Regular
Council Meeting
April 17, 2006

The regular meeting of the Elkton Town Council was held on April 17, 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

Town Attorney Nathan Miller, Town Manager Dennis R. Donachy, Treasurer Clairen Sipe, Director of Public Works Marty Shifflett, Economic Development Director Emily Burner, Chief of Police Richard Pullen, and Clerk of Council Richard Carey were also present.

Council member Dean offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Richard McGregor, 264 Windsong Hills, presented a request to have the "local tax bills broken down into classifications." He asked when the budget will be discussed and when the tax rates would be set.

Bobby Gooden, 302 Morgan Avenue, presented Council copies of the Elkton Code relating to fences and home occupation permits. Mr. Gooden stated, "The Town Manager and I don't see eye-to-eye on these descriptions. I read what's on the line. I believe he reads in between." He read the pertinent sections of the Code that supported his four years of complaints.

Thomas Morris, 417 West Spring Avenue, was concerned about traffic and speeding in the area. He presented a petition and recommendations prepared by the Traffic Engineer for the City of Harrisonburg. "Children-at-Play" signs have been ordered.

Connie Weyrick, 1401 Armstrong Avenue, Staunton, Vice President of the Elkton Downtown Revitalization Corporation, was present to propose EDRC's co-sponsorship of an Elkton Farmers Market. She envisioned a producers only market, meaning "you have to grow it or bake it to sell it." No re-sale would be permitted. Initially, there would be on-site volunteers to oversee the market from 7:00 A.M., to noon on Saturdays, May through October. When the market became profitable, a market master could be employed. A small fee would be charged to vendors with all fees being dedicated to the promotion of the market. She asked for the following concessions from the Town:

1. A philosophical endorsement of the Farmers Market and co-sponsorship with EDRC.

2. Waive Peddlers' License fees and possible sales tax.

3. Allow temporary direction signs.

4. Permit use of Town property (possibly at the Community Center).

Meat could be sold under "strict Department of Agriculture guidelines." It would be the vendor's responsibility to obtain and present the appropriate certificate(s) by the DOA.

Council agreed they could "conceptually" endorse the market. Attorney Miller raised the questions regarding waiving the license fee and sales tax. A Code change and public hearing may be necessary.

Mrs. Weyrick believed with the "conceptional endorsement" she could proceed with a grant application.

Mary K. Hutton, 515 Chestnut, had thoughts that the Farmers Market was presented with "a little bit of planning." With "very poor last minute planning," she did not foresee a large participation of vendors. Mrs. Hutton supported promoting Elkton, but did not want an endorsement from Council for an event that could "flop." She wanted Council to monitor the staff to make sure the public received information in a timely manner. Her point was Good Friday closing.

Cathy Murphy, 110 North Stuart Avenue, addressed the electric overcharge. After studying the chart in the packets, she questioned if the recent 2.5% increase was applied to the first 800 KW only. Mr. Shifflett explained that the second tier figures were a cut and paste error and the mistake was with the first 800 KW. Ms. Murphy remarked this was the third mistake in electric billing. "You cannot continually set here and say we made a mistake. We've made a mistake on how we bill; we've made a mistake on how it takes; we've made a mistake now on the cut and paste. How many more mistakes are we going to make on this? We have employee mistakes in employees reading the meters. Is there any wonder that the public does not trust the electrical billing at this point?" she asked.

Mayor Printz refused to believe there was nothing wrong with the system, based on information he received.

Ms. Murphy stated it was important to know the contributions/donations made to the Community Center. Acknowledging that Elkton has an "outstanding" Planning Commission, she also believed members of the other boards and commissions performed comparable duties. If the Planning Commission was to receive monetary compensation, other serving citizens should receive the same consideration.

Lee Dearing, 124 North Street, made reference to the Elkton blog and found many comments to be repugnant. Comments berating the Mayor and Town Manager were offensive. Remarks regarding "the gray-haired old ladies" were insensitive and disrespectful. The Town needs to keep looking for a solution for the electric issue. Mr. Dearing asked if there would be a Spring clean-up.

CONSENT AGENDA

Consent Agenda
April 17, 2006

MINUTES
•Industrial Development Authority Organizational Meeting – March 14, 2006
•Committee Meetings – March 14, 2006
•Public Hearing, Close "C" Street – March 20, 2006
•Joint Public Hearing, Rezoning of BLA – March 20, 2006
•Regular Council Meeting – March 20, 2006

REPORTS
•Chief of Police
•Public Works

Council member Dean moved, second by Council member Sigafoose, 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 $685,944.78 for General Government for the month of March 2006. Total designated money was $495,816.35, leaving total available cash of $190,128.41.

Vice Mayor Snow moved, second by Council member Pence, 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 voice vote)

TOWN MANAGER'S REPORT

Rockingham County Municipal League Meeting

The meeting will be held in Bridgewater on April 19, 2006.

Prohibiting Animals in Cemetery – Second Reading

Second 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

Vice Mayor Snow moved, second by Council member Sigafoose, and carried to adopt the ordinance.

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

Motion carried (6 – 0 roll call)

Define Private Streets – Second Reading

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

Vice Mayor Snow moved, second by Council member Dean, and carried to adopt the ordinance.

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

Motion carried (6 – 0 roll call)

Accept Resignations – Robert Hall and Jeffrey Gooden

Vice Mayor Snow moved, second by Council member Pence, and carried to accept (reluctantly) the resignations of Robert Hall and Jeffrey Gooden.

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

Motion carried (6 – 0 roll call)

Set Date and Time for Budget Work Session

Will set at the end of the meeting.

Set Date and Time for Police Officers Interviews

Will set at the end of the meeting. Mayor Printz believed Robert Hall's position was temporary and requested the position be discussed before refilling.

Request from Patrick Hensley

Mr. Hensley withdrew his request following a meeting with the Planning Commission, which requested a letter from Mr. Hensley stating that he was building a non-conforming house in a B2 district. According to Code, if the house had to be rebuilt, it could not be rebuilt as a residence. In addition, "the people moving in would have to be made aware of the fact."

COMMITTEES

Electric

No report.

Finance

No report.

Personnel

Will go into closed session.

Public Health, Public Safety, and Ordinances

- Safety issues on Pentecostal Hill the Mayor will discuss with the Chief.
- "Children-at-Play" signs on order.
- School bus drivers speeding.
- "Lazy" STOP signs at Stuart and D, Lucas Lane, and F Street.

Streets and Sidewalks

Council member Sigafoose will meet with Mr. Shifflett.

Water and Sewer

No report.

Recreation

Check pump in Park.

Planning Commission

No report.

Cemetery

No report.

Park Authority

Meets the 1st and 3rd Tuesday of each month. They are "interviewing consultants and management people to gather information on how to operate the golf course."

Economic Development

Deferred to New Business.

Elkton Area Community Center

Center will not be finished until the middle of June due to an asbestos abatement issue.

DIRECTOR OF PUBLIC WORKS

Spring clean-up will be the week of May 8. Mr. Shifflett will advertise acceptable and unacceptable items.

The fuel factor is scheduled to decrease 20%.

The T21 Grant has to be reevaluated by VDOT, including the environmental aspects and granting minority contractors access to the project.

Mr. Shifflett has contacted 3 companies regarding yard waste. Quotes were $1.98, $2.75, and $5.00 per household, with 2 pick-ups per month May through October. All households will be charged, regardless of use of the service.

Farmers Market

Council member McDaniel moved, second by Council member Workman, and carried to endorse conceptually EDRC's concept for a farmers market.

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

Motion carried (6 – 0 roll call)

Bobby Gooden

Attorney Miller will review the file and make a recommendation to Council.

TOWN ATTORNEY

Attorney Miller presented the bylaws and a resolution authorizing the signing of the agreement with the Community Foundation to collect donations for the East Rockingham Community Center.

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

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

Motion carried (6 – 0 roll call)

Meetings

May 3, 2006 at 6:00 P.M. – police officers interviews
May 9, 2006 at 6:00 P.M. – Committee meetings
May 10, 2006 at 6:00 P.M. – work session for budget
May 16, 2006 at 7:00 P.M. – Council meeting

Closed Session

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

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

Motion carried (6 – 0 roll call)

Council member Dean 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. Vice Mayor Snow duly seconded the motion.

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

Motion carried (6 – 0 roll call)

Electrician Apprentice

Council member Workman moved, second by Council member McDaniel, and carried to authorize the Town Manager to advertise for an electrician apprentice.

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

Motion carried (6 – 0 roll call)

As there was no further business, the meeting was adjourned.

Mayor: _____
Wayne E. Printz, Mayor

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