Regular
Council Meeting
December 20, 2004

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

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

Town Attorney Nathan Miller, Town Manager Dennis Donachy, 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.

Megan Kelly, Resort Drive, a senior at Spotswood High School, appeared before Council and requested the Town's continued financial support to send students to the Model General Assembly. Council has traditionally budgeted $500.00 to support the activity.

CITIZEN COMMENTS

Cathy Murphy, 110 North Stuart Avenue, preferred the Treasurer's report be removed from the Consent Agenda and publically read. She then addressed the proposed new personnel policies:

1. The current Employee Handbook was written to be specific and close loopholes. The proposed policies "revert back" by being too general. Under "Open Positions" there is no mention of advertising or internal posting. Under "Probations," she questioned the thinking of returning an employee to his/her previous position if the probationary period in a new position proved unsatisfactory. What happens if that position had been filled? She disagreed with requiring only a six-month probationary period for police officers. The current one year probationary period policy was designed for a purpose. She discussed why the current policy for comp time for exempt employees was written. Under "Holidays," she wanted to know if Council was eliminating New Year's Eve, New Year's Day, and Good Friday. "Holiday Pay" at straight time "is a major change. I don't see how that situation is going to be acceptable," stated Ms. Murphy. "Sick Leave" does not state how many hours will be earned. A policy for family sick leave needs to be included. What happens after 680 hours of sick leave have accrued? Do they stop accruing? She believed this would encourage employees to use sick leave instead of accumulating it. FMLA needs additional research. The evaluation form is incomplete. Under "Travel," she saw expense limits for out-of-state but not for in-state. Concerning conferences and meeting, she stated spouses, significant others, and others were not the responsibility of taxpayers. Is Council still reviewing all salary increases? Is Council even aware it is taking place?

2. Ms. Murphy stated 3 or 4 candidates campaigned that they would not support mandatory hook-ups in the annexed areas. "If that now comes about, I think 3 or 4 of you will have a tough time looking those people in the face and saying you changed your mind after you got in here."

3. Proposal 6 for the Cemetery was totally rejected by Ms. Murphy. "In Proposal 5 you wanted the Real Estate part going into the General Fund. Now you want Perpetual Care going into the General Fund. Which one is it and why do you want it? If you move Perpetual Care into

the General Fund, how are you in accordance with State Code that says you must have it invested, that you can only have the interest on that money?"

Lee Dearing, 124 North Street, stated if Council referred to Virginia Code to obtain a pay raise for themselves that they refer to Virginia Code as it relates to cemetery perpetual care accounts. He read Virginia Code 54-1, 2322 which related to Perpetual Care Trust Funds. "I am here to advise the Council that, based on the Cemetery Commission's meeting last Tuesday, I attended a meeting today with an attorney, Mr. Tom Miller, who will represent the Cemetery Commission in resolving this issue. He will be our advisor and he will advise us as to what proper procedure we should take to preserve this fund."

Lynn Huff, 403 East Rockingham Street, questioned if East Rockingham Street was designated as public parking. He also asked if the Town owns equipment that can determine water leaks.

Mr. Donachy, responding to Mr. Huff's particular problem, stated East Rockingham Street has public parking. Mayor Printz said there are ways to determine water leaks.

Ruby Davis, 410 Rockingham Street, spoke about an on-going barking dog nuisance. The dog had died but she did not want to undergo the same nuisance should the neighbor get another dog. A discussion followed between Chief Pullen and Mrs. Davis regarding the legalities of a warrant and the process taken with her complaints when the dog was alive.

Hazel Crider, 114 Hillside, stated in 1996 then Chief of Police Robert Marshall and former police officer Monte Dean "started the Neighborhood Watch by going to Lucky Sigafoose and asking him to form the Neighborhood Watch for the Town of Elkton. Mr. Sigafoose did and four other joined him later." She listed activities performed by the group that help other groups, people, and create positive public relations for the Town of Elkton. She asked that Council designate Neighborhood Watch as a Town committee and offer the group free usage of the Kite house in which to hold their meetings.

Council members Pence and Sigafoose spoke in support of Mrs. Crider's request.

CONSENT AGENDA

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

Consent Agenda
December 20, 2004

MINUTES
•Committee Meetings, November 9, 2004
•Public Hearing, B-2 Zoning, November 15, 2004
•Public Hearing, Charter Amendments, November 15, 2004
•Regular Council Meeting, November 15, 2004
•Emergency Council Meeting, November 22, 2004
•Public Hearing, Angler Contract, November 23, 2004

REPORTS
•Chief of Police Report
•Treasurer's Report
•Public Works
•Advisory Committee

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

Motion carried (6 - 0 voice vote)

TOWN MANAGER'S REPORT

Mr. Donachy's "Information Items" included a revised schedule for FOIA requests costs, a delay of the motion for mandatory water and sewer hook-ups, the possibility of voiding the Life well purchase contract, and the readiness of personnel and equipment for snow removal.

ITEMS REQUIRING COUNCIL ACTION

Adelphia Cable Extension

Mr. Donachy requested an additional ninety days extension of the contract.

Council member Dean moved, second by Vice Mayor Snow, and carried to extend the Adelphia Contract an additional ninety (90) days.
YEAS: J. Dean, C. McDaniel, T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 voice vote)

Kite House Rental Agreement and Usage Charge

A clause for obtaining a license to serve alcoholic beverages was added. The Town's VML policy does cover rental of the property. Mayor Printz sent this issue back to Committee for additional study.

Public Works Director

Mr. Donachy requested approval to advertise for and hire a Public Works Director.

Council member Dean moved, second by Council member Workman, and carried to advertise for and hire a Public Works Director.

The budgeted salary range was shown to be $31,695.00 to $34,994.00 per year. Depending on qualifications and job duties, a lower salary could be considered.

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

Motion carried (6 - 0 voice vote)

Personnel Policy

Set aside.

Council Raises - Second Reading

Mr. Donachy cited Virginia Code 15.2-1414 in which the word "notwithstanding" appears as it relates to Charters. Attorney Miller advised Mr. Donachy that that means "no matter what the Charter says." An annual 3% raise, if desired, should be added to the Code Book or approved annually during budget preparation.

Vice Mayor Snow moved on a Second Reading, second by Council member Workman, and carried to approve a motion made by Vice Mayor Murphy and seconded by Council member Pence to increase the Mayor's salary from $200.00 a month to $300.00, and to increase Council members' salaries from $100.00 a month to $200.00 a month,

effective July 1, 2004.

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

Motion carried (6 - 0 roll call)

Amendment of Setback on B-2 Property - Second Reading

Vice Mayor Snow moved, second by Council member Pence, and carried to approve an ordinance to amend Sections 110-611(F)(1)(d)[1], (F)(1)[2], (F)(1)(e), (F)(2), and (F)(2)(b) of the Code of the Town of Elkton to add a ten-foot clear and maintained setback to property zoned B-2 when it adjoins a residential district, as recommended by the Elkton Planning Commission.

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

Motion carried (6 - 0 roll call)

Chapter 53 Code Revision

Vice Mayor Snow moved, second by Council member Workman, and carried to change Chapter 53 (Animals) Article 1 (General Animal Regulations) Section 53-1 (Keeping Certain Animals).

Mr. Miller was not prepared to definitively answer if a grand fathered agricultural property was transferable, if sold, as an agricultural property.

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

Motion carried (6 - 0 voice vote)

Cemetery Proposal 6

Sent back to Committee.

Credit Cards

Mr. Donachy requested approval of two (2) credit cards for the Town, with their use monitored by the Town Manager and the Treasurer. A Purchase Order will still be required, but the paperwork for payment would be streamlined.

Council member McDaniel moved, second by Vice Mayor Snow, and carried to approve two (2) credit cards for Town use, with a credit limit of $2,500.00 each.

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

Motion carried (6 - 0 roll call)

Appointment to Park Authority Personnel

Vice Mayor Snow moved, second by Council member Sigafoose, and carried to reappoint Barry Ream, Ishmal Baugher, and Caroline Brill to the Park Authority for terms beginning May 16, 2004 to May 16, 2006.

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

Motion carried (6 - 0 voice vote)

Vice Mayor Snow moved, second by Council member Dean, and carried to accept the resignation of Clyde McDaniel from the Park Authority, effective November 22, 2004.

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

Motion carried (5 - 0 voice vote)

Vice Mayor Snow moved, second by Council member Workman, and carried to appoint Bruce Senn to the Elkton Park Authority to replace Clyde McDaniel for a term beginning December 20, 2004 and ending May 16, 2006.

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

Motion carried (6 - 0 voice vote)

Personal Property Tax Relief

Council member Dean moved, second by Council member Sigafoose, and carried to accept the Commonwealth of Virginia's estimated $25,617.00 Personal Property Tax Relief.

Council member Dean wanted the public to know this has been routine for the car tax relief.

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

Motion carried (6 - 0 voice vote)

Letter from Rockingham County

Mr. Donachy received a letter which stated the updated County emergency radio system would cost $18,915,728.00. Chief Pullen estimated it would cost approximately $80,000.00 for the Town to replace our department's radio system to make it compatible with the County's new system. Mr. Donachy will look into grants and other means of paying for the Town's update.

Council member Dean stated this was discussed in Bridgewater and the question was asked why the Towns were not involved in the negotiations and what would be the cost to the Towns. At that time, those attending were told the towns would be taken care of. "Well, they sure as hell took care of the towns," stated Council member Dean.

COMMITTEE REPORTS

Electric

No report.

Finance

Vice Mayor Snow read the Treasurer's report.

Personnel

Council member Workman stated the proposed Personnel Policy will be reviewed at the next Committee meetings. Council members should be prepared with their questions, suggestions, and concerns.

Public Health, Public Safety, and Ordinances

Council member Workman reported that Officer Harris completed certification at the Police Academy and Officer Harold Shifflett was awarded a plaque "For Outstanding Service to Reducing Drunk Driving in Virginia."

Council member Pence stated he does not see the K-9 Unit enough. Mayor Printz responded that police visibility was being increased.

Streets and Sidewalks

No report.

Water and Sewer

Council member Dean reported the newly installed water treatment system is working well.

Council member Workman wanted the public to know that any increase in the cost of delivered water was passed on to customers by the water haulers, not the Town of Elkton.

Recreation

The Commission did not meet last month.

Planning Commission

The Commission did not meet last month. Additional Public Hearings will be scheduled in the New Year.

Cemetery Commission

Council member Sigafoose moved, second by Council member Dean, and carried to appoint Bill Davis to the Cemetery Commission to replace Clyde McDaniel, who resigned.

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

Motion carried (6 - 0 roll call)

Charter Revisions Committee

Revisions sent back to Committee.

Park Authority

Met in December and brought forward the name of members for appointment and reappointment to the Authority.

Economic and Community Development Committee

Council member Workman will work with Council member McDaniel regarding revitalization.

Neighborhood Watch

Council tabled the decision that Neighborhood Watch was established as a Council Committee. Neighborhood Watch, civic organizations, and Council Committees will be given free use of the Kite house until the Rental Agreement for the house has been finalized and approved.

Elkton Area Community Center Committee

Vice Mayor Snow moved, second by Council member Dean, and carried to establish the Elkton Area Community Center Committee and name George McDaniel as Chair, Bobby Lawson as Secretary, Larry Bompiani, Randell Snow, Bobbie Rae Monger, and Dennis Donachy to two (2) year terms beginning December 20, 2004 and ending December 31, 2006. All will have voting privileges. John Sease will be the architect of record, with no vote.

A potential conflict of interest matter was resolved.

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

Motion carried (6 - 0 voice vote)

Attorney Miller

1. The Board of Zoning Appeals members must take their Oaths of Office.
2. Mr. Miller had the final plat for Phase II Annexation. Council needs a Second Reading of the Ordinance and the Amendments to Phase II. The County agreed to a boundary line adjustment for the Hiram Kite property to be brought into Town limits. Council was made aware that the June 30, 2005 date discussed in the Committee meeting was changed to April 30, 2005 (to begin construction).

Vice Mayor Snow moved, second by Council member Dean, and carried to approve the annexation ordinance for Phase II, effective December 31, 2004, with the amended plat.

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

Motion carried (6 - 0 roll call)

Vice Mayor Snow moved, second by Council member Pence, and carried to approve the amendments to Phase II Annexation as presented by the County of Rockingham.

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

Motion carried (6 - 0 voice vote)

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 real estate and litigation.

YEAS: J. Dean, C. McDaniel, T. Pence, 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. Vice Mayor Snow duly seconded the motion.

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

Motion carried (6 - 0 roll call)

Meetings

Mayor Printz set the following meetings:

•December 28, 2004 at 6:00 P.M., - Charter Revisions
•January 11, 2005 at 6:00 P.M., - Committee Meetings
•January 17, 2005 at 7:00 P.M., - Council Meeting

Christmas Dinner 2005

Vice Mayor Snow moved, second by Council member Dean, and carried to designate the 1st Friday of December, December 2, 2005, as the date for the Christmas dinner for the Town's Boards, Commissions, and Authorities.

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

Motion carried (6 - 0 voice vote)

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

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk