Regular Council Meeting
May 19, 1997
7:30 p.m.

The regular meeting of the Elkton Town Council was held May 19, 1997 at 7:30 p.m. in the council chambers with the Vice-Mayor Randell L. Snow presiding. The roll call was as follows:

PRESENT

F. A. Bennett
M. L. Dearing
A. D. Dixon
W. E. Printz

ABSENT

Mayor Charles E. Dean
D. H. Dail

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.

Councilman Dearing led the Pledge of Allegiance.

CITIZENS COMMENTS

Welty Hensley

Mr. Hensley presented council with three written requests. The first request is to consider making the utility bill due the 4th of the following month instead of the 26th. The reason for this request is some elder citizens live from only social security and do not save enough money to pay their utility bill. He suggested allowing thirty days before bills are due. Mr. Hensley's second request is that the Town Council and Mayor support the Jr. O. U. A. M. annual parade by riding in the parade, furnishing help for the parade marshals and providing a float for the beauty queens. The third request is to furnish electric for the Elkton Horse Show, Saturday, September 13, 1997 and assist in preparing for this event.

Clyde McDaniel

Mr. McDaniel, representing EDRC and Cruisin' Elkton Car Show requested that Spotswood Avenue be closed from Hill Avenue to Warren Avenue for the Cruisin' Elkton Event to be held May 31. This is needed to accommodate 180 cars; if this is not available they may have to relocate. Mr. McDaniel stated that Merck will sponsor a tent behind the Elementary School and needs a location for that booth. He is requesting closing B Street on May 31, 1997 for this event.

Bob Hammer

Mr. Hammer spoke regarding the due date of utility bills. He suggested delaying reading the meters to mid month and have them due the 4th or 5th of the following month. Mr. Hammer stated that there are numerous citizens who cannot afford to pay 10 percent penalties. He asked that the due date be changed.

LeVerne Hitt

Ms. Hitt asked if any decisions have been made regarding her concerns with the cemetery.

Lucky Sigafoose

Mr. Sigafoose of Rockingham Street presented council with a proposed illustration of the drainage replacement on Rockingham Street. Mr. Sigafoose feels there is ample space to place this pipe and this project could be accomplished. He stated that this proposed correction will eliminate Rockingham Street residents from losing their property. Mr. Sigafoose expressed concern over a permit being issued for an Auction House and that the stipulations of removing old cars from the adjoining lot has not been done.

Hazel Crider

Mrs. Crider commented that parliamentary procedure should be practiced throughout the meeting and applied to everyone. Mrs. Crider commented on the situation involving the recreation department and the Director of Parks and Recreation. She stated that Mr. Pence was a volunteer for several years and is now a town employee. She stated that the parks are being fully utilized for picnics, recreation and other events. Mrs. Crider stated that Rockingham County does not contribute any funds to the park. She stated that town taxpayers pay the Director of Parks and Recreation salary, but the Director should answer to the Town Manager. She stated that she respects the commission members, but the town authorities should oversee this position. Mrs. Crider feels that Mr. Pence is doing a good job.

MINUTES

Councilman W. E. Printz moved, seconded by Councilman F. A. Bennett and carried to approve the minutes of the Public Hearings, April 21, 1997 and the Regular Council Meeting, April 21, 1997.

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

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence submitted his written report and offered to answer any questions. He stated that a Neighborhood Watch meeting is scheduled for Wednesday, May 23, 1997 at 9:30 a.m. at the Country Inn Restaurant.

Councilman Dearing asked why the increase in issuing parking tickets and adult arrests. Chief Pence responded it was due to the spring season and increased activities, but will probably decrease or level out during the next few months.

Councilman Dearing expressed his concern over the heavy traffic and excessive speed on Wirt Avenue. He stated that he does not oppose cruising, but feels any driver violating the laws should be prosecuted. Chief Pence stated that the only way to catch these violators is to put an officer on foot patrol, which would limit the officer's responds time to an emergency. Councilman Dixon asked when are two officers on duty simultaneously and at what times this may be a problem. Chief Pence responded that is normally 6:00 p.m. to 2:00 a.m., five nights a week. Chief Pence stated there are seldom any speeding violations on Wirt Avenue. He explained the difference between speeding and other traffic violations.

Councilman Dearing stated that he has received complaints about kids not being able to park on parking lots. Chief Pence stated that public parking is allowed on Terrace Avenue, but drivers and passengers may not sit in parked vehicles. Chief Pence stated that once vehicle occupancy was eliminated vandalism and littering dropped significantly. Chief Pence stated that the only parking ordinance passed recently was the 11:00 p.m. curfew.

Councilman Printz asked Chief Pence to check on the excessive truck traffic on Rockingham Street. Councilman Printz said that a "No Thru Trucks" sign was placed to eliminate this and asked if this could be enforced. Chief Pence stated that an officer must follow a truck completely thru Rockingham Street before summons can be issued.

Parks & Recreation

Mr. Pence presented his written report and minutes from the last recreation meeting.

Councilman Printz asked what funds are received from Rockingham County annually for the recreation department. Mr. Pence responded that he received $266.00 and $1,294.00 to cover one umpire's fees.

Councilman Dearing asked if we are receiving any other services and the total dollar amount received from Rockingham County. Mr. Pence stated that the County reimburses the town for one umpire. Mr. Pence stated that Rockingham County pays the janitorial fees if applicable. Councilman Dearing pointed out that records should be kept on all funds received and spent in the recreation department.

Councilman Printz suggested reviewing other towns' budgets and compare the recreational amount received from Rockingham County.

Vice Mayor Snow asked Mrs. Bobbie Rae Monger to report on funds received from Rockingham County. She stated that the town receives approximately $20,000 annually from Rockingham County for the recreation department. Mrs. Monger stated that based on the last report, the Town of Elkton received more recreation funds than any other town in the County. She said that the town is responsible for janitorial fees due to not supervising the events.

Mr. Pence stated that they rent the gym out on Sundays after his events on Saturdays. He said that he was certain his events are not responsible for any vandalism.

Director of Public Works

Councilman Dixon asked the outcome of the meeting with Commonwealth Industrial Specialities concerning the sand and grit problem in the water system. Mr. Flick stated that he met with Mr. Mel Kirkendall and he will provide a proposal once available. Councilman Dearing asked how the amount of $25,000 budgeted for this project was determined. Mr. Flick feels that this project will not exceed $25,000 and perhaps even less than anticipated. Mr. Flick stated because this amount was budgeted for fiscal year 96-97, he hopes to have this sand and grit removal project completed by July 1, 1997.

Councilman Printz asked if there was a standard requirement for handicap parking. Mr. Flick responded that he contacted Mr. James Baker, Harrisonburg Public Works Director, and there are no standard criteria or standard particulars designed for the safety and access for handicap parking along streets. Mr. Flick stated that he is awaiting an updated guideline from Virginia Municipal League. Mr. Flick stated that Elkton's main streets and parking lots are legal under the current guidelines. Mr. Flick pointed out the importance of determining a safe parking area before designating a handicap parking space.

Councilman Printz asked if a verbal commitment was made by Mr. Crawford on removing the vacant cars on Spotswood Trail. Mr. Flick pointed out that Mr. Crawford could not be conformed to allow parking for the auction house, but stated he would accommodate parking for the auction house. Mr. Flick stated a parking restriction was placed on the auction house permit and may be revoked if inadequate parking occurs.

Councilman Dearing stated that Mr. Crawford was issued a used salvage permit for the lot on 436 Spotswood Avenue. He stated that the salvage vehicles across the street are violating the ordinance and Mr. Crawford should be given a thirty-day notice to remove these vehicles. Mr. Flick stated he has contacted Mr. Davenport on this matter and hopes to have this problem resolved by next council meeting. Councilman Dearing pointed out that Mr. Crawford needs to be instructed to remove the vacant vehicles.

Councilman Dixon asked if council made a motion to request Mr. Crawford to remove the cars under the auction house special use permit. Mr. Davenport responded that the special use permit for the auction house required adequate parking. He stated that if parking becomes an issue, the permit can easily be revoked. Mr. Davenport stated that it is the burden of the business operator to provide adequate parking. He stated that no adjoining property owner will give an endless right to allow parking on their lot and it is not realistic to issue a permit based on these requirements.

Councilman Dearing expressed his concern that parking at the auction house could pose a potential problem in the future.

Councilman Snow asked if the peak-saving generator is in operation. Mr. Monger responded that it is on line, but no definite dollar amount is available at this time.

Finance

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to approve the April 1997 Finance Report as presented.

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

Town Manager

Mr. Monger submitted his written report and offered to answer questions. Mr. Monger asked if council would like to participate in the litter grant with Rockingham County.

Councilman Printz questioned the status of the alley between Lawrence Shifflett and AmeriGas. He recommended the possibility of moving the alley closer to the AmeriGas building. Mr. Monger stated that it is possible the alley may be wider than required, but he needs more details before making a recommendation.

Councilman Dixon asked if the Citizens' Advisory Committee recommendations will be addressed under the public safety committee. Mr. Monger responded that most of the recommendations will be done by the town employees and will not be referred to a committee. Councilman Dixon asked if installing a speed bump would reduce the speeding problem in the park. Mr. Monger stated that a speed bump may cause a greater danger at the bottom of the hill.

Litter Grant

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to continue the joint venture with Rockingham County in the administration for the litter grant.

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

COMMITTEE REPORTS

Electric

Councilman Printz feels the complaints received pertaining to the due date of the utility bills should be addressed by the electric and finance committees. Councilman Printz expressed his concern regarding the $200.00 deposit required by businesses to obtain utility services. He feels good credit should be taken into consideration and asked the finance and electric committees address this regulation.

Personnel

Councilman Dearing reported there are two issues that need to be discussed under executive session, recreation and cemetery.

Public Safety

Councilman Dearing asked the status of the condemned building owners that received thirty day notices.

Streets and Sidewalks

Councilman Printz recognized the town employees for their efforts and expressed his appreciation. Councilman Printz acknowledged that Rockingham Street was an ongoing problem and has been discussed at lengths. He presented an illustration of an alternate drainage solution on Rockingham Street. He pointed out the major water drainage problem was on the south side of Rockingham Street. He stated that the urban project was originally proposed to correct the drainage problem, and improve the streets and sidewalks. Councilman Printz stated that the alternate plan allows for new pipe to be installed by digging up the street and elevating the sidewalks. He said an approximate cost of this project is $20,000.00 - $30,000.00.

Vice Mayor Snow asked that this be addressed by the Streets and Sidewalks Committee.

Councilman Printz asked if there was a standing motion to proceed with the urban project on Rockingham Street. Councilman Dearing responded that a motion was made to continue with the proposed urban project until further details or particulars were made available.

Councilman Printz asked the condition of the drainage problem on Washington Street. Mr. Flick responded he expects the plans to be completed by mid June. Mr. Flick stated that he feels the current pipe size will be sufficient.

Councilman Dearing asked the current conditions of other drain pipes within the town and if purchasing a specialized camera to examine these pipes would be feasible.

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

Councilman W. E. Printz moved, seconded by Councilman F. A. Bennett and carried to close Spotswood Avenue from Hill Avenue to Warren Avenue on May 31, 1997 for Elkton Cruisin' with the time to be determined by Chief Pence.

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

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

Councilman W. E. Printz moved, seconded by Councilman M. L. Dearing and carried to close B Street on May 31, 1997 for Elkton Cruisin' with the time to be determined by Chief Pence.

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

Rockingham Street - Urban Project

Councilman Printz moved to suspend the urban project and to move the project onto Spotswood Avenue.

Councilman Printz withdrew his motion and referred this issue to the Streets and Sidewalks Committee.

Councilman Printz expressed concern over the fact not enough information has been provided and asked whether there was a resolution or motion made several years ago. Mr. Monger responded that a motion was passed and a resolution was adopted on the urban project.

Councilman Bennett pointed out that in order to override a motion a 2/3 vote is needed.

Councilman Dixon asked the status of the ISTEA Grant. Mr. Monger responded that he is still waiting for a response from ISTEA officials. Councilman Dearing feels the ISTEA project has been postponed long enough.

Cemetery

Councilman Dearing reported that the cemetery commission met on April 29 to discuss the condition of the cemetery. He said that every effort would be made to properly maintain the cemetery. He stated that Mr. Monger has suggested making the cemetery a department within the town structure. He said that by making the cemetery a department, expenses could then be charged accordingly.

OLD BUSINESS

Sign Ordinance

Mr. Flick explained that Mr. Davenport made several verbal changes to the proposed sign ordinance.

Mr. Davenport noted the changes were mainly on the free standing signs and allowing an electronic message board sign. He stated that the old ordinance was adopted in 1989 and restated all changes made since that time. He pointed out that the new ordinance has renumbered sections. He noted that under the section 706.04 - temporary signs, allows four permitted signs annually without a fee; excess of four there will be a $20.00 fee per sign; allows for exemptions if applicable. He pointed out that section 706.03-10 - business districts, pertains to political posters and yard sale posters not exceeding three per year. Mr. Davenport stated that there are basically three types of non-permanent signs: 1) portable; 2) political posters; 3) yard sale posters.

Councilman A. D. Dixon moved, seconded by Councilman W. E. Printz and carried to approve the amendment to the sign ordinance as presented. (A copy of the amended ordinance is attached to the minutes)

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

Boundary Line Adjustment - Agreement Approval

Mr. Davenport reported that council needs to approve the boundary line adjustment on the parcel of land on Blue and Gold Drive.

Councilman W. E. Printz moved, seconded by Councilman A. D. Dixon and carried to approve the agreement to change the boundary line. (A copy of this agreement is attached to the minutes)

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

NEW BUSINESS

Ordinance Change of Line G to footnotes for Minimum Lot Requirements

Mr. Flick stated that the Planning Commission recommended making these changes. Mr. Flick explained that the current minimum lot requirement in Districts R1, R2, R3, R4 and R5 is 12,500 square feet. The proposed ordinance states changing the minimum lot requirement in District R3 to 10,000 square feet and in Districts R4 and R5 to 6,250 square feet. He pointed out the street paving was done on some property, reducing the lot size. Mr. Flick noted that the proposed 10,000 square feet minimum lot size would be the same as Rockingham County requirements.

Change Sideyard Requirements in Districts R3 & R4

Mr. Flick explained there was a proposal to change the sideyard requirements in Districts R3 and R4, allowing a minimum of five feet sideyard setback on one side and a total of fifteen feet.

Public Hearings set for June 16, 1997 at 7:00 p.m. in the council chambers.

Resolution - Honoring Previous Community Leaders

Mr. Davenport presented three resolutions honoring the services of C. Zirkle Hisey, I. L. Flory, and C. Thomas Scruggs.

Councilman F. A. Bennett moved, seconded by Councilman M. L. Dearing and carried to adopt the resolutions honoring Mr. C. Zirkle Hisey, Mr. I. L. Flory, and Mr. C. Thomas Scruggs as presented.

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

Duties of the Clerk

Councilman Dearing stated that council decided to provide a clerk at commission meetings to record minutes. He recommended directing or providing the commissions' appointed secretary with guidelines. He suggested that this be determined by the Town Manager.

Councilman Bennett asked why the commissions need clerical support, since there is an appointed secretary on each commission.

It was agreed upon that the Town Manager will determine if clerical support is needed at the meetings.

Recreation Commission Appointment - Mr. Gerry Shifflett

Councilman W. E. Printz moved, seconded by Councilman M. L. Dearing and carried to appoint Mr. Gerry Shifflett to fill an in-town vacancy on the Recreation Commission.

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

Vice Mayor Snow stated there is a concern involving the parking lot in the park. Vice Mayor Snow said that they would address this at the next Finance Committee meeting since these repairs were not included in the 96-97 fiscal budget.

Vice Mayor Snow stated there was concern over the Recreation Directors' office hours. Vice Mayor Snow suggested changing the title of Recreation Director to Recreation Coordinator. He feels this will give the commission and the coordinator/director the latitude to work together accordingly. Vice Mayor Snow stated that the Recreation Commission recommended this change. He suggested this matter be addressed at the next Personnel Committee meeting and perhaps make a recommendation to council.

Horse Show - Electric Donation

Councilman W. E. Printz moved, seconded by Councilman A. D. Dixon and carried to donate electric services for the Elkton Horse Show to be held Saturday, September 13, 1997.

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

97-98 Fiscal Budget - First Reading

Councilman W. E. Printz moved, seconded by Councilman M. L. Dearing to approve the first reading of the 97-98 Fiscal Budget as presented.

The following meeting dates were set:

Finance Committee meeting set for May 20, 1997 at 7:00 p.m.

Streets and Sidewalks Committee meeting set for May 27, 1997 at 7:00 p.m.

Public Hearing for 97-98 Budget set for June 16, 1997 at 6:30 p.m.

Special Council Meeting set for June 23, 1997 at 7:00 p.m.

Councilman Dearing asked Mr. Davenport for assistance regarding Mrs. LeVerne Hitt's concerns. Vice Mayor Snow informed Mrs. Hitt that the Cemetery Commission would review her concerns and then make a recommendation to council.

As there was no further business the meeting adjourned.

VICE-MAYOR: _____
Randell L. Snow, Vice-Mayor

RECORDER: _____
Nancy A. Sours, Clerk