Regular
Council Meeting
May 17, 2004

The regular meeting of the Elkton Town Council was held on Monday, May 17, 2004 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
J. T. Dean
C. H. Murphy
T. Pence
L. Sigafoose
R. L. Snow
P. Workman

Attorney Nathan Miller, Faye Vickers, Treasurer, Richard Pullen, Chief of Police, and Richard Carey, Clerk of Council, were also present.

Council member Dean offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Hazel Crider, 114 Hillside, believed the responsibility of posting the reserved Park shelters should be with the Recreation Department. Mrs. Crider will discuss September 11 ceremonies with Neighborhood Watch. The event is "very important to our Country." Hopefully, with all the organizations in Town, a committee can be formed to stage an event for that day.

Mildred Shifflett, Spotswood Avenue, has received many complaints about trash pick-up. She addressed Chief Pullen regarding disruptive traffic which interferes with her rest. She complimented Council member Sigafoose for the yearly flower garden at the flag pole in front of the Municipal Building on Spotswood Avenue.

Caroline Brill, Elkwood, read an article in *The Daily News-Record* which stated taxes may have to be raised to maintain the services of Mrs. Vickers. She asked, "Was that a joke? Or was it to condition us for a tax increase? Which was it?"

Mayor Printz stated tax increases had not been discussed. Furthermore, "under his watch," as far as he was concerned, there would be no tax increase.

Council member Snow hoped there would be no tax increase, as one had not been discussed.

Lee Dearing, 124 North Street, requested the same consideration be extended to North Street residents as was granted to Elkwood residents numerous times pertaining to proposed development. To his knowledge, no one on North Street was informed of the plan (the McDaniel brothers townhouses development) until the information was printed in the media. North Street residents are equally concerned with their quality of life. There have been no improvements to North Street for 30 years. He was unsure if the area could withstand the impact of the McDaniel brothers project.

Regarding the transfer of funds from the Cemetery Commission to the Town, Mr. Dearing called for a joint meeting to discuss and finally resolve the issue.

Mayor Printz stated the Planning Commission forwarded a favorable recommendation for the McDaniels project. They have met code and he will ask Council to pass presentation of a preliminary plan. At that point the public can get involved. He assured Mr. Dearing that Council

still has some concerns and questions. Mayor Printz believed final plan approval will be a well-studied submittal.

Mary K. Hutton, 515 Chestnut Avenue, referred to page 9 of the packet. Under "Unfinished Business," she questioned why Quail Run did not appear on tonight's agenda. "Unfinished Business" of one meeting which does not appear at the next meeting was "a result of somebody dragging their feet."

Mrs. Hutton researched compliance for asbestos removal. Virginia Code 201-5120 reads:

> A licensed asbestos contractor shall notify the Department of Labor at least 20 days prior to commencement of a project. They shall obtain a permit from same and records with an itemized list of things that have to be done in planning and carrying out the project have to be maintained for 30 years.

She also wanted information on the CD renewal.

Finally, she wanted to know, with the absence of a Zoning Administrator, who was in charge of the North Street project approval or disapproval. She stated Rockingham County does not approve any type of subdivision without first holding a Public Hearing.

Mayor Printz provided Mrs. Hutton the following information:

•Quail Run is still being discussed. As soon as all questions have been answered, the request will be added to a future agenda.

•She would have to contact Waco regarding the proper filings for asbestos removal, as they were the contractor for the work done.

•No Public Hearing is required for the North Street project.

•Council member Snow stated Mrs. Vickers was instructed at a committee meeting to reinvest the CD. No Council action was necessary for that transaction.

•Council member Dean added the zoning for the North Street project was in place and no Public Hearing was required unless there was a request for rezoning. Mr. McCoy approved the project prior to his resignation.

Glen Isom championed a 15 MPH speed limit on Wirt Avenue. Mayor Printz, believing state funds are used to maintain Wirt Avenue, will find out if a 15 MPH zone will be acceptable.

Council member Pence reprimanded Mrs. Hutton for constantly advising Council on legal matters, as the Town pays Miller & Earle for such advice. He then objurgated Mayor Printz for inviting speakers to committee meetings, thereby prolonging the time of already lengthy meetings. Council member Pence said citizens have ample time at the beginning of each Council meeting to make statements or address concerns.

Council members Pence and Sigafoose thanked the voters of Elkton for reelecting them to Council.

MINUTES

Council member Dean moved, second by Council member Snow, and carried to approve the minutes of the Committee Meeting of April 13, 2004.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 voice vote)

Council member Snow moved, second by Vice Mayor Murphy, and carried to approve the minutes of the Regular Council Meeting of April 19, 2004.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 voice vote)

Council member Workman moved, second by Council member Dean, and carried to approve the minutes of the Budget Meetings of April 27, 2004 and May 5, 2004, as amended.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 voice vote)

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pullen presented his report.

Council member Pence requested Chief Pullen to have the police officers remove all signs from all telephone poles in Town.

Director of Public Works/Zoning Administrator

Mayor Printz stated this is the annual Town clean-up week.

Treasurer

Mrs. Vickers reported an ending ledger balance of $518,509.87 for General Government for the month of April 2004, with total cash available of $403,806.35. The Bond Account ledger balance for the same period was $19,034.72.

Council member Snow moved, second by Council member Pence, and carried to approve the Treasurer's report.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 voice vote)

COMMITTEES

Electric

No report.

Finance

Budget preparation continues.

Personnel

Deferred to New Business.

Public Health, Public Safety, and Ordinances

The Cruising Ordinance will be discussed under New Business.

Streets and Sidewalks

Council member Workman reported on the ISTEA project and angle parking on Warren. He has a list of streets and sidewalks needing repairs. Additional street money from VDOT may be available due to annexation. Presently, there is no plan to place a STOP light at the under construction Liberty station. VDOT will conduct a study if a problem ever develops at that location. VDOT mows the cloverleaf twice a year. If the Town wants it mowed more often, our staff will have to do it. A crosswalk from the post office to the pharmacy failed to achieve support because a crosswalk is favored at a STOP light, as the one at Stuart and Spotswood.

Water and Sewer

No report.

Recreation

No report.

Planning Commission

A request for a senior living-type area on Pentecostal Hill was not well received, as stated by Mayor Printz.

Cemetery Commission

No report.

Charter Revisions Committee

No report.

Park Authority

No report.

Economic and Community Development Committee

Council member Workman is working with organizations to promote flower beds.

NEW BUSINESS

Accept Treasurer's Resignation

Vice Mayor Murphy moved, second by Council member Snow, and carried to accept the resignation of Faye Vickers as Town Treasurer, effective May 21, 2004 and also move to appoint Faye Vickers as consultant, effective May 24, 2004. During the position of consultant, Mrs. Vickers will continue to receive her current hourly rate and to receive all fringe benefits until appointment is terminated.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Accept, With Conditions, the Contribution of $250,000.00 by Rockingham County Toward the Community Center

Council member Snow moved, second by Council member Dean, and carried that the Town Council of the Town of Elkton accepts $250,000.00 from Rockingham County for the community center and agrees that citizens of Rockingham County may use the Elkton Community Center upon the same terms and conditions as citizens of the Town of Elkton as long as the community center remains in use.

Council member Sigafoose stated that the City of Harrisonburg charges County residents a higher fee to access its recreational facilities. Council member Dean responded that, to his knowledge, the City of Harrisonburg is self-contained in that it receives no County money to advance its recreational facilities or programs.

Council member Workman asked Council member Pence what percentage of County residents use Elkton's facilities now. "Seventy percent" was his reply and they are charged the same fees as Elkton citizens.

Council member Workman voiced that County residents have always been welcomed to participate in Elkton's recreation. Consequently, he did not understand why a condition from the County was placed on the acceptance of the money. Although this is a beginning, a step forward, the contribution is not equitable when compared to the other towns in the County. He will not, however, refuse the contribution.

Vice Mayor Murphy hesitated to not accept money. So stated, she added that town residents pay county taxes and, in return, she believed the county was just returning some tax dollars to us. Two hundred fifty thousand dollars was a generous first year offer. But what about years 2, 3, 4, 5, 6 and beyond as Elkton continues to pay upkeep and sponsor programs that will be enjoyed by county residents?

YEAS: J. Dean, T. Pence, R. Snow, and P. Workman

NAYS: C. Murphy and L. Sigafoose

Motion carried (4 - 2 roll call)

Resolution to Include Wirt Avenue as a "No Cruising Area"

Following attorney Miller's advice, a First Reading was presented of amendments to Sections 8-1-24 and 8-1-25 and new Section 158-26(A) and 158-27(A) of the Code of the Town of Elkton. This ordinance was omitted during recodification.

ELKTON TOWN CODE AMENDMENTS

First Reading of Amendments to
Sections 8-1-24 and 8-1-25
New Sections 158-26(A) and 158-27(A)
of the Code of the Town of Elkton

May 17, 2004

1. Section 8-1-24 of the Code of the Town of Elkton (Cruising on Town Streets and Alleys) is hereby restated as follows and recodified as Section 158-26:

   No person shall drive or permit a motor vehicle under his care, custody, or control to be driven on a street or alley within the Town past a traffic control point three or more times within a two-hour period, in or around a posted no-

cruising area so as to contribute to traffic congestion; obstruction of streets, sidewalks, parking lots, or public vehicular areas; impediment of access to shopping centers or other buildings open to the public; or interference with the use of property or conduct of business in the area adjacent thereto. At every point where a public street or alley becomes a no-cruising area, there shall be posted a sign which designates a "No Cruising" area. "Traffic control point," as used in this section, means any point or points within the no cruising area established by the Chief of Police for the purpose of monitoring cruising. No area shall be designated or posted as a no cruising area except upon the passage of a resolution by the Town Council specifically requiring such designation and posting for a particular area. This ordinance shall not apply to in-service emergency vehicles, taxicabs for hire, buses and other vehicles being used for business purposes. Any person violating this ordinance shall, upon conviction, be subject to a fine of $50.00. Any person convicted of a second or subsequent violation of this ordinance may be punished by a fine of not less than $75.00 nor more than $100.00 for each succeeding violation.

2. Section 158-26(A) is hereby added to the Code of the Town of Elkton and stated as follows:

   The following streets and alleys shall be designated or posted as no-cruising areas:
   [Wirt Avenue plus other street and alley names here]

3. Section 8-1-25 of the Code of the Town of Elkton (Cruising on Certain Private Property) is hereby amended and restated as follows and recodified as Section 158-27:
   No person shall drive or permit a motor vehicle under his care, custody or control to be driven in a specific center or commercial area past a traffic control point three or more times within a two-hour period from 6:00 p.m. to 4:00 a.m. Monday through Sunday, in or around a posted no cruising area so as to contribute to traffic congestion, obstruction of streets, sidewalks, parking lots, or public vehicular areas, impediment of access to shopping centers or other buildings open to the public, or interference with the use of property or conduct of business in the area adjacent thereto. At every point where a public street or alley becomes or provides ingress to a no cruising area, there shall be posted a sign which designates "No Cruising" areas and times. "Specific center or commercial area," as used in this section, means certain privately owned public parking areas and driveways which are designated as no cruising areas upon application in writing by the owner or person in general charge of the operation of such area to the Chief of Police. No area shall be designated or posted as a no cruising area except upon the passage of a resolution by the Town Council specifically requiring such designation and posting for a particular area. This ordinance shall not apply to in-service emergency vehicles, taxicabs for hire, buses and other vehicles being used for business purposes. Any person violating this ordinance with respect to a specific center or commercial area shall, upon conviction, be subject to a fine of $25.00. Any person convicted of a second or subsequent violation of this ordinance may be punished by a fine of not less than $50.00 nor more than $100.00 for each succeeding violation.

4. Section 158-27(A) is hereby added to the Code of the Town of Elkton and stated as follows:

   The following centers and commercial areas shall be designated or posted as no-cruising areas:
   [List centers and commercial areas here]

<u>North Street Project - Approval of Townhouses Development Preliminary Plan</u>

Council member Snow moved, second by Council member Workman, and carried to approve the North Street Project preliminary plan.

Vice Mayor Murphy desired to make it clear that, if Council approved the preliminary plan, the McDaniel brothers would be given a green light to proceed to the construction plan. Council member Workman added that all the answers for which Council has questions would not be available until the construction plan was presented.

Vice Mayor Murphy presented the suggestion that as a simple courtesy to residents of North Street that a public hearing should be held, even though one is not required. This development will drastically change the character and appearance of the affected area.

YEAS: C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

ABSTAIN: J. Dean

Motion carried (5 with one abstention - roll call)

Elkwood Development

Council member Workman was frustrated that the Elkwood development has been stalled for months. He will be prepared at June's Council meeting to bring the issue to the floor for conclusion.

Meetings

Council member Snow set budget meetings for May 20, 25, and 26, 2004 at 6:00 P.M.

Mayor Printz set committee meetings for June 15 at 6:00 P.M. and Council meeting for June 21, 2004 at 7:00 P.M. The Planning Commission will meet on June 16 at 7:00 P.M.

Vice Mayor Murphy moved, second by Council member Dean, and carried to go into closed session under Virginia Code 2.2-3711 to discuss personnel matters and real estate.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Vice Mayor Murphy moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certified 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. Council member Pence duly seconded the motion.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow and P. Workman

Motion carried (6 - 0 roll call)

As there was no further business, the meeting was adjourned at 9:17 P.M.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk