Regular
Council Meeting
March 20, 2006

The regular meeting of the Elkton Town Council was held on March 20, 2006 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
J. Dean
C. McDaniel
T. Pence
S. Sigafoose
R. Snow
P. Workman

Council member Dean offered the Invocation.

The Pledge of Allegiance was recited.

Patrick Hensley

Patrick Hensley, 305 East Rockingham Street, addressed Council regarding a lot he purchase on Spotswood Trail. Mr. Hensley stated when he purchased the lot in October it was zoned R4. In December, it was rezoned as B2. As the lot sits between two residential lots, he believed a house would be more appropriate than a business. Consequently, he sought a rezoning back to R4. Mr. Hensley's request was sent back to the Planning Commission.

CITIZEN COMMENTS

Pete Bonavita, 17119 Mt. Pleasant Road, enlightened Council regarding the East Rockingham Business Council, of which he and Emily Burner are co-chairs.

Cathy Murphy, 110 North Stuart Avenue, did not agree with the $5,000.00 limit for department heads as proposed in the purchasing policy. She believed the policy eliminated checks and balances unless two signatures were required on a purchase order. As for receiving goods and services at competitive and the lowest cost, she welcomed the Town adopting the Virginia Procurement Act standards.

Mr. Donachy stated that department heads issue purchase orders for items for which the budget has funds and he, Mr. Donachy, signs the purchase order before a check is issued. Currently, there is no limit placed on department heads and Mr. Donachy believed the new policy placed more limitations on them.

Ms. Murphy questioned why it has taken so long to demolish the Hutton property. She recalled at the October meeting that Mrs. Hutton was given 30 days to have the house brought down. It was learned that Mrs. Hutton and the contractor had recently come to terms and the demolition began today.

She supported the optional electric payment budget plan. However, she believed the bills should reflect the actual billed period.

As a good business practice, Ms. Murphy recommended that the Town Manager and the department heads be required to submit conflict of interest forms to the Town Attorney. Reflecting on the increased real estate assessments, she stated the Town could easily decrease the tax rate from .10 cents per hundred to .07 cents per hundred and still realize increased revenue.

Lee Dearing, 124 North Street, spoke regarding the Town's billing of electric customers and compared the Town's rate with other suppliers. He was convinced that a problem existed with Town billing.

Proffers were negotiated with Angler. With Willow Oaks and future construction, Mr. Dearing stated all contractors should be treated equally. He was encouraged that Elkton hired an engineering firm, considering some sewer lines on Pentecostal Hill "are only two foot deep."

Barry Ecroyd, 17155 Mr. Pleasant Road, again discussed sewer problems and asked Council to expedite his request. He asked that property owners who border the Angler development be considered as to the type of housing constructed by Angler. He disagreed with Council's decision allowing Angler to switch the pre-paid hook-ups to other locations. He believed that would lead to development in other areas before the Mary E. Kite property.

CONSENT AGENDA

Consent Agenda
March 20, 2006

MINUTES
•Committee Meetings – February 13, 2006
•Regular Council Meeting – February 20, 2006

REPORTS
•Chief of Police
•Public Works

Council member Dean moved, second by Vice Mayor Snow, and carried to approve the Consent Agenda.

YEAS: J. Dean, C. McDaniel, T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $645,372.59 for General Government for the month of February 2006. Total designated money was $441,394.91, leaving $203,977.68 cash available.

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

YEAS: J. Dean, C. McDaniel, T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 – 0 roll call)

TOWN MANAGER'S REPORT

Willow Oaks Subdivision

The Planning Commission approved the developer's final plan with the following considerations:

1. Have the townhouses on North Street face-front to the street.
2. An additional entrance to the subdivision to help alleviate traffic on North Street.
3. Ask for cash proffers to help with the Town's infrastructure.

Noting that the project is "by-right," George McDaniel stated, "Our subdivision is trying to address the affordable housing issue. You can't keep piling money on and expect to keep it affordable, and that's our main goal." He continued, "I'm not willing to commit, at this point, to adding on additional costs to housing that we are struggling, trying to keep it affordable." Although not a Town requirement, the subdivision will contain curb and gutter. "Affordability" was in the $170,000.00 price range, according to Mr. McDaniel.

A unit on North Street will not be turned around because Mr. McDaniel "can't have the rear of the unit facing the other units." He is working on making it "presentable to the community coming up and down North Street."

Even though he was not opposed to creating another entrance, Mr. McDaniel stated that would just create additional traffic flow problems. He told Council, "I think you ought to think about that."

Water flow was addressed. Mr. McDaniel submitted, "We did address the water flow, not only specifically to this particular subdivision, but we put a retention under the ground to help collect the water and slowly disperse it out. Hopefully that will take care of some of the water problem already in existence."

Willow Oaks Drive will become a Town street but the parking lots will become the upkeep of the Property Owners Association.

Mayor Printz said, "You are willing to take care of any water and sewer improvements that need to be had to feed the property." Mr. McDaniel responded, "I am, provided it is not an existing condition and it is a condition that this subdivision created. I think that's fair. I think if we need to increase the water or sewer line to get to the station because we're putting 44 units on it, I think it is fair to say it is our responsibility. But, it is not fair to say if you have a sewer line lying on the ground you want me to cover it."

Vice Mayor Snow requested, from a business perspective, that the agreed to terms be submitted in writing. Mr. McDaniel had no objections to the request.

Vice Mayor Snow moved, second by Council member Workman, and carried to approve the final plan for Willow Oaks, contingent on the aesthetics and water and sewer agreements.

YEAS: T. Pence, R. Snow, and P. Workman
ABSTAIN: J. Dean and C. McDaniel
ABSENT WHEN VOTE TAKEN: S. Sigafoose

Motion carried (3 with two abstentions – roll call)

<u>First Reading of Animal Ordinance</u>

First Reading of Section 53-3 to add subsection to address animals in Elk Run Cemetery

AN ORDINANCE TO AMEND CHAPTER 53 (ANIMALS), SECTION 53-3 (UNRESTRAINED ANIMALS ON PRIVATE PROPERTY) OF THE CODE OF THE TOWN OF ELKTON TO ADD LANGUAGE TO PREVENT ANIMALS FROM ENTERING THE CEMETERY

WHEREAS, currently there is no code to prohibit animals, restrained or running free, from entering the cemetery; and

WHEREAS, it is the intention of Town Council to maintain a clean cemetery and respect those interred there; and

WHEREAS, currently citizens are allowing their animals to enter the cemetery and use it as their toilet facilities;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 53 (Animals), Section 53-3 (Unrestrained animals on private property) of the Code of the Town of Elkton, is hereby amended as follows:

1. § 53-3. ~~Unrestrained~~ ~~a~~*A*nimals on private *and Elk Run Cemetery* property.

   A. It shall be unlawful for the owner of any animal to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof.

   B. *It shall be unlawful for the owner of any animal to allow said animal, either restrained or running free, to enter any part of the Elk Run Cemetery property. This does not apply to service animals or animals used for special services(seeing eye dogs, horses, etc). When animals are allowed to enter the cemetery the owners are to ensure that no gravesites are disturbed and they are also responsible for cleaning up after their animal.*

2. This ordinance shall be effective immediately upon its adoption.

Adopted by the Town Council of the Town of Elkton this ____ day of _____, 2006

_____
Mayor

_____
Clerk of Council

Approved this _____ day of _____, 2006

_____
Mayor

First Reading of Ordinance Change to Better Define Private Streets

First Reading of Change to Sections 110-302 and 110-709 to add language to better define private streets.

AN ORDINANCE TO AMEND CHAPTER 110 (LAND DEVELOPMENT) SECTIONS 110-302 (TERMS DEFINED) AND 110-709 (SPECIAL REGULATIONS FOR TOWNHOUSES) C OF THE CODE OF THE TOWN OF ELKTON TO CLEARLY DEFINE PRIVATE STREETS AND TO ELIMINATE PRIVATE STREETS FROM TOWNHOUSE DEVELOPMENTS.

WHEREAS, the current code does not define private streets; and

WHEREAS, the Planning Commission wishes to limit the establishment of private streets;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 110 (Land Development) of the Code of the Town of Elkton, is hereby amended as follows:

3. Section 110-302 is hereby amended by changing the following wording:

   ~~STREET, INTERNAL~~ *STREET, PRIVATE* – A private street providing access to ~~lots within a development~~ *no more than three lots or six dwelling units and must meet VDOT standards*, but not including driveways.

4. Section 110-709 C is hereby amended by deleting the following wording:

   C. Each townhouse building shall front on a street dedicated to public use. ~~If access is to be provided by means of privately maintained streets,~~ The streets including .....

5. This ordinance shall be effective immediately upon its adoption.

Adopted by the Town Council of the Town of Elkton this ____ day of _____, 2006

_____
Mayor

_____
Clerk of Council

Approved this _____ day of _____, 2006

_____
Mayor

Zoning of BLA Property

Mr. Donachy requested Council action on rezoning of property brought into Town by the boundary line adjustments. Attorney Miller identified the properties as the two Taylor tracts, the Pham property, Kite property, and Countryside Market.

Countryside Market was discussed in relation to spot zoning, continuity (use and sale) of it current business status, and rebuilding after a catastrophic (fire) event.

Council member Dean "so moved," second by Vice Mayor Snow, and carried to approve Mr. Donachy's request to rezone property affected by the boundary line adjustments.

YEAS: J. Dean, C. McDaniel, T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 – 0 roll call)

Close "C" Street

Mr. Donachy recommended tabling the School Board request until the land-locked property issue is resolved.

Council member Dean moved, second by Council member Sigafoose, and carried to send the matter back to the Planning Commission.

YEAS: J. Dean, C. McDaniel, T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 – 0 roll call)

Request for Variance to Build House in B2 District

Council was presented a request from Patrick and Heather Hensley to allow a house to be built in a B2 district. Mr. Donachy stated that the Planning Commission Chair requested this issue to be sent back to the Planning Commission in order to be reviewed along with another matter. The Planning Commission wanted to determine a "standard" to recommend to Council

Council member McDaniel moved, second by Council member Dean, and carried to send the Hensley request back to the Planning Commission.

YEAS: J. Dean, C. McDaniel, T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 – 0 roll call)

Council member McDaniel was excused for the remainder of the meeting.

Miscellaneous

1. Perhaps by April 1 the Treasurer's office will accept credit cards.
2. Budget plan for electric customers.
3. Definition of Home Occupation Permit, compliance and violation.

DIRECTOR OF PUBLIC WORKS

Mr. Shifflett discussed the collection and disposal of yard waste (limbs and clippings). The County will no longer accept yard waste at the landfill.

COMMITTEE REPORTS

Electric

No report.

Finance

No report.

Personnel

Police Officer Jeff Gooden submitted his resignation.

Public Health, Public Safety, and Ordinances

No report.

Streets and Sidewalks

No report.

Water and Sewer

Council member Dean commended Marty Shifflett and the maintenance staff for correcting a water leak when the contractor of record could not be reached.

Recreation

No report.

Planning Commission

No report.

Cemetery

No report.

Park Authority

No report.

Economic and Community Development

Another organizational meeting for the Town Festival is scheduled for March 30 at 7:00 P.M., in Council Chambers.

Elkton Area Community Center

Renovations on schedule.

Nuisance Properties

Attorney Miller, Mr. Donachy, and Chief Pullen will identify eyesore properties and how to legally clean them up. A designed method will be discussed at the next Committee meetings.

Meetings

Committee Meetings – April 11, 2006 at 6:00 P.M.
Council Meeting – April 17, 2006 at 7:00 P.M.

As there was no further business, the meeting was adjourned at 8:54 P.M.

Mayor: _____
Wayne E. Printz, Mayor

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