Regular
Council Meeting
February 22, 2005

The regular meeting of the Elkton Town Council was held on February 22, 2005 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
J. Dean
T. Pence
S. Sigafoose
P. Workman

Vice Mayor Snow and Council member McDaniel were absent due to illness.

Town Attorney Nathan Miller, Town Manager Dennis R. Donachy, Treasurer Clairen Sipe, Police Sergeant James Morris, and Clerk of Council Richard Carey were also present.

Council member Dean offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Bobbie Rae Monger, 680 Stephen Conrad Road, stated recreation programs moved from the Community Center to a location in ShenElk Plaza until the Community Center was renovated to a degree that they could return to that location. She encouraged Council to act quickly to make the Community Center a first-class facility.

Bill Holt, 508 - 4th Street, spoke regarding the relationship between the Council and the business community, which "could be a lot stronger." Regarding the Merchants Capital Tax, Mr. Holt stated none of the Council members with whom he spoke "had even discussed this matter. So, what happened? A Town employee levied a tax on the business people without specific consent from the Council. That's not a way to operate." Mr. Holt believed Elkton developed a positive reputation and the business community expanded when Elkton was a Main Street Town. He concluded, "Get rid of that tax, if for no other reason than to make it quite clear that elected officials are the ones who raise taxes, not the employees of the Town."

Mayor Printz praised Treasurer Sipe and stated she had the obligation to collect what was lawfully levied. He added Council was informed of the computer update to allow the Treasurer to bill and collect the tax. Additionally, Council took no action once the situation was described to them. Mayor Printz did not want the perception that the Town had rogue employees.

Richard Breeden, Jr., 16774 Red Brush Road, representing Elkton Little League, asked how much of the $250,000.00 from the County had been spent on renovations to the Community Center and to make the building handicapped accessible.

Jerry Shifflett, 102 Mapleleaf, thanked Bobbie Rae Monger and Lynn for their time and help at the Community Center, and Council member Dean for his "company." He asked Council to expedite the completion of the Community Center to make it useful and available to the community.

Hazel Crider, 114 Hillside, stated the "retreat is not necessary." She suggested the Council hold the retreat at the Kite house, where the public would respect their privacy and not interfere. The money spent for a retreat was needed for Town problems. She questioned if the K-9 Unit and his new handler would receive proper training. She stated she, nor Neighborhood Watch, received a courtesy call from Chief Pullen to inform them of the handler change.

Council member Sigafoose turned to Mr. Donachy and asked, "Dennis, didn't the Chief say the other night in our Committee meetings that he notified Haz Crider that the dog was being

switched over?" Mr. Donachy responded, "That's what I was told." Council member Sigafoose said, "Okay. That's all I want to know. Thank you." Mrs. Crider stated, "The Chief did not call me or notify me. No Sir."

Mayor Printz said the new training would begin February 27. "The communications were very poor and I assure you they will be better," said Mayor Printz. When some members of Council acknowledged that they were not informed of the K-9 status, Mrs. Crider asked, "Why not?"

Council member Workman stated the Chief of Police and the Town Manager made the decision and Council was made aware at the Committee meetings, "just the way things are supposed to happen." "I do not micro manage, personally. I let the Chief of Police handle his job. If seven councilmen have to deal with every small police issue, we probably don't need a Chief of Police," stated Council member Workman.

Cathy Murphy, 110 North Stuart Avenue, did not favor the retreat as proposed, but as a procedural issue, the cost being over $500.00 and not budgeted would require two readings. She questioned the timing, unless a Special Council Meeting was called for a second reading. The mandatory water and sewer connections on Pentecostal Hill would be an ordinance change. Would a Public Hearing be required? If not, "morally" a Public Hearing should be held. Treasurer Sipe explained that the $250,000.00 for the Community Center is in the checkbook as "designated money. However, if we keep spending on non-budgeted items..." Ms. Murphy spoke, "It's going to dig into the cash." Treasurer Sipe stated, "Exactly." Treasurer Sipe stated only Community Center expenditures had been deducted from the $250,000.00. Ms. Murphy asked if Budget Reallocations proposed by Mr. Donachy would require two readings. She asked how Angler could receive a clear deed if the bond was not paid. She hoped Council would remember how adamant the Myers brothers and some residents on Monger Hill were regarding being included in the annexation plan when considering requests for connections. "We didn't have anything to offer. Well, it turns out we do have something to offer," said Ms. Murphy. Speaking again against employee compensation for non-utilized benefits, Ms. Murphy could not recall Council action to approve the practice. "Either vote to approve it, or direct your Town Manager to cease this procedure. It's not fair to everyone else and you don't have a policy to cover it, and why it was assumed that this was okay is beyond me," she added.

Mildred Shifflett, 112 West Spotswood Avenue, commented that the retreat "is a bunch of foolishness." She stated trash is never picked up at some locations in Town and named the Library as an example. She spoke of another concern: "Do you think there is a conflict of interest with Mr. McDaniel's firm doing the Community Center, when Mr. McDaniel is on the Council? It seems like to me there is a conflict of interest there. I'm not that bright. I don't claim to be."

Lee Dearing, 124 North Street, thanked Mayor Printz, Council member Pence, and those who signed a petition to successfully have the proposed Elkton Charter tabled in Richmond – at least until next year's session. We "averted a great mistake." Mr. Dearing called for the formation of a committee, consisting of four citizens and two Council members to amend the charter to make it acceptable. After reading the Town Manager's report and counting at least seven unbudgeted items, Mr. Dearing referred to the FY 04-05 Budget as "crisis management." It appeared the budget had been "voided" and that was "no way for Town Councilmen to handle taxpayers' money." He stated it was not "ethical or fair" to open the bidding process on the Pentecostal Hill project to a local company after the official bidding process was followed by two bidders who had met the advertised requirements. Mr. Dearing served in the military for 26 years and "we never retreated." He added, "It's a great idea – poor location." He disagreed with Elkton taxpayers' money being spent in a location such as Charlottesville. Referring to Rachel Good, Mr. Dearing suggested the $8,000.00 proposed for the retreat be added to the reward for information concerning Ms. Good.

Mary Hutton, 515 Chestnut, referred to the advertisement for FY 05-06 donation requests. She wanted to know to whom the word "individual" applied and what disclosures were

required. She agreed with Mr. Dearing's statement regarding the bidding process for Pentecostal Hi...

Mayor Printz assured Mrs. Hutton that all donation requests are closely scrutinized and money is not given "freely." Concerning the bid, Mayor Printz stated the two bids received were high and Council considered the option of time and material.

Caroline Brill, 148 Sweetgum, stated the condition of the streets during the last two snow and ice events was "hazardous" due to the streets being "seriously neglected." She called the retreat an "extravagant spending of taxpayer money."

Council member Pence stated in his 46 years in Elkton this was the "worse he has ever seen the streets in this Town."

Glenn Isom, 434 Wirt Avenue, inaudible.

Gene Kite was present to represent Elkton Progressive Improvement Committee (EPIC). During Phase I of a planned two-phase project, EPIC paid for the construction of steps from the top of the hill to Memorial Park. Phase II will be the construction of two walls, one on either side of the steps, with one designated as "In Memory Of" and the other as "In Honor Of." Revenue will be generated for EPIC by their selling nameplates, or some other form of recognition, which would be attached to the respective wall. The walls will be stone, in keeping with the name "Stonewall Memorial Park.

Chancellor Lough wanted to know who came up with the idea of a retreat. He then stated, "It seems like Clyde McDaniel is taking it on his own to represent the Council, according to the way the paper reads."

Mayor Printz responded that in his opinion, that was not the case.

The following is a volatile and emotional address by Brenda Brown, mother of missing woman Rachel Good, who is now being investigated as a homicide victim:

"I've got a daughter who has been missing since 2003. This Town hasn't done nothin' for me. Her name is not even out there with the wanted posters. She has just been thrown away and y'all just turning y'alls head. I am so ashamed of this Town. I mean I am ashamed of Elkton. I am. It's awful. People tell me (inaudible) they talk about how this Town is, you know, you don't want to go down there. Those people will shoot ya. 'I love my Town,' I'd say. And now, now, they are right. They are right. I mean y'all...she's been murdered by one of y'alls. It's fact. I'm leavin'. I don't have no problem. I've just had about all I can take. Nobody cares. She has been murdered by one of y'alls ex-officers. Here's her picture and she's got three little kids and she was 12 weeks pregnant. And when it gets done, I pity all of ya."

Mayor Printz in an emotional response stated, "This Council should air public support for the family and for the incredible pain that is in front of us today. I am sure this Council will do that, and I am sure this Council will do anything they can to help. I can assure you that. I am positive."

Margaretta Isom, 434 Wirt Avenue, believed the Town should not pay for "a get-to-know-you-party" for Council. She objected to the proposed location of the retreat, spousal expenses, such as meals, and the need for a facilitator. She praised the Virginia Main Street Program. On the other hand, she opposed a deferred payment to any Town employee who opted out of Town-provided health insurance.

CONSENT AGENDA

Consent Agenda

January 17, 2005

MINUTES
•Public Hearing, Phase II Annexation, December 14, 2004
•Committee Meetings, December 14, 2004
•Public Hearing, Charter Revisions, December 20, 2004
•Public Hearing, Chapter 53 (Animals), December 20, 2004
•Regular Council Meeting, December 20, 2004
•Special Council Meeting, December 28, 2004

REPORTS
•Chief of Police Report
•Public Works
•Advisory Committee

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

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

ABSENT: S. Sigafoose

Motion carried (3 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $504,301.29 for the month of January 2005. Designated money totaled $337,392.70, leaving total available cash of $166,908.59.

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

Council member Workman asked the Treasurer to list Meals tax and other Economic Development income under the "Deposits" section of the monthly report.

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

ABSENT: S. Sigafoose

Motion carried (3 – 0 voice vote)

TOWN MANAGER'S REPORT

Well Site

Based on a new estimate to update the Life well, Mr. Donachy asked Council to purchase the well as budgeted. The cost is less than drilling a new well. Mr. Donachy stated that the engineering studies have shown if all five phases of Pentecostal Hill are completed, the water pressure through Town will increase, including Elkwood, a concern for Council member Workman. Properly drilled with new casing, the well will produce more water.

Council member Dean moved, second by Council member Pence, and carried to approve the purchase of the Life well.

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

Motion carried (4 – 0 roll call)

Mandatory Sewer and Water Hook-Up

Mr. Donachy presented as a Second Reading of the Amendment of Chapter 170, which does not make it mandatory to hook-up to the Town's water and sewer systems as long as "residents in the area may have properly working sewer systems and clean healthy water."

FIRST READING

AN ORDINANCE TO AMEND CHAPTER 170 (WATER AND SEWERS), SECTION 170-8 (CONNECTIONS), SECTION 170-27 (SEWER CONNECTION REQUIRED; CONDITIONS) AND SECTIONS 170-6 THRU 170-37 TO ALLOW CONTINUED USE OF EXISTING WELLS AND SEWER SYSTEMS AND TO REPLACE ALL REFERENCES TO TOWN SUPERINTENDENT TO TOWN MANAGER.

WHEREAS, the Town is accepting bids for installation of water and sewer lines for the Pentecostal Hill area; and

WHEREAS, residents in the area may currently have properly working sewer systems and clean healthy water; and

WHEREAS, the Town Council does not wish to place a financial burden on the residents in this area by making them connect to the new system; and

WHEREAS, since the Town has a Manager and not a Superintendent;

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. Section 170-8 is hereby amended by the addition of the wording in underlined italics:
   § 170-8 *Water* Connections; *conditions.*

All connections to the town water system shall be made as provided in this chapter and only upon ~~order~~ *approval* of the Town ~~Superintendent~~ *Manager, or his/her designated representative. The owner of any house, building or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley or right-of-way in which there is or may be located a water line connected to the town water supply, is required at the owners expense to connect to the public water system in accordance with the provisions of this chapter. The aforementioned shall not apply to an existing building now having an approved well. However, the well must be tested every six months to ensure it meets Department of Health standards for drinking water. These tests must be filed with the town and if the well ever fails a test the owner may be required by Town Council to connect to public water.*

2. Section 170-27 is hereby amended by the addition of the wording in underlined italics:

§ 170-27. Sewer connection required; conditions.

Every person owning premises in the town, which premises abut or adjoin a street or alley along which is an available and usable public sewer, shall make a sewer connection with his or her house, *building or property which is used for commercial, industrial and/or residential purposes.* provided that such owner can make such sewer connection within -WO-/50 feet of the premises and provided further that no person shall be required to cross the private property of any other person to make such connection. *The aforementioned shall not apply to an existing building now having a serviceable septic tank. However, before such tanks are serviced, permission must be obtained from the Town Council, and if sewer lines are available to the property, the owner may be required to connect as prescribed herein.*

3. Section 170-6 is hereby amended by the addition of the wording in underlined italics:
§170-6. Supervision and control.

The water system of the town shall be under the immediate supervision of the Town Superintendent *Manager, or his/he designated representative,* and the Committee on Sewer and Water. The Town Superintendent *Manager, or his/her desi representative* shall exercise immediate control of the water system.

4. Section 170-12 is hereby amended by the addition of the wording in underlined italics:

§170-12. Unauthorized use of fireplug or hydrant.

No person who is not a member of the Fire Company shall use or manipulate, unless by order of the Town ~~Superintendent~~ *Manager, or his/her designated representative,* or Fire-Chief, any of the fireplugs or hydrants of the town.

5. Section 170-13 is hereby amended by the addition of the wording in underlined italics: §170-13.

Right of entry of Town ~~Superintendent~~ -Manager.

Every person occupying a lot or tenement into which water is conveyed, from town water system, shall permit the Town ~~Superintendent~~ *Manager, or his/her designated representative,* to enter such lot or tenement, at reasonable hours, to inspect the work therein or to see if the provisions of this chapter and other ordinances of the town relative to the water system are being or have been violated.

6. Section 170-20 is hereby amended by the addition of the wording in underlined italics:

§170-20. Cross connections.

Change all references from Town Superintendent to *Town Manager, or his/her designated representative.*

7. Section 170-21 is hereby amended by the addition of the wording in underlined italics:

   §170-21. Turning on water to house or private service.

   Change reference from Town Superintendent to *Town Manager, or his/her designated representative.*

8. Section 170-22 is hereby amended by the addition of the wording in underlined italics:

   §170-22. Water main construction.

   A. and B. Change all references from Town Superintendent to *Town Manager, or his/her designated representative.*

9. Section 170-26 is hereby amended by the addition of the wording in underlined italics:

   §170-26. Sewer connections to be in accordance with chapter.

   Change reference from Town Superintendent to *Town Manager, or his/her designated representative.*

10. Section 170-28 is hereby amended by the addition of the wording in underlined italics:

    §170-28. Application for sewer connection and sewer service.
    Change reference from Town Superintendent to *Town Manager, or his/her designated representative.*

11. Section 170-29 is hereby amended by the addition of the wording in underlined italics:

    §170-29. Connection charges within town.

    B. Change reference from Town Superintendent to *Town Manager, or his/her designated representative.*

12. Section 170-31 is hereby amended by the addition of the wording in underlined italics:

    § 170-31. Subdivisions inside town.

    A. and C. Change reference from Town Superintendent to *Town Manager, or his/her designated representative.*

13. Section 170-36 is hereby amended by the addition of the wording in underlined italics:

    § 170-36. Sewer connection cleanout services.

    Change references from Town Superintendent to *Town Manager, or his/her designated representative.*

14. Section 170-37 is hereby amended by the addition of the wording in underlined italics:

    §170-37. Sewer main construction.

    A. and B. Change reference from Town Superintendent to *Town Manager, or his/her designated*

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

Adopted by the Town Council of the Town of Elkton this __ day of _____, 2004

_____
Mayor

_____
Clerk of Council

Approved this ___ day of _____, 2004

_____
Mayor

Council member Dean moved, second by Council member Sigafoose, and carried to approve the non-mandatory water and sewer hook-up on Pentecostal Hill.

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

Motion carried (4 – 0 roll call)

Attorney Miller advised a Public Hearing would not be required; however, Council may choose to hold an informational meeting with affected persons later.

Annexation Property Zoning

A date for a Public Hearing will be set later in tonight's meeting.

Kite House Usage

If Council approved a Special Use Permit for the use of the Kite house as a Bed and Breakfast, the house could remain open. Mr. Donachy was approached by an interested party "to pay rent to move upstairs in the Kite house." With a "manager" on the property, the County agreed the Town could continue to lease the house. With continued use as is, the Kite house must be reclassified as an assembly building, just as the Community Center.

Council informally agreed for Mr. Donachy and Mr. Miller to proceed with the development of a Lease Agreement. A Public Hearing will be set.

Steve Kite Drainage Problem

The Army Corps of Engineers ruled if the Town does not exceed 1,300 feet of line, we can discharge into the Shenandoah River. Mr. Kite presented a proposal from RanMar for $28,000.00.

Council member Dean moved as a First Reading, second by Council member Sigafoose, to correct the drainage problem on Steve Kite's farm for a total of $28,000.00.

Council member Pence: Where are we going to get the money from?

Council member Dean: That was my next question.

Council member Pence: That's what I want to know.

Mayor Printz: Where are we going to get the money from?

Council member Sigafoose: Well, we should have asked that before we put the proposal on the floor.

Mayor Printz: You can't. You have to put a proposal on the floor.

Council member Dean: You have to put a proposal on the floor.

Mr. Donachy: We'll find the money. We'll have to go back in the budget.

Council member Dean: This will require two readings.

Mayor Printz: Yes. Two readings for a budget appropriation.

Council member Dean: First Reading.

Council member Pence: We're going back in the budget to look for the money?

Mayor Printz: That's what we want to do. The money may already be in the budget.

Council member Pence: Let's go on. I have other things to say as we go.

Council member Sigafoose: It's a problem that we caused and we've got to fix it, regardless.

Council member Pence: I realize that. My problem is where are we going to get the money?

Council member Sigafoose: Well, we can save $11,000.00 by not going on that retreat.

Mayor Printz: Okay, moving on. Are there any other comments?

Council member Workman: Are we going to have a construction contract?

Mr. Donachy: We have a contract right now.

Council member Dean: Is this going to be a problem five years from now? Are we going to be addressing this again?

Mr. Donachy: Hopefully not. The way it is designed right now there is plenty of "V" ditching to take care of most of the water. You shouldn't have a lot of sediment. Can I guarantee you five years from now we won't have a problem? No, I can't, but I can tell you by today's engineering standards it's the best we can do.

Council member Pence: Are you satisfied with it, Steve?

Steve Kite: I'm satisfied with it. The Army Corps of Engineers also brought out that this should handle the volume of water that's there now.

Council member Pence: Okay.

Mayor Printz: I'll call for a vote. Council member Dean, this will be considered a First Reading. Although we haven't appropriated the money, we still may have to do two readings.

Council member Dean: We can't appropriate money if we don't know where it's coming from.

Mayor Printz: Right. I know that. Any other discussion on the motion?

Council member Workman: So, we are going to pass this motion to do this work pending budget – finding money in the budget. I mean we have to do it. We just need to find the money in the budget.

Mr. Donachy: Again, this is one of those projects we have to do and if we have to go and pull it from another source, but we do have the REPO fund. If we have to pull it from the REPO fund, if we have to turn in a CD and we pay a penalty, my suggestion is we borrow from the REPO then we pay back the penalty in the interest in the REPO fund. That will keep the REPO fund exactly where it is.

Council Member Workman: If we approve this tonight, that doesn't mean that we start digging tomorrow. We still have to go in and find the resources, the money, and handle that problem.

Mr. Donachy: If it has to have a Second Reading.

Mayor Printz: It has to have a Second Reading.

Council member Dean: It has to have a Second Reading.

Mayor Printz: But you could commit yourself to doing it, as long as you committed yourself to doing it, you could do it as long as you worked it out that you were going to definitely have the money, you could authorize the digging if you wanted to.

Council member Dean: I won't do that. We will do it the right way. There will be two readings and then the digging can commence.

Mr. Donachy: That's going to delay the project. What I could ask Council that we go ahead and make the decision now to borrow the money from the REPO fund, could this be considered a First Reading?

Mayor Printz: I don't think you can legally borrow the money from the REPO account – unfortunately.

Mr. Donachy: I know you can't use it for anything but the bond, but can you borrow (inaudible) plus any penalty and interest?

Attorney Miller: I would have to look at the terms of that REPO fund. I don't know sitting here now if you can do that or not.

Mr. Donachy: I'll find the money. I just want the project...It's in the Charter , right?

Attorney Miller: If you amend the budget you gotta read it twice. You can read it for the first time now and say you're gonna spend $2,800.00, I mean $28,000.00. Then the second time you read it you approve it.

Mr. Donachy: So, are we considering this the First Reading?

Attorney Miller: I assume you are.

Mayor Printz: Anymore discussion on the motion?

Council member Dean: What was the motion?

Mayor Printz: No, wait a minute. Let's do your motion and then we will make it a First Reading on appropriating the money. But we have to find out where we are gonna get the money from.

Council member Dean: I need to know what I made a motion on.

Clerk: I have as the original motion, no amendments, as Council member Dean moved to correct the draining problem on Steve Kite's farm for a total of $28,000.00.

Council member Dean: Is that good enough?

Attorney Miller: The motion ought to be to approve a contract to correct that draining problem for $28,000.00. Then come back after you approve that and have a First Reading to appropriate $28,000.00 to fund it.

Council member Dean: I withdraw the motion.

Council member Sigafoose: I withdraw my second.

Attorney Miller: The motion will be…

Clerk: Wait a minute. Let me get my shorthand ready.

Attorney Miller: The motion should be to approve the recommendation of Town Manager Mr. Donachy to enter into a contract to correct the drainage problem, not to exceed $28,000.00.

Council member Dean: So move.

Council member Sigafoose: Second.

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

Motion carried (4 – 0 roll call)

Council member Dean moved, as a First Reading, to amend the budget to allocate $28,000.00 to fund this project.

Budget Reallocation

Mr. Donachy presented a First Reading to move funds from one Capital Project to another.

First is to move $28,300.00 from Capital Equipment Purchase from Public Safety for vehicles purchased from last year's budget to Sewer Capital Projects. The other is to move money from Water Capital Projects up to Sewer Capital Projects.

Dick Myers' and Monger Hill Water/Sewer Connections Requests

Mr. Donachy asked Council to table these requests "pending decisions on other items, specifically the sewer plant."

Pentecostal Hill Water and Sewer Bids

Moved to the end of report.

Waste Water Treatment Plant Upgrade

Mr. Donachy requested permission to seek an allocation from DEQ for the Town to become a major discharger, which would take us from a minor discharger of up to 500,000 gallons per day to one million gallons. An engineer will provide Mr. Donachy costs to engineer the plant upgrade and a timeline. Mr. Donachy stated this could be a year and a half to two year's project to fund. If the million gallons per day discharge is realized, the Town "will be good for the next 25 to 35 years," according to Mr. Donachy. A sewer line running RT. 33 is not a goal for the County at this time.

Council member Dean moved, second by Council member Workman, and carried for the Town Manager to go ahead with the planning for the upgrade on the sewer plant.

Council member Workman clarified this was to increase the allocation.

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

Motion carried (4 – 0 roll call)

Confined Entry Space Program

Mr. Donachy asked Council to adopt a statement to correct violations found during a Virginia Occupational, Safety, and Health (VOSH) inspection.

POLICY ADOPTION STATEMENT

TOWN OF ELKTON

WHEREAS, The Occupational Safety and Health Act of 1970 requires employers to provide a safe place to work, a place free from hazards that might cause injury, disability or even death.

WHEREAS, It is the policy of the Town of Elkton that every employee is entitled to work under the safest conditions possible. Every reasonable effort will be made to promote accident prevention for protection and health preservation.

WHEREAS, It is our belief that accidents injure people, damage equipment or property, or destroy materials causing needless personal suffering, inconvenience, and expense. We believe that taking common sense precautions can prevent practically all accidents.

THEREFORE, BE IT RESOLVED, by the Council of the Town of Elkton through its appointed managers, will endeavor to maintain a safe and healthful work place. The Town will provide safe working equipment, necessary personal protection and, in the case of injury, the appropriate first aid and medical services will be available.

The Public Works Director will head the implementation of the Confined Space Entry Program and will communicate pertinent information to all departments. Public Works Director will undertake such duties as may be required in the day-to-day operation of the safety program.

Adopted by the Town Council of Elkton this_____day of_____2005.

_____
Mayor

_____
Clerk of Council

Council member Workman moved, second by Council member Dean, and carried to adopt the statement.

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

Motion carried (4 – 0 voice vote)

Continued Use of Community Center

"Request Council action on the continued use of the Community Center. In order to progress any further on the improvements of the building, we need a set of construction drawings. Enclosed is a proposal from Sease and Associates for providing the drawings needed."

The stages are a construction drawing, then seek a permit for Phase I, which includes the Council Chambers, the offices, make the bathrooms ADA accessible, and a building ramp. Once that is done, the Town can get a temporary permit from the County.

Council member Workman moved, second by Council member Dean, and carried to move forward with the drawings to take the Community Center to the next level.

Council member Pence: Does this mean we are going to keep this Community Center open?

Mr. Donachy: I am working with the County to keep this Community Center open. So I am not going to ask Council tonight for a vote to close down the Center.

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

Motion carried (4 – 0 roll call)

Weekend Retreat

The retreat became a one-day event with a facilitator at a location in Elkton. A facilitator agreed to attend at no charge, but something less than $500.00 was considered appropriate.

Following discussion in which Council members voiced various opinions, Council member Dean made the motion.

Council member Dean moved, second by Council member Workman, and carried to hold the retreat on March 12 at the Kite house.

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

Motion carried (4 – 0 roll call)

EPIC Request

EPIC asked for the streets to be closed for their festival in October (19th Annual).

Council member Workman moved, second by Council member Dean, and carried to close the streets as requested by EPIC for the festival.

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

Motion carried (4 – 0 voice vote)

Press Conference (Angler Contract)

A press conference was scheduled for 6:00 P.M., on March 1 at the Kite house.

Council member Pence moved, second by Council member Dean, and carried to invite Cathy H. Murphy to attend the press conference.

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

Motion carried (4 – 0 voice vote)

Appointments

Council member Workman moved, second by Council member Pence, and carried by recommendation of the Cemetery Commission to appoint Cathy Murphy to serve on the Cemetery Commission.

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

Motion carried (4 – 0 voice vote)

Council member Workman moved, second by Council member Dean, and carried to reappoint Wayne Hall to the Recreation Commission for a term beginning March 1, 2005 and ending February 28, 2007.

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

Motion carried (4 – 0 voice vote)

Council member Workman moved, second by Council member Dean, and carried to appoint Joseph Hammer to full member on the Board of Zoning Appeals to serve the unexpired term of Kenneth G. Berry, beginning March 1, 2005 and ending February 28, 2006.

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

Motion carried (4 – 0 voice vote)

Council member Workman moved, second by Council member Dean, and carried to reappoint Daniel Talbot to serve on the Board of Zoning Appeals for a term beginning March 1, 2005 and ending February 28, 2010.

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

Motion carried (4 – 0 voice vote)

Council member Workman moved, second by Council member Dean, and carried to appoint Roger Stepp as Alternate Member to the Board of Zoning Appeals for a term beginning March 1, 2005 and ending February 28, 2010.

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

Motion carried (4 – 0 voice vote)

COMMITTEE REPORTS

Electric

No report.

Finance

No report.

Personnel

Personnel Policy still under review. Director of Public Works and Police Officers will soon be hired.

Public Health, Public Safety, and Ordinances

Training for the new handler and K-9 Unit is scheduled.

Rachel Good's picture will be reposted, reported Council member Sigafoose. Mayor Printz stated he will meet with the family this week and he will bring back some proposals.

Streets and Sidewalks

No report.

Water and Sewer

No report.

Recreation

Gymnastics moved to ShenElk Plaza. The situation with AAU was a misunderstanding.

Council member Workman moved, second by Council member Dean, and carried that the Town of Elkton wholly support EPIC's "In Memory Of" and "In Honor Of" wall project.

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

Motion carried (4 – 0 roll call)

Planning Commission

Set Public Hearing.

Cemetery Commission

The Commission will meet and present a counter proposal to Council

Charter Revisions Committee

Mayor Printz stated a suggestion was made tonight that should be considered at the next Committee meetings.

Council member Dean: Mr. Mayor, sitting on this Council, we had a Charter Revisions Committee that was formed and was supposed to be headed by ex-Councilwoman Cathy Murphy. Well, that never happened and that put it in our lap. I take issue with this petition. I would like a copy of it presented to me so I can check out and verify that whoever signed the petition is in reality a true registered voter and a resident of the Town of Elkton. I think during our retreat that it ought to be brought home that when this Council votes four to two that that's a majority. Nobody needs to go and circumvent the Council.

Council member Pence: Why not? You tell me why not. I've got just as much right to go down and present my case as you would to go down and present your case. And I'll do it again.

Council member Dean: I would have had more respect.

Council member Workman: I agree with Jay. It's called respect.

Council member Pence: My vote meant as much to me as yours did you.

Council member Dean: If you didn't like the Charter, you had next year to change it, too.

Mayor Printz: I don't think anybody on this Council knew what they were voting on, Tony. That's why I got involved.

Park Authority

No report. The Park Authority should be notified of the press conference.

Economic and Community Development Committee

Council member Workman reported that 45 business members were represented at the Harrisonburg-Rockingham Chamber of Commerce meeting. A partnership needs to develop between the Town Council and the business community to "move us out of this rut." Council member Workman has some ideas regarding the Town festival.

Council member Workman moved, second by Council member Dean, and carried that Elkton support efforts to restart the Main Street Program and to maintain a line item in the budget specifically named "Elkton main Street Program" and to use the current Economic Development budget of $20,000.00 as a means to immediately fund the start up for Elkton Downtown Revitalization. With this motion is also a recommendation to schedule a meeting with representatives from this Town Council and the EDRC board to develop a Plan of Action which will include hiring a part-time Director, identifying and applying for grants, and applying for and obtaining full Main Street status by 2007/2008.

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

Motion carried (4 – 0 roll call)

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 consultation with legal counsel on contract matters.

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

Motion carried (4 – 0 roll call)

Council member Dean moved to go from closed session 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: J. Dean, T. Pence, S. Sigafoose, and P. Workman

Motion carried (4 – 0 roll call)

Pentecostal Hill Project

Council member Dean moved, second by Council member Pence, and carried for the Elkton Town Council to borrow up to 1.4 million dollars for the Pentecostal Hill water and sewer project.

Council member Workman stated there needed to be a game plan to explain how the money would be obtained. Mr. Donachy will attempt to take it from the REPO fund first. If not, Mr. Donachy will present a financial plan for a short-term loan.

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

Motion carried (4 – 0 roll call)

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

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk