Regular
Council Meeting
June 14, 2005

The regular meeting of the Elkton Town Council was held on Tuesday, June 14, 2005 at the Fire Department Activity Center with Mayor Wayne E. Printz presiding. The following Council members were present:

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

Town Attorney Nathan Miller, Town Manager Dennis R. Donachy, Chief of Police Richard Pullen, and Clerk of Council Richard Carey were also present. Treasurer Sipe arrived later.

Council member Dean delivered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Robert Gooden, 16950 East Summit, was present and presented a petition signed by approximately 85 residents of Pentecostal Hill who opposed mandatory water and sewer hook-ups in their area.

After several months of discussing this issue, Attorney Miller made the following statement: "One of the provisions in the State Code says even if the Town requires mandatory hook-ups, if you have an existing operating system that meets the health requirements, that is whether it's sewer or water, it is exempt. So, even if the Code states it is mandatory, that would be as to future hook-ups, if you have a functioning system that the State Health Department says your well doesn't have bacteria in it, or it's healthy, and almost everybody does, or your sewer system is functioning, you do not need to connect, or you cannot be forced to connect. That's a State exemption to the mandatory hook-up."

It was made clear this does not apply to new construction.

Lee Dearing, 124 North Street, was pleased with the outcome of mandatory hook-ups on Pentecostal Hill. He stated Cemetery Commission members met with Attorney Miller and differences still exist between "how Council wants to manage the Cemetery and how the Commission has been directed by deeds and by the bylaws to direct the Cemetery." Mr. Dearing read condition number 5 of the Deed for Internment Rights for the Elk Run Cemetery which states: "Grantor certifies that in accordance with its contract with the Grantee $_____ has been placed in the irrevocable Trust Fund heretofore established, which sum together with other funds of a like character in the trust forever, shall be invested and re-invested as authorized by law and the net income only, used for the care, maintenance and protection of the Elk Run Cemetery." He added, "That is what we have been saying for the last five years, that you can only spend the interest." He shared a telephone conversation he had with a gentleman from the Town of Shenandoah, in which was said the caller's parents were buried in a cemetery in Shenandoah which had just $18.00 left in the account to maintain that cemetery. "Because no one followed the rules," stated Mr. Dearing, he was concerned Elkton would face the same problem if Council did not "reconsider the money they took." He added the Cemetery Commission had done well by maintaining the "most visited spot in Elkton." They have paved the roads and recently acquired 2,033 additional spaces at a value of $823,000.00. Addressing treatment plant capacity, he formulated that in the Year 2002, Elkton had an average daily flow of .25 million gallons,

with an allowance of .40 million gallons per day. That equated to 62% capacity. He spoke of the Angler developments, Woodbridge, Quail Run, Pete Bonavita, and Angler's tentative expansion out Newtown Road which will all add over 2,000 housing units to be handled by our treatment plant. He declared in 2002 the Town of Elkton had 616 hook-ups and cautioned Council to "look at your system. Can you supply what you say you can supply?" He suggested Council speak with the citizens of Elkton who barely survive on fixed incomes. They are "scared" because they are unaware of a ten-year plan. Mr. Dearing stated if he was aware of a ten-year plan, he "may not be looking to move to Rockingham County. But, then, my last thing is, if your plan fails, I could be in Rockingham County anyway because they will probably take Elkton over."

Council member McDaniel stated Council is not "asleep" as they are discussing the sewer issue with the developer and "we will find a solution that works." He assured Mr. Dearing there will be a five year plan, as well as a ten year plan. The process was started at Council's long-term planning session.

Cathy Murphy, 110 North Stuart Avenue, was perplexed regarding the need for an Economic Director/Grant Writer. If grants are awarded to depressed areas, and Elkton does not qualify as such an area as stated by Mr. Donachy during a previous meeting, then how can Elkton expect to profit from this created position? She believed it was "redundant" to have a Main Street Director and a Town Economic Director. What was the difference between the two classifications and couldn't one person perform the duties of both? Referring to the many rate increases on tonight's agenda, Ms. Murphy asked Council to eliminate the "fluff" in the proposed budget before raising so many rates at once. She defined "fluff" as conferences, parties, and festivals. Ms. Murphy remarked that after years and years, the Cemetery Perpetual Account had accumulated $337,500.00. It "scared" her that in a month's time, Council had decreased that total to $129,000.00. She referred to the same section of the Deed that Mr. Dearing presented and challenged Council to explain how they took the money and what will be done once the account is completely depleted.

Council member McDaniel said the Main Street Director "must be administered by a separate entity" – not Town staff. The Economic Development Director will be hired by and work for the Town. The Main Street Director will address a particular area downtown, whereas the Economic Development Director will address the whole Town "comprehensively." He hoped Elkton would commit to Main Street for at least five years.

Hazel Crider, 114 Hillside, spoke to keep Town elections in May. She celebrated with the Pentecostal Hill residents who are on fixed incomes. They must feel that a "great burden has been lifted" with the demise of mandatory water and sewer hook-ups. Council assured her that the Kite house would remain Town property, although its use could change from a meeting location to some other use. She strongly opposed a telephone tax for reasons she previously stated.

Mildred Shifflett, 112 West Spotswood Avenue, supported May elections and was relieved for residents on Pentecostal Hill. She, too, opposed a telephone tax.

Caroline Brill stated she agreed with the previous speakers.

Charlotte Chittum, 16731 East Prospect Avenue, spoke of hardships on Pentecostal Hill and related those to increased utility rates and the phone tax. She questioned the future of Elk Run Cemetery when the Perpetual Care Account is empty.

Lonnie Meadows, 16660 East Spring Avenue, discussed the strain of paying Town late charges and other Town rates on him and others like him who live on fixed incomes. Would they be forced to sell their homes and move into the County where they would be responsible for County taxes only?

Bobby Morris, 749 Newtown Road, expressed the belief that the people on Newtown Road were the forgotten people because of all the emphasis on Pentecostal Hill. He cited many negatives such as the Cemetery, the Town Manager, rates increases, and poor infrastructure planning and stated, "You have benefited from me, but I have not benefited one bit from you. I don't get any lights or any other benefits from you." He was not pleased with the way Dr. Downey's issue was addressed. As for sewer expansion on Newtown Road, Mr. Morris believed his connection should be locked at the prevailing cost at the time of annexation.

Ms. Murphy was recognized again and pled the case of those on Pentecostal Hill who do not have working systems and would be forced to hook-up. The payment plan presented would not work for some of those affected. She stated additional plans, or ideas, were needed from Council.

Denise Whetzel, 16590 East Washington Avenue, was denied a water hook-up for seven years.

CONSENT AGENDA

Consent Agenda
June 14, 2005

MINUTES
•Committee Meetings, May 10, 2005
•Public Hearing, May 16, 2005
•Regular Council Meeting, May 16, 2005

REPORTS
•Chief of Police Report
•Public Works

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

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

Motion carried (6 – 0 voice vote)

TREASURER'S REPORT

No report due to the timing of this month's Council meeting and a conference in Richmond attended by Mrs. Sipe.

TOWN MANAGER'S REPORT

Alley Closure and/or Sale

The Planning Commission requested an inventory of all alleys in Town for their review and recommendations.

Sewer to West Summit

The Town will run 100 feet of line and Mr. Bruce has agreed to pay for the additional 200 feet. An existing house has a water connection. In consideration of $1,800.00, Mr. Bruce asked that sewer be provided to that house. He would pay an

additional $1,200.00 for a water connection to his house. Mr. Donachy recommended Council approval of this proposal.

Council member Dean moved, second by Vice Mayor Snow, and carried to approve the proposal as presented.

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

Motion carried (6 – 0 voice vote)

Pre-Paid Connection Ordinance – First Reading

Mr. Donachy presented the following ordinance as a First Reading:

FIRST READING

AN ORDINANCE TO AMEND CHAPTER 170 (WATER AND SEWERS), SECTION 170-28 (APPLICATION FOR SEWER CONNECTION AND SEWER SERVICE) TO LIMIT PREPAID CONNECTIONS

WHEREAS, the Town is experiencing enormous growth; and

WHEREAS, the Town has a limited sewer system capacity; and

WHEREAS, the Town wants a fair and equable way to allow connections to its existing sewer system;

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:

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

1. §170-28. Application for sewer connection and sewer service.

   "Any person *or entity* desiring to connect with the Town sewer line and to make Town sewer service available to *any building, including but not limited to commercial, residential or industrial,* ~~his or her premises~~ shall make application for such service to the Town Manager or his/her representative, *not more than six months prior to the intended date of connection,* upon a form provided by the Town. *No individual or related entity may hold more than ten approved unused sewer connection applications. All approved sewer applications shall expire and payments forfeited if not used within six months of issuance and it shall be necessary for the individual or related entity to submit a new application and obtain new approval prior to connecting the building to the Town sewer system.*

2. 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

Mandatory Water and Sewer Ordinance

Resolved.

Payment Plan for Water and Sewer Connections

Mr. Donachy presented the following payment plan:

Payment Plan for $1,200.00 Water Connection Fee

Time Period	Monthly Cost
2 years	$.50.00

Payment Plan for $1,800.00 Sewer Connection Fee

Time Period	Monthly Cost
3 years	$50.00

Payment Plan for $3,000.00 Water/Sewer Connection Fee

Time Period	Monthly Cost
4 years	$63.00

Council member Dean moved, second by Council member Workman, to approve the plan.

Following discussion of record-keeping, the legalities of imposing penalties for non-payment, and knowing accurately how many people this would affect, Council decided to table the issue until additional information could be provided.

The motion was withdrawn.

Request for Water and Sewer Connections

Council member Dean moved, second by Council member McDaniel, and carried to provide a Letter of Confirmation to Richard Myers that the Town has the capacity for 28 water and sewer connections.

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

NAYS: S. Sigafoose

Motion carried (5 – 1 roll call)

Increased Water/Sewer Rates – Second Reading

Council member Dean moved, second by Council member McDaniel, and carried to table due to ongoing negotiations with several developers.

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

Motion carried (6 – 0 voice vote)

Tax on Phone and Cell Phone Service

Council member Sigafoose moved, second by Council member McDaniel, and carried to table.

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

Motion carried (6 – 0 voice vote)

FY 06 Budget and Taxes

Council member McDaniel moved, second by Vice Mayor Snow, and carried to approve the FY 05-06 Budget, with no increase in the tax rates.

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

Motion carried (6 – 0 roll call)

RESOLUTION

WHERAS, the Town of Elkton's 2005-2006 budget does not include any tax rate increases; and

WHEREAS, § 148-1 of the Elkton Town Code declares that Council shall annually fix the tax rates on all real and personal property, household property excluded, properly subject to taxation within and by the Town; and

WHEREAS, the personal property tax shall include personal property, recreational vehicles, merchants capital, machinery and tools, mobile homes and farm machinery;

NOW, THEREFORE BE IT RESOLVED, that the Elkton Town Council sets the tax rates for FY05-06 at $.10 per $100.00 of assessed value for Real Estate and $.46 per $100.00 assessed value for Personal Property.

Passed this _____day of _____2005

_____
Mayor

_____
Clerk of Council

Sell Unused Vehicles/Equipment

Mr. Donachy presented the following list for Council's approval to list on an Internet site for auction:

1. GIS System CAD/Survey
2. F-150 Pickup/Claud
3. Kubota 43WD Tractor
4. Chevy S-10 Pickup
5. International Bucket Truck
6. Crash Truck
7. Dodge D-50 Pickup
8. Van
9. Dodge Intrepid
10. Blazer
11. Trailer mounted generator
12. Generator

Council member McDaniel moved, second by Council member Sigafoose, and carried to place the items up for auction.

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

Motion carried (6 – 0 voice vote)

Short Term/Long Term List

At Council's long-term planning session they developed the following list of priorities. Mr. Donachy asked Council's approval so they can be included in the Comprehensive Plan.

SHORT TERM PRIORITIES

1. Downtown revitalization
2. Smart Growth/Planning/Controlled Growth/Better Design
3. Financial Planning
4. Develop Community Center
5. Hire Economic Development Director/Grant Writer
6. Clean up Town with Nuisance/Blight Ordinances
7. Promote Tourism
8. Promote Business Development
9. Affordable Housing
10. Protect Small Town Character

LONG TERM PRIORITIES

1. Economic Development
2. Long-term Infrastructure Repair
3. Self Sufficient Fee and Permit Structure/Tax Burden Covered by Businesses, Tourism, and Developers
4. Complete Phase I and II of the Community Center
5. Control Growth
6. Tourism Promotion
7. Keep Cost of Living Low
8. Grants for Infrastructure
9. Town Engineer
10. Security for Water/Sewer Infrastructure

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

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

Motion carried (6 – 0 voice vote)

Availability and Connection Fees for Out-of-Town

Mr. Donachy presented two availability/connection fee charts for out-of-town water and sewer connections; one for January 1, 2006 and the other for January 1, 2007.

Council member Dean moved, second by Vice Mayor Snow, to approve the proposed connection fees.

Mr. Donachy stated he researched all agreements with the County and the Town's fee structure was restricted in one area west of Town. The fees will be $2,000.00 above the charge for in-town. Mr. Miller added Elkton is not confined to the same across-the-board fees charged in-town.

Council member Workman asked if the motion should include exclusion of those who are covered under existing County/Town agreements. Attorney Miller advised that legally it was not required, but it may be "practical."

Council member Dean and Vice Mayor Snow withdrew the motion.

Council member Dean moved, second by Vice Mayor Snow, and carried that the availability/connection fees be accepted with the stipulation that any existing contract with the County on the sewer line will be exempt from the increases.

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

Motion carried (6 – 0 roll call)

Ordinance to Amend Chapter 170 – First Reading

Mr. Donachy presented an ordinance to amend Chapter 170, Section 29 by deleting outdated paragraph B.

School Board Agreement

For liability reasons, Mr. Donachy proposed renewing an expired 30 year agreement with the School Board in which they were granted use of playground area.

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

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

Motion carried (6 – 0 voice vote)

Parks and Recreation Fee Increases

The Recreation Commission recommended the following fee structure:

1. Shelter rental is currently $25.00
2. Basketball fee K-2 is currently $15.00
3. Basketball fee 3-12 is currently $20.00
4. Football fee is currently $15.00
5. Volley Ball fee is currently $20.00

Recommended is a $5.00 increase for all items listed above.

Vice Mayor Snow moved, second by Council member Workman, and carried to approve the fee increases recommended by the Recreation Commission.

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

NAYS: T. Pence

Motion carried (5 – 1 roll call)

Buy Equipment – Second Reading

Vice Mayor Snow moved, second by Council member Dean, and carried to approve the purchase of a Kubota M5700 tractor for $31,000.00, a Rhino 1348 Flail Mower for $12,000.00, and a sewer machine for $35,000.00.

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

Motion carried (6 – 0 roll call)

COMMITTEES

Electric

No report.

Finance

No report.

Public Health, Public Safety, and Ordinances

No report.

Personnel

No report.

Streets and Sidewalks

No report.

Water and Sewer

Council member Workman moved, second by Council member Dean, and carried to approve publishing an advertisement that the businesses on Business 33 would remain open as the VDOT storm sewer project continues.

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

Motion carried (6 – 0 voice vote)

Planning Commission

Need recommendations to fill vacancy(cies).

Recreation

No report.

Cemetery

No report.

Charter Revisions Committee

No report.

Park Authority

Meets bi-monthly. They are working a business plan and a mission statement. Angler may soon present design plans.

Elkton Park Authority Reappointments

Vice Mayor Snow moved, second by Council member Dean, and carried to reappoint David Dean, Joseph Flick, and Pete Bonavita to four-year terms on the Elkton Park Authority.

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

Motion carried (6 – 0 roll call)

Economic and Community Development

Council member Workman moved, second by Council member McDaniel, and carried to approve that existing businesses located along the Great Race route be permitted to place sidewalk displays on the street on June 25.
YEAS: J. Dean, C. McDaniel, T. Pence, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 – 0 roll call)

Council member Workman moved, second by Council member Pence, and carried approve the Memo of Understanding for the Town of Elkton and the Elkton Downtown Revitalization Corporation.

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

Motion carried (6 – 0 roll call)

MEMORANDUM OF UNDERSTANDING FOR THE TOWN OF ELKTON AND THE ELKTON DOWNTOWN REVITALIZATION CORPORATION

This Memorandum of Understanding is entered into between the TOWN OF ELKTON (the "Town") and the ELKTON DOWNTOWN REVITALIZATION CORPORATION (the "EDRC").

WHEREAS, the Town and the EDRC hereby acknowledge their desire to fully cooperate and coordinate their efforts to promote and achieve revitalization of the downtown business district of the Town of Elkton through efficient means which are complementary, and not duplicative, and, therefore, approve the following understanding and agreements between them:

A. The Town agrees to:

1. Appropriate to the EDRC the amount of $25,000.00 in fiscal year 2005-2006, and a minimum of $25,000.00 per fiscal year for the four subsequent fiscal years thereafter;
2. Provide in-kind services for support of events and activities in order to meet logistical needs;

3. Ensure that the Town Manager and as many Town Council members as possible attend at least one Virginia Main Street Program training workshop;
4. Designate the Town Manager as the principal contact person at the Town through whom the EDRC Executive Director or its Board may coordinate downtown activities, efforts and issues concerning downtown revitalization, and sharing of related information;
5. Provide assistance to the EDRC through various departments as agreed upon by the parties;
6. Provide office space for the EDRC at a location mutually agreed upon by the Town and the EDRC;
7. Proactively inform and seek the opinion of the EDRC Executive Director or its Board as to issues affecting downtown revitalization; and
8. Proactively promote the downtown revitalization partnership between the EDRC and the Town.

B. The EDRC agrees to:

1. Employ and supervise a part-time Executive Director to manage and oversee efforts related to downtown revitalization;
2. Administer all aspects of downtown revitalization oversight as agreed upon by the parties;
3. Provide oversight and design assistance for downtown building improvements;
4. Provide assistance and input concerning overall downtown design concepts and streetscape design;
5. Organize and sponsor downtown promotions to enhance visibility and re-establish downtown as a destination and vibrant hub of the Town;
6. Permit the Town Council to appoint up to 2 *ex officio* members of the EDRC board;
7. Provide quarterly reports and others, as necessary, to the Town Manager and Town Council in the primary activity areas of economic restructuring, organization, design, and promotions;
8. Proactively inform and seek the opinion of the Town Manager or Town Council as to issues affecting downtown revitalization; and
9. Proactively promote the downtown revitalization partnership between the Town and the EDRC.

This memorandum may be renewed on a five-year basis with the consent of both parties.

Elkton Area community Center

The Committee meets on the first and third Wednesdays and construction drawings should be available tomorrow evening.

Meetings

Committees set for 6:00 P.M., on July 12 and Council meeting at 7:00 P.M., on July 18.

Closed Session

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

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

Motion carried (6 – 0 roll call)

Council member Dean moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certified that only public business matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.2 of the Code of Virginia were heard, discussed, or considered. Council member McDaniel duly seconded the motion.

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

Motion carried (6 – 0 roll call)

Purchase Taylor Property

Vice Mayor Snow moved, second by Council member McDaniel, and carried to purchase the Taylor properties contingent upon the attorney's review of the contract.

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

Motion carried (6 – 0 roll call)

Council member Dean commented that everyone knew he opposed the purchase, but he would support the motion for the sake of unanimity.

1.4 Million Dollar Loan

Council member Dean moved, second by Vice Mayor Snow, and carried to authorize Mr. Donachy to borrow 1.4 million dollars from VML/VACO.

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

Motion carried (6 – 0 roll call)

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

Mayor:_____
Wayne E. Printz, Mayor

Recorder:_____
Richard D. Carey, Clerk