Regular
Council Meeting
June 16, 2003

The regular meeting of the Elkton Town Council was held on Monday, June 16, 2003 at the Mary E. Kite house on RT. 33 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

Attorney J. Burns Earle, Faye Vickers, Treasurer, Todd McCoy, Director of Public Works/Zoning Administrator, and Richard Carey, Clerk of Council, were also present.

Council member Dean offered the Invocation.

CITIZEN COMMENTS

Frank Meleski, 604 North Stuart Avenue, read the following statement:

Points to Ponder

First I would like to express my thanks to the Park Authority for the great job they did in getting a plan for the use of the property that the Town of Elkton has acquired. That being said, I believe that there are some things that need to be addressed by the Council.

1. Time is of the essence, so a plan must be formulated by the Council on how to get things moving. Along these lines, it seems that the council could use the plan that was submitted by the Authority, but with some modifications. In order to keep control of things, the council must resolve publically that they will not turn over any land to the Authority to develop. I believe that selling the lots should be a function of the Town, and when and if, sometime in the future the debts are paid, and funds become available that are not needed for our own infrastructure and fiscal needs, you can always consider whether a golf course is in the best interest of the town. Then you can allocate excess funds to make a golf course happen. It would seem to me that it is a necessity for the town to hire someone who is knowledgeable about real estate development to expedite the plan. This could take the form of engaging a realtor (experienced in development) to do it for commissions (which you will have to pay in any case) or hire a full time person experienced in development.
2. Another thing to think about is returning to the original way the Authority was set up. That is with no council members on the Authority. You have seen an example of how omnipotent the Authority can be when they would not even share the feasibility study with you who are on the council. And secondly, as it stands right now, there are always two yes votes for whatever the Authority wants, even before you get to look at any proposal or action they might want passed. In essence, it means that it would only take two votes for the Authority to get a proposal passed by the Council. It seems to me that council members should be council members and members of the Authority should work at Authority business so that each can look at things objectively from different perspective. Sure, council members should still sit on the Authority and have oversight of it, but to be truly independent there should be full separation of the two. Then the two entities will be truly separate and we will really be free from any possible litigation regarding the liabilities of the golf course should it become a reality. And, whatever you decide, please let the people of Elkton in on it. Thank you.

Mildred Shifflett, 112 West Spotswood Avenue, stated that the Town of Elkton should

not lend the Park Authority any more money.

Mike O'Neill, 425 East Rockingham Street, stated that after having read the original draft of the feasibility study, he found "no cause for that to have been suppressed under executive session. That was improperly handled." In the final draft there was reference to additional acreage. That, to him, illustrated problems with how the Authority is operated. He referred to page 22, 23, 14, and 27 of the Norton Consulting study. He wondered how much clearer it could be that a golf course was not an economically viable pursuit. Mr. O'Neill agreed with Mr. Meleski that council members should not sit on the Park Authority, due to conflict of interest.

Council member Rick Workman thanked each member of the Park Authority for their long hours and dedicated service.

Lee Dearing, 124 North Street, referred to an article that appeared in *The Valley Banner* which erroneously interpreted that he and Mike O'Neill faulted the Park Authority for doing nothing. There is mental anguish among the Town's senior citizens regarding the financial condition of the Town. Mr. Dearing urged Council and the Park Authority to move where money would be coming in instead of going out. If Council moves forward, Mr. Dearing stated two things must happen: (1) The elected members of Council should be removed from the Park Authority; (2) The Town Attorney should represent one body, not both. He added there must be contracts between the Town and the Park Authority stating what will happen with the land, what will happen with the revenue generated by the land, and what will happen seven years from now "when some of us may not be here." Land was the one positive in the feasibility study. Mr. Dearing urged Council to not give away the land so someone else would profit. He agreed with Mr. O'Neill that nothing in the study constituted protection under the Freedom of Information Act. He believed the report was held in secrecy because of its unfavorable nature, and that further damaged the credibility of Council and the Park Authority. He finally stated that some of the land should be reserved as a retirement community so Elkton's retired residents would not have to move to Harrisonburg or out of the state.

As the conflict of interest dialogue related to him, Council member Workman stated that his integrity was being questioned. Being discussed was what he may or may not do "underhandedly." He stated he was a member of Council as well as a member of the Park Authority, and he would not do anything underhanded. He asked that the speakers made sure they knew what they were talking about before they determined what he would or would not do.

MINUTES

Council member Dean moved, second by Council member Sigafoose, and carried to approve the minutes of the Work Session on May 13, 2002.

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 Public Hearing on May 19, 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 on May 19, 2003.

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 Vice Mayor Murphy, and carried to approve the minutes of the Special Council meeting on June 4, 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 Sigafoose, and carried to approve the minutes of the Committee meetings on June 10, 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

In Chief Pullen's absence, Mayor Printz reported that the K-9 Unit will arrive June 23, 2003.

Vice Mayor Murphy announced that Brandon Morris has been hired as a police office for the Town of Elkton.

Vice Mayor Murphy observed that all categories listed in the police department report have increased.

Mayor Printz noted that Officer Adam Williams has received notice of certification.

Director of Public Works/Zoning Administrator

Mr. McCoy presented his report.

Treasurer

Mrs. Vickers reported an ending ledger balance of $432,807.73 for General Government for May 2003. Total available cash was $318,345.46. The Bond Account had an ending ledger balance of $38,558.31 for the same period.

Council member Snow moved, second by Council member Pence, 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.

Finance

No report.

Personnel

No report.

Public Health, Public Safety, and Ordinances

An effort is being made to clean up businesses and residences in town. A stronger ordinance is still being studied.

Streets and Sidewalks

Rockingham Street project will begin soon and ISTEA is scheduled to begin around the first of August.

Water and Sewer

No report.

Recreation

Council member Pence questioned why some members did not attend the scheduled Recreation Commission meeting, which was canceled because a quorum was not achieved. However, Council member Pence went to the park and found three commission members there. There is a ditch near the Kid's Castle that needs to be filled and seeded.

Planning Commission

No report.

Cemetery Commission

No report.

Park Authority

Council member Snow reminded the citizens that, although the Park and the Town were legally separate entities, the Park Authority belonged to the Town. Many hours have been devoted to Park Authority business during the past year and a half to develop a plan which would be financially beneficial to the Town, but much remained to be done. He once again cautioned that "we just can't sit back and do nothing."

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Set Tax Rates

Council member Snow moved, second by Council member Workman, and carried by Resolution to set the tax rates for FY 03-04.

Resolution

WHEREAS, the Town of Elkton's 2003-2004 budget does not include any tax rate

increases, and

WHEREAS, §148-1 of the Elkton Town Code declares that Council shall annually fix the tax rates on all Real and Personal Property, household property excluded, properly subject to taxation within and by the Town,

NOW, THEREFORE BE IT RESOLVED, that the Elkton Town Council sets the tax rates for FY03-04 at $.10 per $100.00 of assessed value for Real Estate and $.46 per $100.00 assessed value for Personal Property.

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

Motion carried (6 - 0 voice vote)

Approve Contracts

Council member Snow moved, second by Council member Dean, and carried to authorized Mayor Printz to execute the Computer Maintenance Contract, the Audit Contract, and the Computer Software Contract.

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

Motion carried (6 - 0 voice vote)

Cell Phone Towers

Attorney J. Burns Earle: "We can enact a local ordinance that preserves our authority to make decisions regarding the placement, construction, and modification of wireless towers, but there are a lot of regulations that prohibit us from outlawing and keeping these things out all together. There are a number of things that need to be done, but we should enact something that will take care of the future placement of these towers in the Town of Elkton. One of the things that we must make certain is that is they are consistent with federal law, the Telecommunications Act, that's one of the things that will not prohibit them, as long as they are consistent with that. One of the things we can do, as far as our zoning is concerned, is make certain that they take into consideration the least visually intrusive way to our community. We have some guidelines that the Town takes into consideration when approving these towers. We ought to take a look at that and start planning now."

Mr. Earle added: "We can't prohibit these towers from coming in based on environmental effects of the radio frequency omission if they comply with the FCC regulation. We must be very careful how we enact an ordinance and take into consideration what the case law is."

Main Street Program

Council member Workman stated he will be working to make Elkton once again a Main Street community.

As there was no further business, the meeting adjourned.

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

RECORDER: Richard D. Carey
Richard D. Carey, Clerk