Regular
Council Meeting
November 17, 2003

The regular meeting of the Elkton Town Council was held on Monday, November 17, 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 J. Burns Earle, 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 was recited.

Vice Mayor Murphy moved, second by Council member Dean, and carried to go into closed session under Virginia Code 2.2 - 3711 to discuss personnel issues.

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 Pence duly seconded the motion.

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

Motion carried (6 - 0 roll call)

Vice Mayor Murphy moved, second by Council member Dean, and carried to approve the recommendation of Chief Pullen to accept the resignation of Officer Adam Williams effective January 16, 2004.

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

Motion carried (5 - 1 roll call)

CITIZEN COMMENTS

Mildred Shifflett, 112 West Spotswood Avenue, expressed appreciation for the Veterans Day Program.

Hazel Crider, 114 Hillside, encouraged Council to expedite resolving the outstanding balance of payment of expenses from the Cemetery to the Town. She was also confused why no one could give a clear answer as to the terms, especially trimming, of the Cemetery maintenance contract. She recognized Council member Workman for landscaping in Stonewall Memorial

Park and agreed with Council member Pence that public harmony should exist among members of Council.

Mary K. Hutton, 515 Chestnut, was satisfied when mayor Printz explained that the meals tax rate was not increased, but the ordinance itself was amended to give stronger enforcement for any violation of failure to pay the tax.

Mrs. Hutton took exception to actions being taken in Committee meetings which she believed should occur only at Council meetings. Her major concern was what she perceived as spending and allocations of funds not in the approved budget.

Mr. B. W. Gooden, 302 Morgan Avenue, sought relief from noise created by what he considered the operation of a car repair business in a residential area.

Lee Dearing, 124 North Street, was concerned that the Commonwealth's Attorney had emerged as the spokesperson for the Town regarding information about missing person Rachael Good. He believed a member of Council should comfort the residents by sharing factual information about the case. Rumors were rampant from one end of Town to the other and reliable information was not available.

Mr. Dearing also stated that Cemetery money should not be used to build a golf course, make bond payments, or used to pay any other Town debt. The Cemetery fund supports the maintenance of the Cemetery, which includes perpetual care of the grounds.

Mayor Printz replied that by request of the Virginia State Police and the Commonwealth Attorney's office, elected town officials should refrain from making statements regarding the status of the missing person investigation.

MINUTES

Council member Workman moved, second by Vice Mayor Murphy, and carried to approve the minutes of the Special Council meeting of October 13, 2003, as amended by Council member Snow. *"Mock Assembly" was amended to read "Mock GENERAL Assembly."*

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

Motion carried (6 - 0 voice vote)

Council member Dean moved, second by Council member Snow, and carried to approve the minutes of the Committee Meetings of October 15, 2003.

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

Motion carried (6 - 0 voice vote)

Council member Snow moved, second by Council member Dean, and carried to approve the minutes of the Regular Council meeting of October 27, 2003 as amended by Council member Snow. *"Mary Hutton, 515 Chestnut Avenue, questioned why an employee, by name, was identified to receive AND pay increase" was amended to read "A" pay increase.*

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

Motion carried (6 - 0 voice vote)

Council member Dean moved, second by Council member Snow, and carried to approve the minutes of the Emergency Council meeting of November 5, 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 and read Officer Morris' K-9 report.

Director of Public Works/Zoning Administrator

Mr. McCoy presented his report. Mr. McCoy completed the FEMA paperwork for Hurricane Isabel and anticipated a return of approximately $3,400.00.

Treasurer

Mrs. Vickers reported total cash available of $291,636.52 in the General Government account for the month of October 2003. The Bond Account reflected an ending ledger balance of $55,102.42 for the same period.

Council member Snow moved, second by Council member Workman, 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)

COMMITTEES

Electric

No report.

Finance

Council member Snow will set a Finance Committee meeting.

Personnel

No report.

Public Health, Public Safety, and Ordinances

Roadblocks have been discussed with Chief Pullen.

Streets and Sidewalks

Council member Workman asked for the ISTEA update. Mr. McCoy said the VDOT changes will be taken to Richmond for approval or revision.

Water and Sewer

Council member Dean deferred to New Business.

Recreation

Council member Pence advised Council that Don Erb is the President of Elkton Little League and some members were unaware of the details negotiated with Nathan Knight. Mayor Printz stated he was assured by Mr. Knight that the Elkton Little League Board members agreed to the payment schedule for rented space in the Community Center. Mayor Printz will follow up on this new information.

Planning Commission

Deferred to New Business

Cemetery Commission

No new meeting has been scheduled.

Charter Revisions Committee

Vice Mayor Murphy spoke with four possible members. She added that due to the time of year, an organizational meeting probably would not be set until January 2004.

Park Authority

No report.

UNFINISHED BUSINESS

Meals Tax - Second Reading

Council member Snow moved, second by Council member Workman, and carried to approve the Meals Tax Revisions as presented in the minutes.

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

Motion carried (6 - 0 voice vote)

Solid Waste, Section 139-24 - Second Reading

Vice Mayor Murphy moved, second by Council member Workman, and carried that Section 139-24 be amended to read as follows: Every owner of real estate within the Town of Elkton shall mow or cut any grass, weeds and vegetative matter, not including ornamental flowers and garden plants, located on such property, at least once during the months of May through October each year.

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

Motion carried (6 - 0 voice vote)

Waste Removal Contract - Second Reading

Vice Mayor Murphy moved on a Second Reading, second by Council member Pence, and carried to approve a five year contract with National Waste with no CPI at a price of $9.25 per unit for Parts A and B, contingent upon the Town Attorney's approval.

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

Motion carried (6 - 0 voice vote)

NEW BUSINESS

Out-of-Town Water and Sewer Connections

Council member Dean moved, second by Council member Snow, and carried to rescind the moratorium on water and sewer connections in the proposed annexation areas of Elkton.

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

Motion carried (6 - 0 roll call)

Holiday Town Offices Closing

Vice Mayor Murphy moved, second by Council member Snow, and carried to close the Town offices on Friday, December 26, 2003 as a paid holiday for all permanent employees.

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

Motion carried (6 - 0 voice vote)

Appointment to the Elkton Planning Commission

Vice Mayor Murphy moved, second by Council member Workman, and carried to appoint Thomas Schroeder to the Elkton Planning Commission to serve the unexpired term of Bill Holt, beginning November 17, 2003 and ending November 30, 2004, at which time, if Mr. Schroeder chooses, he will be eligible for reappointment to a full four-year term.

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

Motion carried (6 - 0 roll call)

Odell Crawford

Mayor Printz stated that Council member Dean and Mr. McCoy would resolve Odell Crawford's water and sewer connection request and sent the issue back to committee.

Elkwood Planned Unit Development

Attorney Earle has received information that the developers were prepared to go forward with the water loop letter agreement and are ready to submit a plan. A pressure pump may be needed. They are agreeable to closing Sweetgum with an emergency only access. They are still requesting removal of curb and gutter.

Mayor Printz sent this back to committee for a recommendation.

Reporting on annexation, Attorney Earle talked with Ted McCormick and anticipated a report by the end of this week or the first of next. Copies will go simultaneous to the Town and County.

Referendum

Mayor Printz read the following:

The Mayor and Elkton Town Council hereby direct the Town attorney to draft language and complete the process needed to submit to the legislature by January 1, 2004 an amendment to the Town Charter which will enable the Elkton Town Council by majority vote to allow a

referendum vote on the ballot on controversial issues that transpire during each election cycle.

Council member Sigafoose moved, second by Council member Dean, that we accept the motion to put that on the ballot this year.

Vice Mayor Murphy objected according to Robert's Rules. She stated this motion was defeated by a vote of Council 5 to 1 at last month's meeting and could not be brought back.

Mayor Printz argued that this was a different motion. He stated, "I'm the Chair and I make a ruling that it's a different motion."

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

Motion did not carry (2 - 4 roll call)

Mayor Printz read the following:

To assure the health and safety and protect the Elkwood subdivision from impending development, traffic hazards and unwanted encroachment, we, the Town Council of the Town of Elkton, hereby direct the closing of the proposed entrances and exits of Persimmon and Sweetgum permanently.

Council member Workman and Council member Dean agreed this had to be sent to Committee.

Elkton Little League Lease Agreement

Council member Snow moved, second by Council member Workman, and carried to approve the agreement as presented by the Town attorney and signed by the proper Little League official.

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

Motion carried (6 - 0 roll call)

Council member Snow set a Finance Committee meeting for Tuesday, November 25, 2003 at 6:00 P.M., to consider treatment plant improvement loan and possible financing improvements to water and sewer in the proposed annexation area.

Mayor Printz set December 10 as Committee meetings.

As there was no further business, the meeting adjourned at 8:55 P.M.

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

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