Regular Council Meeting
July 20, 1998
7:30 p.m.

The regular meeting of the Elkton Town Council was held July 20, 1998 at 7:30 p.m. in the council chambers with the Mayor Millard L. Dearing presiding. The roll call was as follows:

PRESENT

F. A. Bennett
R. C. Davis
C. E. Dean
B. B. Horne
W. E. Printz
R. L. Snow

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

Councilman Dean offered the Invocation.

The Pledge of Allegiance was recited.

Mayor Dearing stated that he would allow citizens to speak on any issue, but will limit citizens to three minutes. Council nor staff will respond to citizen comments at time of comment. Mayor Dearing will write down your comments, refer them to a committee or department head and within a 30 to 40-day period someone will respond to the issue. Mayor Dearing stated that there were approximately 48 issues to which Council had not responded. Mayor Dearing will committee these issues within the next 15 days and we will give a response.

Marsha Deavers - EDRC Annual Report

Members of Council were issued a copy of this report. Mrs. Deavers read the report and asked for questions or comments.

Mayor Dearing welcomed Scout Troop #46 to the meeting. The troop members present were here to observe to earn their citizenship award.

Councilman Bennett read and presented certifications from the electoral board. Recipients were:

Mayor Millard L. Dearing
Councilman Richard Davis
Councilwoman Barbara Horne
Councilman Randell Snow
Councilman Wayne Printz

CITIZENS COMMENTS

Cathy Murphy

Ms. Murphy of 110 N. Stuart Avenue, stated that as of May 5 the people made a choice. Welcomed Mayor Dearing. Stated that real gentlemen accept their losses graciously. Ms. Murphy stated that the people are looking to Mayor Dearing for results. Mayor believes in the hands on

approach and has new visions for the town. People can be part of the solution or contribute to the problem.

Linda Dean

Ms. Dean of Clark Avenue stated that the signs were posted in her yard another 30 days. If town is not going to take them down then post some on the other side of the street as well.

Shirley Broughton

Ms. Broughton is the property owner at 106 Spotswood Avenue and was complaining about the loitering. Neighbors and renters are complaining. Ms. Broughton just lost one of her renters due to noise, cursing and traffic. Ms. Broughton stated that there are sometimes 15 to 20 people sitting in doorways. Loud music is being played. If they enforced 15 minutes parking, they should enforce no loitering. Other problems are vandalism, drugs, etc.

Mr. Richard Armstrong

Mr. Armstrong of Elkwood stated that he has no complaints. He loves seeing the town come together and work together. Stated that we all need to cooperate. Stated that Elkton has grown in the last nine years and the progress is wonderful. Mr. Armstrong stated that he was speaking from the heart and congratulated each and all on the election. Stated that he had spoke about Charlie Dean at the last meeting and said things he should not have. Mr. Armstrong apologized to Mr. Dean. Mr. Armstrong stated that he prays to build this town and stands behind the government.

Kenny Crawford

Mr. Crawford stated that he received a letter from the treasurer's office on July 8, 1998 stating that he owed $623.98. Mr. Crawford stated that Mayor Dearing told him that he would be given an extension until noon. Mr. Crawford stated he was not given his extension and incurred and additional $143.00 charge for reconnecting his electrical service. Feels that the town has been harassing him for some time and the Mayor Dearing is the only one that understands. Feels the treasurers office owes him an apology.

Mildred Shifflett

Ms. Shifflett of Spotswood Avenue stated that some council members had commented that the red necks had won the election this time. Ms. Shifflett said that the people had seen nothing yet. Stated that last Monday night she could not hear television for noise on the street. Witnessed one boy laying down in the middle of the road. Stated that certain names in town get certain responses. Asked council members when they vote on issues to think long and hard, do not look to another person for the answer.

Joan Sigafoose

Ms. Sigafoose of Rockingham Street read a proclamation for the Neighborhood National Night Out, August 4, 1998. Asked that Mayor Dearing sign the proclamation and citizens participate in order to help fight crime.

Lucky Sigafoose

Mr. Sigafoose of Rockingham Street stated that he felt the recreation should go back to the county. We pay county taxes and town taxes and $120,000 of this goes to recreation. Friday, Saturday and Sunday you all give the town to the cruisers. Most of these do not have a town decal.

Joyce Crawford

Ms. Crawford stated that her family is not a stranger to Elkton. Stated that they have five or six businesses in town. We are not likely to run out and not pay our bill.

Hazel Crider

Ms. Crider of Elkwood stated that she supports Ms. Murphys' statement 100%. Thinks its time we as a town go forward. There are young people loitering on the streets. Personality conflicts should come to a halt. Low water pressure in Elkwood for 15 years has been under consideration.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the Regular Council Meeting, June 15, 1998, Public Hearing June 15, 1998, Special Council Meeting, June 224, 1998, and Special Council Meeting July 1, 1998.

YEAS: **F. A. Bennett, R. C. Davis, R.E. Dean, B.B. Horne, W. E. Printz, R. L. Snow**

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Marshall offered to answer questions on his monthly report. Mayor Dearing asked Chief Marshall to do his report based on a fiscal year. Councilman Printz asked what the regulations were regarding people standing on the streets. What rights do people have in protecting their privacy? Chief Marshall responded that since they are not creating a problem it is against their civil rights to move them and the police officer must witness it. Chief Marshall announced that effective Thursday, July 16, 1998 Officer Donald Dean was promoted to rank of Sargent.

Recreation

Mr. Pence offered to answer questions on his report.

Director of Public Works

Mr. Flick stated that the Mr. Darrell Shifflett is here to discuss one of the conditions on his Auction house.

Cemetery

Mr. Monger stated that there was nothing to report.

Town Manager

Mr. Monger offered to answer questions on his report. VML meeting to be held in Roanoke, if anyone is planning to attend, they need to fill out the paperwork and let him know.

Treasurer

Ms. Smith stated that June finance report is unavailable due to the audit being incomplete.

COMMITTEE REPORTS

Electric

Councilman Davis stated that the Electric Committee has nothing at this time. Councilman Printz asked that the electric committee come up with a standard policy on disconnects. Councilman Davis stated that they will discuss this issue at the next Electric Committee meeting.

Finance

Councilman Snow stated that there was nothing at this time.

Personnel

Mayor Dearing stated that there was nothing at this time. Asked how many applications were in for the treasurer's position. Mr. Monger stated that we received 29. Mayor Dearing stated that we need to fill this position and that of the Cemetery Director.

Public Health & Safety

Mayor Dearing stated there was nothing at this time.

Streets and Sidewalks

Councilman Printz stated that they have held a meeting and asked Mr. Flick to review that with the council. Mr. Flick stated that the streets and sidewalk committee wishes to extend the 24 in. culvert from the front of the old Flick property on North St. down to the intersection of "F" Street and to extend two 24 in. clovers diagonally across the intersection at "F" Street and North Street. Mr. Printz asked that this be submitted to council for approval. After discussion:

Councilman W. E. Printz moved, second by B. B. Horne and the motion was carried.

YEAS: **F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow**

Cemetery

Nothing for Cemetery at this time

OLD BUSINESS

Auction House on Water Street

Mr. Flick stated that at the last council meeting there were a few conditions set for the Auction House. The condition that stated that all auctions be concluded before 9:00 P.M. is believed

to have been made in error. Mr. Shifflett was not present at the meeting. Mr. Shifflett has responded that he cannot operate his business under this condition. Since the last meeting Mr. Flick stated that he had reviewed conditions placed on another auction house in town. Mr. Davenport stated that it has been sixty days since the Planning Commissions action on this and that Mr. Shifflett cannot make another request for one year. Mayor Dearing asked that if there was an error on the council's behalf could the motion be amended. Mr. Shifflett stated that he could not operate successfully under this condition. After much discussion they asked Mr. Flick to review the tape and call Mr. Davenport to discuss how they could handle this.

Set Council Meeting Place, Date and Time

Councilman R. L. Snow moved, seconded by Councilman R. C. Davis 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, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow

Setting of Rates - Tax Resolution

Councilman Printz stated that when meals tax were increased he was hoping with the extra income we could cut taxes. Councilman Printz asked council to consider a reduction in Real Estate Tax by one half. Consider .05 per $100.

Councilman W. E. Printz moved to reduce Real Estate Tax to .05 per $100.00, seconded by B. B. Horne.

YEAS: B. B. Horne, W. E. Printz
NAYS: F. A. Bennett, R. C. Davis, C. E. Dean, R. L. Snow

Motion Denied (4-2)

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

WHEREAS, the town of Elkton's 1998-1999 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 1998 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, R. C. Davis, C. E. Dean, B. B. Horne, R. L. Snow**

NAYS: **W. E. Printz**

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

Mayor Dearing stated that Section 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 W. E. Printz and carried.

YEAS: **F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow**

Miller-Kite Property Maintenance

Mr. Monger stated that there was an old tree blown down and some brush that needed to be hauled away. Mr. Monger had this done and the bill was for $543.00. In looking under the Historical Society agreement under paragraph seven it states that the Historical Society is responsible for maintaining it. However, we have always taken care of the property. Mr. Monger asked if we should continue maintaining the property or refer it to another organization. Mr. Dearing stated that anything more than $500.00 and was not a line item needs council approval. Mr. Monger stated that he took the $500.00 out of line item property other.

Councilman C. E. Dean moved, seconded by W. E. Printz and carried to continue maintaining the outside property at the Miller-Kite House.

YEAS: **F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow**

Bed and Breakfast Zoning Ordinance Amendment

Mr. Flick stated that a public hearing needed to be set. Mr. Flick informed council that since the Planning Commissions meeting he had received information from the county about this. Ads will be run July 30 and August 6 in the Valley Banner and set the public hearing for 7:00 P.M. August 17, 1998 before the next council meeting.

Councilwoman B. B. Horne moved, seconded by W. E. Printz and carried.

YEAS: **F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow**

Mayor Dearing stated that last month there were three violations of ordinances. Mr. Alvin Diehl. Property is now in compliance. Ms. Beulah Hensley of 144 North Street in violation of 9-2-1. Letters were sent out to homeowners and they were given a certain amount of time to correct problems. Ms. Hensley stated that she has been very sick and just got out of the hospital. Ms. Hensley requested more time to get property cleaned up and repaired. Mr. Dearing informed Ms. Hensley she has additional 30 days to come into the standards of the ordinance. Mr. and Mrs. David Hensley of 602 Gibbons Avenue are in violation of 9-2-1, 9-1-1 and 9-1-3. Mrs. Hensley stated that the duck has been removed from the property. Mayor Dearing stated that the property was in need of repair and that a goat is being kept on the property. Mrs. Hensley stated that she has had the goat

for over a year and a half and it is a family pet. Mayor Dearing informed Mrs. Hensley that she has 30 days to remove the goat from her property. Mrs. Hensley stated that she would not get rid of her goat.

Set Committees

Mayor Dearing stated that his recommendations for committees were passed out to council members.

Councilman W. E. Printz moved, second by B. B. Horne to accept recommendations for committees presented by Mayor Dearing.

YEAS: **B. B. Horne, W. E. Printz**

NAYS: **F. A. Bennett, R. C. Davis, C. E. Dean, R. L. Snow**

Motion Denied (4-2)

After much discussion on committees the following was recommended:

Electric: Richard Davis - Chair
Randell Snow
Fred Bennett

Finance: Bobbie Horne - Chair
Charles Dean
Randell Snow

Personnel: Charles Dean - Chair
Richard Davis
Bobbie Horne

Public Health,
Public Safety,
Ordinances: Lee Dearing - Chair
Wayne Printz
Richard Davis
Charles Dean

Streets & Sidewalks:

Wayne Printz - Chair
Fred Bennett
Bobbie Horne

Water & Sewer:

Fred Bennett - Chair
Randell Snow
Bobbie Horne

Mayor Dearing will serve on all committees.

Planning Commission - Bobbie Horne
Cemetery Commission - Lee Dearing
Recreation Commission - Randell Snow

Councilman W. E. Printz moved, seconded by R. L. Snow and carried.

YEAS: **F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow**

Executive Session

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried that council go into Executive Session for the purpose of discussion land acquisition.

YEAS: **F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow**

Councilman F. A. Bennett 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, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow**

Adjournment

As there was no further business, the meeting adjourned.

MAYOR: M Lee Dearing
M. Lee Dearing, Mayor

RECORDER: Julia M. Smith
Julia M. Smith, Clerk