

## REGULAR COUNCIL MEETING MARCH 8, 2011

The Edinburg Town Council met in regular session on March 8, 2011. Mayor Harshman called the meeting to order at 7:30 p.m. All Council Members were present. Town Attorney, Kevin Black was also present. Visitors included: Town Police Chief, Michael Clem and Town Maintenance Supervisor, Ron Ross.

Mr. Harshman called the meeting to order and welcomed the visitors.

A motion was made by Councilman Beachy and seconded by Councilman Wood to approve the minutes of the February 8, 2011 meeting. Motion carried.

The Treasurer's report was reviewed. A motion was made by Councilman Beachy and seconded by Councilman Dellinger to approve the Treasurer's report and to pay all bills as presented. Motion carried.

The Water and Sewer Committee Chairman, Councilwoman Minnick called attention to Ron Ross's Maintenance Department report. Mr. Harshman reported that there was a sewer clog on Creekside Lane on February 20<sup>th</sup> that caused a manhole to overflow. The overflow got into Stony Creek which required the Town to file a Sewer Overflow Report with DEQ. Mr. Harshman reported that this was the first time the Town has ever had to deal with this requirement and that the Town was late in filing the report within the twenty four hour time period. Mr. Harshman reported that he followed up with the required five day letter and that DEQ was satisfied with the procedures the Town used to solve the problem. Mr. Harshman provided the maintenance department with copies of the twenty four hour report for any future incidents.

The Street Committee had no report. Mr. Harshman reported that there was what appeared to be a sinkhole developing on Saums Way at the exit out of the Farmers and Merchants Bank parking lot. Because of the high traffic in this area, Mr. Ross and Mr. Harshman decided that it needed to be investigated before it became a big problem. Mr. Harshman reported that the maintenance department found an old brick cistern in the hole that had been filled with rubble and that there appeared to be some wood that could have rotted and caused the settling. Mr. Harshman reported that stone has been compacted into the cistern and that the maintenance department will come back and replace the asphalt as soon as it is available.

The Ordinance Committee had no report.

The Personnel Committee had no report.

The Finance Committee had no report. Mr. Harshman reported he will be contacting the Finance Committee before the April council meeting with budget information.

Health & Safety Committee Chairman, Councilman Wood called attention to Chief Clem's report. Councilman Wood reported that the Police Department has given out courtesy reminders to residents that have not yet purchased decals and that the Police Department will start issuing tickets soon. Councilman Wood reminded everyone of the Neighborhood Watch meeting on Wednesday, March 30<sup>th</sup> at 7:00 p.m. The Fire Marshal will be the guest speaker at the meeting. Councilman Beachy added that Mr. Ferguson, the Fire Marshal will be talking about fire alarms, which he believes are still free if anyone is interested.

Mr. Harshman reported that the Line of Duty Act Program is being discussed at the State level and it is going to affect the Town in the near future. The Line of Duty Act was established by the General Assembly to provide death and continuing health insurance benefits to surviving dependents of public safety personnel killed in the line of duty. In the case of public safety personnel disability, the Line of Duty Act also provides continuing health insurance benefits for

public safety personnel and their dependents. The State can no longer afford it, so the localities will need to fund it. Mr. Harshman also reported that localities have the option to participate in the state administered program with a one-time irrevocable opt-in/out with the price starting at \$233.89 per eligible employee/volunteer in 2011-2012. The cost is expected to escalate rapidly to \$642.47 per eligible employee/volunteer in 2014-2015. Mr. Harshman reported that localities have until July 1, 2012 to decide to opt out of the State fund. Since VML is looking into establishing a Line of Duty Act Program, Mr. Harshman thinks the Town should probably wait until that is decided before doing anything. Mr. Harshman stated that he thinks VML will come in with a lower number. In the meantime, the Town needs to find out if the Edinburg Volunteer Fire Department will be included. The Town Council asked Mr. Black to look into this.

Councilman Beachy stated that on the surface, he really has a problem with covering the Volunteer Fire Department and that there is no way that the Town could afford it. Mr. Harshman stated that it may not affect the Town. The only Ordinance the Town has that pertains to the Volunteer Fire Department is an Ordinance in which the Town gives the Volunteer Fire Department the right to create By-laws to cover their organization. Councilman Hite asked if this is covered by an Ordinance, would the Town be able to change the Ordinance. Mr. Harshman stated that he was not sure, but asked Mr. Black to look into that as well. Councilman Wood asked if those that help direct traffic at the Ole Time Festival or officers from other Police Departments that help out the Town for any reason would fall into this category. Councilman Wood is afraid this will be a problem. Mr. Harshman stated that the Town will not have to pay out directly for death or disability, the Town would have to pay in for the insurance policy. Chief Clem stated that officers from other Police Departments would be covered under their own Police Department's policies and that both part-time and full-time police officers would be covered. Mr. Harshman stated that he hoped this will only pertain to the Town's Police Department.

The Property Committee had no report.

The Cemetery Committee had no report. Mr. Harshman reported that the Town has been approached about an Eagle Scout project at the cemetery. The project that is being proposed is to install concrete under the three benches around the angel monument; replace the wood on the benches and clean and paint them like the other benches in Town. Mr. Harshman reported that it was also suggested that some shrubbery could be planted at the monument corners as well as mulching with white stone in a circle around the area where the benches are. Council approved this project.

The Park Committee had no report.

The Insurance Committee had no report.

Mr. Harshman reported that all of the County Town Managers and County Administrator, Douglas Walker had another breakfast meeting on February 15<sup>th</sup>. Tourism and Marketing Director, Natalie Wills also attended the meeting and gave an overview of the impact on Shenandoah County from Tourism. A substantial amount of the Tourism and Marketing Budget comes from the Hotel Occupancy Tax that is collected from visitors staying in the area hotels. The County is hoping to get all of the towns participating again by giving at least a portion of what is collected in the towns to the County's marketing effort. Edinburg does not have a great amount of transient tax and as far as Mr. Harshman is aware, the Bed & Breakfasts pay the tax directly to the County. Mr. Harshman also reported that Rails to Trails was discussed briefly and he reminded everyone that this will be the topic presented at the next Town & County Dinner on Wednesday, April 6<sup>th</sup> at the Toms Brook Fire Hall at 6:00 p.m. Mr. Harshman asked Council to let Ms. Embrey know whether or not they will be attending the Dinner.

Mr. Harshman reported that he, the Town Treasurer, Ms. Heier and the Town Clerk, Ms. Embrey attended the February Travel Council meeting at Triplett Tech. This was the Travel Council's

annual meeting where volunteers are recognized, as well as other individuals that have assisted in the promotion of tourism during the past year. The annual meeting is usually held in December, but was postponed this year to allow for the hiring of the new Tourism and Marketing Director. Mr. Harshman reported that it is also an opportunity for the Culinary Arts students at Triplett to showcase what they have learned by preparing lunch. Regrettably, school closing for the winter weather did not allow them enough time to prepare the meal and we ended up having Shaffer's BBQ instead.

Mr. Harshman reported that he has contacted the NSVRC about assisting with the update of the Town's Comp Plan again, specifically to input the new census data and complete any needed updates to the Plan's maps. Mr. Harshman reported that as of April 1, 2010, the Town's population was 1,041. This is a 20% increase since the 2000 census.

Mr. Harshman also reported that he will be participating again this year in Mayors for Meals at the Senior Center on March 31<sup>st</sup>.

Mr. Harshman reported that work is still progressing on the Mill and that the Museum will be open this coming Saturday afternoon as part of a fund raising event the Edinburg Heritage Foundation is having. Mr. Harshman reported that plans are to also establish regular hours of operation sometime in the coming months for the Museum and the Visitor Center. Mr. Harshman also reported that in February, he met with a potential tenant for the restaurant in the Mill. As that portion of the building gets closer to completion, Mr. Harshman is working on rental rates and how to structure the lease for potential restaurant tenants.

Mr. Harshman reported that the ARB did not meet last month, but will be meeting on Monday, March 14<sup>th</sup> at 7:00 p.m.

Mr. Harshman reported that the Planning Commission met on February 15<sup>th</sup>, but will not meet again until the Town has received the census information.

The Zoning Administrator's report showed that four permits were issued:

1. Holtzman Oil Corp.  
403 N. Main Street  
Replace sign
2. Cynthia R. Pulis  
142 Kadies Lane  
Outbuilding
3. Frank Volpe  
204 N. Main Street  
Sign
4. James Bowers  
222 Kadies Lane  
Fence

The Town Attorney had no report.

Mr. Harshman reported that the Bank bought back the lots that were up for auction in Edinburg Square. The back taxes on these lots are \$21,321.85. Mr. Harshman also reported that the Town received verification from VDOT about the roads and sidewalks in Edinburg Square being accepted into their system.

Mr. Harshman reported that there will be no increase in the Town's Local Choice Health Benefits Program for fiscal year 2011-2012. Mr. Harshman asked Council to approve the renewal of the Key Advantage 500 Local Choice Health Benefits Program for fiscal year 2011-2012. A motion was made by Councilman Dellinger and seconded by Councilman Hite to approve the renewal of the Key Advantage 500 Local Choice Health Benefits Program for fiscal year 2011-2012.

Motion carried.

Mr. Harshman asked Town Clerk, Ms. Embrey to do the first reading of a proposed amendment to Chapter 160, Vehicles and Traffic, Article III, Town Licenses. Mr. Harshman stated that a Public Hearing will need to be held on this amendment before the next council meeting on Tuesday, April 12<sup>th</sup> at 7:15 p.m. Councilman Minnick referred to Section 160-19 (C) and asked how the fee of \$100-\$500 for a handicapped parking violation is decided. Chief Clem stated that it would end up in court and the Judge will decide. Mr. Harshman stated that the Town's Police Department usually gives \$10 parking tickets for this violation and if this fee is not paid in fourteen days, then it will go up to \$100. Chief Clem stated that the Town does not issue many of these. Councilman Beachy asked if it was legal to park in a handicapped space if the vehicle is from out of state. Chief Clem stated that yes, it was. Councilman Hite questioned about the same section, and asked if "Division of Motor Vehicles" should instead say "Virginia Division of Motor Vehicles". Mr. Harshman stated that no, it should not since this pertains to vehicles from any state.

Chief Clem stated that he wanted to add something to what he stated earlier. The Sheriff's Auxiliary is not paid, but are covered under the County Sheriff's Department's Line of Duty Act.

With no further business, a motion was made by Councilman Dellinger and seconded by Councilman Hite to adjourn the meeting. The meeting was adjourned at 8:08 p.m.