Regular
Council Meeting
October 18, 2004

The regular meeting of the Elkton Town Council was held on October 18, 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 Manager Dennis R. Donachy, Town Attorney J. Burns Earle, Treasurer Clairen Sipe, Chief of Police Richard Pullen, and Clerk of Council Richard Carey were also present.

Council member Dean offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Lora Ferrell, Tanager Lane, Quail Run, read and presented a letter to Council regarding water drainage, erosion, and damage problems in Quail Run:

TO: Elkton Town Council
FROM: Concerned Quail Run subdivision residents
DATE: Monday, October 18, 2004
RE: Water and Drainage Problems in Quail Run

Members of the Elkton Town Council:

As residents of Quail Run subdivision in Elkton, we respectfully submit this letter for the purpose of informing the town council about our situation and requesting your support and assistance in resolving these matters in a timely manner.

For the past couple years, many of the current residents of Quail Run have been experiencing water drainage, erosion and damage problems, especially in the Morning Dove Lane, Kittiwake Court, and Tanager Lane areas of Quail Run. These problems have included poorly constructed drainage systems that have resulted in flooded basements, damage to property, and severe land erosion. We have reached a very high level of frustration regarding these problems and would like some assistance from the town of Elkton.

We believe that many of these problems are the result of poor construction, engineering, and installation of the water drainage easements in our subdivision, as well as poor grading of properties. The problem has become so bad that Rockingham County has become involved in the problem, but we have still seen very little progress. Some residents have been forced to spend their own time and money reconstructing the drainage areas because they, as well as Rockingham County, have been unable to compel Quail Run's primary builder, King Construction, to correct the drainage problems and to construct them according to legal codes and building plans that the company originally submitted to the county for Quail Run.

One example of the problems facing Quail Run is the area behind Kittiwake Court, which a few residents re-dug and re-graded after the poor drainage system caused flooding in their basements.

Another Quail Run resident on Morning Dove Lane has had a flooded basement and no changes were made to the drainage on her property.

Yet another example is the drainage easement running along the property line between residents at 235 and 245 Tanager Lane. If the easement had been dug and graded properly to begin with, had the EC5 matting been laid properly, and had it been maintained and tended as needed, the area would have been an acceptable, successful easement. As it is, the easement actually requires water to run uphill at one point, the EC5 matting was not laid as one continuous strip but cut up and broken apart in areas, and rocks were not removed and replaced with top soil from the beginning so that grass could successfully seed. The result is a severely eroding area with dangerous crevices and rocks on which neighborhood children could easily be hurt.

There are also missing ditches and culverts in our yards that would prevent the current erosion and standing water in our yards. It is our understanding that some of these ditches and culverts were in the plans originally submitted for Quail Run, but have not been constructed as indicated.

Furthermore, more townhouses are to be built behind our streets, which will only add to the drainage problems, erosion, and flooding in our subdivision when these homes take up yet more available land for holding water.

We understand that since Quail Run has been annexed by the town of Elkton that some of these drainage and maintenance issues are the responsibility of the town. However, we also strongly believe that these drainage areas should have been constructed and maintained properly from the beginning by King Construction. We would appreciate your assistance in ensuring that what needs to be brought up to code is done so, as well as meeting the specifications of the original subdivision plans so that we may stop the erosion and remove the threat to our properties and to our residents.

We invite you to come to Quail Run and take a look around at the neighborhood. You will find eroding yards and standing water, which is dangerous for our children and provides a breeding ground for mosquitoes and other threatening insects. We need your help and support in correcting the drainage problems that have resulted from a failure to execute the construction of proper easement and drainage areas in Quail Run.

Thank you for your time and your consideration of this matter.

Respectfully,
Residents of Quail Run

Wendy Lam, 3519 N. Eastside Highway, representing Elkton Middle School PTA, presented a petition with 71 signatures. The petition stated:

We the parents of the Elkton Middle School students feel that we have a serious safety hazard on Blue and Gold Drive. Many students walk or ride bikes on this road to and from school and school functions. There needs to be a sidewalk installed or a walking path to prevent a tragedy from occurring.

The PTA sought Council support for the project. Ms. Lam stated, "I guess the reason I am here tonight, we are not sure what direction we need to go in."

Mayor Printz spoke with Mike Breeden, Elkton's representative on the Board of Supervisors, who supported the need for a sidewalk. Mayor Printz stated, "Dr. Kidd had some support for it, knowing that it is a very expensive venture to do correctly."

Council member S. Sigafoose asked Ms. Lam if lighting would be helpful. She answered lighting would help, but a designated walking area - something as inexpensive as a gravel area - was needed.

Council member Workman suggested a citizens' committee to study and pursue all the avenues available for such a project.

Mayor Printz will work with Mr. Donachy to compile some suggestions to move forward with this project.

Hazel Crider, Elkwood, hoped Council could put renovations to the Community Center on the fast track, as Neighborhood Watch had no place to meet due to the current remodeling of the Community Center.

Mildred Shifflett, 112 West Spotswood Avenue, addressed the issues of late night loud car noises and loitering. She learned the Farm Bureau building would be demolished, and would become a parking lot. She believed that would invite increased loitering and another prime business location would be eliminated.

Council member Workman was told that approximately 2/3 of the current building, which contains asbestos, would be torn down, but a modern facility containing new products requested by Farm Bureau customers would be erected on the site. He was not sure how large the new building would be.

Lee Dearing, 124 North Street, took exception to the new Agenda format which did not list Unfinished Business or New Business. He wondered how Council could conduct business without an outline, an "historic cover," of the meeting. The new format also eliminated public information as to what issues Council would consider.

"I am here to represent the Cemetery Commission. I'm here to represent the dead. You all represent the live; we are here to represent the dead," said Mr. Dearing. He spoke of the trust fund established in 1985 when a private group turned over $500,00.00 to the Town. Mr. Dearing shared with Council and the audience two Virginia Codes, 54-1-2322 and 57.30, which address "Use of income from perpetual care trust funds" and Funds from sale of lots and for perpetual upkeep," respectively.

Mr. Dearing asked for equal treatment for the Cemetery, noting that Recreation and Public Safety do not have balanced budgets because the Town does not expect a profit from those departments. The Park Authority is still indebted to the Town for $35,000.00. He compared the historical significance of the Cemetery to the Miller-Kite House, the Cemetery being the "most visited place in the Town of Elkton."

"I have talked to the Commission. We are at this time - and I am speaking strictly for the Cemetery Commission - if the Town decides to take the money from the Cemetery Commission, we will file a legal lawsuit against the Town of Elkton. I am here tonight to tell you that." So stated Mr. Dearing.

Mr. Donachy "manages the agenda for the Mayor and Council" and he tries to "move the meeting along as smooth as possible." Mr. Donachy added, "What happened was the item you see under Planning Commission and the item under Economic and Community Development, they were put under New Business. Those items were moved up under that Committee so that when that Committee has the floor they can go ahead and give that report. Where before, they would give that report and then go down under New Business and get the floor again. It just makes for a smoother flow that once you have the floor you go ahead and present what that Committee has worked on during the month. So that is the only reason it's not under New Business. But it is there for the public to see under Committee Reports."

Ron Grimsley, Washington Avenue, asked the status of the Odell Crawford issue on Washington Avenue. Mayor Printz stated the Town is jumping through the proper hoops to resolve the problem. A certified letter was mailed to Mr. Crawford, who has 30 days to comply with a request to submit a copy of the deed.

Pat Shifflett, 17421 Spotswood Trail, read: "Mr. Mayor and Members of the Council, I would like to hand you a copy of the article which was in last week's Valley Banner in reference

to the water problem on my property. My main concern now is the safety issue. In the past year, the ditch caused by VDOT's water being piped to my property is 5 or 6 feet deep and getting worse after each heavy rain. I realize this is not a Town problem but I would appreciate any help you can give me in getting this matter resolved."

Caroline Brill, 148 Sweetgum, believed the Agenda format was a way to "suppress" public information. She said she almost decided not to attend the meeting when she didn't see any items listed under Unfinished Business or New Business.

She opposed any reclassification of the Cemetery Perpetual Care fund or "any arbitrary use of the fund."

Cathy Murphy, 110 North Stuart Avenue, believed a working web site would be a helpful method to list meeting agendas, as well as a way to make Minutes available.

She asked the status of the leaf vacuum. Council member Workman stated it has not been bought, but it is here awaiting a demonstration. A schedule will have to be prepared for the routes.

Ms. Murphy cautioned Council to move slowly regarding the Cemetery funds. According to her, there were a "host" of Virginia Codes that related to Perpetual Care of cemeteries and trust funds. She questioned how Council proposed to "get around the deed."

APPROVE CONSENT AGENDA

Vice Mayor Snow moved, second by Council member Dean, and carried to approve the Consent Agenda.

Vice Mayor Snow had the following corrections to the Joint Meeting of the Elkton Town Council and the Cemetery Commission on September 22, 2004:

1. He asked that he be recorded as asking the Cemetery Commission to "share the paper that Gerald had given me and come back with a written recommendation."

2. As recorded: Vice Mayor Snow discussed this proposal with Council and Gerald Monger, who, he believed, had approached some members of the Cemetery Commission. Mr. Monger then presented a counter proposal to Vice Mayor Snow, the details of which were not disclosed.

Vice Mayor Snow stated "those details were copied and given to Lee and I think he shared them with the Cemetery Commission that night."

Consent Agenda
October 18, 2004

MINUTES
- Committee Meetings, September 13, 2004
- Regular Council Meeting, September 20, 2004
- Joint Meeting, Council/Cemetery, September 22, 2004

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

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

Motion carried (6 - 0 voice vote)

TOWN MANAGER'S REPORT

Mr. Donachy read his written report to Council, which contained two sections presented as "Information Items" and "Items Requiring Council Action." Under Information Items, he reported security fencing at the reservoir; drainage in Quail Run; new well testing; Town Hall spot lights; public address system; Code book; and Cemetery software. Items Requiring Council action were identified as well pumps, proposed zoning changes, damaged tree, and electric fuel cost increase.

Purchase Well Pump

Vice Mayor Snow moved, second by Council member S. Sigafoose, that the Town purchase the 30HP pump for $4,900.00 and leave it in the well and put the 60HP pump on the shelf.

A discussion centered around the warranty which Mr. Donachy reported being told by Mr. Foster that the 60HP was a closed system, allowing it to set on the shelf for years without going bad. As soon as the 60HP was placed in the well we would get "not only a year's warranty but 18 months because that was what Mr. Foster got from the manufacturer and he would pass on the extra six months to the Town." Mr. Donachy suggested putting aside swapping pumps and decide tonight to buy a spare pump to have as needed. Council member S. Sigafoose withdrew his second and Vice Mayor Snow withdrew the motion.

Vice Mayor Snow moved, second by Council member Dean, and carried to buy a new pump for $4,900.00 as a spare.

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

Motion carried (6 - 0 roll call)

Mayor Printz wanted to make it clear that the 60HP pump that is being repaired may be the pump placed back in the well.

Mr. Dearing raised a Point of Order and asked if this required two readings. It was determined the pump was a budgeted item and no second reading would be required.

Mr. Donachy asked Council to set a date for a Public Hearing for the Planning Commission's proposed recommendations regarding B2 zoning. Mayor Printz stated the date would be set at the end of tonight's meeting.

Remove Dead Tree

A large Oak tree located on Town property at 223 Spring Street is a safety hazard and should be felled. If the Town crew can safely remove the tree, they will perform the work. If, on the other hand, the project would endanger Town employees, Mr. Donachy will get estimates from a professional company to remove it.

Virginia Municipal Electric Association No. 1 Director (VMEA)

Council needs to officially appoint Mr. Donachy as Elkton's voting member of VMEA.

Vice Mayor Snow moved, second by Council member Workman, and carried to name Town Manager Dennis R. Donachy as Elkton's voting member of VMEA.

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

Motion carried (6 - 0 voice vote)

Fuel Cost Factor Increase

The VMEA Board voted to increase the fuel cost factor from .00301 to .00601 due to the Association being 2.2 million dollars in debt from purchasing electricity. The increase will add $3.00 per thousand KW to a customer's bill. If the Town had had to absorb the increase last month, the Town would have paid out an additional non-budgeted $5,100.00. That total would only increase with the approaching winter months.

The Town would not enjoy additional revenue from this pass through increase.

Vice Mayor Snow moved, second by Council member S. Sigafoose, and carried to pass along to our customers the fuel cost factor from .00301 to .00601.

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

Motion carried (5 - 1 roll call)

Council member L. Sigafoose voted " NAY" because he wanted to "see the paperwork."

COMMITTEE REPORTS

Electric

The Municipal Building porch lights have been installed.

Finance

No report.

Personnel

Council Member Workman stated that the starting salary of Treasurer Clairen Sipe was not in line with the pay scale policy.

Council member Workman moved, second by Vice Mayor Snow, and carried to raise Clairen Sipe's salary to $31,695.00 per year, retroactive to the day of hire.

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

Motion carried (6 - 0 voice vote)

Public Health, Public Safety, and Ordinances

No report.

Streets and Sidewalks

The sidewalk in front of Dr. Downey's needs repairing. The back part of the alley between Dr. Downey and the Country Inn, as well as the paving in front of the Community Center, will be completed soon.

Council member S. Sigafoose stated there is a street between Nations Bank and Big L

named Bank Street. He would like a street sign identifying the street.

Water and Sewer

Council member Dean commended Isaac Conley for his quick actions when it was discovered that the new 60HP pump placed in the well had malfunctioned.

Recreation

Mayor Printz drew the audience's attention to the posted potential layout of the Community Center. He commented that changes were possible.

Council member Workman questioned if the tractor setting idle in the Park was needed any longer.

The Town has a 3-phase electric pump in storage. Vice Mayor Snow asked if Mr. Donachy could look at having it permanently installed in the Park to help with the drainage after a heavy rain.

Planning Commission

The Planning Commission continues its work of rezoning the annexed areas.

The zoning status of Elkton Florist was discussed.

Reappointment to the Planning Commission - Daniel Talbot

Council member Workman moved, second by Council member Pence, and carried to reappoint Daniel Talbot to the Planning Commission for a term beginning October 1, 2004 and ending September 30, 2004.

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

Motion carried (6 - 0 roll call)

Cemetery Commission

Mr. Donachy presented three proposals to the Cemetery Commission, which has not yet met. Since that time, he has received an additional proposal from a Council member, and Mr. Donachy has developed a fifth proposal.

Charter Revisions Commission

Another meeting will be scheduled.

Park Authority

No report.

Economic and Community Development Committee (ECDC)

Council member Workman reported the following information regarding Town businesses:

1. C & S Diner will move into the former Sports 'R' Fun location.
2. Debbie's Country Kitchen may move after the first of the year.
3. The Tastee Freeze building will house the Happy Garden Chinese Buffet in two to three

months. The owners have businesses located in Orange and Louisa.

4. Liberty Gas Station will open early November.
5. DiDi's will close November 1 for winter and it is questionable if he will reopen in the spring.
6. Domino's Pizza will open in the former Little Caesar's location in the Food Lion Shopping Center.
7. Roosters was sold but the hours of operation and the menu will remain the same for the near future.

ECDC Reallocation

Vice Mayor Snow moved, second by Council member Dean, and carried to reallocate $2,000.00 from Economic Development to General Government Supplies and Maintenance.

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

Motion carried (6 - 0 voice vote)

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Attorney Burns Earle discussed the supplemental contract between the Town of Elkton and Southeastern Power Administration (SEPA) for the purchase of power that comes from hydroelectric sources.

The Town of Elkton basically buys power from VMEA. This allows Virginia Power to schedule the purchase of hydroelectric power from dams, scheduling of the dams, how they create electricity, how they purchase it, and how they store it," stated Mr. Earle.

Mr. Earle added it does not affect the rates and just one reading would be required to authorize the Town Manager to sign the contract.

Vice Mayor Snow moved, second by Council member Dean, and carried to authorize the Town Manager to execute the contract.

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

Motion carried (6 - 0 roll call)

Closed Session

Council member Dean moved, second by Council member Pence, and carried to go into closed session under Virginia Code 2.2-3711 to discuss personnel matters and litigation.

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

Motion carried (6 - 0 roll call)

Council member S. Sigafoose was excused from the meeting.

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 Pence duly seconded the motion.

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

Motion carried (5 - 0 roll call)

Maintenance Foreman

Council member Workman moved, second by Council member Dean, and carried to name Frankie Shifflett as Maintenance Foreman, under probation for up to six months, with a 2% pay increase immediately, and an additional 3% pay increase after successful completion of the probationary period.

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

Motion carried (4 - 1 roll call)

Mr. Donachy will present progress reports regarding Mr. Shifflett to Council.

Vice Mayor Snow requested Mr. Donachy to study the need for what Mayor Printz termed "a capital projects man." Increased police monitoring of the STOP lights at the Elkwood entrance, the unsavory condition of the Park bathrooms, individual Police Officers' reports, and the maintaining of Police Officers' logs were also discussed by Vice Mayor Snow.

Mayor Printz set November 9 at 6:00 P.M., for Committee meetings, and November 15 at 7:00 P.M., for Council meeting.

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

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk