Regular
Council Meeting
October 28, 2002

The regular meeting of the Elkton Town Council was held Monday, October 28, 2002 in the Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
Council member J. Dean
Vice Mayor C. H. Murphy
Council member T. Pence
Council member L. Sigafoose
Council member R. Snow
Council member P. Workman

Attorney Nathan Miller, Faye Vickers, Treasurer, Todd McCoy, Director of Public Works/Zoning Administrator, Richard Pullen, Chief of Police, and Richard Carey, Clerk of Council, were also present.

Mayor Printz offered the Invocation.

The Pledge of Allegiance was recited.

Mary-Liz Humphrey

Ms. Humphrey spoke on the importance of early and continued dance instruction, her travels to learn and improve her dance programs, and available scholarships.

Hazel Crider

While updating for Council the status of the K-9 Unit, Mrs. Crider was overwhelmed by local and area-wide support of this Neighborhood Watch initiative. She gave Council the following list of expenses to provide the K-9 Unit to the Elkton Police Department:

K-9 and training	6,450.00
Kennel for car	1,250.00
Kennel for residence	600.00
Lodging for officer (3 weeks)	700.00
Meals for officer	550.00
Mileage	550.00
Mortality Insurance for K-9 (per year)	100.00
Ballistic armor for K-9	800.00
TOTAL ESTIMATED EXPENSES	$11,000.00

All money donated is in a special K-9 account with Neighborhood Watch and will be administered by that organization. Mrs. Crider stated that once all the expenses associated with the K-9 project were satisfied, there most likely would be a surplus which will remain in the account and used for incidentals for the dog.

She announced and invited Council to the Neighborhood Watch Christmas dinner at the Country Inn on December 17, 2002 at 6:00 P.M.

Mike Gilmer, representing the Elkton Ruritan Club, presented Neighborhood Watch a $500.00 donation check for the K-9.

CITIZEN COMMENTS

Debbie Fortier, representing O'dell's Grocery, 149 West Spotswood Avenue, presented a letter to Council. It is retyped verbatim below.

October 16, 2002

O'Dell's
149 W. Spotswood Ave.
Elkton, Va. 22827
(540) 298-5139

Mayor of Elkton
Town of Elkton, Council Members
Elkton, Va. 22827

Mayor Printz and Council Members:

I am writing this letter on behalf of the Crawford's, in regards to the current problems we've encountered with water build-up in front of the store. This water build-up as you are already aware of, is a result of the new walkways recently installed. Prior to completion of the job, Todd McCoy approached the Crawford's indicating that there may be a drainage problem which is now apparent, and asked the Crawford's if the Town were to have paving done approximately 17 ft. back into the parking lot of the store, would they be willing to pay for the remainder of the driveway to be paved. After much thought and careful consideration, they, the Crawford's, reached the conclusion that they hadn't requested the new walkway, and didn't feel that they should be liable for mistakes made by someone else. Apparently, the Town and or the Paving Company failed to foresee the problem with the water build-up. As a result, the Crawford's feel the driveway should be done in it's entirety at the expense of the Town.

Attached, please find a copy of some photos taken after a rain, which clearly indicate the water build-up we are questioning. With temperatures readily decreasing and winter fast approaching, we would appreciate this matter be resolved before the water freezes creating ice patches which we all know are hazzardous in causing accidents. These accidents, could lead to unnecessary law suits, which the Crawfords's refuse to be held liable for. Please be aware that this is our final plea with the Town and council members to review the situation and make the necessary improvements, otherwise any lawsuits resulting from accidents over the winter months will be directed to the Town of Elkton.

Furthermore, we have exhausted ourselves talking to members of the council regarding this matter, and recieving a different perspective of the situation from each individual we have attempted to get assistance from. Though we have not had the opportunity to speak one on one with each and everyone of you, those who have been spoken to know who you are, and to some degree should be ashamed of yourselves for making promises that are not kept, after asking for our vote. We were there for you, let's see where you are when we need you!!!!!

Sincerely,

Debbie Fortier
on behalf of O'Dell's
and the Crawfords

Mildred Shifflett, 112 West Spotswood Avenue, complained of dogs and their excrement in the Cemetery. The issue will be sent to the Cemetery Commission for discussion.

MINUTES

Council member Dean moved, second by Council member Pence, and carried to approve the Committee Meetings minutes of September 10, 2002.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6-0 by voice vote)

Vice Mayor Murphy moved, second by Council member Dean, and carried to approve the minutes of the Emergency Council meeting of September 19, 2002.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6-0 by voice vote)

Vice Mayor Murphy moved, second by Council member Snow, and carried to approve the minutes of the regular Council meeting of September 16, 2002.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6-0 by voice vote)

DEPARTMENT HEAD REPORTS

Chief of Police

Some dangerous traffic patterns on Terrace Avenue were referred to the Public Safety Committee.

Chief Pullen announced the acquisition of the LOCATOR system, which is beneficial in locating missing and exploited children.

Director of Public Works/Zoning Administrator

Mr. McCoy reviewed his report.

A Joint Public Hearing needs to be scheduled prior to the November council meeting to hear a request for a home occupancy request on Wirt Avenue.

The Blackwell water model for Elkwood has been received. Council may have to consider another water source, a holding tank, or a water line, or perhaps any combination of the three.

Mr. McCoy stated that Ray Knicely of Valley Engineering has finished the ISTEA plans, which Mr. McCoy will have to pick up and deliver to Mr. Campbell, VDOT, in Richmond.

Treasurer

Mrs. Vickers reported an ending ledger balance for September, 2002 of $177,203.36. The Bond Account had a balance of $48,421.61.

Council member Snow moved, second by Council member Dean, and carried to approve the Treasurer's report.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6-0 by voice vote)

COMMITTEE REPORTS

Electric

Council member Sigafoose received a bulb from Richmond that he would like placed on a pole in Town to compare to our existing lighting.

Finance

Council member Snow sought abatement of uncollectible taxes totaling $2,828.24 dating back to 1991.

Council member Snow moved, second by Council member Sigafoose, and carried to abate uncollectible taxes totally $2,828.24 dating back to 1991.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6-0 by voice vote)

Personnel

A replacement police officer is being sought for Donald Dean who resigned to take a position with the Virginia State Police.

Public Health, Public Safety, and Ordinances

No report.

Streets and Sidewalks

Plans and proposals are still being studied for the drainage problems on Rockingham Street.

Recreation

Council member Pence reported there were 78 signed up for flag football and 60 for Fall soccer. Spring soccer may be offered.

The seven acres at ShenElk Plaza was offered to the Little League for their use if they

built and maintained the land as they did at the Junior Order.

Council member Snow read in the Recreation minutes where the members suggested not meeting during the months of July and August. The bylaws state the Commission meets monthly and Council member Snow believed they should follow the bylaws. Council member Pence agreed. The Recreation Commission also wants input into the construction and contents of a recreation center.

Planning Commission

Vice Mayor Murphy will offer appointments to the Commission under New Business.

Park Authority

Six design plans have been received and during the next meeting or two it is Council member Snow's desire to have selected a final designer.

Water and Sewer

Council member Dean deferred to Old Business and New Business.

OLD BUSINESS

Irrigation Meters

Council member Dean moved on a Second Reading, second by Council member Sigafoose, and carried that a new rate fee be applied to irrigation meters at $3.15 per thousand gallons used, both in and out of Town, effective on a second reading.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6-0 by voice vote)

NEW BUSINESS

K-9

Council member Dean moved, second by Council member Pence, and carried that the Elkton Town Council authorizes the Chief of Police to purchase the dog and name the handler.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by roll call)

Officer David Conley will apparently be named as the handler. He will be required to sign a contract, but, if something should happen and Officer Conley is not named the handler, the Chief of Police was authorized to use his discretion in naming a different handler.

Council member Snow moved, second by Council member Sigafoose, and carried to review previous minutes and consummate the remainder of the agreements.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by voice vote)

Some unresolved issues regarding the K-9 are the contract the handler will be required to sign, the use of our dog in other jurisdictions (compensation), and the S. O. P. Manual.

Planning Commission Appointments

Vice Mayor Murphy moved, second by Council member Workman, and carried to reappoint B. Wakefield Gooden to the Planning Commission for a term beginning October 1, 2002 and ending September 30, 2006.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by voice vote)

Vice Mayor Murphy moved, second by Council member Workman, and carried to appoint Troy Lester to the Planning Commission for a term beginning November 1, 2002 and ending October 31, 2006.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by voice vote)

Recommendations for Appointment to the Board of Zoning Appeals

Vice Mayor Murphy moved by Resolution, second by Council member Snow, and carried to recommend Joseph Flick be appointed to the Board of Zoning Appeals.

RESOLUTION OF THE ELKTON TOWN COUNCIL
Recommendation of Joseph Flick for
Appointment to the Board of Zoning Appeals

BE IT RESOLVED by the Council for the Town of Elkton, Virginia as follows:

1. A position on the Board of Zoning Appeals has become vacant for a five (5) year term beginning March 1, 2002 and ending February 28, 2007.

2. At its annual meeting held on January 29, 2002, the Board of Zoning Appeals unanimously nominated and recommended JOSEPH FLICK to fill the vacancy.

3. By vote on this Resolution, the Town Council is making a recommendation to the Circuit Court of Rockingham County, Virginia for the appoint of JOSEPH FLICK to fill the vacancy.

NOW THEREFORE, the Town Council hereby recommends JOSEPH FLICK for appointment to the Board of Zoning Appeals to fill the vacancy for a five (5) year term beginning March 1, 2002 and ending February 28, 2007.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by roll call)

Vice Mayor Murphy moved by Resolution, second by Council member Pence, and carried to recommend the appointment of Joseph Hammer as Alternate Member to the Board of Zoning Appeals.

RESOLUTION OF THE ELKTON TOWN COUNCIL
Recommendation of Joe Hammer for
Appointment to the Board of Zoning Appeals

BE IT RESOLVED by the Council for the Town of Elkton, Virginia as follows:

1. A position for an alternate member on the Board of Zoning Appeals has become vacant due to the anticipated appointment of Joseph Flick as a permanent member of the Board of Zoning Appeals.

2. The term is a five (5) year term which began April 1, 2000 and ends March 31, 2005.

3. At a meeting held on February 11, 2002, the Board of Zoning Appeals unanimously nominated and recommended JOE HAMMER to fill the vacancy for the remainder of the term.

4. By vote on this Resolution, the Town Council is making a recommendation to the Circuit Court of Rockingham County, Virginia for the appointment of JOE HAMMER to fill the vacancy.

NOW THEREFORE, the Town Council hereby recommends JOE HAMMER for appointment to the Board of Zoning Appeals as an alternate member to fill the vacancy for a five (5) year term which began April 1, 2000 and ends March 31, 2005.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by roll call)

Industrial Authority

Attorney Miller stated the resolution creating the Authority has been approved. All Council must do is name the seven members.

Business and Industry Rate Structure - Water and Sewer

Council member Dean referred this back to committee.

Council member Workman read a letter of appreciation from Triad regarding the September 11 event.

Park Authority Loan

Council member Snow sought an additional $50,000.00 loan from the Town to pay associated costs for the Park Authority, including a feasibility study. Council questioned from where the money would come. Mrs. Vickers stated that two interest loans of $25,000.00 would be due on January 15, 2003. Vice Mayor Murphy asked what was the minimum with which the Authority could work and Council member Snow replied, "Probably $35,000.00."

Vice Mayor Murphy stated there was $20,000.00 budgeted under Economic Development. Attorney Miller was not sure if lending was an appropriation. Vice Mayor Murphy suggested taking $20,000.00 from Economic Development and adding $13,500.00 from the railroad money.

Council member Snow moved, second by Council member Pence, and carried that the Council authorize the establishment of a loan from the Town to the Park Authority for the sum of $33,500.00 and the budget be amended so those sums can be withdrawn from railroad funds and Economic Development. First Reading.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by roll call)

Pizza Hut is closed due to a fire at its location on October 28. Mayor Printz has received assurances that it will reopen.

Holtzman Oil does not see its expansion occurring before 2004.

Attorney Miller is working with the Catholic Church for a boundary line adjustment which would bring the church and the DeeDee Hensley property into Town limits.

Vice Mayor Murphy moved, second by Council member Snow, and carried to go into closed session under Virginia State Code 2.2-3711 and 15.2-2907D to conduct police officer interview, personnel, legality regarding the evidence room, and annexation.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by roll call)

Vice Mayor 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 matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed, or considered. Council member Workman duly seconded the motion.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by roll call)

Vice Mayor Murphy moved, second by Council member Pence, and carried to hire Adam David Williams as police office with the Town of Elkton at a starting salary of $19,910.00. After successful completion of Basic Law Enforcement training, his salary will be adjusted to $22,422.00 per year. Mr. Williams' employment is contingent upon passing a physical examination and signing a three-year employment contract, in which he agrees to reimburse the Town the cost of certification should he leave within the three year period.

YEAS: J. Dean, C. Murphy, T. Pence, L. Sigafoose, R. Snow, P. Workman

Motion carried (6 - 0 by roll call)

As there was no further business, the meeting adjourned.

MAYOR: _____
Wayne E. Printz, Mayor

RECORDER: _____
Richard D. Carey, Clerk