Special
Council Meeting
December 22, 2003

A Special Meeting of the Elkton Town Council was held in the Council Chambers on December 22, 2003 with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
J. T. Dean
C. H. Murphy
T. Pence
L. Sigafoose
R. L. Snow
P. Workman

Town Attorney Nathan Miller and Dorenda Flick, Clerk, were also present.

Ordinance for Annexation - Second Reading

Attorney Miller corrected the Exhibits A,B, and D to A, B, and C in the appendix.

Council member Snow moved on a Second Reading, second by Council member Workman, and carried to approve the Ordinance for Annexation as amended.

Attorney Miller was informed that the Town must test for bacterial count before water from Bear Lithia can be sold. Mayor Printz stated there were no hidden problems with Bear Lithia. In addition, Coors Brewing Company can be charged a reasonable fee for water from Bear Lithia.

Referring to the Blackwell Engineering Study to supply water and sewer to Pentecostal Hill, Council member Sigafoose provided a figure of $908,832.32 for the project. From that figure he deducted $240,000.00 as the County's portion, which left a balance of $668,836.32. Council member Snow stated the $908,832.32 was an engineering estimate and Mayor Printz stated there was a $680,000.00 bid from Robin Dean for water and sewer to Pentecostal Hill. Council member Sigafoose said he was never shown that bid. Mayor Printz will provide him a copy of the bid. Another plus to the Annexation Agreement, according to Council member Snow, was the Town had six years to complete the project, well beyond Phase II when the Town will annex other business properties.

YEAS: J. Dean, C. Murphy, T. Pence, R. Snow, and P. Workman

NAYS: L. Sigafoose

Motion carried (5 - 1 roll call)

Amendments to Section 110-706(D)(3)(b) of the Code of the Town of Elkton - Sign Ordinance - Second Reading

Vice Mayor Murphy moved on a Second Reading, second by Council member Pence, and carried to approve Amendments to Section 110-706(D)(3)(b) of the Code of the Town of Elkton dated December 15, 2003 as proposed.

Council member Snow had a question regarding the maximum height of a sign. Mayor Printz placed a telephone call to Mr. McCoy, Director of Public Works/Zoning Administrator, and concluded the height must be between 10 and 30 feet.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 voice vote)

Amend the Code of the Town of Elkton - Second Reading

ELKTON TOWN CODE AMENDMENTS

Second Reading of Amendments to
Section 110-609(E)(5)(e)
Section 110-609(E)(5)(f)
Section 110-609(E)(5)(g)
Section 110-707(G)(1)(e)
Section 110-904(I)(5)
Section 110-904(I)(7)
and Section 110-904(I)(9)
of the Code of the Town of Elkton

December 22, 2003

Mr. Miller opened the discussion by saying proffers can be placed on developments while rezoning - they cannot be added later. All of Elkwood is zoned, so proffers cannot be added. If curb and gutter were eliminated, how would one force Elkwood developers to install the water loop, to create another access, and to close Sweetgum? The access would be controlled by Virginia Department of Transportation; the loop would probably be controlled, financially, by the Town; and Sweetgum would be controlled by the Town.

If Council passed the amendment deleting curb and gutter, and if the Dentons sold the property to someone who decided not to install the water loop, what could Council do? Mr. Miller spoke with the Dentons' attorney who appeared open to the idea of a covenant on the lots, as opposed to a proffer. A convenant would address the loop, the entrance, and the closing of Sweetgum. However, once the developer honored the covenant, how would it be removed in order for the lots to be sold? The covenant could "run with the land," meaning once it was recorded the covenant existed until the requirements had been satisfied.

On the other hand, if Council is comfortable that the developers will complete a "non-enforceable agreement," then Council could pass the amendment. Mr. Miller stated the covenant also would be non-enforceable, but the lots would be unable to be sold. He saw a clear title, or lack of one, to be the enforcement key with a covenant.

Attorney Miller favored tabling curb and gutter until January's meeting, at which time he will have draft covenants for Council's consideration.

Vice Mayor Murphy asked Council if they were aware that sidewalks would be eliminated? Mayor Printz stated the intention was to eliminate curb and gutter throughout the Town but to keep sidewalks. Mr. Miller will study the issue.

Council member Snow moved on a Second Reading, second by Council member Dean, and carried to approve the budget amendments as presented at the last Council meeting.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Council member Snow moved, second by Council member Sigafoose, and carried to instruct the Town Treasurer to transfer the monies from the uncollected four years of expenses of the Cemetery at a rate using the average of the last two previous years of Cemetery expenses.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Mr. Miller will try to determine under what circumstances the sinking fund was created and how it can be used.

As there was no further business, the meeting adjourned.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk