Regular
Council Meeting
June 19, 2006

Mayor Wayne E. Printz presided at the regular Council meeting in Council Chambers on June 19, 2006. The following Council members were present:

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

ABSENT
C. McDaniel (vacation)

Town Attorney J. Burns Earle, III, Town Manager Dennis R. Donachy, Director of Public Works Marty Shifflett, Treasurer Clairen Sipe, Economic Development Director Emily Burner, Chief of Police James Morris, and Clerk of Council Richard Carey were also present.

Council member Dean offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Lee Dearing, 124 North Street, announced his resignation from the Cemetery Commission. He spoke of three disturbing incidents at Elk Run Cemetery: 1. A lady was buried in the wrong spot and cost $13,000.00 to settle the claim; 2. Another person was buried in the wrong spot and was moved without a court order; and 3. A person was buried without a vault. He believed these actions were very disrespectful to the deceased and their families.

Mildred Shifflett, 112 West Spotswood Avenue, commented on the lack of care given to the Town. She concentrated on the weeds, unswept streets, and litter. Regarding the blog that so prominently displays commentary and comments of and about Elkton, she stated, "If they don't like our Town and the way we run it, why the heck don't they leave?"

Hazel Crider, 114 Hillside, agreed that the Town is an eyesore. She believed the date of the Town Festival will detract from Field Day as well as the Festival. She suggested another date for the Town Festival, perhaps the Fourth of July.

CONSENT AGENDA

Consent Agenda
June 19, 2006

MINUTES
•Committee Meetings – May 9, 2006
•Regular Council Meeting – May 15, 2006
•Special Council Meeting – May 22, 2006
•Budget Work Session – May 22, 2006
•Budget Work Session – May 31, 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, T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (5 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $748,046.31 for General Government for the month of May 2006. Designated money was $468,004.89, which left available cash of $280,041.42.

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

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

Motion carried (5 – 0 roll call)

TOWN MANAGER'S REPORT

Ordinance to Amend Chapter 143 (Streets and Sidewalks) – First Reading

Mr. Donachy presented the following as a First Reading:

AN ORDINANCE TO AMEND CHAPTER 143 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF ELKTON TO ADD ARTICLE VI (CLOSURE OF STREETS OR ALLEYS)

WHEREAS, currently there is no clear procedure for the permanent or temporary closure of streets or alleys in the current code; and

WHEREAS, there have been numerous requests to close alleys and streets; and

WHEREAS, there are alleys and streets shown on the town map that are nonexistent and need to be improved or abandoned;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 143 (Streets and Sidewalks) of the Code of the Town of Elkton, is hereby amended by adding the following Article VI:

1. ARTICLE VI Closure of Streets or Alleys

§143-36 Temporary Closure

A street or alley may be temporarily closed if the following procedures are met:

A. Request must be submitted in writing to Town Council at least thirty (30) days prior to requested closure date.

B. The closure is for a purpose that benefits the town population.

C. The closure does not create long term impact to the adjacent property owners.

D. There is a defined period of closure.

E. Traffic is not diverted in a manner that would cause undue congestion in other areas.

F. At the conclusion of the closure period the street or alley is returned to a status that is at least as good as the original condition by the party that requested the temporary closure.

§143-37 Permanent Closure

A street or alley may be permanently closed if the following procedures are met:

A. Request must be submitted in writing to the Town Manager, or his/her designated representative. The request must provide information on why the street or alley should be closed, impact on neighboring property, and the benefit of closure to the town.

B. The Town Manager, or his/her designated representative, must certify that the street/alley has no useful purpose to the town or its residents by nature of current use, zoning, cost of closing, or point of origin and/or destination.

C. Request will be reviewed by the Planning Commission for their comments and recommendations.

D. All land owners along the right-of-way must be notified and a public meeting must be held following the procedures set for in §15.2-2006 of the Code of Virginia.

E. After the public meeting the Planning Commission will forward their recommendation to the Town Council.

F. After receiving a recommendation from the Planning Commission, the Town Council will determine if the street or alley is to be closed.

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

Ordinance to Amend Chapter 110, Section 110-703 – Second Reading

AN ORDINANCE TO AMEND CHAPTER 110 (LAND DEVELOPMENT) SECTION 110-703 (OFF-STREET PARKING) TO ESTABLISH PARKING GUIDELINES FOR B-1 DISTRICTS

WHEREAS, the current code does not contain parking guidelines for B-1, Downtown Business District; and

WHEREAS, there is already limited parking in B-1 Districts; and

WHEREAS, recently there have been inquiries on the purchase of land and building of new businesses in B-1 Districts;

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:

1. Section 110-703A and C are hereby amended by deleting the following wording:

   A. Parking space requirements for <u>all</u> ~~certain~~ districts. In all districts ~~except Downtown Business District B-1,~~ the following requirements apply:

   C. Parking space requirements for all districts ~~except B-1 Business~~.

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 Pence, and carried to approve the ordinance as presented.

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

Motion carried (5 – 0 roll call)

<u>Dominion Ridge Master Plan</u>

Council member Dean moved, second by Council member Workman, and carried to approve the Master Plan.

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

NAYS: S. Sigafoose

Motion carried (4 – 1 roll call)

<u>Budget Approval – Second Reading</u>

Mayor Printz tabled action pending a personnel issue to be discussed in closed session.

Reappoint Madelyn Dixon to the Planning Commission

Vice Mayor Snow moved, second by Council member Pence, and carried to reappoint Madelyn Dixon to the Planning Commission for a term beginning July 1, 2006 and ending June 30, 2010.

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

Motion carried (5 – 0 roll call)

Funds to Move Generator

Mr. Donachy stated there was $5,000.00 in Capital Projects and no Second Reading would be required.

Vice Mayor Snow moved, second by Council member Workman, to move the generator from the north side to the east side.

Following discussion, Vice Mayor Snow withdrew his motion to amend. Council member Workman withdrew his second.

Vice Mayor Snow moved, second by Council member Workman, and carried to complete the generator project and light the EPIC stairs.

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

Motion carried (5 – 0 roll call)

Letter of Termination

Attorney Earle recommended this be taken into closed session.

DIRECTOR OF PUBLIC WORKS

Ditman Flory

Mr. Shifflett stated that Mr. Flory had wanted to address Council about extending sewer service to property adjacent to the Firemen's Activity Building on RT. 340 S, at an estimated cost of $185,000.00 to run an eight inch line from Summit Avenue to the Flory property. This is an out-of-town request. E. A. Breeden also desires sewer connections for two houses in that area. Mr. Shifflett could not recommend the project due to the cost.

Council member Dean agreed with Mr. Shifflett. He believed "some serious discussion would have to be had with the developer." Council member Dean also took into consideration the capacity of the treatment plant.

Council member Dean moved, second by Council member Sigafoose, and carried to deny the request.

YEAS: J. Dean, T. Pence, S. Sigafoose, and P. Workman

NAYS: R. Snow

Motion carried (4 – 1 voice vote)

Willow Oaks

Mr. Shifflett estimated 1000 feet of ten inch line down North Street to supply Willow Oaks would cost $155,000.00.

Council member Dean recalled that Mr. McDaniel agreed to upgrade the water line for any demand Willow Oaks would create.

Mayor Printz again stated his opinion that the Town should not pay for development. "We should not spend money so someone else can make money," he said.

Paving Quotes – Pentecostal Hill Area

Mr. Shifflett stated that Blue and Gold Drive was a leftover project from last year. Information was enclosed in the Council packets. Council member Workman discussed the downtown storm water problem and the elimination of ISTEA from the budget.

Council member Sigafoose moved, second by Vice Mayor Snow, and carried to approve Bidder 2's quotes to pave Blue and Gold Drive ($55,000.00), Washington Street ($26,757.00), and East Summit Avenue ($36,695.00). Bidder 2 will mill connection points, install skim coat of SM-9.5AL, install 2" of SM-9.5AL in cross connections as well as 1.5" of SM-9.5AL on street surface.

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

Motion carried (5 – 0 roll call)

Good O' Boys Diner

Mr. Shifflett presented an invoice from Good O' Boys for $350.00 for rebuilt cabinets to replace water damaged ones.

Council member Pence moved, second by Council member Dean, and carried to deny payment.

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

Motion carried (5 – 0 roll call)

Council questioned why repayment was not sought at the time of damage. A request of 3 or 4 months after the fact did not set well with Council.

COMMITTEES

Electric

No report.

Finance

No report.

Personnel

Closed session.

Public Health, Public Safety, and Ordinances

Mayor Printz introduced Chief of Police James Morris. Mary K. Hutton did not request a hearing regarding notification that Council would take action to fill the hole left by demolition of a house owned by her on Jackson Avenue.

Streets and Sidewalks

Council member Sigafoose advised the Town would be cleaned up.

Water and Sewer

Deferred to New Business.

Recreation

Council member Sigafoose moved, second by Council member Dean, and carried to fence and close the Kids Castle until repaired.

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

Motion carried (5 – 0 roll call)

Vice Mayor Snow moved, second by Council member Dean, and carried to make the repairs a priority and instructed Council member Pence to meet with the inspector to determine that $10,000.00 would repair the structure. If so, the Town Manager was instructed to find the money.

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

Motion carried (5 – 0 roll call)

Planning Commission

No report.

Cemetery Commission

"NO PETS ALLOWED" signs have been posted. Working and ceremonial dogs are exempt.

Park Authority

No report.

Economic Development Committee

Council member Workman stated the meetings are advertised. Those who attended the meetings voted on the date for the Town Festival

Elkton Area Community Center Committee

The Community Center will be "mostly complete by the end of the month."

NEW BUSINESS

Council member Dean presented the following as First Readings:

1. **Impose a cigarette tax of 10 cents per pack and $1.00 per carton.**
2. **Impose a business tax on operators of apartments, molded after the other towns in the area.**
3. **Increase water costs by 10 cents per one thousand gallons.**

He strongly urged the in-coming Council to consult DMV regarding the operation of used car lots.

Angler Extension

Council member Dean moved, second by Council member Sigafoose, and carried to extend the Angler contract an additional sixty (60) days.

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

Motion carried (5 – 0 roll call)

Closed Session

Council member Dean moved, second by Council member Sigafoose, and carried to go into closed session under Virginia Code 2.2-3711 to discuss a letter of termination and personnel issues related to department heads and salary.

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

Motion carried (5 – 0 voice vote)

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 2.2 of the Code of Virginia were heard, discussed, or considered. Council member Sigafoose duly seconded the motion.

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

Motion carried (5 – 0 roll call)

Salary Increase – Jessica Lam

Council member Workman moved, second by Council member Dean, and carried to increase Officer Jessica Lam's salary from $21,132.00 to $24,091.40 effective next pay period.

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

Motion carried (5 – 0 roll call)

Letter of Termination

Council member Workman advised Mr. Donachy that after consultation with the Town Attorney, his letter of termination was not accepted. He said to Mr. Donachy, "The ball is in your court." Mr. Donachy immediately withdrew his letter of termination.

Internal Control Review (Audit)

After discussion, Council member Dean made the following motion:

Council member Dean moved, second by Council member Pence, and carried to transfer $15,000.00 from REPO to an escrow account in the name of the auditors who will perform the audit.

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

NAYS: S. Sigafoose

Motion carried (4 – 1 roll call)

Budget

Council member Dean moved, second by Council member Sigafoose, and carried to approve the budget.

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

Motion carried (5 – 0 roll call)

Vice Mayor Snow calculated $400,000.00 in interest payments in this budget. If the incoming Council follows through with the Angler deal, $318,000.00 could be eliminated and over a nine year period the Town would realize a savings of three million dollars.

Council member Dean moved, second by Council member Sigafoose, and carried to adjourn the meeting at 9:07 P.M.

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

Motion carried (5 – 0 voice vote)

Council member Dean moved, second by Council member Sigafoose, and carried to adjourn at 9:07 P.M.

Mayor: _____
Wayne E. Printz, Mayor

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