REGULAR
COUNCIL MEETING
May 16, 1994

The regular meeting of the Elkton Town Council was held Monday, May 16, 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
T. R. Whitfield III

ABSENT

R. C. Davis

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

Hazel Crider who lives at 114 Hillside Avenue was present and expressed her disagreement with the Planning Commission's decision regarding Home Occupation in accessory buildings. She feels it is unfair to the merchants who have their businesses in buildings other than their homes. She feels the downtown area will never grow if home occupations are allowed to continue. She also feels the residential areas are being moved back further and further. She suggested council table the request for a Home Occupation permit which is before council and give this more consideration before taking any action. She also spoke regarding the lighting situation in Elkwood. The lighting there is not sufficient and she requested council look again at better lighting in that area.

Mr. Bobby Gooden stated he had been asked to represent a new business organization, Elkton Business Alliance, at the council meeting. He feels their goals are a little different from some of the other organizations. They have twenty-eight members and have meet twice. Their objectives are (1) To promote our businesses within our community, ie: educate our community in the importance of "spending local"; (2) Work with the Town Government on the preparation of ordinances that affect our business. Inform the Town Government of our needs as a group; (3) Remain self-supportive as an organization (they do not intend to come to council asking for money); (4) Share ideas on ways to increase revenue, management, tax reduction and anything else that could help improve our businesses; (5) Create an atmosphere at our meetings for business owners to get to know one another and discuss issues that concern our businesses. Mr. Gooden stated he has been authorized by this group to oppose the renaming of "B" Street. He pointed out that there is a lot of history in the naming of our streets. The avenues which run North and South are named after Civil War Generals and the streets which run East and West start with A, B, C, etc. He feels this is very appropriate for a school.

Benny King, member of the Planning Commission, pointed out that they had received petitions supporting both sides of the Home Occupation question. He stated that he is not speaking in support of either side but just wanted people to be aware that there is sentiment both ways.

There was some discussion regarding Elkwood's covenant and how it would enter in to this zoning question. Councilman Printz questioned if the covenant would supercede the law. Mr. Davenport explained that a covenant only governs the people who purchased lots in the area that has the covenant and that the town has no involvement or obligations regarding the covenantitself. He pointed out that covenants can sometimes be more restrictive than the law.

Mr. Bobby Gooden reported that the Elkton Business Alliance had discussed allowing home occupation in an accessory building and there were no objections.

Mr. Stover explained that the one petition mentioned was in support of home occupations in an accessory building.

MINUTES

A motion was presented by Councilman F. L. Bennett, seconded by Councilwoman M. B. Fuller and carried to approve the minutes of the Regular Meeting April 18, 1994 and the Public Hearing April 18, 1994 as presented.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence stated he had nothing other than the monthly police report.

Town Superintendent

Mr. Monger reported that the county will be holding a Public Hearing May 25, 1994 at 7:30 p.m. in the county administrative building concerning the rezoning request by Golden Valley Farms, Inc.

Mr. Monger reported that the substation should be activated no later than Thursday of this week. They will be working with Manassas and Mike York. Switches will need to be put in to help regulate the power at peak demand. Councilman Snow asked if we have a cost breakdown on this and Mr. Monger stated there is none as yet.

Mr. Monger reported that the materials for the boat ramp was to be delivered today. Work will begin as soon as the materials arrive. Mayor Dean asked if there is a contractor and Mr. Monger stated they have not notified the contractor but the town will start on the project if the contractor is going to be delayed.

Treasurer

Councilman R. L. Snow moved, seconded by Councilman Wayne E. Printz and carried to approve the Finance Report for the month of April .

COMMITTEE REPORTS

Finance Committee

Councilman Snow distributed copies of the proposed budgets for Capital Outlay, Cemetery and Operating Fund for 1994-1995. Councilman Snow reported that the Finance Committee met to work on the budget and discussed including a water rate increase; however, Mr. Monger stated that he has dropped the appropriations for Supplies in the Water Department so as not to have to increase water rates this year.

Mayor Dean asked if we know the exact percentage on Real Estate and Mr. Monger reported that as far as he knows we have not received that information. Mayor Dean pointed out that the Real Estate rate is presently $0.105 but plans are to lower the rate due to the higher reassessment figures.

Councilman Snow stated that the operating budget he has presented does not include any Capital Outlay or funds for a Town Manager.

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz to approve the First Reading on the 1994-1995 Budget.

Councilman Printz stated he feels that since council has voted to hire a Town Manager funds should be included in the budget for this.

Councilman Bennett stated he has some deep concerns as to where the money is going to come from for Capital Improvements.

Councilwoman Fuller stated she realizes a lot of work has gone into the budget but she needs more time to study it as this is the first time she has seen the budget.

Mayor Dean asked Councilman Printz if he would like to present the proposed operating budget which includes funds for a Town Manager. Mrs. Leap had prepared two different budgets, one with and one without the funds for a Town Manager.

Councilman Snow also pointed out that both budgets include interest revenue from the Repurchasing Account. If the town spends $190,000.00 from the Repurchasing Account for Capital Outlay this will decrease the interest revenue and will cause either of the proposed budgets to show a loss rather than a surplus.

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

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

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

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller to approve the First Reading of the proposed 1994-1995 budget which includes the funds for a Town Manager for informational and planning purposes. The vote was recorded as follows:

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

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

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz to approve the First Reading on the proposed Capital Improvements Budget and the Elk Run Cemetery Budget. The vote was recorded as follows:

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

NAYS: M. B. Fuller

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 will be meeting again this month to discuss the renaming of "B" Street and will make a recommendation at the meeting next month. The committee recommends that council extend Warren Avenue through to "B" Street.

UNFINISHED BUSINESS

Councilman Bennett pointed out that the Newtown Road Project is in the proposed Capital Improvements Budget and money will need to be appropriated for this as the project is scheduled to be bid in September.

Councilman Whitfield reminded everyone that EDRC was granted permission at the last meeting to use the veranda and front lawn of the Municipal Building for summer concerts. He invited everyone to attend the first concert which is scheduled for Thursday, June 9, 1994 from 7:00 - 9:00 p.m. These concerts are free and provided through a generous grant from NationsBank and in conjunction with the Downtown Revitilazation Corporation. He stated there may be a necessity to close a small portion of Rockingham Street, but is not sure as yet.

NEW BUSINESS

Councilman Bennett questioned if the pump is fixed at the well house. Mr. Monger reported that the pump is pumping and that after the substation is changed over they will be going to the well to complete the job there.

Councilwoman Fuller reported that the Planning Commission voted tonight, on a tie breaker by the Chairman of the Planning Commission, to recommend the changes to the current Home Occupation Ordinance as had been presented to council by the Town Attorney.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III that council accept the Planning Commission's recommendation and have the zoning ordinance rewritten as presented.

Councilman Bennett commended the Planning Commission on the time and effort put forth on this. He pointed out that the Town does need control but that control is not due to any town employee not doing their job. He feels these changes will give the Town more control by restricting the types of businesses allowed and it will be next to invisable in that they will operate and be contained within the confines of that structure.

Councilwoman Fuller stated this is a very difficult issue for her as she considers herself a big neighborhood advocate and someone who wants to see businesses prosper in the downtown area. However, it is her understanding that it may be very difficult legally to abolish all home occupations. If that is in fact the case, then the next best thing is for council to restrict them in such a way as they will not be a burden on the neighborhood. This new ordinance, as it is written now, is much more restrictive than the ordinance the Town was dealing with before. She feels if this new ordinance is adhered to, most neighborhoods would not feel a burden from this and there would be no infringement on the beauty of the neighborhood. This is why she feels she has to support the proposed changes.

Councilman Whitfield thanked all the residents who came to the Public Hearing and presented their opinions. He pointed out that their opinions do matter and will be taken into consideration. He also thanked the Planning Commission for the hours spent on this. Councilman Whitfield stated he feels his voting record speaks for itself. In the last years he has been very restrictive in voting to protect our neighborhoods. He has listened to both sides of this issue. The proposed ordinance changes are so restrictive and inclusive that he cannot imagine a problem resulting. However, if it does, the residents can be assured that, as a 1/7 vote on council, he will listen to their concerns and act immediately on them. He stated he will vote to accept the Planning Commission's recommendation.

Councilman Snow stated he agrees with the statements made by Councilwoman Fuller and Councilman Whitfield. He feels all of the council is trying to look out for neighborhoods and each person's rights as citizens. Everyone deserves to do whatever they want to do in their homes as long as it doesn't interfere with people living next door to them. If it does interfere with the person living next door, then it is that person's responsibility to bring it to someones attention.

Councilman Printz thanked all the people involved in this. The restrictions, in a sense in his mind, are somewhat saying no and at the same time saying yes. He questions how this is going to be enforced.

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

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

NAYS: W. E. Printz

Councilwoman M. B. Fuller moved, seconded by Councilman F. A. Bennett and carried that council remove from the table Mr. Stover's request for a special exception for a Home Occupation permit.

Councilwoman Fuller reported on a letter which was sent to Mr. Bill Veno, Rockingham County Planning Department, from the Elkton Planning Commission. The County had asked for comments regarding rezoning requests from Daniel Brubaker, Chris Lawson III and Golden Valley Dairy. The Planning Commission voted 4-0 in favor of recommending Mr. Lawson's request to rezone property from A-1 Agriculture to B-2 Business. The commission felt that, based on the historical use of this property as a gas station and grocery store, the proposed use would be in keeping with the nature of the neighborhood.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III and carried that council accept the Planning Commission's recommendation and inform Rockingham County that council is in favor of rezoning this property from A-1 Agriculture to B-2 Business.

Councilwoman Fuller reported on the Planning Commission's recommendation regarding the request by Daniel Brubaker to rezone a 42 acre tract on Route 33 from A-2 Agriculture to B-1 Business. The Planning Commission voted 4-0 to recommend against this rezoning. The reasons were that there is a lack of public utilities, they questioned whether there is a need for additional B-1 zoning along Route 33 with the current excess inventory of commercial space available in the downtown area and the two strip shopping malls located in the Elkton area and that it would be inconsistent with the County's comprehensive plan.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz that the Town Council recommend to Rockingham County that they do not approve Mr. Brubaker's rezoning request.

Councilman Bennett stated he has some reservations and would like to talk with our representative on the Board of Supervisors about this before making a decision. He also feels that if the Town is looking in that direction as to annexation, it might be advantageous to the Town to pursue the rezoning rather than rejecting it. We might get the needed support of them supplying the lines necessary in that direction and thereby save the Town some money if we annexed and need to provide services to that area.

Councilwoman Fuller felt we could be encouraging strip development if we supported the rezoning now. She pointed out that if we eventually annexed in that area we could look at rezoning at that time.

Councilman Snow questioned what impact our vote here will have, if any.

A voice vote was taken on the motion and it carried.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz that the Town Council approve the special exception request for a Home Occupation permit submitted by Mr. Stover.

Mayor Dean noted that Mr. Stover will need to get the recommendation of the Elkton Fire Department stating it is safe to use the structure for this purpose. Mr. Stover stated he had talked with the Fire Department and they did not know there was any such thing required but they would be glad to come by and take a look at the building.

Councilman Whitfield asked Mr. Stover if he understands all the restrictions and if he is willing to abide by them as outlined. Mr. Stover answered in the affirmative.

The vote was taken and recorded as follows:

YEAS: F. A. Bennett, M. B. Fuller, W. E. Printz,
R. L. Snow and T. R. Whitfield III

Councilman Whitfield congratulated Mrs. Norma Leap on her election as President of the Virginia Municipal Clerks Association. He feels this is a great high profile position and Mrs. Leap has worked very hard to obtain this honor. Mrs. Leap gave a brief outline of the purpose of the VMCA. One of the main objectives of this organization is to further the educational opportunities of the municipal clerks in the Commonwealth so they will be better prepared to serve their communities in their appointed positions.

Mr. Davenport reported he will be sending to council and members of the Planning Commission a suggested draft that he and Mr. Monger are working on to clean up some problems in the Planned Business zone.

A Public Hearing on the 1994-1995 Budgets was set for June 7, 1994 at 7:30 p.m.

Councilman Printz brought up the fact that the police department needs their air conditioners repaired or replaced. Mr. Monger reported that they are already working on this.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried that the Town Council rename the existing one block of Heard Street to Warren Avenue. If Warren is not currently an avenue, it be changed to avenue.

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