Regular
Council Meeting
December 19, 2005

The regular meeting of the Elkton Town Council was held in Council Chambers on Monday, December 19, 2005 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 Manger Dennis R. Donachy, Director of Public Works Marty Shifflett, Economic Development Director Emily Burner, 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.

Delegate Steve Landes was present to present a resolution adopted by the General Assembly in recognition of Lucky Sigafoose's service on the Elkton Town Council. The presentation was made to his son, Lucky Sigafoose, Jr., with Mrs. Joan Sigafoose in attendance.

CITIZEN COMMENTS

Lee Dearing, 124 North Street, was paid by EPIC for repairs he made to a pavilion in Stonewall Park. He believed it was bad policy for a civic organization, which donated the pavilion to the Town, to have to pay for repairs. The final draft of the Charter is still not acceptable to him and "the citizens" because it still does not address many issues, among them being spending limits and public comments period. He commented that the committee meetings of December 13, 2005 were abruptly adjourned when Mayor Printz started to express his opinions on the Charter revisions. Referring to the landlocked Life well, he encouraged the Town Attorney to research State Code to discover "there is no such thing as a landlocked piece of property." He added if the property books were researched an easement to that well would be found. He asked for an explanation for the increased price of the Council desk in the new Council Chambers. Mr. Dearing discovered that Dr. LaTouche was not given complete information for the erection of the fence at this place of business. He interpreted that as a Town error. He concluded, "I do believe in Santa Claus and I hope he brings us a new Town Council next year."

Richard McGregor, 264 Windsong, questioned the expertise of members of the Council to prepare a long-term budget. "We should demand an audit of the books," stated Mr. McGregor because "it seems like we are going no where."

Hazel Crider, Elkwood, updated Neighborhood Watch's activities for the year: provided drug tips to the Elkton Police Department; members patrolled day and night; established a reward for information regarding Rachel Good; assisted other volunteer groups; sponsored National Night Out; helped needy to purchase medicine, groceries, and fuel; Christmas caroling at Elkton Manor and Journeys Crossing, complete with treats and stuffed animals; and Christmas toys were purchased. Mrs. Crider hoped Council would look at the poor lighting at Elkton Manor, and thanked Town staff for working with Neighborhood Watch.

B. W. Gooden – Mayor Printz read the following prepared statement from Bobby Gooden:

Bobby W. Gooden
302 Morgan Avenue
Elkton, Virginia 22827
December 19, 2005

TO: HONORABLE MAYOR PRINTZ AND THE TOWN COUNCIL OF ELKTON, VIRGINIA

This letter is to be read aloud at the regular Town Council meeting of December 19, 2005 and documented in the minutes of this Council meeting.

For four years I have complained to Town Council, Zoning Administrator Flick, then Zoning Administrator McCoy, "who issued a Permit for a four car commercial garage," and then to Town Manager Dennis Donachy.

Before Dennis arrived, Mayor Printz got part of a solid six feet fence turned around and off my side of the property line. I think Mr. Donachy got part of the rest of the fence turned around, but three panels have not been turned around and posts are still on my side of the property line.

At last month's Council meeting on November 21, 2005, I presented to Council numerous pictures showing the fence, two truck tractors with "Knight Trucking" on their doors, and a flat bed trailer to go with these commercial truck tractors. Mr. Knight services these truck tractors from his home, and has drivers come to his home, drive the trucks, and return them after a commercial run. Mr. Knight also has a rollback, recktruck and a large diesel dump truck. He hauls vehicles to his four car garage and repairs them in this residentially zoned neighborhood.

This un-zoned business next door has de-valued my and other properties in this zoned residential area.

If this unlawful business is not stopped by January 1, 2006, my attorney will subpoena minutes of tonight's meeting and tapes of November 21, 2005 meeting for court action. I will also ask that the Town of Elkton pay for my attorney and court costs.

Respectfully,
B. W. Gooden
302 Morgan Avenue
Elkton, Virginia 22827

Rick Workman, 154 Sweetgum, read the following prepared statement:

Rick Workman 154 Sweetgum Street, Elkwood 19 Dec 2005

After sitting up there for 3 ½ years, I would like to take a few minutes to address the council and public as a citizen rather than as a councilman. Last week an important event took place that has the power to change Elkton forever. I think it will be a positive and needed change! I'm speaking of Rockingham County's approval of the boundary line adjustment, the final hurdle dealing with the proposed developments.

I would like to take this opportunity to thank all those who worked hard to see this through. Thanks to Marty and the other staff members for their valuable input.

Thanks to my fellow council members and Ms. Murphy who was on board when this journey started. Thanks to Lucky who kept the attorney on his toes. We all suffered

through many long meetings, negotiation sessions and some heated arguments. Even though some had differing opinions of the project's worth, we all voiced our concerns, but remained civil. We heard business terms that went over most of our heads and discussed figures with lots of zeros that seemed alien for Elkton. It was a tremendous undertaking, but together we got the job done.

I would like to extend a special thanks to Nathan our attorney who probably kept this journey alive when it seemed destined for failure. Thanks for having patience and explaining things to me in terms that I could understand. Thanks for constantly guiding us in the right direction. I sincerely think you made it all happen! We all joke about your fees, but even you have to admit that sometimes money wasn't worth the heartache and hoops we had to jump through at times.

Finally thanks to our Town Manager. Dennis, thanks for all your hard work. When our efforts seemed sabotaged and the other side seemed to know our next move, the soldier in you came out and you found ways to adapt and overcome. Unknown to most citizens, you continually had to deal with 3 and 4 parties on a daily and sometimes hourly basis to keep the deal alive. You had to put out fires even up to the very day of the county vote. In the end, Angler, the Town of Elkton and its citizens and the county folks all won. Win, win. The desired result from any negotiations. Your efforts were not unnoticed and for that I thank you. Your accomplishments as Town Manager during this process brought to the forefront how important your position is to Elkton. While the Mayor and most of the council members (me included) worked during the day and missed lots of meetings, we could rest assured knowing you were handling Elkton's interests and future in a professional manner.

And to Angler…I personally thank you for staying the course and coming through when the going got tough. No doubt Angler Corp will reap big bucks from this endeavor, but that's what businesses do. Make money. I hope and feel comfortable that Angler and Elkton will be partners in many future community projects. Also thanks for having faith and patience in Elkton's government as we dealt with all the issues. I know at times you had your doubts.

Many may say we could have made better deals and that may be true. We learned from the first development deal (the golf course) and did much better on the next deal (Elkwood). There is a fine line as to how far one wants to demand. Each individual will have different limits and expectations, but there is no perfect or correct threshold. Some say that we put all our eggs in one basket, the Angler basket. I'm here to say that we only had one basket! It was the Angler basket or no basket at all. To our fortune this basket, the Angler basket contained Elkton's golden egg! If managed correctly this basket can ensure Elkton has a bright future.

Comments have been made that we are on a spending binge. As Mr. Dean mentioned recently, we are taking care of business that has been put off for years. The patch and repair later mentality has pushed us into a corner and it's our duty to identify problems and find solutions now! The town manager has secured financial deals with Angler that will greatly enhance Elkton's ability to pay for these needed upgrades and improvements. Some of these deals could not be made public until they were finalized. One of my toughest dilemmas is knowing help is coming when a citizen has a concern, but not being able to discuss it due to on-going contract negotiations. Angler has agreed to upgrade the water distribution system in Elkwood subdivision at no cost to Elkton. The town will receive funds from each lot sold in Elkwood and other developments. This will be earmarked for emergency services, waste treatment and other infrastructural upgrades.

And the golf course. In my opinion, this is the key to the entire project. When completed, the golf course will provide a new revenue stream whose funds can finance

the newly completed recreation center. Town, county, private and community funds will hopefully pay for the completion of the recreation center, but a yearly budget of approximately 80-100 thousand (my estimate) will be needed to operate the center. In my opinion, the golf course can and will provide the funding.

In closing I think that Elkton's future looks bright. For the first time in my adult life, we will have some growth other than annexation. From this growth economic development will sprout up and we should get some new small businesses located nearby. We may one day get our Elkton High School back in Elkton. Looking back and then looking forward, one could argue that this group of country boys didn't do too bad a job. Two retired soldiers, a school teacher, a self-made business man and three retired factory workers guided by a crafty attorney got the job done. Thanks for the opportunity.

Jay Dean, 116 Lucas Lane, read the following prepared statement:

AN OPEN LETTER TO ROCKINGHAM COUNTY BOARD OF SUPERVISORS AND OUR REPRESENTATION ON THE BOARD, MIKE BREEDEN

I would like to thank you for approving the boundary line adjustment for the Town of Elkton, but I want to give you my personal views. This does not mean that Council, the Mayor, the staff, or our citizens have the same view.

Recently we did an annexation. As part of this we took in Pentecostal Hill, for which the County gave us $240,000.00 for infrastructure. Then the County gave us $250,000.00 for two years on the Community Center. This totals $740,000.00, which we took gratefully and I thank you.

Then as part of the boundary line adjustment, we negotiated with Angler to give you 18 acres of land and rough grading of a school site entrance road. Plus the Town has agreed to free water and sewer hook ups to the new school. The total cost for this agreement will surpass $5,500,000.00. When added to 1.4 million dollars for the Pentecostal Hill project it totals 6.9 million dollars – not a bad return on $740,000.00 spent of taxpayer money.

I ask of you to completely fund phase I of the Community Center that is being renovated for 1.4 million dollars, as many County citizens will be the users of this Center.

Thank you.

Jay T. Dean, citizen taxpayer of Rockingham County and the Town of Elkton.

Vice Mayor Snow reviewed ten basic rules of public meetings from ***Robert's Rules of Order.***

1. The organization has the right to make its own rules.
2. All members are equal.
3. A quorum must be present to conduct business.
4. The majority rules.
5. Silence is consent.
6. 2/3 vote rules.
7. One speaker at a time and one question at a time.
8. Debatable motions must receive full debate.
9. Once a question is decided, it is not in order to bring up the same motion, or one essentially like it, at the same meeting.
10. Personal remarks in a debate are always out of order.

Vice Mayor Snow stated that several of the above rules were perpetually violated, resulting in ineffective and non-productive meetings.

CONSENT AGENDA

Consent Agenda
December 19, 2005

MINUTES
•Committee Meetings - November 15, 2005
•Public Hearing – Boundary Line Adjustment – November 21, 2005
•Public Hearing – Credit Line Up To 1.7 Million Dollars – November 21, 2005
•Regular Council Meeting – November 21, 2005

REPORTS
•Chief of Police
•Public Works

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

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

Motion carried (6 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $731,072.24 for General Government for the month of November 2005. Total designated money was $452,916.90, leaving total available cash of $278,155.34.

Vice Mayor Snow moved, second by Council member Dean, 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

Ordinance to Regulate Adult Business – Second Reading

The Planning Commission did not meet due to inclement weather. This item will be presented to Council next month.

Ordinance to Delete Permitted Use for Family Dwellings in Business Districts – Second Reading

AN ORDINANCE TO AMEND CHAPTER 110 (LAND DEVELOPMENT) SECTIONS 110-610 (DOWNTOWN BUSINESS DISTRICT B-1) B (4), 110-611 (GENERAL BUSINESS DISTRICT B-2) B (4) AND 110-613 (LIGHT INDUSTRIAL M-1) B (22) OF THE CODE OF THE TOWN OF ELKTON TO CHANGE PERMITTED USE FOR ONE OR TWO FAMILY DWELLINGS TO LIVING QUARTERS IN UPPER FLOORS

WHEREAS, the current code allows one or two family dwellings to be built in B1, B-2 and M-1 districts; and

WHEREAS, it is the intention of these districts to be for business and/or industrial usage; and

WHEREAS, the Town Council and Planning Commission wishes to maintain a distinct buffer between business and one or two family dwellings; and

WHEREAS, The Town Council and Planning Commission wishes to allow the continuance of current and future use of upper floors of businesses as living and/or sleeping quarters;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 110 (Land Development) of the Code of the Town of Elkton, is hereby amended as follows:

1. Section 110-610 B is hereby amended by changing the following wording:

   B. Permitted uses. Within the Downtown Business District B-1 the following uses are permitted:

   (4) ~~One or two family dwellings with lot requirements being the same as those in the R-4 District.~~ *Living and/or sleeping quarters shall be a permitted use when constructed above the ground and basement floors. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any building.*

2. Section 110-611 B is hereby amended by changing the following wording:

   B. Permitted uses. Within the General Business District B-2 the following uses are permitted:

   (4) ~~One or two family dwellings with lot requirements being the same as those in the R-4 District.~~ *Living and/or sleeping quarters shall be a permitted use when constructed above the ground and basement floors. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any building.*

3. Section 110-613 B is hereby amended by deleting the following wording:

   B. Permitted uses. Within the Light Industrial/Business District the following uses are permitted:

   ~~(22) One or two family dwellings with lot requirements being the same as those in the R-4 District.~~

4. 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 _____, 2005

_____
Mayor

The ordinance was designed to allow the business area to keep its current character. Differing from the First Reading, transient and non-transient quarters on the second floor were added.

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

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

Motion carried (6 – 0 voice vote)

Contract for Town Engineer

Vice Mayor Snow moved, second by Council member Dean, and carried to approve a two-year term contract to retain Anderson and Associates as Town Engineers.

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

Motion carried (6 – 0 roll call)

Ordinance Allowing Installment Payments for Water/Sewer Connections – Second Reading

AN ORDINANCE TO AMEND CHAPTER 170 (WATER AND SEWERS), TO ADD SECTION 170-11.1(INSTALLMENT PAYMENTS OF WATER AVAILABILITY AND CONNECTION FEES) AND SECTION 170-29.1(INSTALLMENT PAYMENTS OF SEWER AVAILABILITY AND CONNECTION FEES)TO ALLOW INSTALLMENT PAYMENTS FOR WATER AND SEWER

WHEREAS, the Town wants to insure all residents have the opportunity to be supplied with clean water; and

WHEREAS, the Town wants to insure sewer service is available to all residents; and

WHEREAS, the Town Council understands that not all residents can afford to pay availability and connection fees in one payment;

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. The following section will be added:

170-11.1. Installment payments of water availability and connection fees.

A. The Town Manager and/or his/her authorized representative is hereby authorized to accept, on behalf of the Town, notes for the payment of water availability/connection fees for single-family residences and duplexes (no more than two (2) residential, units) which are existing completed homes or have received a building permit on or before the date of enactment of this ordinance . The terms of such note shall be all availability/connection fees to be paid in equal monthly payments over a three (3) year period.

B. Installment payments of the water availability/connection fees is provided for certain property owners who qualify under this section, The approval of installment payments is to be administered by the Town Manager or his authorized designee. The Town Manager is hereby authorized and empowered to prescribe, adopt and enforce such rules and regulations, including the requirement of answers under oath, as may be reasonably necessary to determine qualifications for installment payments. The Town Manager may require the production of certified tax returns and appraisal reports to establish income and financial worth.

C. Installment payments shall be granted under this section subject to the following provisions;

(1) Title to the property for which the recovery fee exemption is sought must be held or partially held by the applicant at least one hundred twenty (120) days prior to the installation, or scheduled date of installation, whichever comes first, of the water line.

(2) The owner of the title or partial title must be sixty-five (65) years of age or older at least one hundred twenty (120) days prior to the installation or scheduled installation date, whichever comes first, of the water line. If such person is under sixty-five (65) years of age, he or she shall possess a certification by the social security administration, the veterans administration, or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, to the effect that such person is permanently and totally disabled, as defined in subsection (f) of this section. The affidavit of at least one of such doctors shall be based upon a physical examination of such person by such doctor. The affidavit of one of such doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in subsection (f) of this section. Such medical affidavits shall be filed with the Town Manager at such time as the applicant files a water line fee payment plan application.

(3) The dwelling to be connected to the water line must be the sole dwelling of the applicant claiming hardship.

(4) The total combined income of the owner and the owner's relatives living in the household during the year immediately preceding the installation must be determined by the Town Manager as not exceeding the most recent federally established poverty thresholds.

(5) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owner's relatives living in the dwelling does not exceed twenty-three thousand five hundred dollars ($23,500.00); provided that the first five thousand dollars ($5,000.00) of income of each relative, other than spouse or spouses of the owner or owners living in the dwelling, shall not be included in such total; and provided further that the first seven thousand

five hundred dollars ($7,500.00) or any portion thereof of income received by a permanently and totally disabled owner shall not be included in such total.

(6) The net combined financial worth of the owner shall not exceed eighty thousand dollars ($80,000.00), excluding the fair market value of the house to be connected to the water line. Net combined financial worth shall include the value of all assets, including equitable interests, of the owner and of the spouse of the owner.

D. Persons applying for availability/connection fee payment plan under this section must file with the Town Manager an availability/connection fee payment plan affidavit, setting forth, in a manner prescribed by the Town Manager, the location and value of the property to be connected to the water line, the names of the persons related to the owner and occupying the dwelling, their gross combined income and their net combined financial worth, If such applicant is under sixty-five (65) years of age, medical certification or affidavits, as set forth in subsection C(2) of this section, shall also be filed with the Town Manager.

E. If, within twelve (12) months after the payment plan is obtained under this section, the applicant's financial position should change so that its effect would be to remove the person holding the exemption from within the limits and standards of this section, then the remaining balance is due.

F. For purposes of this section, a person is permanently and totally disabled if he is so certified as required in subsection C(2) of this section and is found by the Town Manager to be unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

G. Any person falsely claiming an exemption or violating any provisions of this section shall be guilty of a Class 1 misdemeanor.

2. The following section will be added:

170-29.1. Installment payments of sewer availability and connection fees.

A. The Town Manager and/or his/her authorized representative is hereby authorized to accept, on behalf of the Town, notes for the payment of sewer

availability/connection fees for single-family residences and duplexes (no more than two (2) residential, units) which are existing completed homes or have received a building permit on or before the date of enactment of this ordinance. The terms of such note shall be all availability/connection fees to be paid in equal monthly payments over a four (4) year period.

B. Installment payments of the sewer availability/connection fees is provided for certain property owners who qualify under this section, The approval of installment payments is to be administered by the Town Manager or his authorized designee. The Town Manager is hereby authorized and empowered to prescribe, adopt and enforce such rules and regulations, including the requirement of answers under oath, as may be reasonably necessary to determine qualifications for installment payments. The Town Manager may require the production of certified tax returns and appraisal reports to establish income and financial worth.

C. Installment payments shall be granted under this section subject to the following provisions;

(1) Title to the property for which the recovery fee exemption is sought must be held or partially held by the applicant at least one hundred twenty (120) days prior to the installation, or scheduled date of installation, whichever comes first, of the sewer line.

(2) The owner of the title or partial title must be sixty-five (65) years of age or older at least one hundred twenty (120) days prior to the installation or scheduled installation date, whichever comes first, of the sewer line. If such person is under sixty-five (65) years of age, he or she shall possess a certification by the social security administration, the veterans administration, or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, to the effect that such person is permanently and totally disabled, as defined in subsection (f) of this section. The affidavit of at least one of such doctors shall be based upon a physical examination of such person by such doctor. The affidavit of one of such doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in subsection (f) of this section. Such medical affidavits shall be filed with the Town Manager at such time as the applicant files a sewer line fee payment plan application.

(3) The dwelling to be connected to the water line must be the sole dwelling of the applicant claiming hardship.

(4) The total combined income of the owner and the owner's relatives living in the household during the year immediately preceding the installation must be determined by the Town Manager as not exceeding the most recent federally established poverty thresholds.

(5) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owner's relatives living in the dwelling does not exceed twenty-three thousand five hundred dollars ($23,500.00); provided that the first five thousand dollars ($5,000.00) of income of each relative, other than spouse or spouses of the owner or owners living in the dwelling, shall not be included in such total; and provided further that the first seven thousand five hundred dollars ($7,500.00) or any portion thereof of income received by a permanently and totally disabled owner shall not be included in such total.

(7) The net combined financial worth of the owner shall not exceed eighty thousand dollars ($80,000.00), excluding the fair market value of the house to be connected to the water line. Net combined financial worth shall include the value of all assets, including equitable interests, of the owner and of the spouse of the owner.

D. Persons applying for availability/connection fee payment plan under this section must file with the Town Manager an availability/connection fee payment plan affidavit, setting forth, in a manner prescribed by the Town Manager, the location and value of the property to be connected to the sewer line, the names of the persons related to the owner and occupying the dwelling, their gross combined income and their net combined financial worth, If such applicant is under sixty-five (65) years of age, medical certification or affidavits, as set forth in subsection C(2) of this section, shall also be filed with the Town Manager.

H. If, within twelve (12) months after the payment plan is obtained under this section, the applicant's financial position should change so that its effect would be to remove the person holding the exemption from within the limits and standards of this section, then the remaining balance is due.

I. For purposes of this section, a person is permanently and totally disabled if he

is so certified as required in subsection C(2) of this section and is found by the Town Manager to be unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

J. Any person falsely claiming an exemption or violating any provisions of this section shall be guilty of a Class 1 misdemeanor.

3. 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 _____, 2005

_____

Mayor

Council member Dean moved, second by Council member McDaniel, and carried to approve the ordinance as presented by the Town Manager.

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

Motion carried (6 – 0 roll call)

Charter Revisions

Vice Mayor Snow moved, second by Council member Dean, and carried to move this issue to the end of the meeting.

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

Motion carried (6 – 0 roll call)

DIRECTOR OF PUBLIC WORKS

Mr. Shifflett reported that at the last VMEA meeting it was announced effective January 1, 2006 the electric rate will increase up to 3%. He stated this was not "fuel related costs." This represents what the Town of Elkton pays Virginia Power to buy electricity.

COMMITTEES

Electric

No report.

Finance

No report.

Personnel

Town Manager's evaluation is on-going.

Public Health, Public Safety, and Ordinances

Chief Pullen was in receipt of a letter from Rockingham County Sheriff Don Farley which notified him that DCJS was awarded $157,7600.00 "for the purchase of machinery and equipment to assist our efforts in the prevention of terrorism." The letter additionally stated "The original amount from the Homeland Security Grant Program and the two supplements total $35,159.34 for the Town of Elkton." It was specifically noted "The award total must be utilized towards the purchase of radio equipment for the new County/City local government system."

Streets and Sidewalks

Council member Sigafoose complimented the maintenance department for keeping Town streets cleared and open during bad weather.

Water and Sewer

Council member Dean believed DEQ would have future unfunded mandates regarding wastewater. He urged citizens to contact their elected officials to channel funds to towns to offset the cost of these mandates.

Planning Commission

Will meet and concentrate on the Comprehensive Plan.

Recreation

No report.

Cemetery Commission

No report.

Charter Revisions Committee

Moved to the end of this meeting.

Park Authority

No report.

Economic and Community Development Committee

No report.

Industrial Development Authority

Council member McDaniel distributed a document containing the following names as potential board members: Barry Ecroyd, Tom Gavin, Jeff Lam, Junior Monger (possible), Louise Monger, Dick Myers (possible), and Barry Ream.

No formal action was taken. A consensus was to advertise for interested persons to apply.

Elkton Area Community Center Committee

Vice Mayor Snow made those in attendance aware of possible affiliation with the Rockingham County Foundation through which all contributions/donations for any Town purpose would flow. The contributions/donations would be defined as Elkton's money and would be returned to the Town to be used as the donor specified. As discussed during the Committee Meetings on December 13, 2005, Attorney Miller will arrange a meeting between the Executive Director and the Elkton Area Community Center Committee.

Mary K. Hutton Property

Vice Mayor Snow moved, second by Council member Pence, and carried to authorize the Town Manager to sign a purchase order for a contractor to remove the fire damaged house owned by Mary K. Hutton.

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

Motion carried (6 – 0 roll call)

During the discussion, Mr. Donachy could not provide a cost of the demolition due to possible environmental issues with the property. It was Mr. Donachy's recommendation to remove the upper structure, then fence the alleged contaminated area to await DEQ action. It was again made clear that Mrs. Hutton would be required to reimburse the Town all costs associated with this project.

Charter Revisions

Vice Mayor Snow brought forward for discussion the duties and relationship of the Mayor/Council, special meetings of Council, public comment period, and spending limits on Council for non-budgeted items.

Special Meetings of Council

The current Charter states that the Mayor or any two members of Council can call a special meeting. The proposed Charter would change that designation to the Mayor or any four members of Council. The consensus was to keep the requirement of the Mayor or any two council members.

Limits to Spending

Council member Workman commented that the current $500.00 rule may have been appropriate in 1908, but costs have risen. He believed any limit should be addressed in the Town Code because it made no sense to him to request a Charter change each time the limit had to be raised based on the prevailing prices.

Lee Dearing remarked that the Town operates by a "guideline," the budget. With emergencies, as discussed by Council member Workman, Mr. Dearing stated "you move

the money around." He saw this as a black or white issue in that limits must be placed on non-budgeted spending with two required readings and a vote of Council.

Mr. Donachy explained that Elkton will soon be at the threshold to be required to operate under the Virginia Procurement Act, which "tells you exactly how much money you can spend and when you can spend it." He recommended getting accustomed to operating under the Act now but not to address it in the Charter, which would have to be amended again once Elkton reached a population of 3,500. He favored an ordinance in the Town Code that Elkton would follow the guidelines of the Virginia Procurement Act. Mr. Donachy stated that he and Marty Shifflett try, and have tried, to obtain competitive bids even though they are not required to do so at this time.

There was no support, by the silence of Council, to place spending limits in the Charter.

Section 26, Misfeasance and Malfeasance; Section 29, Declaring Seats Vacant for Three Consecutive Missed Council Meetings; and Section 65, Forfeiture of Office Because of Financial Interest.

Vice Mayor Snow asked Attorney Miller if these issues were "addressed in the Code?" Mr. Miller's reply was, "If you commit malfeasance in office you can be eliminated. The specificity of it is not in the Code. If you want a more restrictive regulation, then we need to put it in here. I don't know off the top of my head right now on that particular question what each one of those elements would be covered under State Code. I will have to get that for you."

Vice Mayor Snow stated these issues were addressed "in the old Charter" but not in the "new Charter." " If State Code does not allow us to do these things do we want it in the new Charter?" was his question.

Censuring members was not palatable to Mayor Printz. He believed experience and knowledge should have a voice. Vice Mayor Snow agreed but believed at a point action must be taken and the majority rule. Mayor Printz argued that a Council member or a Mayor had never been censured or disciplined or forbidden to speak. Vice Mayor Snow concurred but stated, "We probably should have from time-to-time." Mayor Printz held that limiting a member's right to debate was a misuse of power. Vice Mayor Snow promoted developing systems that work to benefit the Town.

Council member McDaniel had additional comments that he favored "controlled spending" and productive meetings. Council member Workman stated he "could live with the $500.00 in the Charter or out of the Charter, in the Town Code or out of the Town Code." He did not want Council "handcuffed for months when something had to be done."

Vice Mayor Snow next read the following statement:

It is my belief that a majority of this Council wishes to be able to conduct the Town's business in a civil and business-like manner. In my estimation, it is quite obvious that this is not possible under existing conditions. I believe a major change is necessary for this to be able to happen. As long as we have a Charter that give the impression that the Mayor's position is above the other Council seats, and that this Mayor is more important than other members of Council, we will have this perception of greater power. The position and role of a Mayor is important in that he is responsible for running meetings in a business-like manner, he should be the public head of the Town government, and his public face should always be positive and represent the wishes of the Council's majority vote. As we all know, we are not seeing these things happen. It is for these reasons that I am recommending that we do away with the elected position of

Mayor and we change our Charter to allow the election of seven at-large councilmen. This elected body would then elect a Mayor from the seven elected councilmen. I would like to put this idea up for debate and if there is enough support for the idea, we need to instruct the Town Attorney to change the Charter to reflect this change.

Council member Sigafoose immediately opposed the proposition. Mayor Printz again stated his position for a strong mayor system, considering the Mayor is elected and his job performance is evaluated every two years by the voters. He maintained "the Mayor should be elevated; the Mayor should be over the police department; the Mayor should be over and have the final say of what goes on in the Town Hall and with what's going on in the Town."

Council member Workman referred to Council as the Town government. He stated the Mayor has several times defied a majority vote of Council simply because he did not like or agree with Council's vote on a particular issue. Council member Workman observed, "How do we function as a Town government when that happens? It's never happened before until you got this seat. That's what drives me crazy. I am thinking why am I even here if my vote is meaningless?" As an example, Council member Pence mentioned the Angler contract which was approved by Council vote of 6-0, but the Mayor refused to sign the contract. Mayor Printz stated the minority in the U. S. Senate "can still shut the system down." Mayor Printz argued it was his responsibility to "look at the contract and make sure everything was in it. Everything was not in it."

Council member McDaniel responded, "Wayne, the Council voted 6-0 on the contract. I've been on this Council for little over a year and I thought I could help. I'll be the first to admit that I don't know how this whole process works, but I can tell you I am totally frustrated with our inability to work, and to continue to regurgitate every thing we do. In my view, we need a Town Manager and a Mayor. Until we get past this, this Council cannot work. I have total confidence in this Council and its ability to do the Town's work but not in the environment in which we are trying to it. It is your job to keep these meetings civil. You have been unable to do that, sir."

Mayor Printz replied, "You are giving me a double standard to work with. You are saying to create an environment for you to work in – you are the boss to do it – and then you are telling me I have no authority or power to be the boss to do it." Mayor Printz asserted he was no longer in charge and he was the victim of deliberate exclusion, verbal attacks, and physical confrontation. He blamed the problems on the "political nature of this Council and the things going on behind the citizens' back."

Mayor Printz stated he will work to eliminate the Town Manger's position because "it does not work." His right to set the agenda has been diminished and the Town is going in the wrong direction. That opinion is shared by the majority of the people Mayor Printz believed. The Town is governed by non-elected leadership. Council is willing to delegate their powers to a Town Manger, but Mayor Printz is unwilling to do that. He maintained that was not what he was elected to do.

Council member Workman's stance was a Mayor , if he holds a full-time job, did not have time to be a full-time manager. He believed that short-changed the citizens in the long term.

Council member Dean moved, second by Council member McDaniel, and carried to have the Town Attorney research the possible change and see if we need a public hearing to solve it.

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

Motion carried (5 – 1 roll call)

Council member Dean asked Council to resolve the $500.00 issue. Without a formal vote, it appeared Council favored leaving the $500.00 requirement, but to place it in Town Code so the amount could be adjusted as time required.

Public comment period was not discussed.

Closed Session

Council member Dean moved, second by Council member Workman, and carried to go into closed session under Virginia Code 2.2-3711 to discuss real property 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 2.2 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)

MISCELLANEOUS

Power Company

Attorney Miller and Mr. Donachy met with the State Corporation Commission. The staff is "looking at options." A bill had been drafted and Mr. Miller is trying to create an "Authority." Mr. Miller stated, 'the State Corporation Commission does not want to control the Town."

B. W. Gooden

Mr. Donachy has contacted the party in question and told him the fence had to be moved by January 1, 2006 or there would be a lawsuit pending. Mr. Gooden's other complaints "are not valid because he does have a Home Occupancy Permit and is allowed to have one commercial vehicle. On the record, Mr. Gooden has a commercial vehicle on his property."

Vice Mayor Snow spoke up and said, "Go by the Code." Mr. Donachy also discussed "housed vehicles" and noise levels with Council. Documented noise levels could negate the permit if not corrected by the offender. Mr. Donachy will follow-up with written letters.

Dr. LaTouche

Dr. LaTouche was allowed to apply to the Planning Commission for a variance. The Planning Commission did not meet. Council member McDaniel said, "Enforce the ordinance." Vice Mayor Snow stated if the Planning Commission recommended a

variance and 'it comes back to us to approve, we are going to say 'no,' right? So why put him through that?" The discussion ended at that point when…

Vice Mayor Snow moved, second by Council member McDaniel and carried to adjourn.

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

Motion carried (6 – 0 voice vote)

The meeting adjourned at 9:17 P.M.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk