REGULAR
COUNCIL MEETING
September 19, 1994

The Regular Meeting of the Elkton Town Council was held Monday, September 19, 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
D. H. Dail
W. E. Printz
R. L. Snow
T. R. Whitfield III

ABSENT

M. B. Fuller

Dale Davenport, Attorney, Ted Costin, Town Manager, Gerald Monger, Superintendent, Betty H. Engle, Assistant Clerk and Robert Marshall, Police Sergeant were also present.

VISITORS

Steve Menking, 423 Wirt Avenue, addressed the cruising problem in that area. He is very concerned about the speeding, loud music and people loitering at the car wash in the early morning hours. He stated he has two small children, another on the way, and he and his family are awakened by the loud music. He noted that on one occasion he counted 150 vehicles in one hour passing in front of his home. Mr. Menking asked council to please look into this situation and try to find a solution. He pointed out that maybe the police feel they are doing all they can, but he feels there could be more done.

Mel Kirkendall, 816 Fourth Street, spoke regarding the cruising. He expressed the same concerns as Mr. Menking and added that littering is also a problem. He feels the police department does what they can, but suggested that if they were out more, even if they were in the car monitoring traffic, if would help the situation. He stated that this is a pet peeve of his. He suggested that perhaps the police need a sense of direction and feels that the tax payers have good ideas that could be put to good use. He is of the opinion that most of the cruisers are from other areas, and if that is the case, are not paying taxes but are using the town facilities. He stated that as a tax payer he is having to pay for any damages that occur. Mr. Kirkendall asked that council take this as a positive statement that says we can all work together.

Bill Hitt, 325 W. Spring Avenue, spoke regarding the request to rezone Wasington Avenue in the area where he lives from Residential to B-3. He pointed out that there has been a very good joint Public Hearing with Council
and the Planning Commission at which time a lot of good points were brought out and people expressed their feelings about the zoning change. The residents in his area thought they had a pretty good thing going. Mr. Hitt commented on the article in the Valley Banner which indicated there was some kind of problem on the vote that was taken. Mr. Hitt stated he thought the vote was legitimate. The Valley Banner also stated that the B-3 zoning was tailor-made for this area. Mr. Hitt felt that if the zoning was changed to B-3 it would be more of a problem than it is now. Every time the business changed hands, or the type of business, it would have to be brought back to council and go through this long drawn out procedure each time. He asked that as council members and residents of Elkton, council do the residents in the Washington Avenue area justice as they are the ones who have to live in the area, and they will abide by the council's decision.

Gene Kite spoke opposing the rezoning on Washington Avenue. He had heard that council might table this tonight and asked council to reconsider, as he could not always be available to attend the council meeting. He is very concerned about the type of business that might come into the area and the traffic that certain businesses would generate. He noted that a business that might have storage on the outside of the building and have an undesirable appearance would devalue the surrounding properties. He stated that there are children playing and people walking in this area.

Mr. Jim Spart, builder of the town houses on Wirt Avenue, also spoke stating that he had plans to continue on with the building on Wirt Avenue. He is concerned that across this country our communities are losing control. People are entitled to live in peace and tranquility. He feels the town is sending out a message and questions what that message is. Is the town telling people that Elkton is a good place to buy and raise their families or that they should move on?

Councilman Printz moved, seconded by Councilman Dail and carried to approve the minutes of the Regular Meeting of August 15, 1994 and Special Meeting of August 29, 1994 as presented.

Sergeant Marshall reported that the Police Department had won two awards, one was a second place in a division of the State Police where they hand out bumper stickers, give out pencils, pens and also put something in the Valley Banner encouraging people to turn in anyone stealing cars or parts to make money. They also received a certificate in reference to making people aware of and enforcing the child safety seat and the seat belt law. For this they received a $2,000.00 grant which has to be used by February 1995.

Mr. Monger reported that the house which was on the cemetery property has been torn down and the electric lines are being constructed. He also
reported that the equipment should move in Thursday for the Spotswood Avenue project to help correct the water problem in that area.

Councilman Snow moved, seconded by Councilman Bennett and carried to approve the Finance Reports for the months of July and August 1994.

There was a discussion on the rezoning of property on Washington Avenue by Councilman Dail and Councilman Printz giving their reasons for voting against the rezoning. Some of the reasons were setting a precedent which would reverse the 1989 comprehensive rezoning of the town, contrary to the comprehensive plan. The availability of uses through the special exception process and the character of the area being single family residential were cited.

Councilman Bennett concurred with concerns expressed regarding compliance with the comprehensive plan and effects on the surrounding residential properties and their occupancy.

Ted Costin reported that the attorney for the present owners of the property contacted him regarding a deferral on the decision tonight. He was informed that Mr. Costin would bring it to the council's attention but he could not guarantee that a vote would not be taken. The attorney did not state any reason for not being at the meeting tonight.

Councilman Dail stated that since there had been a great deal of discussion, with the Public Hearing and the Planning Commission, that he did not think the council should defer the decision without a substantive reason to do so, and since a reason has not been presented, he felt the council should proceed with the vote tonight. He feels he does not see any changes in the next month that would make any difference. If he did he would support deferring action, but that is not the case.

Councilman Snow stated that council had received a letter asking that council not act tonight. If council does not act tonight the present R-4 zoning continues. He asked why not grant the deferral request and bring the matter back before council.

Councilman Dail moved, seconded by Councilman Printz to accept the Planning Commission's recommendation and to reject the rezoning application. The vote was recorded as follows:

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

ABSTAIN: R. L. Snow

In explaining his vote Councilman Whitfield noted the area was totally residential, the property was bought by the present owner after it had been zoned residential as part of the town's 1989 comprehensive rezoning, that the 1989 rezoning action was legal and that to alter the zoning of this property would set a dangerous precedent for the future, and further that the Planning Commission had carefully analyzed the property, and he had a lot of respect in their decision.

Councilman Snow reported on a letter he received from the Rockingham Recreation thanking the Elkton Recreation for the use of the town facilities and for the cooperation and assistance from Theodore Pence in the county's summer program.

Councilman Printz reported on putting a crosswalk at the triangle section downtown. This has to come from the state. He also reported on the handicapped spaces that need to be made available.

Councilman Whitfield moved, seconded by Councilman Dail to approve on Second Reading the following standing committees:

Committee on Finance
Committee on Streets & Sidewalks
Committee on Public Health, Public Safety and Ordinances
Committee on Electric Power
Committee on Water and Sewer
Committee on Personnel

Councilman Printz questioned whether council had to decide which council members would serve on the committees tonight. He was told this did not need to be done tonight and is not part of the motion.

Councilman Snow asked Councilman Whitfield to explain to council what the difference is in the way the committees are presently structured and the way he wants them to be restructured. Councilman Whitfield explained that Recreation is a committee along with Public Health and Ordinances. Public Safety is a separate committee. The restructuring would combine Public Safety, Public Health and Ordinances and eliminate Recreation as a committee. This would allow Recreation to be a separate commission, very similar to the Cemetery Commission. He feels that since we already have a Recreation Commission we do not need to duplicate services.

Councilman Snow stated that his personal opinion was that Public Safety should be by itself. There is enough Health and Ordinances to occupy one committee without getting into Public Safety. He does not think council needs to fix something that isn't broken.

Councilman Printz stated he would like to see some continuity preserved within council in regard to the committees. He does want to see a change in one particular committee, but as far as the others he feels council could leave them alone.

Councilman Bennett felt that the magnitude of the Public Safety budget should constitute this being a stand alone committee but if it necessitates a change then the committee should be chaired by the Mayor. The Mayor's position is an elected one and normally he does not vote except in case of a tie. Hopefully this person would not be bias in his or her opinion and in that direction give leadership and guidance to the others that fall into that position.

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

YEAS: D. H. Dail and T. R. Whitfield III

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

Mayor Dean asked Councilman Printz if he was sure about the way he voted. The Mayor informed Councilman Printz that he did not vote according to what he was saying.

Councilman Printz stated he wanted to vote no not to realign the committees. He said he wanted to realign one segment but not all, and asked to review the restructuring.

Councilman Whitfield again explained the suggested restructuring and stated he feels this change would be in the best interest of the community as was pointed out earlier. He asked that council have a work session to discuss appointments to the committees and hopefully agree as to where council members would be best placed. He stated that he is not making any recommendations tonight on any appointments.

Councilman Printz stated that since they were not going to vote on the appointment of council members to the committees, just the restructuring, he would have to change his vote to yea.

Councilman Snow stated that once you vote, you have voted, and he did not think you could go back and change your vote. He also pointed out that the vote was not to restructure a committee.

After discussing the situation, it was decided that Councilman Printz could change his vote to yea since he misunderstood the motion.

Mayor Dean stated that he would like for everyone to consider, between now and the work session, doing away with the committees as we now have a Town Manager. He suggested appointing one person to interact with the Town Manager. He feels having one good work session per month is a good concept.

The Mayor and Council welcomed the new Town Manager, Ted Costin.

Councilman Printz brought to council's attention a complaint from Mr. Whit Berry of Morgan Avenue. Mr. Berry wants a tree cut near his property. After some discussion, council decided that this is a beautiful tree and should not be cut. Councilman Printz was asked to notify Mr. Berry of this decision.

Councilman Printz brought up the cruising and suggested that council, and the concerned parties, meet to try to solve this problem and bring the community together. Mayor Dean also felt it would be a good idea to get the two groups together to work something out.

Mr. Costin asked that an additional statement be added to the present road block form. It would state that the applicant had been provided with a copy of the rules, hereby acknowledge that they have read, understood and will comply with rules and include a place for the applicant's signature. This met with council's approval.

Councilman Printz asked where we stand on the financing of the gypsy moth problem and accomplishing the goals of getting enough money to spray the area.

Mrs. Caroline Brill reported that she has not received much money but the interest is there. She feels there would not be any trouble getting the signatures on the petition to spray, however, the sentiments are that it should be the town's responsibility. They feel the whole town should be sprayed, not just one area. Mrs. Brill asked council to give them a yes or no on the spraying.

Councilman Printz made a motion to spend up to $1,000.00 for gypsy moth spraying in Elkwood and with what was left to spray other affected areas. The motion died from lack of a second.

Mr. Bobby Gooden and Mrs. Katie Whitfield reported that in the area where they live there are also some trees that are infested with moths. Mr. Gooden stated that he has seen some areas where they go around in a truck and spray to combat insects and moths. He questioned if this could be a possible start and prevention.

Councilman Printz made a motion that they consider spraying the whole town with whatever amount it takes to do the job. The motion died from lack of a second.

The Regular Council Meeting scheduled for October 17, 1994 was changed to Monday, October 24, 1994 due to the VML Meeting.

It was announced that Elkton will host the Rockingham Municipal League Meeting on Wednesday, October 19, 1994 at 6:30 p.m. The location will be announced later. It was suggested that possibly Marsha Deavers, Project Manager of the Elkton Main Street Program, would speak.

Councilman Printz moved, seconded by Councilman Dail to go into Executive Session to discuss possible litigation. The vote was recorded as follows:

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

Councilman Whitfield made a motion and carried that council go from Executive Session back into Regular Session, and 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 discussed or considered. The vote was recorded as follows:

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

A work session was scheduled for October 10, 1994 at 5:00 p.m. to discuss committee appointments.

As there was no further business, the meeting adjourned.

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

RECORDER: Betty H. Engle
Betty H. Engle, Asst. Clerk