REGULAR
COUNCIL MEETING
February 21, 1994

The regular meeting of the Elkton Town Council was held February 21, 1994 at 7:30 p.m. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present:

PRESENT

R. C. Davis
M. B. Fuller
W. E. Printz
R. L. Snow
T. R. Whitfield III

ABSENT

F. A. Bennett

Dale Davenport, Attorney, Norma R. Leap, Clerk, Gerald K. Monger, Superintendent and Warren Pence, Chief of Police were also present.

Ms. Ann Bender, representative from the Valley Program for the Aging, was present and presented an overview of the services provided by their organization. One of the main purposes of this organization is to help elderly people remain independent and in their own homes.

Mr. Bill Holt was present regarding a problem in the area of his business. A large number of people congregate on Spotswood Trail and Terrace Avenue. They place chairs, coolers, etc. on the sidewalks. There is littering and also has been some damage to paint on the buildings. Someone also shot holes in his side windows. He suggested it might help some if the trash cans in the area were emptied more regularly. He feels there should be some way to correct this situation and asked the town to actively pursue a solution.

MINUTES

A motion was presented by Councilwoman M. B. Fuller, seconded by Councilman T. R. Whitfield III and carried to approve the minutes of the Regular Meeting January 17, 1994 as presented.

DEPARTMENT HEAD REPORTS

Town Superintendent

Mr. Monger reported that the frame work at the regulator station has been installed. Work will continue as the weather permits.

Mr. Monger reported that he had polled council regarding the appointment of a voting member and representative to the VMEA #1. Mr. Monger was appointed the voting member and representative and Joseph Shifflett as the alternate.

Mr. Monger reported that the sewer is approximately 50% completed and water approximately 80% completed at the Quail Run Subdivision. He also stated that 8 inch pipe has been purchased for a small loop down at the Shen-Elk Plaza which hopefully will help in the Elkwood area. This hasn't been put in due to the weather.

Mr. Monger reported that lots at the cemetery should be ready to sell by next week.

Mr. Monger reported that the application for a Special Exception Permit for Home Occupation by Sherman Stover was tabled by the Planning Commission. They have invited Mr. Stover to attend the next Planning Commission meeting to furnish additional information regarding his request.

Councilwoman Fuller questioned the status of plans to widen the street on Warren Avenue. Mr. Monger stated this could be done but there is no money budgeted for this project. Councilwoman Fuller suggested this might be something the Streets & Sidewalks Committee may want to look at before the next budget is prepared. Mr. Monger stated this project also included storm sewer from the flag pole to Warren Avenue and up that street. He feels this might be a high priority in the downtown area but isn't sure it is a higher priority than the project on upper Spotswood.

Councilman Printz stated he thought it was decided that the project on upper Spotswood and Rockingham was a higher priority because those people have been waiting much longer for a solution to their problems. Mr. Monger stated this was correct.

Treasurer

A motion was presented by Councilman R. L. Snow, seconded by Councilman W. E. Printz and carried to approve the Finance Report for January 1994.

Chief of Police

Chief Pence reported that he has spoken with Mr. Holt regarding his complaint on vandelism and he feels this problem can be taken care of. Chief Pence stated he does not feel there is a major litter problem in that area.

COMMITTEE REPORTS

Finance Committee

Councilman Snow distributed copies of a proposal from Hugh Lantz of Wheat First Securities regarding investment recommendations. The committee has not received the information from NationsBank as yet but hopes to have it by next week. The committee will then meet to prepare a recommendation for investments.

Personnel Committee

Councilwoman Fuller reported that the employee evaluations should be completed on schedule by the end of this month. She also stated that later on in the meeting she would move to go into Executive Session to discuss the appointment of a Town Manager.

Streets & Sidewalks Committee

Councilman Printz reported that his committee has not met but will need to do so this month.

Councilwoman Fuller asked the Streets & Sidewalks Committee to look at Heard Avenue as it is only one block and council might want to consider changing the name of this street. She also reported that she has been contacted by several citizens regarding "A" Street and asked the committee to look at the possibility of extending "A" Street.

Public Health, Ordinances & Recreation Committee

Councilman Whitfield reported that his committee met February 3, 1994. They now have a final draft of the Roadblock Application and the Ordinance dealing with portable signs.

UNFINISHED BUSINESS

Councilman Whitfield presented the zoning ordinance amendment prepared by Mr. Davenport regarding portable signs. He stated council needs to determine the number of portable sign permits which will be allowed. The committee also suggested that the current portable signs that are being utilized by businesses, etc. be allowed to stay in place through Wednesday, March 9, 1994.

Councilman Davis recommended four portable sign permits be allowed per year. Councilmen Printz and Snow agreed to four. Councilman Snow also suggested that in (a) the number 3 be changed to 1 day after occurrence of event for removal of sign. The last sentence should also be removed.

Councilman R. C. Davis moved, seconded by Councilman R. L. Snow to approve the following ordinance amending the zoning ordinance:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF ELKTON, VIRGINIA

BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT THE ZONING ORDINANCE OF THE TOWN IS HEREBY AMENDED AS FOLLOWS:

That existing Sections 302.208 through 302.248 of the Zoning Ordinance are renumbered as Sections 302.209 through 302.249, respectively.

That a new Section 302.208 of the Zoning Ordinance is hereby enacted to read as follows:

302.208 Sign, Portable. A sign constructed in a manner that it is not permanently affixed to real estate and can be moved from site to site without being disassembled, having a sign area not exceeding thirty-two (32) square feet, and advertising a particular event, sale, promotion, announcement, or similar occurrence.

That a new Section 706.04-4 of the Zoning Ordinance is hereby enacted to read as follows:

706.04-4 All Districts. Portable signs are permitted in all districts, provided that:

(a) Such signs are not displayed longer than seven (7) days prior to the event advertised and are removed the day after the occurrence of the event;

(b) Such signs are not placed upon public streets or sidewalks; and

(c) No more than four portable sign permits shall be issued during each calendar year with respect to a particular lot or adjacent lots used for a common purpose.

The vote was recorded as follows:

YEAS: R. C. Davis, W. E. Printz and R. L. Snow

NAYS: M. B. Fuller and T. R. Whitfield III

Councilman T. R. Whitfield III moved, seconded by Councilman R. L. Snow to adopt a resolution setting the fee for the portable signs to be $15.00 per permit. The vote was recorded as follows:

YEAS: R. C. Davis and R. L. Snow

NAYS: M. B. FUller, W. E. Printz and T. R. Whitfield III

Councilwoman M. B. Fuller moved, seconded by Councilman R. L. Snow to adopt a resolution setting the fee for the portable signs to be $20.00 per permit. The vote was recorded as follows:

YEAS: M. B. Fuller and R. L. Snow

NAYS: R. C. Davis and W. E. Printz

ABSTAIN: T. R. Whitfield III

Mayor Dean voted **YEA** to break the tie.

Councilman Whitfield presented the final draft of the Fundraising Roadblock Application. The format does have some updates. Item 13 now has a blank for the name of the civic organization's insurance company and the policy number. A copy of this has been sent to the town's insurance carrier but have not heard from them regarding any changes. Mr. Davenport pointed out several minor word changes which should be made. Councilman Whitfield stated that after making the suggested word changes, unless there is some suggestions from the town's insurance carrier, this will be the application in its final form. (Copy attached to minutes.)

Mayor Dean stated that if it was agreeable with council, the Public Safety Committee will get with Chief Pence to determine the location of the traffic cones and the signs.

Councilman Davis asked what the status is on an ordinance concerning commercial vehicles in residential areas? Councilman Whitfield stated that the committee recommendation is for the ordinance to read that vehicles of a commercial nature would be allowed to be parked on public property adjacent to home owner's property only in a residential area. The proposed ordinance should be ready by the next meeting.

Councilman Snow asked where the town stands on the boat ramp grant? Mr. Monger stated he hasn't heard anything as yet. Mr. Davenport tried to contact them today but they were closed. Mr. Davenport reported he has rewritten this and made some changes to help protect the town.

NEW BUSINESS

Councilman Whitfield commented on the continual positive, in the most part, coverage by the Daily News-Record and the Valley Banner. The latest article in the Daily News-Record was the Home Town Section featuring several of the Elkton Town employees and the article regarding EDRC and the Main Street Program. There was also a letter from Mr. Bill Holt in the Valley Banner commending the Maintenance Department on the snow removal. Councilman Whitfield stated he wanted again to commend the Maintenance Department on the excellent job they did during the last snow.

Councilman Whitfield pointed out that "No Smoking" signs are now installed in some part of the building. He pointed out that council did vote that all the town properties, including the town hall, is a smoke free environment. Council fully expects the Department Heads to make sure this is implemented, not only by town employees, but the public as well.

Councilman Whitfield stated he has a Downtown Streetscape Prospective for the town properties on Terrace Avenue which was prepared by Frazier Associates. This was passed around for council to view.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried to approve James R. Ridenour's request for a Home Occupation permit as recommended by the Planning Commission.

Councilwoman Fuller reported that the Design Committee of EDRC is once again applying for an Ice Tea Grant through the Virginia Department of Transportation for the landscaping proposal for the entrances to Elkton.

Another Public Hearing will need to be held and they would like to set the hearing for 7:00 p.m. on March 21, 1994 prior to the regular council meeting. Council was in agreement to have the hearing on this date.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III and carried to go into Executive Session to discuss three items:

1. The appointment to the position of town manager;
2. To discuss potential litigation;
3. The acquisition of property by the town.

Councilwoman M. B. Fuller moved, seconded by Councilman R. C. Davis and carried to go from Executive Session back into Regular Session.

Councilwoman Fuller moved that each member, to the best of his knowledge, certify that only public business matters lawfully exempted from open meeting requirements under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed or considered. The following affirmative certifications were recorded:

YEAS: R. C. Davis, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield III

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III that council have a First Reading on the allocation of funds, not to exceed $45,000.00, to renovate the old Elkton police department for use as a community library.

Councilman Davis stated he feels council is jumping too fast as there is at least one other option, if not others. Two other areas he suggested were the Miller-Kite House and the old shop building at the Elementary School. There were some concerns expressed by council members concerning parking and handicapped accessibility at the Miller-Kite House and the fact that the town does not own the old shop building. It was also noted that the shop building is used by the Recreation Department for their programs.

Councilwoman Fuller pointed out that the old police station on Terrace is town property and is in need of repair. The moving of the library to this location would give the town some much needed space in this building and the library a place of its own that is handicapped accessible with plenty of parking space. The representatives from the Rockingham Public Library and Library Committee also were in favor of this location.

Councilman Snow stated he agrees the buildings down on Terrace need some work and this would be a good location for the library, but he is not sure he is ready to spend $45,000.00 at this time. He feels the town needs to have a plan which would indicate the cost, then maybe we could do part now and part next year.

Councilwoman Fuller stated the town did get three estimates. The $45,000.00 was an average price and possibly it could be done for less when the project is put out for bid.

Councilman Davis expressed concern that every time this is discussed the price keeps going up.

Councilman Whitfield stated that possibly there could be some public support for the library project.

Councilwoman Fuller suggested council members get together and take a look at the building. She also suggested that council and the Woman's Club get together to look at possibly establishing a Library Commission.

A vote was taken on the motion for a First Reading on the $45,000.00 appropriation and recorded as follows:

YEAS: M. B. Fuller, W. E. Printz and T. R. Whitfield III

NAYS: R. C. Davis and R. L. Snow

Councilwoman Fuller also commended the Maintenance Department on the snow removal and thanked Mr. Bobby Gooden for his tour today.

As there was no further business, the meeting adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk