Regular
Council Meeting
July 16, 2007

The regular meeting of the Elkton Town Council was held on July 16, 2007 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
D. Kite
M. O'Neill
S. Sigafoose

ABSENT
M. Isom
T. Pence

Town Attorney Lauri A. N. Sigler, Acting Town Superintendent/Zoning Administrator Marty Shifflett, Lieutenant Rodney Hensley, EACC Administrator Allison Morris, Treasurer Clairen Sipe, and Clerk of Council Denise R. Monger were also present.

Council member Kite offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Hazel Crider, Elkwood, encouraged the Mayor and Council to use microphones when speaking at the meetings as much as possible. Mrs. Crider commented that the advertised public hearing regarding the Kite property was interrupted numerous times. In her opinion, the public hearing should have been more reserved for citizen input toward the project. She was unsure of how Council planned to proceed with the project after the meeting concluded.

Mrs. Crider commented on the Harrisonburg City Council and the efficiency of their meetings. She felt it unnecessary for Elkton citizens to endure such long meetings and urged Council to reduce the length of the meetings.

Mrs. Crider invited all to the Neighborhood Watch sponsored event of "National Night Out" on Tuesday, August 7, 2007. The event would be held on the front lawn of the Municipal Building.

Mrs. Crider spoke of improvements to the park and the success of the July 4th celebration.

Vice Mayor Dearing discussed closed sessions and the length of meetings in general. He concurred with Mrs. Crider regarding the span of time spent in meetings. He stated he supported an open forum in order for the public to be well informed on the Council's views of certain issues. Vice Mayor Dearing stated he left the Town Hall meeting with an understanding of the components to be used in developing the Kite property as well as other information to move the process forward.

Bobby Gooden, Elkton, spoke regarding his labors to have a sidewalk installed on Warren Avenue. He appreciated the efforts of the Town. Mr. Gooden stated when his father signed to have Elkton incorporated, the Town was mapped off. All avenues running north and south were named after famous people – mostly Generals. He spoke of various avenues he would like for Council to review regarding names.

Mr. Gooden stated there was an ongoing issue with his neighbor. He stated his neighbor had five or six businesses. He had been working with Zoning Administrator

Marty Shifflett and hoped Mr. Shifflett's report that evening would enlighten the status of his current situation.

Mr. Gooden asked Council to consider having a person or organization play "Taps" at 10:00 p.m. in the Elk Run Cemetery in honor of the five hundred veteran soldiers buried in that location.

MINUTES

Council member Kite moved, seconded by Council member O'Neill, and carried to approve the minutes of the Public Hearing on June 18, 2007, Regular Council Meeting on June 18, 2007, Special Council Meeting on June 27, 2007, Town Hall Meeting on June 27, 2007 and Special Council Meeting on July 10, 2007.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Mayor Printz stated the following:

"I would like to first of all warn the Town businesses and the Town citizens about a newspaper that was sent out under false pretenses called ABE. This newsletter claims to be for the betterment of Elkton when it is actually in my opinion a paid political advertisement and forum for Mr. Vic Corbo, Mr. Randall Snow and Mr. Bill McDonald. This document has no editors, no copyright information, no signatures notifying the public who is responsible for incorrect information that is being sent out. There is a return address of the Elkton Downtown Revitalization Corporation which deceived our businesses and citizens into thinking that EDRC has approved this political forum when in fact they are very upset that this address was illegally or improperly put on the document and they very well have violated election laws regarding paid political advertisements. Town money is also allocated to EDRC and it is not legal to use these funds for this type of ad. A few members of our Council are seriously concerned. I am in the process of notifying the Commonwealth Attorney and the State Election Board of this activity and hopefully the Town funding for EDRC will not be in jeopardy, which I understand it is. I am also asking the community to reject this type of manipulative political propaganda sent out under false pretenses.

Also there has been much misinformation already in this news article regarding Mr. Pete Bonavita's senior development outside the Town limits. There is not any current agreement or previous agreement with Mr. Bonavita regarding annexing the development into the Town of Elkton. The reason I am speaking against the development at this time is because the Town would not have been paid hook-up fees if the development would have been passed last month when it was before the Board of Supervisors losing over 1 million dollars for the Town of Elkton. Also there are seventeen or eighteen business units that, if approved, would draw from our downtown. Because the Board of Supervisors worked with the Town and denied the application at the time, the Town of Elkton will receive over one million dollars in hook-up fees and other fees it would not have received if the development would have passed last month.

I support a community which supports our seniors as long as the Elkton citizens do not have to pay for it."

Motion to Terminate EDRC Funding for Future Years

Council member O'Neill presented the following as a motion:

WHEREAS, our Town Attorney has ruled that the Town is not bound by the Council motion of June 14, 2005 obligating the Town to fund EDRC at a minimum of $25,000.00 per year for a total of $125,000.00 over five years; and

WHEREAS, EDRC has failed to file necessary reports and permit fees with the State Corporation Commission and their charter has been terminated under state law;

I move that Council declare the Memo of Understanding of June 14, 2005 null and void along with any obligations to EDRC on the part of Elkton.

The motion was seconded by Council member Sigafoose.

After a brief discussion regarding a revision to the agenda, Council requested Town Attorney Sigler determine if Council could revise the agenda during a regular council meeting. **Pursuant to this action, Council member O'Neill withdrew his Motion and Council member Sigafoose withdrew his second.**

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $494,432.80 for General Government for the month of June 2007. Total designated money was $187,547.72, leaving total available cash of $306,885.08.

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

Vice Mayor Dearing queried Treasurer Sipe regarding the zero dollars represented under "Street Maintenance" of the Treasurer's report. Treasurer Sipe responded that all funds were spent in that department plus additional funds. She continued that the fourth quarter payment was not received until the first month of the new fiscal year.

A brief discussion regarding Kings Dominion tickets took place.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Town Attorney Sigler spoke regarding the provision in the Town of Elkton Charter of 2006 referencing Section 3.6 Meetings of Council as, "Only applies to special meetings - no business shall be transacted by the Council in such special or emergency meeting which has not been stated in the notice; provided however, that the requirements shall not apply when all members of the Council attend such meetings."

Council member O'Neill returned his previous motion to the floor.

Motion to Terminate EDRC Funding for Future Years

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WHEREAS, EDRC has failed to file necessary reports and permit fees with the State Corporation Commission and their charter has been terminated under state law;

I move that Council declare the Memo of Understanding of June 14, 2005 null and void along with any obligations to EDRC on the part of Elkton.

The motion was seconded by Council member Sigafoose.

Vice Mayor Dearing stated the Council is terminating the agreement that was not properly administered by the prior Town Council. He inquired if Council would be willing to meet with EDRC to discuss certain issues. Council member O'Neill stated that was a reasonable request.

Council member O'Neill stated, "I don't feel like that action on the part of the previous Council was appropriate to basically, in one reading, encumber $125,000.00 over five years without a public hearing. So, as far as whether EDRC is funded on a year-to-year basis on the part of Council in my mind is a separate issue. But we've actually really got two issues here stated in this motion, that being the first. The second being that basically EDRC does not exist as far as the State of Virginia is concerned. So how can we fund a non-existent corporation?"

Council member Kite stated he did support the motion on the floor until further clarification of the matter had taken place.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Motion to Freeze EDRC Funding for Current Year

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried that EDRC funding for the current fiscal year be frozen pending Council investigation and review.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Community Center report was given to Council on meeting night and was not part of the regular packet.

Motion to Remove #8 from Farmers Market application

Council member Kite briefly discussed the requirements of each vendor regarding general liability insurance according to the Farmers Market application.

Council member Kite moved, seconded by O'Neill, and carried that #8 be removed from the application for the Farmers Market.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Motion to Approve Tourist Information Signs

Council member Kite briefly discussed the purchase of the tourist information signs.

Council member Kite moved, seconded by Council member O'Neill, and carried to approve two (2) tourist information signs on Route 33 for the EACC.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Mayor Printz thanked Council member Kite, EACC Administrator Allison Morris and the staff of the Community Center for their hard work.

TOWN SUPERINTENDENT'S REPORT

Town Superintendent's report was given to Council on meeting night and was not part of the regular packet.

Acting Town Superintendent Marty Shifflett stated he would not comment on individual citizens. Mr. Shifflett stated there was a "plethora" of letters being mailed to citizens for various violations of the Town code. Additional letters would be mailed in the future regarding nuisance violations.

Council member Sigafoose questioned if and what the consequences would be for citizens who received letters but still did not comply with the Town code. Mr. Shifflett responded by stating he would make recommendations.

Vice Mayor Dearing stated all Department Heads need to submit their reports to Council in the packets. This would enable Council to review the documentation prior to the regular Council meeting.

Vice Mayor Dearing stated he would like Council to receive copies of all correspondence mailed to citizens who were not in compliance with Town codes. He stated he would like a review of Special Use Permits and Home Occupation Permits. Mr. Shifflett responded he would be performing inspections and/or canceling permits as required under the Town code if permits were not used properly.

Council member Kite stated he had interactions with several citizens regarding the above-referenced matters.

Vice Mayor Dearing spoke of his respect for EAUS. He stated his concern for the large number of donated items left abandoned in front of the establishment on most Sundays. His concern was that many citizens were using EAUS on Sundays as a "dumping ground". He urged Council to assist Mr. Hammer with EAUS and find a solution to the issue.

Vice Mayor Dearing spoke of a temporary building placed in the business district.

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 spoke regarding the Field's Day parade which was scheduled for August 4, 2007. The Elkton Police Department would be assisting the Neighborhood Watch on August 7, 2007 for their annual "National Night Out."

NEW BUSINESS

Repeal Virginia Procurement Act – First Reading

WHEREAS, the Town population has not reached 3,500 and therefore the Town is not required to follow all of the procedures set out in Sections 2.2-4300 thru 2.2-4377 of the Virginia Code known as the Virginia Public Procurement Act; and

WHEREAS, the Town Council would like to repeal the application of the general requirements under the Virginia Public Procurement Act understanding that certain mandatory provisions stipulated in Section 2.2-4343(9) of the Virginia Code apply to the Town even without the adoption of the Virginia Procurement Act.

BE IT RESOLVED that the Town of Elkton hereby repeals in full Section 31 Article 3 entitled Virginia Procurement Act.

Change Cell Phone Service

Council member O'Neill stated this matter would be deferred until after the Second Reading to Repeal the Virginia Procurement Act.

Motion for Reimbursement to Cle Conley

Council member Kite moved, seconded by Council member O'Neill, that Cle Conley be reimbursed for the material, pipe that he personally laid in front of his own property himself.

Council member Kite stated Mr. Conley requested reimbursed for topsoil and pipe.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Lot Line Revision for Richard Brown

Mr. Shifflett stated the Planning Commission recommended approval.

Vice Mayor Dearing stated he still had concerns regarding parking issues. Council member O'Neill concurred and added he had concerns for right of way issues.

Mayor Printz tabled the matter and referred it back to Committee.

Motion for Closure of West Rockingham Street for "National Night Out"

Council member O'Neill moved, seconded by Council member Kite, and carried to close West Rockingham Street on August 7, 2007 for the Neighborhood Watch "National Night Out".

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 voice vote) Motion carried

COMMITTEES

Electric

No report at this time.

Finance

No report at this time.

Personnel

Vice Mayor Dearing stated the position for custodian/maintenance at the Community Center was still open.

Hire Nelson Knight

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried for Council to hire Nelson Knight as a Laborer II / Equipment Operator at a pay rate of $15.00 per hour with 20 years experience.

Council member O'Neill stated the afore-mentioned position was being back filled.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Hire Rob Dean

Vice Mayor Dearing stated a position became open when Jeffrey Breeden was promoted the Town Electrician's Apprentice.

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried for Council to hire Rob Dean as a Laborer II at a pay rate of $11.21 per hour.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Public Health, Safety, Ordinances

No report at this time.

Streets and Sidewalks

Vice Mayor Dearing requested parking lines be painted at Warren Street and to transfer some commuter parkers to that area. He encouraged handicap crosswalks to be placed in Town.

Water and Sewer

No report at this time.

Recreation

No report at this time.

Planning Commission

No report at this time.

Cemetery

Vice Mayor Dearing stated there was a request for a mausoleum in Elk Run Cemetery. The person making the request was gravely ill. The Cemetery Commission met, considered his request and recommended the following:

Motion for Approval of Mausoleum in Section Eleven

Vice Mayor Dearing presented the following motion for Council to approve:

The family will provide plans as to the building and ensure with County of any zoning or permit requirements. The construction will take place in Section eleven on the right side which is the only area the commission recommended for a mausoleum to be built. Mr. Hensley will be responsible for purchasing the additional spaces for the project.

The motion was seconded by Council member Kite.

Glendon Hensley, Elkton, spoke regarding entombment rights and above-ground burials. He stated he had obtained a copy of the Bylaws for the cemetery and questioned the authority of the Cemetery Commission. Mr. Hensley was of the opinion that State Code allowed him the ability/option to purchase a grave or entombment right anywhere one was being offered for sale and to utilize a mausoleum crypt for the interment of any family member.

Mayor Printz and Council member Kite inquired as to the location and time Mr. Hensley would require for preparations.

Council member Kite stated he sympathized with Mr. Hensley. He further stated this was not a common situation or request.

Vice Mayor Dearing stated when Elk Run Cemetery was deeded to the Town, a commission was formed pursuant to three agreements. The requirement to maintain the Cemetery was delegated to the commission by the governing body of the Town of Elkton.

Mr. Hensley reiterated his position regarding the state code at which time Vice Mayor Dearing asked Town Attorney Sigler to respond to the matter. Town Attorney Sigler stated that the Town was exempt from the code section in which Mr. Hensley had specifically provided.

A lengthy discussion continued regarding the matter.

Mr. Hensley thanked Council for their time.

Vice Mayor Dearing stated the commission got the above-referenced request on Friday at 5:00 p.m. The commission met on Monday at 5:00 p.m. at a special meeting to consider the matter. A telephonic call was placed to Mr. Hensley during the meeting and an inquiry was made if a certain section would be adequate. Mr. Hensley phoned back and stated he appreciated the information but was not in favor of the recommendation.

Vice Mayor Dearing stated the new section of the cemetery had been put on hold except for the top three sections in order to create uniform burial.

Discussion continued among Council regarding the matter.

Mayor Printz had called for a roll call vote with Council member Sigafoose voting in favor of the motion when Vice Mayor Dearing asked Mayor Printz for an interruption in the vote. Mayor Printz agreed.

Vice Mayor Dearing stated he would like to modify his motion by affirming the designated section would be eleven. **Pursuant to this action, Vice Mayor Dearing rescinded his Motion, Council member Kite rescinded his second and Council member Sigafoose rescinded his yea vote.**

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to designate Section Eleven as an area for mausoleums.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Advisory

Mayor Printz thanked Madelyn Dixon, Bill McDonald, Bob Hammer and Haze Crider, Chair of the Advisory Committee.

The committee reiterated their recommendations for improvements at the entrance and exit of Stonewall Park.

The committee recommended constant supervision for divertees working in the park. Mayor Printz requested Mr. Shifflett review the matter.

The committee recommended the Town Council form a committee to develop a Security Alert Warning System for the Town which would alert citizens of impending danger due to weather or other natural disasters. Mayor Printz stated Council was working on the issue.

UNFINISHED BUSINESS

Peaking Generator

This matter was deferred to Town Attorney Sigler to review. Treasurer Sipe to review additional financial matters.

Personnel Manual

This matter was tabled until Town Attorney Sigler had finished her review of the manual and the grievance procedure had been revised.

Mayor Printz thanked Town Attorney Sigler for her hard work and efforts.

Motion to Approve Emergency Response Manual

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried to approve the Emergency Response Manual as presented.

Council member Sigafoose was not present for the motion. Upon his return, Vice Mayor Dearing again presented his motion to the floor.

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried to approve the Emergency Response Manual as presented.

Mayor Printz inquired if the manual could be modified in the future. Mr. Shifflett responded the manual should be reviewed and revised annually.

Brief discussion regarding reverse 911 notifications.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Motion to Increase Fees for Bulk Pick-ups

Mr. Shifflett stated he would like to offer one more free bulk pick up in the month of July or August. Thereafter, each bulk-up would be at a cost of $15.00.

Council member O'Neill moved, seconded by Council member Kite, and carried to increase bulk pick-up fees to $15.00 after the next free pick up.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 voice vote) Motion carried

Motion to Increase Fees for Brush Grinding

Mr. Shifflett briefly discussed the current rates and billing process for brush grinding.

Council member Sigafoose moved, seconded by Council member O'Neill, and carried to increase brush grinding fees to $50.00 per hour for the first hour, then $12.50 every 15 minutes. A timesheet will be provided for the homeowner to initial the time of the crew performing the work in order for an invoice to be generated.

Council member Kite stated the new fees are needed.

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 roll call) Motion carried

Centennial Logo Resolution

This matter was tabled due to the absence of Council member Isom.

TOWN ATTORNEY

Town Attorney Sigler stated she was working on zoning issues and will have memorandums to Council regarding those matters shortly. She will be meeting with Mr. Shifflett and Dan Talbot, Chair of the Planning Commission, regarding zoning issues in general and any specific matters that may be outstanding.

Vice Mayor Dearing stated he appreciated the memorandums being sent to Council keeping them informed on current matters.

Mayor Printz discussed previous zoning situations and other zoning matters.

MAYOR'S BUSINESS

Mayor Printz stated a meeting was scheduled for Thursday, July 26, 2007. Council member Kite stated he would be unable to attend that meeting. Council member O'Neill asked Council if a Special Meeting could be held before the meeting on the 26th for a second reading to repeal the Procurement Act and to change the cell phone service.

Mayor Printz stated the meetings for Thursday, July 26, 2007 would be changed to Wednesday, July 25th, 2007 and requested that the proper notice be prepared.

Vice Mayor Dearing stated that Council and the Mayor were the only people who could direct Town employees and/or contract employee responsibilities. He requested Mr. Shifflett prepare a memorandum stating that, "Only the Town Superintendent will direct Town employees / Town Attorney as to what to do so they get guidance from only one person." He stated this would eliminate citizens calling and trying to direct the Town Attorney and Town employees.

Council member Kite stated he would like to re-establish the local ministers providing the invocation at the Regular Council Meetings.

Blue Ridge Council #149 Jr. O.U.A.M. Civic Organization will be holding their annual "Elkton Field Day" on August 1 – August 4, 2007. The parade will be held on Saturday, August 4, 2007 at 5:30 p.m. The Mayor and Council are invited to join the parade.

As there was no additional business, **Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried to close the Regular Council Meeting.**

YEAS: M. Dearing, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE:(4 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk