Emergency
Council Meeting
July 22, 2016
1:00 p.m.

An emergency meeting of the Elkton Town Council was held in the Council Chambers of the Elkton Area Community Center, located at 20593 Blue & Gold Drive, Elkton, Virginia, on July 22, 2016, with Mayor Wayne E. Printz presiding. The purpose of the meeting was to discuss the following: Status of the Elkton Police Department and Personnel Impact.

PRESENT
Wayne Printz, Mayor
Jay Dean, Vice Mayor
Margaretta Isom, Council Member
Harry Armbruster, Council Member
Jeffrey Jones, Council Member
Joshua Gooden, Council Member (1:07)
Gerry Comer, Council Member

PRESENT
Linda Elliott, Town Attorney
Aaron Hammer, Chief of Police
Junior Kite, Sargent
Dave Harris, Public Safety Officer
Troy Shifflett, Public Works Director
Gaither Hurt, Public Works Supervisor
Clairen Sipe, Town Treasurer
Mark Pederson, EACC Director
Allison Morris, Grant Writer, Event Coordinator
Diane Johnson, Recreation Director
Denise Monger, Clerk of Council

EMERGENCY COUNCIL MEETING

Mayor Printz called the meeting to order and the clerk was asked to call the roll.

Mayor Printz stated that there was water in the police department. He noted that discussions had taken place regarding leaving the police department at EACC. He noted that Council was open to more discussion and that no definite decision had been made.

Council member Isom stated that she had spoken with Chief Hammer regarding the size of the space they currently occupied. Chief Hammer noted that the eastern section of the building would be an appropriate amount of space. He noted that a rough draft had been created. He noted a 10' x 10' office for Kim with a window to perform transactions. He noted his office would be a 10' x 10' office with other additional patrol offices, an evidence room and separate restrooms. He noted that there would be additional space for the karate classes as requested.

Council member Isom stated that different options were being reviewed. She noted that Council had expressed to the public that the budget passed was a 'bare bones budget" which had been cut significantly.

Council member Armbruster stated that water, mold and asbestos had been found. He requested that Chief Hammer draw a rough draft for Council of the occupied space. He noted that the officers were comfortable at the center. He noted it was not an option to stay in the Town Hall as the basement was sealed off. He would like to see the current arrangement for the police officers made permanent.

Council member Jones stated that if the space currently occupied by the police department was made permanent, it would be a loss of income for the community center.

He noted that would be un-rentable space. He was not stating opposition to the situation, just making Council aware of a loss of income for the center.

Vice Mayor Dean inquired about signage to inform citizens where officers would be located. He encouraged additional parking in another area for officers and for citizens doing business with the police department. Mr. Shifflett responded that separate electric could be installed with no issues.

Council member Gooden was in agreement with most statements made by Council. He inquired if the library could be relocated to the center and the police department set-up in their current location. He noted that the police department used to be in that location. Mr. Shifflett noted that building also had water issues.

Vice Mayor Dean inquired about security for the Treasurer's office. Treasurer Sipe stated that was a concern for her also. Chief Hammer responded that a partition could be built with only window availability for security purposes. He noted that his office could quickly respond from the EACC location.

Treasurer Sipe stated that when Kim relocated from the building, the Town Hall was no longer handicap accessible. She noted that the Town could not provide a service to someone in a wheelchair. She inquired if her office would be required to take payments on the steps of the Town Hall.

Council member Isom inquired if payments could be accepted at the community center for customer's requiring handicap assistance and then transferred to the Town Hall. According to Treasurer Sipe, many customers leave cash in the drop-off box.

Council member Armbruster stated that the analysis from the second and third floors were forthcoming. He noted that at one point in time, there was mold on the third floor in the restroom area. He was told there was mold there due to a leak in a commode, but the presence of mold was there. He noted that if a positive test comes back from ServePro the building would be shut-down. He noted that the employees would need to leave for health reasons. He noted there were several buildings in Town that could be considered, but departments would be separated. He noted that mobile trailers were also an option to be located at the center. He was concerned that the actual test could not take place until Saturday. He noted that air conditioners were a major proponent to mold spores.

Council member Comer stated that the community center needed to be viewed as a temporary fix to the issue. He noted that there were health issues at the Town Hall but also a handicap accessibility issue. He noted that until Council had estimates, the situation would need to be looked at as a temporary fix. He noted that it would be nice to have everything in one facility. He noted that concern over lost revenue had been discussed; however, a few thousand dollars in revenue did not compare to spending a million dollars on a new facility. He noted that Council needed to review all of the information from a financial standpoint. He noted the community center was handicap accessible and there was a possibility mobile units could be brought to the community center.

It was determined that Council would make temporary arrangements and then decide on a permanent location later. It was noted that the Treasurer's office could arrange to work with the community center for utility payments.

Chief Hammer noted that his department needed some decisions to be made as soon as possible. He noted his concern that a "temporary fix" could be costly to his department with many unnecessary expenses and no long-term plans. He noted that computer cables, telephone lines, and a secured fax line were needed. Many documents for his department needed to be confidential.

Council member Isom stated that Treasurer Sipe and her staff may be able to maintain their offices at the Town Hall. She noted that something would have to be worked out regarding payments. She noted that Council was unsure of the status of the building until the test results came back.

Mr. Shifflett stated that the results should be back by Tuesday, July 26, 2016. He noted that ServePro told him that they could clean up the mold, but that would not stop the mold from re-entering the building. He noted that the last water leak did not cause the mold. He noted that the mold had been leeching into the building for hundreds of years. He noted that it was coming through the walls due to no drainage, no black cat and the walls being of a rock foundation. He noted that the mold could be cleaned up, but it would return; basically new walls would need to be poured.

Chief Hammer stated when the base boards were removed from his office; you could see the black mold on it.

Allison Morris stated there was a meeting with Cindy Bedwell, of the UDSA, on Monday to discuss grants for community buildings for either reconstruction or a new building.

Mr. Shifflett stated that ServePro had noted that if a heat pump system had been installed at the Town Hall, the situation would have been worse. He noted that each office had its own window air conditioning unit. The unit in the basement was loaded with mold spores. ServePro had not checked upstairs but by each office having its own unit, the mold would not transfer from the basement to the other floors. Council member Isom noted that the Town may find out that Treasurer Sipe and her staff could remain at their current location and just move the police department to a permanent situation. She noted that the police department could use a new facility; however, she liked the idea of the Treasurer and her staff remaining at the Town Hall, if possible.

Council member Jones inquired about the evidence room. Chief Hammer responded that the County was working with the department on the matter.

Council member Isom inquired as to who made the determination that the police department could not return to their offices at the Town Hall. It was noted that ServePro made that decision.

Mr. Shifflett stated that the asbestos tile would be removed this week from the police department. He noted that they would also be stripping the walls and would have the offices back to where they should be; however, the leakage would start again.

Council member Isom stated that the situation should be reviewed so that the Treasurer and her staff are not in a situation they should not be in. Mr. Shifflett noted that sampling would be done on all floors.

Town Attorney Linda Elliott inquired as to what ServePro said about the evidence and other items in the room. Mr. Shifflett responded that the evidence room was sealed and it was a raised room as was the area Kim Shifflett worked.

Mrs. Morris inquired how the funds could be spent from the claim paid by the insurance company. Mr. Shifflett responded that the funds could only be used at the Town Hall.

Mr. Pedersen recommended that the Town invest in additional security measures for the front area of the community center if the police department would be located there permanently.

Council member Jones noted his concern that with all of the walls, windows and extra security measures the Town would be losing the personal touch of living in a small Town.

Mr. Shifflett stated that most of the interior work for the police department could be done "in-house." He noted that the Town would have to pay overtime wages since the Town would still need to fix water and sewer leaks during regular hours. He noted that the Town could also do the drywall.

Officer Andrew Garner inquired about the interior walls of the proposed new office. He stated that there were three different spores of mold on their air conditioner units. He noted that probably would be the same result upstairs. He was happy with the move to the community center. He noted that the department would continue to operate in any location.

Chief Hammer stated that people were aware that mold had been there due to the mold being found in the ceiling tiles when some were replaced by public works over the years. He noted that most of the guys had worked there for a while and were aware of the situation.

Sergeant Junior Kite stated that the police department was a visible face of the Town. He hoped for additional room for an expansion in the future in their current location. He noted that the department currently had six full-time officers. He noted they assisted local and federal agencies during the course of business.

Officer Dave Harris stated that he had worked in many different areas downstairs; some with only space heaters and very little heat. He did not agree with allowing the karate area to expanded 15-20 ft. He noted the police department might need the extra space for an expansion. He noted difficulties having to unpack office items and files in order to attend court cases. He noted that he been breathing in mold for 13 years and was unsure of the future with that. He noted concern for his co-worker's health also. He noted that in regards to losing the small-town feel, people needed to watch the news and be aware of the loss of police officer's lives. He noted that even for a small Town there were "crazies" that the department had to deal with. He noted that his main concern was to make sure that his co-workers made it home and that he made it home.

Treasurer Sipe encouraged Council to look at the big picture and not operate in crises mode. She noted that the roof leaked at the Town Hall.

Council member Comer stated that the Town of Mt. Jackson had a new Town Hall with Holtzman Oil funding half of the expenses. He noted that there were grants available and that Allison was working to secure funds for the Town.

Council member Isom stated that a building was for sale in Town that could accommodate offices. She inquired if Chief Hammer could feasibly turn one of those buildings into suitable office space.

Town Attorney Linda Elliott (inaudible).

Mayor Printz stated that the police department had been disrespected over the years by being placed in a "dungeon" in the basement. He noted that when meetings were held down there for the Neighborhood Watch, it smelled like sewer. He noted that the Town's officers were in a sewer. He noted that he was embarrassed and had apologized to the people there. He noted that it was fixed for a while but it still smelled.

Mayor Printz stated that he envisioned, depending on the results from the tests, that he was starting to get his heart set on something before talking to the people most important to him, the Town Council and people in the room. He noted that the Town

Hall was always a wreck – total disaster; whether there was mold in it or not – did not matter. He noted extension cords were everywhere and he worried about seeing something he did not want to see such as the historic building burned to the ground. He noted that the air conditioners were probably fifteen (15) years old and should all be replaced because of the efficiency rating. He asked Council, depending upon the review of all of the options available, to consider having "one-stop shopping." He noted disability problems at the building. He noted that he was trying to contact someone that was basically ignored and rudely talked to in a wheelchair. He did not think the Town should be doing that. He noted the gentlemen wanted access to the second floor and the police department carried him upstairs. He noted if you are were in a wheelchair you feel left out anyhow and an outcast to society – then you were unable to get to the second floor – even if they just want to visit employees or speak with someone. He noted that whatever they want to do, even though the law may say "reasonable accommodations," he knew the law since he was in labor 25-30 years. He noted that one of the Veterans, loved by many, and who was in a wheelchair cannot come to the second floor of the Town Hall. He asked Council to get some analytical data which would have a bearing on the situation, but not a complete bearing. He noted that if the Town's office people were to incorporate themselves into the front of the community center, the Town would have one place to conduct secure, one-stop shopping. He noted that people could come in to pay their bills, go to the police department, while having the security of the police department in the building. He noted that the staff would be at the center and if Mark had to go to Harrisonburg and you had a Department Head in the building, they would able to supervise on his behalf which would be more efficient. He noted that he had spoken about efficiency before by putting all of the employees in one space.

Mayor Printz stated that he hated the current situation the Town was in. He noted that over the past 22 years, he had a tumultuous relationship with the police department. He noted that he was sorry that happened and he didn't know why that happened; however, the Good Lord made him learn things the hard way. He noted that he was very proud of the police department and that he and Chief Hammer had a good relationship. He noted that he had seen how the officers deal with the people in the community and they were very professional.

Mayor Printz stated that the Town Council was also professional. He noted that they like things done right, clean, fair and honest. He noted that he was very proud to be a part of the Council. He noted that he tried very hard to please everybody and to get communication out.

Mayor Printz stated that the Town needed to receive analytical data, but he asked Council to seriously consider moving the staff to the front of the center. He spoke with Mr. Pedersen regarding the matter a month ago and gathered information. He noted that they had spoken about the computer room, the back of the Council Chambers, and other areas of the center. He noted that instead of giving extra space for karate Council should make two or three offices. He noted that Council member Jones had stated to him that some offices could be made in that area.

Mayor Printz stated that the Town needed to receive the analytical data. He noted that the Town had a strong budget and had cut corners instead of raising taxes. He noted that the Town still had approximately $3.1 million. He asked Council to consider, upon receipt of the analytical data, reviewing what it would cost to make the computer room offices and bring the staff up to the center. He noted that if the house was okay, maybe the staff that did not want to come to the center could stay there. He noted the decision would be up to the Town Council. Council member Armbruster responded that was not an option (splitting up the staff to two locations). He noted that even if the tests came back good, the building was still dangerous with people stumbling up the steps. Mr. Shifflett had spoken with the Mayor on several occasions about replacing the brick walkway.

Mayor Printz stated that the Town was in need of more information. It was decided after speaking with Council member Armbruster that a meeting needed to be held immediately. He noted that he did not want the "scuttlebutts" to begin. He noted that no final decision had been made. He noted that professional information would be provided to Council who would make the final decision. He noted that it was not his decision and he could only say something at the correct time. He noted that if he had a say in the matter, it would cost $50,000 - $100,000. He noted that would help the citizens with disabilities; provide one-stop shopping and a fantastic police department that needed to stay at the center. He noted that the Town's police department did not intimidate abuse or be disrespectful to children. He noted they were trying to nurture them and help them grow. He noted that there were some decisions to be made about the bacteria and the mold, but in reality he thought that the Good Lord led him since he had been talking about that before.

Mayor Printz stated that he thought the Council and Town were moving up to the next level. He noted that for people to have to walk into a building, that everyone loved, it was important to save the structure, but had no business being the Town Hall in any way, shape or form. He noted that it was nice to see a disabled person have dual access to the center, pay their bill, go by and see the Chief, and if everyone was moved up to the center have "one-stop shopping." He noted that when all of that was done, the Town would hire someone to draw an addition onto the community center. He noted that the Town could do it since it was the best group he had ever seen. He noted that T-21 grants were used for the building (in Mt. Jackson); however, those grants were no longer available. He noted that the USDA had matching grants. He noted that maybe the Town could consider "professionalizing" the situation. He asked Council to think about putting the girls here. He noted that regardless of the situation, you would be cross-referencing your labor pool which meant it was more efficient. He noted it would be a professional place for the police department which the Town should respect enough to ensure they have a smart, comfortable place.

Mayor Printz stated that previous discussions included a dog-training center. He noted all kinds of opportunities. He noted that nobody liked change; he didn't and neither did anybody else. He noted that everyone had to wait until the Town had received the information, but even then he thought the Town was on par and it was time for the Town to look at a new way to do business.

Council member Isom asked Council to envision if they moved Treasurer Sipe, the Clerk of Council, Zoning, the Deputy Treasurer, and Jordan all out front at the center. Mayor Printz stated that not all of them would be out front.

Council member Isom questioned if you located some employees to the back of the center, if Mark and Diane would keep their offices, which were really small. She noted that in addition there was equipment to consider and files which would be needed here. She noted that she was looking at the bigger picture and if the prospective bigger subdivisions would come and build here, more police officers would be needed. She did not want to make a decision that would not allow the Town or the community center to grow. She was concerned the community center would become stagnate with the lack of space for new programs and removal of the computer room and space in the back area. She inquired as to where the community center would expand if the Town was not ready for another phase.

Council member Isom stated that she saw the advantages of having one location for services; but was concerned about locking the community center in its current state because the Town Hall people had occupied all of the unused space. Mayor Printz stated that was a good point and he had thought about that. He noted that the Town needed to design and engineer a bigger part to the center. He noted that the second phase to the community center was basketball courts. He noted that the Town could move forward with a design for basketball courts including showers and locker rooms. He noted that if

you removed the computer lab, which was never fully used but by only two or three people, you could place cubicles in it and some in the back of the Council Chambers. He noted the Council Chambers was only used once or twice a month. He noted that was not what the Council Chambers was designed for in the first place before it was taken away from him, the Vice Mayor and all of the people that got the place. He noted it was supposed to be a place that seniors watched movies. He noted that instead of letting the karate people expand, you could build three offices there. He noted if you put three offices back there and two up front; Council would have to talk about how Mark and the staff work. He noted that if you put the girls up there, they would have to take those two offices and then the Town would have to move them "across the way" or figure out what the Town was going to do.

Council member Isom questioned if the Mayor was stating that the Town staff would be taking over the responsibilities of the staff of the community center. She noted that there couldn't be five employees in a row sitting in that area. She inquired if the community staff would lose their jobs. Mayor Printz responded that there were two employees and then the other girls. He noted that the other girls could staff there and instead of them just being community center, they could a multi-purpose staff – multi-purpose group. He noted that efficiency comes from staff. He noted that more people would be out front, after they were trained to be clerks or whatever the Town would want to train them to be. He noted that it might be better for Diane and Mark since they would have more privacy and their own office in the back.

Council member Jones stated that many ideas could be presented; however, you had to cut off the discussion at some point.

Council member Isom stated that her reason for discussing the issue of the community center staff and Treasurer's Sipe's staff was that the Treasurer's office performed some confidential transactions. She had concerns speaking about confidential matters with Treasurer Sipe and her staff or the Clerk of Council with community center staff being present for those conversations. She encouraged Council to review all of the options.

Mrs. Morris stated that the community center staff also assisted patrons at the center by showing them how to use the equipment. She noted that if Brian Mayes would leave the center, that would be a loss of income. Mr. Pedersen added that Mr. Mayes had been requesting the additional space in the back area for a long time and might leave the center if not approved. He rented the area for $900 per month and the additional space would be increased revenue for the center. Mayor Printz stated that he was told Mr. Mayes did not want to pay any more money for additional space.

Mr. Pedersen stated that before any final decisions would be made, the Town needed a confirmation from Mr. Mayes as to whether he would continue to rent the space. He noted that if funds were spent on the space and he vacated the area that should become a part of the equation towards a solution.

Mayor Printz stated that at no time had a discussion taken place regarding having commercial spaces for rent at the community center. He noted it was a great idea and that he liked Mr. Mayes and he had many friends that liked coming to the center; but that was a commercial establishment. Mrs. Morris stated that if a snack bar was opened at the center that would also be considered commercial since it would be leased out for business. Mayor Printz stated that the $900 per month included utilities. Mrs. Morris noted that she had consulted with a realtor in order to set some type of rent for the space; who suggested a rental fee of $485 - $545. She noted that Mr. Mayes offered to pay $900 per month; an additional $315 above the recommended rental rate which was more than enough to cover utilities.

Council member Comer stated that people needed to look at the big picture. He noted that was $12,000 per year (from Mr. Mayes) with a reduction of $3,000 for utilities for a total of $9,000. He noted the possible cost of $500,000 to build (inaudible). He noted that Council needed to review all of the numbers. He noted that Council did not want to lose the rooms, but had to be smart about it. He noted that the Town could not borrow $3.5 million for the wastewater treatment plant, receive no help, and borrow another $15 million to fix the plant. He noted that it was a big cycle and things had to happen.

Troy Shifflett stated that rent for the bank building in the Food Lion Shopping Center was $1,900 per month for 1,900 sq. ft. He noted that the roof was bad. He noted that realistically the center was not making a lot of money from rent.

Council member Armbruster stated that there was a major water leak at one time in the ceiling of the Treasurer's office overtop of some electrical lines. He noted that was a fire hazard. He noted that if the Fire Marshall had seen it, he would have closed the place down. He noted that regarding expansion, there was no reason not to expand past the back wall of the council chambers to add additional offices. The parking lot could be extended also.

Council member Armbruster stated that Cindy Bedwell noted that funds would be available for expansion and building and more information would be forthcoming after meeting with her. He noted that Council could speculate all day and nothing would move forward. He noted that all of the ideas presented were speculative. He noted that the police department was located at the center on a temporary basis. He noted that there was room to expand in the back area. He noted that more information would be available on Monday. He noted that if money was available and the Town received some decent information, at this time next year an expansion could be built onto the community center.

Council member Isom stated that she was in agreement with Council member Comer, in that she would like to see some type of big change that would last for a couple of years, but she did not like the community center locked into a situation where the facility could not grow. She noted that Council had asked Mr. Pedersen to bring in more programs to the center. She noted that she wanted to look at the big picture in regards to the police department in case the Town would need to hire two or three new police officers.

Council member Armbruster stated that the Commonwealth's Attorney's office would only tolerate the evidence room being away from security for so long. He noted a rule of continuity applied. A storage unit was discussed but could not be off-site.

Mayor Printz stated that when there were hard decisions to make in life, people had a tendency to procrastinate. He noted that the current Council was the best he had ever seen for not doing that. He noted that he felt this day was coming.

Council member Comer stated that everyone was aware of all of the issues. He noted that as information becomes available, decisions would be made especially after the test results next week. He noted that depending on the test results Council may have to move the employees out of the building.

Air conditioning, light switches and electrical issues at the community center were discussed.

Council member Armbruster spoke briefly about the meeting with DEQ and Virginia Game and Inland Fisheries. He noted that DEQ had told the Town they were in violation of the Clean Water Act. He noted that dumping near the river had been an issue. He noted that a plan and design was needed and DEQ would monitor the progress.

He noted that according to DEQ, the Town needed to continually show progress on the project. Mrs. Morris stated that DEQ had been working with the Town on the issue as well as EcoSystem Services and Virginia Game and Inland Fisheries. She noted that additional grant money was possible.

Council member Armbruster stated that Mrs. Morris had received a grant for the Town for the above-referenced project in the amount of $65,000. He noted that Pham Chopra would be donating trees as a buffer.

Mayor Printz stated that the Town met with District Engineer Thomas Thompson of the Office of Drinking Water. He had inquired about a spring located on the Kite property that was taken out of service. He forwarded documents to the Council and asked that Council review the information. He noted that for about $2,000 the Town could get samples taken of the water. He noted that since the criteria had changed it was easier to bring the water back into the system. He noted that the Town was given a list of items to accomplish.

Mayor Printz stated that Marty Dean and his wife gave the Town $400 to buy furniture for the Town Hall. Mrs. Morris added that $500 had been donated for the caboose which brought the total to $1,000.

Closed Session

Vice Mayor Dean moved to go into closed session under Virginia Code Section 2.2-3711.A.7 of the Code of Virginia, for consultation with legal counsel regarding specific legal matters requiring provision of legal advice by such Counsel. Council member Armbruster duly seconded the motion.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Open Session

Vice Mayor 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. Duly seconded by Council member Armbruster.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Council came out of closed session into open session and then back into closed session as follows:

Closed Session

Vice Mayor Dean moved to go into closed session under Virginia Code Section 2.2-3711.A.1 of the Code of Virginia, under personnel for a prospective candidate for employment. Council member Armbruster duly seconded the motion.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Open Session

Vice Mayor 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. Duly seconded by Council member Armbruster.

YEAS: M. Isom, H. Armbruster, J. Jones, J. Dean, J. Gooden and G. Comer

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Discussions took place regarding the air conditioners for EACC.

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

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk