Regular
Council Meeting
June 18, 2007

The regular meeting of the Elkton Town Council was held on June 18, 2007 in 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, Town Attorney Lauri A. N. Sigler, Chief of Police James A. Morris, Administrator Allison Morris, Treasurer Clairen Sipe, and Clerk of Council Denise R. Monger were also present.

Acting Town Superintendent/Zoning Administrator Marty Shifflett was on vacation and did not attend the meeting.

Council member Kite offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Ed Butler, 1698 East Summit Avenue, spoke regarding their lot subdivision matter. Mayor Printz responded by stating he would visit the homeowners to acquire signatures for the agreement.

Mayor Printz apologized to Mr. Butler for the delay in resolving the matter.

Vice Mayor Dearing stated that Council would proceed on the matter once all signatures had been obtained.

Barry Hensley, 203 Ashby Avenue, Elkton, spoke on behalf of George Hensley, asked Council to take action on a memorandum prepared by Roy G. Davis, a consultant to the Town, who recommended the closure of Henry Avenue. According to Mr. Hensley, his research showed Henry Avenue was a dedicated street on the map of the Town of Elkton prepared by The Elkton Improvement Company. Mr. Hensley distributed copies of a deed which indicated his father owned the real property discussed. Mr. Hensley stated if the Town approved the closure, an ordinance in the code would apply which stated the property would be deeded to the landowner. Additionally, Mr. Hensley would entertain a reasonable offer to purchase the real estate.

A brief discussion followed regarding if the matter had been previously presented to Council or the Planning Commission and tabled.

Mayor Printz referred this matter back to Committee.

Council member O'Neill inquired if Mr. Hensley would be willing to grant the Town an easement for utility purposes. Mr. Hensley responded favorably to the request.

Mr. Hensley left the podium and approached Council for a brief discussion.

Hazel Crider, Elkwood, spoke of speed bumps in the park as a safety hazard. She witnessed an accident by a biker due to a speed bump. She suggested that an emergency phone be positioned in the park to request assistance for such emergencies. Further, she

stated the markings on the speed bumps had faded and should be re-painted and/or the color changed.

Mrs. Crider stated that the Town needed to present itself in much better condition for the Centennial Celebration. The refuse on Sundays is especially a concern. She asked Council to consider another day besides Monday for refuse pick up to eliminate residents putting out their refuse on Saturdays and Sundays.

Mrs. Crider stated the Elkton Neighborhood Watch would participate in the July 4 Celebration. The Veteran's Day Celebration will be held on Saturday this year instead of on the calendar date of Sunday. She had advised Mr. Meadows and Chief Morris of the change.

Mrs. Crider stated her concern regarding the budget and the Kite property. Mayor Printz stated there will be a Town Hall Meeting on June 27, 2007 regarding the Kite property.

Rick Workman, Elkton, stated the official name of the Centennial Celebration event would be the "Elkton Centennial Jubilee Celebration." The official address will be P.O. Box 1, Elkton which is the address used by the Elkton Historical Society. Council member Isom had been elected the Council representative for the event and Jeff Lam of Farmers and Merchants Bank was the treasurer. The same account will be used as in the last celebration.

Mr. Workman spoke of a Resolution given to Council regarding the Centennial Celebration. He further spoke of copyright issues and a logo contest. The next meeting for the committee will be held on July 19, 2007 at 7:00 p.m. The minutes from those meetings will be provided to Council. Lastly, Mr. Workman asked Council to support the event.

Council member Kite queried Mr. Workman regarding the logo issue and the disbursement of funds. Mr. Workman stated the revenue committee would decide those types of issues.

Vice Mayor Dearing stated that the entire Council supported the Centennial Celebration and they are reviewing funding issues.

Council member Isom questioned as to when the committee meetings would be in The Valley Banner. Mr. Workman responded he was working on the issue.

Mildred Shifflett, 112 West Spotswood Avenue, stated she had been asked to speak on behalf of concerned citizens. She asked Council to consider employing a dispatcher for the police department. She felt a dispatcher would assist in expediting responses to emergencies when citizens phone in complaints.

Mrs. Shifflett commended David Comer of the Maintenance Department for his hard work.

Mayor Printz temporarily vacated the chair to Vice Mayor Dearing and presented the following prepared statement as a resident of Elkton:

I was gone for 10 days on vacation, came back to a whole lot of things that I really couldn't believe that I was reading. I think that this article that Miss Jones had written really should have been labeled a paid political ad because I don't think the facts were as fair as they should have been regarding my car wash.

Dear Elkton Citizens:

Because of my respect for you, I do not respond much to the rhetoric continually in the media berating me. I have not commented in the media mostly because of lack of print space from the many negative inaccurate statements from a few with a vendetta against myself, my business, my family and our great Town. As the Mayor of our Town I am seriously concerned about the inaccurate slanted articles in the media regarding Town business. As a 23-year veteran, I am concerned at the escalating level of attack on our business and our family. Negative politics are a fact of life. Propaganda and sensationalism at this level starts affecting my family and surely my business.

In response to an article in the News Record about the Mayor's car wash – the Mayor's car wash not Wayne Printz' car wash, but the Mayor's car wash. I was out of Town on vacation starting May 24 and returned June 4. I received a call within the next few days when I came home from Miss Jenny Jones of the Daily News asking if I received a letter about my car wash. I was in Town numerous times up to that point and at no time was I informed or have I yet received a letter about my car wash.

At which point in the next few days, I read another of the approximately 15 or so attacking myself, my car wash or my family. The article was the most vicious, slanted and most political to date. I can assure the public this is at my attorney's hands and under review at this time. In all of these many attacks and slants on myself and my car wash some of the story has never been told.

The Elkton Car Wash is one of the oldest businesses in this town, starting in approximately 1962 or 1964. I've heard both. I purchased the car wash in 1984. I have remodeled the car wash and spent many thousands of dollars. Some of the people in this room, Mike Powell and his mother, and a lot of people helped me do that job. I've spent many thousands of dollars over the past 23 years. I performed most of the remodeling myself and I am very proud of these achievements. Elkton car wash has provided jobs for our kids, purchase of police calendars, sponsored beauty pageants, basketball, softball, car shows, benches for the Community Center, free washes for our police cars, golf outings probably to the tune of $30,000.00 - $40,000.00. You name it, we've done it. I am currently allowing other businesses to park there fore free because of parking shortage.

In the past 23 years, I have paid over $100,000.00 in utilities and taxes to our Town. At no time in all these years, has a Town representative of the Town as much as said "thank you."

I want you to know that I am proud of the car wash and will defend it vigorously and assuredly. I will not be intimidated with threats of closing my car wash. I have spoken to Chief Morris about this issue and I would like the people to know that I support Chief Morris. He is, and Steve Sigafoose my friend. He is without question, the best chief we've ever had in this Town. You got that? (Applause from citizens) I will always do what you ask me to do. We may not come up with the exact same idea but I respect you and I will do what you ask me to do.

Chief Morris asked me to assign no loitering after a certain time, and that's what I will do. Signs are being processed at this time. He assured me that he did not make the slanted and non-factual comments in the related article and I believe him. This is a political article and not a factual one. There are many calls up in the Tannery Apartments in Elkton. Is that Elkton Car Wash's fault? The comments about drugs being illicit opposite gender physical contact, finding disease transmission protection devices, drinking beer and finding baby diapers have not been communicated to me. This is an attempt to say that I, Wayne Printz condone these things and nothing could not be farther from the truth. We have put cameras down there before in the past and undercover agents at the car wash and we've had very poor results in trying to arrest anyone. I do not condone drinking, drugs or any illicit activity on my car wash or any where else in

Town. And if any officer of our Town has knowledge of these things then he needs to act and I will support that officer emphatically.

This is a misguided effort to blame my car wash and blame me politically for the ineptitude of dealing with social issue on how are we going to deal with our youth. I have requested improvement and improved events at the Community Center which are being processed right now. With the economics of what is going on the Town and the State, what do we want our kids to do? Are we not better having them in a location like the car wash and to control the situation? We continually vacillate from hating our kids and using our police department to do things they should/shouldn't?? and allowing this problem to fester until it explodes.

We need to try moderation. Without people in our town, none of the businesses will be successful. Let's work with our young people, work with our police department, Council and the Town's people to control the situation. As they mature, they will be our future leaders.

Second part, this is not really from Wayne Printz this more from my position as Mayor and I see some representative issues that were out there. Mr. Corbo, again, probably about the 20th time, put a non-factual article berating me in the Harrisonburg paper which if he was going to berate me, I would appreciate it being in the The Valley Banner. So the rest of the community doesn't have to look at that stuff. He put in there about Mr. Bonavita's development. Mr. Bonavita has put on paper a beautiful development right outside of our Town. This non-factual article by Mr. Corbo the other week regarding Mr. Pete Bonavita's age restricted development outside of our Town limits. Mr. Corbo criticized me for my opposition. As usual, Mr. Corbo does not know the facts. Until there is a boundary line adjustment, the Town will lose almost $1 million in taxes and connection fees. This means the Town of Elkton citizens would have to pay for this out of their pocket and receive no payback. There are 17 business units which will bring businesses from out downtown which we already have many empty storefronts. This is a beautiful project and it should be built sometimes in the future, when the Elkton people do not have to pay for it.

I'd like to thank the Council and I'd like to thank you all for your time."

Mayor Printz resumed his seat to chair the meeting.

Vice Mayor Dearing stated that Council had met with the police department to discuss the problems within the Town. He stated this was a problem with the entire Town and not just an issue with the Elkton Car Wash. He advised that Chief Morris and all police officers will strictly enforce all laws and ordinances in order to alleviate this situation. State Police Officers and Deputies will be assisting the police department during this process.

Council member Isom discussed various problems such as racing and other disturbances on Wirt Avenue.

Mayor Printz briefly spoke of the Water and Sewer Agreement between the Town and Rockingham County.

Mayor Printz stated that Tom Miller had accepted the position of County Attorney for Rockingham and will be departing as the Elkton Town Attorney. He thanked him for his service to the Town and his legal guidance.

Town Attorney Miller spoke as to his enjoyment working with the Mayor, Council and the staff for the Town of Elkton. He continued that the Town is a wonderful place and the citizens are good people who are passionate about their local government.

He had enjoyed his time with the Town and thanked everyone for allowing him to serve as Town Attorney.

Vice Mayor Dearing said it had been a pleasure to work with Tom Miller. He appreciated his service to the Town and the hard work put forth in the negotiations for the new Agreement with the County and contract with Angler.

Council member O'Neill said he appreciated the many spirited debates that had taken place with Town Attorney Miller. He continued that Town Attorney Miller had helped the Town accomplish many things and he appreciated his service.

Lauri A. N. Sigler was presented by Mayor Printz as the new Town Attorney. She spoke briefly that she was looking forward to working with the Town and meeting the citizens of Elkton. She and her husband have a law firm in Harrisonburg together. He is also an attorney and will be working with the Town.

MINUTES

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to approve the minutes of the Regular Council Meeting of May 21, 2007.

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

Motion carried (6 – 0 voice vote)

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to approve the minutes of the Special Council Meeting of May 30, 2007.

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, seconded by Council member Sigafoose, and carried to approve the minutes of the Special Council Meeting of June 5, 2007.

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, seconded by Council member O'Neill, and carried to approve the minutes of the Budget Workshop of June 5, 2007.

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

Motion carried (6 – 0 voice vote)

Council member Isom moved, seconded by Vice Mayor Dearing, and carried to approve the minutes of the Committee Meetings of June 12, 2007.

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

Motion carried (6 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $403,708.76 for General Government for the month of May 2007. Total designated money was $157,582.59, leaving total available cash of $246,126.17.

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

Vice Mayor Dearing stated there were 347 people in Town that owed personal property taxes for a total of $15,848.00. He queried Treasurer Sipe regarding the purchase of decals by any person on the delinquent tax list. Treasurer Sipe stated her office continued to mail billing statements and the police department would write citations for improper decals.

Vice Mayor Dearing stated there were 51 businesses in Town with no valid business license. He questioned Treasurer Sipe how she intended to remedy the situation. Treasurer Sipe responded that her office would be mailing out a "second notice" to businesses on or before July 1, 2007.

Vice Mayor Dearing stated there were two businesses that had not paid meals tax for several months and advised Treasurer Sipe to resolve those issues.

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

Motion carried (6 – 0 roll call)

COMMUNITY CENTER ADMINISTRATOR'S REPORT

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

Vice Mayor Dearing asked Administrator Allison Morris to review with Town Attorney Sigler all issues concerning the Community Center building. He would like Attorney Sigler to prepare a correspondence to the contractor before the one-year warranty expired and prepare a list of all issues that will need to be resolved.

Council member Isom spoke regarding an acquaintance that would be willing to donate computers to the Community Center provided senior citizens were involved in their programs. Administrator Morris stated the Community Center does have programs for senior citizens and she would be happy to receive any donation.

Council member Kite commented on an article written in the Daily News Record concerning the Program for the Aging. He stated the article was informative and helpful in explaining the program.

TOWN SUPERINTENDENT'S REPORT

No report at this time.

Mayor Printz stated he would assist homeowners with properties that were overgrown or dilapidated. He asked citizens to prepare written lists of unsightly properties for Council to review.

Council member Kite stated 45 letters had been mailed to homeowners regarding the above-referenced matters. Vice Mayor Dearing urged Council to refrain from any action if contacted by residents about the letters, instead allow Mr. Shifflett to handle those situations.

Council member Pence stated the islands in Town needed to be mowed. Vice Mayor Dearing added that it was the homeowners' responsibility to mow from their property to the curb.

Ora May Shifflett stated the Town needed to mow property past the railroad tracks. Mayor Printz stated a work order would be prepared to resolve the matter.

CHIEF OF POLICE REPORT

Chief Morris stated there was no need to adopt an ordinance to increase traffic and criminal fines. An ordinance was already in place that would automatically do so on July 1 of each year, if applicable.

Vice Mayor Dearing asked Chief Morris to regulate vehicle speeds on Route 340 and through Town on morning patrols.

Council member Isom requested Chief Morris review Wirt Avenue for posting of a 25 mph speed limit sign.

Council member Pence requested the Maintenance Department check on the unmaintained oil drums on Spotswood Trail.

Town Attorney Miller suggested the Town review the possibility of speed humps on VDOT maintained road for traffic calming methods.

NEW BUSINESS

Town Hall Meeting regarding Kite Property

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried to have a Town Hall Meeting on June 27, 2007 at 7:00 p.m. to discuss and receive comments from the citizens pertaining to the use of the Kite property.

Council member O'Neill stated he would like for the Planning Commission to attend the meeting.

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

Motion carried (6 – 0 roll call)

Motion to Set Real Estate and Personal Property Tax Rate

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to set the real estate tax rate to remain the same at $.085 per $100 and the personal property tax rate remain the same at $.46 per $100.

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

Motion carried (6 – 0 roll call)

Increase Water and Sewer Connection Fees to $8,000.00 – Second Reading

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to move to set water and sewer connection/availability fees to $3,800 and $4,200.00 respectively, effective immediately with the following provision:

That citizens who were annexed but do not have water and/or sewer service available shall be able to purchase connections at the combined rate of $3,000.00 which was in effect at the time of annexation for a period of one year after those services become available; and

Effective January 1, 2008 the water connection/availability fee shall become $4,800.00 and sewer connection/availability fee shall become $5,200.00.

Council member Kite stated he supported the motion due to the response from citizens stating their support for a fee increase to $8,000.00 instead of $10,000.00. However, Council is awaiting the report from Anderson and Associates for further information regarding any additional fee increases.

Vice Mayor Dearing stated there were approximately 13 people in Town who were given a deadline of 2002 to connect to the Town's system or pay the prevailing rate. Those 13 people would pay the prevailing rates at the time of hook-up and not be eligible to purchase connections at any other rate.

A brief discussion took place regarding the prepayment of 10 connection fees. This matter was referred to Town Attorney Miller.

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

Motion carried (6 – 0 roll call)

Resolution to Approve 07-08 Budget - Second Reading

Council member Kite moved, seconded by Council member Isom, and carried for Council to pass a Resolution approving the 07-08 Budget as presented for publication in the newspaper to meet the codification requirements.

After a brief discussion, it was determined this Resolution would need to be presented at the next Council meeting on June 27, 2007. **Pursuant to this action, Council member Kite withdrew his Motion and Council member Isom withdrew her second.**

Purchase Peaking Generator – First Reading

Mayor Printz introduced the purchase of a peaking generator and notified the public that the generator would save the Town between $150,000.00-$160,000.00 per year. He stated the Town would absorb the cost the first couple of years and then the Town will realize a gross of $150,000.00 a year.

Motion to Increase Fees for Bulk Pick up and Brush Grinding

This matter was tabled by Mayor Printz and sent back to committee.

Centennial Celebration

Council member Isom stated that different committees were being organized for the event and would be advertised in the newspapers. Jeff Lam will handle the finances for the celebration.

A brief discussion ensued regarding copyright or trademark issues. Town Attorney Sigler was to review the matter and advise Council how to proceed.

EDRC Chile Cook-Off on September 15, 2007

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to block the street of Spotswood West on 15 September 2007 for EDRC to hold its Chile Cook-Off.

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

Motion carried (6 – 0 roll call)

Electric

No report at this time.

Finance

No report at this time.

Personnel

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried for Council to approve the pay raises as presented in the Budget effective 1 July 2007.

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

Motion carried (6 – 0 roll call)

Vice Mayor Dearing stated the position for Electrician's Apprentice had been advertised and applications had been received for the position. An employee in the Maintenance Department with a background in electronics had applied for the position. With approval from all Department Heads, the employee will be transferred to that position. This matter will be added to the Special Council Meeting Agenda.

Vice Mayor Dearing asked Council not to fill the two labor positions advertised in the newspaper but to temporarily fill the positions with the divertees available to the Town.

Public Health, Safety, Ordinances

No report at this time.

Streets and Sidewalks

Council member Pence stated the he and Public Works Director Timmy Turner performed a street inspection. He stated that there was a drain at Wirt Avenue that was in need of attention.

A short discussion followed regarding a water leak on Stuart Avenue. Mr. Turner will use a camera in the pipe to determine the cause of the leak.

Water and Sewer

Council member Isom stated a citizen had informed her of a situation on East Prospect of sewage and high weeds.

Recreation

Council member Kite reported a sign for the Community Center would cost an estimated $5,000.00.

Planning Commission

No report at this time.

Cemetery

Vice Mayor Dearing reported a total of $7,600.00 had been received in donations. He commended Mr. Ted Hayes of The Valley Banner for the article he wrote about the Cemetery. He further stated that an individual had donated six plots back to the Town. The Cemetery Commission decided not to sell the six plots, but instead give those plots to people who do not have money for burial expenses. One plot has already been given to a person in need.

Advisory

Mayor Printz thanked Madelyn Dixon, Bill McDonald, Bob Hammer, and Haze Crider, Chair, for their report.

The Committee reported that unauthorized vehicles used the roadway to the pump house in Stonewall Park, this created a danger to children playing at the fortress. The Committee recommended police monitor the situation.

The Committee had received complaints and requests that someone be available at the Dispatcher window to receive payments from citizens unable to climb the steps to the Treasurer's Office. The Committee, in its written recommendation, stated the Treasurer's Office is not handicap accessible as required by law and that this situation could lead to a possible lawsuit if not corrected.

The Committee reported that loitering in Town is causing problems. Since the Town had laws prohibiting loitering, the Committee recommended the laws be more strictly enforced.

Upon the completion of the new High School behind the Upper Room Church, the Committee recommended the Town insist and go on record as requesting the name of school be "Elkton High School."

Engraving for Medals Issued for Veteran's Day

Vice Mayor Dearing moved, seconded by Council member Pence, and carried for Council to approve to pay for the engraving on the medallions to be issued to the Veterans in Honor of Veteran's Day on November 10, 2007.

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

Motion carried (6 – 0 roll call)

Rockingham County Water and Sewer Line Agreement

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried for Council to adopt and approve the Agreement between Rockingham County and Town of Elkton regarding the Water and Sewer Line Agreement as presented and authorize the Mayor to sign it.

Pursuant to the vote on the present agreement, discussion ensued regarding the 1985/1987 negated agreement. Under the new agreement the Town will no longer owe the County of Rockingham $211,910.11. The Town will own the line from Food Lion to East Rockingham Health Center with a stipulation of having to pay up to $60,000.00 for a line to be installed over to the school.

Mayor Printz read an exert from the contract, "Upon the completion and acceptance by Rockingham of the construction of the extensions to the existing water an sewer line to the School Property, the extensions will be owned by Elkton and Elkton

shall have the right to collect any and all future connection fees (other than connections for Rockingham County and/or Rockingham County Schools for the high school and

elementary school to be constructed on the School property) from connections to the extensions."

Vice Mayor Dearing commended Mike Breeden of the Rockingham County Board of Supervisors for his assistance with the school project.

Mayor Printz thanked the Council for their hard work on the school project.

Council member Kite thanked Mayor Printz, Council member O'Neill and Mike Breeden with the Rockingham County Board of Supervisors for their hard work on the school project.

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

Motion carried (6 – 0 roll call)

Lot Subdivision for Ed and Marie Butler

This matter was tabled until the meeting on June 27, 2007.

TOWN ATTORNEY

No report at this time.

MAYOR'S BUSINESS

Mayor Printz stated that Committee Meetings will be held on the second Tuesday at 6:00 p.m. of each month. On June 27, 2007 a Town Hall Meeting and a Special Meeting will be held. Regular Council Meetings will be held on the third Monday of the month. The next meeting will be held July 16, 2007.

It was confirmed the Special Meeting will begin at 6:30 p.m.

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

Mayor: _____
Wayne E. Printz

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