**Regular**
**Council Meeting**
**December 17, 2001**

The regular meeting of the Elkton Town Council was held Monday, December 17, 2001 in the Council Chambers with Mayor M. Lee Dearing presiding. The following Council members were present:

PRESENT

J. T. Dean
C. H. Murphy
M. S. O'Neill
T. Pence
W. E. Printz
L. Sigafoose

Attorneys J. Burns Earle and Lauri Sigler, Richard Pullen, Chief of Police, Todd McCoy, Director of Public Works/Zoning Administrator, and Richard Carey, Clerk of Council, were also present.

Councilman O'Neill offered the Invocation.

The Pledge of Allegiance was recited.

**CITIZEN COMMENTS**

Joyce Stevens told Council that Mike Breeden, Rockingham County Board of Supervisors, has received over 400 letters from people opposed to Elkton's proposed annexation and just six (Ms. Stevens making number six) who favored the annexation. Mr. Breeden welcomed contact from people on both sides of the issue. His home telephone number is 289-9106 and his cell number is 578-1188. His wish is to avoid a court case if possible.

Mildred Shifflett, 112 West Spotswood Avenue, spoke in opposition to a Special Use Permit for Our Shenandoah Home. She also stated there was enough work in Town to keep our police department busy and questioned why so much of the police department's time is spent on Route 33 working radar. She felt Elkton would be better served by letting the Sheriff's Department or State Police ticket the speeders on Route 33.

Mayor Dearing thanked the Council for a year of hard work, noting that sitting on Council is a no-win situation. Mayor Dearing also stated that after serving six years on Council that we have one of the strongest staffs that has ever served Elkton. The management of Town money is better than it has ever been and each department is strong and staying within their respective budgets. He hopes his last six months will be six months of "pleasantness." With that, he wished all a Merry Christmas and a Happy New Year.

**MINUTES**

**Councilwoman Murphy moved, second by Councilman O'Neill, and carried to approve the minutes of the Joint Public Hearing of November 19, 2001.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

**Councilman Printz, second by Councilman Sigafoose, and carried to approve the minutes of the Regular Council meeting of November 19, 2001.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

## DEPARTMENT HEAD REPORTS

Chief of Police

There were no questions for Chief Pullen. Councilman O'Neill and Mayor Dearing complimented Chief Pullen on the visibility of the police officers.

Director of Public Works

Mr. McCoy reviewed his report with Council.

Treasurer

An ending ledger balance of $252,689.54 was reported.

**Councilman O'Neill moved, second by Councilman Printz, and carried to approve the Treasurer's report for the month of November.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

Town Administrator

There were no questions regarding Mr. Clary's report.

## COMMITTEE REPORTS

Electric

Councilman Sigafoose requested a complete inventory of the electric department by next Council meeting. Mr. McCoy stated the City of Harrisonburg and the Town of Orange recently updated their electrical system and they gave the Town of Elkton everything they no longer use, such as transformers. The transformers, wire, and poles that we have in stock have come to us free-of-charge from other municipalities which have upgraded their voltage.

Finance

Councilman O'Neill deferred to New Business but, he praised the Treasurer's Office for cost-saving procedures.

Personnel

Councilwoman Murphy deferred to New Business.

Public Health, Public Safety

Mayor Dearing stated that he and Chief Pullen meet daily. There are a few residences in Town which Mayor Dearing referred to as "drug houses" and the activity is being monitored. The images captured on video camera of the culprit(s) who stole the Christmas tree lights were inconclusive.

Streets and Sidewalks

Councilman Printz said the arrows on Stuart Avenue have been corrected and he thanked Council for its support. Mr. White with VDOT should be contacted regarding the Town's repayment for ending the Rockingham Street Project. The Town is in need of a suitable Sidewalk Obstruction Policy. Mayor Dearing stated the existing policy prohibits all items on sidewalks other than mailboxes, newspaper boxes, Town trash cans, and Town flower pots. To what extent does Council want to enforce the ordinance? Councilman Printz sought Council's opinions in this matter. It was decided to schedule a January meeting with business owners and operators to hear their needs. Mr. McCoy, stating the permit for Sidewalk Obstruction was inexpensive at $2.00 and lacked a specified time usage, was instructed by Mayor Dearing to draft a new policy for Council's consideration.

Recreation

Councilman Pence discussed a situation in which a lady's son was denied sign-up. After discussion, it was decided the rules had been followed and the lady's request failed to make the deadline.

Planning Commission

Councilman Dean read the Planning Commission's recommendation and stipulations for a Special Use Permit for Our Shenandoah Home. The letter is retyped below.

November 28, 2001

The Elkton Planning Commission recommends renegotiation and acceptance of the Special Use Permit for an assisted living facility at 102 and 104 North Stuart Avenue, Elkton, with the following stipulations:

-Sixty (60) bed maximum occupancy;
-Comply with all state and local regulations and all health and building codes;
-Supply proof of compliance through a copy of all inspection reports within one week period of receipt of said reports;
-Maintain signage within current zoning regulations which includes one - 9 sq. ft. sign;
-This Special Use Permit is assigned to the owners and not the property;
-Maintain parking area behind the facility.

The letter is signed by Thomas M. Weyrick, Chair, Elkton Planning Commission, and M. Todd McCoy, Director of Public Works/Zoning Administrator.

**OLD BUSINESS**

Our Shenandoah Home

Councilman O'Neill is still working with the attorneys and Mr. Crawford regarding the conditions under which a Special Use Permit will be approved. Councilman Dean assured the citizens of Elkton that there were "many more" stipulations other than the ones submitted by the Planning Commission. Councilman O'Neill stated "we are going to be tough on them" and presented Council the current draft of conditions and stipulations, which will be discussed in closed session. Mayor Dearing named Councilman O'Neill and Councilwoman Murphy to work with the attorneys and Mr. Crawford to prepare for a final document for Council's consideration at a Special Council meeting prior to January 18, 2002. Mayor Dearing tabled further action.

**NEW BUSINESS**

Motion to Disallow Trimming of Trees on Private Property

**Councilman O'Neill moved, second by Councilman Dean, and carried to approve that the Town adopt the policy of no trimming of trees or shrubbery on private property that are not affecting utility services.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

Council agreed that the Director of Public Works should determine which requests were valid under the new policy.

Motion of Change Town Maintenance Service Rates - First Reading

**Councilman O'Neill moved, second by Councilman Printz, and carried to approve the rate for Town maintenance services be increased from $15.00 for the first hour and $7.50 for each additional hour to a new rate of $30.00 per hour for the first hour and $30.00 for each additional hour or part thereof. This includes all services not otherwise specified in the Town's rate structure.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

Councilman O'Neill stated this not an attempt to increase revenues, rather an attempt to recover the cost of frequently requested services.

Motion to Amend Electrical Service Connection Rate Structure for 3-Phase Upgrades - First Reading

**Councilman O'Neill moved, second by Councilman Dean, and carried to approve the rate structure for the connection of electrical service be modified to allow an existing customer to upgrade their existing service to 3-phase for $5,000.00 minus the cost of connection fee for their existing service.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

Employee Rate Increase

Councilwoman Murphy read the following statement:

"Last year during budget preparation time, Council had a difficult time deciding whether pay increases could be given to Town employees. There were outstanding factors such as the annexation issue and the purchase and development of the Mary Elizabeth Kite property, which were unknown as an impact on our financial status. At that time, Council felt pay raises could not be given. We have recently reviewed our finances and recognized that we have many loyal, dedicated, and hard working employees; employees who assist us in looking for ways to save money while, at the same time, providing excellent customer service to the public. The efforts pay off everyday in helping to reduce our expenses. The employees need to be rewarded and salaries need to remain competitive in order to keep and attract good staff. It gives me great pleasure to make the following motion:

**I move to approve a 4% across the board pay raise for all permanent employees effective December 30, 2001."**

**Second by Councilman O'Neill and carried to approve.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

**Councilwoman moved, second by Councilman Printz, and carried to approve a 4% adjustment to the current pay scale and steps within effective December 30, 2001.**

Councilwoman Murphy clarified the motion by saying the starting salaries on the pay scale will be adjusted by 4% so that those salaries will be more competitive with the private sector.

Councilman Pence believed the heavy equipment operator starting salary was too low. Mayor Dearing explained that when the benefits package was added to the base pay the salary was competitive. Councilwoman Murphy added the starting salary range is just a guide in the event we receive an application from an exceptional candidate.

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

Councilman O'Neill recognized the good work of the Neighborhood Watch Program and presented the following:

**Recognition of Neighborhood Watch**
*December, 2001*

Activities

Work in a cooperative relationship with the Police Department.

Patrol on foot and by motor vehicle and report any suspicious activities to the Police Department including drug related activity.

Sponsor "National Night Out" each August on the lawn of the Town Hall to allow the community to come together and enjoy good food and entertainment while raising awareness of the neighborhood Watch Program. National Night Out is observed across the nation. Music was provided by the Lam Brothers this year.

Assisted with the Halloween HooDoo held downtown from 5:00 - 9:00 pm and performed vehicle patrols throughout the Town until 10:00 pm.

Provided extra foot patrols all over Town during Autumn Festival.

Help the Ruritan Club with their chicken Bar-B-Que twice a year to raise money for vests, caps, shirts, and to cover entertainment expenses of the National Night Out.

During the Field Day festivities, they entered a float in the Field Day parade and had vehicle patrols all evening.

Send sympathy cards to anyone in Town who loses a loved one.

Appear in the Service Men's Newspaper all across Europe (listed as Neighborhood Watch - Town of Elkton, VA).

Responded to President Bush's recent speech asking all Americans to be on the alert as a result of

the September 11th terrorist attacks.

Mayor Dearing set January 15, 2002 for the Streets and Sidewalks, Water and Sewer, and Personnel Committees to meet; January 17 for Public Safety, Finance, and Electric Committees to meet.

A Special Council meeting will probably be held at 6:00 P.M. on January 15, 2002 to decide a Special Use Permit for Our Shenandoah Home.

Councilman Printz asked that letters be sent to owners of blight properties. Mayor Dearing and Mr. McCoy will have a list of blight property owners by the next committee meeting. Mayor Dearing said he must have full Council support to address this problem.

**Councilwoman Murphy moved, second by Councilman O'Neill, and carried that the Elkton Town Council be in closed session Under Virginia State Code 2.1-344 to discuss personnel matter and seek legal advise on pending legal negotiations.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

**Councilwoman Murphy moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certifies that only public business matter lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed, or considered. Councilman Printz duly seconded the motion.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose**

**Motion carried (6-0)**

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

**MAYOR:** _____
**M. Lee Dearing, Mayor**

**RECORDER:** _____
**Richard D. Carey, Clerk**