Regular
Council Meeting
December 15, 2003

The regular meeting of the Elkton Town Council was held on Monday, December 15, 2003 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT	ABSENT
C. H. Murphy	J. T. Dean
T. Pence	(Arrived later)
L. Sigafoose	
R. L. Snow	
P. Workman	

Town attorney Nathan Miller, Faye Vickers, Treasurer, Richard Pullen, Chief of Police, Todd McCoy, Director of Public Works/Zoning Administrator, and Richard Carey, Clerk of Council, were also present.

Mayor Printz offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Mike O'Neill, 425 East Rockingham Street, asked Council the following questions:

1. Who will collect the matching fees for the subdivisions underway in Phase 1?
2. What will happen if the County uses its clause in Section 7C to force the Town to provide service to the booming Massanutten area?
3. What happens if Food Lion closes its doors?
4. Has a cash flow analysis been done on all of the annexation impact?
5. Will existing in-Town areas continue to be neglected in pursuit of annexation construction?
6. Have personnel and engineering requirements been determined and planned for?
7. Does the Council fully understand the implications of the costs, as well as the benefits, of annexation?

Referring to Section 7C, Mr. O'Neill needed an explanation of the words "reasonable requests by the County" for water lines and for extensions west of Town. Who determines what is "reasonable"?

Section 6 does not specify an amount payable to the Town for water and sewer services to Pentecostal Hill. Mr. O'Neill believed that amount should show someplace in the agreement.

Lee Dearing, 124 North Street, spoke in opposition to a candidate for Police Officer with the Town of Elkton. The newly negotiated and accepted refuse collection contract increased resident billing by 12.8%, or $1.00 per customer. He believed the increase was not explained. Mr. Dearing, agreeing with Mrs. Hutton, chastised Council for inappropriate conduct by allocating money for various reasons while assembled for committee meetings. Mr. Dearing also questioned Council's wisdom of purchasing two new vehicles just five months after adoption of the budget.

Casey Billhimer, President of the Elkton Historical Society, requested Council approval to place a Virginia Civil War Trail sign in front of the Municipal Building on Rockingham Street. Eighty percent of the cost of the sign would be paid by the Shenandoah Valley Battlefield Foundation and twenty percent by the Elkton Historical Society.

Mary K. Hutton, 515 Chestnut, questioned if the proposed Code amendments listed on the agenda agreed with the numbering in the Code Book.

Cary Good, Linville, Virginia, spoke about his missing daughter, Rachael Good.

MINUTES

Council member Snow moved, second by Vice Mayor Murphy, and carried to approve the minutes of the Committee Meetings on November 2, 2003, the Regular Council Meeting of November 17, 2003, the Finance Committee Meeting of November 25, 2003, and the Emergency Council Meeting of December 2, 2003.

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

Motion carried (5 - 0 voice vote)

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pullen presented his report.

Director of Public Works/Zoning Administrator

Mr. McCoy presented his report. The Town has received $24,375.00 from Virginia Municipal League Insurance and another $2,924.55 from the Department of Emergency Management for outlay due to Hurricane Isabel. Answering a question from Council member Workman, Mr. McCoy stated $2,924.55 was returned to the departments in the budget from which money was spent to repair hurricane damage. Further, it was his hope that $24,375.00 would be allocated for the purchase of two new vehicles.

Treasurer

Mrs. Vickers reported an ending ledger balance for General Government for November 2003 of $348,775.44 with available cash of $314,449.58. The Bond Account had an ending balance of $55,122.56 for the same period.

Council member Snow moved, second by Vice Mayor Murphy, and carried to approve the Treasurer's report.

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

Motion carried (5 - 0 voice vote)

COMMITTEES

Electric

No report.

Finance

Council member Snow reported on the Finance Committee meeting held on November 25, 2003. Considering debt financing of some capital outlay projects, the Finance Committee authorized Attorney Miller to look at options to finance the sewer treatment upgrade debt, as well as other projects including the Elkwood water loop. Refinancing the current treatment plant loan could be another option, along with some requirements of annexation.

Personnel

Vice Mayor Murphy deferred to New Business.

Public Health, Public Safety,. And Ordinances

When not restricted by the ongoing State Police investigations of missing person Rachael Good, Mayor Printz will share information in a timely manner.

The Code Amendments were deferred to New Business.

Streets and Sidewalks

No report.

Recreation

Mr. McCoy was unaware that the Bridge players had no heat. The problem will be repaired. Council member Snow was confident if Mr. Meadows was informed of recreation problems when they became problems that they would be addressed and corrected. Council member Pence then asked the question he has repeatedly asked since elected to Council: "Why isn't Lynn Meadows required to attend Council meetings?" Mayor Printz sent the question back to committee.

Planning Commission

Deferred to New Business.

Cemetery

No report.

Charter Revisions Committee

No report.

Park Authority

No report.

NEW BUSINESS

Ordinance for Annexation - First Reading

AN ORDINANCE TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF ELKTON, VIRGINIA PURSUANT TO THE PROVISIONS OF ARTICLE 2, CHAPTER 32, SECTION 15.2-3231 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, BY THE ANNEXATION OF CERTAIN TERRITORY IN THE COUNTY OF ROCKINGHAM, VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELKTON, VIRGINIA:

§ 1. Formal Annexation. That the Council of the Town of Elkton, Virginia, a municipal corporation, in furtherance of the health, safety and welfare of the Town, and acting under an "Annexation Agreement" dated December 8, 2003, and executed between the Town and the County of Rockingham, Virginia pursuant to the provisions of Article 1.1, Chapter 25 of Title 15.1 (recodified as Article 2, Chapter 32 of Title 15.2) of the Code of Virginia of 1950, as

amended, hereby declares that by this ordinance it does annex certain territory lying in the County of Rockingham, Virginia, which territory is adjacent to the present corporate limits of the Town and which territory is comprised of four tracts of land containing approximately 183 acres, more or less (adjacent to the western boundaries of the Town), 41 acres, more or less (adjacent to the northwestern boundaries of the Town), 108 acres, more or less (adjacent to the eastern boundaries of the Town), and 458 acres, more or less (lying south of State Route 33 and north of Sapling Ridge Road adjacent to the southern boundaries of the Town).

§ 2. Metes and Bounds of Size of Area. A plat showing the territory to be annexed is attached as Appendix A, which is also incorporated into this ordinance. The metes and bounds of the territory acquired from the County of Rockingham by this ordinance are set forth in Appendix B, which is incorporated into this ordinance.

§ 3. Necessity and Expediency of Annexation. The annexation of the territory is necessary and expedient because (i) municipal services are currently and will be needed by the future residents of the territory, (ii) the Town needs to diversify its revenue base and increase its supply of developable land, and (iii) other reasons deemed satisfactory to the Council.

§ 4. Terms and Conditions. The terms and conditions for this annexation are as set forth in the Annexation Agreement dated December 8, 2003.

§ 5. Provisions for Future Development. In the event that any portion of the territory is developed commercially, the provisions planned for the future development of the territory, including the provision of public utilities and services therein, are as follows:

(a) **Sanity Sewers**. To provide in accordance with the Annexation Agreement.

(b) **Water**. To provide in accordance with the Annexation Agreement, or sooner.

(c) **Refuse Collection**. To extend the Town's policies and practices concerning refuse collection, as they may be changed from time to time, to the territory.

(d) **Planning and Zoning**. To extend and amend the planning and zoning functions of the Town, including the amendment of applicable ordinances and regulations, so as to assure the orderly development of the present Town and the area annexed as a unified community.

(e) **Streets and Street Lighting**. To extend the Town's policies and practices concerning streets and street lighting, as they may be changed from time to time, to the territory.

(f) **Police Protection**. To proceed to provide personnel and equipment as necessary to furnish police protection throughout the area annexed conforming to the standards which may be maintained within the current Town.

(g) **Traffic Control**. To extend the Town's policies and practices concerning traffic signs and control devices, as they may be changed rom time to time, to the territory.

(h) **General Municipal Services**. To provide throughout the annexed area such other municipal services not specifically mentioned herein as may be provided for the present Town (except electrical) and are consistent with policies of the Town and the needs of the businesses, industries, and residents of the entire community.

All services described in paragraphs "c" through "g" shall be extended to all persons within the territory to be annexed as soon as practice after December 31, 2003, so as to provide

the same level of services available to the present residents of the Town of Elkton.

§ 6. Annexation Agreement. All terms and conditions of the December 8, 2003 Annexation Agreement between the Town and Rockingham County are incorporated into this ordinance.

§ 7. Existing Land Use. The attached Appendix A, which shows the existing land use of the territory, is incorporated into this ordinance.

§ 8. Effective Date. This ordinance - and the annexation of the territory - shall take effect December 31, 2003.

Enacted this _____day of December 2003.

TOWN OF ELKTON, VIRGINIA

By:_____
Wayne E. Printz, Mayor

Attorney Miller commented on paragraph (g), **General Municipal Services**, by stating due to State Code on electrical certified areas, Elkton is unable to expand electrical service outside the existing Town. Attorney Miller stated: "If you expand the Town's perimeters, that opens the Town up to public bidding for delivered services."

Council member Snow moved, second by Council member Workman, as a First Reading, to accept the Annexation Ordinance as presented.

Review of Annexation Documents

Mr. Miller relayed to Council that the Commission on Local Governments strongly encouraged the Master Plan now with the Central Shenandoah Planning District be concluded as soon as possible.

Mr. Miller added that language was deleted from the original Annexation Agreement pursuant to instructions from the Commission on Local Governments. The reason was clarity. Reference was made to **4. *Right to Annex Phase II*** and the words "including specifically its obligations regarding the extension of service as set forth in Section 6." With this exclusion, it made it clear that the Town can annex Phase II one year from this date of annexation without completing all the water and sewer in Phase I.

(Council member Dean arrived.)

Amend the Code of the Town of Elkton - First Reading

ELKTON TOWN CODE AMENDMENTS

First 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 15, 2003

1. **Section 110-609(E)(5)(e)** of the Code of the Town of Elkton is hereby amended to read as follows:

   Be dustproof and passable year round; and

2. **Section 110-609(E)(5)(f)** of the Code of the Town of Elkton is hereby amended to read as follows:

   Comply with applicable minimum Virginia Department of Transportation design and construction criteria.

3. **Section 110-609(E)(5)(g)** of the Code of the Town of Elkton is hereby deleted.

4. **Section 110-707(G)(1)(e)** of the Code of the Town of Elkton is hereby amended to read as follows:

   Sidewalks shall be provided and shall comply with applicable Virginia Department of Transportation design and construction criteria. Curbs and guttering are not required, but if they are to be provided they shall comply with applicable Virginia Department of Transportation design and construction criteria.

5. **Section 110-904(I)(5)** of the Code of the Town of Elkton is hereby amended to read as follows:

   All streets must be designed to meet the specifications in the latest edition of the Virginia Department of Transportation's Subdivision Street Requirements. In the case of a newly platted subdivision in which each lot contains one acre or more the development plan must provide for storm drainage provisions that are satisfactory to the Town and in compliance with applicable Virginia Department of Transportation design and construction criteria.

6. **Section 110-904(I)(7)** of the Code of the Town of Elkton is hereby deleted.

7. **Section 110-904(I)(9)** shall be renumbered as Section 110-904(I)(8) and is hereby amended to read as follows:

   The subdivider shall construct and surface all platted streets.

   Council member Workman introduced the above as a First Reading.

<u>Amend the Code of Elkton - First Reading</u>

ELKTON TOWN CODE AMENDMENTS

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

1. **Section 110-706(D)(3)(b)** of the Code of the Town of Elkton is hereby amended to read as follows.

A Class A freestanding sign may be erected or displayed upon a lot where drive-in service or parking for more than 10 cars is provided, provided that not more than one such Class A

freestanding sign shall be permitted for any one such drive-in service area, parking area, or setback. No sign other than the sign described on the sign permit application shall be attached to a Class A freestanding sign. A Class A freestanding sign shall not exceed 20 square feet in sign area. However, a Class A freestanding sign will be permitted to the extent that the sign area does not exceed 0.2 square foot of lot frontage for the lot on which it is situated, and provided further that the other conditions for freestanding signs hereinabove set out are met. Additionally, the sign area aspect ration will not exceed 3:1 height to width. In calculating the lot frontage of any corner lot or double frontage lot, the lot frontage of the lot on any 2 adjacent streets may be included. No portion of a Class A freestanding sign shall be higher than 30 feet above the grade level of the property on which the sign is erected. The lower edge of the sign face of a Class A freestanding sign must start at 10 feet above the grade level of the base of the sign. No Class A freestanding sign shall be closer than two feet from any right-of-way line or lot line or within 25 feet from any adjacent lot located within a residential district.

Mayor Printz introduced the above as a First Reading.

Special Exception Request - Waterfront Properties, LLC

Council member Sigafoose moved, second by Council member Dean, and carried to accept the name change.

Vice Mayor Murphy stated not only was there a name change, but there was also a change in partnership. Additional discussion centered on the Alzheimer wing, which Mr. Crawford hoped to have readied 30 to 60 days after opening. The proposal was to have beds for 42 assisted living and 16 beds in the Alzheimer wing. In order to open the Alzheimer wing, Mr. Crawford will repeat the process through the Planning Commission and eventually back to Council for approval.

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

Motion carried (6 - 0 roll call)

Civil War Tour Sign

Council member Snow moved, second by Council member Pence, and carried to approve Casey Billhimer's request to place a Civil War tour sign in front of the Municipal Building.

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

Motion carried (6 - 0 voice vote)

Riverfront Glass Permit Request for Storage Units

Council member Workman moved, second by Council member Dean, and carried to issue a permit to place Conex storage units and semi-trailers on property at ShenElk Plaza for a period of one year. At expiration, Riverfront Glass must reapply for the permit.

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

Motion carried (5 with 1 abstention - roll call)

Reappropriations and Purchase of Two Vehicles

Council member Snow, second by Council member Dean, and carried to approve the following amendments to the 2003-2004 budget:

1. **Increase sewer capital equipment revenue by $15,679.00**

2. Increase Street Maintenance capital equipment revenue by $8,696.00
3. Reallocate $15,915.00 from Street Maintenance supplies to Street Maintenance capital equipment.

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

Motion carried (6 - 0 roll call)

Reappoint George McDaniel and Karl Waizecker to Recreation Commission

Council member Pence moved, second by Council member Snow, and carried to reappoint George McDaniel and Karl Waizecker to the Elkton Recreation Commission for terms beginning December 15, 2003 and ending December 31, 2005.

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

Motion carried (6 - 0 voice vote)

Hire Police Officer

Vice Mayor Murphy moved, second by Council member Dean, and carried to appoint Harold Shifflett as Police Officer effective December 16, 2003 at an annual salary of $24,270.00.

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

Motion carried (4 with 2 abstentions - roll call)

Mayor Printz set a Special Council meeting for December 22, 2003 at 6:00 P.M. Committee meetings were set for January 14, 2004 at 6:00 P.M.

Mayor Printz appointed Welty Hensley and Lynn Meadows as members of the Economic Development Committee.

As there was no further business, the meeting adjourned at 8:59 P.M.

Mayor: Wayne E. Printz
Wayne E. Printz, Mayor

Recorder: Richard D. Carey
Richard D. Carey, Clerk