town Council was held August 19, 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. L. Dearing
A. D. Dixon
R. L. Snow

ABSENT

W. E. Printz

Ted Costin, Manager, Robert Keefer, 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

Alice Lough

Mrs. Lough spoke regarding the lack of safety at the intersection of Terrace Avenue and Ashby Avenue. There is a stop sign on Terrace while Ashby has the right-of-way. With no stop sign on Ashby, people could go right over the hill into the park if they are not familiar with the area. She asked that council take a look at this situation.

Vernon Shifflett

Mr. Shifflett spoke again in support of Mr. Costin, Town Manager. He noted that he is irate at the way council has treated Mr. Costin. He stated that he would not vote again for the two council members who worked against the Town Manager and commended Wayne Printz and Councilman Dail for standing up for the Manager.

Mr. Shifflett also commented on the fact of approximately $150,000.00 being spent out of town while the streets in town are in terrible shape. Another area of concern was the water that is being taken from Newtown Road to Elk Run Creek. This water is destroying his property and he does not feel the town can legally destroy other people's property.

Casey Billhimer

Mr. Billhimer, speaking on behalf of the majority of town businesses, stated they feel Elkton needs a Town Manager and feels Ted Costin is doing a great job. They are sad to see that Mr. Costin will not be here after September. Elkton has progressed steadily in the past two years. If the decision to let Mr. Costin go is based on voting the way the tax payers wanted council to vote, they want council to know that they, the business owners, are also tax payers. They regret they did not speak up sooner. On behalf of the town business owners, Mr. Billhimer wished Mr. Costin the best of luck in the future and hope he can find a job where his efforts are appreciated.

Bill Holt

Mr. Holt stated he and his wife have had a business in Elkton for twenty-three years and are part of the business community. The business community is concerned about an attitude that has appeared to reflect the views of the majority of council since the first of July. An indication of that

view point is a statement in the paper dividing the taxpayers and residents, taking one position, and the business people, taking another position. The indication is that the business people are not residents and are not taxpayers. This is a false assumption. Many of these business people are residents of the town and pay taxes. The town can regress and discourage business in the town and see the tax rates go up. However, Mr. Holt stated he feels we need to encourage good sound, friendly, business. We have to take into consideration the viewpoint of the business people in this community. Mr. Holt commented that he hoped he was wrong in thinking that there is a great likelihood that the businesses are not going to change the minds of the people who are locked into this viewpoint. If they can just change the mindset of one or two members of council who want to regress rather than be progressive, then his time will not have been in vain. He also noted that the Main Street Program, the Town Manager system and Ted Costin are three of the best things that ever happened to this town. He passed out an article from the Valley Banner that noted what the business community contributes to the town.

Mildred Shifflett

Mrs. Shifflett spoke concerning the filthy streets in town. These streets are not getting better, they are getting worse. Mrs. Shifflett stated she feels the town is not progressing. Things are worse than they were fifteen years ago. She feels something needs to be done about our streets and sidewalks. She questioned why the town ran water and sewer across the river without annexing first. She noted we are not getting any taxes at all from this area yet we are using the tax payers money to extend these services. Mrs. Shifflett also commented on the increase in cable rates and indicated she feels we need more competition in this area to help control the rates.

Boo Taylor

Mr. Taylor, representing the Elkton Little League, presented a plaque to the Town of Elkton in appreciation of the town's support, especially the use of the ball fields and lights.

Hazel Crider

Mrs. Crider stated she feels the citizens and the businesses should unite and try to work together. She would like to see them give the new council a chance. Mrs. Crider noted that extending water and sewer lines outside of town does not help encourage businesses to locate within the town. She commented on the traffic on North Avenue and the safety hazard there. There are three streets intersecting at this area and the people coming down North often do not abide by the stop sign. She feels council should get with VDOT to see if some type of safety devices can be put in this area. Mrs. Crider also commented on the dump site at the lower end of town. This is an eye sore and she suggested council get with the Board of Supervisors to see what can be done about this problem. She feels the dump should be moved to another area. Mrs. Crider stated she agrees with Mrs. Shifflett on the status of the streets and sidewalks.

Donna Dichirico

Mrs. Dichirico noted she lives on Stuart Avenue, diagonally across from the old dry cleaners building, and has experienced quite a few problems with the new business going in beside her. She understands from some council members that the town does not maintain Route 340 North and she would need to talk to VDOT about having "Resident Only" parking put in. She stated that she is all for progress but feels the town needs to strive to keep its small town atmosphere. She commended the Main Street Program for their work in this area.

Gene Kite

Mr. Kite stated he feels its time for people to quit moaning and groaning. The majority of the voters of the town took a stand and he feels the new council should be given a chance. He noted that businesses were running before Mr. Costin came and will continue to run in the future. He

pointed out that the town has two good employees in Mr. Joe Shifflett and Mr. Gerald Monger who he feels will be willing to help keep things progressing.

Richard Armstrong

Mr. Armstrong commented that he has been a citizen of Elkton for seven and a half years now and he loves this town. The people are friendly and the town is growing and is prosperous. He is happy that RMH is coming closer to Elkton. He pointed out that there is one problem he noticed recently and that is that the drains are on the wrong side of the bridge. He suggested the town contact VDOT to take care of this problem.

**MINUTES**

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the minutes of the Regular Meeting July 15, 1996 and the Special Meeting July 29, 1996 as presented.

**DEPARTMENT HEAD REPORTS**

Chief of Police

Chief Pence asked for a confirmation on the date and time set for the next Public Safety Committee meeting. Mayor Dean stated the next meeting is September 4th at 7:00 p.m.

Chief Pence reported that a lot of the issues which have been mentioned by some of the citizens are on the Chief's agenda for the Public Safety Committee meeting and he will address them at that time. The Chief noted he will be corresponding with those having Public Safety concerns immediately following the September 4th meeting. He stated that the increase in speeding tickets on his report is due in part to increasing their time spent on North Avenue and E. Rockingham Street. The report however does not reflect the time spent this month.

Director of Parks and Recreation

Mr. Pence reported that two weeks ago he had the Mark Merica tournament. He pointed out that all he has heard since the additional land was purchased was complaints that it would be used for ball parks. He questioned how he could be expected to schedule all the teams on two ball fields. He had to turn some teams away because he had nowhere to put them.

Director of Public Works

Mr. Shifflett reported he had nothing except his report. He stated he would like to bid Mr. Costin farewell and to let it be known that his department and Mr. Costin's had a good relationship and he feels they got some things done.

Mr. Shifflett noted that he has taken some indirect hits lately by some members of council regarding work not being done or not done in a timely fashion. Mr. Shifflett pointed out that he has been in charge of his departments for about twenty-two months and he has replaced approximately 300 water meters and assisted Mr. Monger on numerous projects. He stated he will continue to work as efficiently as he can based on the help he gets. He stated he has an elderly staff, and with vacation and sick leave he is usually operating with two or three people. He would gladly entertain suggestions as to how he can operate more efficiently. Mr. Shifflett suggested council consider giving his department more help.

Councilman Dearing noted he has been receiving a lot of criticism, however he has been working for the past two months to help solve the electric, water and sewer problems within the town. He stated that he cares for Elkton and will continue to work to improve Elkton. He

commented that he will respond to the concerns of the people in writing after each meeting. He pointed out that he was elected by the people, in a democratic system, and he will represent the people. He pointed out however that he will not always be able to please everyone.

Superintendent

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

Treasurer

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the Finance Report for the month of June 1996.

Mrs. Leap reported that the auditors have completed their field work and hopefully the report will be completed in September.

**TOWN MANGER**

Mr. Costin reported he had nothing to add to his written report.

**COMMITTEE REPORTS**

Electric

Councilman Dail stated he would like to meet with Councilman Snow and Councilman Dearing right after the meeting to set up an Electric Committee meeting. It was noted that there are no figures available as yet on the generators.

Personnel

Councilman Dearing reported that they are working on interviewing and filling the Senior Clerk's position. They hope to complete this soon.

Water and Sewer

Councilman Bennett reported that they are pushing forward with installing the touch read meters.

**OLD BUSINESS**

**Second Reading on Section 8-1-1 and 8-1-2**

**Councilman F. A. Bennett moved, seconded by Councilman M. L. Dearing to approve on Second Reading the amendment of Section 8-1-1 and 8-1-2. A copy will be attached to the official minutes. The vote was recorded as follows:**

**YEAS: F. A. Bennett, D. H. Dail, M. L. Dearing, A. D. Dixon and R. L. Snow**

**NEW BUSINESS**

**Special Exception Request - Shen-Elk Enterprises**

Councilman Dixon reported that the Planning Commission met last Tuesday and discussed the request by Bernard A. Womack for a Special Exception Permit to allow a Family Entertainment Center inside Suite No. 5 in Shen-Elk Plaza. The Planning Commission recommended approval of

this request.

**Councilman A. D. Dixon moved, seconded by Councilman F. A. Bennett and carried to approve the Special Exception Permit requested by B. A. Womack to operate an indoor car track at Shen-Elk Plaza, Suite No. 5.**

**Rezoning Request - Gooden**

Councilman Dixon reported that the Planning Commission discussed the request by Joseph M. Gooden to rezone Lot 2, 424 North Street, from R-4 Residential to R-6 High Density Residential. The Planning Commission recommended denial of this request. The major concern was they felt this would be spot rezoning.

Councilman Dixon stated that most of the people he has talked with are opposed to changing the zoning.

Councilman Dearing stated he talked with the people and they don't want anything there, however that is not an option. The option is R-4 or R-6, and as the land is presently zoned R-4 Mr. Gooden could build two duplexes if he wants.

**Councilman A. D. Dixon moved, seconded by Councilman R. L. Snow to deny the request by Joseph M. Gooden to rezone Lot 2, 424 North Street, from R-4 to R-6.**

Councilman Bennett stated he would like to delay action for another thirty days as he would like to talk with Mr. Davenport and look at some other options.

Councilman Dail stated this is a tough call. He noted he is not sure that what we will be getting with R-4 is going to satisfy people any more than what we will be getting with R-6. He feels the Comprehensive Plan, as outlined in that area, is reasonable and it should remain zoned R-4.

Councilman Snow noted that he owns the property across the street and although he feels council should support the present zoning ordinances, he will abstain from voting.

Councilman Dearing stated he set in on the Planning Commission meeting. The Planning Commission mentioned at the meeting that if Mr. Gooden came back and repetitioned, they would consider an R-5 approval. Councilman Dearing does not feel R-5 would do anything for Mr. Gooden. He pointed out that looking at the building Mr. Gooden plans to build, he has no problem with it as it is a better structure than two duplexes and would be more presentable on the lot. Councilman Dearing said his concern is Mr. Gooden doesn't have to build as long as he stays within the confounds of R-6. He can however build what he wants or he can sell it to someone else and they can build what they want as long as they conform to the R-6 guidelines. He would prefer tabling this for further study.

**A vote was taken on the motion and recorded as follows:**

**YEAS:** **D. H. Dail and A. D. Dixon**

**NAYS:** **F. A. Bennett and M. L. Dearing**

**ABSTAIN:** **R. L. Snow**

**Mayor Dean voted NAY to break the tie.**

**Councilman F. A. Bennett moved, seconded by Councilman M. L. Dearing and carried to table the rezoning request by Joseph Gooden for thirty days.**

**Litter Grant Resolution**

**Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to approve the litter grant application.**

**Town Manager Position**

**Councilman M. L. Dearing, as Personnel Committee Chairman, moved, seconded by Councilman R. L. Snow that effective tonight Ted Costin, Elkton Town Manager, is allowed paid leave from his duties and responsibilities through September 6, 1996 without forfeiture of any accumulated vacation leave or any other contractual rights under his original employment agreement, or any other rights available pursuant to the Town of Elkton's Employees' Handbook. The vote was recorded as follows:**

**YEAS: F. A. Bennett, D. H. Dail, M. L. Dearing, A. D. Dixon and R. L. Snow**

**Appointment to Administrative Responsibilities**

**Councilman M. L. Dearing moved, seconded by Councilman R. L. Snow that effective tonight, Gerald Monger, as Town Superintendent, will assume the responsibility of running the town until the Personnel Committee can meet and determine who will fill that position. The vote was recorded as follows:**

**YEAS; F. A. Bennett, D. H. Dail, M. L. Dearing, A. D. Dixon and R. L. Snow**

**Statements of Appreciation**

Councilman Dail stated he would like to personally thank Mr. Costin for his work for the town over the last two years. It has been a pleasure working with him and he has enjoyed that opportunity. Councilman Dail expressed his gratitude for all Mr. Costin has done and wished him well in all his future endeavors.

Mr. Costin presented a letter thanking council for giving him the opportunity to serve the citizens of Elkton. He also recognized the Department Heads and Administrative Assistant. He thanked those citizens who supported him. Mr. Costin noted that many physical improvements were made to the town during his tenure and he leaves knowing that, in part, due to his efforts the Shenandoah River is a cleaner river, a handicapped child can more easily access library services, perpetrators and victims need not sit together in the offices of the Police Department, the park is draining better, and Fort Stonewall is a safer place for children to play.

**Appointment to Planning Commission**

**Councilman A. D. Dixon moved, seconded by Councilman D. H. Dail and carried to appoint Larry Baugher to the Elkton Planning Commission.**

**EXECUTIVE SESSION**

**Councilman D. H. Dail moved, seconded by Councilman M. L. Dearing to go into Executive Session for the purpose of discussing potential land acquisition for the town. The vote was recorded as follows:**

**YEAS; F. A. Bennett, D. H. Dail, M. L. Dearing, A. D. Dixon and R. L. Snow**

**Councilman D. H. Dail moved to go from Executive Session back into Regular Session and 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. L. Dearing, A. D. Dixon and R. L. Snow**

**ADJOURNMENT**

As there was no further business, the meeting adjourned.

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

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