Regular Council Meeting
November 17, 1997
7:30 p.m.

The regular meeting of the Elkton Town Council was held on November 17, 1997 at 7:30 p.m. in the council chambers with Mayor Charles E. Dean presiding. The roll call was as follows:

PRESENT

F. A. Bennett
R. C. Davis
M. L. Dearing
A. D. Dixon
R. L. Snow

ABSENT

W. E. Printz

Gerald Monger, Town Manager, Dale Davenport, Attorney, Warren Pence, Chief of Police, Kenny Flick, Director of Public Works, Theodore Pence, Director of Parks and Recreation and Nancy Sours, Treasurer/Clerk were also present.

Councilman Bennett offered the invocation.

Councilman Dearing led the Pledge of Allegiance.

CITIZENS COMMENTS

Hazel Crider

Mrs. Crider stated that the Neighborhood Watch Program would like to request the use of the dance studio Friday and Saturday evenings from 7:00 p.m. to 10:00 p.m. She stated that the teen center or coffee house is designed to offer recreation to the teens in the community. She asked that council address this issue tonight. Mrs. Crider stated that several ministers in the area have offered to oversee the program once it is established.

Mildred Shifflett

Mrs. Shifflett of Spotswood Avenue, stated that she reported to police teenagers fighting in the Farm Bureau parking lot. She stated her displeasure with the police dispatcher's slow response to her call. Mrs. Shifflett said that the town has six police officers and none live in Elkton. She feels that an officer should live in Elkton in case of an emergency.

Lucky Sigafoose

Mr. Sigafoose of Rockingham Street stated the Neighborhood Watch Program should be allowed to use the dance studio for a teen center. He stated that the original location for the teen center was the activity building over the fire hall. He said that facility was not handicap accessible.

Basil Hayeman

Mr. Hayeman of McGaheysville, stated that his daughter attends Mary Liz Humphrey's dance program. He stated his support for the dance program. Mr. Hayeman feels that the dance program benefits the community, culturally and economically.

Ellen Wade

Ms. Wade of Penn Laird expressed her support for the dance program. She stated that the dance studio is not suitable for a coffee house. She stated that she feels safe leaving her daughter at the dance studio with Mary Liz.

Elaine Simpkins

Ms. Simpkins of Elkwood feels that Elkton needs a teen center. She recommended that Elkton develop a community center. Ms. Simpkins complimented Mary Liz for maintaining the excellent condition of the building and the wood floor.

Aleisa Talbot

Ms. Talbot of 611 4th Street stated her support for Mary Liz Humphrey and the dance program. She stated that the wood floor in the dance studio needs special consideration. She stated that as a town citizen, she fully supports the dance program.

Teresa Hensley

Ms. Hensley feels that since dance classes are established, this program should not be interrupted. She stated that this program brings something artistic to Elkton. Ms. Hensley agreed that a teen center is needed and there should be a compromise. She feels the wood floor would be damaged if a teen center is allowed in the building.

Elaine Austin

Ms. Austin of Rockingham Street feels that a public building should be shared for various events. She feels that everyone who uses this facility will do so with care.

Cathy Smith

Ms. Smith of McGaheysville stated that her daughter attends the dance program. She feels that allowing other programs would make it less sanitary.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the minutes of the Regular Council Meeting, October 13, 1997 as presented.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence offered to answer questions on his written report.

Councilman Dearing asked about the charges/arrests on Halloween. Chief Pence responded that each incident or location accounts as a charge.

Parks & Recreation

Mr. Pence submitted his written report and offered to answer questions.

Councilman Dixon asked if Mr. Pence had received bids from photographers for the team pictures. Mr. Pence responded that he had received several bids and plans to go with Country Photo. He stated that this would be recommended to the Recreation Committee.

Public Works

Mayor Dean asked about the status of the water sand filter. Mr. Flick stated that hopefully the water sand filtration system will be in place and in operation by the holidays.

Councilman Dearing commented that the drain on Washington Street withheld the heavy rains. Mr. Flick stated that his crew has maintained the drain.

Councilman Snow complimented the inmate work crew on their work performance.

Cemetery

Councilman Dearing introduced Ms. Denise Jenkins as the new Cemetery Director. Ms. Jenkins offered to answer question pertaining to her written report.

Treasurer

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the October 1997 Finance Report as presented.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

TOWN MANAGER

Mr. Monger stated that the supplemental packet included a letter from Mrs. John Helmick supporting Mary Liz Humphrey, Contractual Agreement, letter to Neighborhood Watch Program regarding the coffee house, proposed Recreation By-Laws, Resolution honoring Mr. Clyde Wimmer, Norfolk and Southern Railroad property donation.

COMMITTEE REPORTS

Finance

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the 1996-97 Audit Report as prepared and presented by McGladrey & Pullen.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

Personnel

Councilman Dearing asked that a personnel committee meeting be set for November 25, 1997 at 7:00 p.m.

UNFINISHED BUSINESS

Councilman Dearing stated that the Board of Zoning Appeals requested alternates be designated. Mr. Davenport responded that a draft was sent to each member of the Board of Zoning Appeals for consideration.

NEW BUSINESS

Ordinance to impose Returned Check Fee $30.00 - First Reading

Councilman R. L. Snow moved, seconded by Councilman M. L. Dearing to accept this proposed ordinance as follows:

AN ORDINANCE ADDING A NEW SECTION 2-3-6 OF THE CODE OF ORDINANCES OF THE TOWN OF ELKTON, VIRGINIA

BE IT ORDAINED, that the Code of Ordinances of the Town of Elkton, Virginia is amended to add a new section 2-3-6, to read as follows:

Sec. 2-3-6 Returned Check Charge

In the event a check made payable to the town or any of its departments or commissions is returned by the payor's bank for insufficient funds, then the payor shall be liable to the town for an administrative charge of thirty dollars ($30.00) for each such check.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

Resolution honoring Mr. Clyde Wimmer

Councilman M. L. Dearing moved, seconded by Councilman R. L. Snow and carried to adopt the resolution honoring Mr. Clyde Wimmer as follows:

WHEREAS, Clyde D. Wimmer, who is retiring as Director of Public Works for the City of Manassas after twenty-five years of service; and

WHEREAS, spanning several years, Clyde was a dedicated public servant giving of his time, talent, and knowledge to the Town of Elkton; and

WHEREAS, Clyde worked many years in the Municipal Electric Association of Virginia (MEPAV) helping to keep members informed of new regulations and new materials, and bringing forth new ideas and pushing those ideas in order that public power could be provided at a lower cost; and

WHEREAS, Clyde being a charter member of Virginia Electric Municipal Association Number One (VEMA#1), the citizens of the Town of Elkton and other localities have enjoyed lower electric rates due to his work in this organization, by his instrumental in spearheading a peaking generation plan;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Elkton, Virginia does hereby publicly acknowledge the numerous accomplishments and achievements of **CLYDE D. WIMMER.**

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

Recreation - Dance Studio

Councilman Snow asked for an explanation of the Neighborhood Watch Program's participation in the teen center. Mr. Sigafoose stated that the original idea of opening a teen center above the fire department was not permissible. He stated that the possibility of using the dance studio arose since this was town property.

Councilman Dearing stated that the Neighborhood Watch Program decided it could not afford to fund a teen center, but the local churches are expressing interest in overseeing this project. He feels there is a need for a teen center in Elkton. Councilman Dearing stated that he is not opposed to the dance studio but there should be a written contractual agreement.

Councilman Dixon asked how insurance coverage or liability applies to town properties. Mr. Davenport responded that property insurance does not cover all liabilities that may occur.

Councilman Dearing asked if the Neighborhood Watch patrolmen are covered under the town's insurance policy. Mr. Davenport stated that they are not covered under town policy and perhaps the Neighborhood Watch should become incorporated or provide insurance for their program(s).

Councilman Snow stated that the Recreation Commission has always encouraged programs for the youth in the community. He feels that the volunteers and plans should be determined before starting any programs. Councilman Snow recommended that interested parties in a teen center meet with the Recreation Commission.

Councilman Bennett asked if the area where Bridge is held has special flooring. Councilman Snow responded that area has a vinyl floor covering. Councilman Bennett pointed out that a proposed teen center has many obstacles and may be expensive. He feels that everyone needs to work together in order to achieve these goals.

Councilman Davis feels the teen center is a good idea and that it should start through the Recreation Commission.

Councilman Dixon agrees it would be good to have a teen center. He feels it poses a burden on a small town to provide recreation for not only the town residents, but out of town residents also. Councilman Dixon said that everyone should have an equal opportunity to use the dance studio providing the floor is not damaged.

Councilman Dearing stated that Rockingham County does not provide equal funding for the recreation program. He suggested that town council needs to approach Rockingham County and demand additional recreational funds.

Councilman Bennett stated that council should ask Rockingham County for additional funding. He suggested that the Rockingham County residents participating in Elkton's recreation programs contact Board of Supervisors representative Mr. Joe Correa and request additional recreation funds.

Councilman Snow stated that the Recreation Commission should address these issues. He pointed out that the chain of command should be followed.

Councilman Dixon asked Theodore Pence the procedure if someone inquires about using the dance studio. Mr. Pence stated that the Recreation Commission agrees to Mary Liz's schedule annually. Mr. Pence stated that if room is available he rents the facility.

Ms. Hazel Crider stated that the Neighborhood Watch Program requested the use of the dance studio and was told by Mr. Pence to approach council with this request. She stated that the Neighborhood Watch Program is not against the dance program. She stated that the Neighborhood Watch Program has a right to use this facility. Mr. Pence stated that the Neighborhood Watch requested use of the dance studio and because of uncertainties, he referred it to council.

Councilman M. L. Dearing moved, seconded by Councilman A. D. Dixon to allow the Neighborhood Watch Program use of the dance studio facility for a teen center.

Ms. Mary Liz Humphrey suggested that the teen center could be held in the elementary school cafeteria.

Councilman Bennett suggested that this issue go back to the Recreation Commission. He said that many unanswered questions needed to be defined.

Councilman Dixon stated issues tend to get lost or forgotten once a decision is delayed.

Ms. Humphrey stated that she does not have liability insurance regarding the dance studio. She stated that the parents sign a waiver releasing her of the responsibility.

Councilman Davis asked why the activity center above the fire hall could not be used for the teen center. Councilman Dearing responded that facility is not handicap accessible. He stated that there is a law mandating handicap accessibility.

Councilman Davis stated that he feels a one-time event could be scheduled in the dance studio using discretion. He pointed out that a teen center involves a great deal of time and effort.

Councilman Snow stated that Councilman Dearing is inconsistence and that the dance program is successful. He pointed out that allowing teens on the wood dance floor would eliminate the dance program completely. Councilman Snow stated that Ms. Humphrey works hard to maintain the condition of the building.

Councilman Dearing stated that Ms. Humphrey is a concessioner or an individual operating a business within a town building. He feels this should be handled like a business, requiring the purchase of business license. Councilman Dearing stated that there should be a written contract to protect the town and the individuals.

Councilman Bennett expressed the importance of this being sent back to the Recreation Commission. He stated that the Neighborhood Watch Program needs to redefine many issues.

Councilman M. L. Dearing withdrew his motion. Councilman A. D. Dixon withdrew his second to the motion.

Councilman R. L. Snow moved, seconded by Councilman R. C. Davis and carried to deny access to anyone that may damage the wood floor in the dance studio.

YEAS: **R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow**

NAYS: **F. A. Bennett**

Recreation By-Laws

Councilman Snow stated that they included the revised Recreation Bylaws in the council packets. He noted that changes were made to meeting date and time, revision date and the Freedom of Information Act.

Councilman Dixon asked Mr. Monger's opinion on county Recreation Commission members. Mr. Monger responded that he feels the commission could not operate without the volunteers from the county. Mr. Pence stated that 80% of his registrations are from county residents. Mr. Pence asked that his opinion be considered before appointing commission members. Mr. Pence stated that at one time it was unclear to the commission who directs the Director of Parks and Recreation.

A vote was taken and carried on adopting the Recreation By-Laws as presented.

YEAS: **F. A. Bennett, R. C. Davis, R. L. Snow**

NAYS: M. L. Dearing, A. D. Dixon

Recreation Commission Members Appointments

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to appoint the following individuals to the Recreation Commission.

Members	Term	Location
Eddie Cave	9/30/96 thru 9/30/98	Out of Town
Joe Gooden	9/30/97 thru 9/30/99	In Town
Gerry Shifflett	5/19/97 thru 9/30/99	In Town
Bobbie Rae Monger	9/30/97 thru 9/30/99	Out of Town
David Dean	9/30/97 thru 9/30/99	Out of Town

YEAS: F. A. Bennett, R. C. Davis, R. L. Snow

NAYS: M. L. Dearing, A. D. Dixon

Councilman Davis stated that the support is not available from within the town, therefore, out-of-town volunteers are needed. Councilman Bennett stated that the recreation programs are not operable without county residents' participation.

David Hensley - Out of Town Water Connection

Councilman Bennett reported that the Water and Sewer Committee recommended having Mr. David Hensley sign an agreement. He stated that the disclaimer will state that if any water pressure problems occur, it is the responsibility of the individual to correct.

Owen Davis - Out of Town Sewer Connection - Monger Subdivision

Councilman Bennett stated that the Water and Sewer Committee recommended granting this request. He stated that Mr. Davis is to provide all the material, labor and cost associated with installing this sewer line and sewer pump.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow to grant Mr. Owen Davis an out of town sewer connection at the residence on Monger Subdivision.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

Installing New Sewer Lines on Business 33

Councilman Bennett stated that the Water and Sewer Committee recommended installing a new sewer line to redirect off Spotswood Trail to Water Street. He stated that an approximate cost would be $8,500.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to approve installing a new sewer line to redirect off Spotswood Trail to Water Street.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

Paving Road to the Reservoir

Councilman Bennett reported that the town received a request to share half the cost to pave the road to the reservoir. He said an estimate amount of $6,700 would be the total cost for the paving. He stated that the Water and Sewer Committee recommended participating with this agreement with the understanding it is done within this budget year.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to accept the agreement stating that the town will pay half the cost for paving the road to the reservoir.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

Norfolk Southern Railroad - Property Donation

Councilman Bennett briefly explained the stipulations of this proposal. He pointed out that an appraisal and survey must be done on the property and the loading dock at the mill must be demolished.

Councilman F. A. Bennett moved, seconded by Councilman A. D. Dixon and carried to accept the proposal made by Norfolk Southern Railroad for the donation of property. (A copy of this proposal is attached to the minutes)

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, A. D. Dixon, R. L. Snow

Councilman Davis stated that it was brought to his attention that children were playing in Stonewall Memorial Park without a fence along the railroad tracks. Mayor Dean asked that Mr. Monger obtain estimates on installing a fence along the railroad tracks. It was recommended to approach the railroad about sharing the expense.

Mr. Monger stated that a citizen has requested an executive session to discuss a police department personnel matter.

Councilman Dixon asked about the status of the ISTEA Grant. Mr. Monger stated that he is receiving bids from contractors.

Adjournment

As there was no further business, the meeting adjourned.

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

RECORDER: _____
Nancy A. Sours, Clerk