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

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

PRESENT

D. H. Dail
M. L. Dearing
A. D. Dixon
W. E. Printz
R. L. Snow

ABSENT

F. A. Bennett

Gerald Monger, Town Manager, Robert Keefer, 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.

Mr. Armstrong offered the invocation.

Councilman Dearing led the Pledge of Allegiance.

CITIZENS COMMENTS

Lucky Sigafoose

Mr. Lucky Sigafoose, Rockingham Street, offered an apology to Mr. Gerald Monger. He asked the question regarding a comment that petitions do not have any meaning.

Jeff Nemoytin

Mr. Nemoytin stated that property owners will lose property under the urban project. He stated that the majority of property owners oppose widening the street. Mr. Nemoytin requested an estimated cost to repair the drainage problem.

Vivian Hitt

Mrs. Hitt, West Washington Street, stated that it has been six months since the flood and no action has been taken on the drainage problem.

Charles Herring

Mr. Herring, 127 Sweetgum, spoke concerning the street lights in Elkwood. He feels that higher wattage is not the solution for the lighting problem. He pointed out that he is not a spokesperson for the neighborhood.

MINUTES

Councilman Snow pointed out a vote needs to be recorded on the motion of the Lot Line Vacation, Page 5 of the February 17, 1997 minutes.

Councilman R. L. Snow moved, seconded by Councilman M. L. Dearing and carried to approve the minutes of the Regular Council Meeting, February 17, 1997 as presented with the noted corrections.

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

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence submitted his written report. He asked that the Streets and Sidewalks Committee examine the situation at the intersection of the alley between Spotswood and Gibbons Street. Chief Pence stated that there has been an increase in traffic and the door company is using the alley.

Recreation and Parks

Mr. Pence submitted his written report. Councilman Dearing requested a summary of funds received from Rockingham County in the past several years.

Councilman Dixon asked if Elkton receives the same amount of funds as other towns within the county. Mr. Pence said that all towns receive equipment from the county.

Director of Public Works

Mr. Flick submitted his written report. Councilman Dearing asked if a spring clean up date has been set. Mr. Monger responded that spring clean up is designated for the week of May 15. Mr. Flick mentioned that zoning issues will be discussed under new business.

Mr. Flick stated that VDOT should install caution lights near the stop lights at the entrance to Elkwood within two weeks.

Finance Report

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the February finance report as presented.

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

Town Manager

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

COMMITTEE REPORTS

Electric

Councilman Dail reported that the generation project is scheduled to be on line by late April.

Councilman Dail stated that the Electric Committee recommended a proposal to upgrade eight light poles to sodium lights. He stated that a trial sodium light has been installed on Maple Leaf Lane and does not recommend the new lighting.

Councilman Dearing said that the sodium light was place just for the purpose of testing. He said that he had received public comment and recommends leaving the lighting as it is currently. Councilman Dearing suggested that Elkwood residents' contact Virginia Power on the possibility vapor light rentals.

Mr. Monger stated that he was instructed by the Mayor to remove test light and install the original mercury light.

Councilman Snow suggested leaving the street lights as they currently are.

Personnel

Councilman Dearing stated that the Labor II position has been filled by Mr. Bobby Moats.

Streets and Sidewalks

Councilman Printz commended the citizens for their response during a recent committee meeting. He stated that the outcome of the meeting was the committee would provide Rockingham Street residences information as it becomes available.

Terrace Avenue - Parking Lot

Councilman Printz stated the committee addressed parking on Terrace Avenue and was recommended that public parking be moved to the North end of Terrace Avenue parking lot.

Councilman W. E. Printz moved, seconded by Councilman A. D. Dixon to move the commuter/public parking to the North end on Terrace Avenue.

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

Councilman Printz stated that the committee is planning to meet with Mr. John Christophel Thursday to resolve the Lucas Lane issue.

Councilman Printz stated that the committee will address a comprehensive plan to upgrade sidewalks, even if it is done in segments.

Councilman Printz said that VDOT would conduct a study on a stop light at Route 340 and Rockingham Street.

Councilman Printz feels that the town should follow the engineer's recommendation of replacing the drain lines on West Washington Street. He stated that the size of the current pipe is ten inches and upgrading to fifteen inches would cost approximately $35,000.00. Councilman Printz suggested correcting this problem immediately and emphasized the importance.

Mr. Flick stated that a grate has been placed over the pipe to catch debris and suggested seeing if this could correct the problem.

Mayor Dean asked this issue be addressed by the Streets and Sidewalk Committee.

Water/Sewer

Councilman Dixon stated that the Water/Sewer Committee met to discuss water/sewer extensions.

Councilman Dearing pointed out that the businesses in town are losing revenues due to the growth across the river and recommended starting annexation procedures.

Annexation Procedures

Councilman A. D. Dixon moved, seconded by Councilman M. L. Dearing and carried to direct the town attorney to start annexation procedures west of town.

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

OLD BUSINESS

Sign Ordinance

Mr. Flick and Mr. Monger presented an amendment to the sign ordinance with the changes made by the Planning Commission. Mr. Monger stated that Mr. Davenport excluded the section on pendents and balloons because they are not concerned signs.

Councilman Dearing said that he spoke with business owners and feels this will impose another fee on small businesses. He feels that most businesses only display one banner at a given time. He feels this $20.00 fee on each banner is unfair to business owners.

Mr. Monger responded that the banner fee amount was not set in the ordinance. He pointed out that this allowed council to set the fees.

Councilman Dixon said that this ordinance would allow businesses to have a free standing sign.

Councilman Dixon moved, seconded by Councilman R. L. Snow and carried to approve the proposed sign ordinance as presented and recommended by the Planning Commission. (A copy is attached to the minutes)

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

Disclosure Form

Councilman Dearing stated that the Auditors have recommended any employee having purchasing authority, Mayor and Council members complete a disclosure form.

Councilman Snow stated opposition to any member of council or The Mayor filling out this form. Councilman Snow asked that this issue be tabled until all council members are present.

Councilman Printz stated that this is just paperwork and may reflect distrust in the employees.

Councilman M. L. Dearing moved, seconded by Councilman D. H. Dail and carried to require the Mayor, Council and any employee with purchasing authority to complete a disclosure form.

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

NAYS: **W. E. Printz, R. L. Snow**

Mr. Davenport recommended that the disclosure forms be completed annually and be retained in Mr. Davenport's office with only the Mayor and Town Attorney having access to the forms.

Relationship Between Town Manager and Town Council

Councilman Dearing stated that this amendment basically eliminates the misdemeanor charges.

Councilman M. L. Dearing moved, seconded by Councilman A. D. Dixon and carried to accept the amendment to attachment #three of the Town Manager's job description. (A copy is attached to the minutes)

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

Bed/Breakfast Request - Alice Yates

Mr. Flick stated that Mrs. Alice Yates of 515 Rockingham Street, submitted an application for a limited Bed/Breakfast.

Councilman Dearing asked if permission is granted for a bed/breakfast and the property is sold would this application still apply to the new owners.

Mr. Flick responded that a land use permit is included in the sale of the property, that a land use permit applies to the property not the individual.

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

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

Special Exception Permit - Auction House Mr. Willis Fittery

Mr. Flick stated that the Planning Commission recommended the request for an auction house with the exception it does not interfere with the church located next to the property. Mr. Flick pointed out that a public hearing must be set on both requests for a bed/breakfast and auction house. The Public Hearings have been set for April 21, 1997 at 7:00 p.m.

Withdraw Motion approving Bed & Breakfast on 515 Rockingham Street

Councilman A. D. Dixon moved, seconded by Councilman D. H. Dail and carried to withdraw the motion to approve the request from Mrs. Alice Yates for a Bed and Breakfast on 515 Rockingham Street.

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

Lot Line Revision - Genevieve Meadows

Mr. Flick explained that the request would vacate the lot line on the property on Marshall Avenue. He stated that the Planning Commission approved and recommended this request.

Councilman A. D. Dixon moved, seconded by Councilman D. H. Dail and carried to approve the request from Ms. Genevieve Meadows for a lot line vacation on the property on Marshall Avenue.

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

Employee Handbook - Revision of Advertising Vacancies

Councilman M. L. Dearing moved, seconded by Councilman W. E. Printz and carried to revise section 3.1 of the employees' handbook, eliminating advertising vacancies in the newspaper. (A copy is attached to the minutes)

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

Cable

Councilman Printz asked if the cable issue could be addressed. Mayor Dean recommended that it be addressed when Mr. Davenport is present.

Councilman Printz stated that he feels the Valley Banner has yet to report him positively.

Councilman Dearing commended the clean up of store fronts in the downtown area and asked that more follow this action.

Councilman Snow said that he would like to clarify a citizen's opinion of council members. He stated that he could not represent one citizen, but he must represent all eighteen hundred. He said that he is willing to listen to all opinions and concerns. He stated that he still feels Rockingham Street is a good project.

Executive Session

Councilman M. L. Dearing moved, seconded by Councilman W. E. Printz and carried that council go into Executive Session for the purpose of discussion or consideration of land acquisition.

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

Councilman D. H. Dail 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: D. H. Dail, M. L. Dearing, A. D. Dixon, W. E. Printz, R. L. Snow

Adjournment

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

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