Regular Council Meeting
July 18, 2016
7:00 p.m.

The regular meeting of the Elkton Town Council was held on July 18, 2016, at approximately 7:00 p.m., in the Council Chambers at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members and staff were present:

PRESENT
Wayne Printz, Mayor
Jay Dean, Vice Mayor
Margaretta Isom, Council Member
Harry Armbruster, Council Member
Jeffrey Jones, Council Member
Joshua Gooden, Council Member
Gerry Comer, Council Member

PRESENT
Nathan Miller, Town Attorney
Aaron Hammer, Chief of Police
Troy Shifflett, Public Works Director
Donna Gooden, Deputy Town Treasurer
Mark Pederson, EACC Director
Diane Johnson, Recreation Director
Denise Monger, Clerk of Council

REGULAR COUNCIL MEETING

Mayor Printz called the meeting to order and the clerk was asked to call the roll.

The invocation was given by Mayor Printz.

All present were asked to join in the Pledge of Allegiance.

CITIZEN COMMENTS

Linda Fawley, 429 West Marshall Avenue, spoke regarding illegal dumping of grass and yard debris on property adjacent to her property along a fence line. She had previously spoken with Mayor Printz regarding the issue. She provided pictures of the area to Council. She noted that she confronted the person dumping the trash. She requested that they not dump there and was told that they mow for the Town. She noted that although her house was up for sale, she has had to live with the rubbish, debris and shrubs being dumped along that side of the fence for 12 years. She noted she liked a neat yard and that maybe a cultural difference was taking place such as city people vs country people. She read a portion of the Town Code that prohibited the dumping of trash and littering. She inquired as to how Council would enforce the ordinance.

Council member Isom inquired if the person dumping the debris was a Town employee as referenced. It was determined the person was not employed by the Town.

Mayor Printz stated that he had viewed the area and did not see any dumped trash. She noted that the word must have been misinterpreted, as she said "grass."

Troy Shifflett, Public Works Director, stated that in the past the Town would pick up any grass or yard debris dumped; however, the Town could no longer do that. He noted that he could put up signs to deter people from dumping items in that area.

Mrs. Fawley read the portion of the ordinance which addressed the fine amount for each violation and asked Council to enforce that section immediately.

MINUTES

Motion to Approve Consent Agenda

Council member Isom moved, seconded by Vice Mayor Dean, and carried to approve the consent agenda as presented.

- 5/31/16 EMERGENCY COUNCIL MEETING
- 6/13/16 PUBLIC HEARING (W & S)
- 6/13/16 PUBIC HEARING (BUDGET)
- 6/13/16 SPECIAL COUNCIL MEETING
- 6/13/16 COUNCIL WORK SESSION
- 6/20/16 REGULAR COUNCIL MEETING

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

TREASURER'S REPORT

Vice Mayor Dean moved, seconded by Council member Isom, and carried to approve the Treasurer's Report for the month of June 2016 as presented.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

COMMUNITY CENTER DIRECTOR'S REPORT

Mr. Pedersen reported that a second Family Fun Night was scheduled for Friday. He noted that he and Allison were working on a final movie night to schedule in September. He noted that sponsors were in need. He noted that the Boater Safety Course was scheduled for Saturday which was provided by the Department of Game and Inland Fisheries. An interview was scheduled in order to possibly hire a new custodian.

CHIEF OF POLICE'S REPORT

Chief Hammer read his report as presented in the packet. He noted that radar was being enforced in problem areas in Town.

Mayor Printz stated that a water line burst at Town Hall and flooded the entire police department. He noted the department was temporarily located at the Elkton Area Community Center. He noted that Council needed to finalize arrangements for the various departments.

Council member Armbruster stated that the police department formerly located in the basement of the Town Hall was closed to the public. If citizens needed to speak with a police officer they may do so at the community center. Rockingham County would dispatch officers due to the lack of landline phone service for the police department.

PUBLIC WORKS DIRECTOR'S REPORT

Director Troy Shifflett stated that Wednesday would have a reduction in water pressure due to the replacement of a fire hydrant near the Kite House. The reservoir would be cut-off. He noted the job should take no more than four hours and would begin at 7:00 a.m.

Chief Hammer thanked the public works department for their assistance with moving the public safety offices to the community center.

TOWN ATTORNEY'S REPORT

Town Attorney Miller reported that he and Mr. Shifflett were working on an ordinance to address water cross connections. He noted that an ordinance was needed in order to require backflow preventers at cross connections. Mr. Shifflett had been working with Lelan Siler and using the same format as the Town of Dayton.

Mr. Miller stated that there were three sections of the code to be amended in order to implement a new ordinance. He noted that a draft would be presented to the Water & Sewer Committee for review.

Mr. Miller stated that his office was working to format the utility connection financing for annexed areas, Town Manager and/or Town Superintendent job description, blight ordinance, and utility user fees and adapting them to the growth of the Town. He noted that his office would clarify what constitutes an open meeting. He noted that under the Virginia Freedom of Information Act, every act of the Council should be in the open. He noted that to go into a closed session was an exception to a rule. He noted that anytime Council entered into a closed session, the reason needed to fit that very narrow category. He noted that if two or more Council members "get together" for a social function that does not constitute a meeting; however, when you discuss solutions to Town business that does constitute a meeting. He noted when three or more members (including the Mayor) "get together" without a notice, then that would be a problem. He noted that the best way to handle the situation would be to always give a notice, regardless. He noted that if the Town needed an emergency meeting with DEQ or other entity; post a notice on the website and in as many public places as possible. The Town could hold an emergency meeting in twelve hours once a notice was posted. He noted that the Town needed to properly notice meetings when possible.

Council member Isom inquired if the backflow preventers only applied to new connections. Town Attorney Miller responded that it pertained to new businesses.

Town Attorney Miller stated that on some of the larger sewer users possible pretreatment would be a requirement. He noted that the issue needed to be reviewed with the Water & Sewer Committee.

NEW BUSINESS

Approve $650 for Christmas Window Decorating Contest

Council member Isom moved, seconded by Council member Gooden, and carried to approve $650 for the Christmas window decorating contest.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Approve Engineering Fee Proposal for $55,000 from WW Associates to Prepare a Wastewater Treatment Plant Preliminary Engineering Report/Environmental Report

Council member Isom moved, seconded by Vice Mayor Dearing, and carried to approve the engineering fee proposal for $55,000 from WW Associates to prepare a wastewater treatment plant preliminary engineering report/environmental report as discussed at the last Council Work Session.

Mayor Printz noted that the fee was to prepare a preliminary engineering report (PER) to address the high flow at the wastewater treatment plant. It was confirmed that the Town received bids for the proposals. He noted that the engineers would provide DEQ with a report regarding the future plans of the plant.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Approve Engineering Fee Proposal from WW Associates for Consultative Assistance with the Town's Virginia Pollutant Discharge Elimination System (VPDES) Permit

Council member Isom moved, seconded by Vice Mayor Dean, and carried to approve the engineering fee proposal from WW Associates for consultative assistance with the Town's Virginia Pollutant Discharge Elimination System (VPDES) Permit.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Approve Engineering Fee Proposal for $36,500 from WW Associates for Water and Sewer Utility Design Phase Services

Council member Isom moved, seconded by Vice Mayor Dean and carried to approve engineering fee proposal from $36,500 from WW Associates for water and sewer utility design phase services.

Mayor Printz stated that the proposal would address the Town's annexation obligations. He noted that some of the funds might need to come from the Town's savings.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Ordinance to Amend Chapter 158 Vehicles and Traffic Section 158-30 through 158-41 to Add Utility Vehicles on Public Highways – First Reading

Council member Armbruster moved on a First Reading as follows:

Chapter 158. Vehicles and Traffic

Article VII. Operation of Golf Carts and Utility Vehicles on Public Highways

§ 158-30. Authority to regulate.

Pursuant to § 46.2-916.2 of the Code of Virginia (1950) as amended, the Town of Elkton is authorized, by ordinance, to impose limitations and restrictions on the operation of golf carts upon public highways within the Town of Elkton.

§ 158-31. Definitions.

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

GOLF CART

A self-propelled vehicle having at least four wheels which is designed to transport persons playing golf and their equipment on a golf course.

UTILITY VEHICLE

A vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control and a cargo bed. Must be classified by the manufacturer as a Utility Vehicle and not an All-Terrain Vehicle. Does not include pickup or panel trucks, golf carts, riding lawn mowers and farm tractors.

§ 158-32. Required safety equipment.

In addition to any safety equipment required by the Code of Virginia for golf carts and utility vehicles, such shall have the following safety equipment installed:

A. Speed governor if gasoline powered.

B. Safety lap belts.

§ 158-33. Golf cart and utility vehicle operation.

No person shall operate a golf cart or utility vehicle on or over any road, bike path or sidewalk in the Town of Elkton except as provided in this article.

§ 158-34. Designation of Town road, highways for golf cart and utility vehicle operation; posting of signs.

A. Pursuant to § 46.2-916.2 of the Code of Virginia, the Elkton Town Council may authorize, by ordinance, the operation of golf carts and utility vehicles on designated public Town streets within the Town after: i) considering the speed, volume and character of motor vehicle traffic using such street; and ii) determining that golf cart and utility vehicle operation on particular Town streets is compatible with state and local transportation plans and consistent with the commonwealth's statewide pedestrian policy. No Town street shall be designated for use by golf carts or utility vehicles if such golf cart or utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic, or if the street's speed limit is greater than 25 miles per hour.

B. All requests made to have specific streets designated for golf cart and utility vehicle use shall be directed to the Town Manager.

§ 158-35. Town safety inspection.

A. Golf carts and utility vehicles shall pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an official inspection station as such are designated in accordance with § 46.2-1163 of the Code of Virginia (1950) as amended or by a business which is engaged in the sale of golf carts or utility vehicles. Such safety inspection shall only cover the following items:

(1) Headlights, tail lights and turn signals, if the golf cart or utility vehicle is driven between sunset and sunrise.

(2) Rubber or equivalent tires.

(3) Windshield wipers if equipped with permanent windshield.

(4) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat.

(5) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.

(6) Speed governor if gasoline powered.

(7) Safety lap belts.

B. The owner of the golf cart or utility vehicle shall be responsible for obtaining a certification from the inspection station that the golf cart or utility vehicle passed the inspection.

§ 158-36. Insurance required.

Every golf cart, utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in § 46.2-472 of the Code of Virginia (1950) as amended, and provide coverage during the operation of the golf cart and utility vehicle upon public highways.

§ 158-37. Operation on public highways.

It is unlawful to operate a golf cart or utility vehicle on a public highway within the Town of Elkton unless the following requirements are met:

A. Golf carts and utility vehicles may not be operated on West Spotswood Trail from the intersection of 2nd Street, west, to the Town limits.

B. Golf carts and utility vehicles may not be operated on Spotswood Trail (Business Rt. 33).

C. Golf carts and utility vehicles may not be operated on Stuart Avenue with the exception of crossing at designated intersections.

D. Golf carts and utility vehicles shall be operated only between sunrise and sunset unless equipped with such lights as required in Article 3 of Chapter 10 of Title 46.2 of the Code of Virginia (1950), as amended.

E. No person may operate a golf cart or utility vehicle unless that person is licensed to drive upon highways of the Commonwealth of Virginia and, then, only in accordance with such driver's license.

F. Golf carts and utility vehicles must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.

G. Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart or utility vehicle. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags or on the part of a utility vehicle designed to carry cargo.

H. Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.

I. Golf carts and utility vehicles may be operated in bicycle lanes provided they do not impede bicycle traffic.

J. Golf carts shall not be operated during inclement weather, example, snow, sleet, or ice-related conditions; nor when visibility is impaired by weather, smoke, fog or other conditions.

K. The Chief of Police, or his designee, may prohibit the operation of golf carts and utility vehicles on any highway if the Chief determines that the prohibition is necessary in the interest of safety.

§ 158-38. Limitations.

Golf cart and utility vehicle operations on designated Town streets shall be in accordance with the following limitations:

A. No person shall operate a golf cart or utility vehicle on a Town street unless that street is designated for golf cart and/or utility vehicle operations.

B. No golf cart or utility vehicle shall be driven across any public highway where the public highway being crossed has a posted speed limit of more than 25 miles per hour unless the public highway intersection is controlled by a traffic light and has a posted speed limit of no more than 35 miles per hour. No golf cart or utility vehicle shall be driven across any street at an intersection where the street being crossed has a posted speed limit of more than 35 miles per hour.

C. No person shall operate any golf cart or utility vehicle on any designated Town street unless he has in his possession a valid driver's license.

D. No golf cart or utility vehicle shall be operated on any designated Town street without displaying a slow-moving vehicle emblem in conformity with Virginia Code § 46.2-1081.

E. No person shall operate any golf cart or utility vehicle on any designated Town street between sunset and sunrise, unless equipped with the proper lights.

§ 158-39. Exceptions.

The limitations set forth in § **158-38** above shall not apply to golf carts or utility vehicles being operated to the extent necessary for Town of Elkton employees and Town of Elkton contractors to fulfill a governmental purpose, or as otherwise authorized by the Town Manager or his designee, provided the golf cart or utility vehicle is not operated on a Town street with a posted speed limit over 35 miles per hour.

§ 158-40. Local vehicle license.

No golf cart or utility vehicle shall be used on the public highways unless it has obtained a Town of Elkton vehicle license. No vehicle license shall be issued until the owner of the golf cart or utility vehicle presents evidence that the golf cart or utility vehicle is insured in accordance with the requirements of § 158-36 and the golf cart or utility vehicle has been received and passed a safety inspection required by § 158-35.

§ 158-41. Liability disclaimer.

This article is adopted to address the interest of public safety. Golf carts and utility vehicles are not designed or manufactured to be used on the public streets, and the Town of Elkton in no way advocates or endorses their operation on public streets or roads. The Town of Elkton, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this article is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts or utility vehicles on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Elkton has no liability under any theory of liability and the Town assumes no liability for permitting golf carts or utility vehicles to be operated on the public streets and roads under the special legislation granted by the Virginia General Assembly. Any person who operates

a golf cart or utility vehicle is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart or utility vehicle on the public streets and roads.

Council member Armbruster stated the following revision to § 158-34 (B) as follows:

§ 158-34. Designation of Town road, highways for golf cart and utility vehicle operation; posting of signs.

B. All requests made to have specific streets designated for golf cart and utility vehicle use shall be directed to the ~~Town Manager~~ Committee of Streets and Sidewalks.

Council member Isom inquired if 158-37 (J) needed to include reference to the utility vehicles being operated in inclement weather. Town Attorney Miller responded that the UTV's would be operable in that weather and would not be included in that section.

Amend Agenda

Vice Mayor Dean moved, seconded by Council member Armbruster, and carried to amend the agenda to include the hiring of a sewer plant operator Class III which is required by DEQ and the operator will be a lady by the name of Alice Davis.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Hire Wastewater Treatment Plant Operator

Vice Mayor Dean moved, seconded by Council member Armbruster, and carried to hire Linda Davis as the sewer plant operator (corrected to Alice Davis).

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

COMMITTEES

Finance & Planning Commission (M. Isom)

Council member Isom reported the Planning Commission did not meet. She read some statements regarding the newly adopted budget: no increase to various tax rates and no increase to trash collection fee.

Public Health, Safety, Ordinances & Personnel (H. Armbruster)

Council member Armbruster reported that Council would need to go into closed session to discuss personnel issues. The committees that Mr. Armbruster chairs would return to having committee meetings on the first Monday of each month at 2:00 p.m.

Electric, Recreation & Community Center (J. Jones)

Council member Jones reported that the park was nicely mowed and well kept. He suggested that the police department stop and hand out water to people.

Water & Sewer (J. Dean)

Vice Mayor Dean reported the Town had many issues with I & I. He noted that flows seem to be increasing. He noted that many leaks had been repaired; however, more flow was created. Sump pumps and downspouts would be addressed in the future. He noted that language was in the Town Code to address those issues.

Economic & Community Development (J. Gooden)

Council member Gooden reported on the Ben Graessle project.

Streets and Sidewalks & Cemetery

Council member Comer reported that some sidewalk work had been done. He noted that much of the work had been done by the Town already. He noted that a Cemetery meeting would take place this week.

Council member Isom stated that Charlotte Shifflett received a "Keep America Beautiful" grant in the amount of $750 for the Town. She noted a water fountain may be placed at the triangle in Town with the funds.

UNFINISHED BUSINESS

Amend Chapter 53 (Animals) of the Code of the Town of Elkton Section 53-13 Increase Civil Penalty to $150 – Second Reading & Vote

Council member Armbruster moved, seconded by Council member Isom, and carried to adopt the ordinance to amend Chapter 53 (Animals) of the Code of the Town of Elkton Section 53-13 to increase the civil penalty to $150.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

MAYOR'S BUSINESS

Mayor Printz noted his sorrow that Treasurer Sipe's Grandmother passed away. He noted that the Town was moving forward and would hire a Town Manager in the future; however, there were some corrections needed in the Town's Code and personnel manual to be done prior to the hiring. He noted a spectacular meeting took place with DEQ.

Closed Session

A brief discussion took place regarding the reasons needed to go into closed session.

Vice Mayor Dean moved to go into closed session under Virginia Code Section 2.2-3711.A.1 of the Code of Virginia, to discuss personnel. Duly seconded by Council member Jones – after another brief discussion, the motion and second were rescinded. No closed session was held.

No additional business was discussed, the meeting was adjourned.

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk