Regular
Council Meeting
November 19, 2007

The regular meeting of the Elkton Town Council was held on November 19, 2007 in Council Chambers 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, Town Superintendent/Zoning Administrator Marty Shifflett, Chief of Police James A. Morris, EACC Administrator Allison Morris, Treasurer Clairen Sipe, EACC Secretary Diane Johnson and Clerk of Council Denise R. Monger were also present.

Council member Kite offered the invocation.

2007 GERALD MONGER COMMUNITY SERVICE AWARD

Council member Kite announced the recipient of the Gerald Monger Community Service Award was the late "OWEN S. SEAL." He noted Mr. Seal had been a good friend and discussed what a privilege it was to know him.

Mayor Printz bestowed the award to Mrs. Vivian Seal, who accepted the honor on behalf of her late husband. Mrs. Seal thanked the Mayor and the Town Council.

The Pledge of Allegiance was recited.

Mayor Printz asked for order to be kept at the meeting and to respect each others opinions. He noted he had received complaints regarding meetings.

CITIZEN COMMENTS

Faye Vickers, 947 Red Brush Road, Elkton, spoke regarding the current fiscal budget of the Town and queried Council regarding the status of an HEC Fund. She queried the expense of "caller ID" on each telephone at the Municipal Building and requested Council review all expenses.

Goldie Helsley, 204 E Street, Elkton, spoke regarding documentation for a cleaning service used by the Town. She queried Vice Mayor Dearing regarding a copy of an invoice. She noted her dissatisfaction with being unable to obtain information regarding the contractor. Vice Mayor Dearing stated he had previously contacted Treasurer Sipe about a mistake on an invoice and the matter had been resolved.

Mrs. Helsley stated she was unaware of any quotes or contracts on file from the cleaning service, which would be necessary in order for the Town to be in compliance with Town or State Codes. Mrs. Helsley was of the opinion that the invoice to pay for the above-referenced services had not been approved before the payment was mailed. She questioned the current policies by which the Town validated an invoice for payment.

Council member O'Neill stated the Town had been in need of immediate janitorial services due to certain health issues at the Municipal Building. He noted that Treasurer Sipe had contacted several licensed contractors and inquired of competitive bids. He suggested Town Superintendent Shifflett review the matter and follow-up with the appropriate documentation according to contract labor requirements.

Vice Mayor Dearing noted a full-time custodial employee would cost the Town approximately $27,000.00 a year plus benefits. He noted if the current arrangement would continue the cost to the Town would be under $5,000.00.

Mayor Printz noted the position should be properly advertised for quotes to be sent the Town. Council should vote on to whom to award the contract.

Bobby Gooden, 302 Morgan, Elkton, spoke regarding his neighbor's special use permit revocation. He noted the fine for non-compliance was $25.00 per day. Mr. Gooden stated his neighbor was still operating a business from his residence. He encouraged Council to proceed with the necessary action to litigate the matter.

Mayor Printz affirmed that progress had been made regarding the appearance of the Town in general. He requested Chief Morris review the matter.

Council member Isom queried what measures were being taken towards collecting fines from residents who had received ordinance violation letters and were still not in compliance with the Town Code. Town Superintendent Shifflett noted there were issues regarding personal versus commercial vehicles. However, he was still reviewing the matter. Town Attorney Sigler noted that some type of court action would need to taken before the Town could collect any fines.

MINUTES

Motion to Approve October 9, 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 October 9, 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 October 15, 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 October 15, 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's report was not part of the regular packet.

Treasurer Sipe reported an ending ledger balance of $564,231.75 for General Government for the month of October 2007. Total designated money was $431,403.53, leaving total available cash of $132,828.22.

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

Council member O'Neill noted the check from County in the amount of $250,000.00 was deposited and appears under Community Center designated money.

Brief discussion regarding HEC funds took place.

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

NAYS: None

VOTE: (6 – voice vote) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Report provided for Council in the packet.

Council member O'Neill inquired of revenue from January 1, 2007 for memberships and room rentals at the Community Center. He also noted revenue figures from July, 2007 would assist him in preparation of the upcoming budget and progress of the center. Administrator Morris responded that the center had seventeen new members and room rentals had increased.

Vice Mayor Dearing questioned what percentage of memberships were renewals as opposed to new memberships. EACC Secretary Dianne Johnson responded renewals just started and the November report would reflect that information.

Discussion continued concerning what procedures were used to notify members of annual renewals and the status of the Community Center's 501(c)(3).

Treasurer Sipe noted a conference with the Town's auditors and subsequent telephone call to the Internal Revenue Service concluded that a 501(c)(3) was unnecessary since the Town was a tax-exempt entity. She noted the Internal Revenue Service would issue a correspondence stating the status of the Town was tax-exempt which could be used for grant submissions.

Town Attorney Sigler noted there was a difference between having a tax-exempt status and a non-profit 501(c)(3) status. She explained an independent 501(c)(3) could be created not for the Town but for a committee or organization that would fundraise for the Community Center. She noted the Community Foundation was open for discussions on the matter which would include designating individuals and the Town Attorney to review the process.

Council member Kite stated the Community Foundation would require funds to remain in an account for a period of time. He noted the center would be unable to accommodate that request. Town Attorney Sigler noted the foundation did not want the account to serve as a checking account, however she felt the foundation would work with the Town once clear goals had been established by all parties. She noted the "old committee" could be re-established by Council appointing new officers according to the committee's bylaws.

Mayor Printz requested Superintendent Shifflett and Town Attorney Sigler review the matter and advise Council at a later date.

CHIEF OF POLICE REPORT

Report provided for Council in the packet.

Chief Morris reported that Officer Harris was back in the hospital due to issues from his recent appendectomy.

TOWN SUPERINTENDENT'S REPORT

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

Superintendent Shifflett reported that two sewer pumps had malfunctioned on Saturday. He noted that a septic service was contacted, removed both pumps and located a "mop head" that had blocked both pumps. Additionally, a two inch copper line installed by the Virginia Department of Transportation on "Old 33" had also malfunctioned which resulted in the west side of Town having no water for approximately eight hours.

Superintendent Shifflett thanked Matt Atkins with Ferguson Enterprises for his availability during the project.

Vice Mayor Dearing questioned if the Town could be reimbursed from the Virginia Department of Transportation for the broken line. Superintendent Shifflett stated he had inquired of the matter and was denied that request due to the length of time the line had been installed.

Mayor Printz thanked the maintenance department for their efforts.

Superintendent Shifflett noted he would review information to recalculate approximate costs for electric use throughout the Town. The report should be ready by the end of December. He noted the Town donated electricity to various organizations and the report would indicate all usage.

Superintendent Shifflett noted that the number of garden work orders had increased since implementing the yard waste policy. Approximately two days per week were spent towards leaf pick-up. He added a date would be established for termination of the service in accordance with the seasons.

Problems with current recycle site and alternate site discussed. Mayor Printz suggested all parties meet and discuss all outstanding matters. Council member Isom noted a citizen had approached her regarding an additional site.

NEW BUSINESS

Benny King Real Estate

Superintendent Shifflett stated he had researched Mr. King's request for a water line and subsequent offer to the Town. He noted the land was designated as "agricultural transition land" which required a waiting period according to Rockingham County's Comprehensive Plan. However, if the Town granted Mr. King's request, other adjoining properties would also be entitled to water and sewer connections. He noted this action would inevitably commence the development of that area approximately twenty years too soon according to the Town's own Planning Commission. Therefore, Superintendent Shifflett recommended the request be denied until a later time.

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried for the Town to disapprove the request by Mr. King.

Superintendent Shifflett noted that Anderson & Associates would like to meet with the co-chairs for the Water and Sewer Committee and Town Superintendent. The approximate length of time for the meeting would be two hours.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Nicky Campbell Real Estate

Superintendent Shifflett noted this matter would be discussed in closed session.

Elkton High School Name

Mayor Printz inquired as to the status of the water and sewer connections for the new schools. He noted "Riverbend Elementary" would be the name of the new elementary school. Superintendent Shifflett expressed concern that he had not received any contracts. He noted that fire hydrants were recently tested along Route 33 and the results were communicated with the County. He noted that County wanted to confirm the Town would not have to increase capacity to a lift station. He was unable to make a confirmation without additional information from the County and a review by the Town's engineers. Additionally, he stated that the County had requested a correspondence to state they would not be responsible for any increase in capacity as the lift station was the correct size. Superintendent Shifflett stated he did not prepare the correspondence because he was unsure if the size was correct. He stated the Town's engineers would need to advise him regarding the matter.

Mayor Printz suggested Superintendent Shifflett prepare a written notice to all parties and request a meeting regarding the above-referenced issues.

Mayor Printz noted he had recently read the name of the new elementary school had been chosen. He was unaware of any recent meetings regarding name selections. He would like to arrange a meeting with the Council and Elkton citizens to express opinions and preferences concerning possible names for the new high school. Superintendent Shifflett noted the committee responsible for the name selection of the school would be convening the same evening as this meeting. Mayor Printz expressed his disappointment that no Elkton official or citizen had been notified of the name selection meeting. He noted his request for a meeting at the Fire Department Hall.

Randall Snow, Elkton, suggested a Town official contact the School Board immediately regarding the matter of a name for the school.

Co-Chairs for Water and Sewer Committee

Vice Mayor Dearing moved, seconded by Council member Isom, and carried to appoint Council members Pence and O'Neill as Co-Chairs of the Water and Sewer Committee.

Council member Kite noted he asked to be removed from the Water and Sewer 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

Special Exception Permit for Bed and Breakfast

Superintendent Shifflett recommended the matter be presented before the Planning Commission.

Freedom Of Information Act

Mayor Printz noted an outstanding issue regarding the determination of reasonable rates or charges for FOIA requests. This matter was sent back to committee.

2008 Chamber of Commerce Event

This matter was sent to committee dependent upon issues to be discussed in Closed Session.

Mayor Printz noted Welty Hensley was in bad health. He was currently residing at the Harrisonburg Health and Rehabilitation Center and could have visitors.

Mayor Printz also noted that Mrs. Thompson recently had a severe fall but was recovering well and looking forward to her return home.

COMMITTEES

Electric

Council member Isom inquired as to the status of the generator. Superintendent Shifflett stated the order had been placed. It was estimated the generator would be operational within six months.

Mayor Printz requested Superintendent Shifflett review the status of a generator located near the Municipal Building.

Vice Mayor Dearing reviewed documentation regarding electrical usage in Town. He noted the monthly electrical usage for the tennis courts was over $600.00. He requested Superintendent Shifflett make arrangements to shut-off the electric in that location at a certain time each evening.

Finance

No report at this time.

Personnel

Vice Mayor Dearing thanked Council for their assistance in funding the Veteran's Day Ceremony. He noted his appreciation to the Elkton Neighborhood Watch for their participation in the event.

Public Health, Safety, Ordinances

Mayor Printz noted there were a number of ordinances that would be sent back to the Planning Commission for review and possible revisions.

Superintendent Shifflett noted difficulty regarding communication with the resident engineer of the Virginia Department of Transportation since their Harrisonburg office closed. He noted issues regarding West and East Rockingham Streets. He stated no support had been received nor was the level of service adequate by the Virginia Department of Transportation.

Superintendent Shifflett noted he intended to meet with the Advisory Committee in order to address several issues of concern.

Patch repairs to Route 340, drain and grate on Wirt Avenue briefly discussed. Superintendent Shifflett will contact the Virginia Department of Transportation regarding the matter.

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

Streets and Sidewalks

Council member Pence noted that some green signs were bent on Route 340.

Water and Sewer

Council member O'Neill suggested that Mr. Davis pay the Town's connection fee since he did not contribute to the installation of the pipe as other residents had done. Further discussion continued regarding the fee Mr. Davis should pay. Mayor Printz referred the matter back to committee.

Recreation

Council member Kite stated a meeting was held on the prior Monday. He noted the meeting was positive and provided a better understanding of circumstances regarding certain outstanding issues. He noted the meetings would continue on the first Monday of each month.

Council member Kite noted a sign for the Community Center would cost approximately $14,000.00 in materials. He urged Council to consider the necessity of the sign for the center.

Mayor Printz noted his concern for an area of Town which has masses of dirt stored. He requested Council member Kite review the matter.

Council member O'Neill suggested the committee use fundraising measures to acquire signage at the Community Center.

Planning Commission

No report at this time.

Cemetery

Vice Mayor Dearing commended Charlotte Shifflett for her hard work and sensitivity to families during difficult times.

Advisory

Mayor Printz noted the committee recommended a review of Town streets for repair. He further noted that the Municipal Building was in need of attention to become more presentable to the citizens.

UNFINISHED BUSINESS

Fence Ordinance

This matter was sent back to the Planning Commission.

Flood Ordinance

This matter had been sent back to committee. Town Attorney Sigler noted she was reviewing the matter with DCR.

Ordinance to Amend Chapter 143 (Streets and Sidewalks) and Add Article VI (Closure of Streets or Alleys) to the Code of the Town of Elkton

This matter was sent back to committee and would be addressed at the December Committee Meeting.

Ordinance Approved by Planning Commission regarding Apartment Houses

This matter was sent back to committee.

Motion to Approve Policies regarding Divertees

Vice Mayor Dearing noted the reviewed policy did not address the issue of management once Divertees were assigned to the Town.

Council member Pence expressed concern regarding how committees were structured. Mayor Printz responded that he had a proposal on the matter that he would present to Council at a later date.

Superintendent Shifflett stated that he and Lynn Meadows were to be informed of the divertees duties in order to decide approval.

Council member Pence noted two occasions when he saw no visible Town employee accompanying the Divertees while they were performing duties. Superintendent Shifflett stated he was unaware of the situation but would review the matter.

TOWN ATTORNEY

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

MAYOR'S BUSINESS

He noted the regular Committee Meetings are held on the second Tuesday of each month. The Regular Council Meeting is held on the third Monday of each month.

Mayor Printz reiterated his desire for a public meeting to be held regarding the school matters.

Mayor Printz noted the "Annual Christmas Tree Lighting Ceremony" would be held on November 29, 2007 at 6:30 p.m. across from the Municipal Building.

Mayor Printz noted the "red caboose" was in a state of disrepair. He had been in contact with McDonald's to inquire if the company would be interested in purchasing the caboose or possibly enter into a lease agreement since the caboose was located on Town property. The Mayor would advise Council of any progress made.

Mayor Printz thanked everyone for attending the meeting.

Closed Session

Council member O'Neill moved, seconded by Council member Pence, 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.

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 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 Sigafoose 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

Resolution 111907-2 Regarding Dennis Donachy Settlement Agreement

Council member O'Neill moved on the following Resolution:

WHEREAS, The Elkton Town Council would like to formally adopt the settlement agreement and release that has been circulated in the Dennis Donachy v. Town of Elkton case pending in the Circuit Court of Rockingham County.

BE IT RESOLVED, that Mayor Wayne Printz has the authority to endorse the settlement agreement and release on behalf of the Town and the Treasurer of the Town is authorized to release the settlement funds referenced in the agreement.

_____
Wayne E. Printz
Mayor, Town of Elkton

Attest:

_____
Denise R. Monger
Clerk of the Council

Vice Mayor Dearing 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

Kite House Reservations Resolution 111907-1

Council member O'Neill moved on the following Resolution:

BE IT RESOLVED, that the Town will not accept new reservations for the Kite House or allow the Kite House to be used for meetings until occupancy requirements are resolved.

_____
Wayne E. Printz
Mayor, Town of Elkton

Attest:

_____

Denise R. Monger
Clerk of the Council

Council member Kite 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

As there was no additional business, **Council member O'Neill moved, seconded by Council member Kite, 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

Joint Public Hearing
November 7, 2007

A Joint Public Hearing of the Elkton Town Council and the Elkton Planning Commission was held to receive comments regarding a Special Exception Permit for Home Occupation to Nancy Fries. The Public Hearing was held at 6:00 P.M., on November 7, 2007 in the Elkton Area Community Center. Mayor Wayne E. Printz presided. The following Council members and Commission members were present:

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

ABSENT
S. Sigafoose

PRESENT
D. Talbot
H. Armbruster
M. Dixon
C. Morrison
J. Ream
T. Pence (Council Representative)

Town Attorney Lauri A. N. Sigler, Town Superintendent/Zoning Administrator Marty Shifflett and Clerk of Council Denise R. Monger were also present.

The Public Hearing was opened. No objections were noted.

Vice Mayor Dearing stated Mrs. Fries has had a permit since 1998 with no violations noted. Therefore, he supported her application.

Council member Kite noted he did not support any type of home business and would not vote to approve her application.

Nancy Fries, Elkton, stated that all of her neighbors supported her application.

Mayor Printz stated the Planning Commission would meet after the conclusion of all public hearings and provide Council with its recommendation. He noted that Council would vote on the matter at a Special Council Meeting.

As there was no additional business, Mayor Printz adjourned the meeting.

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk