Regular
Council Meeting
May 16, 2005

The Regular meeting of the Elkton Town Council was held on May 16, 2005 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

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

Town Attorney Nathan Miller, Town Manager Dennis R. 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.

CITIZEN COMMENTS

Allison Dugan, Executive Director, Harrisonburg-Rockingham Convention and Visitors Bureau, was present to announce one of the Bureau's tourism programs, The Great Race, a vintage car endurance race. It will originate in Washington, D.C., with a lunch stop in Front Royal, and then continue to Harrisonburg, which will serve as the host city for the first night of the 14 day tour.

On Saturday, June 25 at approximately 5:00 P.M., the cars and drivers should arrive in Elkton. The participants will take the exit ramp off RT. 33, continue through the light on Stuart Avenue, and take the second left on to Spotswood Avenue. They will continue west on to Spotswood Trail.

Council member Pence moved, second by Council member Sigafoose, and carried for Elkton to participate in The Great Race.

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

Motion carried (6 – 0 voice vote)

Darryl Crawford, a strategic planner with the Central Shenandoah Planning District, recapitulated the areas of discussion at Council's long-range planning session. Mr. Crawford stated, "Normally, what you would do in this case is make any changes, then endorse what you have done, and pass that to your Town Manager to develop strategies to bring back to you how these things might be implemented."

Meetings Scheduled

Council set May 31 at 6:00 P.M., for Committee meetings and June 14 for the Budget Public Hearing (6:00 P.M.) and Regular Council Meeting at 7:00 P.M.

Cathy Murphy, 110 North Stuart Avenue, challenged tonight's Second Reading for Rate Increase Electric. She said it was added to the agenda last month without attendance by full Council, making it an illegal First Reading because there was no vote to amend the agenda. She asked again if personal property taxes would increase. She believed the water and sewer rate increases could be accommodated, but was concerned

in tonight's closed session Council could discuss "subsidizing" the developer. Ms. Murphy understood the concept of availability and connection fees as they would be applied to infrastructure repairs. Her concern was that they could be so unattractive so as to be a deterrent to businesses and residents looking at Elkton as a destination. She believed that would defeat the goal of economic development. Last month Council took the position of non-mandatory hook-ups on Pentecostal Hill. That may be revisited tonight. Why? Mayor Printz was "chastised" by Council for attempting to assist Dr. Downey with a grandfathered issued on his property near the Cemetery. Dr. Downey personally contacted Mayor Printz, to which Ms. Murphy stated, "We did not elect a Town Manager. I think all of you have a moral obligation and hopefully you have some desire to hear what the citizens who put you in these seats have to say and not direct them to the Town Manager. To do so would support "closed government."

Council members Pence and Sigafoose stated they would respond to any citizen question or concern. If they could not provide the answer then the citizen would be referred to the Town Manager.

Vice Mayor Snow stated our system makes the Town Manager 'the go-to guy" to "fix problems. If we try to circumvent him and fix them ourselves we create a bigger mess than we fix." He did agree that there could be situations where a Council member could act to help citizens.

Caroline Brill, 148 Sweetgum, questioned inspection of property improvements and non-compliance once the permits had been issued and the work was completed. She stated an "illegal outbuilding was brought into a subdivision and no permit was obtained." She wanted to know what action was taken. Mrs. Brill presented water samples from her home as a result of the water being shut off. She talked to Council member Dean and believed "the issue was resolved." She wanted to know why the Town was considering hiring an Economic Developer/Grant Writer when those responsibilities were included in the Town Manager's job description. Her point was, "Why do we need a Town Manager?"

Lee Dearing, 124 North Street, presented a petition containing 304 or 305 signatures of "actual Town citizens" who opposed moving the Town election to November. In comparison, he stated some who signed the Charter petition were not Town residents, but did own property in Town or owned sites in Elk Run Cemetery. Mr. Dearing was very disturbed by the letter sent to Dr. Downey. In his opinion it was not very "Mayberry-like." He supported the action of Mayor Printz, stating, "When an injustice is done it is up to the elected officials to fix it." On another subject he said, "Do not do a lot of rate increases to cover up mismanagement. Every time you make a mistake you affect my wallet. If you want to fix the Town of Elkton, fix the downtown." Agreeing with Cathy Murphy, tonight's closed session would not involve land acquisition, but an agreement with Angler and he questioned if that qualified as a closed session topic. He would not qualify for a water reduction as a private home owner. Would Council again "subsidize" Angler for the expanded Elkwood development? He stated the million and a half dollars lost to Angler on the Kite property would have paid for the entire Pentecostal Hill project. However, the Town must now borrow another 1.4 million dollars. Mr. Dearing named many properties Angler has bought, or may purchase. He contended all this growth must be controlled and "stop subsidizing these people."

Hazel Crider, 114 Hillside, stated "downtown is gone." She equated a healthy downtown to a strong tax base, thereby creating a lesser burden on individual tax payers. She said Elkton will soon be the "center of a circle" with all the surrounding land owned by Angler. "What deals are being made? I don't like the sound of the deals being made with Angler," was her comment. She strongly opposed the closed session tonight to discuss Elkwood. Switching to the phone tax, she said, "That should not have even been

brought up. How do you think our people can afford it?" She said the $3.00 charge could mean not purchasing needed medication for some senior citizens. She wanted to know what happened to the easy street dream Council promised when Angler came to Town.

Madelyn Dixon, 214 Ashby Avenue, expressed her gratitude for the Town clean-up.

Mary Hutton, 515 Chestnut, stated she may again enter into litigation against the Town after consultation with her attorney. She could not comprehend how a simple Second Reading of Election for Mayor and Council could be put into effect with our existing Charter.

Mildred Shifflett, 112 West Spotswood Avenue, stated, "It seems like all this Council knows how to do is raise our rates and break their promises. Are you trying to drive all the senior citizens out of Elkton?" At age 71 she is still working because she cannot live on just Social Security. A golf course, with all its needs, will just increase the hardship of many Town residents. Why is Council promoting the resurgence of the Elkton Downtown Revitalization Committee when they "didn't do anything before?" Saying her telephone was a "necessity," she was opposed to a phone tax, and the idea of a November election should be buried.

Mike Breeden, 1716 Breeden Circle, District Five Board of Supervisors member, announced that Elkton will receive an additional $6,000.00 to be applied to the installation cost of the County's new emergency communications system. The Board will eventually consider changing currently zoned Agricultural Reserve land to Urban Transition. This will affect Elkton with property west of the Food Lion Shopping Center. Regarding May elections, Mr. Breeden stated, "I would ask tonight when you consider it that you consider what would be in the best interest and wishes of your citizens here in Elkton. They are my citizens also. Fourteen thousand dollars is a lot of money, but it's a small amount of money in a 250 million dollar budget." The family who owns the farm land adjoining Bear Lithia Spring had put that into a permanent easement with the Valley Conservation Group. The family inquired if the Spring could be put "into some sort of easement."

Mr. Dearing was again recognized to discuss Elk Run Cemetery. His statement was:

1. Meetings have been changed from annually to 4 times per year.
2. Leave the cost of lot sales as is.
3. Anyone purchasing more than 12 spaces must be approved by the Commission.
4. Internment will be determined by the Executor of the estate.
5. A lot consists of 12 spaces. Each space will have a deed.
6. There is still disagreement regarding the money.

This ended citizen comments. Mayor Printz read the following prepared statement:

Citizens of the Town of Elkton and Council,

The last fifteen or sixteen years of being on this representative body, first as a councilman and the last three years as the Mayor, have truly been an honor and a privilege. There has not been a day that went by where I didn't worry about the finances, or about the health and welfare of our citizens, mostly our senior, or make sure our veterans were recognized properly.

I, along with some of the council, slept down at our well when we were having water problems. I've mowed, painted, jumped in sewer ditches. You name it and I am

proud I was there to help. Even my adversaries have not questioned my devotion to our town.

Without a doubt, the one responsibility I hold closest to my soul is the personal interaction, friendship, and fellowship I am so fortunate to enjoy with our citizens from time-to-time. Sometimes responding to a citizen may be because of a serious issue or problem that may have come up and they want help. Other times it may be that they just need to have a personal talk and some understanding. In either case, a heartfelt, responsible response and respectable dialog is of the highest priority to me.

See, I believe electing a mayor or council person is a very personal decision and I take it pridefully and personally to connect when I am called on. No one will ever take that away from me, no matter what documents are changed and no matter what I am told to do.

The last couple of months have not been so enjoyable. I want the public and the council to know I am very angry at the way I, as mayor, personally and in representing the mayor's position, have been treated. I have also noticed an increasing level of disrespect and sometimes distain aimed at a number of our citizens and how they are communicated to and the way we are conducting our business.

This all started with the concept of hiring a town manager and/or having a responsible individual to take over most of day to day activities. Most ordinary citizens agree with that concept. The disagreement comes with the level of power and oversight the council has the authority to yield to a town manager and the authority the council may conceptually want to yield to a town manager's position. Another question that needs to be answered is the level of authority transferred to the town manager. Is this a personal attack on me or proper for the town to run its business? What is the responsibility of the CEO of the town which is designated in the charter as the mayor? The will of citizens must also be taken into consideration at all times. I feel it has not.

From the very day we decided on a town manager concept, I saw serious problems immediately. It was decided to give a newly hired town manager an iron clad contract with six months separation pay in the event of a separable situation. There was an attempt to change the charter to all but eliminate the mayor's position in the town hierarchy.

The personnel policy was online to revise and remove any checks and balances or oversight in the document. The same was attempted for the charter with little debate or consideration for the citizens' input or will. Proudly and contemptuously the manual was changed. This was personal against me also. There was a well orchestrated effort to defrock and alienate me. The decision was made to hand over the health and welfare of the citizens and of our town and its future to a complete stranger, whoever that was, over a duly elected mayor and fifteen year public servant and long term resident. It eliminated any authority and oversight responsibilities so that no one would be in the way of the will of a town manager, regardless of who they may be or the consequences.

Let's get to the finances. When we went through annexation we actually negotiated to give ourselves six years to complete Pentecostal Hill because we knew it would be a financial burden. We all agreed to that. The next thing I know we are going out to borrow 1.4 million dollars, lunging the town in deeper debt before we even pay off what we owe now.

Then I asked the question if we are going to borrow up to six hundred thousand dollars from repo, and the county gave us two hundred fifty thousand, why are we borrowing all this money? I still do not have an answer. The last two months we changed the law so that it would not be mandatory to hook onto water and sewer on

Pentecostal Hill if people have a legitimate well and septic. This month we want to change it.

We just got the audit from last year and the report was exemplary. We actually improved the town's assets by over two hundred thousand dollars. This is the result of prioritizing and responsible spending. This was no accident. Well you had better take a look because that will be the last good report. This budget is bloated with god knows what in it. We haven't even taken time to walk through it and I am sure no one what is in it.

There is a recommendation to raise telephone rates, electric rates, water and sewer rates and real estate was even thought about but there was a thought the citizens might rebel. Well let me inform anyone here tonight that anyone here tonight that raises these taxes instead of reducing spending probably won't be here to worry about it. Rightfully so.

As far as me personally, of late I have been told I am not supposed to talk to our citizens. I have requested an office for three months and still nothing. I have seen people request help for months with no answer. When I try to help I am told I must go through the town manager. I have seen well respected, long term residents treated with total disrespect. The cemetery fiasco continues on. The Kite house is just sitting there. We were supposed to try for grants and I have seen nothing.

I am not notified of meetings. I come into the town hall and find out things by accident. The Council stated the mayor is supposed to be the chief spokesman and I read of things in the newspaper I was not privy to or agreed to.

Council and citizens, something must change now, and I think we all know what it is.

Council member Workman challenged the Mayor's statement by saying, "No one told you not to talk to a citizen. In fact, that is what we told you you should do. We just asked you not to try to fix it yourself. We have professional people we pay to fix it. We have a system in place to fix it. Let the system work. When you constantly try to repair things on your own, the system is not working, it continues to be broke. Nobody chastised you. You are totally wrong about talking to citizens. Nobody said that, nobody insinuated that. That is your own dream. As the Mayor, you raised your hand to uphold the policies and procedures of the Town of Elkton. Why aren't you doing it? You are trying to fix it on your own when you have people getting paid to make your job easier. Let the people do their work. You are making a problem that's not there."

CONSENT AGENDA

Consent Agenda
April 18, 2005

MINUTES
- Committee Meetings, March 15, 2005
- Special Council Meeting, March 15, 2005
- Public Hearing, March 15, 2005
- Regular Council Meeting, March 21, 2005
- Special Council Meeting, March 28, 2005

REPORTS
- Chief of Police Report
- Public Works

Council member Dean moved, second by Council member Sigafoose, and carried to approve the Consent Agenda, as amended.

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

Motion carried (6 – 0 voice vote)

Vice Mayor Snow and Council member Workman noted they were not listed as present at the Committee Meetings of April 12, 2005. Vice Mayor Snow was also omitted as attending the Park Authority meeting.

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $419,507.18 for General Government for the month of April 2005, with available total cash of $49,319.17.

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

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

Motion carried (6 – 0 voice vote)

TOWN MANAGER'S REPORT

An Ordinance to Amend Section 170-10, 170-11, 170-29 and 170-30 of the Code of the Town of Elkton to Allow the Addition of Availability Fees for Water and Sewer Connection – Second Reading

SECOND READING
May 16, 2005

AN ORDINANCE TO AMEND SECTIONS 170-10, 170-11, 170-29 AND 170-30 OF THE CODE OF THE TOWN OF ELKTON TO ALLOW THE ADDITION OF AVAILABILITY FEES FOR WATER AND SEWER CONNECTIONS.

WHEREAS, the current code only allows connection fees; and

WHEREAS, the Town wishes to better reflect the actual expenses for providing water and sewer capacity and the cost for connecting to the system;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 170 (Water and Sewers) of the Code of the Town of Elkton, is hereby amended as follows:

1. Chapter 170 Section 170-10,B add;

   B. "Connection charges *and availability fees* for water connections ....."

2. Chapter 170 Section 170-11 add;

   "Before a connection to the town water system shall be made within the town, the applicant therefore shall pay to the Town Treasurer a connection *and availability fee* in an amount....."

3. Chapter 170 Section 170-29 add;

   "Before a connection to the town sewer system is made within the town, the applicant therefore shall pay to the Town Treasurer a connection *and availability fee* in an amount....."

4. Chapter 170 Section 170-30 add;

"Before a connection to the town sewer system is made outside the town, the applicant for a connection to the Town sewer system shall pay to the Town Treasurer a connection *and availability fee* in an amount....."

5. This ordinance shall be effective immediately upon its adoption.

Adopted by the Town Council of the Town of Elkton this ____ day of _____, 2005

_____
Mayor

_____
Clerk of Council

Approved this _____ day of _____, 2004

_____
Mayor

Vice Mayor Snow moved, second by Council member McDaniel, and carried to adopt the ordinance as presented.

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

Motion carried (6 – 0 voice vote)

Availability and Connection Fee Changes – Second Reading

RECOMMENDED WATER/SEWER AVAILABILITY AND CONNECTION FEE CHANGES FY06

A water and sewer availability fee based on meter sizing for each new or altered service shall be paid to the town as follows:

Nominal Meter Size (inches)	Water Availability Fee
5/8 or ¾	$1,200
1	$2,400
1 ½	$3,600
2	$4,800
3	$6,000
4	$7,200
6	$10,400
8	$11,600

Nominal Meter Size (inches)	Sewer Availability Fee
5/8 or ¾	$1,800
1	$3,600
1 ½	$5,400
2	$7,200
3	$9,000
4	$10,800
6	$13,600
8	$15,400

1. A minimum service fee equal to the availability fee charged for a 5/8 or ¾ inch meter shall be paid for each dwelling unit, apartment or mobile home.

2. Most single-family residential dwellings and small commercial units will have a standard 5/8 or ¾ inch meter installed and no meter size calculations will be required. When it is determined by the

Public Works Director that a larger size may be required the following procedures will be accomplished prior to issuance of a permit:

a. The meter sizing shall be determined by the owner, or his designated representative, using AWWA's latest edition of M22-Sizing Water Service Lines and Meters.

b. A copy of the figures and calculations used to determine the meter size will be attached to the application for a permit. This data will be reviewed by the Town Engineer before approval of the application.

3. In addition to the Availability Fees shown above there is a connection fee of $500 (or 125% of actual cost of labor and material, whichever is greater) for each water and sewer connection.

RECOMMENDED WATER/SEWER AVAILABILITY AND CONNECTION FEE CHANGES FY07

A water and sewer availability fee based on meter sizing for each new or altered service shall be paid to the town as follows:

Nominal Meter Size (inches)	Water Availability Fee
5/8 or ¾	$2,200
1	$4,400
1 ½	$6,600
2	$9,000
3	$11,200
4	$13,400
6	$15,600
8	$17,800

Nominal Meter Size (inches)	Sewer Availability Fee
5/8 or ¾	$2,800
1	$5,600
1 ½	$8,400
2	$11,200
3	$14,000
4	$16,800
6	$19,600
8	$22,400

4. A minimum service fee equal to the availability fee charged for a 5/8 or ¾ inch meter shall be paid for each dwelling unit, apartment or mobile home.

5. Most single-family residential dwellings and small commercial units will have a standard 5/8 or ¾ inch meter installed and no meter size calculations will be required. When it is determined by the Public Works Director that a larger size may be required the following procedures will be accomplished prior to issuance of a permit:

a. The meter sizing shall be determined by the owner, or his designated representative, using AWWA's latest edition of M22-Sizing Water Service Lines and Meters.

b. A copy of the figures and calculations used to determine the meter size will be attached to the application for a permit. This data will be reviewed by the Town Engineer before approval of the application.

6. In addition to the Availability Fees shown above there is a connection fee of $500 (or 125% of actual cost of labor and material, whichever is greater) for each water and sewer connection.

The present connection fee will be changed to an Availability and Connection Fee. Mr. Donachy proposed the FY 06 fee increase would become effective on January 1, 2006 and the FY 07 fee increase would become effective on January 1, 2007. Mr. Donachy stated the increase would not affect anyone until January 1, 2006 in order to allow people to come in now and pay at the current rate.

Vice Mayor Snow moved, second by Council member Dean, and carried to approve the availability and connection fee schedules.

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

Motion carried (6 – 0 roll call)

Connection Fee Help on Pentecostal Hill – First Reading

Mr. Donachy offered the following requirements and recommendations:

1. Impose an income threshold.
2. Deadline of six months to sign up for this offer.
3. Rockingham County allowed discounts in sanitary districts only.
4. Attorney Miller's opinion was the Town cannot charge interest.
5. Staff does not recommend the plan due to manpower expense.
6. Because the Town may offer financing (interest free), and in an effort to recover costs, Mr. Donachy suggested charging $4,000.00 hook-up (water and sewer), which will be the cost on January 1, 2006.

In order to discuss this issue, **Vice Mayor Snow moved (pause).** At this point, Vice Mayor Snow was interrupted by the Mayor and the motion was never defined. Mayor Printz questioned which cost because some could not be charged $3,000.00 and others $4,000.00

Council member McDaniel was curious how many individuals would be affected, to which Mr. Donachy responded he had 5 who contact him regularly.

Mayor Printz thought a First Reading with information published in the newspaper would be appropriate.

Council member Workman asked if the topic was in discussion. Vice Mayor Snow stated he made a motion and Council member McDaniel said he would second it "just so we can talk about it."

Mayor Printz asked, "Does this need a First Reading, because you don't need a first and a second on a First Reading."

Attorney Miller believed two readings would be required "because you have a situation where you are dealing with Town funds." "You need to read it twice. The first time you read it it is just the normal you are announcing what it is, and you will need to make available that schedule so that citizens can get it," stated Attorney Miller.

"Will you gentlemen withdraw your motion and second then since it just needs to be a First Reading?" asked Mayor Printz.

Council member McDaniel spoke, "Withdrawn."

Council member Pence did not favor the Town financing for citizens.

Council member Workman said, "Our back burner is full." Noting annexation was 2 or 3 years ago and Council has not resolved a problem that they were aware of then. He encouraged Council to set a deadline and act.

Vice Mayor Snow reiterated his position of mandatory water and sewer hook-ups for all Town residents. With 1.4 million dollars being spent for an infrastructure project on Pentecostal Hill, Vice Mayor Snow believed the fair policy was that everybody share in the cost to maintain, repair, and upgrade the infrastructure of the Town.

Bank loans and government agencies could be a source of assistance for the economically distressed citizens who do no have hook-up funds readily available.

Hiring an Economic Development Director/Grant Writer

Mr. Donachy requested Council approval to advertise for and hire an Economic Development Director/Grant Writer at a salary of $25,000.00 - $30,000.00 DOQ.

Council member Workman moved, second by Vice Mayor Snow, and carried to advertise and hire an Economic Development Director/Grant Writer at the recommended starting salary of $25,000.00 - $30,000.00 DOQ.

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

Motion carried (6 – 0 roll call)

Council member Workman called for a detailed job description for the position.

Council member Sigafoose asked Mr. Donachy if he knew how to write grants.

Mr. Donachy replied, "It's just not a matter of writing grants. A true grant writer will not be in the office a whole lot. They will visit these agencies and sit down with these people." He explained that grant writing tied into the position of Economic Development Director because he/she would be looking for grants for development.

Cemetery Proposal

Mr. Donachy presented the following proposal:

PROPOSAL FROM TOWN COUNCIL

1. Cemetery Commission is an advisory committee to the Council
2. Current Real Estate Fund ($204,000) to be set aside and invested for purchase of Real Estate.
3. Current Perpetual Care Fund ($337,500) be changed to Operation Fund and used as follows:
    a. $150,000 be used to pay for past cemetery operations. ($25,000 a year for 6 years.)
    b. $87,500 to be placed in Real Estate Fund.
    c. $100,000 to remain in the Operation Fund for maintenance, capital improvements and upkeep of the cemetery.
4. Increase cost of lots from $400 to $600 effective July 1, 2005.
5. $200 from sale of a lot to go into Real Estate Fund and the remaining $400 Goes in the Operation Fund.
6. Expenditure of Operational Fund to be for "actual" costs incurred. Expenditures for the Cemetery will be included in the Treasurer's monthly report.
7. Any funds remaining at the end of the fiscal year will be carried over to next year's budget.
8. The attached recommended By-Laws changes be adopted by the Cemetery Commission.

Vice Mayor Snow moved, second by Council member Workman, and carried to accept the proposal.

YEAS: J. Dean, C. McDaniel, R. Snow, and P. Workman

NAYS: T. Pence and S. Sigafoose

Motion carried (4 – 2 roll call)

Mr. Donachy included the funds owed to the Town in the budget calculations.

Mayor Printz agreed the Town should be reimbursed a "moderate" amount, but believed the entire Cemetery operations should be returned to the Cemetery Commission.

Council member Workman said this was another issue that had been before Council for months and it was time to make a decision and move on.

Council member Pence had believed any funds transferred from the Cemetery were to remain in Cemetery accounts for Cemetery needs. Vice Mayor Snow tried to clarify the misunderstanding by explaining the $150,000.00 transfer represented the Town funds spent in past years for Cemetery upkeep. The additional $32,000.00 was what was budgeted for FY 05-06 Cemetery operations.

Sitting in the audience, Mr. Dearing warned Council if they acted on this issue tonight, a lawsuit would be filed tomorrow.

Council member McDaniel stated, "I certainly recommend that we act on this tonight, because this Council has so much other stuff to deal with. This has been on our plate ever since I got here. It's been a negative issue. It's been a cloud hanging over us."

Alley Closure Between Wirt and Spotswood

Lots 1-7 on Wirt and 16-22 on Spotswood were purchased and the owner wants to buy the alley between the lots. Mr. Donachy asked permission to negotiate a selling price for the alley and to set a Public Hearing. He added there were "no utilities in conflict with the alley."

Council member Pence stated a Kirdendall request was denied and he would not support this request.

Council member Workman moved, second by Council member McDaniel, and carried to authorize Mr. Donachy and staff to enter into negotiations for the subject alley.

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

NAYS: T. Pence

Motion carried (5 – 1 roll call)

Mr. Donachy had two other similar requests; one from Mr. Waybright on Jackson Avenue and the other from Mr. Shifflett at 507 – 4th Street.

Vice Mayor Snow moved, second by Council member Sigafoose, and carried to authorize Mr. Donachy to enter into negotiations for the sale of the subject alleys.

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

NAYS: T. Pence

Motion carried (5 – 1 roll call)

Vice Mayor Snow wanted to make sure that if the alley ran between two properties that each landowner would be offered to purchase to the center of the alley.

Council member Workman was concerned about fire department access and "setting a precedent, opening the flood gates, and turning this into a yard sale of alleys. We need to proceed cautiously."

Rate Increase for Electric – Second Reading

Mr. Donachy sought approval to increase electric rates by 3% to cover increased cost for purchase of electric.

Vice Mayor Snow moved, second by Council member Dean, and carried to pass along the increase to our customers.

YEAS: J. Dean, C. McDaniel, R. Snow, and P. Workman

NAYS: T. Pence

ABSENT: S. Sigafoose

Motion carried (4 – 1 – 1 absent roll call)

Increase Water and Sewer Rates – First Reading

Mr. Donachy presented a proposed water and sewer rate increase schedule.

WATER RATE

	OLD	NEW
MIN. + 2K GALS	$7.70	$8.00
MIN. + 6K GALS	$13.10	$15.00
MIN. + 10K GALS	$14.58	$22.00
MIN. + 20K GALS	$32.00	$44.50
MIN. + 30K GALS	$45.50	$67.00

SEWER RATE

	OLD	NEW
MIN. + 2K GALS	$12.60	$13.00
MIN. + 6K GALS	$19.80	$22.00
MIN. + 10K GALS	$27.00	$32.00
MIN. + 20K GALS	$45.00	$59.50
MIN. + 30K GALS	$63.00	$87.00

Mr. Donachy stated rates had not been raised in years to offset inflation and the cost of providing the services. He warned if rates were not raised gradually the end result would be a "drastic" increase at once.

Tax on Phone and Cell Phone Service

Mr. Donachy discussed imposing a $3.00 per month tax on cell phones and a $3.00 per month tax on telephones. If, at any time Rockingham County should impose this tax, the Town of Elkton would lose this revenue source.

With no motion presented, Mayor Printz asked Mr. Donachy to present the next item in his report.

Request to Run Sewer Line to West Summit Avenue

We have been asked to extend our sewer line to property on 340 near West Summit Avenue. Section 170-29 of the Code of the Town of Elkton states "The Sewer Department shall run all sewer lines to the applicant's property line for a distance not to exceed 100 feet. If the distance exceeds 100 feet, the applicant shall pay all costs in excess of 100 feet." The closet way to get to this property is to cross two neighbors' yards. This would require two easements (both owners have agreed verbally) and the installation of 300 feet of line.

The applicant has stated he would pay for the extra line but if anyone else ever wanted to connect to this line he would expect some compensation. One of the easement owners also wants a free water and sewer hook-up in return for his signature.

Following a lengthy discussion of what the Town was and was not obligated to do, and what Mayor Printz perceived the Town should do for its residents, the following motion was made:

Council member Dean moved for the Town to write a letter saying that sewer will be granted on West Summit Avenue to Mr. William Bruce.

There was no second because Council could not visualize exactly what needed to be done. Council chose not to act until they were presented a diagram to help them see the whole picture clearly.

It was discussed that Odell Crawford asked for water and sewer connections and Denise Comer requested a sewer connection for granting the Town an easement across their properties. Water and Sewer Chair Council member Dean could agree to offer sewer, but he could not support compensation to Mr. Bruce for future connections to the line as a Town concession.

Budget Workshop

A budget workshop was scheduled for May 31 at 6:00 P.M.

Election of Mayor and Council – Second Reading

The following ordinance was presented as a Second Reading:

Second Reading of

CHAPTER 1 GENERAL
PROVISIONS
ARTICLE II ELECTION OF MAYOR
AND COUNCIL

May __, 2005

Whereas it is necessary to amend the Code of the Town of Elkton to add Article II Election of Mayor and Council and to change the date of the Town Elections,

Be it resolved that the Town of Elkton adopts by ordinance a new Article to Chapter I of the Code of the Town of Elkton, being Article H Election of Mayor and Council,

And be it further resolved that the Town of Elkton adopts by ordinance the following new Ordinance as follows:

Chapter 1 Article II §1.2 Election of Mayor and Council

Notwithstanding the fact that the Elkton Charter Section 3 provides that municipal elections shall be held on the first Tuesday in May, Virginia Code §24.2-222.1 allows a town to provide by ordinance that the its elections shall be held during the November general election and therefore the Town ordains that beginning in 2006 that Town of Elkton municipal elections shall no longer be held on the first Tuesday in May but, henceforth, shall be held on die same date as the November general elections.

BE IT ORDAINED BY THE TOWN COUNCIL OF ELKTON, AS FOLLOWS:

There having been a first and second reading of Section 1.2, Article II, Chapter 1 of the Code of the Town of Elkton, said section is hereby amended in accordance with the attached provisions.

BE IT FURTHER ORDAINED that this ordinance be, and the same hereby is, made effective this date.

GIVEN under my hand this _____ day of May, 2005.

Wayne E. Printz, Mayor

Town of Elkton

Vice Mayor Snow moved, second by Council member Dean, and carried to table the election ordinance until a later date.

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

NAYS: T. Pence

Motion carried (5 – 1 roll call)

DIRECTOR OF PUBLIC WORKS

Referring to Mrs. Brill's discolored water problem, Marty Shifflett stated the Fire Department tests fire hydrants annually with no requirement to be directed by the Town's officials. Mr. Shifflett requested a schedule in the future, if possible. He added, "Coming out of these tests, we will know what our infrastructure looks like. For development and insurance purposes we need to know that as well."

Tractor and Flail Mower - First Reading

Mr. Shifflett presented as a First Reading the purchase of a new tractor ($31,000.00) and a Flail Mower ($12,000.00). The purchase can be made from the Street Maintenance budget.

Sewer Machine – First Reading

This is not a "wish" item. This is a "gotta have" machine, but it cannot be purchased from Street Maintenance. Treasurer Sipe stated she was not aware of any

available funds. Council appeared to acquiesce to Mr. Shifflett's plight and Mr. Donachy, Mrs. Sipe, and Vice Mayor Snow will study finances.

Mr. Shifflett reported the progress on Pentecostal Hill.

Storm Drain, Water and Sewer Project – VDOT

This VDOT project is scheduled for six months on Business 33. Mr. Shifflett wants to add a "wet tap" so the water supply on the west side of Town will not be affected, as well as add a "T" for water availability to Monger Hill.

Mayor Printz made Mr. Shifflett aware of a signage issue at the Library and Council member Workman discussed a parking request at the Library.

Mr. Shifflett and the Town will encourage and offer cross-training for the maintenance crew, as well as CDL licensing.

COMMITTEES

Electric

No report.

Finance

No report.

Personnel

No report.

Public Health, Public Safety, and Ordinances

Mayor Printz read a letter from a traveler, Dr. Joel Lang, who experienced car problems when passing through Elkton. He was very grateful to Officer Hensley for his assistance.

Streets and Sidewalks

The Movie House paving at the intersection will be completed when school is dismissed for the summer. Pothole repairs will commence following Town clean-up.

Water and Sewer

No report. Council member Dean complimented Mr. Shifflett and the crew for speedy water leak repairs.

Recreation

Little League attended to needed repairs.

Planning Commission

No report.

Charter Revisions Committee

No report.

Park Authority

Vice Mayor Snow moved, second by Council member Workman, and carried to appoint Tom Galvin to the Park Authority to serve the unexpired term of Caroline Brill.

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

Motion carried (6 – 0 voice vote)

Economic and Community Development Committee

Council member Workman will hold a meeting at the Kite house on Monday, May 23 to discuss plans for the Elkton Town Festival, which is scheduled for August 27.

Allocation of Funds for Town Festival – First Reading

Council member Workman moved on a First Reading to allocate from Economic Development up to $5,000.00 for costs associated with the Elkton Town Festival.

Elkton Area Community Center Committee

Mr. Donachy stated a complete set of construction drawings should be available in a couple of weeks.

Closed Session

Vice Mayor Snow moved, second by Council member Dean, and carried to go into closed session under Virginia Code 2.2-3711 to discuss prospective business and possible litigation.

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

Motion carried (6 – 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 2.2 of the Code of Virginia were heard, discussed, or considered. Council member Workman duly seconded the motion.

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

Motion carried (6 – 0 roll call)

Limit Number of Connection Fees Pre-Paid – First Reading

Council member Dean moved on a First Reading to limit water and sewer pre-paid connections to 10 for a six month period, timed to an approved Town of Elkton Zoning Permit.

As there was no additional business, the meeting was adjourned at 11:30 P.M.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk