Regular
Council Meeting
April 16, 2007

The regular meeting of the Elkton Town Council was held on April 16, 2007 in the Community Room of the Elkton Area Community Center 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, Treasurer Clairen Sipe, Chief of Police James A. Morris, and Clerk of Council Denise Monger were also present. Acting Town Superintendent/Zoning Administrator Marty Shifflett was absent due to illness.

Council member Gene Kite opened the Invocation with a special Moment of Silence for the loss suffered by the staff, faculty and students at Virginia Tech University and a special remembrance to the victims of the tragedy.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Larry Lampe, 243 Kensington Drive, stated Council member Kite was to make a site visit and make a recommendation regarding his water hook-up situation. Mr. Lampe stated that Council member Kite had not contacted him but had made a site visit. He continued there was a 6 – 0 vote on this matter, but there was no record of such a vote. Mr. Lampe further stated he was dissatisfied with the cost to the Town for the use of heavy equipment and manpower used to "make a little hole in the ground and cover it up with dirt." He was insulted that Council would believe him to be dishonest and further challenged Council for not accepting his "offer".

Council member Pence responded that Mr. Lampe failed to inform Council that the bathhouse would contain toilet facilities. Mr. Lampe answered that a plan was presented and approved.

Mr. Lampe again inquired as to Councils' definition of a bathhouse. Further, he stated that was why a water hook-up was needed.

Further discussion ensued between Mr. Lampe and Council member Pence regarding water hook-ups for sprinkler systems and the non-existence of special meters.

Council member Pence stated that, "You told us, Larry, that you wanted to put that meter in there just for - to fill up your pool."

Mr. Lampe denied this claim.

Mr. Lampe addressed Council, "What's the difference? I've already paid for one hook-up, okay? The other one was a gift. That other line is coming out and going into that bathhouse, okay? The sewer's going back – what difference does if make where that water goes in and comes out at? What difference does it make for sewer? If it's coming off the other meter that I got – if I tied into the middle of the street you're still charging me for the sewer by the water. Don't you understand? That's all you charge?"

Mr. Lampe ended by accepting the decision by Council but thought the time and money spent on this matter was egregious.

Council member Kite stated that he would like to meet with Mr. Lampe to discuss this matter in more detail and hopefully come to some better understanding for all parties. He continued that he reported to Council on this matter and would like for everyone to sit down and talk about this "one-on-one."

Council member O'Neill confirmed that a swimming pool was the reason that the water connection was requested. He continued that the Town has fixed rates for water and sewer and Council does not support any exceptions to fixed rates. That justified why there was no vote.

Vice Mayor Dearing reiterated policy that there are no separate meters for sprinkler systems or swimming pools. Further, he stated, that due to a previous matter involving Mr. McDaniel, who was denied a separate meter for a sprinkler system, the Council was merely upholding precedence from an earlier Council decision.

Council member Kite offered to meet with Mr. Lampe at his convenience. Mr. Lampe denied the invitation.

Vic Corbo, Windsong Hills Drive, Elkton, spoke to Council regarding the zoning matter on East Washington Street. Mr. Corbo stated that Mayor Printz had to take responsibility for the zoning matter. He had obtained copies of various documents including zoning permits which showed an issue date of October 13, 2006. Further, he stated, "The minutes of the Planning Commission meeting indicate the property owner did not appear and request a subdivision until November 8. To date, no subdivision or variance has been issued on the property." Mr. Corbo continued that two zoning permits were issued with the same lot number and be believes they are "illegal." Further, he was told that "Mr. Printz spoke before the Planning Commission and spoke in favor of subdividing the lot for the owners." The owners went to the County to obtain building permits. "When the situation with the same lot number was questioned by the Clerk at the County offices, she called Mr. Printz and was instructed to issue the building permits and he would take responsibility." The owners received building permits. Mr. Corbo ended by stating he thought this matter was a conflict of interest for Mayor Printz and a misuse or malfeasance of office.

Mr. Corbo believed the Town should consider other alternatives regarding the above matter and would be well within in its power by moving or demolishing one or both of the houses. He further believed by not taking a stand on this issue, the Council would be sending the wrong message to other developers.

Lastly, Mr. Corbo discussed derogatory comments made by Council member O'Neill at a Committee Meeting on December 11, 2006 towards George McDaniel.

Mayor Printz stated that some of the information just given by Mr. Corbo was incorrect and further stated that he had "made a mistake."

Vice Mayor Dearing added that in regards to any zoning violations, the Council is pursuing all avenues with Town Attorney Miller and he in turn is working with the other party's attorney to resolve all issues.

Council member O'Neill apologized for any inappropriate comments during a very stressful time for Council and hoped Mr. McDaniel would follow suit and extend the same courtesy for past remarks he had made about the Town Council as well.

Hazel S. Crider, Elkwood, spoke to Council regarding Stonewall Park and how wonderful it was to see so many children use the park. Mrs. Crider commented on the number of people using bicycles in the park and urged Council to consider installing bike paths. Further, Mrs. Crider stated that some patchwork needs to be done at the park. If unavailable, she suggested private organizations to donate funds. Regarding the Kite

property, Mrs. Crider was open to many ideas that had been previously discussed and would entertain future discussions regarding any plans.

Vice Mayor Dearing stated that the Town is going to turn over the Kite property to the Planning Commission to determine what type of housing is desirable, from which a master plan will be developed to satisfy the needs of our community.

Mrs. Crider urged Council to hold a Public Hearing on the matter soon.

Mrs. Crider questioned Council regarding senior volunteers at the Community Center. Further, she questioned funding for all of the employees for the Community Center and if the money for the current staff was budgeted for in the current budget.

Vice Mayor Dearing responded to Mrs. Crider by stating that money is being generated and that the Community Center must have a paid staff. If anyone wanted to volunteer they would be referred to Administrator Morris.

Mrs. Crider reiterated her question regarding the funds for the Community Center.

Council member O'Neill responded to Mrs. Crider by stating that Rockingham County has contributed over $750,000.00 to handle operations and to assist with running the Community Center. Further, Council will have to go back and review expenses. The funds that Rockingham County contributes are "designated funds" and money does not come out of the general budget, per se.

Mrs. Crider thanked Council member Kite for his beautiful and thoughtful prayer.

Mildred Shifflett, 112 West Spotswood Avenue, spoke to Council and stated she was concerned jobs were not advertised properly. Mrs. Shifflett thanked our police department for their hard work and gave a special commendation to Chief Morris.

Vice Mayor Dearing responded to Mrs. Shifflett by stating that all employment positions had been properly advertised.

Ed Butler, East Summit Avenue, spoke to Council regarding a pothole at Chiefy's and asked for someone to address the problem.

George McDaniel, 583 F Street, Elkton, addressed Mr. Corbo and stated that he appreciated his addressing the inappropriate comment issue. Regarding the comment that he had made inappropriate comments about Council, Mr. McDaniel stated that was false. Mr. McDaniel stated he appreciated Council but believed they were unfair, inasmuch the inappropriate terminology was made when he presented a proposal to the Council trying to address water and sewer rates on North Street. Mr. McDaniel stated he had sent in a proposal to lock in his rates at $4,000.00 and was given approval by the Town Manager.

Mr. McDaniel continued that he had since tried to lock in his fees at $6,000.00 as Angler had done, but Council denied his request. Council had not allowed him to protect his investment and in his opinion had taken an unjust position towards him. Further, the Preliminary Plat for Willow Oaks Subdivision was approved in 2003 for which he had documentation stating such. Discussion continued regarding connection fees, actual cost to the Town regarding water and sewer hook-up.

Mayor Printz pointed out that Mr. McDaniel had requested a delay from Council regarding this project and received an extension. Further, Mayor Printz complimented Mr. McDaniel on his workmanship and expressed his appreciation for the time and effort he had put forth to benefit the Town. He stated that this effort on behalf of Council is not personal with contractors but a responsibility to find the resources to upgrade the treatment plant.

Vice Mayor Dearing stated that Mr. McDaniel is represented by an attorney and therefore this discussion should not take place at this time.

Earlier, Mr. McDaniel made the comparison between his situation at Willow Oaks and Mayor Printz's construction of a second car wash. Council member O'Neill recalled that Mayor Printz simply paid the standard fees that were governed by the ordinances in place at the time. As Mayor Printz's car wash never came before Council, Council neither approved nor disapproved the car wash. Further, he queried Town Attorney Miller regarding all of the necessary documentation for Mr. McDaniel to purchase his connections.

Town Attorney Miller agreed with Vice Mayor Dearing and suggested that this discussion take place "in a different forum with different people." Further, Town Attorney Miller recommended moving on with the agenda.

Council member Kite suggested all pertinent parties restrain from making any public comments regarding the alleged incident spoken of earlier and implored all parties to move forward and bring this matter to a close.

Mayor Printz presented the following prepared statement:

"I would like to respectably address the Council with my representative hat on first, and then alternate to my business man's hat with which I have participated in this Town for twenty-three years. I have been honored to be a representative of our great Town for seventeen years now. Taking everything into consideration this Council is by far the most independent, hard working Council I have worked with. We spend countless hours many times up to one or two o'clock in the morning, diligently conducting the Town's people's business. I do not think there is a topic or word that cannot be said that we were not able to dissect three times, look at it perspectively, overtly and at every geometric angle known to man. We worked hard at it. Then we'd pick up another topic, go on and try to settle those issues. But no one can say we do not care, and we are not devoted. We may not always agree. But I believe each of you is sincere, loves our Town and I am grateful to be able to serve with you. On a side note, it is nice that this Council allows its members to eat a dinner during these marathon sessions. Previous Councils tried to starve us out, which quite frankly was a very good tactic."

"On a very serious note, I would deeply and appreciatively like to thank this Council for helping two of our families which had sewer engulf their homes approximately two months ago. This was a devastating situation for the two families and weighed very heavily on the Council, Mr. Marty Shifflett, our Town Attorney Mr. Miller and staff. We had many serious discussions on this issue and we had a barrage of conflicting information to digest from the law and from the insurance company. This was difficult and very stressful situation. But in the end, this Council did the right thing as I knew they would. I believe when in the political realm, if you are not sure what decision to make, go with your conscience. Ask yourself what you would expect if it was your family and follow what your conscience is telling you."

"While I am on the topic of this Council, I would like to state that I went door to door as many as three times supporting and working hard for this Council last election. The reason I emphatically supported this Council, and still do, is because I believed the unification of this Council brought something to the table that a number of members of the previous Council or Councils did not. Strong diversity of thought and expertise, a down to earth respect for Elkton's heritage and the people, rejuvenation of religious interjection, and being courteous, friendly and approachable. Most importantly a strong commonality, a bond and connection with the average working family of our seniors and our citizens. The reason we got elected so handily was not because we are good but because the citizens wanted their Town back along with these attributes. They knew

there was a razor thickness that almost decided the future of our Town from which the rich capitalists almost took over complete control. This is one reason we were elected."

"The second reason I believe is the people knew we were concerned with our finances, developing our Town with improvements which are good for our current residents. Keeping taxes and utility rates low, protecting our citizens and sticking up for the underdog. That's what I think we stand for. I feel we had a good, strong connection with people on issues. We were concerned with the average working families here in our Town and continue to feel this way."

"This Council has along with the staff and our attorney partially cleaned up the agenda. We have first and foremost settled the Angler controversy with a win-win and a benefit to our Town of about 4.5 million, two wells and an aversion of a long, expensive lawsuit. You all should be commended for this. I know how hard we worked together to accomplish it. This was no small task. We opened up the community center, one of the most successful endeavors ever accomplished in the Town of Elkton. I am extremely proud of Mr. Kite, this Council and the staff for working so hard together to do something that our people love so very much. We have staffed up, given pay raises, and prepared to improve our waste treatment facility. We have a great new chief, acting superintendent, great treasurer and staff. Our attorney is always there at our beck-n-call for us and I appreciate that – from all of you. We had a great function down in the park last year and prepared for a Fourth of July second to none all in approximately one year to help promote our Town. I am very proud of this Council and these very important accomplishments. I don't think there's enough said in a positive light. Now, this is the time to get back with our people, have town meetings like some of you have asked for tonight, and return to basics of conscientious budgeting which I know we're already doing thanks to Mr. O'Neill. Find a way to keep our taxes, fees and rates low. And reconnect with people to ask for help and guidance for the direction of the Town."

"Now, I will put on my business hat here. I proudly just built a new car wash, which is already under attack amazingly enough for me, on Route 340 across from Liberty. All of you are invited for a free car wash, even you Mr. Corbo. As I did with Elkton Car Wash #1 the very first thing you do is a traffic count, how may cars go by this business in a given day, this is a standard business tactic this is not rocket science. Then you may go into population metrics, building costs and rates, etc... But the first and the most important is population and traffic. I purchased the Elkton Car Wash down on Wirt Avenue from a dear friend of mine Mr. Herb Baugher. This was in 1984; that business was there since 1966. On or about this time the car wash was dilapidated and in total disrepair. I took $3,500.00 and my 1978 truck, went to North Carolina and purchased equipment. Page and Bobby Monger sat on the floor with me and we figured out how to get this equipment working. Nobody knew and I didn't know. Since then I have spent hundreds of thousands of dollars remodeling and one-time laying over eighteen thousand bricks with my own sweat and bare hands. I have sponsored basketball, volleyball, beauty pageants and car shows. You name it and Elkton Car Wash has sponsored it; that's Elkton Car Wash I. I have paid in thousands of dollars in taxes and over $100,000.00 in utility payments and to my knowledge I have never been late on any one of those utility payments. I might have been late on the taxes, but not on the utility payment. I have tried to be a good neighbor. The businesses in that area park in the grass because they don't have another place to park and I'm trying to find some way to help them. They have never paid me one penny for using my property. I think Elkton Car Wash has been a good neighbor, don't you?"

"Well starting with Mr. Corbo's' and Miss Jones' inaccurate comments regarding my business license. My business is under attack and my profits are down. Why? A general lack of understanding of the small business environment. Small business people need traffic, promotion, and a friendly business atmosphere. For the last number of years, I had to defend allowing people to drive around Town in our business zone, not just young people but people my age and all different ages. Elkton Car Wash is

a devoted long term business. However, part of the clientele is continually harassed. As Mr. Corbo illustrated in his comments in the paper last week about the trash, unfairly assigning blame for all the trash on our youth. So now we can add age profiling to our list of denigrations. Our young people need somewhere to go. Just because they have long hair or an earring does not make them bad. I know this. I was on the streets near Philadelphia as a young child. I come from a broken home with no one to look after me. I feel compassion for these people and the leadership of this Town which I have total faith in; have total absolute faith in, we can turn things around by participating with these people. When we are rude, or overbearing, falsely accuse, age profile, or the like we chase entire families from our business environment. The people riding around Town buy food, tires, gas and spend money in our Town. We cannot have economic development without people. Right now, Elkton is trying to find its identity. There is no doubt in my mind this Council will get us on the right track. Please, I ask you for your help. Let's get out there and help the people. Our young people need us not to alienate but to guide them. Thank you and God Bless."

Council member Pence stated he was not in attendance and was out of state when Committees were chosen and will shoulder no responsibility, right or wrong, regarding the matter.

Benny King, Elkton, asked Council to reconsider any final decision regarding an increase in water and sewer connection fees. Further, he urged Council to look at Elkton's entire utility availability fee and not only at the water and sewer fees. He continued that developers should not be asked to shoulder any more of the burden of the Town expenses than any other citizen.

Vice Mayor Dearing expressed his appreciation to Mr. King for his comments and assured him that Council will be reviewing all avenues concerning revenue for the Town.

Lastly, Mr. King agreed with Council regarding the need for work to be done to various systems throughout Town. He urged Council to consider on behalf of everyone the following: "mutually shared benefit, mutually shared responsibility, mutually shared financial responsibility." He sympathized with Council during this difficult process. But urged Council to pursue outside the Town for grants and various other avenues. Lastly, Mr. King offered to work with Council towards a different perspective regarding this matter.

Council thanked Mr. King for his comments. Council member Kite stated to Mr. King that Council is awaiting an engineering report from Acting Town Superintendent Shifflett.

MINUTES

Council member Kite moved, second by Vice Mayor Dearing, and carried to approve the minutes of the Committee Meetings of March 13, 2007.

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 Isom, and carried to approve the minutes of the Regular Council Meeting of March 19, 2007.

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

Motion carried (6 – 0 voice vote)

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $376,706.81 for General Government for the month of March 2007. Total designated money was $337,242.15, leaving total available cash of $39,464.66.

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

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

Motion carried (6 – 0 roll call)

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Community Center Administrator Allison Morris spoke to Council regarding the member totals of the Community Center and corrected the figure from 800 members to 1052 members as of the end of March 2007. She continued that the Center has two volunteers and that she and her staff are in the process of organizing an Elkton Community Fair on October 27, 2007 from 9:00 – 1:00. She will be speaking with local businesses in the Town regarding the matter.

Lastly, Ande Banks, District Representative to Congressman Goodlatte has requested to use the Community Center for Town Hall Meetings. He will be making arrangements with the Center beginning next month. The Community Center will also hold its first annual "Miss and Master Valley of Virginia" pageant on April 29, 2007.

Vice Mayor Dearing stated he was pleased with Ms. Morris' job performance as Community Center Administrator as well as that of her staff.

TOWN SUPERINTENDENT'S REPORT

No report. Acting Town Superintendent Marty Shifflett was absent due to illness.

Vice Mayor Dearing commended the Public Works Department for their hard work and efficient service.

Council discussed with Ed Butler a real estate matter in which approval was needed from all adjoining landowners in order for the Town to receive title to a right-of-way. The Virginia Department of Transportation had approved widening of the road as long as an easement agreement had been endorsed by all parties.

Town Attorney Miller stated he was unaware an agreement had been endorsed and suggested he and Mr. Butler meet and review the agreement.

Mayor Printz referred this matter to Town Attorney Miller.

Vice Mayor Dearing stated that he and Council member Pence had met previously regarding the removal of yellow lines at the intersection of Shenandoah Avenue and Spotswood. Discussion ensued with Chief Morris regarding an issue with VDOT specifications for this area.

Council member Isom discussed a person or persons leaving threatening notes on the windshields of parked cars belonging to customers who patronize C & S Diner.

Mayor Printz asked Vice Mayor Dearing, Council member Pence, Council member Isom and Chief Morris to review these issues.

CHIEF OF POLICE REPORT

Chief Morris had no report at this time.

Vice Mayor Dearing asked Chief Morris to regulate the intersection at Burt Blosser's office and discourage motorists from using that particular street as a "short-cut to 340."

Mayor Printz thanked Chief Morris for his hard work and also thanked Council members Sigafoose and Pence for the time and effort they put forth in assisting the police department.

Council member Pence reiterated his concern for "no parking" at the Old River Bridge.

NEW BUSINESS

Policies and Procedures Manual for Community Center

Council member Kite moved, second by Council member O'Neill, and carried to accept the policies and procedures manual for the Elkton Area Community Center which was discussed at the February meeting, revised and approved as presented back to Council.

Council member Kite stated the only revision will be that page one will state that the manual was accepted.

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

Motion carried (6 – 0 roll call)

Farmers Market

Discussion by Council member Kite regarding the farmers market issue. Community Center Administrator Allison Morris spoke to Council regarding the issue of baked goods being sold at the market and if there would be a liability issue for the Town. She contacted the Department of Agriculture and received regulations the Town would need to adhere to. As suggested, she contacted other localities and prepared the necessary documentation for the event to move forward pursuant to government regulations.

Council member Kite urged Council to move swiftly due to time constraints with the event planning.

Administrator Morris also urged Council to move swiftly due to the need for kitchen inspections for all participants who want to sell baked goods, file an application and participate in the farmers market.

Town Attorney Miller stated, "That inspection is pretty rigorous, the Health Department does. I think it well worth a call to VML and say what are your recommendations and suggestions?"

Discussion continued regarding various localities that participate in similar events such as a farmers market.

Town Attorney Miller discussed separate non-profit business entity insurance policies and signed indemnification agreements that other localities may utilize for a farmers market in their area. Further, Town Attorney Miller stated, "obviously when you sell food to the public, somebody gets sick or worse than that, you got to figure that anybody involved is probably going to get sued. So the issue is how is it going to get

paid for, if there is a claim that actually is successful?" Town Attorney Miller recommended the Town notify the Virginia Municipal League and inquire "what are you comfortable with us actually running the farmers market rather than us renting space to an entity to run a farmers market?"

Administrator Morris inquired of Council as to liability since the paper states "not liable." Vice Mayor Dearing responded, "If we sponsor it, we are indirectly liable."

Town Attorney Miller discussed the July 4th celebration and the requirement of a certificate of insurance from the company responsible for the pyrotechnics. He stated, "That's an example of what I am talking about. There you got a private entity come in, they're being paid to do something and they are taking the risk if something goes wrong with that particular activity and we shouldn't be requiring of them a certificate of insurance if they got nothing prepared to cover what might go wrong."

Council member Kite stated, "We are not preparing food. We are renting a space. I know we got to cover all angles. First of all, somebody gets sick. How many people there buy food every week from functions all over this County, state and everything. I do." He reminded Council to consider the farmers market is just renting spaces.

Town Attorney Miller, Council member Kite and Administrator Morris to contact the Virginia Municipal League regarding liability issues. Town Attorney Miller is to prepare written notification if needed.

Authorize Purchase of a Replacement Police Car at an Estimated Cost of $2,265.17 from Capitol Equipment

Council member O'Neill moved, second by Council member Pence, and carried for Council to authorize the purchase of a replacement police car at an estimated cost to the Town of $2,265.17 from Capitol Equipment.

Vice Mayor Dearing inquired if the police vehicle will come fully equipped with radio, etc... Chief Morris responded that VML will reimburse the Town for additional equipment needed for the replacement car.

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

Motion carried (6 – 0 roll call)

Motion to Authorize Spending of $37,957.34 Grant for the Purchase of the Police Radio System Upgrades.

Council member O'Neill inquired if any additional funds are needed at this time.

Council member O'Neill moved, second by Council member Pence, and carried for Council to authorize spending of grant money in the amount of $37,957.34 for the purchase of the police radio system upgrades.

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

Motion carried (6 – 0 roll call)

Motion to Authorize Spending of $17,000.00 for the Flores and Higgins Properties

Council member O'Neill presented the following as a motion:

WHEREAS, the Elkton Town Council is concerned about the Town's liability and responsibility for damages to the Higgins and Flores homes on

Washington Street resulting from flooding in February, 2007 attributed to a clogged sewer line on Washington Street;

The Council authorizes the spending of $10,000.00 received from Virginia Municipal League Insurance and $17,647.00 from the Town sewer department to cover expenses resulting from this incident including, clean-up, replacement of damaged property, and food and lodging expenses for the Higgins family during the time that they were displaced from their home.

The motion was seconded by Council member Sigafoose.

Council member Pence stated he was unaware of sewer issues for several weeks. He continued that VML had stated the Town was not at fault. Therefore, he was of the opinion the homeowner's policy should pay and he will not vote in favor of the motion.

Vice Mayor Dearing spoke regarding his dislike of the procedure that was followed concerning this matter. However, since promises had been made on behalf of the entire Council, he would honor that. He continued that this case in particular should not set a precedent for future cases presented to the Town that have sewer issues.

Mayor Printz stated that VML paid $10,000.00 on this claim and the Town will pursue the matter since it had discovered a previous sewer issue existed. VML stated if a previous incident existed they would extend payment for the entire claim.

Council member Pence reiterated his position regarding VML and added he supported the decision of the Town's foreman.

Vice Mayor Dearing spoke that he has had favorable dealings with insurance adjusters and feels they are thorough and fair. He continued that part of their responsibility is to add depreciation to items that have been listed on a claim. Further, he stated, "We have never done any depreciation here, we have paid the full bill. Therefore, a twenty-year old carpet became a brand new carpet and I think the adjusters were just looking out for the Town of Elkton."

Mayor Printz detailed the conditions the families had to endure due to the sewer back-up. He implored compassion from Council but noted the only mistake he made was not notifying Council properly and apologized for his mistake.

Council member Isom noted that she was approached by Mrs. Higgins regarding this matter on February 14. She continued that "they had a clear understanding that the Town of Elkton was going to help them with this problem." She stated, "Since it was told the Town of Elkton would help these people, I feel like we're obligated to do it." Further, she stated Council should not view this situation just from a financial standpoint, but from the standpoint of the homeowners and try to determine if adequate support had been provided to the families. She commended Council on how the situation had been handled.

Council member Kite disagreed with the final outcome of this matter.

Council member Isom requested that future promises regarding the entire Council not to be made before all Council members are consulted.

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

NAYS: T. Pence

Motion carried (5 – 1 roll call)

Further discussion continued regarding possible full reimbursement from VML for expenses from sewer back-up.

July 4th Celebration

Council member Isom stated that Ted Hayes from The Valley Banner will provide an ad for the event. Listed, the following items will take place on Wednesday, July 4, 2007:

- Cruise-in at the Shen-Elk Plaza starting at 5:00 pm.
- Music to start at 3:00 in the Jr. Order Park by various bands.
- Rescue Squad to sponsor a cake walk.
- Neighborhood Watch Program to provide a food booth with face painting and a 50/50 drawing.
- Poor Boys Pit Beef BBQ to provide a food booth.
- Elkton Rescue Squad has requested permission to sell BBQ chicken.
- Fireworks display at night.

Council member Isom continued she had consulted with various businesses in the Town to possibly donate items for the event. Further, she had expressed interest in planning a Town of Elkton Community Yard Sale Day to coincide with the above-referenced events and asked Council for permission to use the property across from the police department as the location to hold this event. Council member Isom invited comments from Council on the matter.

Discussion continued regarding the bands scheduled to perform at the event and also if written contracts were needed for commitment purposes.

4th of July Community-Wide Yard Sale

Vice Mayor Dearing moved, second by Council member O'Neill, and carried for Council to support the Community-wide yard sale on the 4th of July and authorize the use of the parking spaces as additional spaces.

Further discussion regarding parking issues such as Chief Morris asking to remove federal vehicles and the notification to person/persons who commute and leave vehicles parked.

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

Motion carried (6 – 0 voice vote)

Council member Isom spoke highly of the 100 year celebration meetings regarding the Town of Elkton and encouraged everyone to attend. Vice Mayor Dearing expressed concern that the governing body was not in charge of the Centennial Celebration.

Council member Isom stated that if the 4th of July celebration is cancelled due to inclement weather she will inquire if the company will reschedule for 2008.

Discussion continued regarding the governing body to oversee the Centennial Celebration and what information will be provided to Council regarding the matter, in particular the financial needs and the overall plan.

Hiring Two Temporary Employees for Community Center

Jennifer Morris and Fran Nyman

Vice Mayor Dearing moved, second by Council member Kite, and carried for Council to hire Jennifer Morris and Fran Nyman as temporary employees with starting pay at $7.50 per hour.

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

Motion carried (6 – 0 roll call)

Discussion of Availability Fees

Mayor Printz tabled the discussion until Wednesday night.

Amend Agenda for Public Hearing

Council member O'Neill moved, second by Council member Kite, to amend the Agenda for the Special Meeting to include the Farmers Market and the Ed Butler matter.

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

Motion carried (6 – 0 voice vote)

COMMITTEE REPORTS

Electric Commission

Council member Isom requested to speak to Town Attorney Miller in Closed Session.

Finance

Council member O'Neill commended the Treasurer's Office for their efforts in collecting back fees owed to the Town and he asked Treasurer Sipe for a brief summary.

Treasurer Sipe responded by stating nine hundred notices had been mailed to delinquent taxpayers.

Brief discussion regarding businesses in Town who are operating without a business license.

Matter regarding school utilities to be spoken about in Closed Session.

UNFINISHED BUSINESS

Reallocation of Capitol Equipment – Second Reading

Council member O'Neill moved on a Second Reading, second by Council member Sigafoose, and carried to reallocate $4,100.00 for training from Capitol Equipment in the Elkton Police Department to Conventions, Meetings, and Training.

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

Motion carried (6 – 0 voice vote)

Advisory Committee

A large number of potholes in Town are in need of repair. Committee asked anyone with an issue to contact Chief Morris or someone at the Town Hall with the locations.

Consideration should be given regarding the exit to the park. It is the opinion of the Committee that the exit is hazardous and should be corrected. The area on the north side of the Municipal Building needs to be better maintained.

Further, there is an issue with school buses maneuvering onto Stuart Avenue from C Street. The Committee would like for Chief Morris to review the matter.

Brief discussion regarding the stoplight at Stuart and Spotswood Avenue.

Cemetery Committee

Sixteen people have donated a total of $3,200.00 toward the new fence at the cemetery and a $1,000.00 contribution was made for a total of $4,200.00.

Mayor Printz extended a special thanks to Madelyn Dixon, Bill McDonald, Bob Hammer and Haze Crider for the advisory recommendations.

Council member Pence reiterated his concern for the siren atop the Fire Department. Considering potential disasters with timely notification to the residents, Council member Pence requested that the siren be sounded at the same time monthly to acclimate the residents to an emergency. Further discussion continued with a recommendation for Council member Pence and Chief Morris to review the matter and return to Council with new information.

TOWN ATTORNEY

Town Attorney Miller stated he was still working on the contract for Valley Program for the Aging.

Closed Session

Council member O'Neill moved, second by Vice Mayor Dearing, and carried to go into closed session under Virginia Code 2.2-3711-A.7 to discuss pending/possible litigation and 2.2-3711-A.3 to discuss real estate negotiations.

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 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.

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

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk