Regular
Council Meeting
September 17, 2007

The regular meeting of the Elkton Town Council was held on September 17, 2007 at 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 Lauri A. N. Sigler, Lieutenant Rodney Hensley, EACC Administrator Allison Morris, Treasurer Clairen Sipe, EACC Secretary Diane Johnson and Clerk of Council Denise R. Monger were also present.

Town Superintendent/Zoning Administrator Marty Shifflett was not in attendance due to illness.

The Pledge of Allegiance was recited.

Council member Kite introduced Reverend Patricia A. Riggs of the Evangelical United Methodist Church of Elkton, Virginia who gave the invocation.

Mayor Printz stated that Mike Breeden from the Rockingham County Board of Supervisors was in attendance. He thanked Supervisor Breeden for his efforts and hard work towards the community.

Supervisor Breeden noted that County had voted to move the voting precinct back to the Elkton downtown area at the request of Council. He requested information be sent to County regarding the next installment or support payment to the Community Center.

COMMUNITY CENTER STATE RECOGNITION

Council member Kite was joined by Mayor Printz, Lynn Meadows, Allison Morris, Diane Johnson, Dr. Larry Bompiani, Bobbie Rae Monger, Randall Snow and George McDaniel to acknowledge an honor bestowed upon the Community Center. The Community Center was honored by the Virginia Recreation & Parks Society for "Best New Renovation/Addition for Population under 25,000." Lynn Meadows, Recreation Director, and Elizabeth Knight, Director of Economic Development Partnership Program at James Madison University prepared the submission for which the Community Center was honored.

Council member Kite stated the name of the Community Center would be changed from the Elkton Area Community Center to East Rockingham Community Center.

George McDaniel spoke regarding the process in which the Community Center was established.

Randall Snow stated he supported the Community Center name remaining Elkton Area Community Center – Stonewall District.

JOHN LAMB PRESENTATION

Vice Mayor Dearing introduced John Lamb, a former detective turned author, whose mystery books are set in the Shenandoah Valley. Mr. Lamb presented the Elkton Police Department with teddy bears on behalf of the international charity group named

"Good Bears of the World." Mr. Lamb noted the toys were to be given to children by emergency workers when confronted with a tragedy or trauma.

Mayor Printz thanked Mr. Lamb for his presentation and for arranging the Town to be involved with the charity.

MASSANUTTEN CHAPTER DAUGHTERS OF THE REVOLUTION

Mayor Printz introduced Janet Sonifrank, Eleanor Price and Billie Joe Monger who represent the Massanutten Chapter Daughters of the Revolution.

Mrs. Sonifrank stated this year marked the 220th birthday of the Constitution and asked the following proclamation be endorsed:

PROCLAMATION
Constitution Week 2007

WHEREAS, September 17, 2007, marks the two hundred and twentieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

NOW, THEREFORE, I, Wayne E. Printz, Mayor of the Town of Elkton, Virginia, do hereby proclaim September 17 through 23, 2007 to be

CONSTITUTION WEEK

In the Town of Elkton, Virginia, I ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Elkton, Virginia on this seventeenth day of September in the year of two thousand seven.

_____
Mayor

ATTEST:

_____
Clerk of Council

Motion to Approve Constitution Week Proclamation

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to accept the Proclamation.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Mayor Printz thanked the members for their contributions.

CITIZEN COMMENTS

Vic Corbo, 248 Windsong Hills Drive, spoke of a letter presented at the last Council meeting from First Class Services which stated the following:

Dear Members of the Town Council,

"We, First Class Services are the bulk mailer who mailed the A.B.E. newsletter. We would like to take the time to apologize for a mistake that occurred with the newsletter mailing.

We inadvertently printed the wrong return address on the mail piece. The job came in with no return address or mailing indicia. We applied the return address with indicia as a courtesy. We did not realize that these were two separate organizations.

This job was prepared for and paid for by A.B.E. We just had a return address misunderstanding.

We are truly sorry for the inconvenience this has caused. Sincerely, Linda Greene, First Class Services." Mr. Corbo continued with further opinions regarding the matter.

Mr. Corbo spoke with Seth McGuffin regarding the Halloween Hoo-Doo and was told due to funding cuts EDRC would no longer participate in the event.

Mildred Shifflett, 112 West Spotswood Avenue, spoke of her respect for the police department. However, she expressed her dismay with the department regarding a recent incident in which broken glass was found at a local business. Mrs. Shifflett stated more custodial attention was needed at the Municipal Building. Further, in light of the recent negative publicity, she suggested Council appoint Mayor Printz as the one spokesperson for the Town.

MINUTES

Motion to Approve August 14, 2007 Committee Meetings Minutes

Council member Kite moved, seconded by Council member O'Neill, and carried to approve the minutes for the Committee Meetings held on August 14, 2007.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve August 14, 2007 Special Council Minutes

Council member O'Neill moved, seconded by Council member Kite, and carried to approve the minutes for the Special Council Meeting held on August 14, 2007.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve August 20, 2007 Public Hearing Minutes

Council member Kite moved, seconded by Council member O'Neill, and carried to approve the minutes for the Public Hearing held on August 20, 2007.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve August 20, 2007 Regular Council Meeting Minutes

Council member O'Neill moved, seconded by Council member Sigafoose, and carried to approve the minutes for the Regular Council Meeting held on August 20, 2007.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve September 11, 2007 Special Council Meeting Minutes

Council member O'Neill moved, seconded by Council member Isom, and carried to approve the minutes for the Special Council Meeting held on September 11, 2007.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $119,092.27 for General Government for the month of August 2007. Total designated money was $58,958.53, leaving total available cash of $60,133.74.

Council member O'Neill moved, seconded by Council member Isom, and carried to accept the Treasurer's report as presented.

Following a brief discussion regarding total expenditures, Council member O'Neill withdrew his motion and Council member Isom withdrew her second and the following motion was presented:

Council member O'Neill moved, seconded by Council member Isom, and carried to accept the revised Treasurer's report.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Vice Mayor Dearing queried the number of employees at the Community Center. Administrator Allison Morris responded there were four part-time, one custodial, one administrative assistant, herself and Lynn Meadows who manages recreation. She stated one part-time person had recently departed.

Supervisor Michael Breeden spoke regarding the name change for the Community Center. He stated the County's intention by asking for the name, "East Rockingham Community Center" was to show that services for the center would be provided to all citizens in East Rockingham. Supervisor Breeden offered to take the matter back to the Rockingham County Board of Supervisors for review. George McDaniel asked to be involved when discussions take place regarding the name of the center and funding matters.

Council member Kite asked Supervisor Breeden to speak with County Administrator, Joe Paxton and relay information regarding the name situation.

TOWN SUPERINTENDENT'S REPORT

Town Superintendent's report was not part of the regular packet.

CHIEF OF POLICE REPORT

Chief Morris was out of town for training. Lieutenant Hensley was in attendance and provided the report to Council.

Lieutenant Hensley stated Chief Morris would be graduating on Thursday, September 20, 2007 at 11:00 a.m.

Lieutenant Hensley spoke briefly to Mrs. Shifflett regarding an incident at a local business which involved broken glass.

Mayor Printz thanked Lieutenant Hensley for standing-in while Chief Morris was at training. He commended Lieutenant for his hard work and prompt communication with Council and the citizens.

NEW BUSINESS

Fence Ordinance – First Reading

Vice Mayor Dearing moved on a First Reading to approve Chapter 110 LAND DEVELOPMENT Article VII Use Regulations, Section 110-710 Fences, E. No fence in any district located in a front yard shall exceed three feet in height.

Flood Ordinance – First Reading

Vice Mayor Dearing moved on a First Reading to approve the flood ordinance which would be available for review at the Town Hall.

Sign Ordinance – First Reading

Vice Mayor Dearing moved on a First Reading to approve the sign ordinance Section 110-706D. Signs and permitted uses. Any electronic message board sign must

meet the requirements contained in Section 110-706 F (3) below. Section 110-706 F (3) would state the following: Any sign which displays scrolling text, flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, which changes alteration on not less than a five-second cycle.

Trespass Ordinance – First Reading

Vice Mayor Dearing moved on a First Reading to amend Section 27.7 designating police to enforce trespassing violations. Copies would be available at the Town Hall.

Motion to Approve Water and Sewer Request for Lester Heatwole

Council member Kite moved, seconded by Council member O'Neill, and carried to support the requests for the water and sewer hook-ups for Mr. Lester Heatwole on 33 as stated in our Committee Meeting.

Council member Kite stated Mr. Heatwole had requested three connections.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Lot Line Revision for Dr. Brown

After a brief discussion, this matter was sent back to Committee.

Motion to Approve Purchase of Trencher

This matter was tabled by Mayor Printz.

Motion to Approve Purchase of Truck

Council member Sigafoose stated the truck would be leased for three years.

Council member O'Neill moved, seconded by Council member Isom, and carried to approve the purchase of a truck on a three year lease.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion for Approval of Policy for Divertees

This matter was tabled by Mayor Printz.

Motion to Approve Purchase of Centennial Banners and Brackets

Vice Mayor Dearing stated this matter was discussed at Committee. He would like to purchase 100 Centennial banners and brackets using the logo adopted by the Centennial Committee. The banners would be sold as collectors items. He stated a definitive price was yet to be determined. Therefore, he requested the matter be tabled and sent back to committee.

Motion to Approve Authorization for Treasurer to Order Decals

Treasurer Sipe stated she needed approval to change the logo on the current decal to that of the approved Centennial Logo. The decals would be ordered in November 2007.

Council member O'Neill moved, seconded by Council member Isom, and carried to approve placement of the Centennial logo on Town decals.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Centennial Celebration

Council member Isom stated copies of minutes had been placed in the mailboxes of Council and the Mayor. She noted that no further financial information was received from Jeff Lam since additional funds had not been used.

Council member Isom noted that Mr. Downey had generously donated the use of the old "Curiosity Shop" building as a meeting facility for the Centennial Headquarters. She asked the Town to fund the electric, water and sewer, and propane gas for heat. She noted that Bill Holt had estimated the propane would cost approximately $800.00. Further, she noted that Town Superintendent Shifflett was inquiring if the Town could receive a free hook-up for internet access. Additionally, she stated that telephones would be needed. The matter was referred back to committee.

Council member O'Neill questioned if these items would be funded from money already allocated for the Centennial Celebration or if additional funds would be requested.

Additional discussions included: hours for Centennial headquarters, cell phones, and Centennial license plates.

Mayor Printz thanked Council member Isom for her efforts regarding the Centennial Celebration.

Motion to Waive Kite House Rental Fees for Elaine Simpson Request

Council member O'Neill moved, seconded by Council member Kite, and carried to waive Kite House rental fees for Elaine Simpson's request as discussed during Committee.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Council member Pence stated a citizen had recently rented the Kite House and was unhappy with the accommodations. This matter was sent to Committee for review.

Benny King, 500 East F Street, requested a water and sewer connection for an existing residency on Mt. Hermon Road and 125 water and sewer connections for a property near Mt. Hermon Road.

Mayor Printz asked Mr. King to meet with Council at the next Committee Meeting. Mr. King responded affirmatively and added he was not necessarily requesting a discount per se, but would be open to negotiations with Council should he pre-pay for connections.

Mayor Printz requested the matter be sent back to Committee.

COMMITTEES

Electric

No report at this time.

Finance

Council member O'Neill stated no payment had been received from Angler. He noted that a number of first readings and recommendations would need approval in order to achieve a balanced budget.

Water Hauler Rate Increase – First Reading

Council member O'Neill moved on a First Reading to increase the water hauling rate from $2.00 to $4.00 per 1000 gallons. He requested a public hearing be scheduled and all necessary notices be posted. He would like Council to vote on the matter at the next regular Council meeting.

Increase Meals Tax – First Reading

Council member O'Neill moved on a First Reading to increase meals tax by $.02 from $.04 - $.06 per dollar. He requested the necessary notices and public hearing be scheduled. He would like Council to vote on the matter at the next regular Council meeting in order for the Treasurer's Office to begin implementation of the new ordinance by December 1, 2007.

Increase Cost of Town Decals – First Reading

Council member O'Neill moved on a First Reading to increase the cost of Town decals from $20.00 to $25.00 to assist funding the Centennial Celebration efforts. He requested the necessary notices and public hearing be scheduled. He would like Council to vote on the matter at the next regular Council meeting.

Motion to Freeze Capital Spending

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to implement a capital spending freeze effective immediately. Any capital spending that occurs will need to be signed-off on by the Mayor.

Town Superintendent Shifflett will approve and endorse any capital spending requests which would then be forwarded to Mayor Printz for approval and endorsement.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Implement Hiring Freeze

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to implement a hiring freeze to review current levels of staff and to ensure all employees are being used efficiently and effectively before hiring continues.

Council member Kite stated he would vote in favor of the motion provided all employees remain at their current positions. Mayor Printz stated any specific needs would need to return to Council for approval.

Council member O'Neill stated these actions were being taken now in order to stimulate a greater effect. He noted while drafting the initial budget, consideration was given to the possibility of the Town not receiving payment from Angler. He noted as part of the "freeze plan" in effect, phase I of the sewer upgrade was also frozen.

Council member O'Neill believed further in the year, additional funds from developments would be forthcoming as revenue for the Town.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Personnel

Vice Mayor Dearing read the following: "On the 17th day of September, I, Officer Cross, am turning my two week notice into the Elkton Police Department. I want to thank you for the opportunity that you have given me to become a police officer. My last day of work will be on September 29, 2007. Thank you again for all that you have done for my career. God Bless."

Vice Mayor Dearing stated that position would need to be filled.

Motion to Accept Resignation of Officer Phillip Cross

Council member O'Neill moved, seconded by Council member Sigafoose, and carried to accept the resignation of Phillip Cross.

Vice Mayor Dearing stated that the Town had paid for Officer Cross to attend school. He questioned if Officer Cross had a three year contract which addressed an officer discontinuing employment prior to commitment terms.

Vice Mayor Dearing stated Officer Cross did a fine job for the Town. He stated he was very professional and the Town would miss him greatly.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Authorize Replacement Police Officer

Council member O'Neill moved, seconded by Council member Sigafoose, and carried to authorize the hiring of a replacement police officer for Officer Cross.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Public Health, Safety, Ordinances

Council member Sigafoose stated that Chief Morris would be graduating on Thursday, September 20, 2007 at 11:00 a.m. Mayor Printz, Council member Sigafoose, and Town Superintendent Shifflett would be attending the ceremony.

Streets and Sidewalks

No report at this time.

Water and Sewer

No report at this time.

Cemetery

Vice Mayor Dearing reported that forty-three donations had been made towards the fence plaques for a total of $9,400.00.

The streets of the Cemetery would be named as follows: Berry Way, Brill Way, Frey Way, Flick Way, McGahey Way, Miller Way, Monger Way and Nicholson Way. The main street through the Cemetery would be named Elk Run Drive which would be listed on the 911 Addressing System.

The streets and sidewalks ordinance was discussed briefly. Town Attorney Sigler stated the matter was still under review. Therefore, Mayor Printz sent the matter back to committee.

Recreation

Council member Pence stated there was a flag football team practicing in the park that does not have a coach. Council member Kite would review the matter.

Planning Commission

No report at this time.

Advisory

Report would be given next month.

UNFINISHED BUSINESS

Ordinance to Adopt Chapter 11 ELECTIONS Sections 11.1 & 11.2 - Code of the Town of Elkton

Mayor Printz sent this matter back to Committee.

Ordinance Approved by Planning Commission regarding Apartment Houses

Mayor Printz sent this matter back to Committee.

TOWN ATTORNEY

Town Attorney Sigler stated she had no additional items to discuss.

MAYOR'S BUSINESS

Public hearings are to be scheduled in the near future. Mayor Printz stated his intention was to shorten the length of time at meetings. He noted his appreciation for the citizens and his love of the Town.

Closed Session

Council member O'Neill moved, seconded by Council member Isom, and carried to go into closed session under Virginia Code 2.2-3711.A.11 to discuss personnel issues, under Virginia Code 2.2-3711.A.7 to discuss pending/possible litigation and under Virginia Code 2.2-3711.A.3 to discuss real estate negotiations.

Vice Mayor Dearing stated he would not support going into closed session due to a prior meeting in which details of a closed session meeting had been leaked.

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

NAYS: M. Dearing and S. Sigafoose

VOTE: (4 – 2 roll call) Motion carried

Council member O'Neill 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 Kite duly seconded the motion.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Approve Advertising of Kite Property

Council member O'Neill moved, seconded by Council member Sigafoose, and carried for Council to authorize the advertisement of the Kite property; 240 acres for sale with a price that will be determined with the advice of the attorney.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

As there was no additional business, **Council member O'Neill moved, seconded by Council member Sigafoose, and carried to adjourn the meeting.**

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk