Regular
Council Meeting
May 19, 2003

The regular council meeting of the Elkton Town Council was held on Monday, May 19, 2003 in the 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

Attorneys Nathan Miller and Lauri Sigler, 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.

Mayor Printz welcomed Boy Scout Troop 46 who were attending the meeting to fulfill the requirements for merit badges.

CITIZEN COMMENTS

Mike O'Neill, 425 East Rockingham Street, stated he was not opposed to a golf course constructed on the Mary E. Kite property, but he was opposed to a Town owned and operated golf course. He believed other options for the use of the land, which could include a golf course, should be presented to Council. Therefore, he asked for the activation of the Industrial Development Authority, with former mayor Lee Dearing being named the Chair. He presented the Mayor, the Town Attorney, and the Clerk of Council with a written request for the disclosure of the golf course feasibility study under the Freedom of Information Act.

May 19, 2003
425 East Rockingham Street
Elkton, VA 22827

Attention:
Wayne E. Printz, Mayor, Town of Elkton
Randell Snow, Chairman, Elkton Park Authority

Gentlemen:

This letter is an official request under the Freedom of Information Act for the public release of the original written Golf Course/Kite Property Feasibility Study presented for review in February/March 2003 to the Elkton Town Council and the Elkton Park Authority.

I am requesting that this document be made available for public inspection in the Town Hall during regular business hours, within five (5) business days of receipt of this letter as required by the Freedom of Information Act.

It is my understanding that Town funds were allocated to the park Authority for the creation of this study and the resulting document. For this reason, I feel that the town is also responsible for the release of this information. Also note that the Park Authority is bound by the same Freedom of Information Act requirements, as well as its By-Laws, as the Town of Elkton.

Sincerely,
Michael O'Neill

eeb

cc: Legal Counsel for Town of Elkton
Clerk of Council

Lee Dearing, 124 North Street, stated that during the last eleven months Council has reversed decisions made by the previous Council, one, of which, being a reduction in the out-of-town water rates. Mr. Dearing questioned these actions by the five current Council members who were Council members of the "old Council." Mr. Dearing stated it is time to get the public involved in some of these closed sessions. He asked, "What is the plan? Have the public involved, not have the public pay for it after you have already made the decision."

Frank Meleski, 604 North Stuart Avenue, presented a written request for the golf feasibility study under the Freedom of Information Act.

Frank J. Meleski
604 N. Stuart Ave.
Elkton, VA 22827
Tel-540-298-2579
E-Mail *meleski29@cs.com*

May 19, 2003

Elkton Town Council
Elkton, VA 22827

To the Mayor of Elkton, all Town Council members, and all members of the Recreation Authority: I hereby invoke my right under the Freedom of Information Act to request that I and all the citizens of Elkton be allowed access to the Golf Course Feasibility Study that was contracted by some or all of you and paid for with public funds.

It is my understanding that this access must be made available within 5 days. Therefore, I will expect such access to be forthcoming within that time frame.

Thank you for your consideration in this matter.

Sincerely,
Frank J. Meleski

Mr. Meleski presented his calculations of the Town's debt service. He maintained at the end of a six year period, before any benefit from a golf course would be realized, the Town would be in debt 6.8 million dollars. He then read the following prepared statement:

Frank J. Meleski
604 N. Stuart Ave.
Elkton, VA 22827
Tel-540-298-2579
E-Mail *meleski29@cs.com*

May 19, 2003

Elkton Town Meeting

I believe that the only conclusion that you can draw from these figures is that Elkton

cannot afford a golf course using its own funds. And these numbers do not take into account the fact that you are looking at $200,000.00 of mandated expenditures for the sewer plant, and about a half million to get services to two developments that are about to be started. And then you have our own Town infrastructure, which needs updating, to think about.

The clock is ticking and with every tick of the clock our payments are coming due. I think it is about time that the Council reassures the people of Elkton that they will not allow the people of Elkton to be burdened by diverting Town funds to a golf course, and let the Authority be financed by funds that are generated by the Authority itself. Further, I think that the Authority should make a decision on whether they can put the golf course together or not and move forward. I would also ask that the secrecy of closed sessions be limited to those that are absolutely necessary.

Liz O'Neill, 425 East Rockingham Street, wanted to know what was going on "behind closed doors."

Mildred Shifflett, 112 West Spotswood Avenue, expressed concern about the current financial condition of the Town. She also asked that the golf feasibility study be made public.

Council member Sigafoose requested the golf course be tabled and the question of desire for a golf course go to referendum.

MINUTES

Council member Snow moved, second by Council member Dean, and carried to approve the minutes of the Emergency Council/Committee Meetings of April 16, 2003, the Public Hearing of April 21, 2003, the Regular Council Meeting of April 21, 2003, the Work Session of April 29, 2003, the Emergency Council Meeting of May 2, 2003, the Special Council Meeting of May 6, 2003, and the Emergency Council Meeting/Work Session of May 7, 2003.

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

Motion carried (6 - 0 roll call)

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pullen presented his report. There will be a delay in the arrival of the K-9 unit due to unsatisfactory training. The trainer, desiring a fully trained K-9 for Elkton, will select another dog which will be trained with Officer Morris in Elkton, thereby creating no additional expense for Neighborhood Watch or the Town.

Director of Public Works

Mr. McCoy presented his report.

Treasurer

Mrs. Vickers reported an ending ledger balance for General Government for the month of April, 2003 of $472,771.69, with available cash of $347,080.80. The Bond Account for the same period had an ending ledger balance of $38,557.54.

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)

COMMITTEE REPORTS

Electric

Deferred to Old Business.

Finance

The preliminary budget will have a First Reading tonight.

Personnel

Deferred to New Business.

Public Health, Public Safety, and Ordinances

No report.

Streets and Sidewalks

No report.

Recreation

Council member Pence moved, second by Council member Snow, and carried to appoint Karl Waizelker to the Recreation Commission to serve the unexpired term of Greg Pinkerton through November 30, 2003, at which time he will be eligible to be reappointed for a full two-year term.

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

Motion carried (6 - 0 roll call)

Planning Commission

Deferred to New Business.

Water and Sewer

It was reported how to gain access to the Elkton Water Supply Quality Report.

Cemetery Commission

No report.

Park Authority

Property negotiations are on-going. Hopefully a plan will be forthcoming.

OLD BUSINESS

Commercial Multi-meter Electric Connection Rates - Second Reading

Vice Mayor Murphy moved on a Second Reading, second by Council member Dean, and carried to amend the current commercial electrical connection fees as follows: For commercial customers who are supplied electricity through a bank of meters, meaning more than one, and whereas the bank of electric meters are housed adjoining to each or contained within the same housing shall be assessed a connection fee of $2,000.00 for the first meter and $1,000.00 for each additional meter qualifying under this description. All single commercial meters, or others not fitting the description for a bank of meters, shall be assessed the current connection fee of $2,000.00 per meter.

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

Motion carried (6 - 0 roll call)

Council member Workman stated this was a step in the right direction to send the message that Elkton is business friendly, but Council needed to continue to look at rates that "gouge" entrepreneurship. He would support this reduction as a start.

Resolution for Authorization to Purchase Real Estate - Second Reading

Vice Mayor Murphy moved on a Second Reading, second by Council member Pence, and carried to approve the following:

RESOLUTION OF THE ELKTON TOWN COUNCIL
Authorization to Purchase Read Estate
Second Reading
May 19, 2003

BE IT RESOLVED by the Council for the Town of Elkton, Virginia, as follows:

1. **The Town has agreed to purchase the property located at 20593 Blue and Gold Drive, Elkton, Virginia (the "Property") from JSA Realty Company (the "Seller") pursuant to the terms of an Agreement of Sale dated April 11, 2003, with subsequent amendments (the "Agreement") for the purchase price of $728,000.00, of which $625,000.00 will be derived from the sale of previous Bonds.**

2. **As part of the Agreement the Town Council has agreed to finance a portion of the purchase price through the Seller as set out in said Agreement upon such terms and conditions as may be negotiated by the Town Attorney to cover a principle up to $103,000.00.**

NOW THEREFORE, BE IT RESOLVED, that the officers of the Town and the Town Attorney are authorized to take all such action and execute all such documents necessary to consummate the purchase of the Property.

By:_____
Mayor

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

NAYS: C. Murphy and L. Sigafoose

Motion carried (4 - 2 roll call)

Change Business License Renewal Date to June 1 with Schedule C Required - Second Reading

Council member Snow moved on a Second Reading, second by Council member Dean, and carried to approve the following:

AMENDMENTS

Second Reading of Amendments to
Section 148-18B and
Section 148-18C
of the Code of the Town of Elkton
May 19, 2003

1. **Section 148-18B** of the Code of the Town of Elkton is hereby amended to read as follows:

Each person subject to a license tax shall apply for a license prior to beginning business, if he or she was not licensable in the Town of Elkton on or before January 1 of the license year, or no later than ~~March1~~ June 1 of the current license year if he or she had been issued a license for the preceding year. The application shall be on forms prescribed by the assessing official.

2. **Section 148-18C** of the Code of the Town of Elkton is hereby amended to read as follows:

The tax shall be paid with the application in the case of any license not based on gross receipts or purchases. If, the tax is measured by the gross receipts or purchases of the business, the tax shall be paid on or before ~~March 1~~ June 1.

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

Motion carried (6 - 0 roll call)

NEW BUSINESS

FY 03-04 Budget - First Reading

Council member Snow moved, second by Council member Sigafoose, to approve the FY 03-04 Budget with revenues totaling $3,051,995.22 and expenditures of $3,051,995.22.

First Reading - no vote.

Amend Elkton Code to Delete Sidewalk and Curb & Gutter Requirements - First Reading

Tabled by request of Attorney Miller.

Adopt Public Safety K-9 SOP

Council member Dean moved, second by Council member Sigafoose, and carried to adopt the K-9 SOP.

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

Motion carried (6 - 0 voice vote)

Salary Adjustment - Bill Davis

Vice Mayor Murphy moved, second by Council member Snow, and carried to make a salary readjustment for Bill Davis from $7.19 per hour to $8.00 per hour and such readjustment shall be retroactive to the first day of employment.

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

ABSTAIN: T. Pence

Motion carried (5 with 1 abstention - roll call)

Richard Carey was recognized for being named to General Code's Municipal Clerks Honor Roll. Rick was nominated by Vice Mayor Murphy.

Council member Dean moved by Resolution the following:

RESOLUTION
UNITED STATES OF AMERICA MILITARY

WHEREAS, the United States of America cherishes freedom, democracy, and the will of the people, and

WHEREAS, the United States of America is a peace-loving nation open to all who seek refuge from tyranny and oppression, and

WHEREAS, all the strength and resources of our blessed nation will be used for our defense and the defense of allies, and

WHEREAS, the United States of America will respond with appropriate force to acts of terrorism and acts of aggression, and

WHEREAS, our nation's government determined through intelligence agencies that the brutal government of the country of Iraq was one which promoted human atrocities, and

WHEREAS, the government of Iraq had the means and methods to produce weapons or mass destruction to be deployed indiscriminately throughout other countries of the world or used against an unsuspecting and vulnerable neighbor, and

WHEREAS, the United States of America did respond with appropriate force to this threat by committing our men and women to Iraq to eliminate the vile government of Saddam Hussein, and

WHEREAS, these unselfish and patriotic men and women did respond and accomplish their mission valiantly as the whole world watched their daily advances toward Baghdad,

THEREFORE, the Mayor and Town Council of the Town of Elkton, Virginia, on behalf of our citizens, do proudly support our triumphant men and women and thank them for their patriotism and sacrifices so that we may continue to enjoy an American way of life. To all the grieving families whose loved ones gave their lives defending freedom, the free world embraces you and shares your loss.

Council member Snow 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 Snow, and carried to go into closed session under Virginia Code 2.2-3711 to discuss personnel matters and land acquisition, and under Virginia Code 15.2-2907 to discuss annexation.

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 Dean 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 Workman, and carried to appoint John Painter as a certified police officer at a starting salary of $29,005.00 per year to become effective June 2, 2003. An addendum to the offer, Mr. Painter will not be required to serve a probationary period due to his prior employment with the Town. Mr. Painter's prior service will be considered in areas of leave earned and seniority issues, as if no break in service occurred.

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

Motion carried (6 - 0 roll call)

As there was no further business, the meeting adjourned.

MAYOR: _____
Wayne E. Printz, Mayor

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