Regular
Council Meeting
September 20, 2004

The regular meeting of the Elkton Town Council was held on September 20, 2004 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
J. Dean
T. Pence
L. Sigafoose
S. Sigafoose
R. Snow
P. Workman

Town Attorney Nathan Miller, Clairen Sipe, Treasurer, Richard Pullen, Chief of Police, and Richard Carey, Clerk of Council, were also present.

Council member Dean offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Cathy Murphy, 110 North Stuart Avenue, made the following comments and statements:

1. She believed Council was in "violation of the Charter" regarding the hiring of the two most recent police officers, both of whom began working prior to official appointment at the August 2004 Council meeting.

2. She questioned if procedure was followed for filling the Clerk II position.

3. A citizen held a wedding reception at the Kite house on August 14, 2004. The records do not reflect that a deposit was made, nor was the fee collected for its use, as is the policy for rental of the Kite house. She hoped Council would remedy this situation so as not to set a precedent for "freebies."

4. The on-going, incomplete Riverside Park bathroom project continues to be a disruption in that area. In addition to yards being torn up, there are rocks and gullies which prohibit space for two vehicles. It was unacceptable to her that what she understood would be a two week project had turned into a four month project, with no completion date in sight.

5. She was concerned about the treatment plant capacity if another thousand plus homes were added to the system. She believed it "would be money well-spent" to have "someone" advise Council of the impact of such development.

6. She thanked Council for adjusting waster customers' billings by one thousand gallons due to the recent well pump incident. She believed the action was justified.

Mildred Shifflett, 112 West Spotswood Avenue, was discouraged by the sight of scattered trash throughout Town. She was also disturbed that the Town failed to observe September 11 with some type of program.

Benny King, 500 "F" Street, was present to receive an answer from Council regarding Quail Run. He asked, "Is Elkton going to maintain Quail Run?" Mayor Printz replied, "Yes, and we have to get to a point where we can take them over. There are issues up there with drainage." Mr. King disagreed and stated, "There are issues with people not wanting drainage." Mr. King maintained his previous position by adding, "Who is going to maintain the storm detention ponds, and who is going to maintain the streets and the right-of-ways? That is the question and I

thought I was clear on that the last time I was here."

Mr. King asked for 147 sewer and water connections for a possible subdivision development behind Myers Chevrolet. Mayor Printz sent the request and discussion to Committee.

R. E. Grimsley, East Washington Avenue, complained about Odell Crawford's "shack," and asked why it had not been moved if Council instructed him to move it. Mayor Printz answered that he had not been told to move it because Council is unsure why type of a structure it is. That will be determined by a paid consultant. As for the hole, or foundation, for the "shack," Mayor Printz will ask for some type of barrier around it.

Council member Steve Sigafoose read a letter from Leroy and Vivian Hitt of West Washing Street regarding an on-going drainage problem. Mayor Printz sent the issue to Committee.

CONSENT AGENDA

Vice Mayor Snow moved, second by Council member Dean, and carried to approve the Consent Agenda, with the removal of Elkton Town code Amendments, Second Reading, which will be amended by Attorney Miller later in the meeting.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Consent Agenda
September 20, 2004

MINUTES
- Committee Meetings, July 13, 2004
- Regular Council Meeting, July 19, 2004
- Public Safety Committee Meeting, August 10, 2004
- Emergency Council Meeting, August 10, 2004
- Regular Council Meeting, August 16, 2004
- Special Council Meeting, September 2, 2004

REPORTS
- Chief of Police Report
- Treasurer's Report
- Director of Public Works/Zoning Administrator
- Advisory Committee

SECOND READINGS
- Elkton Town Code Amendments, Chapter 81, Electrical Systems, of the Code of the Town of Elkton

APPOINTMENTS AND REAPPOINTMENTS - RECREATION COMMISSION
- Appoint Diane Johnson - 10-1-04 to 9-30-06

- Reappoint Eddie Cave - 10-1-04 to 9-30-06

- Reappoint Sherry Hall - 10-1-04 to 9-30-06

COMMITTEE REPORTS

Electric

Attorney Miller amended Elkton Town Code Amendments, Chapter 81, Electrical Systems, of the Code of the Town of Elkton as follows:

1. Create Article IV, Section 29
2. "Power Contract" changed to plural, "Power Contracts."
3. The word "sixtieth" changed to "sixth."

ELKTON TOWN CODE AMENDMENTS

Second Reading of Amendments to
Chapter 81, Electrical Systems, of the
Code of the Town of Elkton.

September 20, 2004

A new section of Chapter 81, Electrical Systems, designated as Article V, Contracts, Section 81-29, Wholesale Power Contracts, is hereby created.

Article V, Section 81-29 herein created is amended by the adoption of the following ordinance which is designated as Article V, Section 29.

ORDINANCE AUTHORIZING EXECUTION OF SIXTH AMENDMENT; RATIFYING THE AGREEMENT FOR THE JOINT EXERCISE OF POWERS AMONG THE TOWN OF BLACKSTONE, THE TOWN OC CULPEPER, THE TOWN OF ELKTON, THE CITY OF FRANKLIN, THE CITY OF MANASSAS, THE TOWN OF WAKEFIELD, VIRGINIA AND THE HARRISONBURG ELECTRIC COMMISSION; AND RATIFYING THE FIRST THROUGH FIFTH AMENDMENTS TO THE POWER SALES CONTRACT BETWEEN THE TOWN OF ELKTON AND VIRGINIA MUNICIPAL ELECTRIC ASSOCIATION #1.

WHEREAS, the Town of Elkton is a member of Virginia Municipal Electric Association #1 ("VMEA"), through which it and other VMEA members have jointly exercised their municipal powers pursuant to Virginia Code Section 15.1-21 (which has subsequently been recodified, with minor changes not material to VMEA and its members as Section 15.2-1300) to reliably and economically meet the needs of the members' municipal electric systems; and

WHEREAS, VMEA and the participating VMEA members have determined that, because of the benefits of extending the term of the Power Sales Contracts between VMEA and each VMEA member, the term of those Power Sales Contracts should be extended from December 31, 2007 through December 31, 2010; and

WHEREAS, on June 10, 2004 the Board of Directors of VMEA noted to approve a Sixth Amendment to the Power Sales Contracts between VMEA and the various members for execution by VMEA and for submission to the governing bodies of the VMEA members for approval and execution; and

WHEREAS, the 1997 enactment of Virginia Code Section 15.20-1300 provided that localities shall approve joint exercise of powers by ordinance and other political subdivisions shall approve such agreements by resolution; and

WHEREAS, the Agreement for the Joint Exercise of Powers among the Town of Blackstone, the Town of Culpeper, the Town of Elkton, the City of Franklin, the City of

Manassas, the Town of Wakefield, Virginia and the Harrisonburg Electric Commission, the Power Sales Contract and the First through Fifth Amendments thereto were adopted by resolution of each of the VMEA members; and

WHEREAS, the Town of Elkton, Virginia has determined that it is desirable to ratify those agreements by ordinance;

NOW THEREFORE, THE TOWN COUNCIL OF ELKTON, VIRGINIA does hereby by ordinance authorize execution by the Mayor of the Town of Elkton, Virginia of the Sixth Amendment to the Power Sales Contracts between Virginia Municipal Electric Association #1 and the Town of Elkton, Virginia; and

THE TOWN COUNCIL OF ELKTON, VIRGINIA does hereby by ordinance ratify the Agreement for the Joint Exercise of Powers among the Town of Blackstone, the Town of Culpeper, the Town of Elkton, the City of Franklin, the City of Manassas, the Town of Wakefield, Virginia and the Harrisonburg Electric Commission, the Power Sales Contracts and the First through Fifth Amendments thereto that were previously adopted by resolution.

Vice Mayor Snow moved, second by Council member Dean, and carried on a Second Reading to approve Elkton Town Code Amendments, Chapter 81, as amended.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Finance

No report.

Personnel

Council member Workman deferred to New Business. A future proposal from Council member Workman will allow an employee, acting on Town business, to be advanced perhaps as much as 80% of expenses.

Public Health, Public Safety, and Ordinances

In addition to his monthly report, Chief Pullen made the following remarks:

•September 3, approximately 216 vehicles checked
•Chief Pullen served as Ringmaster for the Horse Show
•Plain clothes operations conducted
•Flashing school sign destroyed; suspect in custody
•Other checking details are scheduled
•Loud noises from vehicles checked
•Letter sent to Don Komara regarding STOP lights; no reply as of today.

Mayor Printz announced an "unsatisfactory service" letter had been sent to National Waste. In addition, he had verbally discussed with the company the liquids seepage complaints.

Attorney Miller is still studying Town of Elkton Code changes as they apply to blight properties.

Streets and Sidewalks

Sidewalk in front of Dr. Downey's needs to be repaired. This section is scheduled under ISTEA.

Water and Sewer

Council member Dean thanked the citizens and businesses for water conservation during the well pump replacement. Chief Pullen and Council were recognized for their contributions.

Recreation

Council member Workman stated the Recreation Commission will meet, at which time they will discuss the seven acres for possible additional ballfields. Park water drainage was discussed.

Planning Commission

The Commission is still reviewing the zoning of the annexed areas.

Cemetery Commission

A joint meeting with Council is scheduled for 6:00 P.M., on Wednesday, September 22, 2004.

Council member Pence questioned what he considered an improper interment in the Cemetery. Mayor Printz sent the issue back to Committee for answers.

Charter Revisions Committee

Proposed revisions will be discussed at Committee meetings.

Park Authority

No report.

Economic and Community Development Committee

Web site is up, but it is not yet the official site for Elkton.

UNFINISHED BUSINESS

Charter Revisions and State Code
Tabled.

NEW BUSINESS

Hire Clerk II

To be discussed in closed session

Extend Water Service to County Transfer Station

Council member Dean moved, second by Vice Mayor Snow, and carried to extend water service to the County trash collection center.

Council member Workman stated he wanted the site moved and would cast a "NAY" vote.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, and R. Snow

NAYS: P. Workman

Motion carried (5 - 1 roll call)

Investment Account Resolution

Vice Mayor Snow moved, second by Council member Workman, and carried to approve the following resolution:

INVESTMENT ACCOUNT AND POLICY RESOLUTION

REPO

WHEREAS, the Town Council authorizes the Town Treasurer to engage and appoint RBC Dain Rauscher to manage the Town of Elkton's investment account and investment policy as approved by Resolution dated May 23, 2002, and signed by former Mayor M. Lee Dearing, and attested to by Faye Vickers, Treasurer, and

WHEREAS, Faye Vickers has since resigned the position of Town Treasurer for the Town of Elkton, and

WHEREAS, a new Treasurer has been selected, and

WHEREAS, Wayne E. Printz now serves as Mayor, and

WHEREAS, RBC Dain Rauscher, through Robert E. Wimer, has previously submitted information and materials regarding RBC Dain Rauscher's qualifications and abilities to provide investment advice and services, and

WHEREAS, a review of the materials and information submitted by RBC Dain Rauscher has determined that they are thoroughly qualified to manage the Town's investment account and investment policy,

NOW, THEREFORE, BE IT RESOLVED that the Town Council directs the Mayor to execute whatever documents and/or contracts which are necessary to implement this appointment.

_____ _____
Wayne E. Printz, Mayor Date

_____ _____
ATTEST: Clairen Sipe Date
Treasurer

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Fourth of July Celebration

The Town will celebrate the Fourth of July, possibly joining with other groups to develop

a program. Details will emerge in the future. Attorney Miller suggested that Council first develop a plan and then vote to appropriate the funds - if necessary.

Veterans' Day Program

Mayor Printz was approached by a church group that may use the Community Center to hold a Power Point presentation honoring Veterans' Day.

The idea of an inside flea market following the program was mentioned by Mayor Printz. Also discussed was the fact that a flea market could demean the occasion.

Community Yard Sale

No definitive decision was made.

Halloween

Elkton will conduct Trick or Treat on Friday, October 29, 2004 from 5:00 P.M., until 8:00 P.M., followed by costume judging on the tennis courts.

Council member Dean moved, second by Council member Workman, and carried to close Spotswood Avenue between RT. 340 and the Triangle from 5:00 P.M., to 8:00 P.M., on Friday, October 29, 2004.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 voice vote)

Public Address System

Council member Workman encouraged Council to purchase a Town-owned public address system. Mayor Printz sent the recommendation to Committee.

Review Proposed Town Manger Agreement

Taken into closed session.

Closed Session

Council member Dean moved, second by Vice Mayor Snow, and carried to go into closed session under Virginia Code 2.2-3711 to discuss personnel matters and real property.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Council member Dean moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certified 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 Steve Sigafoose duly seconded the motion.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Hire Clerk II

Council member Workman moved, second by Vice Mayor Snow, and carried to hire Charlotte Shifflett as full-time Clerk II for the Town of Elkton, based on the pay scale we have, approved by her Department Head, effective immediately.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Hire Town Manager

Council member Workman moved, second by Council member S. Sigafoose, and carried to hire Dennis R. Donachy as Town Manager effective Monday, September 27, 2004, subject to his execution of the proposed contract.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Committee Meetings

Mayor Printz set Wednesday, October 13, 2004 as Committee meetings.

As there was no further business, the meeting was adjourned at 9:17 P.M.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk