Regular Council Meeting
November 16, 1998
7:30 p.m.

The regular meeting of the Elkton Town Council was held November 16, 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, and Julia Smith, Treasurer/Clerk were also present.

Councilman Bennett offered the Invocation.

The Pledge of Allegiance was recited.

CITIZENS COMMENTS

Mayor Dearing stated that citizen's comments would be heard at this time but he would not permit any comments on cruising.

STEVE DAVIS - Mr. Davis stated that he is a student at Spotswood High School. Mr. Davis stated that every year the high school selects 10 students to go to Richmond to participate in the Model General Assembly. Mr. Davis stated that this year he was selected as one of the school's representatives. Mr. Davis stated that this opportunity gives them hands on experience in the legislative process and the students get a chance to propose their on bills. Mr. Davis stated that there are two students from Elkton this year and they would like the Town's support.

Mayor Dearing stated that the money for this had been allowed for in the budget.

RICHARD MONDALE - Mr. Mondale passed out items he wished to discuss with the council. Mr. Mondale stated there were six items he wished to share with the council. Mr. Mondale stated that the first item is a new road. Mr. Mondale stated this new road would be helpful to the traffic flow in town. Mr. Mondale suggested a new road be built from Newtown Road, next to Tannery Apartments, over to U. S. 33 next to the Middle School and then across U. S. 33 to Summitt Avenue. Mr. Mondale stated that this was a suggestion that came from Mr. Norris Shifflett. Mr. Mondale stated that this would reduce traffic on Rockingham Street, left turns onto Rockingham Street and Highway 340. Mr. Mondale stated that there are two sources of traffic on Rockingham Street and those are Newtown Road and the Tannery Apartments. Mr. Mondale stated that the new road would allow those people who are trying to get over to U. S. 33 to go there directly without going downtown. Mr. Mondale believes this will solve all three of the objectives above. Mr. Mondale stated that the school buses leave the Elementary School and go over to the Middle School. Mr. Mondale suggested that with the new road the buses could follow "C" Street over to North Avenue and then over to the new road. Mr. Mondale stated that this could also be used as flood control

structure as well. Mr. Mondale also proposed a stop light for all seven streets downtown. Mr. Mondale stated that these lights should be controlled to turn red when a train is approaching or when the fire department is called out. Mr. Mondale concluded due to his time limit being up. Mayor Dearing suggested that Mr. Mondale meet with him to go over these suggestions.

MILDRED SHIFFLETT - Ms. Shifflett stated that it is a sad day for the Town of Elkton when five grown people can get up there and decide what is best for everyone in town. Ms. Shifflett stated that she grew up in this town and thought it was supposed to be a democracy. Ms. Shifflett stated that each person had their own agenda and that's what they were for. Ms. Shifflett reminded them that an election was coming up and she would be down here reminding people of councils' actions. Ms. Shifflett stated that she should write her dog in on the ballot because the dog may bark but he doesn't bite but, the town council bites.

MARSHA DEAVERS - Ms. Deavers reviewed the quarterly report for EDRC.

Beulah Hensley's daughter asked to speak in reference to the property on North Street. Ms. Hensley's daughter stated that she is trying to help Ms. Hensley clean the property but will need more time. Mayor Dearing stated that this would be discussed later in the meeting.

MINUTES

Councilman C. E. Dean moved, seconded by Councilwoman B. B. Horne and carried to approve the minutes of the Regular Council Meeting held, October 19, 1998.

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

Councilman W. E. Printz moved, seconded by Councilman R. C. Davis and carried to approve the minutes of the Special Council Meeting held October 22, 1998.

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

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the Special Council Meeting held October 27, 1998.

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

The motion was carried.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Marshall offered to answer questions on his monthly report. Chief Marshall stated that there was one drug arrest for the month of October.

Recreation

No report. Councilman Snow pointed out that the next meeting in the minutes is incorrect and the correct date is November 24, 1998. Councilman Dean stated that the girl's basketball has finished and they had an excellent program.

Director of Public Works

Mr. Flick offered to answer questions on his monthly report.

Treasurer

Ms. Smith offered to answer questions on her report. Ms. Smith stated that due to the training of the new Senior Clerk and taxes being mailed that the financial report was not completed in time for the meeting. The financial report for October will be included in the December council packets.

Town Manager

Mr. Monger offered to answer questions on his monthly report. Mr. Monger stated that we are members of Virginians to Virginians set up by the VML. Mr. Monger stated that our sister town is Pearisburg, VA and is about the same size of Elkton. Mr. Monger stated that the Pearisburg council members would be preparing to visit us and that we should make plans to visit them.

COMMITTEE REPORTS

Electric

Councilman Davis stated that the Electric Committee has nothing at this time.

Finance

Councilwoman Horne stated that there are several things being worked on at this time. Councilwoman Horne stated that we are revising our BPOL application and the ordinances that pertain to it. Ms. Horne also stated that we are going to look into the legal obligations of Adelphia Cable. Ms. Horne stated that Dale Davenport had researched the impact fees and the town would be unable to access fees.

Personnel

Councilman Dean discussed the change in the sick leave policy and the two days personal time for employees. After some discussion it was decided to send this back to the committee for more discussions and clarification.

Public Health & Safety

Mayor Dearing stated that there was nothing to report on at this time.

Streets and Sidewalks

Councilman Printz stated that he needs an updated report on North Street. Mr. Flick stated that this is the most prioritized job at the moment. Mr. Flick also stated that due to water leaks and sewer backups men have to be pulled off the job to attend to these needs. Mr. Printz stated that the sidewalk in front of Doug Berry's new building is completely devastating. Mayor Dearing stated that the committee has asked Mr. Monger to address this and have repairs done.

Water and Sewer

Councilman Bennett stated that there was nothing to report at this time.

Cemetery

Mayor Dearing stated that there was nothing at this time.

OLD BUSINESS

Second Reading on The Land Acquisition

Councilman W. E. Printz moved, seconded by Councilman R. C. Davis and carried to approve the Second Reading of the Land Acquisition from Mary Elizabeth Kite.

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

The motion was carried.

Hensley Properties

Mayor Dearing stated that the situation with the goat on Gibbons Avenue has been sent to court and date for the hearing is January 22, 1999.

Mayor Dearing stated that the cleaning of the property on North Street that belongs to Ms. Beulah Hensley is still in need of repair. Mayor Dearing stated that he had given Ms. Hensley some additional time to clean the property. Mayor Dearing stated that he could see where some progress was being made on this property and will give Ms. Hensley even more time to clean.

Mayor Dearing stated that the property on Gibbons Avenue was still in need of cleaning as well. Ms. Tammy Hensley stated that she was doing the best she could do to get the property clean. Ms. Hensley stated that the items in her yard she did not consider junk. Ms. Hensley stated that the items in her yard are bikes, an oil tank and oil stove. Mayor Dearing told Ms. Hensley that the town is offering to take a dump truck to her property for her to load and the town will take it to the county landfill for her. Mayor Dearing stated that he could not make a determination as to what was junk and what was not. Mayor Dearing read the ordinance pertaining to the upkeep of property and told Ms. Hensley that she had been given two dates to have the property clean and she had agreed that this could be done by the stated dates. Mayor Dearing stated that however the property still was not in compliance with the ordinance. Mayor Dearing stated that the town ordinance does not state what can be hauled away and what cannot. Mayor Dearing asked that Ms. Hensley respond to Mr. Kenny Flick as to what is being done to clean the property.

NEW BUSINESS

Cruising Ordinance

Mayor Dearing stated that a copy of the new cruising ordinance was included in the council packet. Mayor Dearing asked that whoever makes the motion on the cruising ordinance to set the fine to be imposed.

Councilman C. E. Dean moved, seconded by R. C. Davis and carried to adopt the proposed Section 8-1-24, Cruising on Town Streets and Alleys with the fines to be $50.00 for the first offense, second fine $75.00 not more than $100.00.

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

NAYS: W. E. Printz

The motion carried (5-1)

Councilman Printz passed out a sheet with suggestions from the cruisers and the negative impact it could have on the town. Councilman Printz stated that he wished the council would reconsider. Councilman Printz stated that he thought the cruisers could police themselves. Councilman Printz stated that the town has quieted down a lot and is concerned about selective prosecution and that if we are not careful we could end up with a situation where people will not come to our town. Councilman Printz believes that we do have to be careful that traffic not get so congested that it imposes a safety hazard. Councilman Printz stated that the cruisers had done a great job in trying to show some respect to the citizens in this town and is disappointed that nothing could be worked out. Councilman Printz stated that he did not recall the second part of the ordinance being discussed in a committee. Councilman Printz asked that this section go back to the committee. Councilman Printz stated that we need to discuss how this ordinance is going to be implemented. Mayor Dearing stated that he had spoken with the Chief and any time traffic in town gets to the point that it is unsafe the Chief will then make the decision to impose the cruising check point. Councilman Snow stated that a lot of people have gotten upset over the prospect of passing this ordinance. Councilman Snow stated that the way he sees it is that the ordinance could really have no effect on cruising if the cruisers will do what they say they are going to do. Councilman Snow stated that if the cruisers do see the town getting congested and will back off and park somewhere for a while then they can prevent this ordinance from ever being enacted. Councilman Snow stated that he did not see this ordinance as a big deal, we have been through this before.

Mayor Dearing stated that he spent two days at the Middle School talking to Mrs. Ridenour's class about cruising. Mayor Dearing stated that he listened to the students for two days on the cruising ordinance and that the students were very up to date on this issue. Mayor Dearing stated that the students showed concern over the growth and safety of Elkton. Mayor Dearing stated that the students were concerned over the fact that there is nothing to do in Elkton. Mayor Dearing stated that we need to get the Recreation Center going.

Councilman W. E. Printz moved to send Section 8-1-25, Cruising on Certain Private Property back to the committee.

The motion failed due to a lack of a second.

Councilwoman B. B. Horne moved, seconded by R. C. Davis and carried to adopt Section 8-1-25, Cruising on Certain Private Property.

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

NAYS: W. E. Printz

The motion carried (5-1)

Councilman Printz commented on the fact that citizens were upset over the service from Adelphia Cable. Councilman Printz stated that several citizens could not get cable service and those that could receive service the cost was increasing constantly. Mayor Dearing stated that the contract with Adelphia was included with the council packets. Mayor Dearing stated that the contract with

Adelphia runs out April 15, 1999. Dale Davenport stated that he spoke with Adelphia Cable's legal department today. Mr. Davenport stated that it was time to start working on the contract again. Mr. Davenport asked council for request to go into contract negotiations. Mr. Davenport stated that the laws on communications have changed drastically since this contract was negotiated in prior years. Mr. Davenport stated that the contract has a five-year renewal on it and if not resigned the contract will be dead. Mayor Dearing stated that he would like to open up the competition more on the cable service provided to Elkton.

Mayor Dearing recommended committee dates for next month. It was decided that on December 8, 1998 at 6:00 P.M. electric, water and sewer and streets and sidewalks would meet. On December 10, 1998 at 6:00 P.M. finance, personnel and public safety would meet.

Mayor Dearing stated that he would like council members to approach the County for money we can get for our town. Mayor Dearing stated that we should get better service from the County for public safety and recreation.

As there was no further business the meeting was adjourned.

MAYOR: M Lee D
M. Lee Dearing, Mayor

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