Regular Council Meeting
April 21, 1997
7:30 p.m.

The regular meeting of the Elkton Town Council was held April 21, 1997 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 (arrived later in the meeting)

Gerald Monger, Town Manager/Superintendent, 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.

Scout Seth Lawson led the Pledge of Allegiance.

CITIZENS COMMENTS

Seth Lawson

Seth Lawson stated that he was working on an Eagle Scout project. He plans to build five bat houses at Stonewall Park. Mr. Lawson stated that the recreation department and the surrounding residents would benefit from this project. The purpose of the bat houses would be to control mosquitoes and other insects. He stated that the total cost of the houses is approximately $95.45. Mr. Lawson plans to mount the houses twelve feet high.

Donna Mowbray

Ms. Donna Mowbray of EPIC stated that she presented a letter to council requesting permission to close sections of B Street and Henry Avenue in front of the Elementary School on October 18 & 19, 1997 for the Eleventh Annual Autumn Days Arts and Crafts Festival. Ms. Mowbray also requested that the parking area in front of the library be closed for the Car Show to be held on October 19, 1997.

LaVerne Hitt

Ms. Hitt of Grottoes, stated her concern regarding the current condition of the cemetery. She stated that several years ago a clean up was done and an angel was taken from her daughter's grave. Ms. Hitt presented council members with copies of newspaper articles on the cemetery cleanup and a letter from her attorney. She stated that she will give council a limited amount of time or thirty days to reimburse her for the angel that was destroyed. Ms. Hitt feels once she is reimbursed, others will request to be reimbursed.

Mildred Shifflett

Mrs. Mildred Shifflett, Spotswood Avenue, asked if the special summer sewer rates were going to be offered this year. She expressed concern over the poor condition of the parking lot at AmeriGas. She stated that she has contacted the owner, Mrs. Broughton and voiced her complaints. Mrs. Shifflett stated that she agreed with Mrs. Hitt on the condition of the cemetery.

Florence Barrett

Ms. Barrett stated that she was speaking as a member of the cemetery commission and not as a representative of that committee. She feels there may be some confusion on what recommendations were made by the cemetery commission. She stated that her understanding was that the commission recommended the town look into the possibilities of making the cemetery a department. She stated that the commission discussed other topics involving clean-up, removing trees and budget.

Jeff Nemoytin

Mr. Nemoytin, 233 E. Rockingham Street, spoke concerning the proposed urban project for Rockingham Street. He stated that at the last council meeting, Mr. Monger said that there would be on-street-parking once this project is completed. Mr. Nemoytin read a letter from Commissioner David Geer, in response to the petition sent to Mr. Bob Goodlatte, stating that on-street-parking would be allowed on one side of the roadway until traffic warrants otherwise. He said that the letter also stated that no relocation would occur as a result of this project, but could not be determined positively until further details are developed. Mr. Nemoytin recommended that Elkton participate in a match-fund project with the state to correct the drainage problem on Rockingham Street and stop the proposed urban project.

Doris Flory

Mrs. Flory stated that she agreed with Mr. Nemoytin regarding the Rockingham Street urban project and that she was representing sixteen of her neighbors.

River Bank Project - Award Presentation

Keith Arnold

Mr. Arnold stated that he owns and operates a tour company in Massanutten Resort. He stated that on behalf of the Town of Elkton, he accepted an award from the Friends of Shenandoah River for the restoration work done on the river bank project. Mr. Arnold presented Mayor Dean with a plaque honoring the Town of Elkton.

Cruisin' Elkton Program

Dr. Elizabeth Swallow

Dr. Swallow stated that the Elkton Main Street Program scheduled a Cruisin' Elkton to be held May 31, 1997. She stated most of the events will be held in the downtown area. She asked that the council chambers be used for the Masons to finger print children. She requested the triangle be closed temporarily for the Shiners' performance. Dr. Swallow requested that the town prepare lawn party hill and streets for this event. She stated that there will be volunteers to collect garbage during the event and asked that the trash be picked up immediately. She requested that West Spotswood Avenue from Warren Street to Ashby Avenue be closed for this event.

EDRC - Quarterly Report

Marsha Deavers - EDRC

Mrs. Deavers presented council with the Elkton Main Street 3rd Quarter Report. She pointed out the following projects were completed during the last quarter:

1. One facade was completed at Spotswood Auto Sales;
2. Worked with Town of Elkton on ISTEA Grant;
3. Attended VDOT public hearing with the Town of Elkton;
4. Introduced a Facade Grant Program;
5. Landscaping Project;
6. One new business opened;
7. Conducted three small business seminars;
8. Updated Elkton's Business Directory;
9. Farmer's Market scheduled to open May 10.

Mrs. Deavers requested to use the front lawn of the municipal building for the Summer Evening Concerts which are planned for this summer.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman D. H. Dail and carried to approve the minutes of the Regular Council Meeting, March 17, 1997 as presented.

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

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence stated that the Neighborhood Watch Program is scheduled to meet Tuesday night at 7:00 p.m. Chief Pence stated that he had contacted the four property owners whose property had been cited for possible condemnation.

Director of Parks and Recreation

Mr. Pence asked if there were any questions on his written report. Mr. Pence stated that the recreation commission did not meet last month due to lack of participation.

Mayor Dean asked if the commission plans to meet next month. Mr. Pence responded that he was uncertain at this time, some members appear to be upset.

Mr. Pence said that a tournament was held last weekend and not one commission member attended.

Councilman Dearing asked if the commission did not exist could Mr. Pence operate on volunteers? Mr. Pence stated that was what he has been doing for five years.

Director of Public Works

Mr. Flick offered to answer any question on his written report. Councilman Dearing asked what has been done regarding the water problem on Washington Street and Jackson Avenue. Mr. Flick responded that the pipes need to be flushed out or cleaned.

Councilman Dearing said that some new water meters may be making a clicking or tapping sound, due to a defect. He recommended contacting Public Works Department to replace these defective meters, if this occurs.

Mr. Flick stated that he met with Mr. Jeff Lineberry of VDOT, they reviewed certain areas within the town. He said that VDOT will send a report of their recommendations in the near future.

Mr. Flick asked that the special exception requests be addressed under new business.

Finance Report

Councilman R. L. Snow moved, seconded by F. A. Bennett and carried to approve the March 1997 finance report as presented.

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

Councilman Dixon asked what was being done to collect delinquent taxes. Ms. Sours responded that notices have been sent to the property owners and delinquent taxes must be paid before real estate property is sold.

Councilman Dearing recommended using Virginia's off debt service to collect these taxes through income tax refunds.

Mr. Davenport responded that it is not cost efficient for an attorney to pursue delinquent taxes. Mr. Davenport stated that taxes must be paid before real estate property is sold. Mr. Davenport recommended using the off debt service offered through the state.

TOWN MANAGER

Mr. Monger stated that the draft on the sign ordinance will be available for review. Mr. Monger asked for council's action on pursuing the purchase of the property owned by the railroad. Mr. Monger stated that public parking is allowed on that property.

Councilman Snow asked for Mr. Monger's comments on the Lucas Lane situation. Mr Monger responded that Councilman Printz was handling that matter.

Councilman Dearing asked if the "No Parking" signs had been placed on Shenandoah Avenue. Mr. Flick responded that they had not been placed at this time. Councilman Dearing said that safety should be the number one priority.

Councilman Dixon asked if the sign was placed on Persimmon Avenue. Mr. Flick responded that a street sign was placed on Persimmon Street.

Councilman Dearing pointed out that cleanup week is scheduled for May 15 and the town should clean-up the sidewalks and streets.

Councilman Dixon inquired about the status of the ISTEA Grant. Mr. Monger stated that he is waiting for a response from VDOT.

COMMITTEE REPORTS

Electric

Councilman Dail reported that the electric generation project should be starting within the next week. Councilman Dail stated that he will call an electric committee meeting once the cost is available.

Streets and Sidewalks

Councilman Dearing stated that several citizens have concerns regarding the safety problem on Lucas Lane. Councilman Dearing said that he attended the committee meetings and the committee recommended that Mr. Christophel place a barrier, not a curb, on his property to keep drivers from entering and exiting from all directions. He stated that the town will agree to open a section of G Street. Councilman Dearing pointed out that Mr. Christophel owns this property and has the final decision providing it does not create a safety hazard. He stated that Mr. Christophel is responsible for the cost of the barrier. Councilman Dearing expressed appreciation for Mr. Christophel's cooperation in this matter.

Cemetery

Councilman Dearing stated that the commission asked that council review the possibilities of the cemetery becoming a department. Councilman Dearing stated that Mr. Monger has most of the knowledge pertaining the cemetery. He pointed out that the town is not being reimbursed proportionately for the time spent on the cemetery. He feels that a decision must be made before July. Councilman Dearing recommended that a position be designated to manage the cemetery.

Councilman Bennett stated that approximately one year ago it was discussed a mower be purchased that does not discharge. Councilman Bennett asked who would have authority, the department head or the commission?

Councilman Dearing stated a decision must be made who should manage the cemetery. He pointed out that the perpetual care funds cannot be spent. He feels that interest received from the cemetery bank accounts can fund the department. Councilman Dearing stated his concern over the original rules and procedures stated on the cemetery deed.

Mayor Dean asked that the cemetery commission set a public hearing on this issue.

Councilman Bennett pointed out that a commission or department could establish its own rules and recommend funds being allocated properly. He said that commissions can call a meeting at anytime.

Councilman Dearing stated that since the cemetery commission meets annually and follow-ups are not done in some cases. He pointed out that it is difficult to charge funds accurately when it is not a department. Councilman Dearing stated that it is essential the cemetery records are maintained.

Mr. Monger stated that the town's mower is being used to mow the cemetery at this time. Mr. Monger stated that he is obtaining prices on mowers, but asked who has the authority to purchase a mower since it was not budgeted. He pointed out the importance of funds being allocated properly.

Councilman Dixon asked how the current cemetery budget is generated.

Councilman Dearing responded that funds received are derived from interest and sale of lots.

Mayor Dean asked that Councilman Dearing set a cemetery commission meeting to further discuss this issue. The meeting was set for April 29, 1997 at 7:00 p.m.

NEW BUSINESS

Town of Blackstone - Letter of Support

Councilman Dail reported that the Town of Blackstone conducted a boundary line adjustment that created controversy as to whether they could serve the area within the annexation. He said that the State Cooperation Commission decided against the town. The Town of Blackstone is appealing this to the Virginia Supreme Court. Councilman Dail recommended the Town of Elkton send a letter supporting the Town of Blackstone.

Councilman D. H. Dail moved, seconded by Councilman R. L. Snow and carried to that the Town of Elkton support the efforts of the Town of Blackstone appealing the decision of the State Cooperation Commission to the Virginia Supreme Court regarding their service boundaries and their right to serve.

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

Dr. Larry Bompiani - Request to Build a Fence

Councilman Dearing explained that in order for Dr. Larry Bompiani to place a fence around his building, a portion of that fence must be placed on town property. Councilman Dearing said that Dr. Bompiani would at anytime remove the fence if directed so by the town.

Councilman R. L. Snow moved, seconded by Councilman A. D. Dixon and carried to allow Dr. Larry Bompiani to build a fence on town property, under the pretense the fence must be removed under the direction of council.

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

Special Exception Request - Mr. Willis Fittry - Auction House

Mr. Flick explained that this issue was brought before council last month and a public hearing was held with no opposition. Mr. Flick stated four possible restrictions on this special exception request.

1. No loading or unloading except behind the building.
2. No outside storage.
3. Controlled noise levels.
4. Adequate parking.

Councilman Dearing pointed out that the parking issue could be resolved if the adjoining vacant lot would allow parking, since the Crawford's own both lots.

Mr. Flick stated that the auction will be held on nights that do not conflict with the adjoining church.

Councilman M. L. Dearing moved, seconded by Councilman A. D. Dixon and carried to grant Mr. Willis Fittry a special exception permit for an auction house on West Spotswood Trail based on the following four restrictions:

1. **No loading or unloading except behind the building.**
2. **No outside storage.**
3. **Controlled noise levels.**
4. **Provide adequate parking.**

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

NAYS: **F. A. Bennett**

Councilman Bennett asked that this issue be tabled due to the fact the property is zoned B1.

Mr. Flick stated that since auction houses are not listed as a business, Mr. Fittry must apply for a special exception request.

Mr. Davenport stated that special exception requests should be examined carefully before permission is granted. He said that individual agreements between owners should also be reviewed before granting requests.

Special Exception Request - Mrs. Alice Yates - Limited Bed and Breakfast

Councilman A. D. Dixon moved, seconded by Councilman R. L. Snow and carried to approve the special exception request for Mrs. Alice Yates to operate a Limited Bed and Breakfast on 515 Rockingham Street.

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

Mr. Davenport responded to a question from Councilman Dearing that this was a land use permit, not issued to an individual. He said that all zoning related issues are land based.

EPIC - Request to Close Streets for Arts & Craft Festival

Councilman A. D. Dixon moved, seconded by Councilman M. L. Dearing and carried to close sections of B Street and Henry Avenue on October 18 & 19 and Terrace Avenue from 12:00 p.m. to 5:00 p.m. on October 19 for EPIC's annual Arts and Craft Festival.

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

Elkton Main Street - Request to Close Triangle for Cruisin' Event

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to closed the triangle on May 31, 1997 for the Cruisin' Event.

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

EDRC - Request to use Municipal Lawn for Summer Concerts

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to allow EDRC to use the municipal lawn for the summer concerts.

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

Summer Sewer Rates

Councilman F. A. Bennett moved, seconded by Councilman A. D. Dixon and carried to offer special summer sewer rates to residential customers based on April's usage, beginning May and ending in September.

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

Elkton Main Street - Request to Close a section of Spotswood Avenue for Cruisin' Event

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to close the section of Spotswood Avenue between Ashby Avenue and Warren Street on May 31, 1997 for the Cruisin' Event.

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

Purchasing Parking Lot from Railroad

Councilman R. L. Snow moved, seconded by Councilman M. L. Dearing and carried to instruct Mr. Monger to pursue the possibilities of purchasing the land currently being leased for a parking lot from the railroad.

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

Annexation

Mayor Dean stated that Mr. Davenport recommended the town to form a special committee to work with Rockingham County on the annexation procedures. Mayor Dean stated that he, Mr. Monger and a representative from the Planning Commission serve on this special committee.

Mr. Davenport stated that he is reviewing other towns' annexation procedures. He suggested the special committee meet with Rockingham County and determine mutual needs and compile information of the proceedings.

Councilman Dail offered an annexation study that he completed for another project.

Rockingham Street

Councilman Dearing asked that the town reconsider the urban project proposed for Rockingham Street and perhaps use those funds for another project. He suggested using the matching funds program for Rockingham Street. Councilman Dearing said that the main concern on Rockingham Street is the drainage problem, not the streets.

Mayor Dean asked that this issue be referred to the Streets and Sidewalks Committee.

Councilman Printz asked Mr. Monger if he had received the blue prints from VDOT. Mr. Monger stated that it may be one year before they are completed.

Councilman Printz stated that the Streets and Sidewalks Committee can meet this week providing VDOT will give some information.

Councilman Dixon asked Councilman Printz if he was aware of the letter sent to the residents of Rockingham Street. Councilman Printz responded that he was aware of the letter. Councilman Dixon expressed his concern that the letter stated that on-street-parking would be allowed at this time. He asked if the project was being built based on the assumption that on-street-parking will be allowed. Councilman Dixon asked if there would be any relocation of houses on this project.

Mr. Monger responded that since the project is still in the preliminary stages, no definite answers are available. Mr. Monger stated that the matching funds project has the same stipulations as the urban project. He said that the matching funds project requires that the town match 50 percent of the total cost.

Councilman Printz set a Streets and Sidewalks Committee meeting Tuesday, April 29 at 6:00 p.m.

Mr. Davenport stated that the boundary line adjustment is expected to be completed soon.

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

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

RECORDER: _____
Nancy A. Sours, Clerk