Regular
Council Meeting
September 19, 2005

The regular meeting of the Elkton Town Council was held on September 19, 2005 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

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

ABSENT
T. Pence

Attorney J. Burns Earle, III, Town Manager Dennis R. Donachy, Director of Public Works Marty Shifflett, Director of Economic Development Emily Burner, 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.

Mayor Printz made a special presentation to Jack Dixon.

CITIZEN COMMENTS

Robert Tolsma, 6184 Runkle's Gap Road, was present to represent the Elkton Progressive Improvement Committee (EPIC). It is EPIC's desire to construct walls on either side of the steps going from the hill to Stonewall Memorial Park. At their highest point, the stone walls will be approximately four feet high and will initially extend 12 to 18 feet on each side, depending on funding. Bronze-type plaques, on which spaces will be sold, will adorn each wall. The wall to the right of the steps will be an "In Honor Of" wall, while the wall to the left of the steps will be designated an "In Memory Of" wall.

Vice Mayor Snow was concerned about obstructing the view to the Park. For example, someone in a car would not be able to see over the walls. Mr. Tolsma explained the highest point of four feet would be on either side of the steps and extend outward no more than four feet, from which it would slop to 18 inches high by one foot width.

Council member McDaniel believed a mock-up made of plywood would give Council a better concept of a finished project. Vice Mayor Snow expressed concern about someone being able to crouch behind a four feet wall for nefarious reasons. Council member Workman stated the electric cable for lighting was buried at the time the steps were constructed.

Vice Mayor Snow moved, second by Council member Workman, and carried to approve the project, pending height approval by Council.

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

Motion carried (5 – 0 voice vote)

Bill Holt, 402 East 4th Street, detailed the hardships of Town businesses as a result of VDOT's storm drainage project on Business 33. He encouraged Town government to contact VDOT to remove "The No Through Traffic" signs on "New" 33.

Lee Dearing, 124 North Street, commented on bicycle patrol and incentive pay for police officers. He stated there are police officers expressing their views in public regarding Rachel Good. He said he had spoken with Investigator Richey of the Virginia State Police and that was a "form of obstruction of justice." It became known that Elkton had employed an undercover officer "who had not been hired by the Mayor and Council." He had these questions regarding the officer: Who authorized the hiring? How did he get on payroll? Who directed him to be placed on payroll? How does our Treasurer do her job when she knows she is not following the rules? How did he get sworn in? Who set his pay and where did he come from? Who is he answering to and who was he investigating? Were other jurisdictions notified that Elkton had an undercover officer?

John Pence, 1552 Old Spotswood Trail, owner of Roosters Restaurant, supported the earlier statements made by Mr. Holt.

Hazel Crider, 114 Hillside, asked when the Public Hearing for the Elkwood development would be held. It is envisioned that the back part of the Kite house will serve as a club for the golf course. The remainder may be leased for a restaurant. Mrs. Crider wanted the remainder of the house reserved for public use. When the topic of referendum surfaced, Council member Workman was puzzled why there was so much vocal opposition to the voters-at-large deciding the election date.

Mildred Shifflett, 112 West Spotswood Avenue, asked why the Town hired a grant writer when the Town had a Town Manager who had that responsibility as part of his job description. She stated, "the right hand doesn't know what the left hand is doing" as she questioned why the Elkton Car Wash was a location selected for undercover police work.

Mayor Printz asked Council to approve the following Resolution:

Resolution No 09-19-05-1

WHEREAS, gas that previously filled in-ground tanks prior to Hurricane Katrina could not possibly have been affected by world oil prices, and

WHEREAS, prices at the stations escalated even before world market prices and did not recede in conjunction with the world market, and

WHEREAS, the Town of Elkton believes there was some type of price fixing by the major oil companies, and

WHEREAS, we, the elected officials of the Town of Elkton, have the responsibility to protect our citizens from erroneous, conspired, or potential illegal activity,

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Town of Elkton, Virginia request the Attorney General of the State of Virginia and the Attorney General of the United States of America investigate the major oil companies for price fixing and price gouging in our State and nationally, threatening our citizens' financial security and our National security.

PASSED, ADOPTED, AND APPROVED THIS _____day of_____

By:_____
Mayor

ATTEST:_____
Clerk of Council

He concluded by saying, "I don't know where our legislators are at in Richmond and the federal government but I certainly hope we fire all of them. They are all feeding off the same finances. They don't care about you anymore and it's just about sickening to see how the big corporations are running this country. The Chinese are taking over this country and it's just pathetic that they will not stop the illegal aliens from coming across the border. It's just gotten absurd and somebody has got to do something about it."

Mayor Printz next read the following prepared statement:

Citizens, I stand before you tonight distraught and angry that my words of caution regarding the poor management of our Town during the last four or five months have gone unheard. The Council and I are duly elected officials of the Town, responsible to the Town's people for the day-to-day oversight and direction of the Town. We are also responsible for the legal and moral enforcement of the laws of the Town Charter, State Code, and the federal laws regarding our finances and safety and health and welfare of our citizens. We have a legal and ethical responsibility to protect our citizens and to keep our eyes wide open to any inappropriate conduct activity or potential conduct that could threaten the future of our Town or its citizens. I submit to the citizens of our Town of Elkton that we are not taking our responsibilities as seriously as we should. I have been a 30 year resident of our Town. I have almost 16 years of representation of our Town as Councilman and now Mayor. I've been in business for almost 25 years. I was President of Merck & Co. Local 94 for almost six years with a number of very intelligent people. I was proudly elected by 69% of the vote in Elkton. My credentials, life experiences, and time spent with people of our Town have given me the perspective and judgment to provide leadership, oversight, and financial stewardship necessary to be the Mayor with a comprehensive understanding of our Town. In my first term on Council we refinanced our debt, saved hundreds of thousands of dollars, we sold Miss Kite's property, and we had many successes together, together, against all odds. Our finances were debated, predicted, and on solid footing. The elected officials were respected by the employees and we had a clear direction. In the last number of months I have been undermined and discounted. Issues are backing up on us and the Town is in disarray. We are spending ourselves into oblivion. I am concerned about how we are going to pay for all this development. All I hear about is that we might raise utilities, even though we have over 600 seniors on fixed incomes. I continually keep talking but fall on deaf ears. All I hear about is borrowing and we can barely pay our bills now. Most of our projects we are doing are not getting complete and the Town looks dirty and unorganized. I have been stressed and concerned about all of this and then I was informed last week that an undercover officer was hired without the Mayor or Council approval and/or knowledge. I do not know who he was investigating, if he had any drug arrests, or anything about the operation. I do know the officer specifically hid from me so as not to be discovered. This deceptive behavior is totally unacceptable. This is a violation of policy and ethical standards. There is nothing in this Town that needs to be hid from the duly elected officials of the Town, charged with leading and protecting our citizens. I have been trying to get this Council to take notice. If some action is not taken to rectify the situation soon, I will take care of this myself. Thank you.

CONSENT AGENDA

Consent Agenda
September 15, 2005

MINUTES
•Committee Meetings, August 9, 2005

•Regular Council Meeting, August 15, 2005
•Special Committee Meeting (Work Session), Charter Revisions, August 29, 2005

REPORTS
•Chief of Police
•Public Works

Council member Dean moved, second by Vice Mayor Snow, and carried to approve the Consent Agenda.

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

Motion carried (5 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $321,671.99 for the month of August 2005 for General Government. Total designated money was $240,797.48, which left total available cash of $80,874.51.

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

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

Motion carried (5 – 0 roll call)

TOWN MANAGER'S REPORT

Local Access Channel

Start-up cost would be approximately $10,000.00, as well as a full-time employee to run the station and film the meetings/events, or pay someone approximately $65.00 per hour to film and edit.

Employer Support for the Guard and Reserve

Information will be coming from the Virginia National Guard for Council to consider for showing support for the Guard and Reserve.

Nuisance Letters

Follow-up letters have been sent to violators stating the deadlines and the policies that Council will enforce.

Zoning Permit Fee Increase

Elkton's zoning permit fees are one of the highest in the area and other towns may follow Elkton's fee schedule. Elkton does not issue building permits and Mr. Donachy could find no justification to raise zoning permit fees.

Request for Proposal (RFP) for Engineering Firm

REQUEST FOR PROPOSAL
TO PROVIDE PROFESSIONAL ENGINEERING SERVICES
TERM CONTRACT

I. General: The Town of Elkton seeks proposals from qualified engineering firms to provide professional engineering services on an "as needed" basis.

The Town of Elkton will select one or more firms to provide the services requested using the "Competitive Negotiation Procedure for Professional Services" as outlined in the Virginia Procurement Act.

II. Scope of Services: The Town of Elkton seeks professional engineering services to assist with particular projects as needed. Projects may be any which are within the scope of professional engineering and surveying, but are anticipated to be primarily water, sewer, streets and electric planning, evaluation, operation, design and contract administration.

III. Site Visits: Site visits are strongly discouraged in the interest of reducing costs prior to shortlisting or the interview stage.

IV. Term of Contract: The Town of Elkton shall enter into a one-year contract with the selected engineering firm(s). The contract may be renewed, at the discretion of the OWNER, for up to two successive one-year terms.

V. Evaluation of Proposals: Selection criteria shall include the information contained in Standard Form (SF) 254, references, or information from any other source. The Town of Elkton will also use the ability of the engineering firm(s) to respond to requests from the Town in a timely manner as criteria for selection.

VI. Contents of Proposals: Each firm which wishes to submit a proposal in response to this Request for Proposal (RFP) must submit three (3) copies of an unmodified SF 254 along with a cover letter of not more than two pages.

VII. Rejection of Proposals: The Town of Elkton reserves the right to reject any or all proposals received.

VIII. Deadline: All proposals must be received by 5pm on October 24, 2005. Proposals shall be mailed to Town Manager, 173 W. Spotswood Ave., Elkton, VA 22827. For more information you may contact the Town Manager at 540-578-0566 or by e-mail townmanager@townofelkton.com.

Considering all the proposed development in Elkton, Mr. Donachy sought Council permission to send out an RFP to contract an engineering firm for the Town. This would save confusion with projects by having just one engineer for a project as opposed to two or three. The firm would do a study when requested and the firm would keep a copy of the study if the Town should need it.

Council member Workman moved, second by Vice Mayor Snow, and carried to send an RFP as discussed.

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

Motion carried (5 – 0 voice vote)

Public Hearing for the Master Plan for Elkwood and the Charter

A Joint Public Hearing for the Master Plan for Elkwood development will be at 6:00 P.M., on Monday, October 17, 2005.

A Public Hearing to receive comments on the proposed Charter revisions will be held at 6:30 P.M., on Monday, October 17, 2005.

Second Reading of Ordinances for Mopeds and Bicycles

Second Reading of an ordinance to amend Chapter 158-1 (Vehicles and Traffic) by adding Article VI (Safety Equipment) with Sections 158-29 (Mopeds) and 158-29 (Bicycles).

AN ORDINANCE TO AMEND CHAPTER 158 (VEHICLES AND TRAFFIC) BY ADDING ARTICLE VI (SAFETY EQUIPMENT) WITH SECTIONS 158-28 (MOPEDS) AND 158-29 (BICYCLES)

WHEREAS, there has been an increasing number of mopeds and bicycles on the streets; and

WHEREAS, the Town is concerned with the safety of the youth riding/operating this equipment; and

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 158 (Vehicles and Traffic) of the Code of the Town of Elkton, is hereby amended as follows:

Add Article VI, Safety Equipment. With the following sections:

1. §158-28. Mopeds

   "Every person operating a moped, as defined in Virginia State Code §46.2-100, on a public street shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent of Transportation or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent of Transportation. A violation of any such ordinance shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped or motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action. Any person who knowingly violates this ordinance shall be guilty of a traffic infraction and be subject to a fine of $50.00 dollars".

2. §158-29. Bicycles

   "Every person 14 years of age or younger shall wear a protective helmet that at least meets the Consumer Product Safety Commission standard whenever riding or being carried on a bicycle, an electric personal assistive mobility device, or an electric power-assisted bicycle on any highway, sidewalk, or public bicycle path. A violation of any such ordinance shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, electric personal assistive mobility device, or electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action. Violation of this ordinance shall be punishable by a fine of $25.00. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required".

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 _____, 2004

_____
Mayor

Council member McDaniel moved, second by Council member Sigafoose, and carried to approve the amendments.

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

Motion carried (5 – 0 voice vote)

Voluntary Contribution Plan

Vice Mayor Snow moved, second by Council member Workman, to accept the plan.

Council member McDaniel was concerned about the capacity and design of the water tank (tower). He wanted to make sure that the Town's specifications "did not fall between the cracks." After more discussion, it was decided to delete "farm silo replica" from "Section 1. Land for Water Storage Tank" and "Section 2. Water Storage Tank." On Attorney Burns' recommendation, the entire last sentence of Section 1, "All water tanks installed on this portion of the Elkwood Property shall be farm silo replica tanks," was stricken.

Vice Mayor Snow and Council wanted language in the Agreement that the well(s) would comply with municipal water standards. Additional Council requirements were that the well(s) meet the capacity for the existing homes as well as the planned development and a protective fence be erected around the well(s). All these Council requirements would be at Angler's expense.

With all the changes discussed, Vice Mayor Snow withdrew his motion and Council member Workman withdrew his second.

Ordinance to Clarify R-8 Lot Regulations – First Reading

An ordinance to add language to Section 110-609 to add lot regulations to the R-8 District.

AN ORDINANCE TO AMEND CHAPTER 110 (LAND DEVELOPMENT), SECTION 110-609 (PLANNED UNIT DEVELOPMENT DISTRICT R-8), SUBSECTION B BY ADDING LOT REGULATIONS

WHEREAS, current Code does not address lot regulations in the R-8 district; and

WHEREAS, the Planning Commission and Town Council want to ensure the integrity of residential areas in the R-8 district;

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:

Addition of the following to §110-609,B:

1. B. Permitted uses. Within the Planned Unit Development District R-8 the following uses are permitted:

    (1) Single-family detached dwellings *with lot regulations consistent with R-3district standards*

    (2) Two-family dwellings *with lot regulations consistent with R-5 district standards.*

(3) Multifamily dwellings, apartments, townhouses (as regulated in §110-709 of this chapter) and condominiums *with lot regulations consistent with R-5 district standards.*

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 _____, 2004

_____
Mayor

Appointments to Planning Commission

Council member Dean moved, second by Vice Mayor Snow, and carried to appoint Harry Armbruster to the Elkton Planning Commission to serve the unexpired term of Troy Lester, beginning September 19, 2005 and ending October 31, 2006, and appoint Jarred "Marty" Shifflett to serve the unexpired term of Thomas Schroeder, beginning September 19, 2005 and ending November 30, 2008.

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

Motion carried (5 – 0 voice vote)

Cash In $150,000.00 CD – First Reading

Mr. Donachy stated this was not a reappropriation but money that was available for use.

Vice Mayor Snow moved, second by Council member Dean, to amend the budget to reflect the adding of $150,000.00.

Attorney Burns agreed with Mayor Printz that this action required a second reading. A date for a Special Council Meeting will be set.

Mr. Donachy completed his report by stating, "I, too, was in the military. As an officer, I never berated anybody in public and never talked about troops in public. Also as a manager, I never air differences in public. The only comments I will make is that the people who have problems with the undercover agent, if they will talk to me, I will tell them the truth."

DIRECTOR OF PUBLIC WORKS

Marty Shifflett was notified by VMEA that the Virginia Power fuel factor will increase from .00892 to .01682, a 50% increase. This is a pass along to consumers and is not a rate increase.

Mr. Shifflett's study of providing water and sewer on Monger Hill was shown to not be cost effective at this time.

West Summit Avenue will be surveyed for water and sewer lines.

COMMITTEE REPORTS

Finance

No report.

Personnel

Will meet in closed session tonight.

Public Health, Public Safety, and Ordinances

Mayor Printz discussed the possible use of electric golf carts around Town.

Streets and Sidewalks

No reports.

Water and Sewer

Council member Dean would like the treatment plant engineered to treat up to two million gallons.

Recreation

Council member Workman moved, second by Vice Mayor Snow, and carried to reappoint David Dean and Joseph Gooden to the Elkton Recreation Commission for terms beginning October 1, 2005 and ending September 30, 2007, at which time they will be eligible for reappointment.

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

Motion carried (5 – 0 voice vote)

Planning Commission

No report.

Cemetery Commission

A survey of the ditch project made evident that a neighbor's storage building and fence were erected on Town property.

Charter Revisions

No report.

Park Authority

No report.

Economic and Community Development

Council member Workman thanked all those who helped make the Elkton Festival a success.

Community Center Committee

Vice Mayor Snow announced a bid opening scheduled for September 29.

Miscellaneous

Council member McDaniel would like a work session to discuss capital projects. He also would like for Council to "review and approve the design and location of all public buildings and structures located within the Town limits."

Meetings

The following meetings were scheduled:

1. Special Council Meeting – Second Reading to amend budget – Monday, September 26 at 4:00 P.M.

2. Committee Meetings – Tuesday, October 11 at 6:00 P.M.

3. Joint Public Hearing – Elkwood Master Plan – Monday, October 17 at 6:00 P.M.

4. Public Hearing – Charter Revisions – Monday, October 17 at 6:30 P.M.

5. Regular Council Meeting – Monday, October 17 at 7:00 P.M.

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 personnel issues and litigation.

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

Motion carried (5 – 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 Sigafoose duly seconded the motion.

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

Motion carried (5 – 0 roll call)

Resolution to Investigate the Major Oil Companies

Vice Mayor Snow moved, second by Council member Dean, and carried to adopt the Resolution submitted by Mayor Printz.

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

Motion carried (5 – 0 voice vote)

The Town Attorney was instructed to draft the petition for signatures to hold a special election in December for the Town elections referendum.

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

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk