Regular
Council Meeting
December 18, 2006

The regular meeting of the Elkton Town Council was held on December 18, 2006 in the Community Room of the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
M. Dearing
M. Isom
D. Kite
M. O'Neill
T. Pence
S. Sigafoose

Town Attorney Tom Miller, Director of Public Works Marty Shifflett, Chief of Police James Morris, and Clerk of Council Richard Carey were also present.

Council member Kite gave the Invocation.

The Pledge of Allegiance was recited.

Chris Mullenax introduced himself to Council.

Audit Report

Mr. David Black of Young, Nicholas, Branner & Phillips, LLP was present and presented the Town of Elkton, Virginia Financial and Compliance Reports, June 30, 2006.

CITIZEN COMMENTS

Mildred Shifflett, 112 West Spotswood Avenue, opined that the Mayor should be the spokesperson for the Town. She used rumors of an increase in utility rates as an example of broken promises to residents. She questioned why the Town was buying more land. She also questioned who was forming all the new committees and creating new rules, referring to the Kite house and Community Center. She believed the positions were not being advertised properly and hiring was unfair. A Fourth of July celebration in Town is needed. Mrs. Shifflett complimented Chief Morris and Marty Shifflett on the job performance.

Vice Mayor Dearing affirmed that, since becoming Personnel Chair, all positions had been properly advertised. Mayor Printz took issue with inaccuracies published in a recent newspaper article. He was not consulted for that article and no commitment had been made to raise utility rates.

Madelyn Dixon, Ashby Avenue, commented how "lovely, gracious, and perfect" the Kite House Open House for the holidays was.

Vic Corbo, Windsong Hills, revisited the issue of Town employees using Town equipment to remove a tree on private property belonging to another Town employee. He considered this action as "theft" of Town services. He was told the incident was a personnel matter and appropriate action was taken. He later learned no punitive action was taken against the involved parties and sought reimbursement from the property owner.

Bobby Gooden, Morgan Avenue, asked that the sidewalk on Warren Avenue be repaired.

MINUTES

Vice Mayor Dearing moved, second by Council member Kite, and carried to approve the minutes of the Special Council Meeting on November 14, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 voice vote)

Vice Mayor Dearing moved, second by Council member Sigafoose, and carried to approve the minutes of the Regular Council Meeting on November 20, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 voice vote)

TREASURER'S REPORT

Mrs. Sipe is on maternity leave. No report available.

DIRECTOR OF PUBLIC WORKS

Warren Street Project

Widening Warren Avenue will be accomplished using Town personnel at a cost of approximately $30,000.00, excluding paving. Approximately 20 gravel parking spaces will be available on a gravel lot until Spring, when the area will be paved and new curb and gutter installed.

Council member O'Neill moved, second by Council member Sigafoose, and carried to allocate funds from Capital Projects, Streets, to proceed with the project.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Jackson Avenue

Mr. Shifflett advised that a vehicle hit and broke off a fire hydrant on Jackson. Currently a 4 inch line services the hydrant. The Fire Marshall wants the hydrant to be reconnected to an 8 inch line to provide adequate fire protection to that area. Mr. Shifflett estimated the entire cost of the project would be approximately 55 to 60 thousand dollars. He hopes, in the future, to locate water lines in the alleys, thereby eliminating cutting the road to make repairs. The Fire Marshall will support doing the project in FY 08 if a plan is submitted. Council member O'Neill will include the project in next year's budget.

Letter to Rockingham Planning Commission

Vice Mayor Dearing moved, second by Council member Pence, and carried to authorize Mayor Printz to sign the following letter:

December 11, 2006

Rockingham County Planning Commission

Dear Chairman and Commission Members,

Thank you for the opportunity to provide comment on the proposed changes to the County's comprehensive plan. Elkton would like to ask consideration of the following points:

1) While this new plan no longer contains the concept of urban transition property, there are areas outside of Elkton that are designated for future uses that do not concur with the current zoning. We believe in the principle of having planned growth areas in the county that align with existing water and sewer systems. We would, however, like to propose that by allowing an area outside a municipality to use a bordering municipality's water and sewer system, in essence, we are establishing that at some point in the future this area will likely become part of the municipality. Elkton is in the process of strengthening its code to establish pre-approval procedures around the following:

a. Requiring developers of out of town limits property greater than 5 units to meet all applicable codes of Elkton in addition to the codes of the County if they plan to use the Elkton water and sewer systems.

b. Requiring builders of out of limits property greater than 5 units, at their expense, to perform impact studies of proposed developments that include the impact on the Elkton resources they plan on utilizing, and that if necessary, the developer be required to bear all or part of the burden of any expense that may be required to support said development.

We ask that the County be supportive of this code change especially in regard to water and sewer lines that the County and Elkton have other agreements around that may impact the Town's ability to completely execute these code changes.

2) The area being considered in the Elkton vicinity came largely from a proposed annexation map & current build out. Elkton agrees that this area is part of what we consider to be our growth zone. We would, however, like to establish that we also believe that additional areas are also in our 5, 10, & 20 year growth zones and should be considered in future reviews of the County's comprehensive plan.

3) Lastly, Elkton is concerned about the potential for developments in the Massanutten and McGaheysville areas to spread too close to Elkton, and potentially result in requests for utilization of Elkton's sewer resources. While the plan on the table, as we understand it, does not allow this, we currently cannot support any plan that has the potential to allow this to happen.

Again, we appreciate your consideration of these points.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Comprehensive Plan

Vice Mayor Dearing moved, second by Council member Pence, and carried to approve the Comprehensive Plan as presented by the Planning Commission.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Kite House Fence

Sent back to Committee.

Promotions

Council member Sigafoose moved, second by Council member Pence, and carried to promote Sgt. Rodney Hensley to Lieutenant and K-9 Officer David Harris to Sergeant.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

NEW BUSINESS

Angler Contract

Council member O'Neill moved, second by Council member Isom, and carried to approve Draft 2 of the Angler Omnibus Agreement with the modification letter that contains the agreed upon modifications to Draft 2.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Hire Police Officer

Vice Mayor Dearing moved, second by Council member Pence, and carried to hire Christopher Mullenax as Police Officer with the Town of Elkton at a rate of $28,017.43 annually.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Hiram Kite Property Purchase – Second Reading

Although the property was recorded as purchased, Vice Mayor Dearing explained there was no record of a vote to purchase. The option to purchase was approved in February 2004 but, no where since, was there a record authorizing the purchase. "We had to go back and fix it," stated Vice Mayor Dearing.

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that:

Whereas an option agreement dated February 3, 2004 between the Town of Elkton and Hiram Kite, Jr., for the purchase of the property exists:

AND the property was purchased on or about March 30, 2006;

AND there is no record of council voting to authorize the purchase of the property;

I move that the council ratify the purchase of the Hiram Kite property under the terms and payment schedule specified in the option agreement.

YEAS: M. Dearing, M. Isom, M. O'Neill, and T. Pence

NAYS: D. Kite and S. Sigafoose

Motion carried (4 – 2 roll call)

Adopt Revised FY 06-07 Town of Elkton Budget

Council member O'Neill moved, second by Council member Kite, and carried to approve and adopt the proposed budget Revision 16, dated December 7, 2006 in the amount of $4,680,852.00 and allocate funds as presented.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Dump Truck

Council member Kite moved, second by Council member Isom, and carried to purchase a $19,000.00 dump truck for the maintenance department.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Motion to Set Water and Sewer Availability Fees – First Reading

Council member O'Neill moved, on a First Reading, that the residential connection fees for town water and sewer be set as follows unless otherwise specified by contract: Water: $4,000.00 per unit, Sewer: $6,000.00 per unit.

Motion to Amend Sewer Connection and Sewer Service Code – First Reading

Council member O'Neill presented the following on a First Reading:

§ 170-28. Application for sewer connection and sewer service [Amended 2-23-2005; 7-18-2005]

Any person or entity desiring to connect with the Town sewer line and to make Town sewer service available to any building, including but not limited to commercial, residential or industrial, shall make application for such service to the Town Manager or his/her designated representative, not more than *three* months prior to the intended date of connection, upon a form provided by the Town. No individual or related activity may hold more than *5* approved unused sewer connection applications. All approved sewer applications shall expire and payments forfeited if the building is not connected with the Town sewer line within *three* months of issuance. It shall be necessary for the expired permit holder to submit a new application, pay an additional connection fee, and obtain new approval prior to connecting the building to the Town sewer system. If the connection has not been completed when the permit expires, solely because the Town has not completed its portion of the connection, the Town shall waive the additional connection fee. The number of approved unused sewer connections and the time limits specified in this section may be altered through a contractual agreement approved by the town council.

Motion to Amend Water Connection Code – First Reading

Council member O'Neill presented the following as a First Reading:

§ 170-8. Water connections; conditions [Amended 2-23-2005]

All connections to the Town water system shall be made as provided in this chapter and only upon approval of the Town Manager or his/her designated representative. The owner of each lot or parcel of land which abuts a street or other public right-of-way which contains or is adjacent to an easement containing a water main or water system and upon which a building has been constructed for residential, commercial or industrial use, shall connect the building with the water main at the owner's expense in accordance with the provision of this chapter. The aforementioned shall not apply to an existing building now having an approved well. However, the well must be tested every year to ensure it meets Department of Health standards for drinking water, These tests must be filed with the Town, and if the well ever fails a test the owner may be required by Town Council to connect to public water.

I move that § 170-8. Water connections; conditions of the Town Code be amended to include the following:

Any person or entity desiring to connect with the Town water system and to make Town water service available to any building, including but not limited to commercial, residential or industrial, shall make application for such service to the Town Manager or his/her designated representative, not more than three months prior to the intended date of connection, upon a form provided by the Town. No individual or related activity may hold more than 5 approved unused water connection applications. All approved water applications shall expire and payments forfeited if the building is not connected with the Town water system within three months of issuance. It shall be necessary for the expired permit holder to submit a new application, pay an additional connection fee, and obtain new approval prior to connecting the building to the Town water system If the connection has not been completed when the permit expires, solely because the Town has not completed it portion of the connection, the Town shall waive the additional connection fee. The number of approved unused water connections and the time limits specified in this section may be altered through a contractual agreement approved by the Town Council.

Water and Sewer Hook-Up Ordinance – First Reading

ORDINANCE AMENDING AND RE-ENACTING SECTION_____
OF THE
CODE OF THE TOWN OF ELKTON, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELKTON, VIRGINIA:

That Section_____be repealed and replaced by the following provisions:

Section_____

(a) The owner or his agent (the Applicant) of a parcel of land located within or without the corporate limits of the Town of Elkton may apply to the Director of Public Works of Elkton (the Director) for permission to connect to the Town's potable water or sanitary sewer systems. Prior to applying for approval from the Town, if the Applicant's land lies outside the corporate limits of the Town of Elkton, the Applicant shall obtain at least preliminary approval from the County of Rockingham for his development project. Preliminary approval may take whatever form is acceptable to both the County and the Director, and need not commit the County to final approval. Such evidence of County approval shall be submitted with the application to the Town. For new water

connections, the application shall include (i) the estimated average daily demand, (ii) peak instantaneous demand, and (iii) fire flow demands.

(b) Where the intended use of the Applicant's land is residential involving fewer than ten units, the Director shall either approve or reject the application. Where there is any other intended use the Director shall forward the application to the Planning Commission for its recommendation. After consideration by the Commission, the application shall be forwarded to Town Council, with the recommendations of both the Commission and the Director for final approval or rejection.

(c) Prior to acting on the application, the Director may, and typically will, require that the Applicant submit appropriate engineering reports or studies that demonstrate the anticipated impact on the Town's water or sanitary sewer system, along with any recommendations for changes or additions to the Town's infrastructure indicated because of the proposed new connections. All engineering studies and reports shall be paid for by the Applicant.

(d) All infrastructure, whether it be an extension to a main, or a new service line or lateral, shall be installed in accordance with the Town's design and construction standards at the Applicant's expense. Once installed by the Applicant and accepted by the Director, water lines up the meter and sanitary sewer lines up to the laterals shall be the property of the Town. The Applicant shall provide all reasonably required easements, at the Applicant's expense.

(e) The Director may charge a reasonable fee to cover time and expenses of processing the application.

(f) A "main" is a water or sanitary sewer line that serves more than one customer. A "service line" is a water line proceeding from a main that serves one customer. A "lateral" is a sanitary sewer line proceeding from a main that serves one customer.

This ordinance shall be effective from the____day of_____,200____

ADOPTED AND APPROVED this_____day of_____,200____

_____
MAYOR

ATTESTE:

_____
CLERK OF COUNCIL

Police Salary Increases

Council member O'Neill moved, second by Council member Sigafoose, and carried that police salaries be adjusted as listed, effective January 1, 2007:

Phillip Cross - $28,017.00
Rodney Hensley - $36,400.00
Jeremy Ijames - $28,017.00
James Morris - $41,017.00
David Harris - $34,153.00

Christopher Mullenax - $28,017.00

Vice Mayor Dearing identified the $59,201.00 wage increase for the Police Department since July 1, 2006 as "serious raising of wages." The money has been "fixed" and new guns have been purchased. The complaint of "not enough money" is no longer valid and "we want to make sure we get our money's worth."

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Community Center Administrator

Council member Dean moved, second by Council member Sigafoose, and carried to authorize advertising the position of Community Center Administrator.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 voice vote)

Re-Advertise Community Center Secretary Position

Vice Mayor Dearing moved, second by Council member Kite, and carried to readvertise the position of Community Center Secretary.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 voice vote)

Community Center Custodian

Vice Mayor Dearing moved, second by Council member Kite and carried to hire Pam Cubbage as a full-time custodian for the Community Center at a rate of $20,800.00 per year.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Roy Eugene Davis

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to accept the Employment Contract of Roy Eugene Davis with the Town of Elkton and authorize the Mayor to sign the document as presented.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Elkton Festival

Council member Isom informed Council that the Elkton Festival could evolve into a Fourth of July celebration. Mayor Printz asked for opinions in support of funding the event:

Council member Pence – yes

Council member Sigafoose – yes, "as long as we have the extra money."

Council member Kite – a "reluctant" no. He believed an organization could use this as a "great fundraiser." If he approved funding for this event he would also have to approve "an equal amount for the other events in Town, such as Autumn Days, etc." In the near future a group will organize to plan the Elkton One Hundred Years Celebration (Centennial). Council member Kite will support that event. He concluded that he would like to see a Fourth of July Celebration, but the funding was the trouble area. Council member Isom stated the Elkton Festival group has advertised for organizations involvement but they have received no responses.

Vice Mayor Dearing – compared expenses to income. "Somewhere revenue has to match expenses," he stated. He listed expenditures that totaled over $100,000.00 tonight. "I can support it," he continued, "but in the course of doing it we have to be able to pay for it."

Council member Isom stated the monetary need would "probably be less than $2,000.00." Council member Kite asked Council member Isom's group to present a plan to recover the cost.

Council member O'Neill – supported "the idea." He was confident that funding could be allocated from Economic Development.

Mayor Printz stated it appeared to him that Council gave a "go ahead."

COMMITTEE REPORTS

Electric

Council member Isom, Marty Shifflett, and Gerald Monger will meet after the holidays. Council member Isom will address a small policy change regarding electric. A street light is needed at the intersection of Gibbons Avenue and Shenandoah Avenue. The owner of Debbie's Café was told there would be a $10.00 per month charge for a pole light in the alley. Mr. Shifflett has received a second quote for an electric generator. Reconnection fees (late utility payments) may be revisited.

Finance

No report.

Personnel

No report.

Public Health, Public Safety, and Ordinances

No report.

Streets and Sidewalks

No report.

Water and Sewer

No report.

Recreation

Council member Kite moved, second by Council member O'Neill, and carried to purchase and install a closed circuit TV surveillance system for the Community Center at a projected cost of $9,834.10.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Community Center parking lot lighting will be corrected. The telephone system has been corrected.

Planning Commission

Council member Pence moved, second by Council member Sigafoose, and carried to appoint Cathy Morrison to the Elkton Planning Commission for a term beginning December 18, 2006 and ending November 30, 2010.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, T. Pence, and S. Sigafoose

Motion carried (6 – 0 roll call)

Cemetery

Vice Mayor Dearing requested a vote in the future to offset the operating costs for the Cemetery.

Set Meetings

Committee Meetings – January 9, 2007 at 6:00 P.M.

Council Meeting – January 15, 2007 at 7:00 P.M.

As there was no further business, the meeting was adjourned at 9:50 P.M.

Mayor: _____
Wayne E. Printz

Recorder: _____
Richard D. Carey, Clerk