

REGULAR COUNCIL MEETING MAY 10, 2011

The Edinburg Town Council met in regular session on May 10, 2011. Mayor Harshman called the meeting to order at 7:30 p.m. All Council Members were present with the exception of Councilman Dellinger. Town Attorney, Kevin Black was also present. Visitors included: Town Police Chief, Michael Clem and Town Maintenance Supervisor, Ron Ross and Ms. Carmella Kirsch-Maggio, owner of Carmella's Café and her daughter.

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

Mr. Harshman stated that the second reading of the Amendment to Chapter 160, Vehicles and Traffic, Section 160-1, Adoption of State Law needed to be added to the agenda.

Councilman Hite stated that he had an addition to the April 12, 2011 minutes. Councilman Hite stated that on page one, paragraph three; he wanted to add that "Town Manager" should be changed to "Mayor" in the Town Audit for accuracy, openness in government and transparency, which he stated at the April 12, 2011 meeting. A motion was made by Councilman Beachy and seconded by Councilman Wood to approve the minutes of the April 12, 2011 meeting with the changes and to approve the minutes of the April 26, 2011 special meeting. Motion carried.

The Treasurer's report was reviewed. A motion was made by Councilman Beachy and seconded by Councilman Wood 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 and the EEMA report. Mr. Harshman provided Council with information about the Drought Response Plan from NSVRC and stated that if anyone thought there should be any changes, to let him know. Mr. Harshman reported that the WWTP permit renewal would have to be done by EEMA, which is not part of the Town's contract with them. Mr. Harshman stated that the permit renewal would be done on a time and materials basis and would not exceed \$2,000. A motion was made by Councilman Wood and seconded by Councilman Beachy to approve EEMA's quote to complete the WWTP permit renewal. Motion carried.

Councilman Wood asked Mr. Harshman if the Town of Woodstock could help the Town in an emergency drought situation. Mr. Harshman stated that this was discussed in 1997, but the Town could never come to terms with Woodstock, who has a much better capacity than Edinburg does. Councilman Beachy stated that the Town has had zero problems with supply. Mr. Harshman reported that Woodstock is being only proposed as an alternative source for the Drought Response Plan.

The Street Committee had no report. Mr. Harshman reported that VDOT will soon be surface treating the roads. Mr. Harshman also reported that it doesn't sound like the Railroad will be paving over the tracks on Stony Creek Boulevard. Mr. Harshman stated that re-opening Piccadilly Street where the railroad tracks are is not a VDOT decision and that it would require an act of Congress to create a second railroad crossing. Councilman Hite asked what surface treating was. Mr. Harshman stated that it was a slurry coat, like on a driveway. Mr. Ross stated that they would actually be using tar & chip. Councilwoman Minnick asked how close the railroad was to declaring abandonment. Mr. Harshman reported that he was not sure, but the railroad has to make that step and the Town does not have a say in it.

Carmella Kirsch-Maggio, owner of Carmella's Café reported that a lot of her customers are asking why there is a probationary period on having wine and beer on the deck in front of her café. Ms. Kirsch-Maggio asked the Council to reconsider her probationary period and to explain what the reasoning is behind it. She doesn't think it is fair to her or her customers. Mr. Harshman stated that it is something new to the Town and Council wanted to see what type of operation the café would prove to be. Councilman Beachy stated that his reasoning was that he didn't have any familiarity with that type of operation in Edinburg. Ms. Kirsch-Maggio stated that she was a mother of six and that there wouldn't be any raucous. Councilman Hite stated that he wanted to support Ms. Kirsch-Maggio and

her business and asked Ms. Kirsch-Maggio if she would consider limiting serving alcohol on the deck to no later than 10:00 p.m. Ms. Kirsch-Maggio stated that she has lots of customers that eat late and would like a drink with their meal. She also stated that her customers are low-keyed and feel like they are at home in a very relaxing atmosphere at the café. Councilman Hite stated that Carmella's Café is not in a strictly commercial area and that there are residents all around the restaurant and that makes Edinburg a little bit different from other towns. Ms. Kirsch-Maggio stated that she didn't think there will be an issue. Councilman Beachy asked Mr. Harshman what the mechanism would be to approve this if Council agrees. Mr. Harshman stated that he will do a letter to Ms. Kirsch-Maggio and she would submit it to the ABC for their approval. Attorney Black stated that if Council approves this, it could be conditional, and could be retracted if there are problems. Councilwoman Minnick asked Ms. Kirsch-Maggio if she had the same hours every day. Ms. Kirsch-Maggio stated that she is open later on Fridays and Saturdays and that she is planning to have six to eight tables outside. Councilman Wood stated that he thought the café should not allow alcohol an hour before closing and he moved to table this until the original deadline and then revisit it. There was no second. Councilwoman Minnick disagreed, and stated that the summer will be a big time for the café and that the Town should support its small businesses. Councilman Beachy concurred. Mr. Harshman made a motion to approve the release of the probationary period. There was no second. Councilman Beachy would like to approve the request conditionally, approval would be retracted if problems ensue or the Town gets complaints. Councilwoman Minnick asked what the condition of the retraction would be. She stated that it needs to be less nebulous to us and to her. Councilman Beachy stated that the Police Department should come to the Council if rowdiness occurs at the café and that he would be comfortable with a response back from the Chief. Chief Clem stated that he had no objection to this on a trial basis and that he and the Police Department would be monitoring the café. A motion was made by Councilman Beachy and seconded by Councilwoman Wymer to approve releasing the probationary period to allow customers to be served alcohol on the deck at Carmella's Café. Motion carried. Recorded vote as follows: Hite-nay, Dellinger-absent, Beachy-aye, Wymer-aye, Minnick-aye, Wood-nay, Harshman-aye. Mr. Harshman will write a letter to Ms. Kirsch-Maggio.

The Ordinance Committee had no report. Mr. Harshman stated that he has received a lot of complaints about roosters in Town and that there is currently nothing in the Town Ordinance about roosters. Mr. Harshman stated that he thought that the Town should just outlaw roosters. Mr. Harshman asked Council if they would like him to work on this. Councilman Beachy stated that he thought that this should be looked into.

The Personnel Committee had no report.

The Finance Committee had no report.

Health & Safety Committee Chairman, Councilman Wood called attention to Chief Clem's report.

The Property Committee had no report. Mr. Harshman reported that the boiler at the Town Office was inspected and that there were no problems.

The Cemetery Committee had no report. Mr. Harshman reported that the Eagle Scout project at the cemetery has been completed. Councilman Hite reported that a grandmother of the Scout working on the project thanked the Town for allowing her grandson to do this project.

Park Committee Chairman, Councilman Wood called attention to Ron Ross's report. Councilman Wood reported that there has been lots of mowing going on and lots of activity at the park and that the pool will be open later this month.

The Insurance Committee had no report. Mr. Harshman reported that the VML insurance renewal amounts are almost identical to last year. Mr. Harshman questioned a few things in the worker's comp section and is having Town Treasurer, Michelle Heier check on them.

Mr. Harshman stated that he needs Council's approval for him to sign the VML insurance renewal. A motion was made by Councilman Beachy and seconded by Councilman Hite to approve Mr. Harshman's signing of the VML insurance renewal. Motion carried.

Mr. Harshman reported that he met with County Administrator, Doug Walker and the Town Managers from Woodstock and Mount Jackson on April 19th for their monthly meeting. The group discussed the presentation at the Town and County Dinner on Rails to Trails along with continuing dialogue on ways the Towns and County might assist each other.

Mr. Harshman reported that he attended the April Travel Council meeting. Mr. Harshman reported that the group had an update on the FY 2012 Marketing Plan and new advertising opportunities. The group also got a report of website visits and leads for the first quarter of 2011. From the interest level displayed so far, the Civil War is going to be a real tourist draw for the next few years. Mr. Harshman also reported that updates from the other Towns included a look at the Mort Kuntsler print of the Great Train Raid in Strasburg, a new event in Woodstock called "Autumn Fest" that will be held at the County Fairgrounds on October 22nd and a new Farmers Market in New Market that will be open from May 11 – October.

Mr. Harshman reported that the Chamber Mixer on May 4th at the Mill went well and about sixty people were in attendance.

Mr. Harshman also reported that John Paul Strain, a nationally recognized Civil War artist from Texas is going to do a painting of the Edinburg Mill, which should be completed before the Ole Time Festival this year.

Mr. Harshman also reported that Ms. Emily McGrail, Ms. Wheelchair Virginia 2011-2012 sent a letter of thanks to the Town for donating the Edinburg coins for her gift basket.

Mr. Harshman reported that he has heard from the NSVRC about assistance with the Town's Comp Plan update. The NSVRC is still waiting for the housing data from the 2010 Census. Mr. Harshman reported that the delay is actually working out since the NSVRC has a new Planner coming on board this month that will be the person working with the Town on the update.

Mr. Harshman also reported that the Town received a \$50 donation from the Edinburg Lion's Club.

Mr. Harshman reported that the ARB did not meet last month.

Mr. Harshman reported that the Planning Commission did not meet last month.

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

1. Heather A. Bowers
212 Center Street
Fence
2. Brittany Davis
217B Shenandoah Avenue
Storage shed
3. Mary Lou Thompson
303 Shenandoah Avenue
Replace existing exterior stairs & re-side building
4. Daryl Mumaw
400 Palmyra Road
Storage building

5. Mark G. Irvin
111 S. High Street
Siding
6. Mary Lou Thompson
300 Shenandoah Avenue
Siding

The Town Attorney had no report.

Mr. Harshman asked Council if just the title could be read for the second reading of a proposed amendment to Chapter 68, Article II, Water, Sewer and Trash Fees Section 68-3, Rates Established. A motion was made by Councilman Hite and seconded by Councilman Beachy to allow just the title to be read of a proposed amendment to Chapter 68, Article II, Water, Sewer and Trash Fees Section 68-3, Rates Established. Motion carried. Mr. Harshman asked Council to consider a proposed amendment to Chapter 68, Article II, Water, Sewer and Trash Fees Section 68-3, Rates Established. A motion was made by Councilman Beachy and seconded by Councilman Hite to adopt a proposed amendment to Chapter 68, Article II, Water, Sewer and Trash Fees Section 68-3, Rates Established. Motion carried. Recorded vote as follows: Hite-aye, Dellinger-absent, Beachy-aye, Wymer-aye, Minnick-aye, Wood-aye, Harshman-aye.

Mr. Harshman asked Council if just the title could be read for the second reading of a proposed amendment to Chapter 96, Licensing, Section 96-9, Amounts of fees and taxes, A (1). A motion was made by Councilman Wood and seconded by Councilman Beachy to allow just the title to be read of a proposed amendment to Chapter 96, Licensing, Section 96-9, Amounts of fees and taxes, A (1). Motion carried. Mr. Harshman asked Council to consider a proposed amendment to Chapter 96, Licensing, Section 96-9, Amounts of fees and taxes, A (1). A motion was made by Councilman Hite and seconded by Councilman Beachy to adopt a proposed amendment to Chapter 96, Licensing, Section 96-9, Amounts of fees and taxes, A (1). Motion carried. Recorded vote as follows: Hite-aye, Dellinger-absent, Beachy-aye, Wymer-aye, Minnick-aye, Wood-aye, Harshman-aye.

Mr. Harshman asked Council if just the title could be read for the second reading of a proposed amendment to Chapter 134, Solid Waste, Article I, Section 134-4, Service Fee, A. Residential Collection and C. Apartment and Townhouse Collection. A motion was made by Councilman Beachy and seconded by Councilman Wood to allow just the title to be read of a proposed amendment to Chapter 134, Solid Waste, Article I, Section 134-4, Service Fee, A. Residential Collection and C. Apartment and Townhouse Collection. Motion carried. Mr. Harshman asked Council to consider a proposed amendment to Chapter 134, Solid Waste, Article I, Section 134-4, Service Fee, A. Residential Collection and C. Apartment and Townhouse Collection. A motion was made by Councilman Beachy and seconded by Councilman Wood to adopt a proposed amendment to Chapter 134, Solid Waste, Article I, Section 134-4, Service Fee, A. Residential Collection and C. Apartment and Townhouse Collection. Motion carried. Recorded vote as follows: Hite-aye, Dellinger-absent, Beachy-aye, Wymer-aye, Minnick-aye, Wood-aye, Harshman-aye.

Mr. Harshman asked Council if just the title could be read for the second reading of a proposed amendment to Chapter 160, Vehicles and Traffic, Section 160-1, Adoption of State Law. A motion was made by Councilman Beachy and seconded by Councilman Wood to allow just the title to be read of a proposed amendment to Chapter 160, Vehicles and Traffic, Section 160-1, Adoption of State Law. Motion carried. Mr. Harshman asked Council to consider a proposed amendment to Chapter 160, Vehicles and Traffic, Section 160-1, Adoption of State Law. A motion was made by Councilman Beachy and seconded by Councilman Wood to adopt a proposed amendment to Chapter 160, Vehicles and Traffic, Section 160-1, Adoption of State Law. Motion carried. Recorded vote as follows: Hite-aye, Dellinger-absent, Beachy-aye, Wymer-aye, Minnick-aye, Wood-aye, Harshman-aye.

Mr. Harshman asked Council to consider an Amendment to the VML Member Agreement. A motion was made by Councilman Wood and seconded by Councilwoman Wymer to adopt an Amendment to the VML Member Agreement. Motion carried.

Mr. Harshman reported that he has received a proposal from VML to provide Line of Duty Act coverage. The VML amount for coverage is \$200 compared to the VRS coverage amount, which would be \$220. Mr. Harshman called attention to the state fund and how the funding for the new way of doing the Line of Duty Act Coverage is done with a loan that is to be paid back over five years. If a locality opts out, they are not required to pay back. Mr. Harshman stated that VML is very financially sound and that the Town knows up front how VML's pool works. Mr. Harshman reported that the County will cover the Volunteer Fire Departments and must provide an Ordinance to that effect. If the County stays with VRS, they can't change it. There is also no coverage for existing claims and Mr. Harshman reported that he does not know of any existing claims. Mr. Harshman stated that VML will not cover any pre-existing claims. Councilman Beachy stated that he wished that politicians would think about how people will pay for this and that \$200 for each member is not bad, but there is no guarantee about how much it will go up in the future. Mr. Harshman stated that he still has a lot of faith in VML trying to keep costs down and this is the second year in a row that VML's rates have not gone up and historically, the VRS goes up. Mr. Harshman stated that the Town can wait until next month after the County does their Ordinance to decide. A motion was made by Councilman Hite and seconded by Councilman Beachy to defer making a decision until the June Council Meeting. Motion carried.

Mr. Harshman reported that when the Town signed up for Otis Elevator to maintain the elevator at the Mill, they did not cover chair lifts, but they now do. Mr. Harshman reported that adding chair lift maintenance to the Otis Elevator Maintenance Contract would add \$195.60 to the Town's contract. A motion was made by Councilman Wood and seconded by Councilman Beachy to accept adding chair lift maintenance to the Otis Elevator Maintenance Contract. Motion carried.

Mr. Harshman also reported that there are two trees on the park property that are leaning toward Lorraine Zirkle's house at 313 Shenandoah Ave. It will cost \$600 to cut down these trees. Councilwoman Minnick asked if the maintenance department would be cutting up the wood after the trees were taken down. Maintenance Supervisor, Ron Ross stated that yes, they would be. A motion was made by Councilman Wood and seconded by Councilman Beachy to accept the \$600 contract to cut down the trees that are leaning toward Lorraine Zirkle's house. Motion carried.

Councilman Hite complimented the Mayor and everyone that has been "cheering" for the Town in the Reader's Digest "We Hear You America" contest. The Town needs to be in 7th place in order to win money. The contest ends on May 16th.

With no further business, a motion was made by Councilman Beachy and seconded by Councilman Hite to adjourn the meeting. The meeting was adjourned at 8:42 p.m.

Mayor

Clerk