REGULAR
COUNCIL MEETING
June 23, 1994

The regular meeting of the Elkton Town Council was held Thursday, June 23, 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
M. B. Fuller
W. E. Printz
R. L. Snow

ABSENT

R. C. Davis
T. R. Whitfield III

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

Joseph Correa, District 5 Representative on the Rockingham County Board of Supervisors, was present and introduced Mr. Dan Brubaker.

Mr. Brubaker spoke regarding his request to the County of Rockingham to have a 42 acre tract of land on Route 33 rezoned from A-2 Agriculture to B-1 Business. They want 35 acres of this land rezoned to sell to Rockingham Memorial Hospital. He requested that the town reconsider this request and support it. They will be needing water and sewer services from the town.

Mr. Dick Myers spoke in support of the rezoning of the Brubaker land. He read letters from Myers Ford, Bill Neff, Monger Coal & Oil and Dick Myers Chevrolet supporting the rezoning and stating they would be interested in water and sewer services from the town.

Mr. Carter Melton, President of Rockingham Memorial Hospital, spoke and answered questions regarding this rezoning. He stated he would like to clarify the intent and plans of RMH with respect to the 35 acres east of Elkton on Route 33 which they have under option from Mr. Brubaker. RMH was contacted by a representative of the Elkton Community several years ago to help address the issue of medical care in the Elkton/East Rockingham County area. Although they were not able to do anything at that time, they are now in the position to respond to this request. Their plans are to purchase the land, if it is rezoned, and to develop a state of the art primary care center which would contain physicians offices, diagnostic testing capabilities, educational areas and other functions which today, or in the future, would enhance the delivery of medical care and quality of life for the residents of the Elkton/East Rockingham community. It is their intent to retain ownership of the property, recruit the physicians to staff the clinic and provide both staff and equipment to support the diagnostic activities. Mr. Melton added that they would like to have water and sewer services from the town and would be willing to pay a fair share of the costs of running water and sewer to the site.

Mrs. Hazel Crider, of Elkwood Subdivision, spoke in support of rezoning the land for RMH as she feels we need this type of facility on this side of the county. She urged council to support this rezoning request.

Mr. Benny King reminded council that the Elkton Planning Commission had looked very closely at this request and had recommended against the rezoning. He stated he is not opposed to the concept of a health care facility, but in the manner in which it is being presented. There are no controls or guarantees that the property would be used exclusively for a medical facility. He feels there needs to be some proffers limiting this strictly to RMH.

Lori Dixon, County Planning Commission Member, was present to explain to council the reasons why the commission recommended the denial of this rezoning request. She pointed out that the application, when presented, did not consider utilities and the commission could not accept a well and septic system. They also felt that strip development would be inconsistent with the county's comprehensive growth plan. They were not opposed to the idea of a medical facility, only the location.

MINUTES

Councilwoman M. B. Fuller moved, seconded by Councilman R. L. Snow and carried to approve the minutes of the Public Hearing and Regular Meeting, May 16, 1994, as presented and the Public Hearing June 7, 1994 as amended.

Mayor Dean asked if council would like to take action regarding Mr. Melton's request or to delay this until the July meeting. Councilmen Bennett and Snow stated they were ready to vote. Councilwoman Fuller stated she would like to delay the vote until July and have the Elkton Planning Commission look at it again.

Councilman Printz stated he is in support of a health care facility but is concerned about some of the property being sold for other purposes. He asked if the development group would be willing to pay for the water and sewer lines in that area?

Councilman Bennett also questioned, in view of RMH's request for town water and sewer, if the county is willing to participate in the cost of extending these lines? Mr. Correa stated that the county at this point has not been approached regarding utilities. Mr. Melton stated that RMH is willing to pay their fair share of the costs and Mr. Dick Myers pointed out that some of the other businesses have agreed to participate in a fair share of the cost.

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz that council recommend to the County of Rockingham the approval of the B-1 rezoning request from Dan Brubaker for the sale of the property to RMH for a primary health care facility; that the town furnish water and sewer services to the location, but with no financial obligation to the town or responsibility for the addition of lines to service the area.

Councilwoman Fuller stated she feels council needs to take more time to consider this. She is not opposed to a primary care facility but fears the possibility of the facility not being built and the land being sold for other purposes over which the county would have little or no control. She also pointed out that if water and sewer services are extended to this area, the county will come under a lot of pressure for other types of development in that area.

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

YEAS: F. A. Bennett, W. E. Printz and R. L. Snow

NAYS: M. B. Fuller

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence presented the monthly police report and answered questions.

Chief Pence reported that there is a potential traffic hazard on Shenandoah Avenue and Route 340 at the Little League field. He suggested there be no parking on Shenandoah Avenue from Route 340 to the ShenElk Plaza entrance with the exception of handicapped parking in the vicinity of the food stand. If council has no objections to this, he would get with Mr. Monger on installing the necessary signs in that area.

Chief Pence stated he feels there is a need for a guard rail of some type around Memorial Park. He has discussed this with the Recreation Coordinator, Mr. Pence. The use of this park has increased tremendously and there have been incidents of vehicles going over the hill into the park creating an extremely dangerous situation. He will get with Mr. Monger on this.

Chief Pence reported that due to the increased amount of traffic, littering and some vandalism, he would like to restrict parking in the downtown area from 11:00 p.m. to 6:00 a.m. This would cut down on the noise in the residential areas there and help the litter problem.

Councilman Printz stated he would be opposed to the restricted parking as these people who are parking there also support the businesses during the day.

Town Superintendent

Mr. Monger presented his monthly report and answered questions. He pointed out that an extension of the June 20, 1994 deadline for completion of the boat ramp was requested and granted until August 1, 1994. It was suggested to Mr. Monger that he try to get the paper work on this in as soon as possible.

Treasurer

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the Finance Report for the month of May.

COMMITTEE REPORTS

Personnel Committee

Councilwoman Fuller reported that the search for a Town Manager continues.

Streets and Sidewalks Committee

Councilman Printz reported that the Streets and Sidewalks Committee met today.

The committee recommends to council that the request to rename "B" Street be denied due to the expense it would be to the resident there.

The committee suggested having the town attorney review the present ordinance pertaining to the obstruction of streets and sidewalks. They feel there is a need for more control.

The committee discussed commuter parking, but had no recommendation at this time.

UNFINISHED BUSINESS

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller to approve on Second Reading the 1994-1995 General Fund Budget.

Councilman Bennett stated he would have to oppose the budget due to the money not being appropriated for Capital Improvements.

The question was asked as to where these funds would come from and it was determined that they would have to come from the Repurchasing Agreement Account or raise all rates.

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

YEAS: M. B. Fuller and W. E. Printz

NAYS: F. A. Bennett and R. L. Snow

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

Councilman R. L. Snow moved, seconded by Councilman M. B. Fuller to approve on Second Reading the Capital Improvements Budget and the Elk Run Cemetery Budget. The vote was recorded as follows:

YEAS: M. B. Fuller, W. E. Printz and R. L. Snow

NAYS: F. A. Bennett

Councilman W. E. Printz moved, seconded by Councilman F. A. Bennett and carried not to change the name of "B" Street as requested.

NEW BUSINESS

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the First Reading on the 1993-94 Budget Transfers and Additional Appropriations as presented.

A special council meeting was set for Monday, June 27, 1994 at 7:30 p.m. to approve the necessary second readings on old and new budget appropriations.

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the First Reading on the 1994-95 Budget Appropriations as presented.

Councilman Printz reported that his committee would like to have the town attorney review the ordinance pertaining to the obstruction of streets and sidewalks to see if he can improve it. He would like to see a plan created to prevent any long term problems. He reported that Mr. Monger has worked on an outline that could be used as a guideline. Council agreed to have Mr. Davenport look at Mr. Monger's outline, to study the ordinance and bring back any suggestions he might have regarding changes.

Mr. Monger reported that the town needs to sign a right-of-way agreement with the Virginia Department of Transportation on the Route 759 Project. The town has two different options. The town can elect to remove the dwelling involved or the State will remove it. Mr. Monger suggested that the town remove the building.

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried to approve the right-of-way agreement with VDOT that has been reviewed by Attorney Davenport.

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to grant Mr. Chris Lawson III permission to hook up to the town water and sewer services south on Route 340. Mr. Lawson will be responsible for any costs to hook up to the services and for any easements needed.

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to allow Mr. Lynwood L. Dovel to extend water and sewer lines East on "F" Street from Davis Avenue to his lot with the understanding that Mr. Dovel will pay the cost of a four inch sewer line to his property and a 3/4 inch water line. The town will pay the difference to the contractor to install an eight inch water and sewer line.

Councilwoman M. B. Fuller moved, seconded by Councilman F. A. Bennett and carried to approve the First Reading to amend Section 8-1-1 and Section 8-1-2, Article A, Chapter 1, of Title 8, of the Code of Ordinances and Section 7-1-39.

Councilwoman Fuller complimented the town employees on the work done to prepare the town hall for the summer concerts on the lawn. She reported that Madelyn Dixon helped with the landscaping and suggested the town write a letter thanking Mrs. Dixon.

It was reported that Jeff Konstant, representing the Elkton Little League, has requested permission from the town to use the town facilities for a Little League Tournament.

Councilman Snow stated this needs to go through Mr. Pence, the Recreation Coordinator, and the Recreation Commission. He pointed out that the Commission and the Little League have always been able to work together and he feels they can work together on this.

A letter from Donna F. Mowbray, Autumn Days Coordinator for EPIC, was presented requesting permission to close off sections of "B" and Henry Streets in front of the Elkton Elementary School for this event on October 15 & 16, 1994.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried to approve the closure of sections of "B" and Henry Streets for EPIC Autumn Days on October 15 & 16, 1994.

Mayor Dean reported that there are three individuals whose Elkton Planning Commission terms expire on July 1, 1994. They are G. W. Berry, Lou Ellen Kirkendall and Barry Ream. Council will need to appoint someone for these positions.

There was some discussion regarding Chief Pence's suggestion to restrict parking in the downtown area from 11:00 p.m. to 6:00 a.m.

Councilwoman Fuller reported that she has received complaints regarding traffic congestion and disturbance from loud noise. Councilmen Bennett and Snow also expressed concern over the litter, noise and vandalism. They all felt the issue bears looking into, that it is important to find a solution and that council needs to support the Public Safety Committee and Police Department in this effort.

Councilman Printz opposed the parking restrictions. He feels it would be a violation of human rights. He pointed out that he is down town late at night and does not see any problems. He suggested sending this proposal back to the Public Safety Committee for further study and that there should be some public input before making any decisions.

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett that council support the parking restrictions in the downtown area from 11:00 p.m. to 6:00 a.m. as suggested by the Chief of Police and to become effective as soon as signs can be installed.

After some further discussion, Councilman Bennett withdrew his second. He pointed out that since he has been an avid advocate of going through committees, he will withdraw his motion in order for this to go to the committee for their recommendations.

Mayor Dean set a Public Safety Committee meeting for Saturday morning June 25, 1994 at 8:00 a.m. at the Country Inn Restaurant to discuss this noise and litter problem and to prepare recommendations for council.

Councilwoman Fuller asked the Public Safety Committee to look at the traffic problems on Terrace Avenue. She also requested a possible revision of the monthly police report to reflect the increases or decreases of various violations. Mayor Dean stated the committee will discuss these suggestions.

Councilwoman Fuller reported on a letter to Sergeant Marshall from Doug Stader, Transportation Safety Coordinator for VDOT, advising that the grant request for the "Speed Enforcement" project has been approved in the amount of $1,500.00.

Chief Pence also reported that they have applied for a $3,000.00 overtime grant relating to Child Seat Belt laws.

Councilwoman Fuller reported that two new air conditioners have been installed in the Police Department. She also reported on a letter she received from Dispatcher Carey complimenting Officer Donnie Jenkins on his response and excellent performance regarding a shooting which recently occured in town.

Mayor Dean complimented Sergeant Marshall for his work on these grants.

Councilman Printz asked if there are any plans to do any gypsy moth spraying in town? Mr. Monger stated he has not heard of any plans to spray. Mr. Monger was asked to get some information on this.

Councilwoman Fuller complimented the Elkton Volunteer Fire Company on a very good carnival.

Mayor Dean reported that the town has received a letter from the Junior Order regarding the Field Day Parade, August 12, 1994. They would like to know if the town plans to enter a float in the parade.

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried to enter a float in the Junior Order parade if we can get someone to do it.

Mayor Dean stated that the Public Safety Committee will have recommendations regarding the litter and noise problem in the downtown area ready for the special meeting Monday night.

Mayor Dean stated he will check to see if the Planning Commission members whose terms expire July 1, 1994 wish to serve again and will have a report for the special meeting Monday night.

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