Emergency
Council Meeting
July 1, 2006

An emergency Council meeting was held on July 1, 2006 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
L. Dearing
M. Isom
G. Kite
M. O'Neill
S. Sigafoose

ABSENT
T. Pence

Town Manager Dennis R. Donachy, Treasurer Clairen Sipe, Chief of Police James Morris, and Clerk of Council Richard Carey were also present.

Mayor Printz welcomed the new Council to their first meeting. He then opened the meeting for any citizen comments.

Vic Corbo, Windsong Hills, referred to Council member Gene Kite's letter that appeared in ***The Valley Banner*** and considered this an illegal meeting. He asked Mayor Printz if Tom Miller was still his personal attorney. Mayor Printz declared he was not.

The Pledge of Allegiance was recited.

Council member Kite asked for a moment of silence to reflect on our blessings.

Vice Mayor Appointment

Council member O'Neill moved, second by Council member Sigafoose, and carried that M. Lee Dearing be appointed as Vice Mayor for the Town of Elkton.

YEAS: M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

ABSTAIN: L. Dearing

Motion carried (4 with 1 abstention roll call)

Committee Appointments

Vice Mayor Dearing moved, second by Council member Kite, and carried that the Mayor and all Council members be appointed as members of all standing Council Committees and approve the following Committee Chair appointments:

Cemetery Commission Council Representative – Lee Dearing
Economic Development – Mike O'Neill
Electric – Margaretta Isom
Finance – Mike O'Neill
Personnel – Lee Dearing
Planning Commission Council Representative – Theodore Pence
Public Safety – Steve Sigafoose
Recreation and Community Center – Gene Kite
Streets and Sidewalks – Steve Sigafoose
Water and Sewer – Gene Kite

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Motion to Appoint Town Attorney

Vice Mayor Dearing moved, second by Council member Kite, and carried that Tom Miller be appointed Town Attorney, replacing the firm of Miller & Earle as legal counsel for the Town of Elkton.

I would also like to request that the Mayor send a letter to Mr. Miller and Mr. Earle expressing our appreciation for the services that they have provided to our Town and our desire to be able to utilize their services as needed in a transition phase.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Mr. Miller took his seat at the Council table.

Close Offices July 3, 2006

Vice Mayor Dearing moved, second by Council member Sigafoose, and carried that the Town offices close on July 3, 2006 in observance of the Fourth of July, as the County offices and States offices will be closed.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Deferred Compensation

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that deferred compensation payments being made to Town employees in lieu of Town-provided insurance be discontinued effective immediately.

Vice Mayor Dearing added that the motion applied only to Town employees not under contract.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Review Salary Increases

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that the 5% employee pay increase scheduled to take effect in July 2006 be suspended pending Council review of financial constraints, equity issues, job performance, job duties, and length of service.

Council member Sigafoose asked if 5% was insufficient. Council member O'Neill responded that was possibly true for some employees. Council member Sigafoose then wanted to know when the decision would be made. Council member O'Neill stated he hoped some action could be taken at the regular Council meeting. Vice Mayor Dearing added that whatever is decided, it will be retroactive to July 1.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Trailer on Wirt Avenue

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that whereas Chapter 153 of the Town Code prohibits the permanent placement of trailers within the Town limits and zoning code specifies set-back requirements for corner lots in Town, Council takes the following action:

1. Direct the Town Attorney to determine whether the structure at the west corner of Wirt Avenue is in fact a trailer and in violation of the Town Code.

2. Direct the Mayor to have a letter sent to the owner of the structure informing him that the legality of the placement of the structure within the Town limits is under review and that he may be required to move it.

3. Direct the Mayor to have the zoning requirements for the structure reviewed for compliance then report the results to Council and the Town Attorney.

4. If the structure is determined by the Town Attorney or by zoning review to be non-compliant with Town Code, then the Mayor shall direct the owner of the structure to remove it within forty-five (45) days of written notice of non-compliance or be subject to the penalties set forth in the applicable Town Code.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Closed Session

Vice Mayor Dearing moved, second by Council member O'Neill, to go into closed session under Section 2.2-3711.A.1 of the Code of Virginia (1950) as amended (the Code) for the purpose of discussion, consideration, or interviews of prospective officials or employees, or appointment, promotion, performance or disciplinary actions with respect to the same.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Council member O'Neill 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 Dearing duly seconded the motion.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Personnel Issues

Council member O'Neill moved, second by Vice Mayor Dearing, and carried whereas Elkton Town Manager, Mr. Dennis Donachy, has previously submitted to

the Elkton Town Council a letter requesting his termination from the position as Elkton Town Manager, I move that, effective immediately, Mr. Donachy be released from all duties, responsibilities, obligations, restrictions, authority, and affiliation with the Town of Elkton imposed or granted by his employment contract and that his salary and applicable benefits be paid until the contract expires on September 22, 2006, at which time he shall be paid for accrued leave and the contract shall be deemed satisfied and settled and the Town will not renew or renegotiate a new contract; and that Mr. Donachy shall immediately return all Town keys, equipment, documents, computer data, records and information and any other Town property in his possession or under his control to the Mayor or his designate; and that Mr. Donachy shall immediately retrieve his personal property from the Town offices under the supervision of the Mayor or his designate; and that the Mayor shall serve as interim Town Manager subject to provisions set forth by Council and Virginia State Law until such time as Council takes further action.

Mayor Printz appointed Chief James Morris as his designate.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Discretionary Spending

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that all discretionary spending or contractual commitment of allocated funds be frozen unless approved by Council with the following provisions:

1. Department Heads shall have a discretionary spending limit of $500.00 per transaction.

2. The Mayor shall have a discretionary spending limit of $1,000.00 per transaction.

3. All capital, travel, donation, and economic development funds shall be considered discretionary and subject to the terms of this policy.

4. In the event of an emergency requiring immediate action, the Mayor may authorize the spending of up to $5,000.00 provided he informs the Council of the nature of the emergency and the need for the immediate expenditure of funds.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Personnel Action Policy

Vice Mayor Dearing moved, second by Council member Kite, and carried that all personnel actions affecting the employment status or compensation of a Town employee must be approved by Council unless an emergency exists which requires the Mayor to act on behalf of the public welfare. Emergency actions taken by the Mayor shall be considered temporary until passed or revoked by the Council.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Vice Mayor Dearing will review the previous personnel policies, as well as the current policies, to determine what the policies will be. He will also implement a drug testing policy within thirty (30) days.

Council member O'Neill acknowledged former Council member Cathy Murphy's personnel policies and stated he agreed with many of them.

Audit Contract

Council member O'Neill moved, second by Council member Sigafoose, and carried the following in the form of a motion:

WHEREAS, the newly elected Town Council believes that the special audit ordered by the previous Town Council is not in the best interest of the citizens of Elkton;

AND WHEREAS, the funds for the audit in the amount of $15,000.00 were ordered to be paid without an actual invoice or quote for the true cost of the audit;

AND WHEREAS, the funds for the audit were ordered to be paid without specifying from which account the funds were to be paid;

AND WHEREAS, the audit contract was signed solely by the Town Manager in conflict with Section 64 of the old Elkton Town Charter in effect at the time of the contract signing, which specifies "All bonds, and other evidences of indebtedness of the Town shall be signed by the Mayor and countersigned by the Clerk of the Council";

AND WHEREAS, the Town already has an annual audit scheduled and contracted for;

BE IT RESOLVED that the Elkton Town Council believes the audit not to be under a properly executed contract and directs that payment of funds for the audit be cancelled immediately and that if cancellation of payment is not possible, the Council directs the Mayor and Town Attorney to pursue the cancellation of the contract and return of funds.

AND, should it not be possible to cancel the audit and return the funds to the Town, then the Mayor and Town Attorney are directed to negotiate the deferral of the audit until a later date, at which, it may be used as the primary Town audit for that fiscal year.

YEAS: L. Dearing, M. Isom, G. Kite, M. O'Neill, and S. Sigafoose

Motion carried (5 – 0 roll call)

Vice Mayor Dearing stated today the new Charter takes effect. The old Charter was referred to because the former Council acted under that Charter.

Council member Sigafoose was excused at 4:15 P.M.

Set Meeting Date and Time

Vice Mayor Dearing moved, second by Council member Kite, and carried that the regular monthly Council meeting be held on the third Monday at 7:00 P.M.

YEAS: L. Dearing, M. Isom, G. Kite, M. and M. O'Neill

Motion carried (4 – 0 voice vote)

Set Committees' Dates and Times

Vice Mayor Dearing moved, second by Council member Isom, and carried that the Committees of the Elkton Town Council meet the second Tuesday of each month at 6:00 P.M. If Council is unable to complete their business on Tuesday, a provision for the Committee to continue on Thursday at 6:00 P.M. is included.

YEAS: L. Dearing, M. Isom, G. Kite, M. and M. O'Neill

Motion carried (4 – 0 voice vote)

Council member Kite wants to move the Recreation Commission meeting to a time before the Council meeting.

Town Hall Meeting

Vice Mayor Dearing hoped it could be scheduled on Tuesday prior to the Committee meetings.

Council member Kite explained the Town Hall meeting is an informal, open meeting with the citizens and Council. Mr. Carey will be on vacation next week so Treasurer Sipe will check the availability of the Firemen's Activities Building for June 11, 12, 0r 13 at 7:00 P.M.

Council member O'Neill moved, second by Council member Isom, and carried to hold the first Town Hall meeting on June 11, 12, or 13 at 7:00 P.M., depending on the availability of the Firemen's building.

YEAS: L. Dearing, M. Isom, G. Kite, M. and M. O'Neill

Motion carried (4 – 0 voice vote)

Vice Mayor Dearing introduced a citizen form for tracking needed repairs, complaints, etc.

Angler Project Status

Council member O'Neill stated a sit-down with Angler will happen, where an exchange of information will occur. He mentioned financial benefits to the Town, Angler's obligations to the Town, the Anderson Engineering Study, impact on existing roads, road modifications, and the Town Spring as some concerns.

Council Members' Statements

Lee Dearing – thanked those who put him in the seat. He encouraged dialogue with Commissions, Committees, employees, VDOT, and other organizations.

Margaretta Isom – appreciated those who voted for her and will continue to listen to their concerns and comments.

Gene Kite – thanked his supporters and looks forward to working with the Town employees. He is a working man and expects the best for Town employees. He believes in open government.

Mike O'Neill – thanked his supporters and feels very honored to be in the seat. He believes in respect and he is there to represent the citizens and considers the road ahead as a partnership.

Wayne Printz – recognized the hard work and long hours dedicated by the Council before they were seated. He believes there will be harmony and respect for all.

Additional Committee Business

Park Authority
The two current Council representatives are Randell Snow and Phillip Workman.

Vice Mayor Dearing moved, second by Council member O'Neill, to leave those seats vacant until Council decides if they want to name representatives to the Authority.

Vice Mayor Dearing stated the Authority will need to name a new Chair.

Cemetery Commission

Vice Mayor Dearing will be the Council Representative on the Cemetery Commission.

Planning Commission
Council member Pence will serve as the Council Representative on the Planning Commission.

Economic Development Committee
Council member O'Neill would like to dissolve the Committee. It was decided to table action.

Vice Mayor Dearing moved, second by Council member Isom, and carried to leave the Park Authority slots vacant, Vice Mayor Dearing will take the Cemetery Commission position, Council member Kite will take the Recreation Commission position, and Council member Pence will take the Planning Commission position.

YEAS: L. Dearing, M. Isom, G. Kite, M. and M. O'Neill

Motion carried (4 – 0 roll call)

As there was no further business, Mayor Printz adjourned the meeting at 4:45 P.M.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: Richard D. Carey, CMC
Richard D. Carey, Clerk