Regular
Council Meeting
February 23, 2004

The regular meeting of the Elkton Town Council was held on Monday, February 23, 2004 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
J. T. Dean
C. H. Murphy
T. Pence
L. Sigafoose
R. L. Snow
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, spoke in favor of Friday trash pick-up. The Town is unsightly with garbage setting out all weekend. She also wanted to make sure that the future developed Elkwood would have its own entrance.

Mildred Shifflett, 112 West Spotswood Avenue, stated the Town should sell all the land it currently owns instead of buying more. She feared added hardship for the senior citizens due to higher taxes.

Larry Baugher, 116 Hill Avenue, requested Council close "B" Street from Ashby to Terrace for EPIC's Autumn Days scheduled for October 16 and 17, 2004.

Mary Hutton, 515 Chestnut, questioned why all meeting minutes from the time of the last regular Council meeting were not on the agenda for approval.

Lee Dearing, 124 North Street, studied the mid-year budget expenditures and learned that zero dollars had been budgeted for annexation. By January 2004, $62,000.00 had been spent for annexation related costs. He asked to know how Council instructed the Treasurer to pay the those bills. Where did she take the money from?

Caroline Brill, 148 Sweetgum, stated she could not judge what time her trash would be picked up. Sometimes the workers came at 8:00 A.M., and other times they came at noon.

MINUTES

Council member Snow moved, second by Council member Dean, and carried to approve the minutes of the Committee Meetings of January 14, 2004.

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

Motion carried (6 - 0 voice vote)

Council member Snow moved, second by Council member Dean, and carried to approve the minutes of the Regular Council Meeting of January 19, 2004.

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

Motion carried (6 - 0 voice vote)

Council member Snow moved, second by Council member Workman, and carried to approve the minutes of the Special Council Meeting of February 9, 2004.

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

Motion carried (6 - 0 voice vote)

Council member Snow moved, second by Council member Dean, and carried to approve the minutes of the Joint Council/Cemetery Commission of February 9, 2004.

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

Motion carried (6 - 0 voice vote)

DEPARTMENT HEADS

Chief of Police

Chief Pullen presented his report.

Director of Public Works/Zoning Administrator

Mr. McCoy was absent. His monthly report was included in Council's packets.

Treasurer

Mrs. Vickers reported an ending ledger balance for General Government for the month of January 2004 of $420,556.69, with total cash available of $363,169.90.

The Bond Account for the same period had an ending ledger balance of $19,030.04.

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

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

Motion carried (6 - 0 voice vote)

COMMITTEES

Electric

A pole light was installed at the Post Office.

Finance

Council member Snow believed that in the near future the citizens will be "happy" with real property negotiations.

Personnel

Vice Mayor Murphy deferred to New Business.

Public Safety, Public Health, and Ordinances

No report.

Streets and Sidewalks

Council member Sigafoose asked that the streets be swept. Council member Workman reported that he and Mr. McCoy are working on a five year priority list of repairs and projects so that the approach will not be so haphazard in the future.

Council member Pence expressed his displeasure with snow removal during a recent storm. Vice Mayor Murphy had received complaints that special attention had been given to the annexed area at the expense of what was previously considered in-town. She would like to see the crew work in shifts during snow removal and the establishment of zones for snow removal.

Council member Workman discussed RT. 340 with Mr. McCoy and learned that VDOT pushed snow on Stuart Avenue approximately every 30 minutes. The Town pushed the adjoining streets perhaps twice a day. The intersections were opened, then VDOT created problems when their plows attended to Stuart Avenue.

Council member Pence desired that the ordinance to clear sidewalks following snow be enforced. Vice Mayor Murphy found the ordinance in Section 143-9 and read it to Council.

Water and Sewer

No report.

Planning Commission

No report.

Recreation Commission

Council member Pence stated the Recreation Commission wants to know what uses the Council is considering for the Community Center so they can co-ordinate their desires with Council's.

Council member Workman responded that the only decided use was to prepare an area for use as a Council Chamber and possibly an office for Lynn Meadows.

Cemetery Commission

Attorney Miller will provide an opinion if the Town can transfer $140,000.00 from the Cemetery Commission's perpetual care fund to the Town's general fund.

Charter Revisions Committee

No report.

Park Authority

Council member Snow reported that the Park Authority approved the Kite option and to expend the money in the treasury for the survey and topographical information.

Economic and Community Development Committee (ECDC)

Council member Workman and the ECDC are involved in the following:
•Downtown historic district designation
•Main Street Program on back burner for four years

•JMU students in town conducting surveys - what does Elkton have to offer, what does Elkton need to offer, why do people come to Elkton, why don't people come to Elkton, etc. The Town will be given the results.
•Community Calendar
•Elkton web page

UNFINISHED BUSINESS

Economic and Community Development Funding - Second Reading

Vice Mayor Murphy moved on a second reading, second by Council member Snow, and carried to appropriate $2,000.00 for use at Council member Workman's discretion for expenses related to ECDC.

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

Motion carried (6 - 0 voice vote)

Purchase Life Well - Second Reading

Tabled.

Survey and Topographical Information - Second Reading

Council member Snow moved on a second reading, second by Council member Workman, to spend the money to do the boundary survey of the Kite property, and of the Wrangler property, and to include the topographical information on that map with the boundary surveys.

Council member Snow stated the boundary survey for the 116 acres would cost $6,900.00, the Augusta Mills site would cost $2,950.00, the topographical survey for the 116 acres would be $5,300.00, and for Augusta Mill the cost would be $1,200.00. The total cost would be $16,350.00. Council member Snow estimated the Town would have to pick up approximately $11,350.00 of the cost.

The expense could be reappropriated from the Building Maintenance line item.

Vice Mayor Murphy questioned if the land were sold, would the map information be an expense that the buyers could assume. Council member Snow answered that anyone who developed the land would need the map.

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

NAYS: C. Murphy and L. Sigafoose

A 2/3 favorable vote for passage was discussed. It appeared that this motion failed to achieve the 2/3 required vote, even though some Council members believed four of six members did equal 2/3. If the Mayor was considered a member of Council, it was argued that 5 votes would be required. Attorney Miller will research the judge's ruling in the Mary Hutton law suit.

Pentecostal Hill

Council member Sigafoose asked if the Town provided trash pick-up in the Pentecostal Hill area. Council member Dean replied if they are in the annexed area they will pay the charge for trash pick-up.

NEWS BUSINESS

Revised Pay Scale

Vice Mayor Murphy moved, second by Council member Dean, and carried to approve the 3% starting wages pay scale as presented.

Vice Mayor Murphy stated this increase does not apply to current employees. It is a means to increase starting salaries in order to stay competitive with the private sector.

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

Motion carried (6 - 0 voice vote)

Treasurer Debt Offset

Vice Mayor Murphy tabled action pending review by Attorney Miller.

Amend Abandoned Vehicle Ordinance

Tabled. Sent back to committee.

Safe Deposit Box Signatures

Council member Snow moved, second by Council member Dean, and carried to approve Faye Vickers, Donna Gooden, and Dorenda Flick as signatures on the signature card for the Town's safe deposit box.

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

Motion carried (6 - 0 roll call)

TOWN ATTORNEY/REPORT/ACTION NEEDED

Elkwood Contract

The contract and the Curb and Gutter Ordinance were sent back to committee.

Norfolk Southern Corporation

Sent back to committee. Council recommended contacting Norfolk Southern to purchase the land or seek donation of the land.

Board of Zoning Appeals Documents

Attorney Miller was unable to locate a couple of the court orders appointing some members to the BZA. Mr. Miller requested Council action reappointing the current members.

Council member Dean moved, second by Council member Snow, and carried to appoint or reappoint the following to the Board of Zoning Appeals:

Member	Term
Leroy Leap	**March 1, 2004 - March 1, 2009**
Kenneth G. Berry	**March 1, 2001 - March 1, 2006**
Daniel W. Goodson	**April 1, 2003 - March 31, 2008**
Thomas M. Weyrick	**March 1, 2000 - March 1, 2005**
Joseph V. Flick, III	**March 1, 2002 - February 28, 2007**
Joseph Hammer - Alternate Member	**April 1, 2000 - March 31, 2005**

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

Motion carried (6 - 0 voice vote)

Adelphia Contract

Sent back to committee.

RFP Advertising

Council member Snow moved, second by Council member Workman, and carried to publish the Request for Proposals advertising in the Washing Post (Saturday and Sunday), Richmond Times (Saturday and Sunday), The Daily News-Record (Saturday), and Albemarle County (Saturday and Sunday).

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

Motion carried (6 - 0 roll call)

RFP Appropriations - First Reading

Council member Workman moved on a first reading, second by Council member Snow, and carried to appropriate $5,000.00 from Economic Development to publish the RFP advertisements.

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

Motion carried (6 - 0 roll call)

Special Meeting

Mayor Printz set a Special Meeting for March 1, 2004 to meet with a group of investors and have a second reading of RFP appropriations.

Council member Snow moved, second by Council member Workman, to survey and acquire topographical information for 116 acres (Hiram Kite property) only.

Vice Mayor Murphy inquired what would be the cost. Council member Snow replied, minus the Wrangler property, the cost would be $12,200.00 with $5,000.00 coming from the Park Authority and the Town paying the balance.

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

NAYS: C. Murphy and L. Sigafoose

Again considering 4 votes were not a 2/3 vote of Council, the motion was unsuccessful.

Quail Run

Mayor Printz stated the Property Owners Association want to dissolve. They requested the Town mow the green areas in the subdivision. Vice Mayor Murphy requested that this request be sent to committee.

Council member Dean moved, second by Council member Snow, to survey the Hiram Kite property only.

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

NAYS: C. Murphy and L. Sigafoose

This vote was also considered not to have achieved a 2/3 vote.

Vice Mayor Murphy admitted to being the "stumbling block." She stated her concern was the Hiram Kite property because it is under option to buy. She could not consider surveying land which the Town does not own.

Council member Snow asked for an opinion of what constituted a 2/3 vote of Council. Attorney Miller will research the issue.

Close Streets

Council member Workman moved, second by Council member Dean, and carried to close the streets at the times requested by Larry Baugher.

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

Motion carried (6 - 0 voice vote)

Committees were set for March 9, 2004 at 6:00 P.M.

Closed Session

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

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

Motion carried (6 - 0 roll call)

Vice Mayor Murphy 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 Dean duly seconded the motion.

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

Motion carried (6 - 0 roll call)

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

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk