REGULAR
COUNCIL MEETING
December 19, 1994

The Elkton Town Council met at 7:00 p.m. on December 19, 1994 in the council chambers with the Mayor Charles E. Dean presiding. Council members present were F. A. Bennett, D. H. Dail, M. B. Fuller and R. L. Snow. Ted Costin, Manager, Norma Leap, Clerk, Gerald Monger, Superintendent, Warren Pence, Chief of Police and Joseph Shifflett, Director of Public Works were also present.

Mayor Dean welcomed Delegate Peter Way to the meeting. Delegate Way gave a report on the upcoming General Assembly Session. He feels the major items of concern will be education, welfare reform, riverboat gambling and BPOL tax. He reported that he will be writing a letter on the town's behalf regarding the ISTEA Grant and would keep an eye on the erosion project. He will be back after the session to give a report.

Councilwoman Fuller asked about the BPOL tax. Delegate Way stated plans are to phase this out over a five year period. The State will reimburse the localities for the BPOL revenues lost for this five year period but after that the localities will have to come up with some other source of revenues to replace the BPOL revenues.

Councilman Snow asked Delegate Way if he knows of any plans for an early retirement incentive. Delegate Way stated he has heard some talk but nothing official.

The regular meeting of the Elkton Town Council was called to order by Mayor Dean. The following council members were present:

PRESENT

F. A. Bennett
D. H. Dail
M. B. Fuller
R. L. Snow
T. R. Whitfield III

W. E. Printz (came in later in the meeting)

Ted Costin, Town Manager, Dale Davenport, Attorney, Norma R. Leap, Clerk, Gerald Monger, Superintendent, Theodore Pence, Director of Parks & Recreation, Warren Pence, Chief of Police and Joseph Shifflett, Director of Public Works were also present.

Rebecca Tate, representing EAUS, was present and gave a brief summary of the written report which they had presented on the budget and services provided by EAUS. She reported that since they have been asked by the town to vacate the old jail property they have made temporary arrangements to rent the building vacated by the Valley Banner. They have the opportunity to purchase the old Frozen Foods building on Gibbons Avenue at a cost of $58,000. She thanked the town for their past support. EAUS plans to initiate a formal fund drive shortly after Christmas. These funds will be used to purchase the new building. They are requesting that the Town of Elkton give a one time gift of $10,000.00, which would be in addition to the funds annually budgeted for EAUS, to go toward the purchase of the building.

Mayor Dean stated this would be referred to the Finance Committee for a recommendation.

Mr. Costin pointed out that the report regarding the Town of Elkton's contributions to EAUS was prepared by he and Mrs. Leap.

Councilman Snow asked what would happen to the buildings owned by EAUS if they would go bankrupt or cease to be in existence?

Ms. Tate and Mr. Welty Hensley stated that presently they would revert to the Salvation Army but plans are being made to make the necessary changes so the buildings would revert to the Town of Elkton.

MINUTES

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III and carried to approve the minutes of the Public Hearing November 7, 1994 as presented, the Special Meeting November 7, 1994 as presented and the Regular Meeting November 21, 1994 as corrected on Page 4, seventh paragraph from the bottom of the page, to add after Councilman Bennett the words "moved, seconded by Councilman Snow".

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence presented the monthly police report and answered questions. He reported that Sergeant Marshall and Dispatcher Richard Carey attended a meeting in Richmond on procedures for applying for grants.

Director of Public Works

Joseph Shifflett stated he had no other matters of business other than his written report.

Director of Parks & Recreation

Theodore Pence stated he had no other matters of business other than his written report. He did give a brief report on the winter basketball program.

Councilwoman Fuller asked if there are any plans for any programs for the senior citizens other than bridge. Mr. Pence reported that there is ping pong on Tuesday and they hope to start a volley ball program after the first of the year.

Mayor Dean asked Mr. Pence to check into cheaper tickets or passes for skiing.

Superintendent

Mr. Monger presented his written report. He also reported that the town needs to sign an agreement with VDOT on the water line within the town limits on the Route 759 Project. The estimated cost of the in town lines is $65,981.26. The town's share would be 58.5% which comes to $38,599.04

Treasurer

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the Finance Report for the month of November 1994.

TOWN MANAGER'S REPORT

Ted Costin called council's attention to the COPS FAST Grant. The funding is not 100% for each year but rather 75% of the total projected salary over three years. Assuming a 5% increase over the starting salary after year one and year two, after year three the town would have received enough money to pay 100% of the salary in years one and two as well as 28.5% of year three. The town has the option to spread the federal share in any combination and is not obligated to continue the position after year three.

Mr. Costin reported that bids had been solicited on an improved telephone system and three were received. All of the Department Heads reviewed the bids and it was the general consensus to go with GTE. Mr. Costin stated in his report that after applying the purchasing policy guidelines the best, and lowest, bid of $3,540.37 from GTE is recommended and he is requesting council's approval to proceed with this project.

Councilman Bennett asked about alarm systems at the sewer plant, etc. Mr. Costin stated this would be more costly but he could check on it. He also stated that it is his understanding that the GTE System could be expanded to handle an alarm system.

COMMITTEE REPORTS

Electric Committee

Councilman Dail stated he had nothing to report at this time.

Councilman Printz reported that he has been asked to bring up an issue which he has brought up before and that is deposits. Councilman Dail stated the committee could look at this as a separate issue.

Finance Committee

Councilman Snow reported that he would like to have a Finance Committee meeting after the council meeting tonight.

Personnel Committee

Councilwoman Fuller reported that the Personnel Committee has had two meetings. They are working on revising the Town of Elkton Employee's Handbook to include the position of Town Manager. In addition to the part the committee has to do, there is some legal language that needs to be added. Mr. Davenport will be reviewing this. The Personnel Committee will meet after the council meeting tonight.

Public Health, Public Safety & Ordinances Committee

Mayor Dean reported that the committee met. One of the items discussed was yard sales and a proposed yard sale ordinance is included in each council member's packet. Mayor Dean pointed out that Councilman Bennett was unable to attend the committee meeting but he feels that the town should allow three yard sales instead of two. The committee decided to leave it at two.

Streets & Sidewalks Committee

Councilman Printz stated he had nothing to report but asked Mr. Monger where we stand on the Spotswood Avenue Project. Mr. Monger reported that all has been done until they can do some blacktop work.

OLD BUSINESS

Mr. Costin presented the hearing rules which he had given council. He feels these procedures would make the hearings go quicker and he recommended the adoption of these procedures.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III to adopt the Procedures For The Conduct of Public Hearings.

Councilman Bennett felt council needed the latitude to change when needed and if these procedures are adopted you would have to wait until another meeting to change them.

Councilman Bennett and Councilman Snow suggested council agree to using these procedures without a formal adoption.

Mr. Davenport suggested that council could add that council may from time to time amend, by resolution, the rules, etc.

A vote was taken on the motion, including the wording "by resolution" and carried 4-2.

Mayor Dean reported that the Public Health, Public Safety and Ordinances Committee recommends going ahead with the COPS FAST Grant application. It will cost the town about $12,000.00 over the three year period.

Councilman Snow stated he would prefer doing something additional for the people we have rather than hire someone new and then have to let them go at the end of three years. Councilman Printz stated he agrees with Councilman Snow that we need to get our other employees up to standards.

Councilwoman Fuller asked if the Chief and his department feel there is a need for another officer and Mayor Dean stated they did.

Chief Pence stated there is a need for an additional officer and that the town also needs to address upgrading the other people as a separate issue.

Councilwoman M. B. Fuller moved, seconded by Councilman F. A. Bennett and carried to give the Town Manager permission to turn the COPS FAST Grant application in on behalf of the Town of Elkton.

Councilman Snow stated the request by EAUS will be considered in the Finance Committee meeting after the council meeting.

Mr. Costin recommended that Mr. Gerald Monger continue as the town's representative to VMEA #1.

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller and carried to reappoint Mr. Gerald Monger as the town's representative to the VMEA #1 Board.

Councilman Dail reported that there was a Public Hearing on the Flory rezoning request and the Planning Commission recommends rezoning Lots 1-3, Block 2½, Section 3 of Map 131B1 otherwise known as 126 Terrace Avenue in Elkton, Virginia from R-5 to B-1 to correct a map error.

Councilman D. H. Dail moved, seconded by Councilwoman M. B. Fuller and carried to accept the Planning Commission's recommendation to rezone the Flory property.

Councilman Dail read a proposed amendment to Sec. 4-4-27(b) regarding town policy on discontinuing electric service by reason of nonpayment of a bill. The new ordinance would give ten working days from the mailing of a second bill.

Councilman Dail stated he recommends this amendment to bring the town's policy on discontinuing services to be somewhat more in line with the policies of other electricity providers. HEC, Shenandoah Valley Electric and Virginia Power are somewhat more lenient than the town's policy and will continue to be even with this proposed ordinance.

Councilman W. E. Printz moved, seconded by Councilman D. H. Dail to approve amending Sec. 4-4-27(b) as presented.

Councilwoman Fuller asked Mrs. Leap her opinion on the proposed change.

Mrs. Leap stated she would be opposed to the change. The town has tried to restrict the policy in the past because the town was losing money. We are losing less money now than in the past due to restricting the payment time and increasing the deposits. With our present policy a customer has used two and one half months of utilities before a cutoff is done. With electric heat this can be a large bill which probably would not be covered by the deposit if the customer moved out.

Councilman Dail stated that one of the intents of this change is, that although people are given more time to pay, they are expected to pay their bills. The policy in the past has been more restrictive on paper, but has in fact, since the town has made numerous exceptions to the policy, hurt the town by doing this. He feels this is an opportunity for the town to be more consistent with our policy and it will bring us more in line with other electric providers. Councilman Dail stated that this suggestion came about due to Mr. Costin bringing it to his attention that people are trying to get exceptions to our current policy. In rethinking the policy, and how the town can strengthen their hand in dealing with these people, they felt perhaps by lengthing the time somewhat before, but at the same time making it clear there will no longer be exceptions to the policy, would be a better solution. They feel the town would lose less revenues this way.

Mayor Dean asked if council is still in agreement with no exceptions. No one spoke against the no exception policy.

Councilman Snow stated he doesn't feel extending the time is going to help any. All it will do is postpone the calls five more days. He feels we should follow the policy we have, as we can be consistent with this policy also. Councilman Bennett stated he agrees with Councilman Snow.

Councilwoman Fuller stated she agrees with Councilmen Bennett and Snow. She would like to leave it at five days but would like to amend the ordinance to include five working days.

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

YEAS: D. H. Dail, W. E. Printz and T. R. Whitfield III

NAYS: F. A. Bennett, M. B. Fuller and R. L. Snow

Mayor Dean voted NAY to break the tie.

Councilwoman M. B. Fuller moved, seconded by Councilman R. L. Snow and carried to change the existing ordinance to read five working days rather than five days. This will be the First Reading.

Mr. Costin asked if it is his clear understanding that council's policy is, if a bill is past due, there are no extensions. Council indicated that this is the policy.

Councilwoman Fuller suggested there be some sort of handout to go out with the cutoff notices listing the area services that provide help with utility bills. Mrs. Leap stated she will see if this can be programmed into the computer.

Councilman T. R. Whitfield III moved, seconded by Councilman R. L. Snow to adopt the following ordinance amending Title 7, Chapter 1, Article B of the Code of the Town of Elkton, Virginia by adding a new section regulating yard sales:

AN ORDINANCE AMENDING TITLE 7, CHAPTER 1, ARTICLE B OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BY ADDING A NEW SECTION REGULATING YARD SALES.

Sec. 7-1-41 Yard Sales

(a) Definitions. For the purpose of this section, the following words shall have the meanings ascribed to them by this section.

(1) "Yard Sale" shall mean a sale conducted at the primary personal residence of the vendor (s) or, in the case of civic organizations, the yard sale location for the organization, of personal property which has been used generally in the household of the vendor (s) and has not been acquired for resale. The term shall include, but not necessarily limited to, garage sale, attic sale, moving sale, porch sale, and lawn sale.

(2) "Vendor" shall mean the person or persons conducting the yard sale. Except for civic organizations, which may receive donated sale items from any number of persons, no more than four persons shall combine personal property for the conduct of a yard sale.

(b) No more than two (2) yard sales shall be conducted at any location during a calendar year.

(c) No yard sale shall exceed a forty eight (48) hour consecutive period.

(d) No sign shall be posted advertising such sales except that one (1) sign may be posted at the yard sale location, but no sooner than forty eight (48) hours preceding the sale and no later than the close of the sale.

(e) Any person conducting a yard sale who violates the provisions of this section shall, upon conviction, be fined not less than fifty dollars ($50.00), and not more than one hundred dollars ($100.00) for each day a violation occurs.

Councilman Bennett stated he feels extending this to three yard sales would not be asking too much. The other concern is the section referring to signs. The town has already adopted a sign ordinance and he feels this section should be deleted.

Mayor Dean stated that this would be a First Reading and no vote is necessary.

Mr. Costin reported that the dollar amount on the GTE Telephone System is $3,540.37.

Councilman W. E. Printz moved, seconded by Councilwoman M. B. Fuller to accept the telephone system recommendation from the Town Manager to go with GTE at a cost of $3,540.37. The vote was taken and recorded as follows:

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

Councilman Bennett reported that Sensus has agreed to let the town have the touch and read water system, equipment, etc. now rather than wait until fiscal year 1995-96. We would not have to pay anything until July 1, 1995. The cost to put this system into operation will probably be about $10,000.00 from Sensus and about $2,000.00 to do the programming. Councilman Bennett pointed out that we have already obligated ourselves to this system. This will allow the town to go ahead now without payment until the 1995-96 Budget. Council was in agreement to go ahead with this.

Councilman Bennett stated that he noticed in the packet that there was a Public Hearing and Special Meeting on November 7, 1994. In consideration of those meetings, it appears to him that there was not a quorum present. He feels council would be setting a bad precedent if they have a meeting without a quorum.

Council decided to take action again on the motion taken at the Special Meeting on November 7, 1994.

Councilwoman M. B. Fuller moved, seconded by Councilman W. E. Printz and carried that council approve the request by Richard E. Rodgers for a special exception permit for a mini-storage building on Lot 2, Section 1, of the Shen-Mar Subdivision located on Shenandoah Avenue.

Councilman T. R. Whitfield III moved, seconded by Councilman W. E. Printz that the town council accept the agreement between the Town of Elkton and the VDOT which pertains to the Furnace Road Project. After some discussion, a vote was taken on the motion and carried 5-1.

Mayor Dean reported that there will be a Public Hearing January 16, 1995 at 7:00 p.m. to meet the application deadline on the ISTEA Grant.

Mayor Dean reported that the Public Safety Committee has met and discussed the Wirt Avenue problem. The gentleman from Wirt Avenue was there and presented his concerns and complaints. Some suggestions presented were a dead end on Wirt or perhaps restricting the traffic pattern in some manner. The committee will be discussing this again at the next Public Safety meeting and will probably come back with a recommendation in January. Mayor Dean requested that if any council member or citizen has any comments to give them to the committee.

Councilman Printz stated he feels council needs to be very careful when they consider restricting the traffic flow in a business district. All the small businesses in town need all the help they can get. He hopes they will consider the efforts put forth by the Elkton Car Wash. He feels if the town restricts his business anymore, there will no longer be an Elkton Car Wash.

Councilwoman Fuller reported on a letter she, as Chair of the Personnel Committee, received from Dispatcher Richard Carey congratulating and thanking Mark Hensley and Joseph Shifflett for a job well done on Thanksgiving Day due to an emergency at the Weyrick property.

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