Regular
Council Meeting
April 18, 2005

The Regular Meeting of the Elkton Town Council was held in Council Chambers on April 18, 2005 with Mayor Wayne E. Printz presiding. The following Council members were present:

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

Town Attorney Nathan Miller, Town Manager Dennis R. Donachy, Treasurer Clairen Sipe, Director of Public Works Marty Shifflett, Chief of Police Richard Pullen, and Clerk of Council Richard Carey were also present. Council member Dean was absent due to illness.

Mayor Printz offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Gene Kite, 337 West Spring Avenue, discussed a Cemetery issue which has been unresolved since August 2004, and of which Council was aware. Mr. Kite will take whatever action he must take thirty (30) days from tonight's meeting. He opposed moving Town elections to November.

Vic Corbo, 248 Windsong Hills, was present to discuss parking on Warren Avenue, which he believed was too narrow for two-sided parking. He believed "cruising" would benefit local merchants. He proposed turning "cruising" into a weekly "auto show" with a prize donated by a Town business going to the weekly winner.

Alan Thompson, 101 Morgan Avenue, opposed moving the Town elections to November because of a crowded November ballot. With the May election, the citizens could concentrate on local issues.

Lee Dearing, 124 North Street, as Chair of the Cemetery Commission, objected to comments made by some Council members during the work session that followed the Special Meeting on March 28, 2005. He repeated the history of the Cemetery from 1908 to present, including the transfer of $675,000.00 to the Town, the 1985 Resolution, and the 1997 Bylaws. He added, "In 1997, we delegated our authority to operate the Cemetery to the Town Manager. A delegation of authority also means we can take that authority back. That's what we are considering now." Continuing, Mr. Dearing stated, "We are willing to take this to court. You have just depleted your REPO Fund and now you are trying to deplete the Cemetery Fund. We will fight you until it's finished." Commenting on a November election, Mr. Dearing said, "The election (May) is one of the things that is working well in Elkton."

Hazel Crider, 114 Hillside, agreed with Mr. Dearing's remarks regarding the Cemetery. "The election should have been left alone," stated Mrs. Crider. In May, the weather is warm and the Town enjoys a large turn out of voters. In November, there are many issues and it could get confusing. She favored "controlled cruising" and downtown revitalization. Neighborhood Watch National Night Out will be Tuesday, August 2.

Mildred Shifflett, 112 West Spotswood Avenue, opposed November Town elections. She stated this Council "has not kept their promises because some members appear to have personal agendas."

Cathy Murphy, 110 North Stuart Avenue, referring to the work session that followed the Special Council Meeting on March 28, 2005 stated the perpetrator of an "inappropriate gesture" during the Cemetery discussion owed an apology to the Commission members and anyone who has loved ones buried in Elk Run Cemetery. "It (the gesture) seemed to be met with this Council with no resistance. I find that very disturbing. You are not here to put people down, particularly volunteers," she added. She encouraged Council to do their "homework" by studying the Resolutions and Cemetery Deed because she believed Council was not receiving the correct information. Speaking on November elections, she said, "Four of you in here who seem to be pushing this are the very four to gain from it. That to me is unethical."

Steve Kite thanked the Mayor and Council for taking the action to correct the current water flow issue on his property.

Mary Hutton, 515 Chestnut, questioned the wisdom of summer sewer rates if the Town is in such a financial quandary. Mrs. Hutton sided with all the speakers who favored May elections.

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 Workman moved, second by Vice Mayor Snow, and carried to approve the Consent Agenda.

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

Motion carried (5 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $357,619.87 for General Government for the month of March 2005. Designated money totaled $318,136.94, leaving an available cash balance of $39,482.93.

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

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

Motion carried (5 – 0 voice vote)

TOWN MANAGER'S REPORT

Code Changes – Chapters 110 and 59 – Second Reading

AN ORDINANCE TO AMEND SECTIONS 110-703.B, 110-705.A.(5), 110-905.D, and 59-2 OF THE CODE OF THE TOWN OF ELKTON TO CLEARIFY SIZE OF PARKING SPACES, BETER DEFINE SIGNAGE ON HOME OCCUPATION, CHANGE HOME OCCUPATION FORM SPECIAL EXECPTION TO ACCESSARY USE, ADD APPROVAL OF FIRE MARSHALL ON SUBDIVISION PLATS AND INCLUDE LIST OF OTHER PERMITS REQUIRED FOR BUILDINGS.

WHEREAS, size of parking spaces are not well defined; and

WHEREAS, in some areas of the Code Home Occupation is treated as Special Exception while in other areas it is treated as Accessory Use; and

WHEREAS, the Planning Commission and Town Council want to ensure anyone obtaining a Zoning Permit is aware of their obligation to obtain other permits;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 110 (Land Development) and Chapter 59 (Building Construction) of the Code of the Town of Elkton, is hereby amended as follows:

1. Chapter 110 Section 110-703,B add;

   (5) Parking space size shall be 200 square feet. Parking space width shall be 10 feet; parking space length shall be 20 feet. Two-way drives shall be a minimum of 22 feet in width.

2. Chapter 110 Section 110-705,A,(5) add;

   (5) The home occupation shall not produce obnoxious odors, glare, noise, vibration, electrical disturbance, or other conditions detrimental to the charter of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in§110-706.***C.(3).***

3. Change all references to Home Occupation in Chapter 110 from Special Exception to Accessory Use;

   a. §110-602,C,(7) to D,(10)

   b. §110-603,C,(7) to D,(10)

   c. §110-604,C,(10) to D,(10)

   d. §110-605,C,(9) to D,(10)

   e. §110-606,C,(9) to D,(10)

   f. §110-607,C,(12) to D,(6)

   g. §110-608,C,(3) to D,(5)

4. Change §110-905,D. to include Fire Marshall approval;

   D. Fire protection. The installation of adequate fire hydrants in a subdivision at ***locations*** approved ~~***locations by***~~ ***the County Fire Marshall*** is required.

5. Change §59-2 to include obtaining other permits;

   A. The owners or occupants of property abutting upon any street, alley or sidewalk and being located in the Town of Elkton, desiring to construct or maintain any structure, or connect any existing or new structure or portion of any property thereof to property owned or maintained by the Town of Elkton or abutting neighboring property owners, shall contact the Public Works office prior to beginning any project to obtain all of any permits and regulations required for such projects. Examples of such work may be but not limited to the following: new construction, renovations, encroachments, driveways, culverts, drainage ditches, storm drains, fences, satellite dishes, swimming pools, siding, demolition, excavation, tree planting or removal, etc.

   B. Depending on the scope of the work, permits and/or reviews of plans may be required from the following: Rockingham County Building Official, Rockingham County Fire Marshall, Virginia Department of Transportation, DEQ and the Health Department. It shall be the

responsibility of the applicant to ensure all permits and/or reviews are accomplished before work on the project is started.

6. 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 Workman, and carried to approve the Code changes.

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

Motion carried (5 – 0 voice vote)

Sewer Main Damage

Mr. Donachy presented a damage request of $237.00 from Donnie Mowbry for reimbursement for damage suffered when the sewer main in front of his property backed up into his home.

Council member McDaniel moved, second by Vice Mayor Snow, and carried to reimburse Mr. Mowbry $237.00.

Vice Mayor Snow wanted to make sure a check valve would be installed.

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

Motion carried (5 – 0 voice vote)

Availability and Connection Fee Charge – First Reading

Mr. Donachy presented the following two proposed changes for water and sewer connection fees. One would mean an increase in the current fee for a typical ¾ inch connection from $3,000.00 (for both water and sewer) to $4,000.00, while the other proposal would increase to $5,000.00. The increase to $4,000.00 will go into effect July 1, 2005 and the increase to $5,000.00 will go into effect July 1, 2006.

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.

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5/8 or ¾	$2,200
1	$4,400
1 ½	$6,800
2	$9,000
3	$11,200
4	$13,400
6	$15,600
8	$17,800

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.

Changes needed in code to charge Availability Fees:

§170-10. Water connections outside town.

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

§170-11. Connections inside town.

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

§170-29. Connection charges within town.

A. 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.....

§170-30. Connection charges outside town.

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.....

Audit Presentation

Date and time will be set later in tonight's meeting.

Connection Fee Help on Pentecostal Hill

Will be discussed the same night as the audit report.

Council Election Ordinance – First Reading

First Reading of

CHAPTER 1 GENERAL
PROVISIONS
ARTICLE II ELECTION OF MAYOR
AND COUNCIL

April __, 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 April, 2005.

Wayne E. Printz Mayor,
Town of Elkton

Opposing views surfaced during the discussion. Mayor Printz pressed to end discussion (due to time) and send the issue to Committee. Council favored continuing the discussion, when Mr. Donachy reminded them this was the introductory First Reading. Arriving at no apparent consensus, the discussion will continue at a future meeting.

Use of REPO Funds – Second Reading

Until such time that Council approves a short or long-term loan, when presented by Mr. Donachy, Elkton will have to borrow – or use – money in the REPO account to meet the financial obligations to Atkins Construction and our suppliers for the Pentecostal Hill Project.

Vice Mayor Snow has supported many times that REPO is the Town's savings account and continued to object to the term "borrow." He championed using the REPO fund, up to the full amount of approximately $630,000.00, to keep the project going.

Mr. Donachy stated it was his intention to borrow the full amount of the project, up to 1.4 million dollars, and then repay REPO what was borrowed or used with interest and penalty, if they applied.

Mayor Printz asked several times for a specific amount, but no definitive amount was ever decided. Mr. Donachy asked for $350,000.00, plus the approximate balance of $200,000.00 of County money, to keep the project going. Vice Mayor Snow was not uncomfortable using the full amount in REPO if it was needed.

Vice Mayor Snow moved, second by Council member McDaniel, and carried to use REPO money to fund the Pentecostal Hill Project.

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

NAYS: C. McDaniel

Motion carried (4 – 1 roll call)

Council Desk – Second Reading

Vice Mayor Snow moved, second by Council member Sigafoose, and carried to approve the Council desk at a cost of $8,500.00.

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

Motion carried (5 – 0 voice vote)

Rate Increase for Trash – Second Reading

Vice Mayor Snow moved, second by Council member Pence, and carried to increase the trash pick-up fee from $9.25 to $10.00.

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

Motion carried (5 – 0 roll call)

Appointment to VMEA

Vice Mayor Snow moved, second by Council member Workman, and carried to appoint Marty Shifflett as Director to the Virginia Municipal Electric Association for the Town of Elkton.

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

Motion carried (5 – 0 voice vote)

Personnel Policy

Mr. Donachy's revisions included compensated time for exempt employees and deferred compensation for health coverage for employees who do not require the Town's paid fringe benefit. Accumulated comp time, based on hour-for-hour of overtime, must be taken within a ninety (90) day period. As for health coverage, if an employee opts out of the coverage, he/she will receive no compensation in lieu of the insurance. Accrued sick leave will be capped but, according to Mr. Donachy, the Town of Elkton will be more generous than other towns in the area.

Council member Workman moved, second by Vice Mayor Snow, to approve the revised Personnel Policy.

Mayor Printz wanted Council oversight in some areas of the Personnel Policy. He objected to "complete authority of the Town Manager and the appropriate Committee chair" to hire employees. Vice Mayor Snow offered a compromise to include the "Town

Manager and the appropriate Committee." Mayor Printz stated that was oversight and that was what he wanted.

Council members Workman and McDaniel did not want to be in a position of micromanagement. Council member Workman presented that Mr. Donachy was being paid to perform certain duties and, considering all the issues and projects facing Council, he did not want to be in a position to hire summer help, as an example.

Mayor Printz also wanted signature authority on travel requests. Mr. Donachy and Mayor Printz differed on oversight and management of staff. Mr. Donachy believed he was being second-guessed and was "offended." Mayor Printz stated it was simply "oversight and good business."

Council rejected continued discussion on the Mayor's amendments when Council member Workman called for the question. Council member Workman repeated his motion.

Council member Workman moved, second by Vice Mayor Snow, and carried to approve the Personnel Policy as presented by the Town Manager.

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

NAYS: S. Sigafoose

Motion carried (4 – 1 roll call)

DIRECTOR OF PUBLIC WORKS

Mr. Shifflett distributed his report to Council. Included was an increase in the fuel factor, which is just a pass through to our customers. Our electrical rates, what we purchase from Dominion Power, will increase approximately 2% effective in May. He reported progress on Pentecostal Hill. The sewer line on East Washington will be laid after the 12" water line has been connected to the reservoir.

Electric Purchase Increase – First Reading

Vice Mayor Snow moved, second by Council member McDaniel, to pass along the May electric increase to our customers.

COMMITTEES

Electric

No report.

Finance

No report.

Personnel

No report.

Public Health, Public Safety, and Ordinances

No report.

Streets and Sidewalks

Street paving and sidewalk repairs will begin soon.

Water and Sewer

No report.

Recreation

No report.

Planning Commission

No report.

Cemetery

No report.

Charter Revisions

No report.

Park Authority

Meeting regularly and acting on preliminary items for golf course development and management.

Economic and Community Development

The Fourth of July is fully booked by others for fireworks displays. Consequently, Council member Workman will set an alternate date for the Elkton Town Festival.

Community Center

Mr. Donachy foresees a close and cordial working relationship with the County to develop the Community Center. An approved floor plan is complete and Mr. Sease is in the process of developing the construction drawings.

UNFINISHED BUSINESS

The long-range planning session will be Saturday from 9:00 A.M., to 5:00 P.M., in the conference room of Council member McDaniel's place of business.

Junior Kite is not being billed for trash pick-up, nor is he receiving the service.

Code books need to be turned in to be updated.

Main Street

Plan of action to be scheduled. Other issues are being addressed to regain Main Street status.

Meetings

May 10, 2005 – Committees and audit report.

May 16, 2005 – Budget Public Hearing at 6:00 P.M. Council meeting at 7:00 P.M.

Closed Session

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

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

Motion carried (5 – 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 Pence duly seconded the motion.

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

Motion carried (5 – 0 roll call)

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

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk