Regular
Council Meeting
October 16, 2006

The regular council meeting of the Elkton Town Council was held in Council Chambers on October 16, 2006 with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
M. Dearing
M. Isom
D. Kite
M. O'Neill
T. Pence

ABSENT
S. Sigafoose

Town Attorney Tom Miller, Treasurer Clairen Sipe, Director of Public Works Marty Shifflett, Chief of Police James Morris, and Clerk of Council Richard Carey were also present.

Council member Kite announced the Veterans Day Program would be held on November 11 at 11:00 A.M., in Memorial Park. He introduced Reverend Warren Grant of the Baptist Church on Blue and Gold Drive, who presented the Invocation.

Following the Invocation, Council member Kite recognized Veterans Vice Mayor Dearing and Mr. Herschel Meadows.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Harry Armbruster, EPIC president, re-introduced EPIC's desire to erect a memorial and honor wall at the steps leading to Memorial Park. Gene Kite first presented this plan to Council on February 22, 2005. EPIC later withdrew its proposal.

Vice Mayor Dearing moved, second by Council member Kite, and carried to accept the EPIC proposal and the final plan be approved by Marty Shifflett regarding the setback.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Frances Dovel, 103 Virginia Avenue, explained the "Giving Tree" sponsored by her church. She sought Council's help with littering, loitering, and encroachment at the Holy Infant Catholic Church on property owned by the church and the Town. She asked the Council to initiate a Fourth of July celebration.

John Yates, 207 North 5th Street, recognized the good work of the Elkton Police Department. He reviewed his displeasure with Adelphia Cable and the Town regarding his Internet high speed connection.

Mildred Shifflett, 112 West Spotswood Avenue, discussed the timing of the Elkton Festival being held on Field Day. She believed the Fourth of July was a perfect time for the Elkton Town Festival.

Council member Isom suggested that citizens attend the Elkton Town Festival meetings, which are being held to improve next year's festival. Council member Kite

would like an organization to step forward to plan the Fourth of July celebration, if there is to be one.

Hazel Crider, Elkwood, said that Neighborhood Watch is involved with the Veterans Day program at Memorial Park on November 11 starting at 11:00 A.M. The rain location will be at the VFW. Light refreshments will be served. She commended the Mayor, Council, and Town Attorney for the good work to date. She acknowledged the Elkton Police Department for their security checks. She, too, favored the Elkton Town Festival being held on the Fourth of July.

MINUTES

Council member Kite moved, second by Vice Mayor Dearing, and carried to approve the minutes of the Special Council Meeting of September 6, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 voice vote)

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to approve the minutes of the Special Council Meeting of September 12, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 voice vote)

Council member O'Neill moved, second by Vice Mayor Dearing, and carried to approve the Committee Meetings minutes of September 12, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 voice vote)

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to approve the Regular Council minutes of September 18, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $808,782.97 for General Government for the month of September 2006. Designated money was $681,376.72, leaving total cash available of $127,406.25.

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

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

DIRECTOR OF PUBLIC WORKS

Mr. Shifflett presented a request for Willow Oaks. To install a ten inch water line would cost approximately $40,000.00 and take about three weeks to complete. Mr.

George McDaniel offered a payment of $10,000.00 to partially cover the cost of running an eight or ten inch water line from F Street to D Street.

Mayor Printz sent this back to Committee to give Council more time to study it. In addition to the $10,000.00, Mr. McDaniel offered to pre-pay water and sewer hook-ups, totaling approximately $176,000.00, with a six month allowance from Council for him to "make the turn for the hook-up."

Mr. Steve Kite questioned run-off from the project. Mr. McDaniel stated an underground retention basin was constructed, and there "should not be an issue."

Mr. Shifflett emphasized that 46% of all work orders related to garbage. The sanitary sewer in the alley on West Washington is finished. Mr. Shifflett discussed 504 Wirt Avenue and 634 Wirt Avenue. He reported on manhole inspection. The smoke test will cost approximately $11,500.00.

A footer survey was recommended for inclusion in the Code.

CHIEF OF POLICE

Chief Morris presented his report. Sgt. Hensley was recognized for recovering a stolen wallet.

NEW BUSINESS

Deactivate the Elkton Park Authority

Vice Mayor Dearing moved, second by Council member O'Neill, and carried that the Elkton Park Authority be deactivated and all members of the authority be released from their positions on the authority and that the Elkton Park Authority shall remain dormant until such time that the Elkton Town Council shall choose to reactivate it and appoint new members; and that the Elkton Town Council shall assume responsibility for obligations of the Elkton Park Authority as specified in Chapter 4-3 of the Elkton Town Code.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Motion to Convey Land to Rockingham County for Elementary School

Council member O'Neill made the following motion, second by Vice Mayor Dearing and carried:

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Whereas the Town of Elkton and Rockingham County have agreed in principal to the conveyance of a parcel of Town-owned land on the South side of Mt. Pleasant Road as meeting the needs of the county for an elementary school construction site; I move that the council approve the conveyance of approximately 20 acres of land on the south side of Mt. Pleasant Road for the construction of an elementary school with the following provisions:

1. **The site shall be conveyed to the county at no cost.**

2. **The town shall waive water and sewer connection fees for the elementary school.**
3. **The town shall run water and sewer lines to the property.**
4. **This agreement shall fulfill all obligations to Rockingham County by the Town of Elkton to provide a site for an elementary school as specified in agreements between the Town and Rockingham County.**

Motion on Hiram Kite Property

Council member O'Neill made the following motion, second by Council member Isom, and carried:

YEAS: M. Dearing, M. Isom, M. O'Neill, and T. Pence
NAYS: D. Kite

Whereas an option agreement dated February 3, 2004 between the Town of Elkton and Hiram Kite, Jr., requires the town to purchase the property or provide water and sewer to the property line by February 3, 2007;

I move that the Town of Elkton proceed with the purchase of the property under the terms and payment schedule specified in the option agreement.

Council member Kite stated he had not had time to fully study this issue and preferred Council not act at this time.

Vice Mayor Dearing and Council member O'Neill believed the Town should buy the land in order to control the land. Also, the option agreement to provide water and sewer to the property line by February 3, 2007 would be negated.

Council member Kite countered that the Town should not be real estate agents.

Vice Mayor Dearing contended that an acre of land is now selling for twenty-five to thirty thousand dollars an acre. The Town would purchase the Hiram Kite property for $8,000.00 an acre.

Motion to Secure Financing on Community Center

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that the Town of Elkton approve the financing of the $1.7 million for the Community Center through Farmers and Merchants Bank for a period of twenty years with a fixed rate of 4.5% per year for the first ten years and an adjusted rate for the remaining ten years with the option to pay off the loan at any time with no penalty.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Instead of the current two year line of credit, the financing would convert to a ten year fixed at 4.50%. Rate would adjust after ten years for the remaining term. Payout would be possible with no penalty.

Police In-Car Cameras (6) – Matching Grant, $7,950.00

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that Council approve the expenditure of $7,950.00 from allocated funds for police

equipment for a matching grant for in-car cameras for the police department for a total of six cameras. Installation fee of $600.00 is authorized from equipment or maintenance.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Hire Police Officer

Vice Mayor Dearing moved, second by Council member Kite, and carried to hire Officer Hoover, William Jennings, Will, at a pay rate of $30,160.00.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Reappointments to Elkton Recreation Commission

Council member Kite moved, second by Council member Pence, and carried to reappoint Eddie Cave, Sherry Hall, and Diane Johnson to the Elkton Recreation Commission for terms beginning November 1, 2006 and ending October 31, 2008.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Reappointments to the Elkton Planning Commission

Council member Pence moved, second by Council member O'Neill, and carried to reappoint Harry Armbruster to the Elkton Planning Commission for a term beginning November 1, 2006 and ending October 31, 2010.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Accept Resignation-Wake Gooden

Vice Mayor Dearing moved, second by Council member Kite, and carried to accept the resignation of Wake Gooden from the Elkton Planning Commission effective September 30, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

COMMITTEE REPORTS

Electric

Council member Isom questioned Mr. Shifflett regarding other quotes for the electric generator and Mr. Monger's progress. Mr. Shifflett responded he is awaiting two additional quotes. Mr. Monger has requested information that could prove "very difficult" to provide.

Vice Mayor Dearing wanted to make it clear that at no time did he state that "members of the Junior Order were stealing electricity." He instructed Mr. Shifflett to make sure all the electricity was being metered.

Finance

Deferred to Unfinished Business.

Personnel

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to hire Denise Monger as a Treasurer's Assistant at a pay rate of $21,944.00.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to raise Jamie Mowbray's pay to $13.00 an hour, retroactive to the date we gave pay raises, which was in July.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Vice Mayor Dearing recognized the third year anniversary of Rachel Good's disappearance.

Public Health, Public Safety, and Ordinances

Property clean-up continues. Council member Pence brought forward problems at the "Triangle." Mayor Printz sent these concerns to Committee for discussion.

Streets and Sidewalks

Mayor Printz's lot at the Elkton Carwash was discussed as a possible downtown parking lot. A VDOT team will meet with Mr. Shifflett and Chief Morris to look at parking and signage in Town.

Water and Sewer

No additional report.

Recreation

Final inspection of the Kids Castle was completed. A series of pipes should be removed because one child fell through. Mayor Printz sent concrete repairs at Riverside park back to Committee.

Planning Commission

No additional report.

Economic and Community Development Committee

No report.

Elkton Area Community Center Committee

Council member Kite moved, second by Vice Mayor Dearing, to accept the Elkton Area Community Center Policies and Procedure Manual established for a ninety day period to allow the Center to open.

Council member Kite and the Committee realized the manual would have to be revised during the ninety day period. The budget and the Treasurer's access to the Foundation's statement surfaced as concerns. Mr. George McDaniel stated the statements are sent to the donors to show how the donations are being used. Another problem was the Foundation received a donation earmarked for a local civic organization. Treasurer Sipe stated Mr. McDaniel must make the request for the money to be sent to the Town in order for her to write a check to the organization. Mr. McDaniel repeated the Center could not open without a procedure manual or a budget. His conclusion was if Council was uncomfortable with the budget presented then produce one of its own. Following a lengthy discussion of "control," Mr. McDaniel stood, resigned, and left the meeting.

Approving a $379,000.00 budget with no controls was unconscionable for Vice Mayor Dearing and Council member O'Neill. Council member O'Neill stated Council would provide the resources to open and operate the Center, but he was not willing to "turn the checkbook over" to the Committee. From the organizational chart, Council member O'Neill could not approve that form of management. Two people could not operate the Center. A full staff, including janitorial service, would be necessary to protect the equipment and building, according to Vice Mayor Dearing. He has qualified applicants for positions but financing to pay the staff is still a question.

"I do not see the control issue," stated Council member Kite. He then explained the donations flow from the Foundation to the Center, thereby permitting a tax deduction for the donor. Vice Mayor Dearing again stated the Treasurer is responsible for all Town monies and there is something wrong with a system that denies the Treasurer access to the list of donors, which is readily available to a private citizen. Council member Kite let it be known that the "County has not yet met on this issue." Council member Kite wanted a determination on who would run the Center before Council approved a procedures policy. Vice Mayor Dearing questioned why there was a Grand Opening when there was no staff. Vice Mayor Dearing was willing to approve the manual, excluding the flow chart and the budget. Regarding some budget line items, Council member Kite agreed they could be reviewed.

Council member Kite withdrew his motion and Vice Mayor Dearing withdrew his second.

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to approve the procedures as presented, minus the proposed budget and flow chart.

YEAS: M. Dearing, M. Isom, M. O'Neill, and T. Pence
NAYS: D. Kite

Motion carried (4 – 1 roll call)

Vice Mayor Dearing proposed hiring an executive secretary, a custodian, Lynn Meadows, and two part-time employees. His vision was the custodian would take care of the Center, "part" of the Municipal Building, and "part" of the Park.

UNFINISHED BUSINESS

Motion to Reallocate $30,000.00 for the Purchase of a Derrick Truck for the Electrical Department – Second Reading

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that $30,000.00 be reallocated from HEC designated funds for the purchase of a replacement derrick truck for the electrical department.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Motion to Reallocate $45,000.00 for the Purchase of a Backhoe – Second Reading

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that the following funds totaling $45,000.00 be reallocated from the following accounts for the purchase of a replacement backhoe with the stipulation that Vice Mayor Dearing approve the specific equipment purchased:

HEC Designated Funds: $13,000.00
Street Maintenance Capital Equipment: $5,000.00
Water Capital Projects: $21,000.00
Water Capital Equipment: $6,000.00

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

Closed Session

Council member O'Neill moved, second by Vice Mayor Dearing, and carried to go into closed session for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Town. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code).

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

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: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

Motion carried (5 – 0 roll call)

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

Mayor: _____
Wayne E. Printz

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