# REGULAR
# COUNCIL MEETING
# June 17, 1996

The regular meeting of the Elkton Town Council was held June 17, 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

Vernon H. Shifflett

Mr. Shifflett, 336 E. Rockingham Street, stated he had read something in the paper regarding the Town Manager's contract. He pointed out that although he originally opposed the Town Manager, he supports renewing Mr. Costin's contract as he feels he has done a great job.

Mr. Shifflett also spoke in support of the town doing some paving around the memorial in Memorial Park. He feels the town has procrastinated long enough on this and he would like to see the job completed for dedication on Veteran's Day, November 11, 1996.

Ted Costin

Mr. Costin stated the paving in the park was looked at on the staff level this year. He noted that the town had just expanded the park with an approximate $75,000.00 land purchase; a track was put in at a cost of $6,500.00 and drainage work has been done over the past two years. The park itself has received approximately $100,000.00 worth of improvements over the past several years. He realizes this is not the improvement Mr. Shifflett wanted but improvements have been made. He also pointed out that the drainage system was something that had to be completed before the paving could be done. Mr. Costin also thanked Mr. Shifflett for his comments regarding the Town Manager position.

Dan Talbot

Mr. Talbot, Fourth Street, spoke regarding the Park Avenue issue. He recommended the town put some stone on that street. He noted that this is a town street even though it is not in the state program. He is still against bringing this street up to state specification but feels it would not cost that much to maintain it.

Lou Kirkendall

Mrs. Kirkendall stated she would like to publicly thank Marsha Fuller and Tom Whitfield for the time and dedication they have given the Town of Elkton.

## MINUTES

Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller and carried to approve the minutes of the Regular Meeting May 20, 1996 and the Public Hearing June 10, 1996 as presented.

## DEPARTMENT HEAD REPORTS

### Chief of Police

Chief Pence noted he had nothing other than his monthly report and the suggested changes on the traffic problems will be discussed during the New Business portion of the meeting.

### Director of Parks & Recreation

Mr. Theodore Pence presented his monthly report. He noted he had about 675 paid admissions to the King & His Court performance. He thanked Gerald, Joe, and the Maintenance men for getting the parking lot ready and the Chief and his department for patrolling the area. He also thanked Randell Snow for giving support for council. This is the second function in two years and Randell Snow has been the only one in attendance both times.

### Director of Public Works

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

### Superintendent

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

Councilman Printz asked how the reservoir is doing? Mr. Monger stated they pumped the reservoir a little bit Friday but he had not checked it today.

### Treasurer

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

Mrs. Leap reported that the auditors were in today to do some preliminary work. They will return the week of July 22nd to begin the audit.

### Town Manager

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

## COMMITTEE REPORTS

### Streets and Sidewalks

Councilman Printz said they had talked today about the Park Avenue situation. The recommendation from the Streets and Sidewalks Committee is to put enough stone on this street to correct any safety situation.

**Councilman W. E. Printz moved, seconded by Councilman T. R. Whitfield III to place stone on Park Avenue to correct the pot hole problem right after July 1, 1996.**

Councilwoman Fuller questioned the cost of this project. Councilman Printz felt is would be approximately $500.00.

**A vote was taken on the motion and it carried unanimously.**

Councilman Printz reported that they had discussed a drainage situation on North Street and Clover Lane. This is also a safety problem. The committee recommends going ahead and correcting the problem.

Councilman W. E. Printz moved, seconded by Councilman T. R. Whitfield III to correct the drainage situation on North Street and Clover Lane right after July 1, 1996.

Councilwoman Fuller questioned the cost on this project. Councilman Printz and Mr. Shifflett estimated the cost at not more than $1,000.00.

**A vote was taken on the motion and it carried unanimously.**

Mr. Joseph Shifflett reported on the Fifth Street Project. He noted that he and Mr. Monger have begun drawing blue prints to pave the Fifth Street area of town and Gibbons from Fifth Street west to Shenandoah Avenue. This is being done to alleviate a long standing drainage problem and improve the conditions of the streets. There is also a section of Fifth Street which has never been paved and this will be included. There are several residences, as well as businesses, in this area that are having water problems. Mr. Shifflett stated they are pushed to get this project completed before the end of the fiscal year.

Mr. Costin reported on Agenda Item 8 (G). He explained that the town has utilities in the Quail Run Subdivision just outside town. Some of the utilities run in the streets. The town has an easement in the streets, however the developer still owns the streets. The streets have been built to state standards but Virginia Department of Transportation will not accept these roads because the town has a title claim in the streets with the easement. With a Quick Claim Deed, the town would release their interest in the streets to Virginia Department of Transportation and they would in turn give the town a permit to perform any utility service necessary in the road right-of-way. Mr. Costin feels this would be the best way to go and in the long term would be in the best interest of the town.

**Councilman W. E. Printz moved, seconded by Councilman T. R. Whitfield III and carried to approve the Quick Claim Deed as presented by the Town Attorney, Mr. Davenport.**

## OLD BUSINESS

### Junior Order Parade Request

Mr. Costin reported that the request includes the employees helping as parade marshals, building a permanent float to be used for beauty queens and for other parades and matching the money the Jr. O. U. A. M. spends ( $1,400.00) for prize money, ribbons and trophies. He noted that Mr. Shifflett and some of the others from the Department of Public Works have volunteered their time on Saturday to this community event and he feels they should be commended for this. Anything else the council would like to do will require council action. Mr. Costin stated this organization was advised at the beginning of this current fiscal year's budget process if they needed funding requests or donations, they should advise the town and they failed to respond. On this basis he recommended denial of this request.

**Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller to provide $1,400.00 for prize money, ribbons, trophies and float.**

Councilwoman Fuller asked if the town has a basis for a float and was told the town owns a wagon which has been used in the past.

Councilman Snow stated he would support the town building the float but not donating the $1,400.00, as the request was not made by the designated time.

**After some further discussion, Councilman Printz withdrew his motion and Councilwoman Fuller her second.**

**Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller to approve up to $500.00 for a town float for the parade. 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 M. B. Fuller moved, seconded by Councilman R. L. Snow and carried that Councilman Printz head up the float committee.**

**Special Exception of Shen-Elk Enterprises, L.C.**

This request is for a special exception permit to allow a family entertainment center on the southeastern portion of the existing parking area of Shen-Elk Plaza. Land Map 131B1 Parcel 1A1.

Councilman Dail reported that the Planning Commission recommended approval on a vote of 3-2 with eight stipulations.

**Councilman R. L. Snow moved, seconded by Councilwoman M. B. Fuller to approve the request by Shen-Elk for a special exception permit as recommended by the Planning Commission with the attached stipulations.**

Councilman Dail stated his reason for voting against this request was he feels you need to be very careful in dealing with an outdoor entertainment facility and that the stipulations put upon this are sufficiently stringent so that it will not cause problems for the surrounding area. Mr. Dail does not feel the stipulations set forth now are sufficient to do this, particularly in the area of noise abatement measures, as well as hours of operation.

Councilman Bennett stated he would like to see one more stipulation added and that this be done on a trial basis for a year so that if there are any changes in the operation or complications council could take a second look.

Councilwoman Fuller asked how a special exception works if council finds out the regulations surrounding the special exception are not being adhered to? Does council have the right to pull the special exception permit? Mr. Costin stated the Zoning Administrator has the right to pull the permit and give them a time period until they are in compliance. If they don't comply then further steps can be taken.

Councilman Snow asked if Councilman Dail had a proposal that was not included in the stipulations. Councilman Dail stated he did not feel Stipulation Three dealing with noise abatement is sufficient, but does not know exactly what is sufficient right now. He also feels the evening hours of operation go too late.

Councilman Whitfield thanked everyone who called him or wrote regarding this request. He wanted them to know it does make a difference.

Councilwoman Fuller stated she was not able to be at the noise demonstration and asked what the results were. Councilman Snow stated he did not feel noise was an issue in the areas he listened from. The road noise from Route 340 was much higher.

Councilwoman Fuller questioned if it is fair to ask business owners to plant trees if noise is not an issue. Councilman Snow stated it is not an issue with him at this time.

Councilman Bennett pointed out that noise does not appear to be an issue but he would like to see a one year trial period to allow evaluation of any problems.

**Councilman R. L. Snow moved, seconded by Councilwoman M. B. Fuller to amend the motion to include changing Item 3 of the stipulations to read as follows:**

> **"The special exception use shall operate for a period of one (1) year beginning July 1, 1996. After such time council shall determine if noise abatement is necessary as follows:**
>
> > **Evergreen trees planted and maintained to enhance the esthetic nature of the surrounding area and to act as a sound barrier."**

Councilman Printz was asked if this change to Item 3 would be acceptable and he stated it would.

There was some further discussion on Item 6 regarding operational hours.

**Councilman R. L. Snow moved, seconded by Councilwoman M. B. Fuller to amend the motion to also include Item 6 to read as follows:**

> **"Operational hours will be Monday through Saturday, noon until 10:00 p.m.; Sunday 1:00 p.m. until 9:00 p.m."**

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

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

**NAYS:** **D. H. Dail**

**ABSTAIN:** **W. E. Printz**

**Second Reading 1996-1997 Budget**

Mr. Costin stated this proposal as presented should be changed to include the $500.00 donation for the Jr. O.U.A.M. float request. Mayor Dean noted that the First Reading included changes of an increase in donations but did not include the increase of $1,000.00 for insurance and $500.00 for Park Avenue which also needs to be included tonight.

**Councilman T. R. Whitfield III moved, seconded by Councilwoman M. B. Fuller that the Elkton Town Council consider this a formal Second Reading on the Fiscal Year 1996-1997 Budget with the inclusions that are going to be passed tonight and with the following inclusions:**

1. **$1,000.00 to cover the necessary added insurance.**
2. **$500.00 for the Elkton Community Library.**
3. **An increase from $20,000.00 to $25,000.00 for the EDRC.**
4. **A salary increase for the Town Manager from $37,000.00 to $40,000.00.**
5. **An up to 5% pay increase for every town employee earning $27,000.00 or more.**
6. **An up to 8% pay increase for every town employee earning $27,000.00 or less.**

Councilman Snow, Bennett and Dail stated they could not support this motion as they feel it should be closer to the proposal that came out of the original Finance Committee meeting. Two

specific areas mentioned that they could not support were the salary increases from 5% to 8% and the increase for EDRC to $25,000.00.

Councilwoman Fuller asked if these new proposals are accepted would the budget still be in balance and Mayor Dean stated he felt it would. Councilwoman Fuller stated she does not feel there was ever a Finance Committee recommendation as there was never a vote by the three members of the committee. She also noted that she is mainly concerned that the budget stay in balance. If the proposals in the motion would put the budget out of balance she feels they should be trimmed until the budget is in balance. She noted that she would be willing to trim the $5,000.00 from EDRC and give this to the town employees. She also stated she would need to know the numbers before voting.

Mayor Dean again stated he feels the budget will be in balance.

Councilman Printz spoke in support of the salary increases for the employees.

Councilman Snow stated that contrary to what Councilwoman Fuller feels, there was a Finance Committee meeting and a recommendation came out of that meeting from the council member present.

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

**YEAS: M. B. Fuller, and T. R. Whitfield III**

**NAYS: F. A. Bennett, D. H. Dail, W. E. Printz and R. L. Snow**

**Councilman W. E. Printz moved, seconded by Councilman T. R. Whitfield III to approve on Second Reading the 1996-1997 Budget as presented in the previous motion by Councilman Whitfield with the exception of the EDRC donation remaining at $20,000.00. The vote was recorded as follows:**

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

**NAYS: F. A. Bennett, D. H. Dail and R. L. Snow**

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

## NEW BUSINESS

**First Reading 1996-1997 Budget Appropriations**

**Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller to approve the First Reading of the 1996-1997 Budget Appropriations as presented. The vote was a 3-3 tie**

**First Reading 1995-1996 Budget Additional Appropriations and Transfers**

**Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried 5-1 to approve the 1995-1996 Budget Additional Appropriations and Transfers as presented.**

**Setting of Special Meeting**

A special meeting of the Elkton Town Council was set for Tuesday, June 25, 1996 at 7:30 p.m. for the purpose of having Second Readings on the 1996-1997 Budget Appropriations and the 1995-1996 Budget Additional Appropriations and Transfers.

**County Zoning Issues**

Councilman Dail reported that the Planning Commission was asked to consider several county zoning issues. BPML Properties/LLC, Route 3, Box 4C, Elkton is requesting the rezoning of 1/2 acre from R2 (Medium Density Residential) to B1 ( General Business) located on the west side of Route 340 (approximately 3/4 miles south of Route 33). The Planning Commission recommended that council object on the grounds that it is additional commercial property outside the limits of the Town which would result in a decrease of tax revenues for the Town.

**Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller and carried to follow the Planning Commission's recommendation to object to the rezoning and to forward our objections and the reasons for objecting to the County.**

Councilman Dail reported that the other two requests were not controversial and would have little impact on the town. The Planning Commission reviewed the request by the Bear Lithia Baptist Church and recommended that no objections be expressed to the County regarding this request. The Planning Commission also reviewed a request by Frank and Mary Flavel. Due to its distance from the Town, the Planning Commission found no comment to be an appropriate response.

**Council took no action on these as recommended by the Planning Commission.**

**Traffic Control**

Mr. Costin reported that Chief Pence provided him with the following list of concerns and recommendations regarding traffic control:

1. The intersection of North Street and Spotswood Avenue-Move the stop sign 15' closer to the intersection and paint a stop line 5' beyond the sign to allow for greater visibility of Spotswood Avenue. Paint lane lines 30' from the stop line.

2. The intersection of North Street and Hillside Avenue-Paint stop line on North Street and add 30' of lane line.

3. The intersection of Hillside Avenue and Route 340-Move stop line 15' closer of Route 340 and extend lane lines Eastward past the intersection of North Street. This will increase visibility of Northbound traffic and decrease the short cuts at the intersection by southbound traffic cutting across to North Street.

4. Shenandoah Avenue near the little league park-NO PARKING signs form the intersection of Route 340 to the entrance of the Jr. Order Park on the North side. NO PARKING from the concession stand to the entrance of the Jr. Order Park. Allow handicap parking in the area of the concession stand. NO PARKING near the intersection.

5. I recommend stop lines and 30' of lane lines at all intersections.

These suggestions were sent to the Public Health, Public Safety and Ordinance Committee as well as the Streets and Sidewalks Committee. Mr. Costin also sent them to Virginia Department of Transportation. The Streets and Sidewalks Committee favorably recommended the list, pending comments from Virginia Department of Transportation. Mr. Lineberry, Assistant Resident Engineer, VDOT is in agreement with Items 1, 2 and 5. As to Item 3, VDOT would not allow this alteration as it would result in a malfunction of the traffic signal due to the control mechanisms located in the pavement. As to Item 4, Mr. Lineberry has submitted a work order which will result in the posting of "No Parking" signs on the north side of State Route 1706 (referred to as Shenandoah Avenue in Chief's memo). That action will leave to the Town's discretion the posting of the south side of State Route 1706. Mr. Costin recommended that council direct that Items 1,2, 5 and the portion of Item 4 south of State Route 1706 be performed by town maintenance personnel after July 1, 1996.

**Councilman W. E. Printz moved, seconded by R. L. Snow and carried to accept the Town Manager's recommendation on the traffic control problems.**

**Volunteer Fire Department**

The Elkton Volunteer Fire Department has requested the donation of electric service for their annual carnival which was held the week of June 10.

**Councilman F. A. Bennett moved, seconded by W. E. Printz and carried to forgive the utilities for the Fireman's Annual Carnival.**

Councilman Bennett asked to be excused from the meeting as he had to go to work.

**Employee Benefits**

1. Retirement Credit

Mr. Costin reported that Virginia Retirement System is offering employees with 25 years credited service an early retirement option where the employee may buy up to 3 years service relying on military service or service in another state's retirement plan. This option will be automatic as of July 1, 1996. Should council not wish to extend this opportunity to Town employees, none of whom are eligible at this time, it needs to so notify the VRS. The Personnel Committee recommends that the Town provide this option for early retirement.

2. COLA Adjustments

Mr. Costin reported that the VRS has been advised by the Governmental Accounting Standards Board that it must prefund the cost of any statutory cost of living adjustments or treat them as a liability on an employer's Financial Statement. To accommodate prefunding two options have been offered by VRS; one, to begin to fully fund the cost of living increases immediately or two, reach a level to fully fund the cost of living increases over a five year period. The Personnel Committee recommends the Town commit to the five year phase-in.

3. Health Insurance Rate

Mr. Costin explained that our health insurance rate has decreased from $206.00 in 94-95 to $172.00 for 96-97. Our Local Choice Program is offering an opportunity to lock in at this 96-97 rate for an additional year (97-98). The Personnel Committee recommends that the Town lock in its health care provision for $172.00 for the year 97-98.

**Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried to provide the benefits as laid out in House Bill 901-Purchase of Military and/or Out of State Service.**

**Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried to approve the resolution to select the option to contribute to the VRS so as to reach a level to fully fund the cost of living increases over a five year period beginning on July 1, 1997.**

**Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried to lock into its health care provision for $172.00 for the two year period.**

**Monger Shelter**

Mr. Costin reported that earlier this year responsibility for making the Monger Shelter reservation was moved from the Dispatchers to the Director of Parks and Recreation due to

inconsistencies resulting from personnel turnover. This occurred after the beginning of the calendar year and some reservations had already been made. When the Director of Parks and Recreation is not available the reservations are made either by Mr. Costin or his Assistant. Recently, representatives of the Monger family have made it known that it was their understanding that the Shelter was to be reserved automatically for the first Sunday in September and that such reservation would be free of charge. As to the first issue, the family representatives noted that a similar situation occurred when Dispatcher Curtis experienced a prolonged absence from work and the Dispatcher working her shift reserved the Shelter for another party. The family representative indicated that in an attempt to avoid this situation they were assured a note would be placed in the reservation book to automatically reserve the Shelter each year for the Monger family on the desired day. Mr. Costin has reviewed the book and found no such notation. Furthermore, he has spoken with Dispatcher Curtis and former Dispatcher Carey. They do not recall any such assurance being made, instruction to do so, or notation in the book. Reservations of this facility was done by the Dispatchers prior to the hiring of the Director of Parks and Recreation. Therefore, neither Mr. Pence or Mr. Costin was aware of any preexisting agreement to this effect. Other members of the family have been contacted and noted that members of the family did call to make sure that the Shelter was reserved for the family on that day, but due to illness no call was made this year.

As to the reservation fee, Mr. Pence has discussed the matter with members of the Monger family, as Mr. Costin has. In addition, he has discussed the issue with Recreation Commission Chairman Snow and another member of the Recreation Commission. All recall discussions regarding the fee waiver and most recall a willingness to waive the fee, but there is no document formalizing such an arrangement.

Mr. Costin asked Council to take action in the following manner:

1.) Waive the reservation fee to the Monger family for one (1) event per year. In this manner Council's action would be reflected in the minutes and would be a permanent record clearly settling this issue.

2.) Adopt the proposed Reservation Policy as presented effective for January 1, 1997. In this manner Council's action would allow all users of the facility access to the facility on a first-come, first-served basis; that is with the payment of the reservation fee.

Mr. Costin noted that at present we are unable to resolve the Monger reservation issue. Staff will continue to work with the Monger family in an attempt to accommodate this year's event, but believe this to be the best solution to avoid a future reoccurrence of this situation.

**Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried to approve the reservation form for the Monger Shelter effective January 1, 1997 and to waive the reservation fee to the Monger family for one event per year.**

## MAYOR'S BUSINESS

Mayor Dean presented Certificates of Appreciation to Councilwoman M. B. Fuller and Councilman T. R. Whitfield III for their years of service as council members.

Councilwoman Fuller and Councilman Whitfield both spoke expressing their appreciation for the opportunity to serve on council. They both considered it a pleasure, honor and privilege and thanked all those who helped them in this endeavor.

## EXECUTIVE SESSION

**Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to go into Executive Session to discuss the appointment of a Treasurer/Clerk Trainee and an appointment to the Cemetery Commission.**

**The vote was recorded as follows:**

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

**Councilwoman M. B. Fuller 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: D. H. Dail, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III**

**Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz to appoint Nancy Sours as the Treasurer/Clerk Trainee effective July 1, 1996 and to become the Treasurer/Clerk January 1, 1996.**

**The vote was recorded as follows;**

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

**Councilman T. R. Whitfield III moved, seconded by Councilman W. E. Printz and carried to appoint Esther Nizer to the Elkton Cemetery Commission.**

Councilman Printz stated he felt council needs to discuss how they plan to implement the ISTEA grant, especially if Mr. Costin is not going to be here. He wondered if council would be prepared to let Mr. Costin stay on a little longer, perhaps on a month to month basis.

Councilman Dail and Councilman Snow both indicated they don't feel the issue of implementation has been ignored, nor did they feel council needed to take any action tonight.

Councilman Printz requested that this be put on the agenda to discuss as he feels it is very important.

**ADJOURNMENT**

As there was no further business, the meeting adjourned.

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

RECORDER: _____
Norma R. Leap, Clerk