**Regular Council Meeting**
**July 16, 2001**
**7:00 p.m.**

The regular meeting of the Elkton Town Council was held July 16, 2001 at 7:00 p.m. in the council chambers with the Mayor Millard L. Dearing presiding. The roll call was as follows:

PRESENT

Theodore Pence
Cathy Murphy
Wayne Printz
Bobbi Horne
Lucky Sigafoose

Nathan Miller, Attorney, Richard Pullen, Chief of Police, and Faye Vickers, Treasurer/Clerk were also present.

Councilwoman Horne offered the Invocation.

The Pledge of Allegiance was recited.

Mayor Dearing welcomed everyone to the Elkton Town Council meeting.

**CITIZENS COMMENTS**

**Ronnie Keyser** 119 Spotswood Ave. Mr. Keyser stated his concerns for the nuisance law imposed on the properties around his home. Mr. Keyser feels the Town should provide something to keep the kids busy instead of citing them for being hoodlums. He further stated he had employed seven of these kids, six of which are still working. He also stated he had requested a trashcan for the street and that the Valley Heritage had supplied him with one.

**Mike O'Neill** 25 East Rockingham Street. Mr. O'Neill stated to Mayor Dearing that Section 37-7 of the Town code affords each citizen five minutes to speak and would appreciate it if you would not be altering the rules to suit yourself.
Mayor Dearing stated the Charter is the only thing that is not allowed to be modified. What you are referring to is in an ordinance, and ordinances are not concrete. The Charter is constitution.
Mr. O'Neill puts that point to Mr. Miller; can we arbitrarily ignore the Code? Mr. O'Neill further stated he supported Mr. Ronnie Merica for the Council seat. He's a strong up-standing person and would do a good job, and hopes there is no further delay in filling this Council seat so that the Town can get on with it's business. Mr. O'Neill stated he has a copy of the six-year approval plan from the State of Virginia on the Rockingham Street project with allocation for that project. The project is slated for completion fiscal year 2002-2003 and he asked Council to take into consideration the impact of the dollars spent.

**Hazel Crider** Elkwood. Ms. Crider extended an invitation to the National Night Out sponsored by Neighborhood Watch on August 7th in front of the Town Hall. She further stated there would be music, plus food and drinks for sale.. Ms. Crider commented that Rockingham St. is a historical street and that Spotswood should be the choice for the through traffic. Ms. Crider urged the Council to vote to stop the Rockingham St. project.

Councilman Printz addressed the citizens that they have the votes tonight to change the Rockingham St. project; he further stated he anticipates it will be settled tonight.

**Brenda Keys** 112 Hillside. Ms. Keys wanted to publicly thank Bobbi Horne for remaining on Council, a lot of people voted for Ms. Horne and consider her to be a stabilizing force and not a self serving person but is concerned for the Town.

**Joe Sowinski** 515 East Rockingham. Spoke in opposition to the East Rockingham Street Project.

**Tim Smith** 147 West Spotswood Ave. Mr. Smith stated he had been sent a letter to remove the items in the front yard. Mr. Smith stated he had cleaned up the property and would like to know who decides what yards need to be cleaned. Mr. Smith requested that someone check the property to see if it is in compliance. Mayor Dearing stated someone would be there to look at the property.

**Jeff Nemoytin** 233 East Rockingham. Mr. Nemoytin stated he is apprehensive about the Rockingham St. project until the vote is actually taken to cancel the project. He further stated he feels the taxpayers will suffer from a decision to go ahead with this project. Mr. Nemoytin feels that Spotswood has streets wide enough to support the water and sewer lines and the traffic.

**Carolyn Brill** 148 Sweetgum. Ms. Brill spoke in support of Rick Workman for the vacant Council seat. She stated Mr. Workman has been in the area for twenty years, has served our country, has volunteered his time and service to this town. Ms. Brill stated she has known Mr. Workman all of his life and he would serve objectively.

Mayor Dearing closed the public session.

Mayor Dearing stated at this time he would like to commend the employees of the Town of Elkton, the staff is the strongest the Town has had. The customer services are the best the Town has ever had. Mayor Dearing stated each department has stayed within budget. The town had more than $200,000 in projects, some are on going. A dump truck, trash truck and tools have been purchased. The police department is getting their job done, the caseload has increased and the department is getting a conviction on 98% of the cases presented. The Mayor further stated the Town is going into a new fiscal year with no tax increases. He also stated within the next fiscal year, annexation should be well in hand. We should see the completion of the Kite property purchase, and should see a footer in the ground for a recreation building. Mayor Dearing also stated the Council does bicker, but he is pleased with the progress the Council has made. He thanked the Council, Bobbi Horne and Cathy Murphy for all of their dedicated work.

At this time Nathan Miller introduced Derrick Whetsel, who will be the resident attorney at the Elkton office.

**Minutes**

**Councilwoman C. Murphy moved seconded by Councilman W. Printz and carried to approve the minutes of the Council Meeting held June 18, 2001.**

**YEAS: B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**
**Motion carried (5-0)**

**Councilman W. Printz moved, seconded by Councilwoman C. Murphy and carried to approve the minutes of the Special Council Meeting held July 2, 2001.**

**YEAS: B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**
**Motion carried (5-0)**

**Councilwoman C. Murphy moved, seconded by Councilman T. Pence and carried to approve the minutes of the Special Council Meeting held July 10, 2001.**

**YEAS: B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**
**Motion carried (5-0)**

**Councilman W. Printz moved, seconded by Councilman T. Pence and carried to approve the Treasurer report for June 2001.**

**YEAS: B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**
**Motion carried (5-0)**

**DEPARTMENT HEAD REPORTS**

**Chief of Police**

Councilman Sigafoose informed Chief Pullen about the streetlights not being reported for replacement. Councilman Pence also informed Chief Pullen there have been people in the parks after midnight, and the gates at Riverside Park are not being locked.

**Director of Public Works**

Mr. McCoy foreman for Public Works stated the power outage that occurred for approximately thirty minutes was due to a tree limb on the power lines by a construction crew. The Town was not involved in that outage. He also stated that clean up continues in the Town and bulk items are still being picked up every third Wednesday of the month. Mr. McCoy stated the first part of the Spotswood sidewalk is complete and the handicapped ramps

will be completed by the end of this week. By the Public Works department doing the jobs, it has saved the Town approximately $70,000. Mr. McCoy stated that the Public Works crew is out there doing what they are suppose to be doing, and he is pleased with their work.

Mayor Dearing stated to Mr. McCoy he appreciates him being out with the crew. The workers seem to appreciate a supervisor who will work with them.
Councilman Pence also stated that Mr. McCoy was in the ditch fixing the water leak in front of the building. He also stated he saw Mr. McCoy cutting trees and appreciates seeing a working foreman doing his job.

## COMMITTEE REPORTS

### Electric

Councilman Sigafoose stated there was no report.

### Finance & Personnel

Councilwoman Murphy stated Finance and Personnel committee met on July 10th, along with a Department Head meeting. Faye presented budgets, and personnel policies were covered with department heads. The Personnel committee met and discussed changes to comp time as well as changes to Public Works foreman. There will be motions under new business.

### Public Health & Safety

Mayor Dearing stated there was seven letters sent out to property owners who were considered blights in the Town. These letters are not publicized, they are sent to the individual. If the property is rented, they are sent to the landowner as well. He stated that clean up is in progress. Individuals have stated their dislikes for this, but for property determined to be unsightly, the ordinance will be enforced. Mayor Dearing further stated that letters would be sent to owners of abandoned cars on the easement. Mayor Dearing stated that unclean or abandoned houses make the property value go down for those owning adjacent property.

### Streets and Sidewalks

Councilman Printz stated the committee met with Jeff Lineberry and people from the State concerning the traffic lights and patterns on Stuart Ave. Councilman Printz thanked the Council for support in putting a motion on the floor. The gentlemen came in and basically stated that the traffic lights and pattern will be put back as it was, with the exception of the interchange of 340 and Blue and Gold Drive. It will be on delay when school is in session. Councilman Printz stated with the Councils' permission, he would present the motion for Rockingham St.

Mayor Dearing informed the citizens and Council if the project starts, then Rockingham St. will become the main artery. We were told that this would not happen, but in fact it will happen. Councilman Printz and Mayor Dearing are to meet with Mr. White from Richmond, next week to discuss the replacement of the sidewalks, sewer and water lines on Rockingham St. The motion can be voted on, but what we will ask for is a modified improvement on Rockingham St. He stated we would ask that the project be moved to Spotswood without losing the $60,000, so the Town can still make improvements with a match of 50/50. The Mayor stated he would like for them not to rule completely out doing any work on Rockingham St. It would not be a main artery, just a Town assisted project.

**Councilman W. Printz moved, seconded by L. Sigafoose that Spotswood Avenue be returned to it's original designation as the primary artery between downtown Elkton and Newtown road and that the planned state renovation of Rockingham Street be relocated to Spotswood Avenue subject to the following provisions:**

1. **The Council, Mayor and Street and Sidewalk Committee will inform the state of this change and will continue to pursue having the state excuse the town from any expenses incurred in this project so far.**
2. **The Council, Mayor and Street and Sidewalk Committee will inform the state that the Elkton Town Council wishes the state to begin engineering the project in two phases with the first phase being the section of Spotswood Avenue between Business US Route 33 and US Route 340 and the second phase being the remainder of Spotswood Avenue to Newtown Road.**
3. **The Council, Mayor and Street and Sidewalk Committee will inform the state that the Elkton Town Council requests that the state develop, as soon as possible, a**

**comprehensive engineering plan for the first phase of the project to allow for improvements along Spotswood Avenue to be implemented in accordance and compliance with that plan.**

4. **That Rockingham Street be designated as a residential street not designed or intended to serve as a primary thoroughfare.**

**Yeas: W. Printz, T. Pence and L. Sigafoose**
**Nays: C. Murphy**
**Abstained: B. Horne**

**Motion Carried (3-1-1Obstain)**

Councilwoman Horne questioned Councilman Printz on designating Rockingham Street as a residential street. She asked that North Street be considered for no thru trucks.
Mayor Dearing stated that if Council votes to kill the Rockingham Street project, there would be no option or compromise to get the $60,000 on a matching grant for other repairs.

**Water and Sewer**

Councilman L. Sigafoose stated that there was no report.

Mayor Dearing stated that he and Mr. Miller met with the county last week in reference to completing the annexation across the river. Comments were made that the county would not allow us to annex across the river. Mayor Dearing further stated effective on July 16th he sent a letter informing the county that we would as the Town honor the 1985 and 1987 agreement which states we would supply water to that facility or area. Effective immediately we will no longer honor any additional development in that area, because of the impact on our water system, Elkwood and the Towns' financial status. Therefore the county can come to an agreement with us. In 1985, when that water and sewer line was installed, there were Councilpersons who knew they were going to eventually annex that area. Now we want the county to honor their word, even though it was not in writing to that Council. There was intent, therefore we will at this time only honor what is in the ground now. The Town will service that area, but in-town citizens will take priority over out-of-town citizens, until we reach an agreement. The letter will be sent to Bill O'Brein, Board of Supervisors and to the inspector. The Mayor further stated the police department responded to 551 calls in the last three years. We will no longer patrol that area because it is out of Town. We will only respond to emergency calls.

**Cemetery**

No report

**Recreation**

Councilman Pence stated that there was no report.
Mayor Dearing stated there was a ball tournament this past weekend and we think the revenue is not there. McDonalds and all the restaurants were full, that means meals tax and sales tax revenue is up.

**Planning Commission**

Bobbi Horne stated the Planning Commission did not meet this month.

Mayor Dearing stated he had spoken with Mr. Weyrick in reference to the Planning Commission committee. The Planning Commission meetings are to be called by the chair of that committee, Mr. Weyrick. The Comp plan has not been updated since 1970. We have set a meeting with the Third District Planning Commission to meet with the Town at the next Planning Commission, to see how we can speed up that system to get the Comp plan finished.

**OLD BUSINESS**

Mayor Dearing stated under old business is the second reading of 148-16.

**Second Reading of Public Rights-of-Way**

**Councilwoman B. Horne moved, seconded by Councilman W. Printz and carried to adopt an ordinance to enact section 148-16 of the Town of Elkton Code in order to establish a public rights-of-way fee for certain providers of telephone services as authorized by Virginia Code section 56-468.1** Ordinance attached.

**YEAS:** **B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

**NEW BUSINESS**

**Personnel**

**Councilwoman C. Murphy moved, seconded by Councilman W. Printz to accept the resignation of police officer John Painter effective July 24, 2001.**

**Yeas:** **B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

**Councilwoman C. Murphy moved seconded by Councilwoman B. Horne to re-establish the combined position of Public Works and Zoning Director, at grade level 13 on the current classification chart. This position shall be denoted as a Department Head and shall be classified as an exempt position.**

**Yeas:** **B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

**Councilwoman C. Murphy moved, seconded by Councilwoman B. Horne to abolish the positions of Public Works Foremen Grade 10, and Zoning and Planning Administrator Grade 11, from the current classification chart.**

**Yeas:** **B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

**Councilwoman C. Murphy moved, seconded by Councilman W. Printz to reallocate Todd McCoy to Public Works/Zoning Director, effective July 16, 2001.**

**Yeas:** **B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

**Councilwoman C. Murphy moved, seconded by Councilman W. Printz to amend Policy 1.3, Appointment Types and probationary Periods, as presented, but with the inclusion of Public Works/Zoning Director, under section "Salaried Employees".**

**Yeas:** **B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

**Councilwoman C. Murphy moved seconded by Councilwoman B. Horne to amend Policy 1.4, Overtime and Compensatory Time, as presented, but with the inclusion of Public Works/Zoning Director, under section "Exempt".**

**Yeas:** **B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

**Councilwoman C. Murphy moved seconded by Councilwoman B. Horne to amend Policy 1.5, Holiday Pay as presented.**

**Yeas:** **B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

Mayor Dearing stated the Town of Elkton has purchased the Mary Elizabeth Kite property which includes the house and 18 acres, plus the 52 acres on the east side of Mt. Pleasant Road. The land acquisition is complete, and contracts were signed last week.

Mayor Dearing stated on August 4th there is a parade. The Elkton Town Council has been invited to attend the Elkton Field Day parade. Rick Carey is preparing a float for the parade and the Mayor requested the Town Council to ride in the parade, Theodore has prior commitments. Wayne Printz also has commitments. The Mayor stated he would like to see the Council ride together.

**Councilman W. Printz moved seconded by Councilman L. Sigafoose, to accept Ronnie Merica on the Town Council for the vacant spot.**

Councilwoman B. Horne and C. Murphy expressed their concerns that the Council has not interviewed Mr. Merica, as was Jay Dean and Rick Workman.

**Yeas: T. Pence, W. Printz and L. Sigafoose.**
**Nays: B. Horne, C. Murphy,**

**Motion carried (3-0)**

Mayor Dearing stated Mr. Merica would be seated at the meeting on July 30th.

Councilwoman C. Murphy called HEC to get information on their policy, and Councilwoman C. Murphy handed out what she is proposing for electric. Recommendations attached. Councilwoman C. Murphy stated this is only a proposal.

Mayor Dearing stated the deposits paid by citizens for electric are being held indefinitely. The Council should come up with a policy to determine when this deposit should be returned. Mayor Dearing stated the Council should study this proposal and the vote will be taken on July 30th.

Councilman W. Printz asked that the Electric Committee address the electric at ShenElk and to look at connect fee for electric.

Councilman W. Printz stated the drains need to be fixed in the downtown business area. Mr. Billhimer brought in a tape with water almost running in the doors.

Mayor Dearing stated that Ran Mar would charge us for the equipment, but let us supply the material and manpower. Mayor Dearing also stated since the populations of Elkton is under 3500 the Town is not required to get contract bids.

**Councilman Printz moved seconded by Councilman L. Sigafoose to proceed to fix the drainage on the lower end of town on Spotswood Ave. to a maximum of $30,000.**

**Yeas: B. Horne, C. Murphy, T. Pence, W. Printz and L. Sigafoose.**

**Motion carried (5-0)**

Mayor Dearing stated there is a plastic drainpipe on Clark Avenue that has to be fixed, and needs to be put in concrete before they start the Spotswood Ave. drainage project.

Councilman Printz asked if the sidewalk at the railroad could be blocked off, until the railroad repairs that sidewalk.

Mayor Dearing replied he had contacted OSHA regarding the sidewalk and they have been invited to look at it. The railroad is responsible for that sidewalk. Mayor Dearing stated the sidewalk could be blocked off.

As there was no further business the meeting was adjourned.

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

**RECORDER:** Faye H. Vickers
**Faye H. Vickers, Clerk**