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

The regular meeting of the Elkton Town Council was held July 21, 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
M. L. Dearing
A. D. Dixon
W. E. Printz
R. L. Snow

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 of Elkwood expressed her displeasure over the lengthy council meeting last month. She stated it appeared that council members could not interpret the budget. She suggested having a certified public accountant design next year's budget. Mrs. Crider stated that all council members except Councilman Dearing voted for donations, knowing that the majority of the citizens are opposed to granting donations. She stated that there are many operational expenses and repairs that should be met before even considering donations. Mrs. Crider complimented the painting job done in Stonewall Memorial Park. She encouraged making improvements to the recreation facilities. Mrs. Crider expressed her appreciation to each council member and the mayor for serving on council.

Mildred Shifflett

Mrs. Shifflett of Spotswood Avenue expressed her appreciation for paving the alley between her home and AmeriGas. She asked that speed bumps be installed in the alley to act as a water barrier. Mrs. Shifflett requested that the sidewalks within the town be repaired. She stated that people loitering on the street in front of Farm Bureau are the reason for the damage to that sidewalk.

Lucky Sigafoose

Mr. Sigafoose stated that he requested to be notified of all meetings several months ago. He asked why he has not received any meeting notifications as of this date.

Mr. Monger responded that it was his understanding that notices were not mailed out if a meeting date was set at another public meeting.

Mr. Ray Nicely

Mr. Ray Nicely of Copper, Mars, Nicely and Associates presented the mayor and council members a draft copy of the proposed ordinance changes pertaining to Elkwood Subdivision. He stated that his firm submitted a proposed format on R-8 Ordinance several years ago. He hopes that this will accomplish three objectives: 1) clarify the existing ordinance; 2) work with the subdivision ordinance with the R-A terminology; 3) allow monuments in the subdivision. He asked that this study be reviewed by council and planning commission members.

Mayor Dean asked that the Planning Commission members receive a copy of Mr. Nicely's proposal.

Marsha Deavers - EDRC Annual Report

Mrs. Deavers presented council with a copy of EDRC's annual report. She stated that EDRC operates under the four points program and briefly highlighted events under each category.

Design	1.	Six properties participated in facade rehabilitation.
	2.	Assisted in filing for the ISTEA Grant.
	3.	Introduced Facade Grant Program.
	4.	Landscaping project at 33 & 340 intersection.
	5.	Facade Improvement & Building Rehabilitation Program.
	6.	Received donation for Clock.
Economic	1.	Opened seven new businesses.
	2.	Offered small business seminars.
	3.	Reprinted and updated Business Directory.
	4.	Opened Farmers Market.
	5.	Promoted Tourism.
	6.	Developed Historical Walking Brochure.
Organization	1.	Published Quarterly Newsletter.
	2.	Conducted membership drive.
	3.	Conducted revitalization presentations.
	4.	Acknowledgment of volunteer hours.
	5.	Library Donation.
	6.	Received VDDA Award of Excellence.
	7.	Assisted in two internships.
	8.	Presented Elkton Main Street awards.
	9.	Answered Community inquires.
	10.	Attended Educational Meetings and Seminars.
Promotion	1.	Summer Evening Concerts.
	2.	Halloween Hoo Doo.
	3.	Cruisin' Elkton.
	4.	Elkton Map Brochure.

Councilman Printz asked the approximate amount of revenue generated due to the Cruisin' Event. Mrs. Deavers responded that each individual business would have to determine the increase.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the Regular Council Meeting, June 16, 1997; Public Hearing-97-98 Proposed Budget, June 16, 1997; Public Hearing-Proposed Ordinance Change for Minimum Lot Requirements, June 16, 1997; Public Hearing-Proposed Change Sideyard Requirements, June 16, 1997 and Special Council Meeting, June 23, 1997 as presented.

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

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence submitted his written report and offered to answer questions. Chief Pence stated that on July 14, 1997 he sent a notice to Mr. Joseph Gooden regarding the property at the corner of Hillside and North Street. The notice stated that this property is violating Town Code Section 9-2-1. Chief Pence stated that Mr. Gooden has since mowed the lot and plans to move the mounds of dirt. Chief Pence asked for council's guidance on this matter.

Councilman Dearing pointed out that this is done as an attempt to clean up the town. He stated that this property could be a safety hazard and a public nuisance. He stated that this is not intended to single out any individual. Councilman Dearing stated that he asked the adjoining neighbors of Mr. Gooden's property if this was posing a problem.

Councilman Printz asked if Mr. Gooden was contacted verbally before receiving this notice. He feels that the property owner should be contacted before consulting the neighbors. Councilman Printz feels that the property owners should be contacted verbally before a notice is issued.

Councilman Dearing stated that the proper procedure was followed involving this incident.

Mr. Joseph Gooden asked if the lot was creating a traffic hazard. Chief Pence stated that he received several complaints that the lot was a traffic obstruction.

Councilman Dearing stated that the ordinance was written to prevent and enforce this from happening.

Mayor Dean asked Chief Pence if the mount of dirt presents a problem. Chief Pence stated that Mr. Gooden approached and asked him how to correct this problem. He stated that Mr. Gooden stated that he would comply once Chief Pence advises him.

Mr. Joseph Gooden stated that he was not neglecting the property. He stated that he was denied a zoning ordinance change last year. Mr. Gooden stated that he was awaiting the town to upgrade the electrical lines.

Mayor Dean stated that the dirt needs to be moved back and mowed twice a year.

Councilman Dearing stated that an electrician examined the electrical layout and determined it is the proper setup.

Chief Pence suggested that this be tabled until the next meeting, as he will monitor the progress and then make a recommendation.

Mr. Joseph Gooden recommended the town examine their own property.

Chief Pence reported on an recent audit of police records which, concluded that the police department records meet state police specifications.

Chief Pence pointed out that he included with his report an advertisement for a police officer in the town Dayton. Chief Pence pointed out statistics of crime rates in Elkton and the surrounding area. He stated that since 1983 population has increased 25%, the crime rate has dropped 2/3 and solving crimes is at 100%. He feels in order to maintain these types of statistics, public safety must be funded properly.

Chief Pence stated that there is a proposal to place a substation in the town building to be used by Rockingham County Sheriffs. Chief Pence stated his support of County Substation and encouraged council to accept this proposal.

Councilman Dearing stated that he contacted Sheriff Farley regarding placing a county substation within the Elkton Police Department. This would provide a deputy in the Elkton area 18 to 20 hours per day.

Mayor Dean asked if there were any objections to this proposal. There were no objections. It was agreed to provide a substation for the Rockingham County Sheriffs Department within the Elkton Police Department.

Parks and Recreation

Mr. Pence submitted his written report and offered to answer questions. Mr. Pence stated that convicts were used to paint and clean up in the park. He stated that they are scheduled to return on July 28th. He stated that he has received many compliments on the appearance of the park. Mr. Pence stated that a water fountain was placed next to the Monger Shelter.

Councilman Dearing stated that the recreation bylaws are out dated. He stated that Mr. Davenport is preparing a draft copy of the recreation bylaws, to be completed by next meeting.

Councilman Dixon asked about the agreement between the town and the recreation commission that states the concession profits will go back to recreation capital projects. Mr. Monger stated that this was agreed upon to promote initiative.

Councilman Printz asked Mr. Pence if he had a balance sheet showing the profits/losses of recreational events and concessions. Mr. Pence pointed this out on his monthly report.

Director of Public Works

Mr. Flick reported that the street sweeper was delivered this afternoon. He reported that he attended a Neighborhood Watch Program and a Citizens' Advisory meeting. He stated that he included in his report a list of recommendations submitted by the Citizens' Advisory committee. Mr. Flick stated that Mrs. Crider asked that five additional Neighborhood Watch signs be placed and he asked council's direction on this.

Chief Pence recommended that Mr. Flick contact Officer Monte Dean for a suggestion on the appropriate number of signs.

Mr. Flick stated there was a special exception request submitted by Mr. Wayne Weaver for the expansion of Victoria Haven. He stated that the Planning Commission refused to address this request until a public hearing was held. He stated that the Planning Commission requested a public hearing be held before the next Planning Commission meeting. Mr. Monger pointed out that council can set a joint public hearing in order to avoid two separate public hearings. Councilman Dearing stated that it is protocol that the higher governing body sets the meeting date. Councilman Dearing and Councilman Printz recommended that council set the public hearing prior to the next regular council meeting.

Mrs. Crider stated that the misconception over the number of Neighborhood Watch signs was that five signs are being held in reserve. She stated that this was not made known when the original order was placed.

Treasurer

Ms. Sours stated that due to fiscal-year-end closing, all the necessary information was not available to complete the June Finance Report.

Town Manager

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

COMMITTEE REPORTS

Personnel

Councilman Dearing stated that he and Mr. Monger are working on a job description for the newly created cemetery position. He stated that he hopes to have the job description completed by next month for council's review.

Streets and Sidewalks

Councilman Printz reported that the Streets and Sidewalks Committee met on July 7 and discussed the Rockingham Street project. He stated that the residents concerns were the possible loss of trees and land, water drainage problem and the flow of traffic. Councilman Printz said that the general consensus was to move the urban project to Spotswood Avenue. He stated that the committee acknowledged the need to correct the water drainage problem on the south side of Rockingham Street. Councilman Printz stated that the Streets and Sidewalks Committee recommended moving the urban project to another street and correcting the drainage problem on Rockingham Street.

Councilman Dearing stated that he supports correcting the drainage problem on Rockingham Street if funds are available. He said that he would consider moving the project to another street once pertinent information is provided.

Councilman Printz reported that the committee addressed traffic flow on Rockingham Street. He recommended Stop signs be placed on Rockingham Street at the intersections of Clark, Page and Jackson. Councilman Printz stated that after a tour of the town, each committee member was asked to make a list of sidewalks to be repaired.

OLD BUSINESS

Stonewall Memorial Park - Parking Lot Gravel - Second Reading

Councilman R. L. Snow moved, seconded by Councilman M. L. Dearing and carried to approve the appropriation to purchase gravel for the parking lot at Stonewall Memorial Park.

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

NEW BUSINESS

Water Filtration System - First Reading

Mr. Monger reported that due to unforseen reasons, the water filtration system could not be purchased in fiscal year 96-97, therefore an appropriation in the current fiscal year must be approved.

Set Council Meeting Place, Date and Time

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to set the regular Town Council meeting on the third Monday of each month at 7:30 p.m. in the council chambers in the Municipal Building.

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

Setting of Rates - Tax Resolution

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the following Tax Resolution:

WHEREAS, the town of Elkton's 1997-98 Budget does not include any tax rate increases, and

WHEREAS, Section 2-3-11 of the Elkton Town Code declares that council shall annually fix the tax rates on all real and personal property, household property excluded, properly subject to taxation within and by the town.

NOW THEREFORE BE IT RESOLVED, that the Elkton Town Council sets the tax rates for the year 1997 at $.10 per $100.00 of assessed value for Real Estate and $.46 per $100.00 of assessed value for Personal Property.

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

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

Councilman Bennett pointed out that there has not been a tax rate increase in the past several years.

Section 8-1-1 and 8-1-2

Mayor Dean stated that Sections 8-1-1 and 8-1-2 must be adopted annually in order to receive penalties and fines arising from convictions for violations of these laws within the corporate limits of the Town of Elkton.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to approve Sections 8-1-1 and 8-1-2 as presented.

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

Section 9-3-42 (d) - Minors Curfew

Chief Pence recommended that the current minor curfew fine of $5.00 be increased to $100.00. Councilman Dearing stated that the curfew fine amount was increased August 1996. Chief Pence requested a copy of the minutes indicating this was passed as documentation for the Juvenile and Domestic Relations Court.

Councilman Dixon asked if a minor would be in violation if an employer requires them to work after 11:00 p.m. Chief Pence stated that they consider each situation and use discretion.

Family Fun Center - Special Exception Request

Mr. Flick stated that Mr. Robert Conway requested a special exception permit to operate a Family Fun Center in the Shen-Elk Plaza. He stated that this business would consist of arcade, concessions and billiards. Mr. Flick stated that the Planning Commission recommended approving this request. He suggested that a Public Hearing be held 7:00 p.m. August 18, 1997.

Public Hearing was set for August 18, 1997 at 7:00 p.m.

Maple Subdivision

Mr. Flick stated that Ran Mar requested the property on Rockingham Street be subdivided into three lots. He stated that the lots must adhere to a minimum of 10,000 square feet. Mr. Flick stated that this is a legal subdivision within this property.

Councilman Dixon stated that the Planning Commission recommended approving this request.

Councilman A. D. Dixon moved, seconded by Councilman R. L. Snow to approve the request from Maple Subdivision to subdivide the property on Rockingham Street into three lots.

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

Grace Baugher Subdivision

Mr. Flick stated that the Grace Baugher Family requested the property on Virginia Avenue be subdivided into two lots.

Councilman Dixon stated that the Planning Commission supports this request.

Councilman A. D. Dixon moved, seconded by Councilman W. E. Printz to approve the request from the Grace Baugher Family to subdivide the property on Virginia Avenue into two lots.

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

Rockingham Street

Councilman Printz asked for council's opinion on discontinuing the urban project proposed for Rockingham Street.

Councilman Dixon expressed concern over the $370,000.00 allocated for land acquisitions planned in the urban project.

Councilman Snow stated that this was only speculations, the actual cost of a project does not always exceed the amount budgeted. He stated that council decided to continue this project allowing more information to be processed.

Councilman W. E. Printz moved, seconded by Councilman A. D. Dixon to moved the Rockingham Street Urban Project to Spotswood Avenue and repair the water drainage problem on Rockingham Street.

YEAS: A. D. Dixon, W. E. Printz

NAYS: F. A. Bennett, M. L. Dearing, R. L. Snow

Motion failed 2-3.

Councilman Bennett pointed out that the Rockingham Street urban project was originally proposed to correct the drainage problem, repair sidewalks and upgrade sewer lines. He feels that this project utilizes available federal tax dollars to make these much needed repairs. He feels that estimating costs is presumptive at this point until further details become available.

Councilman Dearing stated that a study of Rockingham Street must be conducted before a decision is made. He stated the importance of receiving actual cost figures.

Councilman Printz stated that he understood the Streets and Sidewalks Committee agreed to recommend moving the urban street project to Spotswood Avenue. He expressed concern over prolonging correcting the drainage problem on Rockingham Street.

Installing Stop Signs on Rockingham Street

Chief Pence recommended placing one sign in the middle of Rockingham Street or two at both ends.

Councilman W. E. Printz moved, seconded by Councilman R. L. Snow and carried to install stop signs on Rockingham Street at the intersections of Jackson and Clark.

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

Councilman Printz stated that the Streets and Sidewalks Committee would address the issue of placing a stop sign at Ashby and C Street.

Councilman Printz stated that he understood the old backhoe will be sold and what was the process of selling the old backhoe. Mr. Flick responded that the old backhoe will be sold once the new backhoe is purchased. He stated that he would receive bids with the right to refuse any bids. Mr. Flick stated that since the $5,700.00 in repairs, other problems have arisen with the starter. Mr. Monger stated that the town would lose the governmental discount by trading-in equipment.

Set Public Hearing - Victorian Haven - Special Exception Request

Public Hearing was set for August 11, 1997 at 7:00 p.m., prior to the Planning Commissions meeting.

Recreation Commission - Appointment

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to appoint Mr. David Dean to fill an out-of-town vacancy on the Recreation Commission.

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

TOWN ATTORNEY

Mr. Davenport requested that all council members complete the disclosure forms and return them to him before the end of the meeting.

EXECUTIVE SESSION

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to go into Executive Session for the purpose of discussion or consideration of an appointment to council.

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

Councilman R. L. Snow moved to go from Executive Session back into Regular Session and that each member, to the best of his knowledge, certifies that only public business matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed or considered. The motion was duly seconded.

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

Council Member Appointment

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to appoint Mr. Richard Davis to council to fill a vacancy due to the resignation of Mr. Dan Dail.

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

Adjournment

As there was no further business, the meeting adjourned.

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

RECORDER: _____
Nancy A. Sours, Clerk