Regular Council Meeting
May 18, 1998
7:30 p.m.

The regular meeting of the Elkton Town Council was held May 18, 1998 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
R. C. Davis
M. L. Dearing
D. E. Kite
W. E. Printz

ABSENT

Mayor Charles E. Dean

Gerald Monger, Town Manager, Dale Davenport, Attorney, Robert Marshall, Chief of Police, Kenny Flick, Director of Public Works, Theodore Pence, Director of Recreation, Nancy Sours, Treasurer/Clerk were also present.

Councilman Bennett offered the Invocation.

Councilman Dearing led the Pledge of Allegiance.

CITIZENS COMMENTS

Mel Lemon

Mr. Lemon, 304 F Street spoke regarding the flooding problem on North and F Street. He asked that this problem be addressed immediately. He stated that this flooding problem is affecting his home and property. Mr. Lemon commented that this project should be a priority over out of town sewer connections and sidewalk repair to town official's property.

Hazel Crider

Ms. Crider of Elkwood spoke on the Neighborhood Watch Program. She stated that currently there are fourteen captains and the signs are in place. She said that she had received many compliments on the Neighborhood Watch and the Teen Activity Program. Ms. Crider asked why a key to the activity building is not being provided to the Neighborhood Watch Program as it is to other organizations or individuals.

Betty Fridley

Ms. Fridley of Elkwood stated that the citizens of Elkton made their decision on May 5th and they chose a new Mayor. She stated her opposition to appointing Charlie Dean to fill the vacancy on council. She stated that based on the voting results, Gene Kite should be appointed to fill that council seat. Ms. Fridley feels that the citizens want a change, not a rearrange.

Mildred Shifflett

Ms. Shifflett of Spotswood Avenue, stated that Charlie Dean was not running for a council seat. She feels that Gene Kite should be appointed to fill the council vacancy. She presented Councilman Dearing with a petition with 220 signatures asking that Gene Kite be appointed to council.

Betty Hensley

Ms. Hensley of 615 Spotswood Avenue stated that there is a need for a go-cart track, game room for the teenagers of the town. She said that a traffic light should be installed at the intersection of Spotswood Trail and 5th Street. She suggested that a specified time be set for cruising and control speeding on Spotswood Trail. Ms. Hensley recommended that a bake sale be held for the rescue and fire department. She stated that everyone should work together in this small town.

Lucky Sigafoose

Mr. Sigafoose of Rockingham Street stated that he was keeping a record of anyone who belittles another person during a council meeting. He said that the Neighborhood Watch Program was asked to return the key and was denied use of the activity building. Mr. Sigafoose said that the Neighborhood Watch Program had planned to have a road block as a fund raiser, but it would require a $100,000.00 insurance policy. He stated that he would bring all his concerns to the council meeting and if nothing was resolved he would go to the newspaper.

Richard Armstrong

Mr. Armstrong of 104 Maple Leaf Lane, stated that he has been a town resident for seven years. He said that some improvements had been completed but many more are needed. He asked that serious consideration be given when filling the council vacancy. He stated that he and the citizens expect an honest and productive council. Mr. Armstrong expressed his love for this town and the community.

Charles Herring

Mr. Herring of 124 Sweetgum Street, spoke on behalf of his father's property that recently requested an out of town sewer connection. He stated that the town crew did not work on this project and that his father incurred all the cost.

Gene Kite

Mr. Kite congratulated Mr. Lee Dearing, Mr. Wayne Printz and Mrs. Bobbie Horne for their victory on May 5th. He expressed his appreciation to individuals who supported him. Mr. Kite expressed his support for Mayor-Elect Dearing. He stated that most people are unaware of the experience Lee Dearing has in many areas. Mr. Kite stated that Lee Dearing has served this country in the military for 26 years. He stated that during that time, Lee Dearing worked beside Chief of Staff Colin Powell. Mr. Kite stated that Lee Dearing assisted General Schwartzkoff during Desert Storm. He stated that General Schwartzkoff offered to write him a letter of recommendation for the newspaper, but Mr. Dearing declined. He commented that Mr. Dearing was a country boy from the outskirts of Elkton. He said that Mr. Dearing had worked with a million-dollar budget crisis in the Pentagon. Mr. Kite asked that fellow council members and everyone to give Mayor-Elect Dearing a chance. Mr. Kite stated that he would be willing and honored to serve on council under Mayor-Elect Dearing.

Vice-Mayor Snow asked Mr. Flick or Mr. Monger to respond to Mr. Lemon's concern on North Street and F Street. Mr. Flick responded that the out of town sewer connection was done by private contractor at Mr. Herring's expense. He stated that the sidewalk repair in front of the old Dollar General Store was strictly coincidental. Mr. Flick clarified that no one instructed him to start the sidewalk repairs at that particular location. Mr. Flick stated that after clean up week, plans were to continue the work on North Street and F Street. He stated that Rockingham County officials indicated that the contractor installed the drainage pipe incorrectly.

Mr. Lemon asked if the drain pipe has been split off. Mr. Monger responded no.

Vice-Mayor Snow asked Mr. Pence to explain the key policy of the activity building. Mr. Pence responded that Mr. Monger instructed him to retain the key. Mr. Pence said that anyone using the building needs to sign out for the key from the police dispatcher.

Minutes

Councilman Davis asked that a correction be made on page 7 from the minutes of the Regular Meeting held April 20, 1998. He pointed out that the Fireman's Carnival will be held the 2nd week in June, not June 2nd.

Councilman F. A. Bennett moved, seconded by Councilman M. L. Dearing and carried to approve the minutes of the Regular Council Meeting, April 20, 1998 with the above correction as presented.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the Special Council Meeting, April 30, 1998 as presented.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz

Department Head Reports

Chief of Police

Chief Marshall offered to answer questions on his written report.

Councilman Printz expressed his appreciation for Chief Marshall's assistance on a matter that occurred at his place of business.

Vice-Mayor Snow asked that the treasurer provide Chief Marshall a list of unpaid personal property taxes. He said that this should help to determine who has not purchased an auto decal.

Recreation

Mr. Pence offered to answer questions on his written report. Mr. Pence noted that for the month of April, his department programs grossed $764.20.

Councilman Printz asked the amount of money received from Rockingham County and the percentage of participation of Rockingham County residents. Mr. Pence responded that Rockingham County does not give the town any money, but that they do support some programs. Mr. Pence stated that registration fees are the same amount for all participates.

Public Works

Mr. Flick presented his written report and mentioned that there are several zoning issues that need to be discussed.

Councilman Kite asked the status of the project in Stonewall Memorial Park. Mr. Flick responded that wet weather has delayed this project. He stated that a safety fence has been placed around the open pit. Mr. Flick stated that the area is being cleared and graded for placing the fence along the railroad.

Treasurer

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to approve the April 1998 Finance Report as presented.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz

Town Manager

Mr. Monger presented his written report. He mentioned that a VDOT town meeting is scheduled for Thursday, May 21st at the Rockingham County Government Center.

Councilman Printz asked if there was any new information about the water pressure problem in Elkwood. Mr. Monger responded that they received prices from engineers and determined that the bids were too high. He stated that they are attempting to set up a model through the GIS System. Mr. Monger asked that the Water and Sewer Committee address this possibility.

COMMITTEE REPORTS

Electric

Councilman Davis asked that the Electric Committee set a meeting date.

Personnel

Councilman Dearing reported that 11 applicants were received for the police officer position. He stated that another dispatcher position is available.

Set Personnel/Finance/Electric Committee Meeting Date

It was duly decided to schedule a combined Personnel/Finance/Electric Committee meeting on Tuesday, May 26th at 6 p.m.

Vice Mayor Snow asked that the monthly Recreation Commission meeting be rescheduled due to Monday being a holiday.

Streets and Sidewalks

Councilman Printz stated that he plans to call a Street and Sidewalk Committee meeting and will ask that Rockingham County Representative Joe Correa attend.

Cemetery

Councilman Dearing stated that the Cemetery Director position is vacant. He stated that the Cemetery Commission needs to meet to discuss possibly changing the job description from an office sitter to more of a worker bee. Councilman Bennett pointed out that this position is split half to cemetery and half to general administration.

NEW BUSINESS

Virginia Power Contract - Power Purchased Out of Territory

Mr. Davenport recommended approval of this contract.

Mr. Monger stated that this contract only pertains to the night lights in Elkwood and the water pump out of town. It was decided that this proposed agreement be reviewed by the Electric Committee.

Virginia Municipal League Insurance - No Fault Property Damage Coverage

Mr. Monger stated that this is a new insurance coverage offered by Virginia Municipal League at an annual rate of $1,400.00. Mr. Monger stated that this policy would cover such incidents as wind shield breakage during mowing and sewer backups. Vice Mayor Snow suggested that this be addressed by the Finance Committee.

Litter Grant

Councilman R. C. Davis moved, seconded by W. E. Printz and carried to allow Rockingham County to administer the Litter Grant.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz

Deed of Easement - Rockingham Mutual Insurance Property - Water Street

Mr. Davenport stated that this property is located on Water Street. He stated that deed of easement appears to be in proper form.

Councilman W. E. Printz moved, seconded by Councilman R. C. Davis and carried to approve the Deed of Easement of the Rockingham Mutual Insurance Property on Water Street.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz

Set Public Hearing Date for Planning Commission Recommendations

Mr. Flick stated that the Planning Commission made the following recommendations and a public hearing needs to be set:

1. To amend the provisions of the Town Zoning Ordinance dealing with the Board of Zoning Appeals to include one (1) alternate member. The Planning Commission voted to recommend to Council to approve the amendment as written.

2. Change the process by which Lot Line Vacations are applied for and granted. The Planning Commission voted to recommend to Council to approve the amendment as written.

3. Special Exception Request to allow for an Auction House on Water Street in B-1, Downtown Business District. The Planning Commission voted to recommend to Council to allow this request to be approved with the following conditions:

    a. Items may not be stored outside for more than fourteen (14) consecutive days.
    b. Auctions may not be held past 9:00 p.m., on any day of the week.

It was duly decided that a Public Hearing is set for June 15, 1998 at 7:00 p.m.

Neighborhood Watch Program

Councilman Dearing stated that the Neighborhood Watch Program falls under the guidance and control of the police department.

Mr. Davenport stated that the Neighborhood Watch Program is strictly an independent, unincorporated association and is liable for any of their actions. He stated that the Neighborhood Watch Program is not a part of the town and is not covered under the town's insurance polices. Mr. Davenport stated that the Neighborhood Watch Program is comparable to a volunteer fire and rescue department. He advised that the Neighborhood Watch Program become incorporated and self-insured.

Chief Marshall stated that he has attended the Neighborhood Watch Program meetings, but has never advised them as a town official.

Council Appointment

Councilman W. E. Printz moved, seconded by Councilman M. L. Dearing that a policy is placed that any council vacancy be filled by the candidates receiving the most votes during the last election.

Councilman Dearing stated that the voters should decide who fills any council vacancy.

Mr. Davenport stated that any council vacancy shall be filled by a majority vote of council within 30 days. Mr. Davenport stated that according to Robert's Rules of Order, that if Councilman Dearing had resigned before the election, the candidate receiving next highest votes would have filled that vacant seat.

Councilman W. E. Printz withdrew his motion; Councilman M. L. Dearing withdrew his second.

Councilman Printz expressed his opposition to appointing a candidate for mayor to fill a council seat.

Eliminate Personal Property Taxes

Councilman W. E. Printz moved, seconded by Councilman M. L. Dearing to abolish Personal Property Taxes for the upcoming fiscal year.

Councilman Printz stated that the meals tax increase made several years ago was done so that personal property taxes could be eliminated.

Councilman Bennett stated that when meals tax was increased 2%, there was no earmark to eliminate personal property taxes. He recommended that this should be planned over the course of several years. Councilman Bennett pointed out the personal property assessments varies each year.

Councilman Davis stated that the meals tax increase was made to maintain the current tax rates.

Councilman Dearing pointed out the new tax rates are established each July. He mentioned that the 98-99 fiscal budget was already prepared with the taxes included.

Councilman W. E. Printz withdrew his motion; Councilman M. L. Dearing withdrew his second.

Mayor's Business

Vice Mayor Snow stated that four individuals from the town were asked to serve on Recreation Study Commission.

Councilman F. A. Bennett moved, seconded by Councilman R. C. Davis and carried to allow Gerald Monger, Theodore Pence, Charlie Dean and Randell Snow to serve on the Recreation Study Commission.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz

1998-99 Proposed Fiscal Budget - First Reading

Councilman F. A. Bennett moved, seconded by Councilman R. C. Davis and carried to accept the 1998-99 Proposed Fiscal Budget as a first reading.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz

Key Policy for the Activity Building

Councilman W. E. Printz moved, seconded by Councilman M. L. Dearing to provide the Neighborhood Watch Program a key to the activity building.

Councilman Bennett suggested that the key policy be reviewed by the Recreation Commission.

Councilman W. E. Printz amended his motion, seconded by Councilman M. L. Dearing to ask the Recreation Commission to review the key policy and the clean up/maintenance policy of the activity building, so that all organizations have access to the facility.

YEAS: M. L. Dearing, D. E. Kite, W. E. Printz

NAYS: F. A. Bennett, R. C. Davis

Council Appointment

Councilman Printz asked Mr. Davenport if a motion could be made to change the current policy of council appointments. Mr. Davenport responded that would require a change in the town charter and that would require an act from the General Assembly.

Adjournment

As there was no further business, the meeting adjourned.

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

RECORDER: _____
Nancy A. Sours, Clerk