Regular
Council Meeting
August 21, 2006

The regular meeting of the Elkton Town Council was held in Council Chambers on August 21, 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
S. Sigafoose

Town Attorney Tom Miller, Director of Public Works Marty Shifflett, Treasurer Clairen Sipe, Sergeant Rodney Hensley, and Clerk of Council Richard Carey were also present.

Reverend Jim Kite offered the Invocation.

Sgt. Hensley led the Pledge of Allegiance.

CITIZEN COMMENTS

Vic Corbo, Windsong Hills, questioned if a resubmission by Mayor Printz for Greg Mowbray for water damaged cabinets in the amount of $350.00 was an attempt by Mayor Printz to make good on a promise to get him money back on his electric bill. On July 1, 2006, Council voted to "curtail discretionary spending." This led Mr. Corbo to question the paving of two alleys, one behind the Camden building and the other behind a residence at Fairfax and 6th Street. He presented a work order, requested by Mayor Printz, for each project. Again he questioned if this was fulfillment of a campaign promise, when, on election day, Randell Snow, Rick Workman, Clyde McDaniel, Jay Dean, and Mr. Corbo heard Mayor Printz promise a citizen "two loads of stone."

Hazel Crider, Elkwood, thanked Town employees for their assistance with the Neighborhood Watch Night Out. Veterans Day activities are being planned for 11:00 A.M., on November 11 in Stonewall Park. She asked Council for help to provide 125 to 150 medals for the veterans. The rain location will be the Elkton VFW.

Mildred Shifflett, 112 West Spotswood Avenue, asked who would have final approval for activities in the Community Center – the Community Center Committee or Council. She was given notice to move her vehicle off Spotswood Avenue for the Elkton Field Day Parade. She stated she always did that and didn't object to the notice. She was, however, a bit perturbed that other cars parked on Spotswood Avenue. She advised Mr. Corbo that there were roads leading four ways out of Elkton if he found Elkton so "apprehensive."

Jay Dean, Lucas Lane, commented favorably on the Community Center Grand Opening. It has been a month since Mr. Dean appeared before Council to discuss damage to his house, as well as his neighbor's. He has not received satisfaction. Council member Sigafoose said he had been to Mr. Dean's house and it was his opinion that "we fix it." Mr. Dean was not home and was not made aware of the visit. When asked about the neighbor's house, Council member Sigafoose stated he didn't know about that house. Mr. Dean paid his business taxes and did not appreciate his business name being published for non-payment. He filed for an extension of federal taxes and did not have a Schedule C. The cause of Mr. Dean's electrical service and the house at 118 Lucas Lane was a FedEx truck snagged an Adelphia Cable line and snapped the pole. FedEx declared they were not at fault. "At fault" did not matter to Mr. Dean. He just wanted the damage at the two houses repaired.

Cathy Murphy, 110 North Stuart Avenue, acknowledged the egos sitting at the table and it appeared to her that there was a three-man Council. She stressed that all seven members should be provided the same information. She was concerned that some personnel matters were "being handled incorrectly." She was consulted regarding an employee and his performance and was "not happy with what she heard." Speaking of "at will employment," she stated if that, in fact, is accurate, then the Standards of Conduct and the Grievance Procedure are two unnecessary sections of the Employee Handbook. A lawsuit concerned Ms. Murphy if a position was eliminated and someone else was hired to fill that position. She termed the re-hiring of Officers Gooden and Harris as "illegal" because they were not in the pool of applicants when the last ad was published three months ago. She stated EEO requires positions to be published in newspapers or notice of vacancies posted on the bulletin board.

Vice Mayor Dearing stated that it was "inappropriate" for a Council member to call a private citizen to discuss a confidential personnel matter. Council has got to discuss and act on a situation that has been on-going for two weeks on the streets.

Ms. Murphy's rebuttal was she was not "the street," as she wrote the manual and had insight into the policies and procedures.

Mike O'Neill, 425 East Rockingham Street, praised Council member Isom for the many hours dedicated to the very successful Town Festival. He thanked her for the "positive face" she gave Elkton. He recognized Council member Kite for the Park clean-up, Vice Mayor Dearing for "spot checking" activities at the Community Center and making suggestions, and Mayor Printz for manning the street sweeper following the Field Day Parade.

Council member Isom noted that all Council members have been busy with various projects that don't get newspaper coverage.

Council member Pence's opinion was that he has been "left out" since the new Council took their seats.

Vice Mayor Dearing believed Council cohesiveness depended on the hiring of someone to run the day-to-day operations of the Town.

Mayor Printz read the following prepared statement:

Touching base

Dear Elkton citizens because I respect you I have remained in the back ground for some time now and not commented in the media mostly because lack of available print space due to the syncopated beat of Mr. Corbo and Miss Jenny Jones of the Corbo cronicles continually attacking my family and degrading myself and our great little town with inaccurate or slighted information. Their has been approximately twelve articles attacking myself personally or as Mayor in a two month period by either Mr. Corbo or Miss Jones, four of those articles were front page, two of these negative depictions of myself were in the news record on the front page on the same day. Ironically Miss Jones incessantly attacks my credibility and then insults the public's intelligence with a falsely staged event of Mr Corbo on the front page of the news record picking up stones and debree. I can assure Mr Corbo it take much more than an artificial commitment of picking up trash to gain the citizens trust and respect.

Then last week Miss Jones printed another slighted and inaccurate article regarding many of our very fine businesses which paid their taxes but did not actually receive the

formal document that states business license. Had Miss Jones investigated thoroughly she would have found out that many businesses do not have a schedule "C" and that there currently is no requirement in the code book we have at this time for this schedule. Also that the treasurer can issue a ninety day extension provisionally for a business license in Elkton which would allow for midigation up to September and can request other forms of verification of income. As far as depicting my Elkton Car Wash as a as a defacto mafia organization. Elkton car was has paid nearly $100,000 to the town of elkton in utilities, fees, Taxes and donations in the last 22 years and I am proud of the business I built with my own two hands as I am proud of many of our businesses which were unfairly hurt by this inaccurate article.

It looks to me like Miss Jones as an intelligent well educated individual you may want to realize that there is not short cut to success, sensationalism is not journalism or professional reporting. If you would like to have the ability to be promoted to a credible news organization in the future you may want to reconsider your posturing.

Obviously Miss Jones and Mr Corbo do not have the confidence in the Elkton citizen's intelligence and ability to see through a focused vendetta, ineptitude or irresponsible inaccurate journalism. Maybe Miss Jones and Mr Corbo need to focus on their own credibility before they so intensely and inaccurately attack others.

On a more positive note I would like to thank the Junior Order for organizing our beautiful field day and our parade. Thanks to the town employees the town council for their supporting this event. A special thanks to Councilmember Isom for following through with our events at stonewall memorial park the skydivers were a real treat for everyone.

Also congratulations to all for the successful grand opening of the of the community center. I realize there are a few issues that need to be worked on, the council is committed to making sure that there is professionality, affordability and access for all.

A final and most important note to our fantastic rescue squad which took incredible care of my Mom when she recently had a stroke. The response was almost immediate, their professionalism was impeccable and I will be forever greatful for their focus and dedication Thanks and God Bless

Vice Mayor Dearing accepted responsibility for putting Mr. Corbo on the front page of *The Daily News-Record.* He will continue to recognize anyone who displays community spirit. Obtaining the information from the Treasurer's office, Vice Mayor Dearing released the business license list to Ms. Jones under a FOIA request. He had no regrets, because "if we're going to clean it up we are going to step on some toes."

Steve Kite, 15555 North Eastside Highway, acknowledged the quick response of the Elkton Police Department when a vehicle drove through his fence.

Gene Kite pleaded, "Give us a chance." He stated the plates are full, sometimes some will not like what they hear but, he thought, "it would be for the better."

MINUTES

Vice Mayor Dearing moved, second by Council member Kite and carried to approve the minutes of the Special Council Meeting on July 13, 2006 (Angler closed).

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

Motion carried (6 – 0 voice vote)

Council member Kite moved, second by Council member Sigafoose, and carried to approve the minutes of the Special Council Meeting on July 13, 2006.

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

Motion carried (6 – 0 voice vote)

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to approve the Committee meeting minutes of July 13, 2006.

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

Motion carried (6 – 0 voice vote)

Council member Isom moved, second by Council member Sigafoose, and carried to approve the minutes of the Regular Council Meeting on July 13, 2006.

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

Motion carried (6 – 0 voice vote)

TREASURER'S REPORT

The ending ledger balance for General Government for the month of July 2006 was $722,347.87. Designated money was $517,098.22, which left total available cash of $205,249.65.

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

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

Motion carried (6 – 0 roll call)

DIRECTOR OF PUBLIC WORKS

A 1996 Digger was found at a cost of $30,000.00. Funding needs to be found. Mayor Printz sent the issue to Committee but Mr. Shifflett was instructed to get "hold" information for Council.

CHIEF OF POLICE

Council member Pence asked that the blocked alleys on Chicken Hill be opened. Vice Mayor Dearing wanted enforcement of the Town Decal Ordinance. Council member Sigafoose read the Advisory Committee recommendations.

NEW BUSINESS

Adopt Central Shenandoah Criminal Justice Training Center Resolution

Vice Mayor Dearing moved, second by Council member Sigafoose, and carried to adopt the CSCJTC Resolution as presented.

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

Motion carried (6 – 0 voice vote)

Appoint M. Lee Dearing as Elkton's Representative on the Rural Technical Committee

Council member O'Neill moved, second by Council member Kite, and carried to appoint M. Lee Dearing to the Rural Technical Committee.

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

Motion carried (6 – 0 voice vote)

Adopt Resolution for Water Supply Planning Grant

Council member Sigafoose moved, second by Vice Mayor Dearing, and carried to adopt the Resolution.

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

Motion carried (6 – 0 voice vote)

Larry Shifflett – Two Out-of-Town Water Connections

Mr. Shifflett will be responsible for all costs for the water lines from the connections.

Council member Kite moved, second by Council member O'Neill, and carried to approve the two water connections.

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

Motion carried (6 – 0 roll call)

Approve Purchase of Medals for Veterans Day Ceremony

Vice Mayor Dearing was willing to make the motion but he requested a price and a ceiling. Council member Isom informed Council she was told the cost would be around $700.00.

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to approve the purchase of Veterans Day medals up to $700.00.

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

Motion carried (6 – 0 roll call)

501 – C3 for Community Center

According to the Community Center Committee, grants would be easier to obtain if Elkton had its own 501-C3, as opposed to a partnership with the County. Also, the likelihood of grant approval would be greater.

Vice Mayor Dearing understood the 501-C3 concept and saw no need to rush forward as the arrangement with the County is working. He did not favor a Community Center 501-C3 exclusively. The collection and management of the money/donations were a major concern.

Council member Kite expressed urgency as it related to a grant writer who is donating his time. Council will control the Community Center and will not approve the

incoming and disbursing of Community Center monies to anyone other than the Town Treasurer. Because of the lengthy application process, it was decided to authorize Attorney Miller to begin the paperwork.

Council member O'Neill moved, second by Council member Kite, and carried to authorize Town Attorney Tom Miller to prepare a 501-C3 for the Town of Elkton.

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

Motion carried (6 – 0 roll call)

Two Poles and Transformer Requested by the Junior Order

Council member Isom informed Council that the Junior Order removed one pole. The remaining pole is leaning and is a safety hazard. Marty Shifflett stated the pole belongs to the Junior Order. Vice Mayor Dearing asked Council member Isom to ascertain if the pole is on private property and is electric usage being metered. Adding guide wires created a liability issue for Council member Kite. It was decided that Council member Isom would get more information and present it at the Committee meetings.

Close Restaurants That Have Not Paid Meals Taxes

Vice Mayor Dearing stated that some restaurants were guilty of "theft" when they did not pay on time the collected meals taxes. He believed everyone should pay their fair share. Attorney Miller speculated the mechanism may be in place to resolve this issue.

Council member O'Neill moved, second by Vice Mayor Dearing, and carried to enforce the policy.

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

Motion carried (6 – 0 roll call)

Drug Testing Policy – 10 Panel

Quarterly a number from 0 to 9 will be drawn. The last number of an employee's Social Security Number will determine a match and that will be the random testing pool for that quarter. An employee involved in an accident will receive an alcohol test in addition to the 10 panel test. He recommended this procedure for hiring new employees as well as testing current employees.

Vice Mayor Dearing moved, second by Council member Kite, and carried to accept the 10 panel drug policy and implement it as soon as possible.

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

Motion carried (6 – 0 roll call)

Consider Bobby Gooden's Legal Expenses

Vice Mayor Dearing recommended that the Town reimburse Bobby Gooden for legal expenses that resulted from a neighbor erecting a fence. A motion will be made when Vice Mayor Dearing has been given all the legal bills. Vice Mayor Dearing also suggested that the home occupation permit granted to Mr. Knight be revisited. Council

member Kite did not want to "open a can of worms," but he was aware of other fence problems. That will be a future discussion.

Line for Curtis Lawson – Approximately $1,980.00

Council member Kite advised $1,980.00 is a contract price from RanMar to correct a sewer line at Mr. Lawson's. The correction would require digging up Mr. Turner's driveway, which the Town would restore to its original condition, or better. Council member O'Neill wished to get away from contracting work that perhaps Town employees could perform. Council member Kite agreed but wanted the driveway replaced in a professional manner.

Council member O'Neill moved, second by Council member Kite, and carried to proceed with installing the line for Mr. Lawson with the stipulation that Town employees perform the work where possible and contract any work that cannot be performed by Town employees, up to a maximum of $1,980.00.

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

Motion carried (6 – 0 roll call)

Patrick Hensley

Mr. Hensley's desire to build a non-conforming house on a lot that was residential when he bought it but is now zoned B-2 went unresolved again. Attorney Miller stated one criteria for a variance is "denial of all economic value of the property." He believed it was doubtful that Mr. Hensley had nothing. He has a piece of property on which he cannot build a home but it could be sold as business property. Mayor Printz told Mr. Hensley he would consult with the attorney and get back to him.

Accept Resignation of Office Harold Shifflett

Council member Sigafoose moved, second by Vice Mayor Dearing, and carried to accept the resignation of Office Harold Shifflett effective September 3, 2006.

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

Motion carried (6 – 0 roll call)

Appoint David Harris as Police Officer

A number of issues arose. In the absence of Chief Morris, Sgt. Hensley could not confirm Council member Sigafoose's statement that the police vacancy was posted on the bulletin board. Mr. Harris would be re-hired at a high salary than the current salary of the Sergeant.

On recommendation of Attorney Miller, **Council member Sigafoose moved, second by Council member Kite, and carried that Mr. Harris be hired contingent on all criteria being met.**

Vice Mayor Dearing preferred that Council had more time to study the Letter of Intent which included a promotion in rank in six months and a pay higher than the Sergeant's. Vice Mayor Dearing submitted the Sergeant's pay will increase, but it will require two readings. Mr. Harris will become the new dog handler and will be paid $30,160.00 per year.

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

Motion carried (6 – 0 roll call)

Pay Raise for Sergeant Rodney Hensley

Council member O'Neill moved, second by Council member Pence, and carried that Police Sergeant Rodney Hensley's salary be changed to $32,240.00.

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

Motion carried (6 – 0 roll call)

Council member O'Neill stated this would require just one reading.

Council member Sigafoose was excused.

Approve Community Center Committee Expenditure

The Community Center Committee asked for authorization to spend $70,000.00 of allocated funds and $10,000.00 of donated funds for items needed for the opening of the Center.

Council member O'Neill moved second by Council member Kite, to authorize the spending of $70,000.00 from designated funds for the Community Center under the signature of Mr. George McDaniel and also authorize the spending of the balance of $10,000.00 in the donation fund.

Considering a matter of control, Vice Mayor Dearing objected to purchase orders being signed by a private citizen. The objection was honored and the second and the motion were withdrawn.

Council member O'Neill moved, second by Council member Kite, and carried to amend the motion to include co-signed by the Mayor.

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

Motion carried (5 – 0 roll call)

Because it was late in the evening and Council still had to go into closed session, Mayor Printz asked for important Committee reports.

Planning Commission

Council member Pence moved, by request of the Planning Commission, that Chairman Dan Talbot sign all permits.

Vice Mayor Dearing stated Mr. Talbot was a volunteer, whereas the Mayor was an elected official with Council authorization to serve as Town Manager and zoning official.

When questioned by Mayor Printz what was the purpose of the motion, Council member Pence responded that the opinion was Mayor Printz lacked the expertise of a zoning official.

Vice Mayor Dearing argued that the "checks and balances" in the system would be by-passed by removing the Mayor from the process. Mayor Printz protested the statement and was willing to debate whoever made it.

There was no second to the motion.

Recreation

The readiness, cleanliness, and condition of the Parks' restrooms were discussed. A request was made to appoint a person to clean all bathrooms and that they remain closed until this is done.

Everything that needed to be removed from the Kids Castle has been removed. Mr. Steve Baker directed the work of 14 divertees and Council member Kite reported it was accomplished in four hours. Mr. Baker will now be able to seal and spray the structure at about the same cost. Twelve inches of mulch will be laid because pea gravel "is a thing of the past."

Council member O'Neill moved, second by Council member Kite, and carried to authorize the spending of up to $6,000.00 from Building Maintenance to purchase mulch.

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

Motion carried (5 – 0 roll call)

Parking

Council member Kite referred a downtown parking issue to Committee for discussion.

Electric

Council member Isom and Marty Shifflett are working with a citizen on a building wiring issue. The Fire Marshal will be involved. She referred to the digger truck which Mr. Shifflett discussed earlier. She and Mr. Shifflett are gathering electric generator information to present to Council.

Finance

Council member O'Neill reported that financing options for the Community Center are being explored.

Personnel

Closed session.

Cemetery

Vice Mayor Dearing reported three telephone calls this month from people who were not treated with respect and sensitivity.

Closed Session

Council member O'Neill moved, second by Council member Pence, and carried to go into closed session under Virginia Code 2.2-3711 to discuss personnel issues and real estate negotiations.

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)

Eliminate Foreman Position

Vice Mayor Dearing moved, second by Council member Kite, and carried to eliminate the Foreman's position effective immediately.

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

Motion carried (5 – 0 roll call)

Eliminate Meter Reader Position

Vice Mayor Dearing moved, second by Council member Kite, and carried to eliminate the Meter Reader position effective immediately.

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 adjourned at 10:17 P.M.

Mayor: _____
Wayne E. Printz

Recorder: _____
Richard D. Carey, Clerk