Regular
Council Meeting
October 27, 2003

The regular meeting of the Elkton Town Council was held on Monday, October 27, 2003 in Council Chambers 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, 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.

Council member Dean offered the Invocation.

The Pledge of Allegiance of recited.

Mayor Printz introduced Welty Hensley and Bill Holt as Elkton's first "Citizen of the Year Award" recipients and presented both gentlemen plaques in recognition of their many years of service to the Town.

CITIZEN COMMENTS

Mildred Shifflett, 112 West Spotswood Avenue, stated she has restless nights due to driver misconduct on her street. Bicycles on sidewalks continue to create a safety problem.

Scott Sedwick, National Waste Service of Virginia, had previously submitted a waste collection contract bid and attended the meeting to introduce himself to Council.

Lee Dearing, 124 North Street, spoke in support of residents on Wirt Avenue, who have approached Council several times regarding speeding, noise, and fighting on their street. The simple solution, according to Mr. Dearing, was to cite the property owner.

Mr. Dearing did not concur with money being allocated at Committee meetings.

Mr. Dearing stated he was not opposed to extending water connections to out-of-Town residents who would be included in the annexation plan, but if Council extends lines to areas not to be taken in, then Council should rescind the moratorium against out-of-Town water and sewer connections.

Liz O'Neill, 425 East Rockingham Street, reported acts of vandalism, such as tire slashing, along East Rockingham Street and requested increased police patrol.

Council member Sigafoose recognized Officer Rodney Hensley for his response and professional conduct when the power went out in Elkton on September 30, 2003.

Mary Hutton, 515 Chestnut Avenue, questioned why an employee, by name, was identified to receive a pay increase. Vice Mayor Murphy assured Mrs. Hutton that all earnings of employees who are paid with public money can be identified by name, as well as what they earn.

MINUTES

Vice Mayor Murphy moved, second by Council member Workman, and carried to approve the Committee Meeting minutes of September 10, 2003.

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

Motion carried (6 - 0 voice vote)

Vice Mayor Murphy moved, second by Council member Dean, and carried to approve the minutes of the Regular Council Meeting of September 15, 2003.

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

Motion carried (6 - 0 voice vote)

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pullen presented his report. Mayor Printz has some designated authorized spaces at the Elkton Car Wash. Anyone not parked in one of the designated spots should be moved. On October 23, 2003 at Elkton Elementary School and Elkton Middle School, Officer Morris demonstrated Rainy's abilities. Chief Pullen stated that Spotswood Avenue from the triangle to RT. 340 would be closed for Elkton's **Hallow*SCREAM.*** Again this year, Neighborhood Watch will assist the Elkton Police Department with the safe movement of the children.

Director of Public Works/Zoning Administrator

Mr. McCoy presented his report. Mr. McCoy will submit records of losses incurred due to Hurricane Isabel to FEMA.

Treasurer

Mrs. Vickers reported an ending ledger balance for the Bond Account for the month of September 2003 of $55,097.74. The General Government Account for the same period had a total cash available of $276,261.60.

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

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

Motion carried (6 - 0 voice vote)

COMMITTEE REPORTS

Electric

No report. Mayor Printz asked Council member Sigafoose to check for a possible transformer malfunction on Jackson Avenue.

Finance

No report. The Finance Committee will study the auditors request to collect or abate the uncollected funds from Elk Run Cemetery.

Personnel

No report.

Public Health, Public Safety, and Ordinances

Mayor Printz deferred to New Business. Mayor Printz stated there are on-going investigations into the problems on East Rockingham Street, Wirt Avenue, and other locations in Town.

Street and Sidewalks

A leaf vacuuming system will be discussed at Committee meetings.

Water and Sewer

Equipment for DEQ mandated updates at the treatment plant has been ordered. The engineers have requested an extension from DEQ if the updates are not complete by the end of December.

Recreation

The cost of pumping Memorial Park following Hurricane Isabel was split equally between Recreation and Street Maintenance. Some council members believed none of the expense should have been charged to Recreation. The opposing members adopted a wait-and-see position, depending on the response from FEMA.

Council member Snow moved, second by Council member Pence, and carried to have Gerald Monger research the drainage problem in Memorial Park, if there is a problem, so Council can make a decision to correct the problem. If there is no agreement for drainage out of the Park, and if an agreement cannot be obtained for drainage, then the Town must correct the problem.

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

Motion carried (6 - 0 voice vote)

Planning Commission

The Commission requested regular updates on annexation.

Cemetery Commission

Vice Mayor Murphy reported the following from a meeting of the Cemetery Commission on October 9, 2003:

•Renewal of Mr. Merica's contract which the Commission voted to extend
•Authorized the selling lots in the new section of the Cemetery. Lots will sell for $400.00 each and it is the Commission's desire to start selling from the upper end due to some drainage corrections which need to be made at the lower end
•Families will decide if they prefer a raised stone or a flat stone
•Mr. Monger will study the drainage problem at the Cemetery

Park Authority

Council member Snow stated the Park Authority has been inactive for a few months, awaiting action from Council.

OLD BUSINESS

Council member Snow moved, second by Vice Mayor Murphy, and carried to approve on a Second Reading the Proposed Amendments to the Code of Elkton, Virginia, Chapter 120, Nuisances, Sections 120-4J, 120-4K and 120-9 and Proposed Amendments to the Code of the Town of Elkton, Virginia, Chapter 158, Vehicles and Traffic.

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

Motion carried (6 - 0 voice vote)

Council member Dean questioned if "not displaying a valid Town decal" should be added to Section 158-17B. On the advise of Mr. Miller, Council approved the document before them and Council member Dean's question was sent back to Committee for additional discussion.

Council would also like a discussion in Committee as to why the Town displays Town decals on Town vehicles.

Discussion - Economic and Community Development Committee

Sent back to Committee for more discussion.

Discussion - Charter Revisions Committee

Council member Snow moved, second by Council member Sigafoose, and carried to name Vice Mayor Murphy as Chair of the Revisions Committee and for her to name the members at the next Committee meetings.

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

Motion carried (6 - 0 voice vote)

Vice Mayor Murphy asked Council to submit their revisions priorities to her at the next Committee meetings.

K-9 Resolution

Vice Mayor Murphy moved, second by Council member Snow, and carried to adopt the following Resolution:
WHEREAS, with resoluteness and foresight the Elkton Neighborhood Watch identified a need, and

WHEREAS, Neighborhood Watch did proceed with creative methods to procure all the funding necessary to establish and obtain a K-9 Unit for the Elkton Police Department, and

WHEREAS, the Elkton Town Council, on behalf of all our citizens, recognize the phenomenal financial support from our community, and

WHEREAS, Neighborhood Watch with much acclaim did present the K-9 Unit to the Elkton Police Department, and

WHEREAS, the K-9 will assist in appropriate areas of law enforcement,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Elkton and the Elkton Police Department, with gratitude, do hereby accept the total and exclusive responsibility for the K-9's well-being, employment, and assignment.

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

Motion carried (6 - 0 voice vote)

Meals Tax - First Reading

Council member Snow moved, second by Council member Dean, and carried as a First Reading to approve the Proposed Amendments to the Code of Elkton, Virginia, Meals Tax, as presented.

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

Motion carried (6 - 0 voice vote)

Attorney Miller suggested acceptance of the document on a First Reading and Council could send it back to Committee for fine-tuning before the Second Reading. Attorney Miller stated that Mrs. Vickers will supply Miller & Earle a list of those affected by the new legislation and his office would notify the businesses by letter.

Solid Waste, Section 139-24 - First Reading

Council member Snow moved, second by Vice Mayor Murphy, and carried to approve on a First Reading the Proposed Amendments to the Code of Elkton, Virginia, Chapter 139, Solid Waste, Section 139-24 as presented.

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

Motion carried (6 - 0 voice vote)

Vice Mayor Murphy believed the stipulated months of May, June, July, and August for mowing should be extended to the end of October.

Attorney Miller suggested Council address this Code change the same as the Meals Tax proposal; approve this as a First Reading and have the Committee offer any amendments to Mr. Miller before the Second Reading.

Amend Conditions 1 and 2, *Shenandoah Christian Home*

Council member Dean moved, second by Council member Snow, to amend Conditions 1 and 2 of the Special Exception Permit for *Shenandoah Christian Home*, formerly *Our Shenandoah Home*, as approved by Council on January 15, 2002.

There was a discussion of the word "proffer." Mr. Miller will research how the term applies to the conditions attached to the Special Exception Permit and advise Council.

Vice Mayor Murphy, having rethought this action between the Committee meetings and the Council meeting, decided she did not want to amend the proffers, but recognize that Mr. Crawford had two changes to Conditions 1 and 2. Any deviation from the original stipulations were to be reported to Council, which Vice Mayor Murphy was satisfied had been done.

As Mr. Crawford desired a November 1, 2003 reopening, Vice Mayor Murphy was willing not to amend the proffers but to allow the changes of ownership and clientele. Attorney Miller stated he would have to review the zoning ordinances to make sure that would be a proper way to resolve this.

Council member Dean withdrew his motion and Council member Snow withdrew his second.

At this time, Mr. Crawford will be unable to reopen on November 1 and Mr. McCoy was charged with notifying Mr. Crawford of the delay.

Out-of-Town Water and Sewer Connection - David Smith, Florist Road

Council member Dean moved, second by Council member Snow, and carried to approve Mr. Smith's connections.

YEAS: J. Dean, R. Snow, L. Sigafoose, and P. Workman

NAYS: C. Murphy and T. Pence

Motion carried (4 - 2 roll call)

Approve Rollover Accounts

Council member Snow moved, second by Council member Workman, and carried to carry forward into FY 03-04 the balances in the HEC account, $15,907.97, Recreation donations, $3,154.98, and King's Dominion tickets, $901.00.

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

Motion carried (6 - 0 voice vote)

Salary Increase, Donald Merica

Vice Mayor Murphy moved, second by Council member Snow, and carried to approve a salary increase for Donald Merica from $137.50 to $206.00 per week as recommended by the Cemetery Commission on October 9, 2003. The salary increase will cover the period from April 1, 2004 to October 31, 2004, which is the contract period for Mr. Merica.

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

NAYS: P. Workman

Motion carried (5 - 1 roll call)

Council wants the Cemetery Commission to study Mr. Merica's contract to determine exactly what he is paid to do. Specifically, Council questioned who was responsible for trimming.

Retroactive Adjustment - Donald Merica

Vice Mayor Murphy moved, second by Council member Snow, and carried to approve a retroactive salary increase for Donald Merica in the amount of $616.00 to cover the period from April 1, 2003 to October 31, 2003 as recommended by the Cemetery Commission on October 9, 2003. This amount is to be paid immediately upon Council approval.

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

Motion carried (6 - 0 roll call)

Sale Price of New Section Cemetery Lots

Vice Mayor Murphy moved, second by Council member Snow, and carried to

approve the sale of cemetery lots in all new sections at $400.00 per lot as recommended by the Cemetery Commission on October 9, 2003.

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

Motion carried (6 - 0 roll call)

Vice Mayor Murphy will make the Cemetery Commission aware that it is Council's desire to raise the remaining lots in the old section to $400.00 per lot.

Committees were set for November 13, 2003 at 6:00 P.M.

Car Washing at Fire Department

Council member Workman moved, second by Council member Snow, and carried to permit Elkton's firefighters to wash their personal vehicle at the Fire Department.

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

NAYS: J. Dean

Motion carried (5 - 1 roll call)

Vice Mayor Murphy moved, second by Council member Snow, and carried to go into closed session under Virginia Code 15.2-2907D to discuss annexation and 2.2-3711 to discuss personnel matters, possible litigation, real estate acquisition, and prospective business.

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

Motion carried (6 - 0 roll call)

Vice Mayor Murphy moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certified that only public business matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed, or considered. Council member Snow duly seconded the motion.

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

Motion carried (6 - 0 roll call)

Waste Removal Contract

Vice Mayor Murphy moved, second by Council member Snow, and carried on a First Reading to approve a contract with National Waste, contingent upon an agreement of five (5) years with no CPI at a price of $9.25 per unit for Parts A and B, with a requirement of an escape clause tied to performance or service.

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

Motion carried (6 - 0 voice vote)

Mayor Printz was approved $100.00 from Special Events for refreshments at the Veterans Day program on November 8, 2003.

Council member Sigafoose moved, second by Council member Dean, to submit the

construction of a golf course to referendum.

YEAS: L. Sigafoose

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

Motion failed (5 - 1 roll call)

As there was no further business, the meeting adjourned.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk