Emergency
Council Meeting
November 22, 2004

An emergency Council meeting was held on November 22, 2004 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
T. Pence
S. Sigafoose
R. Snow
P. Workman

Town Attorney Nathan Miller and Town Manger Dennis R. Donachy were also present.

Lee Dearing, 124 North Street, believed Council should not violate the published date of November 8, 2004 as the deadline for interested residents to submit their names for consideration for an appointment to Council. Any and all names submitted after that date, solicited or not, should be discarded.

Mary Hutton, 515 Chestnut, asked "who dropped the ball" by not getting the First Reading of Phase II annexation on the agenda for the regular Council meeting. She next questioned why Council ignored the tradition in many localities (not in Elkton) that when a sitting member dies in office, the members go back to the most recent election and choose from the pool who campaigned for office. She even thought the next highest non-elected vote receiver should be offered the position.

Cathy Murphy, 110 North Stuart Avenue, stated four candidates for the Council seat met all the criteria set by Council. At the Special Council meeting on October 28, 2004, Mayor Printz twice used the words "the deadline will be November 8" and that date was published in the newspapers. To ignore its own rules would be an abuse of the public's trust for Council to do the proper thing.

Margaretta Isom, 434 Wirt Avenue, shared the opinions of Mr. Dearing and Ms. Murphy. She distributed the newspaper article in which the November 8 deadline appeared. She stated it was "wrong" for Council to accept and consider an application dated November 17. She concluded by saying, "I think you do need to have integrity and stand by your word."

Phase II Annexation Ordinance - First Reading

AN ORDINANCE TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF ELKTON, VIRGINIA, PURSUANT TO THE PROVISIONS OF ARTICLE 2, CHAPTER 32, SECTION 15.2-3231 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, BY THE ANNEXATION OF CERTAIN TERRITORY IN THE COUNTY OF ROCKINGHAM, VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELKTON, VIRGINIA:

§ 1. Formal Annexation. That the Council of the Town of Elkton, Virginia, a municipal corporation, in furtherance of the health, safety and welfare of the Town, and acting under an "Annexation Agreement" dated December 8, 2003, and executed between the Town and the County of Rockingham, Virginia, pursuant to the provisions of Article 1.1, Chapter 25 of Title 15.1 (recodified as Article 2, Chapter 32 of Title 15.2) of the Code of Virginia of 1950, as amended, hereby declares that by this ordinance it does annex certain territory lying in the County of Rockingham, Virginia, which territory is adjacent to the eastern boundary present corporate limits of the Town and which territory contains approximately 23.33 acres, more or less, and designated as Phase II in the referenced "Annexation Agreement." An accurate census of Phase II by the Central Shenandoah Planning District Commission shows a population of forty-seven (47) individuals.

§ 2. Metes and Bounds and Size of Area in Phase II. A plat showing the territory to be annexed is attached as Appendix A, which is also incorporated into this ordinance. The metes and bounds of the territory acquired from the County of Rockingham by this ordinance are set forth in Appendix B, which is incorporated into this ordinance.

§ 3. Necessity and Expediency of Annexation. The annexation of the territory is necessary and expedient because (i) municipal services are currently and will be needed by the future residents of the territory, (ii) the Town needs to diversify its revenue base and increase its supply of developable land, (iii) other reasons deemed satisfactory to the Council.

§ 4. Terms and Conditions. The terms and conditions for this annexation are as set forth in the Annexation Agreement dated December 8, 2003.

§ 5. Provisions for Future Development. In the event that any portion of the territory is developed commercially, the provisions planned for the future development of the territory, including the provision of public utilities and services therein, are as follows:

(a) **Sanitary Sewers.** To provide in accordance with the Annexation Agreement.

(b) **Water.** To provide in accordance with the Annexation Agreement.

(c) **Refuse Collection.** To extend the Town's policies and practices concerning refuse collection, as they may be changed from time to time, to the territory.

(d) **Planning and Zoning.** To extend and amend the planning and zoning functions of the Town, including the amendment of applicable ordinance regulations, so as to assure the orderly development of the present Town and the area annexed as a unified community.

(e) **Streets and Street Lighting.** To extend the Town's policies and practices concerning streets and street lighting, as they may be changed from time to time, to the territory.

(f) **Police Protection.** To proceed to provide personnel and equipment as necessary to furnish police protection throughout the area annexed conforming to the standards which may be maintained within the current Town.

(g) **Traffic Control.** To extend the Town's policies and practices concerning traffic signs and control devices, as they may be changed from time to time, to the territory.

(h) **General Municipal Services.** To provide throughout the annexed area such other municipal services not specifically mentioned herein as may be provided for the present Town (except electrical) and are consistent with policies of the Town and the needs of the businesses, industries, and residents of the entire community.

All services described in paragraphs "c" through "g" shall be extended to all persons within the territory to be annexed as soon as practice after December 31, 2004, so as to provide the same level of services available to the present residents of the Town of Elkton.

§ 6. Annexation Agreement. All terms and conditions of the December 8, 2003 Annexation Agreement, between the Town and Rockingham County are incorporated into this ordinance.

§ 7. Existing Land Use. Appendix C recorded in the Clerk's Office of Rockingham County, Virginia in Deed Book 2415, page 120 shows the existing land use of the territory, and is incorporated into this ordinance.

§ 8. Effective Date. This ordinance - and the annexation of the territory - shall take effect December 31, 2004.

Enacted this _____day of December, 2004.

TOWN OF ELKTON, VIRGINIA

By:_____
Wayne E. Printz, Mayor

Closed Session

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

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

Motion carried (4 - 0 roll call)

Vice Mayor Snow 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: T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (4 - 0 roll call)

Council Appointment

Council member Workman moved, second by Vice Mayor Snow, and carried to appoint Clyde McDaniel to the Council seat vacated by the death of Lucky Sigafoose.

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

NAYS: S. Sigafoose

Motion carried (3 - 1 roll call)

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

Mayor:_____
Wayne E. Printz, Mayor

Recorder:_____
Richard D. Carey, Clerk