REGULAR
COUNCIL MEETING
April 18, 1994

The regular meeting of the Elkton Town Council was held Monday, April 18, 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
W. E. Printz
R. L. Snow
T. R. Whitfield III

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

Joyce Hoffman Lowe, Extension Librarian from Rockingham County, was present to request that council consider donating $500.00 again this year for books for the library.

Theodore Pence, Recreation Coordinator, distributed budget reports for the Recreation Department. He reported that the Recreation Department will be sponsoring a circus on May 12th at the Jr. Order Park. He requested the town to get the utility meter readings at the park before and after May 12th.

Mr. Sherman Stover asked council to go ahead at this meeting and vote on his request. He pointed out that most of his business would be done in his dwelling. Repairs would be done in the garage.

Marsha Deavers, Main Street Project Manager, was present to give the 1994 First Quarter Report.

Patty Knicely was present representing the Elkton Little League. Her husband is the President and was unable to be at the meeting. They are concerned about the necessity of having to beg for use of the Senior League Field. They have been having tournaments the past few years which include other communities but have been told not to have these any more as Elkton only wants town residents on their fields. They have been told by a Recreation Commission member that the town will be charging light usage for the Little League field. They asked that if this is done, all non-profit organizations be asked to do the same. They asked earlier this year for the town to replace some lights and this has not been done. Their season opens Saturday with 412 youngsters involved. The Little League is asking the town to work with them, and if not, they would like to know why.

Mr. Sherman Stover stated he would like to see the Planning Commission do something to the zoning ordinances to make them a little clearer and not have so many grey areas. He also pointed out that he didn't see what the big deal is as to whether the business is in a house or the garage.

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 Public Hearing March 21, 1994 and the Regular Meeting March 21, 1994 as presented.

Mr. Thomas Weyrick, Chairman of the Planning Commission, reported on a letter from the Rockingham County Planning Commission requesting input on a request to rezone land west of Elkton from M-2 industrial to A-1 agriculture. The Planning Commission considered this and recommended

that the town respond to the county stating they would like to see the zoning remain M-2 industrial. The reason behind this is the Planning Commission would like to see areas around Elkton that are available for light industry.

Mr. Weyrick also reported that the Planning Commission reconsidered their previous decision to approve Mr. Sherman Stover's home occupation request and voted to recommend not allowing this request.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence answered questions on the monthly police report.

Mayor Dean reported that he has received quite a few positive comments about the trash situation down at the Terrace Avenue corner. Chief Pence stated this problem was resolved by peer pressure.

Chief Pence reported that the new police car is in service but the old car has been sent back for repairs. This is the second time but it is still under manufacture's warranty.

Chief Pence stated he will need to speak with Mayor Dean and Mr. Davenport briefly at the end of the council meeting concerning an opinion on what can be declared a public nuisance. He also needs to speak with the members of the Public Safety Committee after the meeting.

Town Superintendent

Mr. Monger presented a written report to council and answered questions.

Mr. Monger reported that the council is invited to attend a History Program tomorrow night at 7:00 p.m. at the Elkton Elementary School.

Mr. Monger reported that the St. Jude Bike-a-thon would like permission to close Terrace Avenue, "B" Steet and Hill on Saturday, May 14th.

Mr. Monger reported that they just got the finished plans on the boat ramp today. They have got the site cleared and the timbers ordered.

Mayor Dean stated he has received a lot of positive comments on the cleaning up of rocky field.

Treasurer

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

COMMITTEE REPORTS

Electric Committee

Councilman Davis reported that work is continuing on the substation improvements. The control building is partially completed.

Finance Committee

Councilman Snow reported that there will be a Finance Committee meeting Tuesday, April 26th at 7:00 p.m.

Personnel Committee

Councilwoman Fuller stated she would like to have a brief Personnel Committee meeting at the end of the council meeting to determine the salary increases the Personnel Committee will recommend so that the Finance Committee can have this for their budget review. She also reported that, if Mayor Dean so desires, she would move to go into Executive Session to discuss the appointment of a town manager immediately prior to the end of this council meeting.

Public Health, Ordinances & Recreation Committee

Councilman Whitfield reported that on March 31st he met with Kathy Frazier, the architect working with the Main Street Program, who has prepared a design prospective for town hall. Council had some suggestions and variations they wanted included in the design. Ms. Frazier has these suggestions and should have the completed design in about three weeks.

Streets & Sidewalks Committee

Councilman Printz reported that the Streets & Sidewalks Committee had a meeting and toured the town. They discussed preparing a more specific priority list on what needs to be done. The highest priority set was East Spotswood Avenue. They came up with a plan to go on to the second section of the sewer project in that area for run off water. This project is estimated to cost approximately $84,000.

Mr. Monger also gave an estimate on lower Spotswood Avenue. The estimated cost is about $55,000.00. The committee will be looking into this at their next meeting.

Councilwoman Fuller asked what the status is on the request by the Third Graders to rename "B" Street.

Councilman Printz reported that he is sending a letter to them. He has talked with Mayor Dean and Mr. Monger regarding a Public Hearing. The hearing will be set for 7:00 p.m. before the next regular council meeting to discuss renaming "B" Street.

Councilwoman Fuller pointed out that the committee discussed renaming the remaining segment of Heard Avenue to Warren Avenue.

Mayor Dean stated this will also be included in the Public Hearing.

Councilwoman Fuller suggested letters be sent to the church and property owners on "B" Street prior to the Public Hearing to make them aware of what is going to be discussed.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Councilwoman Fuller reported that the Planning Commission initially unanimously approved Mr. Sherman Stover's request for a special use permit. They subsequently unanimously voted to change that recommendation based on additional information and reading the ordinances which seem to indicate that home occupation has to take place in the dwelling unit which is the primary place of residence.

Mr. Davenport gave a brief explanation regarding the inconsistency between the definition of Home Occupation in Section 302 and the main regulation itself in Section 705. The proper interpretation when you have

a situation where it is not exactly clear is to use the more restrictive definition. He pointed out that the inconsistency in the ordinance should be changed one way or the other. Mr. Davenport suggested that if council wants to approve this particular permit they should delay and change the ordinance before doing so.

Councilman Snow stated he is not opposed to people having some types of businesses in a garage or out building, but feels it should be kept inside if it is allowed, not in the yard.

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz to offer a reduced sewer rate for the months of May, June, July and August based on the April usage.

Councilwoman Fuller questioned why we don't just give this rate to everyone. Councilman Bennett stated the reason for doing this is to help the people who have gardens, flowers, etc. and need to water these during the summer months. Not everyone needs to use this service. He also stated he feels the people should make the effort to come in and sign up for the special rate.

Councilwoman Fuller asked the Town Treasurer for her opinion. Mrs. Leap stated that in the past several years the town has lost money on the sewer. New sewer rates were put into effect July 1, 1993 but they have not been in place long enough to realize what this is going to do for the budget. As Treasurer, she could not approve of something that could cause the town to lose more money.

Councilman Snow and Councilman Printz also spoke in favor of this for people who need to water their gardens, lawns, etc. It was felt this was a nice jester to offer the citizens.

Councilman Whitfield stated that if council would see fit to give some sort of rebate, he would like to see it as a blanket rebate to all citizens. He pointed out that he could see a rebate being given for vegetable gardens, but not for lawns and swimming pools which are luxury items. He feels the town should encourage conservation of our natural resources and does not see the logic in giving a rebate in an area where we are already losing money.

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

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

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

Mr. Davenport reported that if council wishes to change the zoning ordinance regarding home occupation, they could pass a resolution and it would then go to the Planning Commission for their review.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III that, based on the Town Attorney's recommendation this evening, council table this request from Mr. Stover until such time as the Planning Commission can send up a recommendation with respect to home occupations taking place in accessory buildings.

Councilman Printz stated he did not feel it was fair to tell Mr. Stover no when there are other people doing the same thing. Everyone should be treated alike.

Councilwoman Fuller pointed out that the people having home occupation businesses prior to 1989 are grandfathered.

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

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

NAYS: W. E. Printz

Councilwoman M. B. Fuller moved that council refer to the Elkton Planning Commission to review the definition of the Home Occupation permit and to ask them to expedite this in all due haste within time for the Elkton Town Council to consider and hold a Public Hearing by the regular meeting May 16, 1994. Councilwoman Fuller withdrew her motion.

Councilwoman M. B. Fuller moved, seconded by Councilman T. R. Whitfield III that the question of whether the Home Occupation ordinance should be amended to permit home occupation activity to occur in buildings other than the main dwelling, be referred to the Planning Commission for it's recommendation; to be considered in all due haste and brought for a Public Hearing and recommendation to council at it's May 16th meeting. The vote was recorded as follows:

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

Councilman Printz moved that council consider Mr. Stover's original request if he agrees to make the occupation in the home only.

Councilman Davis asked Mr. Stover if he would be willing to work out of his home only and Mr. Stover stated he would not be willing to do this.

Councilman Printz's motion died due to a lack of a second.

Councilwoman Fuller reported that there has been a request to the Rockingham County Planning Commission to rezone some property on the western side of the Shenandoah River to A-1 agriculture for use as a dairy farm. The property is presently zoned M-2 Industrial. The Elkton Planning Commission voted to recommend that the county not make that change primarily because should Elkton expand this is the only suitable low industrial zoned area on the periphery of the town.

Councilman R. C. Davis moved, seconded by Councilman T. R. Whitfield III to recommend to the Rockingham County Planning Commission that the property in question be left M-2 Industrial. The vote was recorded as follows:

YEAS: F. A. Bennett, R. C. Davis and T. R. Whitfield III

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

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

Councilman Whitfield recommended that at this time the Elkton Town Council verbally recognize Mrs. Blair Worden for her mammoth work on the Intramodal Surface Transportation Efficiency Act Grant.

Councilman T. R. Whitfield III moved, seconded by Councilman R. L. Snow to grant EDRC permission to utilize the veranda and front lawn of town hall to conduct a series of concerts sponsored by NationsBank.

Councilman Bennett stated he is not opposed to this but he feels the town needs to cover all bases. In case the town receives some large complaints or some unforeseen problem arises, the town needs to consider revisiting this after the first concert. Mayor Dean stated he also feels this should be done.

The vote was taken on the motion and the motion carried.

Councilman Printz stated he feels the town is going to have to make some decisions regarding putting signs up on telephone poles. One of our employees was somewhat embarrassed when trying to advertise for a town event. These poles and town property have been used numerous times in the past by others. He would like this to be sent to the proper committee to consider changing the rules to allow the posting of signs by permit only and with a term limit.

Mayor Dean stated this would need to be referred to the Planning Commission.

Mayor Dean commented on the concerns presented by Mrs. Knicely on behalf of the Elkton Little League. He stated that he has always been a big supporter of the Little League program in town and feels we should continue supporting them. The town needs to go by the same policy for everyone. He realizes there is a limit on the amount of finances available. He pointed out that council should be kept informed of any policy decision changes from how we have handled things in the past with Little League.

Councilman Snow stated he feels we have worked rather well together over the past couple of years. Some of Mrs. Knicely's concerns were based on some discussions at the Recreation Commission meeting, such as the use of lights at the Little League field. The concern was the increased use of lights for practice. In the past the lights were seldom used for practice. Now almost every night someone is out there practicing. There is a concern as to how much of the Recreation Department's budget should be used for practice. No one has a problem supporting the Little League with lights during the games. Councilman Snow invited the Little League to the next Recreation Commission meeting on Monday night to discuss these concerns.

Mayor Dean reported that the Rockingham County Municipal meeting will be held Wednesday night at 7:30 p.m. in Broadway.

Mr. Joe Shifflett reported that the bids on the library went out Friday.

Mayor Dean reported that he has talked with a resident on North Avenue who is concerned about some adjacent property. He has received a letter from his insurance company stating that if something couldn't be done in the town to clean up the adajacent property, his insurance would be cancelled. Mayor Dean told the resident that the town would look into this situation.

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