Regular Council Meeting
June 16, 1997
7:30 p.m.

The regular meeting of the Elkton Town Council was held June 16, 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

ABSENT

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

Hazel Crider

Mrs. Crider stated that instead of making donations, perhaps priority should be given to purchasing an intercom system for the council chambers. She commended Theodore Pence for his work as Recreation Director. She recommended that council support Theodore Pence because he has recently faced conflict in performing his job. Mrs. Crider commented on the poor appearance of the dump site located at one of the main entrances into town. She offered several solutions such as relocating the dump site, or even paving the area and planting trees to serve as a type of screening barrier. Mrs. Crider stated that there are several streets that are in immediate need of line painting.

Mildred Shifflett

Mrs. Shifflett of Spotswood Avenue commented that since the residents on Rockingham Street oppose the urban project, council should not continue with the project. She stated that the vinyl exterior of her home received damage due to the poor condition of the adjacent alley. She feels the town should maintain all alleys. Mrs. Shifflett feels that the cemetery has never been in such poor condition. She said that the water system should be maintained to eliminate problems in the future. Mrs. Shifflett suggested that signs be placed prohibiting bicycles and skateboards on the sidewalks because this seems to be an increasing problem. She commented that the sidewalks are in terrible condition and need to be repaired.

Charles Herring

Mr. Herring of 127 Sweetgum stated that since there was no money budgeted for the donations, by granting these requests could create a tax increase. He feels that the day to day operational expenses such as purchasing a new backhoe, computer system, police car and officers

wages should be met first. Mr. Herring commented that an actual operational cost should be calculated on the recreation department.

Lucky Sigafoose

Mr. Sigafoose, East Rockingham Street, asked where the funds are recorded that are received from recreation/softball sign ups.

Phillip Workman

Mr. Workman spoke regarding the conflict in the recreation department. He asked that council and volunteers compromise and resolve this issue. He stated that if everyone does not work together, it is the youth who will suffer. Mr. Workman stated that the low water pressure at his residence will not allow him to water his lawn. He feels that he has waited several years to have this problem corrected and asked that it be done immediately.

Bob Hammer

Mr. Hammer, 101 Hill Avenue, stated that last month he recommended to council to move the utility due date from the 26th to the first of the following month. He stated that this was requested so that the senior citizens and citizens on supplemental income will not be charged a 10% penalty. He asked that council address this issue again.

Bobbie Rae Monger

Mrs. Monger asked that a decision be made tonight on placing gravel in the parking lot at Stonewall Memorial Park.

LeVerne Hitt

Mrs. Hitt spoke on her concerns with the cemetery. She said that she has been awaiting an answer for two years regarding the ornament that was removed from her daughter's grave. She stated that she has contacted her attorney and plans to pursue this. She asked who is responsible for the cemetery. She requested that she receive an answer tonight.

Dr. Elizabeth Swallow - Cruisin' Elkton

Dr. Swallow expressed her appreciation for the town's support in making the Cruisin' Elkton program a success. She stated that this event could not have taken place without the town's cooperation. She mentioned that a second Cruisin' Elkton event is tentatively planned for May 30, 1998.

MINUTES

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to approve the minutes of the Regular Council Meeting, May 19, 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 any questions. Councilman Bennett asked Chief Pence the procedure for issuing parking tickets at local businesses. Councilman Dearing stated that he received several complaints pertaining to incidents where individuals received parking tickets while using the business. Chief Pence responded that he has required that business owners set their regulations and post them. He stated that public safety only dictates violations on public property not on private property. He said that public safety can enforce policies on private property if correctly posted. Chief Pence noted that these particular incidents created problems but forced the business owner to set and post certain policies.

Chief Pence stated that the main reason for the request for a new police car is one patrol car has high mileage. He stated that maintenance on these cars is increasingly expensive. Chief Pence feels that it is essential to purchase a new patrol car to be used as a third vehicle. He stated that the $18,500 allocated in the budget will purchase a new police car with the police package.

Chief Pence mentioned that the line painting that has been done will help in traffic areas.

Chief Pence stated that he received a letter from Gerald Monger stating that all unattended telephone lines will be forwarded to the police department. Chief Pence stated his opposition. He asked that a separate telephone line be installed in order to handle the additional calls. Councilman Dearing explained that the Personnel Committee recommended that unattended telephone lines be transferred to the dispatchers.

Councilman Dearing expressed concern over the high cost of the phone service that is being received and suggested that this issue be reviewed in the near future.

Councilman Dixon asked how many 911 emergency calls are received by the police department. Chief Pence stated that most emergencies actually walk into the police department.

Councilman Dixon asked the legality of skateboards and bicycles on the sidewalks. Chief Pence suggested revising the parking ticket violation ordinance to include prohibiting skateboards and bicycles on the sidewalks. Mayor Dean suggested that this be addressed in a committee meeting.

Councilman Dixon asked the percentage of time officers spend on out-of-town calls. Chief Pence responded that a large percent is spent assisting Rockingham County deputies. Councilman Dearing mentioned the possibility of placing a substation in the Elkton area for County deputies. Chief Pence stated that he would support a substation in the Eastern Rockingham County area.

Parks & Recreation

Mr. Pence presented his written report and offered to answer any questions. Councilman Dearing asked why the fluctuation in funds received from the dance studio. Mr. Pence stated that the amount received is based upon participation. Mr. Pence responded to the question concerning softball registration, by stating that expenses such as trophies, shirts and umpire fees are taken from the sign up fees.

Director of Public Works

Mr. Flick reported that the backhoe is in need of extensive repairs. He said that the estimated cost to repair the backhoe is $7,000.00. Mr. Flick feels it is feasible to go ahead with the repairs, since the backhoe's trade-in value is $15,000.00, with the $7,000.00 repairs.

Councilman Dearing asked if there are plans to purchase a water sand filter system within this budget. Mr. Flick stated that he has received several bids on a water filtration system and could purchase the system immediately. Mr. Monger pointed out that it may take several years to remove all sand from the water lines.

Councilman Dearing asked if there are plans to correct the water pressure problem in Elkwood. Mr. Flick responded that an engineer recommended placing a small booster pump underground. Councilman Dixon stated that he thought eliminating the water haulers would correct the water pressure problem in Elkwood. Mr. Flick stated that dilapidated water lines and altitude contribute to the water pressure problem. Mr. Monger stated that property was purchased on which to place the water tank. Mr. Monger stated that the State Health Department tested the water lines and concluded that the water tank was not needed. He said that perhaps the problem is the reservoir water lines are smaller than the water lines running to Elkwood. Mr. Monger stated this could be corrected by installing larger water lines from the reservoir.

Councilman Dearing recommended correcting these problems immediately, instead of honoring the donation requests.

Councilman Dixon asked what is being done to correct the problem in the alley between AmeriGas and Mr. Shifflett. Mr. Flick responded that he could have the town's portion of the alley paved within the next week. Councilman Dearing stated that the ordinance states each property owner must properly maintain and provide proper drainage for his/her property. Councilman Printz suggested meeting to examine the property the following day.

Treasurer

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

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

Town Manager

Mr. Monger presented his written report and offered to answer questions.

Councilman Dixon asked about the status of the ISTEA program. Mr. Monger stated that he is still awaiting a response.

Councilman Printz asked about the progress on Washington Street. Mr. Flick stated that the storm sewer will be photographed when the camera equipment is available from the City of Harrisonburg.

COMMITTEE REPORTS

Personnel

Councilman Dearing mentioned that there has been significant employee turnover with little disruption over the past year.

Public Health, Public Safety and Ordinances

Councilman Dearing asked if there were any results from the notices sent to the owners of abandoned houses. Mr. Flick stated that one of the property owners was granted a renovation permit.

Streets and Sidewalks

Councilman Printz stated that after receiving several requests, a meeting is planned in the near future to discuss Rockingham Street, Washington Street and the Shifflett/AmeriGas alley.

Cemetery

Councilman Dearing stated that the cemetery commission met on June 10, 1997 and this was a legal meeting. He said that the commission decided and recommended that the cemetery become a department within the town. Councilman Dearing stated that the cemetery commission will meet annually in order to provide guidance. He feels this will improve the condition and operation of the cemetery.

OLD BUSINESS

Water Sand Filter

Councilman W. E. Printz moved, seconded by Councilman A. D. Dixon and carried to authorize the purchase of a water sand filtration system at an approximate cost of $32,000.00.

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

NAYS: **F. A. Bennett, R. L. Snow**

Councilman Snow stated that he opposes the purchase of a sand filter. He suggested taking a methodical approach to the problem by conducting a survey before making this purchase.

Councilman Bennett expressed his opposition to purchasing a sand filtration system. He encouraged conducting a questionnaire or survey to decide how many citizens are experiencing a sand problem.

Councilman Dixon stated that he feels there is a need for sand filtration and that it was put in the budget for a reason.

Proposed Change for Minimum Lot Requirements & Sideyard Requirements

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 stated changing the minimum lot requirements in District R3 to 10,000 square feet and in Districts R4 and R5 to 6,250 square feet. Mr. Flick stated that the provision within this ordinance was originally adopted to eliminate houses being built in clusters. Mr. Flick stated that there are only approximately four areas in town this would affect. Mr. Flick stated that the proposed ordinance is in accordance with Rockingham County's regulations.

Mr. Flick explained that the proposed change in the sideyard requirements would only effect R3 & R4 Districts. He stated that the proposed change would require a total fifteen feet sideyard, instead of the current ten feet requirement.

Councilman Dixon stated that the Planning Commission recommended the proposed ordinances change.

Councilman A. D. Dixon moved, seconded by Councilman M. L. Dearing and carried to approve the proposed change to the sideyard ordinance requiring a total fifteen feet sideyard in Districts R3 & R4 and the proposed change for the minimum lot requirements to line g as stated;

Existing lots of 6,250 square feet may be developed in the R3 Residential Single Family, R4 Residential, and R5 Residential Districts. All subdivision of parcels into 6,250 square feet lots shall be prohibited in all Districts, except for R4 and R5 Residential Districts. The Residential Single Family District will require lot sizes of a minimum of 10,000 square feet.

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

ABSTAINED: **R. L. Snow**

FY 97-98 Budget - Second Reading

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett to adopt the proposed 97-98 Budget with the Finance Committee's recommendation pertaining to donations of $1,000.00 to the library; $5,000.00 to the Historical Society and $15,000.00 to EDRC, that will be decreased over a three-year term.

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

NAYS: **M. L. Dearing, A. D. Dixon, W. E. Printz**

Motion failed 3-2.

Councilman Dearing stated opposition to the Historical Society's donation request when there is no renovation being planned for the municipal building. He stated that the town's operational needs must be covered before donations are made. He pointed out that funds must be allotted for emergencies. Councilman Dearing feels that donations should be made on an individual basis, not with taxpayers' money. He stated that the money is not available to donate and should not be borrowed to honor donation requests.

Councilman Snow stated that there are many benefits from such organizations as EDRC, the Historical Society and the Library. He feels donations to these organizations have a significant return to the town through improvements.

Councilman Printz pointed out meals tax was increased (doubled) last year. He feels taxes are being maintained in the town but that Rockingham County taxes are steadily increasing. Councilman Printz said that he wants to eliminate or reduce property taxes. He stated his opposition to purchasing a new backhoe and computer system. He said that the proposed budget was difficult to understand and prefers each department being listed separately. Councilman Printz stated that growth in each department should be restricted or controlled.

Councilman Bennett stated that a balanced budget can be achieved if funds are borrowed from the repo account. He said that he was not in complete agreement with the Finance Committee's recommendations but could compromise in certain areas. Councilman Bennett feels that each department should cover its expenses.

Councilman Dixon stated concern over the possible excess in public safety and garbage and other departments. He said the increase in the garbage budget indicates that rates should be doubled. Councilman Dixon pointed out that public safety has $25,000 in officers' overtime, which could justify hiring another police officer.

Councilman Dearing pointed out that this budget format was used for 18 years. He feels that all department heads should be held accountable for their budgets. Councilman Dearing said that he does not recommend straight across board pay raises; it should be based on performance merit.

He suggested looking at other options to generate revenues such as increase cable pole rental, charging Rockingham County use of town's public safety and recreation.

Councilman Printz feels there should be a close examination of spending. He stated that since revenues have increased there should not be a need to withdraw funds from repo.

Councilman Dixon asked how the supplies amount was determined for each department. Mr. Monger responded that it was based on the current year's spending pattern. Councilman Dixon recommended scheduling a meeting with each department head to explain their budget.

Councilman Dearing stated that the computer system must be upgraded. He feels the purchasing authority should be controlled and managed more closely.

Councilman Snow stated that the Finance Committee has met twice to review the proposed budget. He feels that a budget should be passed that will be workable for the town manager.

Councilman Dearing said that he did not support cutting any proposed operating projects to make donations.

Councilman Bennett pointed out that the proposed budget does not include any utility or tax increases. He stated that operating costs steadily increase over the years. Councilman Bennett stated that utilities cannot be subsidized, because utility revenues should exceed expenses incurred within that department.

Councilman Printz recommended eliminating two capital projects, the purchase of a new backhoe and a new police car. He said that the donations were an investment in the town. Councilman Printz recommended a 5% reduction in each department within the proposed budget.

Councilman Dixon recommended selling the land in the park if money is needed. Councilman Printz feels that the land in the park is an investment. Councilman Printz feels that government spending should be controlled instead of increasing revenues.

Councilman W. E. Printz moved, to accept the proposed 97-98 Budget, with a 4% reduction in each department (excluding wages), and eliminating the purchase of a backhoe and police car.

Motion failed due to lack of a second.

Councilman M. L. Dearing moved, to accept the proposed 97-98 Budget as presented without the requested donations.

Motion failed due to lack of a second.

Councilman W. E. Printz moved, seconded by Councilman R. L. Snow and carried to accept the proposed 97-98 Budget, with a 4% reduction in each department (excluding wages), including all proposed capital projects and including donations of $15,000.00 to EDRC, $5,000.00 to Historical Society and $1,000.00 to the Library.

YEAS: **A. D. Dixon, W. E. Printz, R. L. Snow**

NAYS: **F. A. Bennett, M. L. Dearing**

Recreation Bylaws

Councilman Dearing reported that the Personnel Committee met to discuss the relationship between the Director of Parks and Recreation and the Recreation Commission. He stated that it was determined that the Recreation Commission meet monthly to give recommendations to the Town Manager. He said that the Director of Parks and Recreation is to report directly to the Town Manager. Councilman Dearing stated that it was recommended that concession profits be used for recreation capital improvements. Councilman Dearing asked for any recommendations on revising the present set of recreation bylaws. He stated that the completed set of recreation bylaws should be available next month.

NEW BUSINESS

96-97 Budget Transfers and Appropriations - First Reading

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the 96-97 Budget Transfers and Appropriations as presented. (A copy of the 97-98 Budget Transfers and Appropriations are attached to the minutes)

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

Set Special Council Meeting - Second Reading 96-97 Budget Transfers & Appropriations

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

Encroachment of Sidewalks

Mr. Doug Berry presented council with his proposed plans for a new office building which would require a sidewalk encroachment.

Councilman M. L. Dearing moved, seconded by Councilman F. A. Bennett and carried to approve the requests from Mr. Douglas Berry and East Rockingham Development Corporation to allow an encroachment on the sidewalks at two locations on Spotswood Avenue.

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

Elkton Volunteer Fire Company Carnival - Electric Donation

Councilman F. A. Bennett moved, seconded by Councilman A. D. Dixon and carried to donate electric services to the Elkton Volunteer Fire Company Carnival.

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

Councilman D. H. Dail - Resignation

Councilman Dixon read a letter from Dan Dail stating his resignation from council due to employment effective June 15, 1997. The letter stated Councilman Dail's appreciation for the opportunity to serve on council.

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to accept Dan Dail's resignation from the Elkton Town Council.

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

Placing Gravel in Parking Lot - Stonewall Memorial Park

Mrs. Bobbie Rae Monger stated that gravel is needed in the parking lot at Stonewall Memorial Park. Mr. Flick stated that approximately eight loads of gravel have been placed in the parking lot. Mr. Flick stated that it would take about twenty to twenty-five loads of gravel to complete this project.

Councilman M. L. Dearing moved, seconded by Councilman R. L. Snow to purchase twenty loads of gravel to be placed in the parking lot in Stonewall Memorial Park.

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

Utility Bills - Due Date

Councilman W. E. Printz moved, seconded by Councilman A. D. Dixon to change to due date of the utility bills.

Mayor Dean asked for the treasurer's opinion on changing the due date of the utility bills. Ms. Sours responded that the utility bills are mailed between the 5th and 9th of every month. She stated that the present due date is the 26th of each month. Councilman Bennett stated that if social security checks are received on the 3rd and utility bills are received by the 10th of the month, the problem is not the due date of the utility bills.

Councilman W. E. Printz withdrew his motion and Councilman A. D. Dixon withdrew his second to the motion.

Executive Session

Councilman M. L. Dearing moved, seconded by Councilman W. E. Printz and carried that Council into Executive Session for the purpose of discussion or consideration of possible litigation.

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

Councilman A. D. Dixon moved to go from Executive Session back into Regular Session and that each member, to the best of this 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

Possible Litigation

Councilman M. L. Dearing moved, seconded by Councilman F. A. Bennett to instruct Mr. Dale Davenport to vigorously pursue defense in possible litigation.

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 **RECORDER:** _____
Charles E. Dean, Mayor Nancy A. Sours, Clerk