Regular
Council Meeting
February 18, 2002

The regular meeting of the Elkton Town Council was held Monday, February 18, 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

J. Burns Earle, attorney, 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

Mildred Shifflett, 112 West Spotswood Avenue, stated that a recent Letter to the Editor in *The Valley Banner* regarding a candidate for Mayor made her very sad.

Randell L. Snow, 121 Clover Lane, spoke in opposition to a Community Center in the old IGA located in ShenElk Plaza. He referred to the building as a "wreck."

Rick Workman, 154 Sweetgum, asked for time from Council to allow the Park Authority to work. He, too, opposed the old IGA in ShenElk Plaza as a suitable location for a community center. Mr. Workman spoke of grants available to construct a new facility.

Wake Gooden spoke in opposition to the ShenElk Plaza location for a community/recreation center.

MINUTES

Councilman Printz moved, second by Councilman O'Neill, and carried to approve the minutes of January 21, 2002.

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

Motion carried (6-0)

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to approve the minutes of the Public Hearing on February 12, 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

Councilman Sigafoose brought a decal violation to the attention of Chief Pullen. Councilman O'Neill asked the Chief what percentage of out-of-town alarms are responded to by

the Elkton Police Department. Councilman Pence asked Chief Pullen to have his officers patrolling in town between 2 - 5 A.M., instead of patrolling Rt. 33.

Director of Public Works

There were no questions for Mr. McCoy.

Treasurer

Ms. Vickers reported an ending January, 2002 balance of $333,474.57.

Councilman O'Neill moved, second by Councilman Dean, 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)

Town Administrator

No report.

COMMITTEE REPORTS

Electric

Councilman Sigafoose stressed the importance of an inventory. He also praised Claud Dean and Owen Shifflett for responding to a defective transformer and replacing it.

Finance

Councilman O'Neill deferred to New Business.

Personnel

No report.

Public Health, Public Safety, and Ordinances

Blight areas continue to be identified and appropriate action taken.

Streets and Sidewalks

Councilman Printz asked Councilwoman Murphy to look into a policy to recognize Town staff on the anniversary of their employment. Councilman Printz hopes to have considerations for the committee meeting.

Water and Sewer

Councilman Dean deferred to New Business.

Recreation

Councilman Pence responded to a statement by Rick Workman who said the Special Departments Coordinator and the Recreation Commission were not consulted or informed of the fact-finding mission regarding a possible recreation center located in ShenElk Plaza. Councilman

Pence said the project was discussed at the Recreation Commission meeting.

With regard to information provided by a Town employee, Councilman Pence made it clear that no Commission member, nor any member of Council, ever directs the work of a Town employee.

Planning Commission

Councilman Dean stated he did not attend the meeting due to illness, but the Comprehensive Plan continues to be revised.

Mayor Dearing announced that Supervisor Mike Breeden will hold a second Public Hearing at the Elkton Middle School on March 4 to receive comments for and against Elkton's annexation plan.

OLD BUSINESS

Motion to Change Town Maintenance Service Rates - Second Reading

Councilman O'Neill moved, second by Councilman Sigafoose, 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.

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

Motion carried (6-0)

NEW BUSINESS

Councilman Dean moved, second by Councilman Printz, and carried to accept the resignation of Betty Baugher Fridley from the Planning Commission.

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

Motion carried (6-0)

Board of Zoning Appeals

Anthony Lawson will not seek reappointment to the Board of Zoning Appeals. The Board will submit the name of alternate member Joseph Flick to succeed Mr. Lawson.

Resolution to Establish Spotswood Avenue - First Reading

Councilman Printz, in the form of a motion, read the following resolution:

RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council resolution be made in order that the department program an urban highway project in the Town of Elkton; now

THEREFORE IT BE RESOLVED, that the Town of Elkton, Virginia requests the Virginia Department of Transportation to establish a project for the reconstruction of Spotswood Avenue from the intersection of Spotswood Trail (State Route 33 Business) to the intersection of

Stuart Avenue (State Route 340).

BE IT FURTHER RESOLVED, that if the Town Council of Elkton subsequently elects to cancel this project, the Town of Elkton hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the department through the date the department is notified of such cancellation.

There was a second by Councilman O'Neill and carried to approve.

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

Motion carried (6-0)

Bond Issue

Attorney Earle instructed Council that under State Code 15.2-2606 the Bond would require just one reading.

Councilman O'Neill moved, second by Council Pence, and carried to approve the issuance of a General Obligation Bond in the estimated maximum amount of $2,000,000.00. The purpose of the Bond is for the acquisition of real estate and the acquisition and/or construction of a community center.

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

Motion carried (6-0)

Out-of-Town Connection Rates - First Reading

Councilman Dean, second by Councilman O'Neill, and carried to approve that all out-of-town water and sewer connection rates not within the covered contract area with Rockingham County be increased to $8,000.00.

Councilman Pence asked if this applied to residential as well as business customers. Councilman O'Neill replied it applied to both at this point, but he suggested Council revisit commercial/business when there is more information.

Mayor Dearing reminded Council of the Holtzman Oil development within Town limits and stated Council needs to look at commercial rates in-town and make sure they are good in that area.

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

Motion carried (6-0)

Mayor Dearing sought Council's permission to send a letter to County Administrator William O'Brien regarding sewer connections at *My Sister's Attic*, which were unauthorized by the Town of Elkton. Mayor Dearing stated if the Town does not intervene now, we will have another Food Lion area with unlimited connections to our sewer line. Mayor Dearing will seek a contract which states (1) we own the line, (2) we receive all connection fees, and (3) we approve all connections to that line.

Councilman O'Neill suggested reserving the right to authorize, set and collect all fees to connect to that line.

Mayor Dearing insisted the County respond within thirty days or the two connections at *My Sister's Attic* would be removed from the system.

Councilman O'Neill stated a connection was made in direct violation of a Council vote.

Councilman Sigafoose moved, second by Councilman O'Neill and carried by voice vote to grant Mayor Dearing permission to write a letter to County Administrator William O'Brien and to include the three conditions stated by the Mayor.

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

Motion carried (6-0)

Councilman Printz expressed concern about sewage and well water mixing in the Chicken Hill area. He would like to see federal involvement to alleviate a condition which exists in third world countries but one which is totally unacceptable here, as stated by Mayor Dearing.

Out-of-Town Water and Sewer Connection Rates - First Reading

Councilman O'Neill moved, second by Councilwoman Murphy, and carried to approve that water and sewer rates for all out-of-town customers not otherwise covered by existing contracts with Rockingham County be increased effective March 1, 2002 as follows:

Water, base charge, from $5.00 to $7.50 per month;
Sewer, base charge, from $9.00 to $13.50 per month;
Water consumption cost per 1,000 gallons from $1.35 to $3.00;
Sewer cost per 1,000 gallons from $2.35 to $5.00.

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

Motion carried (6-0)

Topographical Map Allocation - First Reading

Councilwoman Murphy moved, second by Councilman Pence, and carried to approve the authorization of Mayor Lee Dearing to negotiate a contract with Brenner & Associates to develop the topographical map of the Mary E. Kite and Elkton Cemetery properties at a scale of 1=50 to be used for annexation, the construction of water and sewer lines, and rezoning purposes at an estimated cost of $8,000.00 to come from the General Government funds.

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

Motion carried (6-0)

Council Printz wanted the Mayor's statement recorded that the $8,000.00 cost of this project would be returned to the Town from the Park Authority.

Elkton Volunteer Fire Department Donation - Second Reading

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

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

Motion carried (6-0)

Rockingham Street Virginia Department of Transportation Reimbursement - Second Reading

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 VDOT 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, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose

Motion carried (6-0)

Mayor Dearing set the following Committees:

March 12, 2002 - Personnel, Electric, and Sewer and Water
March 14, 2002 - Public Safety, Streets and Sidewalks, and Finance

Mayor Dearing announced his candidacy for re-election as Mayor.

Councilwoman Murphy moved, second by Councilman O'Neill, and carried to go into closed session under Virginia State Code 2.1-344 to discuss personnel issues and litigation.

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 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 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)

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

MAYOR: _____
M. Lee Dearing, Mayor

RECORDER: _____
Richard D. Carey, Clerk