Committee Meetings
April 10, 2007

PRESENT	STAFF
M. Dearing	Tom Miller
M. Isom	Marty Shifflett
D. Kite	James Morris
M. O'Neill	Clairen Sipe
T. Pence	Allison Morris
W. Printz	Denise Monger

ABSENT
S. Sigafoose

The following items and issues were discussed:

Streets & Maintenance

- Pave Jackson, Warren and a few other intersections.
- Vice Mayor Dearing suggested future budgets reflect a more evenly disbursed labor force throughout the year. He believed this would better inform Council of how to appropriate funds for all departments.
- Acting Town Superintendent Marty Shifflett stated that Drew Williams of the Central Shenandoah Planning District will come to Elkton at the end of April to participate in a transportation plan. The plan may include such new items as a bike path.
- Vice Mayor Dearing commented that the Town signage and markings need attention and repair.
- Vice Mayor Dearing further commented there is a need to increase downtown parking and eliminate confusing downtown signage and markings. Chief Morris is to review downtown parking.
- Handicap parking is needed downtown.
- No parking at Old River Bridge. Council member Isom has reported incidents regarding this matter to police.
- Cruising discussed.
- Spring Avenue ditch across from Bill Hitt.
- Drainage from railroad tracks and Elkton Car Wash. Council to review site.

Recreation / Community Center

- Farmers Market letter discussed; advertising for Farmers Market; business license issues.
- Review business license procedures in regards to a Farmers Market with City of Harrisonburg.
- Attorney Miller stated that most likely the organization renting a space at a Farmers Market would have a general liability policy in regards to any liability claims.
- Council referred Farmers Market issue back to Council member Kite, Town Attorney Miller and Allison Morris.
- Commuter parking.
- Policy Procedures Manuel *(Agenda)*
- Farmers Market *(Agenda)*
- Membership policy for fire and rescue. Further discussion at next meeting.
- Donated Nordic Track equipment to be (possibly) raffled and proceeds to Community Center.
- Town Attorney Miller stated if the equipment is made in a public offering such as an auction or sealed bids in which the event was advertised there should be no conflict for the Town.
- Chart will be available Friday showing Community Center usage.
- Removal of outfield fence at Stonewall Park. Council agreed to fence removal pursuant to letter from Recreation Director.

- Monger and EPIC Shelters need to be painted and tables coated. Netting to be installed for bird prevention measures.
- Kids Castle inspected and coated.
- Park bathrooms and maintenance. Police to lock park restrooms and park at night.
- $8,000.00 Merck shelter repairs.
- Merck shelter concrete foundation issues.
- Valley Program for the Aging lease is being prepared by Town Attorney Miller. VPA to use the Community Center to prepare meals.
- Only authorized vehicles allowed in park. Chief Morris to review and advise Council.
- Replacement of Coax Cable.
- George McDaniel advised of additional contractor issues regarding Merck Shelter.
- Vice Mayor Dearing suggested Town request Certificate of Insurance from any contractors performing jobs for the Town.

Cemetery

- Iron fence cost $9,000.00
- $4,200.00 donated to date towards fence; four additional donations promised.
- Gates.

Personnel

- Owen "Tink" Shifflett has worked for the Town of Elkton for thirty-seven years and wants to retire. He would like to enroll wife in COBRA Insurance plan and possibly work 8-9 days a month to pay for said insurance.
- All background checks on Community Center employees and anyone working with children or young adults have been completed.
- Department heads to help develop personnel manual.
- Thursday – review of grievance procedures at Committee Meeting. Changes to be reviewed.
- Pay Scale.

Finance

- Second Reading to reallocate $4,100.00 for training from Capitol Equipment in the Elkton Police Department to Conventions, Meetings, and Training. *(Agenda).*
- First Reading Council to authorize replacement of police vehicle. *(Agenda).*
- Chief Morris stated he has existing $37,957.34 available grant money to install police vehicle radios. He asked permission to spend the grant money first and the remainder needed of $26,617.66 be appropriated in the FY 07-08 budget. *(Agenda)*
- Council to authorize Chief Morris to use $37,957.35 of grant money to install radios in police vehicles.
- Council would like cameras incorporated into the upcoming 2007/2008 budget.
- Police budget has enough money to pay for installation of cameras into vehicles.

Treasurer

- Discussion of Budget v. Actual Reports.
- Discussion of Pentecostal Hill project.
- Treasurer Sipe advised Council that at the end of the year auditors could split the loan payment for Pentecostal Hill to 50% water / 50% sewer.
- Council would like Treasurer Sipe to set-up account codes for Pentecostal Hill loan payments to be split equally between water and sewer.
- Treasurer Sipe advised of decals, summer sewer sign-up and court judgments for delinquent utility customers. Treasurer Sipe further advised the Treasurer's office

had mailed over 900 real estate and personal property tax notices to customers owing delinquent taxes to the Town of Elkton.

- Council asked Treasurer Sipe to list additional collection or other activities in the Treasurer's Office for Council to review.
- Vice Mayor Dearing reiterated the Town's utility disconnect / reconnect policy.
- Treasurer Sipe advised all employment applications to back-fill position currently open in the Treasurer's Office are in the process of being reviewed.
- A lengthy discussion regarding the sale, development and character of the Kite property.
- Town Attorney Miller suggested the Kite property matter should be referred to the Planning Commission.

Electric

- Responding to Council member Isom, Treasurer Sipe stated that there has been an increase in the number of cut-offs since the Town started accepting credit card payments.
- Peak generator issue discussed.

Water / Sewer

- Higgins and Flores matter was discussed regarding the replacement sewer line for $6,500.00.
- Pursuant to a recommendation from the Virginia Municipal League, the Town may use a van from Harrisonburg with an installed camera to record sewer lines. A schedule will be developed to camera lines and inspect manholes every year.
- Smoke tests complete on entire Town.
- Acting Town Superintendent Shifflett stated the report from the smoke tests is in progress and major issues were found at Spotswood Avenue, Wirt Avenue and West Prospect.
- Additional issues found in line that runs from Town office and dumps at the Exxon station. Also, East Spotswood has a sewer line that is tied into a sanitary sewer line.
- Preliminary Engineering Report, sewer rates study and wet well, will be ready April 19, 2007.
- Estimates from Anderson & Associates regarding water and sewer on Mt. Pleasant Road and Newtown Road.
- A check for $264,000.00 could not be accepted by Mr. Shifflett "because connection fees are $10,000.00." He also had to refuse two additional connections at $6,000.00 because the connection fees are $10,000.00.
- The requestors' argument, according to Mr. Shifflett was based on the Town's advertising to increase the availability fees to $10,000.00. They desired to connect at the $6,000.00 rate.
- Howard Cushman, Harrisonburg, addressed Council and stated his confusion after reading the Notice for the Public Hearing to increase availability fees for water and sewer. He questioned why there was an increase prior to the advertisement.
- Attorney Steven Blatt, council for the McDaniel Bros., was present and spoke on their behalf. Mr. Blatt addressed to the issue of fair and reasonable rates. Mr. Blatt continued that in his opinion, the Council, in certain instances, has shown favoritism to one developer over another. Specifically, he addressed the Angler contract.
- Vice Mayor Dearing stated that no special treatment was given to Angler. Further, he continued, "Council set rates in advance according to what the Council thought the progression of rates would be for that particular time." Vice Mayor Dearing believed, the only error made, if any, was that Council did not hold a Public Hearing.
- Town Attorney Miller stated that his advice would be given to Council in Closed Session. Council would then decide to announce any public statements.
- Responding to Attorney Blatts' comments, Town Attorney Miller stated that perhaps Attorney Blatts' comments were not as "cut-n-dry" as presented. He continued that "the rates that are being used with Angler are part of an entire project and part of an

entire agreement…we would be more that happy to consider the same arrangements with any developer that comes along."

- Additional discussions included: purchase limited to 10 connections, the legality of municipalities within the Commonwealth entering into an Angler-type agreement; the date of the site plan approval for Willow Oaks; ordinance comparison passed limiting connections to 10.
- Town Attorney Miller stated, "I do not see that a rate increase negatively impacts the right to proceed with a project. It may make it more expensive to proceed with the project but it doesn't impact the right to proceed with the project."
- Howard Cushman, Harrisonburg, reiterated that he was not given a fair opportunity to purchase the connection fees at $6,000.00.
- George McDaniel, of McDaniel Bros., explained the process by which developers arrive at project costs. Mr. McDaniel stated he did not see a Public Notice regarding a fee change from $6,000.00 to $10,000.00 and questioned Council regarding the fairness and reasonableness of the new rates. Lastly, Mr. McDaniel stated the rates of adjoining towns.
- Mayor Printz responded to Mr. McDaniel by explaining that decisions were made after receiving an accounting from all parties, statistical analysis, years of neglect and low rates. In his opinion, most of the towns that Mr. McDaniel mentioned with low rates will be in the same position that Elkton is in now in six months to one year.
- Mr. McDaniel questioned what study was done to determine the rate increase.
- Council member Kite responded that he perused a report from a prior month during an Anderson & Associates presentation regarding sewer plant costs and this prompted the increase in fees. He further stated, that he agrees with Mayor Printz that other localities share the same burden as Elkton and they too will be forced to find revenue.
- Mr. McDaniel stated that this should be a community issue and not a contractor issue.
- Council member Kite prompted Mr. McDaniel to discuss the percentage he will earn from these properties.
- Mr. McDaniel responded by stating he is "locked at a fee" and cannot charge any additional money. He continued that he cannot "absorb a $260,000.00 water/sewer rate increase and expect to come out on a project". He stated he had a Preliminary Plan approved in 2003 and has letter of approval from Mr. Donachy. Lastly, Mr. McDaniel stated the Virginia Code allows him five years to complete his development and that the Town cannot pass ordinances that effect his plan.
- Council member Kite questioned Mr. McDaniel regarding his ability to predict an increase in his "job costs" from 2003 to 2007.
- McDaniel stated he is already paying water and sewer fees at double the cost. Again, discussed contractor's procedures.
- Mayor Printz questioned Mr. McDaniel regarding the pricing of new homes.
- Mr. McDaniel asked Council to be treated fairly and advised that he has his Final Plat.
- Benny King, Elkton, spoke to Council regarding utility connection fees, and water and sewer rates. Mr. King stated that he understands Council has an obligation to seek revenue for upcoming expenses. However, he believes that the contractors should not have to carry the burden. He reminded Council that this is a community issue and urged Council to make a decision on fees that is best for everyone in the community. Further, he stated that potential home buyers may consider these fees inflated and this may handicap Elkton in the home market.
- Discussion regarding future hook-ups.
- Increase in real estate taxes.
- Water/sewer plant capacity; Town costs v. County costs.
- Mr. King asked Council to leave rates at $6,000.00 and search other avenues for additional revenue.
- Council member Kite questioned Mr. King regarding the impact of the new rates.
- Final comment from Mr. McDaniel was that his plan cannot be changed. Further discussion regarding final costs of plan.
- Punk Longley donation.

- Road to well at Elkwood to be open for now.
- Trees removal near Ciro's.
- Discussion of environmental representative's opinion of tree removal along the creek.

Closed Session

Council member O'Neill moved, second by Council member Kite, and carried to go into closed session under Virginia Code 2.2-3711.A.7 of the Code of Virginia (1950) as amended for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation.

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

Motion carried (5 – 0 roll call)

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 and T. Pence.

Motion carried (5 – 0 roll call)

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

Mayor: _____
Wayne E. Printz

Recorder: Denise R. Monger
Denise R. Monger, Clerk