Regular
Council Meeting
March 15, 2004

The regular meeting of the Elkton Town Council was held on Monday, March 15, 2004 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT	ABSENT
J. T. Dean	R. L. Snow
C. H. Murphy	
T. Pence	
L. Sigafoose	
P. Workman	

Town attorney Nathan Miller, Faye Vickers, 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

Hazel Crider, 114 Hillside, stated that the residents of Elkwood have always maintained their properties as one of the nicer subdivisions in Elkton. She proposed a separate entrance for the undeveloped section of Elkwood that would end with a cul-de-sac to avoid added traffic in the already congested area of developed Elkwood. The Town is unsightly all weekend with trash setting out. She asked Council to change pick-up day back to Friday. She questioned why surveyors were in Elkwood.

Mayor Printz responded that negotiations are ongoing regarding another entrance and exit for the proposed development. It was his interpretation that the curb and gutter requirement would be amended, but sidewalks would remain. Trash pick-up day was discussed at the committee meeting and the Council consensus was to leave it on Monday. Mayor Printz was unaware of the surveying, but he would look into it.

Lee Dearing, 124 North Street, referred to the Town Charter which states an expenditure requires two readings. Council acted inappropriately by authorizing an expense to advertise the Request for Proposals before the second reading. He understood two letters had been written to citizens with blight properties and abandoned vehicles. He wanted to know why all citizens who were in violation were not sent letters. He spoke with Waco and Danny Shifflett, who inspected the Wrangler building. Mr. Dearing stated there is asbestos in that building and, as a public building, is not in compliance with federal law. There must be a sign posted at the entrance that the building contains asbestos and all areas with asbestos must be marked and tagged.

Mayor Printz stated the expenditure was approved but no payment had been made because the bills had not arrived. Attorney Miller will research federal law as it applies to asbestos and the Town of Elkton will comply.

MINUTES

Council member Dean moved, second by Vice Mayor Murphy, and carried to approve the minutes of the Special Council Meeting of February 18, 2004.

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

Motion carried (5 - 0 voice vote)

Vice Mayor Murphy moved, second by Council member Workman, and carried to approve the minutes of the Committee Meetings of February 18, 2004.

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

Motion carried (5 - 0 voice vote)

Council member Workman moved, second by Council member Dean, and carried to approve the minutes of the Special Council Meeting of February 19, 2004.

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

Motion carried (5 - 0 voice vote)

Vice Mayor Murphy moved, second by Council member Dean, and carried to approve the minutes of the Regular Council Meeting of February 23, 2004.

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

Motion carried (5 - 0 voice vote)

Vice Mayor Murphy moved, second by Council member Dean, and carried to approve the minutes of the Special Council Meeting of March 1, 2004.

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

Motion carried (5 - 0 voice vote)

DEPARTMENT HEADS REPORTS

Chief of Police

Chief Pullen presented his report.

Director of Public Works/Zoning Administrator

Mr. McCoy was attending a meeting and was excused. Mayor Printz discussed the water line repair at OD & Co. Council member Workman added that the ISTEA project will be out for bids next week. Warren Street will have angle parking.

Council member Sigafoose wanted to know why the streets had not been swept. Mayor Printz witnessed that the sweeper will not pick up the heavier stones. Council member Workman believed it was reasonable to leave the stone for traction because there was the possibility of additional snow.

Council member Pence called for the streets to be swept weekly.

Treasurer

Mrs. Vickers reported an ending ledger balance for General Government for the month of February 2004 of $408,384.56, with total cash available of $355,602.63.

The Bond Account for the same period had an ending ledger balance of $19,031.55.

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

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

Motion carried (5 - 0 voice vote)

COMMITTEES

Electric

Mayor Printz requested that Council member Sigafoose discuss the Kite house electrical upgrade at the next committee meetings. Council member Workman reported that the electrical boxes at the Community Center were smoking. Mayor Printz and Council member Sigafoose will look into the problem. Council member Sigafoose will contact the post office regarding additional outside lighting.

Personnel

A Laborer II/Meter Reader position will be advertised at Mr. McCoy's discretion.

Streets and Sidewalks

Council member Workman announced an additional VDOT payment of $50,000.00 of Street Maintenance money due to annexation. The corporation signs have been moved to reflect Elkton's new boundaries.

Water and Sewer

Water leaks on RT. 340 and Shenandoah Avenue need to be corrected, as reported by Council member Dean.

Recreation

No report.

Planning Commission

The annexed areas are being studied for zoning classifications.

Cemetery

Vice Mayor Murphy stated she was waiting an opinion from Attorney Miller regarding Perpetual Care funds before setting a meeting with the Cemetery Commission.

Council member Sigafoose moved to return back to the Cemetery Commission the money that was taken from them.

Following remarks by Vice Mayor Murphy, Mayor Printz ruled the motion out of order by Robert's Rules of Order.

Attorney Miller opined: "I think we can work it out as a philosophical question. Fundamentally, I can give you a general outline. Basically, the Town Council of Elkton controls the money and where it ends up and it controls the cemetery itself because it is owned by the Town. You have to decide if you want the Cemetery Commission to run the Cemetery itself, and then are you going to fund it, or run it through the Town's budget. That's what you have to decide. I will try to address each one of these issues specifically so that all of you will have a fairly clear understanding. Then you will have to decide as a Council whether you want to put it back, whether you want to set up a separate fund, or whether you want to run it through the budget."

Charter Revisions Committee

No report.

Park Authority

Council member Snow was absent.

Economic and Community Development Committee

ECDC will meet with civic organizations to discuss an Elkton Town Festival. Council member Workman hopes to establish a "core committee" to participate in the 400-year founding of Jamestown in the year 2007 and carry it over into Elkton's centennial.

NEW BUSINESS

Town Decals

Council member Workman moved, second by Vice Mayor Murphy, and carried to allow volunteer firefighters and rescue squad members who live in the Town of Elkton to receive one free Town decal after establishing proof of membership. The same consideration is to be given to Town residents who are members of the McGaheysville Fire Department.

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

Motion carried (5 - 0 voice vote)

Resolution for Street Maintenance Payments for Annexed Roads

Council member Workman moved, second by Vice Mayor Murphy, and carried to:

RESOLUTION

WHEREAS, the Town Council of the Town of Elkton seeks to add mileage to its existing lane miles, and;

WHEREAS, the Town of Elkton wishes to accept certain roads in conjunction with an annexation order effective January 1, 2004, and;

WHEREAS, the Town of Elkton also wishes to add certain recently constructed roads to the list for street maintenance payments, and;

WHEREAS, the Town of Elkton intends to submit a Form U-1, a copy of the annexation order, a certification of population, and location maps to the Virginia Department of Transportation Resident Engineer for approval, and;

WHEREAS, the Town of Elkton has determined to the best of its ability that the following streets meet the Road and Street Criteria, paragraph 1.a, 1.b, l.c, 1.d, or 1.f of Section 33.1-41.1 of the Virginia State Code:

Blue and Gold Drive	1.0 Lane Miles
Chickadee Circle	.20 Lane Miles
"F" Street Extended	.40 Lane Miles
High Street	.50 Lane Miles
Kittiwake Court	.20 Lane Miles
East Marshall	.10 Lane Miles
Morning Dove Lane	.20 Lane Miles
Mt. Pleasant Road	1.0 Lane Miles

Newtown Road	.80 Lane Miles
Pine Street	.20 Lane Miles
Prospect Avenue	.20 Lane Miles
Quail Run Drive	.50 Lane Miles
East Spring	.50 Lane Miles
East Summit	1.2 Lane Miles
Tanager Lane	.40 Lane Miles
East Washington Avenue	.60 Lane Miles

NOW, THEREFORE, BE IT RESOLVED that the Town of Elkton requests the Commonwealth Transportation Board to consider the addition of the above referenced streets, totaling 8.0 lane miles, to the list of eligible streets for maintenance payments.

Signed:_____Date:_____
Wayne E. Printz, Mayor

Attest:_____Date:_____
Todd McCoy, Director of Public Works/Zoning Administrator

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

Motion carried (5 - 0 voice vote)

Accept the Commonwealth of Virginia Estimate of Tax Relief - Personal Property

Vice Mayor Murphy moved, second by Council member Dean, and carried to approve and accept the Commonwealth of Virginia's estimate on tax relief, Personal Property, for the year 2003.

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

Motion carried (5 - 0 voice vote)

Adelphia Contract Extension

Whereas Council has not completed their review of the contract, Attorney Miller requested Council approve an extension of the contract until December 31, 2004, subject to his "editorial work." The current contract will expire on April 15, 2004. Mr. Miller wants to make sure the Town will be able to execute a contract before December 31, 2004 - if terms are agreed to before then.

Council member Dean moved, second by Council member Sigafoose, and carried to extend the existing agreement to December 31, 2004 unless we enter into another agreement prior to that time. Everybody preserves their existing status quo.

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

Motion carried (5 - 0 voice vote)

Electric Rates - First Reading

Attorney Miller: "The Town of Elkton acquires its electric service from the Virginia Municipal Electric Association (VMEA). There is a long-term contract with that association to purchase power from them. The contract, historically, has been a very good one for the Town of Elkton as far as the benefits to the Town; however, there are provisions in there that provide for flow-through increased cost of wholesale power. In other words, the Town of Elkton buys wholesale like at the wholesale grocer and then resells it to the Town. The increase in the wholesale contract to the Town is about a 2% increase. That increase equates to about a 1/10 of a

cent per kilowatt hour for every kilowatt hour used in your home, and about 2/10 of a cent for commercial users. The contract allows for that cost to be flowed through the Town to the citizens. The way the contract is worded, the Town will not make a profit on that. It is just an absolute flat flow through to the citizens at the increased cost. The legal question I was asked was does the Town need to have two readings? It does have to have two readings because the Town of Elkton is not under the State Corporation Commission jurisdiction. The State Commission does not set the rates in the Town. The Town sets its own rates."

Council member Workman moved, second by Council member Dean, to increase the current electrical rates per KW hour by a 1.0209 factor.

First Reading - no vote recorded.

Request for Proposals

To date there have been 25 inquires. Attorney Miller suggested there were four or five substantive inquiries.

Board of Zoning Appeals (BZA)

The resolution nominating the BZA members has been certified by the Clerk of Council and Mr. Miller will submit it to the Circuit Court of Rockingham County next week for approval.

Mayor Printz set committee meetings for April 13, 2004 at 6:00 P.M. The regular council meeting will be April 19, 2004 at 7:00 P.M.

As there was no further business, the meeting was adjourned at 8:28 P.M.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk