Regular
Council Meeting
May 28, 2002

The regular meeting of the Elkton Town Council was held Tuesday, May 28, 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

Nathan Miller and Lauri Sigler, attorneys, Richard Pullen, Chief of Police, and Faye Vickers, Treasurer, were also present.

Councilman O'Neill offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Rick Workman, 154 Sweetgum, sought Council's permission for a fact-finding mission for flower beds to be part of his Elkton beautification plan.

MINUTES

Councilwoman Murphy moved, second by Councilman Printz, and carried to approve the Regular Council minutes of April 15, 2002.

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

Motion carried: (6-0)

Councilman Pence moved, second by Councilman Printz, and carried to approve the Special Council minutes of May 16, 2002.

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

Motion carried: (6-0)

Councilman Printz moved, second by Councilman Pence, and carried to approve the Public Hearing minutes of May 20, 2002.

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.

Director of Public Works/Zoning Administrator

In Mr. McCoy's absence, Mrs. Vickers presented Mr. McCoy's report which included a petition for water and sewer hook-up, a resolution which Mr. White of VDOT wants to state that the Spotswood Avenue Project would extend east to North Street, and the VMEA agreement, which needs signatures.

Treasurer's Report

Mrs. Vickers reported an ending ledger balance for General Government of $416,125.89 for the month of April, 2002. The ending balance for the Bond account was $1,050,814.82.

Councilman O'Neill moved, second by Councilman Printz, and carried to approve the Treasurer's Report.

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

Motion carried: (6-0)

COMMITTEE REPORTS

Electric

No report.

Finance

No report.

Personnel

Councilman Pence asked that the Laborer I position be advertised and filled.

Public Health, Public Safety, and Ordinances

No report.

Streets and Sidewalks

Councilman Printz is still working on the Sidewalk Obstruction Ordinance.

Water and Sewer

No report.

Recreation

No report.

Planning Commission

Councilman Dean reported the Planning Commission met and approved the Special Use Permit for Elk Run Cemetery.

OLD BUSINESS

Amend Park Authority Bylaws, Membership of 10 - Second Reading

Attorney Sigler advised the Bylaws do not have to be amended to increase membership.

Amend Section 4.4, Members of the Park Authority Act of the Town Code - Second Reading

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to amend as a Second Reading Section 4.4 Members of the Park Authority Act of the Town Code to increase the Authority number of members from six to ten.

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

Motion carried: (6-0)

Amend Park Authority Bylaws, Article IV, Meetings, Section 3, Quorum - Second Reading

Attorney Sigler stated a second reading was not necessary, but Council could if it so desired.

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to amend as a Second Reading the Park Authority Bylaws, Article IV, Meetings, Section 3. Quorums to read six members of the Authority shall constitute a quorum for the transaction of business at all meetings. A majority of the appointed members present shall constitute a quorum at meetings of Standing and Special Committees.

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

Motion carried: (6-0)

Allocate $17,000.00 loan to Park Authority - Second Reading

Councilwoman Murphy moved, second by Councilman O'Neill, and carried on a Second Reading to allocate $17,000.00 from General Government line item Economic Development for the use of the Park Authority as a loan out of fiscal year 02.

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

Motion carried: (6-0)

Mrs. Vickers questioned how the $17,000.00 would be tracked if the current players were no longer in their positions. A solution was for the Park Authority to elect a Treasurer to whom the loan would be channeled and a legal document, not necessarily a note, be prepared showing the original loan amount and a repayment schedule.

Out-of-Town Water and Sewer Rates - Second Reading

Councilman O'Neill moved, second by Councilman Dean, and carried to approve on a Second Reading that the out-of-town water and sewer rates, not otherwise restricted by contracts with the County, be set and tied to a rate of 1.5 times the corresponding in-town water and sewer base and consumption rates effective July 1, 2002.

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

Motion carried: (6-0)

Special Use Permit - Elk Run Cemetery

Councilman Printz moved, second by Councilman Dean, and carried to approve the Special Use Permit recommended by the Cemetery Commission.

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

Motion carried: (6-0)

Budget Discussion

Councilman O'Neill asked for a Public Hearing at 6:30 P.M., on June 17, 2002 regarding the fiscal year 2002-2003 budget.

Reimbursement

Councilman O'Neill moved, by resolution, second by Councilman Printz and carried:

Resolution

WHEREAS, the Town has incurred certain costs in anticipation of passing the two million dollar General Obligation Bond, and

WHEREAS, the Town desires to reimburse the General Account from the proceeds of the two million dollar General Obligation Bond,

BE IT RESOLVED, that the Town hereby reimburses itself for:

1. General Obligation Bond
2. Kite Property Purchase
3. Bond Litigation
4. Golf course development

In the aggregate amount of $34,248.50 plus $23,125.00 for a total of $57,373.50.

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

Motion carried: (6-0)

The reimbursement will occur during this current fiscal year.

Councilman O'Neill explained that $500,000.00 of land acquisition money has been placed in two separate banks as Certificates of Deposits, yielding 4.65% at Bank of America and 4.55% at Farmers and Merchants for 60 months.

Councilman Sigafoose stated he would like more options for the cable franchise in Town.

Councilman Printz reviewed the Advisory Committee recommendations.

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.

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 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 O'Neill duly seconded the motion.

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

Motion carried: (6-0)

Mayor Dearing set the committee meetings as:

June 11, 2002 - Finance, Water and Sewer, and Electric
June 13, 2002 - Personnel, Streets and Sidewalks, Public Safety

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

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

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