Public Hearing
Charter
February 8, 2006

A reconvened public hearing was held on February 8, 2006 in Council Chambers to receive comments regarding the proposed Elkton Town Charter. Mayor Wayne E. Printz presided and the following Council members were present:

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

Town Manager Dennis R. Donachy, Chief of Police Richard Pullen, and Clerk of Council Richard Carey were also present.

Lee Dearing, 124 North Street, advised that Senator Hanger introduced the draft of the Charter containing the emergency clause. He stated on January 30 "it passed the full Senate, which means there will be no election in May if it goes farther. It has now been referred to the House Committee and will be heard at 8:00 A.M., on Friday morning." Mr. Dearing declared the information was provided by Delegate Landes' office and he could not comprehend how the Charter was advanced to this point.

Mr. Donachy stated that even though it had passed the Senate, that did not mean the document could not be changed.

Mike O'Neill, 425 East Rockingham Street, lamented that Attorney Miller was not present to hear his comments, just as before. He has searched for an answer to the "urgency" to pass the Charter. He read Section 3.2 Vacancies of the proposed Charter and compared the language to that of the current Charter. He concluded, "Gentlemen, we have a document here that basically is extending Mr. McDaniel's term, as an appointee, to 2008." From that he determined:

1. Council was sponsoring a document they did not understand, or
2. We do not have an attorney who knows how to write a Charter

The will of the people was being "circumvented." Mr. O'Neill stated that what he viewed as "irregularities" in the appointment of Mr. McDaniel. Four people applied and met the deadline for consideration for appointment to Lucky Sigafoose's seat. "Council then accepted Mr. McDaniel's application for the position without having re-advertised, or re-notified the public, that they had rejected the four candidates who had applied for Lucky's seat and proceeded to seat him," spoke Mr. O'Neill.

Mr. O'Neill had additional concerns:

Sec. 3.3 – Council as a Continuing Body. He wondered if the new language was added to tie the hands of future Councils for deals made by previous Councils.

Sec. 3.4 – Mayor. Mr. O'Neill stated the Mayor "works for the people of the Town of Elkton." He elaborated the Mayor has specific duties, does not work for Council, and is a member of Council. A destruction of checks and balances was not acceptable to him.

Sec. 3.5 – Vice Mayor. Does the Vice Mayor forfeit his/her vote when serving in the Mayor's absence?

The budget was an unknown impact on those Council members who would be seated on January 1 (after the November 2008 election). Mr. O'Neill wrote Delegate Landes and Governor Kaine expressing his concerns.

Frances Dovel, 103 Virginia Avenue, expressed her opinion that the proposed Charter was a "snow job" and a piece of "crap." She considered the Council "arrogant" for not listening to the people and wanting to empower a Town Manager at the expense of an elected Mayor.

Hazel Crider, Elkwood, asked that the revisions that were made to the Charter be shared with the public at this time. She was "disturbed" with figures she read in the paper. Her conclusion was, "Don't blame the citizens." She stated the citizens did not agree with the "buy out" of the Town and they wanted to keep their "small town." She stated, "You all did it. We didn't." Referring to the Cemetery dispute, she said, "Our families can not rest in peace up there because of what has occurred. Why did that occur? It was because of money for Town control." She viewed the Charter as "dishonest and unfair." Council reviewed the revisions made at Monday night's meeting.

Mildred Shifflett, 112 West Spotswood Avenue, called the Charter "the worst piece of garbage I have ever read." She reiterated her position for May elections and citizen comments.

Cathy Murphy, 110 North Stuart Avenue, was "flabbergasted and ashamed" with what she was hearing. She thought Mr. Miller's absence was "unprofessional," in that he was not there to hear the comments. "This whole procedure has been a mishmash of legal mistakes. The document should never have made it to Richmond until you all passed it by final vote. It should not have been sent as a draft to hold a spot," was her opinion. She wanted to know who requested Senator Hanger to present it to the Senate. She said, "They just don't do that. Someone has to request it." She believed Council had taken action to make the Charter better, but it still was not "suitable." She agreed with Mr. O'Neill on the "Vacancies" section and wanted an appointee appointed only until the next election. She recalled a ruling by Nathan Miller that the Vice Mayor does not forfeit his/her vote when serving in the Mayor's absence. She recommended that "reasonable notice" for Special Meetings be defined. Should the fiscal year be changed when the Town goes to November elections? Her closing remark was, "I'm not satisfied with this. I think this is another rush job. We paid a lot of legal money for this. Doesn't cut it. Somewhere along the line our legal counsel has undermined this Council and undermined the citizens of this Town and done what he thought was appropriate. That's not what we pay Mr. Nathan Miller to do. He serves the public and he serves the Council."

Gene Kite, 337 West Spring Avenue, agreed with Cathy Murphy. He said he, too, was listening to the people but didn't believe everyone was hearing the same thing. Mr. Kite reviewed what previous speakers observed and agreed the document needed another "overhaul."

Nathan Miller arrived at 6:45 P.M.

Vic Corbo, 248 Windsong Hills, asked if the proposed Charter included the new boundaries of the Town.

Janet Eppard, Quail Run, was concerned about Town debt and made some personal observations regarding staff and Council.

Diane Johnson, 903 – 6th Street, asked that people in the audience declare their position on the Charter – for or against.

Attorney Miller addressed the history of the Charter re-write and the legislative process. His presentation was clear and informative. He explained the process was intentionally tedious and methodical in order to catch and stop unwanted or incomplete legislation. He alleviated all fears of not being able to stop the action taken by the Senate, which he was at a loss to explain. Mrs. Crider thanked him for his presentation.

Attorney Miller responded to questions, among those were:

1. Margaretta Dean Isom, 423 Wirt Avenue, asked the difference between the draft and the actual Charter.

2. Richard Lam, 137 High Street, questioned the amount of money spent-to-date for revisions.

3. Bobby Shifflett, 301 West Summit, wanted to know what the "danger" was that was printed in the paper.

To Mr. Shifflett, Attorney Miller stated "dangerous" was a term used by Delegate Landes and he wasn't sure "where that came from." His opinion was, "The Town will survive on its existing Charter."

As there were no additional comments, **Council member Workman moved, second by Council member Dean, and carried to close the public hearing at 7:52 P.M.**

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

Motion carried (6 – 0 voice vote)

Mayor: _____
Wayne E. Printz, Mayor

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