**Regular Council Meeting**
**August 20, 2001**
**7:00 p.m.**

The regular meeting of the Elkton Town Council was held August 20, 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
Mike O'Neill

Nathan Miller, Attorney, Richard Pullen, Chief of Police, and Donna Gooden, Senior 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. Mayor Dearing stated that we had had another successful month. We had a very good Field's Day event. Field's Day used to be considered a not so popular event. This was one of the best Fields Days we have had and one of the largest parades in Elkton history with over 200 entries. Mayor Dearing stated that the employees had worked hard this month and had done a lot of things. Mayor Dearing stated he would like to commend the Chief of Police and his police force for the outstanding police job that they did on Fields Day, taking care of that event and the Neighbor Hood Watch event.

**CITIZENS COMMENTS**

**Hazel Crider-** Elkwood. Ms. Crider thanked Mayor Dearing, Richard Pullen, Todd and his staff and the Council that came and supported the National Night Out. Ms. Crider stated that a better speaker system was needed in the Council chambers.

**Mildred Shifflett-** Spotswood Avenue. Ms. Shifflett welcomed back Mike O'Neill. Ms. Shifflett stated that in 1998 she bought in over 1000 signatures for the cruising in the Town of Elkton they weren't even looked at, now you're back on TV saying that it is ok for the cruisers to cruise. Ms. Shifflett stated that she was not blaming this police department because Mr. Pullen and his staff weren't here. Ms. Shifflett stated that the kids make up this town and we didn't have the problems that we're having now when they could cruise, now we're having problems with them on the streets hanging out, making all kind of noise. Ms. Shifflett stated that she would like to know why certain people bring in signatures and they're acknowledged and certain people they're not. Ms. Shifflett said she would also like to know why town employees are mowing over next to Food Lion. Ms. Shifflett said she had spoken to Mr. Pullen earlier about some of the noise and all that going on. Ms. Shifflett stated that a friend had went on the internet and pulled up the town charter and Mr. O'Neill was right- it does say that the speaker has five minutes.

Mayor Dearing responded to Ms. Shifflett's concerns saying that the chief and I did appear on TV to talk about cruising, but we were not actually endorsing cruising. We were talking about the freedom and responsibility and the rights of individuals, young people. Mayor Dearing stated they were not talking about cruising, but about kids who are allowed to hang out on the streets. You cannot run young people off the street just because they are young. If they are not violating the law, then they have a right to stand around and talk just like you and I. Mayor Dearing's response concerning the mowing in the Food Lion area was that Elkton had taken over the responsibility of all the maintenances leading into Elkton. Street sweeping was done at 2:00 in the morning for the parade. The speaker system will be worked on.

**Caroline Brill-**Elkwood. Ms. Brill stated that she is for and very much in favor of the adoption of the authorities.

Mayor Dearing had one other comment on how the charter does not state how long you have to speak- an ordinance does. The ordinance states that you have five minutes and I have the right as a mayor when I set meetings to modify the ordinances for the meetings. The conduct of this meeting is not in the charter- it is in the ordinances.

Mayor Dearing closed the public session.

**Minutes**

**Councilwoman C. Murphy moved, second by Councilman W. Printz and carried to approve the minutes of the Council Meeting held July 16, 2001.**

**YEAS: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**
**Motion carried (6-0)**

**Councilwoman C. Murphy moved, second by Councilman T. Pence and carried to approve the minutes of the Public Hearing held July 30, 2001.**

**YEAS: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**
**Motion carried (6-0)**

**Councilwoman C. Murphy moved, second by Councilman T. Pence and carried to approve the minutes of the Special Council Meeting held July 30, 2001.**

**YEAS: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose, and M. O'Neill.**
**Motion carried (6-0)**

Discussion: Councilwoman B. Horne stated that where it said in the minutes "He (Councilman Printz) further stated that Mr. O'Neill was accused by the Council for a conflict of interest." She would like for the notes tonight to reflect that is not a mistake in the minutes, but she would like for the notes tonight to reflect that Mr. O'Neill was not accused by the Council for a conflict of interest. Councilwoman Horne stated she was the one who made the statement, and he was not accused. She said that a citizen had asked her if it was a conflict of interest having two Councilmen living on that street.

**Councilman W. Printz moved, second by Councilwoman B. Horne and carried to approve the Treasurer's report for July 2001.**

**YEAS: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**
**Motion carried (6-0)**

**DEPARTMENT HEAD REPORTS**

**Chief of Police**

Mayor Dearing stated that again he would like to commend the chief for another exceptional conduct of an officer, which was Officer Morris who made an apprehension on Shenandoah Avenue with no backup, no way to get backup because the county didn't have anybody on. This person had one felony on him and five misdemeanors.

Chief Pullen stated that he would like to thank the members of the Jr. Order for the excellent job that they did on Field Day and the parade. Chief Pullen also thanked the people of Elkton and the surrounding community for making it a very quiet Field Day. Chief Pullen thanked Mrs. Crider and her Neighborhood Watch Committee for making the National Night Out very much of a success. He enjoyed it and is looking forward to another year.

**Director of Public Works**

Todd McCoy stated the public works department has been busy. The electric department has been busy trimming trees out of the power lines, repairing streetlights that have been out. After announcing at last months meeting about the bulk pick up, we have had a lot of calls. Water and sewer department has fixed several water leaks and sewer backups. Mr. McCoy stated the Spotswood Street project is complete and they are now ready to start on the water leak on Stuart Avenue. Mr. McCoy stated he would like to schedule a meeting with the Streets and Sidewalk Committee concerning some projects in the making. Mr. McCoy stated that we did have a Planning Commission Meeting this month and there was some discussion with a potential buyer for Victorian Haven concerning the zoning and how the property would be used. It was voted to change the Planning Commission meeting to the first Tuesday of each month at 7:00. Mr. McCoy stated that since the rain, his part time help is busy mowing again. Mr. McCoy thanked the whole public works department for cleaning the town for the Elkton Field Day, and he has received a lot of compliments.

## COMMITTEE REPORTS

### Electric

Councilman Sigafoose stated he was asked by council to come up with a fee for electric hookups and he would like to table that and discuss it next month. He stated that he went to the MEPAV meeting in Charlottesville and will be going again next month.

Mayor Dearing stated the reason he brought the electric up was that a new homeowner had to pay $1800 to hook on to our water system and $1800 to hook on to our sewer system with us running everything to the property line. To hook to our electrical system, where we run all the way to the house, put in the pole and all the wires, transformer, meter and the meter base, we charged $5.00.

Councilman Sigafoose stated that he would like to make Councilman Pence over electric of all parks and recreation.

### Finance & Personnel

Councilwoman Murphy stated the Finance and Personnel Committee met on August 14th. There was nothing to report on finance. On personnel, interviews were conducted for a police officer vacancy, which will come under new business tonight. The search for a Town Administrator is still ongoing.

### Public Health & Safety

Mayor Dearing stated he had met and that he meets with the chief on a daily basis to work on some of the problems that we have and how to resolve them. Mayor Dearing stated that he had met with Nathan Miller tonight to talk about one of the issues, which is abandoned cars. The ordinance gives the Mayor the right to go out and tag abandoned cars. Nathan Miller is going to rewrite that ordinance to put it under the Police Department.

### Streets and Sidewalks

Councilman Printz stated the committee was suppose to meet August 27th on Stuart Avenue, where we have had a lot of problems with the way the arrows are pointed and the way the traffic pattern was. The state has apparently tried to fix that problem and it does seem to be a little better. Councilman Printz stated it is more like it was previously. Councilman Printz stated he had had a request for Todd to get a sign up on Terrace Avenue and on North Street for No Thru Trucks. Councilman Printz stated he would like to thank the Advisory Committee for their recommendations and they will be bought up at the next committee meeting.

### Water and Sewer

Councilman L. Sigafoose stated that he would also like to turn the water and sewer over to whomever has the parks.

### Cemetery

No report

### Recreation

Councilman Pence stated that the committee had asked that it be brought to council concerning the use of bicycles, roller blades and skateboards on the walking track. There was some discussion on how to handle this problem and it was decided to post signs for walking only. Councilman Pence was going to look at the possibility of putting in a roller blade area.

### Planning Commission

Councilwoman Horne stated the Planning Commission met August13, 2001 at 7:00. She stated there is a vacant seat on the Planning Commission. Due to conflict of member schedules, it was voted to change the monthly meetings to the 1st Tuesday of each month. Article 4 & 5 of the Code Book will be reviewed at the next meeting. Councilwoman Horne stated that she did not have a name to submit tonight for the vacancy and if any one had a name or was interested, they could contact her or Tom Weyrick.

## OLD BUSINESS

Mayor Dearing stated that a second reading is not needed for the bond issue. Nathan Miller stated that the bond issue is settled and closed as far as council action. What is needed now is to determine the amount of money. Mayor Dearing stated we are waiting to see if we can change the contract on the first land purchase.

Councilman O'Neill stated that he would like to respond to a statement that was in the July 30th minutes. Councilman O'Neill would like for this to made part of the Public Record. The statement made was "Councilwoman Horne stated she would like to remind Council when Mr. O'Neill was put on Council, he made it clear he had a personal agenda, that personal agenda was for Rockingham Street. He was not willing to wait and see what could be done with the $60,000. She further stated she did not feel this is in the best interest of the town. Had there been another street involved, he would not have voted to kill the project until the Town could find out what was going to happen to the $60,000. Councilwoman Horne stated she did not feel he should serve the Town a second time. Mayor Dearing stated he would like to set the record straight. On August 15, 1995 the urban project was earmarked for Spotswood Avenue. Wayne Printz, seconded by Marsha Fuller made the motion to move it to Rockingham St. Mayor Dearing further stated Mr. Monger had been accused of doing something illegal. The public should understand Mr. Printz put that motion on the floor; it was not Mr. Monger. The resolution stated; Should the Town Council elect to cancel this project, the Town of Elkton would agree to reimburse the Virginia Department of Transportation for the total amount of the Departments expenditures." Document is attached as presented. Councilman O'Neill stated that he also wanted to quote from the meeting minutes of November 18, 1986. Mr. Gerald Monger reported the cost estimates on the project $370,000.00 for the design and $735,000.00 for the construction. In fact the documentation provided by the state says that the $370,000.00 was for right-of-ways. The engineering or design was $112,000.00.

Mayor Dearing stated that someone needs to do a resolution for VDOT to kill that project. Councilman Printz agreed to submit a resolution.

Mayor Dearing stated on the 6:00 news, there was a news clip stating the Town of Elkton had decided to hold off on moving the residents out of Victorian Haven. That is not true. Victorian Haven has gone to court to stop our decision and the judge has set a court date of December 12. We have the authority to move the residents out or we have the authority to do nothing. This was tabled until Monday's Special Council Meeting.

## NEW BUSINESS

### Personnel

**Councilwoman C. Murphy moved, second by Councilwoman B. Horne to appoint James Miller as a certified police officer with an annual salary of $20,772.00 with an effective start date of Tuesday, August 21, 2001. Upon satisfactory completion of a 12-month probationary period Mr. Miller will receive an increase in salary at approximately 10 percent, which is equivalent to $22, 879.00 in step with the approved employee pay scale.**

**Yeas: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**

**Motion carried (6-0)**

**Councilman W. Printz moved, second by Councilman M. O'Neill to adopt Virginia State Law 158-1.**

Nathan Miller stated that this was a **first reading to adopt Virginia State Law 158-1** and after the second reading, you will adopt it. The next reading will be at the next regular council meeting. Motions were withdrawn.

Nathan Miller gave the **first reading of the adoption of Chapter 4, AUTHORITIES, Article I, Park Authority and Article II, Industrial Development Authority.** Second reading will be held on September 17, for approval. Nathan Miller stated that after you create the park authority, you elect the members to it. You will have by-laws and organizational structure. The Industrial Development Authority is the same concept as the park authority. It is primarily used so that if a private company wanted to come into the Town of Elkton and they want to build an industrial building, you can use this authority to raise tax-exempt money to encourage private businesses to come into the town, locate in the town, and run their businesses in the town. This will encourage industrial and business development in the town.

Nathan Miller presented the **first reading of Amendments to Nuisance Ordinances Section 120-4, Section 118-2, and Section 118-3 of the Code of the Town of Elkton.**

**Councilwoman B. Horne moved, second by Councilwoman C. Murphy to adopt the resolution of the agreement between the Town of Elkton and the Holtzman Family partnership**

**Yeas: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**

**Motion carried (6-0)**

Nathan Miller gave a **second reading on the amendment to Chapter 110; LAND DEVELOPMENT, Section 110-406, Annexed Territory.**

**Councilwoman C. Murphy moved, second by Councilman M. O'Neill to approve Resolution regarding Section 148-16, Code for the Town of Elkton Virginia as presented.**

**Yeas: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**

**Motion carried (6-0)**

**Councilwoman B. Horne moved, second by Councilman W. Printz to approve the Shenandoah Valley Project Impact which forms a group that will help build the disaster resistance community of which we will be a part of it**

**Yeas: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**

**Motion carried (6-0)**

**Councilman W. Printz moved, second by Councilman T. Pence to accept the agreement for Virginia Power.**

**Yeas: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**

**Motion carried (6-0)**

**Councilman W. Printz moved, second by Councilman M. O'Neill to approve $150 fee for the fire department.**

**Yeas: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**

**Motion carried (6-0)**

Mayor Dearing stated that on August 28 at 7:00 Mike Breeden would be here for a meeting on annexation.

Wayne Printz stated that we are still having trouble with the phone system and he would like to see this fixed. Councilman Printz will send this back to committee for resolution.

**Councilman W. Printz moved, second by Councilman M. O'Neill for Wayne Printz to chair a committee to look into a Community Center.**

**Yeas: B. Horne, C. Murphy, T. Pence, W. Printz, L. Sigafoose and M. O'Neill.**

**Motion carried (6-0)**

**Councilman W. Printz moved, second by Councilman L. Sigafoose that committees be changed as follows: 1. Appoint Mike O'Neill chair of the Finance Committee and eliminate the role of vice-chair 2. Appoint Theodore Pence as council representative to the Recreation Commission replacing Mike O'Neill 3. Wayne added to Finance Committee**

**Yeas: T. Pence, W. Printz, L. Sigafoose and M. O'Neill**

**Nays: C. Murphy and B. Horne**

Councilwoman B. Horne made a statement that in her opinion this council has become a joke and she resigned effective immediately.

Mayor Dearing stated that we have just lost one of the hardest workers that we have had on this council. Bobbie Horne has always been honest with us. She has been here every day.

Mayor Dearing stated that they had thirty days to find a replacement for Bobbie Horne.

Mayor Dearing set the dates for committee meetings. September 11th for personnel, finance and electric. September 13th for streets and sidewalk, public safety and sewer and water.

As there was no further business the meeting was adjourned.

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

**RECORDER:** Donna F Gooden
**Donna Gooden, Senior Clerk**