Regular
Council Meeting
March 21, 2005

The Regular Meeting of the Elkton Town Council was held on Monday, March 21, 2005 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

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

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

Council member Dean offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Mayor Printz left for a previous engagement and Vice Mayor Snow presided in his absence.

Carrie Good apologized to the Council and the Chief of Police for his and his ex-wife's "actions at the last meeting." Regarding the reward offered for his daughter Rachel Good, Mr. Good said, "Generally, rewards do not work. They cause people to see things they did not see." He asked the Town not to interfere with Joe Ritchie and Marsha Garst, "just let them do their jobs." He asked people to pray.

Lee Dearing, 124 North Street, discussed procedural problems with borrowing 1.4 million dollars for the Pentecostal Hill project. He stated Council on February 22, 2005 had a First Reading to borrow the money. As of tonight's meeting, there has been no Second Reading. He added the County "cesspool" (Pentecostal Hill) was given to the Town of Elkton to clean up under annexation. Once the project is complete Pentecostal Hill will have modern services, and Elkwood, North Street, and other areas of "old Elkton" will continue to suffer with the same problems they have experienced for many years. Mr. Dearing stated, "The town of Elkton did not create the Kite drainage problem." He referred that problem back to the developers of Elkwood where the drainage ponds have not been maintained. He asked where was the Second Reading to approve the project at $28,000.00? Furthermore, how was the project completed without the funds being available and reallocated on a Second Reading? He urged Council not to withdraw from the REPO fund to help finance Pentecostal Hill, stating that the Town used REPO funds in 1995 and that amount has yet to be repaid.

Mayor Printz returned to the meeting.

Hazel Crider, 114 Hillside, asked if the Town has contracted another trash pick-up company and commented about the general unsightliness of the Town. She supported Friday as trash pick-up day.

Mildred Shifflett, 112 West Spotswood Avenue, requested free Council packets for citizens; referred to the Town of Elkton as "landlords" for renting the Kite house; asked Mr. Donachy about the water leak on Spotswood Avenue; and wanted the Community Center reopened as soon as possible.

Chief Pullen introduced recently hired police officers Jessica Lam and Jeffrey Gooden. Ms. Lam and Mr. Gooden thanked Council for giving them the opportunity to work in Elkton.

CONSENT AGENDA

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

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

Motion carried (5 – 0 voice vote)

Consent Agenda
March 21, 2005

MINUTES
- Committee Meetings, February 14, 2005
- Regular Council Meeting, February 22, 2005
- Special Council Meeting, March 7, 2005

REPORTS
- Chief of Police Report
- Public Works

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $410,224.51 for the month of February 2005. Designated money was $328,985.05, leaving total available cash of $81,239.46.

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

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

Motion carried (5 – 0 voice vote)

TOWN MANAGER'S REPORT

Mr. Donachy presented as a First 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.

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

Adelphia Cable Contract

Council member Workman moved, second by Council member McDaniel, and carried to approve the Adelphia Cable Contract as presented by the Town Manager.

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

Motion carried (5 – 0 roll call)

REPO

Mr. Donachy presented a First Reading for authority from Council to borrow from the REPO fund for the Pentecostal Hill project.

In the new budget, Mr. Donachy will have recommendations for short and long-term financing. At a current rate of 2.85%, a short-term loan for the full amount would cost the Town approximately $7,000.00 per month in interest payments. Borrowing from REPO until a project loan can be achieved will cost approximately $2,000.00 in interest. Mr. Donachy will present a specific amount to be borrowed from REPO during the Second Reading.

The term "borrowing" was questionable for Vice Mayor Snow. He understood it was a reserve fund and believed it should be used "at this point to get the project going." The semantics of "borrowing" or "using" will be resolved with the Second Reading.

Hazardous Communication Program

Mr. Donachy presented the following Policy Statement:

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 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 that 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 Hazard Communication Program and will communicate pertinent information to all departments. The 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 the Town of Elkton this _____ day of _____, 2005.

_____
Mayor

_____
Clerk of Council

Council member Workman moved, second by Vice Mayor Snow, and carried to accept the policy as presented by Town Manager Mr. Donachy.

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

Motion carried (5 – 0 roll call)

Council Desk – First Reading

Mr. Donachy presented a diagram for the Council desk, which will take 60 to 90 days to fabricate at a cost of $8,500.00. The desk will be paid for from the County money.

Game and Inland Fishery

Under the *Blueway Program*, Elkton Landing boat ramp is being "spruced up" with new signage. The representatives also requested Council consider opening Riverside Park to the same program. Mr. Donachy will seek input from Elkton Recreation and Economic Development.

Ruritans

Council member Dean moved, second by Council member McDaniel, and carried to waive the $1.00 per individual fee for their steak dinner at the Kite house on April 16.

YEAS: J. Dean, C. McDaniel, and T. Pence

ABSTAIN: R. Snow and P. Workman

Motion carried (3 with 2 abstentions – roll call)

Free Council packets and a Town clean-up week were discussed. Long term planning session tentatively set for April 23.

DIRECTOR OF PUBLIC WORKS

Marty Shifflett presented comparisons and differences among four companies to provide curbside trash pick up, recycling, dumpster collection, and solid waste removal.

Ernie Hoak of Waste Management presented a proposal which included a cart system of trash collection. Waste Management sought a five year contract.

Robert with Updike Industries – main office in Culpeper – stated his price was based on a nine month period, at which time, as he understood, the contract would be put out for re-bid. If Elkton favored a cart system, he could offer that service. Recycling had not been considered in his terms.

Vice Mayor Snow moved, second by Council member McDaniel, and carried to follow staff's recommendations to contract Long Enterprises for trash pick up and Green Earth for recycling pick up. Trash pick up will be on Monday and recycling pick up will be every other Tuesday.

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

NAYS: T. Pence and P. Workman

Motion carried (3 – 2 roll call)

Rate Increase – First Reading

Council member Dean moved, second by Vice Mayor Snow, and carried to increase the monthly charge for trash collection from $9.25 a month to $10.00 a month.

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

NAYS: T. Pence

Motion carried (4 – 1 roll call)

Council was given a list of road projects to prioritize.

Council asked Mr. Donachy to contact Norfolk-Southern Railroad again regarding their property on the east side of the coin operated laundry as a possible parking area.

A reception for the Lady Trailblazers is tentatively set for Wednesday, April 6, 2005 at the Fire Department Activities Building at 7:00 P.M.

COMMITTEE REPORTS

Electric

Tennis court lights need to be repaired.

Finance

No report.

Personnel

No report, other than recognition of the new police officers.

Public Health, Public Safety, and Ordinances

Council member Sigafoose plans to hold a Public Safety Committee meeting later in the month.

Streets and Sidewalks

Council member Sigafoose will meet with Mr. Donachy and Mr. Shifflett.

Water and Sewer

No report.

Recreation

No report.

Planning Commission

Final vote of Phase I and II annexation achieved.

Cemetery

A "special time" set aside for Cemetery discussion was recommended by Council member McDaniel and supported by Council.

Park Authority

No report.

Charter Revisions Committee

No report.

Economic and Community Development Committee

Council member Workman will meet with civic organizations to discuss the Town Festival.

Vice Mayor Snow suggested offering the caboose to the Harrisonburg-Rockingham Chamber of Commerce to develop into a visitors' center. There were no objections voiced by Council.

Elkton Area Community Center Committee

Vice Mayor Snow reported the committee has been meeting and has engaged an architect, whose work is progressing.

UNFINISHED BUSINESS

Steve Kite Water Drainage Project – Second Reading

Council member Dean moved, second by Council member Pence, and carried for the Town of Elkton to pay up to $28,000.00 for the Steve Kite water drainage problem.

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

NAYS: R. Snow

Motion carried (4 – 1 roll call)

Pentecostal Hill Project – Second Reading

Council member Dean moved, second by Vice Mayor Snow, and carried for the Town of Elkton to borrow up to 1.4 million dollars for the water/sewer project on Pentecostal Hill.

Mayor Printz: "Do you want to specify anywhere where you want to get it from?"

Council member Dean: "It's still up to the Town Manager."

Council member McDaniel: "What was the motion?"

Mayor Printz: "To borrow up to 1.4 million dollars for Pentecostal Hill."

Vice Mayor Snow: "That's if we need it. Right?"

Mayor Printz: "That's if we need to. If we want to go into our savings account, or our REPO account, that's alright in this motion. Correct?"

Council member Dean: "Yes."

Mr. Donachy said he spoke with the low bidder and the Town could realize "substantial savings" by purchasing the materials for the project.

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

Motion carried (5 – 0 roll call)

Charter Revisions Petition Request

Council member Dean stated he has not received a copy of the Charter petition he requested at last month's Council meeting.

Closed Session

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

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

Motion carried (5 – 0 voice vote)

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. Vice Mayor Snow duly seconded the motion.

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

Motion carried (5 – 0 roll call)

Salary Adjustments

Council member Workman moved, second by Vice Mayor Snow, and carried for a salary adjustment, a merit raise, for Rodney Hensley from $25,230.40 per year to $26,239.62, effective immediately.

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

Motion carried (5 – 0 roll call)

Council member Workman moved, second by Council member McDaniel and carried to adjust the salary of Office Harold Shifflett from $25,001.60 per year to $26,001.66 per year, effective immediately.

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

Motion carried (5 – 0 roll call)

Meetings

- Monday, March 28, 2005, Special Meeting, Council work session at 6:30 P.M., to discuss Cemetery issues.
- April 12, 2005, 6:00 P.M., Committee meetings.
- Monday, April 18, Regular Council Meeting at 7:00 P.M.
- April 23, 2005, long-range planning session.

As there was no further business, the meeting adjourned at 9:30 P.M.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk