Regular
Council Meeting
January 21, 2002

The regular meeting of the Elkton Town Council was held Monday, January 21, 2002 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 Nathan Miller and J. Burns Earle, Todd McCoy, Director of Public Works/Zoning Administrator, Richard Pullen, Chief of Police, and Richard Carey, Clerk of Council, were also present.

Councilman O'Neill offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Hazel Crider, 114 Hillside Avenue, presented Council a petition containing more than sixty signatures of residents who support Elkton's annexation plan. She, on behalf of the petitioners, encouraged Council to continue on its current path and asked the rhetorical question, "Why should non-residents receive the same benefits as residents?" Mrs. Crider favored a friendly annexation, but warned of a negative reply from voters for anyone who did not fairly represent Council's and the Town's efforts.

Mayor Dearing did not foresee the need for petitions to support Elkton's annexation plan at the County level. Mayor Dearing stated he hoped Mr. Mike Breeden, who represents Elkton on the Board of Supervisors, gets the message that we favor a friendly annexation. Mayor Dearing continued by saying we are 2000 strong who deserve representation and the friendly annexation should be concluded as soon as possible.

MINUTES

Councilman Printz, second by Councilman Sigafoose, and carried to approve the minutes of the Special Council Meeting of December 11 and 12, 2001.

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

Motion carried (6-0)

Councilman Printz, second by Councilman Dean, and carried to approve the minutes of the Regular Council Meeting of December 17, 2001.

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

Motion carried (6-0)

Councilman Printz, second by Councilman O'Neill, and carried to approve the minutes of the Special Council Meeting of January 15, 2002.

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

Motion carried (6-0)

DEPARTMENT HEAD REPORTS

Chief of Police

There were no questions for Chief Pullen. Mayor Dearing acknowledged Governor Gilmore's recognition of Chief Pullen and Lynn Meadows for their community service.

Director of Public Works/Zoning Administrator

There were no questions for Mr. McCoy.

Treasurer

Mrs. Vickers' report reflected an ending ledger balance of $302,117.57 for the month of December, 2001.

Councilman O'Neill, second by Councilman Dean, and carried to approve the Treasurer's report.

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

Motion carried (6-0)

Town Administrator

No report.

COMMITTEE REPORTS

Electric

Councilman Sigafoose complimented Mr. McCoy for the thorough electric inventory and the snow removal of the recent snow storm.

Finance

Councilman O'Neill deferred to Old Business.

Personnel

Councilwoman Murphy deferred to New Business.

Public Health, Public Safety, and Ordinances

Chief Pullen and Mr. McCoy will present to Council a list of thirteen blight properties.

Streets and Sidewalks

Councilman Printz reminded Council of the business owners/operators and citizens meeting at the Country Inn Restaurant on January 23, 2002 to discuss Elkton's Obstruction of Sidewalks Ordinance and signage.

Water and Sewer

No report.

Recreation

No report.

Planning Commission

No report.

OLD BUSINESS

Second Reading - Amend Electrical Service Connection Rate Structure for Three-Phase Upgrades.

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

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

Motion carried (6-0)

Motion to Change Town Maintenance Service Rate - Amended - First Reading

Councilman O'Neill moved, second by Councilman Printz, and carried to approve that 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 $15.00 for each additional half hour or part thereof.

Councilman O'Neill explained the amendment permitted billing in half hour increments after the first hour instead of a full second hour when only a portion of the second hour was needed to complete the task.

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

Motion carried (6-0)

Holtzman Boundary Line Adjustment

Attorney Miller explained that the County has scheduled a Public Hearing for January 23, 2002 at 6:45 P.M. The agreement has been signed, but the County must go through the formality of a Public Hearing.

NEW BUSINESS

Rockingham Street

Councilman Printz proposed repaying Virginia Department of Transportation $59,261.78 for the canceled Rockingham Street Project and he understood that sum would be applied to the Spotswood Avenue Project. Councilman Pence wanted to know if we would lose that money, to which Councilman Printz replied we would probably lose some of it but we would also receive surveys and other documentation as a result of that money being spent.

Councilwoman Murphy sought a contingency letter attached to the payment that the

Town would receive all the documentation which was understood would be given to the Town. Councilman Printz stated it was his understanding that all, or some, of the $59,000.00 would be applied to the Spotswood Project. Councilman O'Neill nodded his head in agreement.

Councilwoman Murphy asked where the funding would be taken from and Councilman O'Neill said it would come from General Government. Councilman Printz stated at the February Council Meeting we will need the formal documents, prepared with Attorney Miller's help.

Mayor Dearing explained that the $59,000.00 would be taken out as an expense and then returned to the six year plan as a revenue, based on what Mr. White said he would do for us. Council Printz and Mr. McCoy will draft a letter to Mr. White stating specifically what Council expects from this payment.

Councilman Printz moved, second by Councilman O'Neill, and carried to approve that $59,261.78 be paid from the General Fund as a repayment to Virginia Department of Transportation for work-to-date on the canceled Rockingham Street Project and that that sum or part thereof be applied to the Spotswood Avenue Project. A contingency letter stating the Town will receive surveys and other documentation from the Rockingham Street Project will be attached to the payment.

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

Motion carried (6-0)

Salary Adjustments

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to amend the annual salary of Lynn Meadows to $20,714.00 effective January 21, 2002.

Councilman Pence asked if this adjustment was for the salary shared by the Cemetery Department and the Recreation Department. Councilwoman Murphy responded that Mr. Meadows' salary is budgeted at 50% Cemetery and 50% Recreation. Councilman O'Neill ascertained that this was to get Mr. Meadows on scale, as he was the only employee who was not. Councilwoman Murphy said that was correct. Councilwoman Murphy added that this increase is .16 cents per hour, or $334.00 per year.

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

Motion carried (6-0)

Councilwoman Murphy moved, second by Councilman Printz, and carried to adjust the annual salary of John Atwood to $31,396.00 effective January 21, 2002.

Councilman Pence wanted clarification that John Atwood, as Sergeant and with this adjustment, would still fall below the salary of Officer Donald Dean. Mayor Dearing stated yes, due to Officer Dean's seniority. Councilman Pence then asked Chief Pullen who had the keys to the evidence room. Chief Pullen responded there were 40 plus destruction orders before the court and, until the evidence room was emptied from the previous Chief of Police, he preferred the key stay with Officer Dean and himself. After the evidence room is cleared and Chief Pullen assumes responsibility of the contents since his hiring, then he and Sergeant Atwood would become the key holders.

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

Motion carried (6-0)

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to amend the position classification of Clerk of Council from Grade 7 to Clerk of Council non-certified Grade 8 effective January 21, 2002.

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

Motion carried (6-0)

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to establish the position classification of Clerk of Council certified at Grade 10 effective January 21, 2002.

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

Motion carried (6-0)

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to appoint Richard Carey as Clerk of Council non-certified at Grade 8 at an annual salary of $24,755.00 effective January 21, 2002.

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

Motion carried (6-0)

Councilwoman Murphy informed Council that the interviews for the Heavy Equipment Operator were conducted and the position was offered and accepted by current Town employee Frank Shifflett. That hiring now creates an opening for Laborer III.

Industrial Development and Park Authorities

Mayor Dearing tabled for 30 days, pending the placement of an advertisement seeking persons interested in serving on these authorities.

Attorney Miller stated Council needs to appoint the members to the Boards and he will present the bylaws to Council under which the authorities will operate. Councilman O'Neill asked why the members should be appointed first. Attorney Miller responded the members will establish the bylaws, but their authority is clearly defined in statute, which means the authorities cannot write bylaws which allow them to operate uncontrolled.

The real control is with Council who elect the members they believe will make sound business decisions. Attorney Miller stated again that the Town has no financial obligations to the authorities, unless Council acts to do so. The purpose of the Industrial Development Authority is to attract businesses by offering tax exempt bonds. Attorney Miller will provide Council with the section of code which defines the authority of these commissions.

Councilman O'Neill wanted to define the qualifications and experience of the appointees to these Boards and what they would be expected to do. Attorney Miller stated that once the Council saw the structure of the commissions, what they were supposed to do, and what the statute allows, the Council would have a better understanding of the qualifications to seek. Councilman O'Neill then wondered about the number and degree that Council should be represented on the Boards. Attorney Miller answered if the Council member was simply a reporting role that would be one hat. If a Council member sat on the Industrial Development Authority, he/she would wear the hat of a Board member and would be required to act for the good of the authority.

Mayor Dearing, referring to the Board's structure, stated that whoever represented

Council on the Recreation Commission would serve on the Parks Authority, and whoever represented Council on the Planning Commission would serve on the Industrial Development Authority.

Councilman O'Neill again stated his concern about Council being able to approve the bylaws. Attorney Miller stated the authorities are independent entities and statue will define their limits.

Concerned with the expertise required to manage electrical systems and deregulation, Mayor Dearing asked Council's permission to have Attorney Miller research an electric authority, similar to the Harrisonburg Electric Commission. That authority, in turn, would make proper and legal recommendations to Council. In addition, Mayor Dearing would like to establish a Housing Authority.

Councilman Sigafoose asked what is a Housing Authority. Attorney Miller replied that a Housing Authority is primarily designed to raise tax exempt money for housing projects within the municipal structure. It allows money to be obtained from federal, state, and private sources to do redevelopment housing and growth.

Mayor Dearing stated there is so much information available that experts were needed in all areas. Attorney Miller said there are many electrical and housing authorities in existence so the cost to research and present examples of exactly how these authorities are structured and the roles they play would be minimal.

Community Center

Councilman Printz will take the discussion into closed session. Councilman Printz thanked the Advisory Committee for their recommendations, which will be discussed by the appropriate committees.

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to go into closed session under Virginia State Code 2.1-344 to discuss annexation, litigation, bond issues, property acquisition, the Park Authority, and a community center.

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

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 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. Councilman Printz duly seconded the motion.

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

Motion carried (6-0)

Councilman O'Neill moved, second by Councilman Dean, and carried to authorize the attorneys to prepare and publish a notice of a Public Hearing for a new public bond for land acquisition and the acquisition or construction of a community center.

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

Motion carried (6-0)

Councilman O'Neill moved, second by Councilman Printz, and carried to authorize the attorneys to negotiate an option for the purchase of certain property for use as a community center.

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

Motion carried (5-1)

Councilman Printz asked the status of the fire department's request for the purchase of an imaging camera.

Councilman Printz moved, second by Councilman O'Neill, and carried to donate $8,000.00 to the Elkton Volunteer Fire Department from the railroad money for the purchase of a heat imaging camera.

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

Motion carried (6-0)

There was detailed discussion regarding an additional $8,000.00 donation. Council agreed the fire department must submit its request by February 15, 2002 accompanied by a financial statement to be considered in the FY 02-03 budget.

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

MAYOR: _____
M. Lee Dearing, Mayor

RECORDER: _____
Richard D. Carey, Clerk