REGULAR
COUNCIL MEETING
January 17, 1994

The regular meeting of the Elkton Town Council was held January 17, 1994 at 7:30 p.m. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present:

PRESENT

F. A. Bennett
R. C. Davis
M. B. Fuller
R. L. Snow
T. R. Whitfield III

ABSENT

W. E. Printz

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

Marsha Deavers, EDRC Main Street Project Manager, was present to give their fourth quarter report. Written reports were distributed to each council member.

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 December 20, 1993 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence presented the monthly police report and noted that a new police car has been ordered.

Town Superintendent

Mr. Monger reported that council needed to set a date for a Public Hearing on the request by James R. Ridenour for a special use permit to allow for a home occupation computer service related business and possibly the Elkton Elementary School addition. The hearing was set for 7:00 p.m., February 21, 1993 before the next regular council meeting.

Treasurer

A motion was presented by Councilman R. L. Snow, seconded by Councilwoman M. B. Fuller and carried to approve the Finance Report for the month of December 1993.

COMMITTEE REPORTS

Finance Committee

Councilman Snow reported he would like to set up another Finance Committee meeting to discuss investments with Wheat First Securities Inc. He would like council members to let him know after the meeting what dates would suit them so Mrs. Leap can try to set a time for the meeting.

Personnel Committee

Councilwoman Fuller reported that council has in the past week interviewed two candidates for the position of Town Manager. She complimented all the council members for the courtesy extended to the candidates and on the professionalism with which the interviews were

conducted. The Personnel Committee hopes that council will be able to make an appointment within the next two weeks. Councilwoman Fuller stated she will recommend later on in the meeting that council go into Executive Session to discuss the appointment of the Town Manager.

Public Health, Ordinances, & Recreation Committee

Councilman Whitfield reported on a meeting which was held Thursday, December 30, 1993. He stated he was not going to give this as a recommendation from the committee because it was more of a meeting that involved everyone on council. Those attending were Councilmen Snow, Davis, Bennett and Printz. Councilman Whitfield distributed a handout regarding the issue of fund raising roadblocks. The first page of the handout includes a synopsis of what those present at the meeting recommended and the second page is the old application and rules which were used prior to the change. Councilman Whitfield highlighted the major changes involved if council chooses to adopt the new application and rules. The changes are that each Elkton area civic organization would be allowed two roadblocks per year; no one under age 18 would be allowed to participate in a roadblock; each organization conducting a roadblock would agree to use warning signs which say "Proceed with Caution" and traffic cones which will be provided by the town. He pointed out that the fourteen points on the application handout were not necessarily a unanimous agreement but it seems to be the consensus of everyone present at the meeting. Councilman Whitfield stated he put this together as a tool to work toward some sort of agreement on this issue.

UNFINISHED BUSINESS

Councilman Whitfield stated that the handout on roadblocks is more of a tool to work toward some consensus than council had before. He is not presenting this as a recommendation from the Ordinance Committee as it involved more than the committee. He also pointed out that he feels council should consider this very carefully. He has talked with VML who handles our insurance coverage for the town and the lady he talked with stressed that this should be considered very carefully as there is a potential liability involved. Councilman Whitfield pointed out that from a public safety standpoint it is council's responsibility to consider the safety issue. He stated that this was not brought up to encumber any organizations fund raising ability but there had been some complaints regarding too many roadblocks and then some who wanted the number increased.

Mayor Dean felt it would be hard to enforce Item 13 which states that the sponsoring organization certifies that they possess adequate liability insurance in the event of an accident. It was suggested by Benny King that the town could require a Certificate of Insurance.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow to adopt the rules as drafted and presented on page one of the handout.

Councilman Davis suggested the motion be amended that in Item 13 the words "possess adequate liability insurance" be changed to "provide a certificate of insurance".

Councilwoman Fuller stated she feels that by putting in the warning signs this does a lot to reassure her about the safety issue. Several areas of concern to her were as follows:

Item One: Need to define what is a civic organization.
Item Two: The increase in the number of roadblocks from one to two (she feels all civic organizations should be left at one and only fire and rescue be allowed two).
Item Ten: Should specify where warning signs should go.

Item Eleven: Should have the Town Attorney draft a waiver so this will be written legally.

Item Thirteen: Agrees with Councilman Davis that rather than certify, they demonstrate that they can provide liability insurance (the word adequate should be left out or either put a figure to it).

Item Fourteen: Feels Town Attorney should draft the certification to be used and she questions why the town needs to know the amount collected.

Councilwoman Fuller stated that with these changes she could support the application.

Councilman Snow suggested that in Item One it be changed from "Elkton area" to "Town of Elkton" civic organizations. He also feels Item Two should be left at two roadblocks per year as he feels the overall number is going to be reduced due to the definitions that have been discussed.

Councilman Snow withdrew his second and Councilman Bennett his motion.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow to adopt page one on the rules governing roadblocks in the form of an application and to include in Item Thirteen that the specific organization applying for a roadblock will produce a certificate of insurance. The vote was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis and R. L. Snow

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

Councilman Bennett stated he would like the committee to prepare a chart or something of that sort showing where cones should be set, etc. so the rules for all roadblocks will be standard.

Councilman Whitfield stated that he, as well as Councilman Printz, have received requests that a committee study the feasibility of handicapped parking in the downtown area. He would like to know which committee should conduct this study. Mayor Dean stated it should be done by the Streets & Sidewalk Committee.

Councilman Bennett reported that two months ago he volunteered to review and get prices on updating the town code and charter. He has reviewed this and suggests that this update be discontinued for at least a year until we see which direction the town is going to go with a Town Manager. It would be a waste to spend $8,000.00 to $10,000.00 on an update and later have to change many sections which refer to the duties, etc. of the Town Superintendent, and possibly others, to include the Town Manager. Council was in agreement with the recommendation.

Councilwoman Fuller reported that at the last council meeting several council members requested that the Planning Commission address again the portable sign issue. Councilman Bennett expressed an interest in allowing portable signs for the advertisement of community wide events and Council members Snow and Davis asked for some latitude for businesses. The Planning Commission took the points raised by council seriously, discussed them at length, but ultimately decided to reaffirm the Planning Commission's original recommendation that portable signs be prohibited in all zoning districts of the town. The primary reason cited by the Planning Commission for upholding its original recommendation was that the commissioners felt they had made the best recommendation possible for both the short and long term interest of the town. They felt that if council wants to adjust this then the adjustment should come from the council members themselves.

Councilwoman Fuller stated that the Planning Commission went back over the original reasons for their recommendations on portable signs. The reasons mentioned were:

1. In the long term, the town wants to market itself as a stable business community, not a transit temporary one which portable signs can often give the impression of.
2. Safety was also a big issue. Portable signs in Elkton are often either on the state right-of-way or the town right-of-way and don't conform with the regulations VDOT or the town have for signs on the right-of-way.
3. Portable signs are currently being used as permanent signs and they circumvent the sign ordinances that the town already has in place.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III that the Town Council approve the Planning Commission's recommendations regarding portable signs.

Councilman Bennett stated he is in favor of temporary (not permanent) signs of a portable nature but feels they should have a suitable place to put them . He thinks the signs should be on their own property and should not encroach upon the state or town right-of-ways. He also stated that the town should set rules and regulations governing these signs.

Councilman Davis stated he agrees with Councilman Bennett. He thinks portable signs should be allowed for special events for a short duration only. He does not approve of permanent portable signs but doesn't see the benefit of eliminating them altogether.

Councilman Snow stated he would like to see council consider allowing any one to have these signs for a period of seven days for a fee of $15.00.

Councilwoman Fuller asked if this would include businesses and Councilman Snow answered yes. She stated she could not go along with this as she feels it would be in the worst interest of the town. It promotes an image of the town that we are trying very hard to change. It promotes an image of instability and of impermanence. There are a couple of Planning Commissioners who could see it for temporary events by organizations but there is not a single commissioner who could see it for permanent businesses.

Councilman Whitfield applauded the Planning Commission members on the work done on the portable signs. He feels the recommendations were well thought out and supports the recommendations as presented by the Planning Commission.

A vote was taken on the motion and recorded as follows:

YEAS: M. B. FUller and T. R. Whitfield III

NAYS: F. A. Bennett, R. C. Davis and R. L. Snow

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III that the council approve the Planning Commission's recommendations in regards to portable signs as presented with an exception to allow portable signs by organizations to advertise community wide events. These should be permitted for a duration of seven days, which would include prior to and on the day of the event, and must be removed the day after the event. This would be subject to the redrafting of the present ordinance by the town attorney. The vote was recorded as follows:

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

NAYS: F. A. Bennett, R. C. Davis and R. L. Snow

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett to allow portable signs, not to exceed 32 square feet, for a period of seven days by permit only at a cost of $15.00.

Councilman Whitfield stated he would like to go on public record by saying that he thinks if council adopts this motion they are arbitrarily disregarding the Planning Commission's recommendations of 1989, arbitrarily disregarding the Planning Commission's recommendations of 1994 and council in someway impacts the businesses in town which have erected small, large or medium size signs and have gone to the expense of doing this to demonstrate permanency in the community.

Councilman Snow stated he feels council is doing exactly what the Planning Commission asked them to do.

Councilman Bennett stated he would like to commend all the Planning Commission members that took part in this and would like to go on record as saying it is not as if the council has turned them down completely. Council accepted the recommendations on the afore mentioned items at an earlier meeting and this is the only thing they have differed on. It is obvious that this council has had different opinions on this. Councilman Bennett stated he does not feel the impact is going to be such that they are showing any favoritism toward any particular person as it affords all an equal opportunity to do this.

Mayor Dean asked if this is adopted what does council instruct Mr. Monger to do to the seven or eight that are in town now? Councilman Bennett stated that if they don't fall within the temporary status they would have to come down. Councilman Snow stated he feels there is one along the highway now that is obstructing the view and should have been gone a long time ago.

Councilwoman Fuller stated she understands council feels the need to alter this but it is flying contrary to and directly in the face of the Planning Commission's recommendation.

The vote was taken on the motion and recorded as follows:

YEAS: F. A. Bennett, R. C. Davis and R. L. Snow

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

Mayor Dean stated this would be considered a First Reading. There will need to be a Second Reading and Mr. Davenport will prepare the draft on this.

Mr. Monger was instructed to notify these people that at the next council meeting council will have a Second Reading and they will have to take the signs down the next day after the Second Reading.

NEW BUSINESS

Councilman Whitfield commended Joe Shifflett and Gerald Monger and their respective employees in the Maintenance Department on the snow removal in the last sixty days. Elkton was superlative in comparison to our county counterparts.

Councilman Whitfield also commended Marsha Deavers and the members of EDRC for the very successful Christmas promotion.

Councilman Snow stated that he would like to say to the Planning Commission members present that he does not want them to take this stand on portable signs as an affront because he realizes the work that they put in to what they do and it is appreciated. He pointed out however that they won't always agree on things.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III and carried to endorse EDRC's recommendation, with the knowledge of Town Superintendent Monger and the cooperation of VDOT, the placement of two directional signs; one at the intersection of Blue & Gold Drive and Route 340 saying "Downtown" with an arrow and the other at Spotswood Avenue and Route 340.

Councilman Snow questioned where we stand on the grant for the boat ramp? Mr. Monger stated he hasn't talked to them since before Christmas.

Councilwoman M. B. Fuller moved, seconded by T. R. Whitfield III and carried to go into Executive Session to discuss the appointment of a Town Manager.

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: F. A. Bennett, R. C. Davis, M. B. Fuller, R. L. Snow and T. R. Whitfield III

A Personnel Committee meeting was set for January 25, 1994 at 6:00 p.m.

Two possible dates were set for a Finance Committee meeting. First choice would be January 25, 1994 at 7:30 p.m. and the second choice would be January 20, 1994 at 7:30 p.m. Mrs. Leap will contact Wheat First and arrange a meeting on one of these dates if possible.

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