Committee Meetings
May 8, 2007

PRESENT	STAFF
M. Dearing	Marty Shifflett
M. Isom	Tom Miller
D. Kite	James Morris
M. O'Neill	Clairen Sipe
W. Printz	Allison Morris
S. Sigafoose	Denise Monger

ABSENT
T. Pence

The following items and issues were discussed:

Personnel

- Department Heads working on grievance procedures for Employee Handbook.

General

- Mayor Printz spoke of Seth McGuffin's presentation regarding small business marketing on May 1, 2007.
- Recommendations for a person or organization for plaques.
- VML denied insurance claim made by Officer Cross. Any questions contact Chief Morris.
- Meeting with Fire Department scheduled for May 9, 2007 at 6:00 pm.
- Meeting with Rescue Squad to be scheduled.
- Financial statements needed from organizations before donations will be made.
- Letter mailed to VML asking to reconsider denied claim regarding Higgins/ Flores matter.
- Central Shenandoah Planning District Commission (CSPDC) meeting scheduled for May 10, 2007 at 2:00.
- Council member Kite to oversee bicycle track, walking track and basketball requests.
- Restaurant expansion inquiries to Wendy's, Kentucky Fried Chicken, Taco Bell, etc... have had positive responses.
- Vice Mayor Dearing suggested all parcels of land zoned R-8 beginning on Blue & Gold Drive to the Kite Mansion should be reviewed for the structuring of a business district.
- Kite House not in compliance with Codes according to County.
- Omnibus Agreement with Angler allows access to all pre-engineering work and financial information. Acting Town Superintendent Shifflett recommended a copy of the report be requested and sent to the (CSPDC).
- Council member Kite stated there are interested parties in the property and urged Council to originate a plan to move forward on the matter.
- Vice Mayor Dearing suggested Council stay involved in the process to make any decisions regarding the development of the Kite property.
- Mayor Printz suggested other areas, such as the downtown area, townhouses, or a senior citizen community, be considered in negotiations during the development stage of the Kite property project.
- Council member O'Neill suggested a well-publicized Town Hall Meeting to hear public comments or suggestions on the Kite property and solicit written recommendations by citizen's with their endorsement. He continued if Council should decide to create a new "business district" that the process to have the property rezoned start immediately.
- Town Attorney Miller stated that usually a planning commission or developer will plan and publicize several Town Hall Meetings if needed and also plan public

- workshops. He suggested Council allow the (CSPDC) to "take the next step" and plan those events for the Town.
- Council member O'Neill stated he would like to see the "business district" aspect of this project come to fruition within six months.
- Town Attorney Miller suggested that he or Mr. Shifflett report back to Council at the next Council meeting and report on the "time frame" for the Kite property project. *Agenda.*
- Mr. Shifflett stated that VDOT may have issues with the location of a commercial business near the Elkton Middle School.
- Council member Isom spoke of traffic issues at the Elkton Middle School and the new traffic pattern formed by VDOT to correct those issues.

Recreation / Community Center

- Application for membership to the Recreation Commission for Jeffrey M. Jones. *Agenda.*
- Construction work on Merck Shelter is complete and shelter can be used.
- Purchase blower for shelters.
- Vice Mayor Dearing suggested all employees use a sign in/out sheet for tools and further discussed security measures regarding tools. He requested Mr. Shifflett review the current procedures and take the necessary steps to improve these areas.
- Cemetery and Streets/Maintenance department will each be budgeted money for their own mower.
- Horseshoe pit removed from Town Hall area.
- Construction work at Monger Shelter is complete. Shelter needed electrical work due to vandalism.
- Goodwill program pays for "seniors" to re-enter the current workforce. Community Administrator Morris stated she had requested two "senior employees" to work at the Community Center for housekeeping duties. When questioned regarding any liability regarding workers compensation, Administrator Morris stated that Goodwill paid for the compensation coverage. Mr. Shifflett stated VML, our insurance company, would view this situation as a "contract employee" and would consider us liable for the employee's workers compensation.
- Town Attorney Miller stated that is an issue that could be negotiated between the parties. But someone does need to pay the workers compensation. He continued that it sounded like Goodwill would reimburse us if the Town had to pay it. But somebody has to satisfy State Law.
- Council member Kite commented on the Teacher's Appreciation Breakfast held at the Community Center on May 8, 2007 from 7:15 – 8:15 am.
- Vice Mayor Dearing referred to a personnel issue.
- Divertees Assisting Ruritan Club BBQ discussed.
- Commendations to Marty's son for winning the EPIC Award from the Rotary Club.

Public Health, Public Safety, Ordinances

- Council member Sigafoose reported there were no complaints regarding the Waste Department.

Electric

- Council member Isom inquired as to why the horseshoe pits were removed. Vice Mayor Dearing responded they were moved due to non-use. Mayor Printz concurred stating he thought the location of the horseshoe pits presented a danger to the citizens. Council member Isom agreed.
- Tree in front of the Town Hall.
- Tree at 1st and Wirt.
- Decision regarding new schools to be made May 9, 2007.

- Legal document addressing liability issues regarding farmers market.
- Council member Isom inquired the status of the locations that had been sent letters detailing zoning violations. Mr. Shifflett stated the County had issued "stop work orders" on all three properties and the Building Permits had been pulled.
- Town Attorney Miller stated he was trying to contact the party's attorney. His recommendation was to file an action in Court.
- Cruising.

Finance

- Eddie Alger letter discussed. Council advised Treasurer Sipe to accept only full payment including all interest.
- Council reviewed the purchase of four new police vehicles.
- Budget.
- Mr. Shifflett and Dennis Burton of Angler to inquire regarding Grant.
- Council member O'Neill requested all Department Heads review budget and have final figures by mid-June.
- Generator issues discussed.
- Council reviewed further budget issues.
- Mr. Shifflett stated accounting is inaccurate due to water and sewer showing a profit; suggested accounting methods be changed.
- Discussion regarding funds for fireworks celebration.
- Council will decide how to budget Lynn Meadow's salary.
- Treasurer Sipe spoke regarding disconnects increasing. She continued with examples of times she and her staff had displayed exemplary service to the citizens of Elkton.
- Council advised Administrator Morris to continue with procedures to implement tourist signage and contact East Rockingham businesses.
- Natalie Fogus, speaking on behalf of her elderly sister and husband, spoke to Council regarding water issues on North Street. Lengthy discussion followed regarding opinion of engineers; wetlands; 100,000 gallon super pond, and issues regarding springs.
- Town Attorney Miller stated, that "Council doesn't approve whether the engineering is correct or not, Council relies on the engineers to be right about the engineering. Council's not the final decider on whether or not the engineering has been done correctly. If the engineering hasn't been done correctly there are going to be folks who are going to make them go back and fix that. And there may be some lawsuits filed against some of the engineers who said it was okay and it turns out it not being okay. Because if you have to go back after you've already got subdivisions done, lots divided, and houses built and now you have got to go add 50% capacity to your storm run-off system, there's going to be some money lost. And there's going to be some private developer whose going to at least be as unhappy as everybody else if not more so. But Town Council doesn't sit up there and say 'this engineering is okay' because Town Council doesn't have the certification to say that yes or no."
- Town Attorney Miller recommended that Council resubmit the documentation to Anderson and outline concerns.
- Further discussion continued regarding the North Street property regarding certified wetlands; Army Corp. of Engineers; final submittal of plan.
- Mr. Shifflett to consult with Anderson regarding the matter.

Town Attorney

- An ordinance can be written in the Town Code to state that any person or business delinquent on a business license, personal property tax, meals tax, transient occupancy tax, severance tax, and admissions tax will not be issued a current business license until all outstanding taxes are paid.
- Local license fee $30.00 due to population under 25,000.00
- No license fee or license tax can be imposed.

- No business license if persons selling farm or domestic nursery products grow the items themselves, but if items are shipped in they can be charged as a retailer.
- No business license is required of a manufacturer for the manufacturing and selling of goods at wholesale at the place of manufacturing.
- A person, firm or corporation renting real estate as the owner of the property cannot be charged for a business license.
- A business license is required for hotels, motels, travel related places, lodging houses, rooming houses, boarding houses.
- Gross receipts for contractors would be receipts where the service is performed.
- According to state law no business license shall be issued to a contractor unless the contractor has valid proof he is paying worker's compensation. A written confirmation shall be requested to review if the contractor is in compliance. If he is not, a signed statement about worker's compensation will be sent to the appropriate board and an audit can be requested. This can result in a Class 3 Misdemeanor.
- 5 year statute of limitations on business licenses.
- If a contractor is paying a license tax where the principal or branch office is located then no other locality can charge a tax unless the amount in the other locality is going to exceed $25,000 in one year. Town Attorney Miller stated that since Rockingham County has no business license tax the first section of this provision does not apply.
- Contractors that conduct business in Town for less than 30 days and have no definite place of business elsewhere are subject to a business license.
- Meals tax.
- Emergency Response Disaster Plan.
- Smoke test results.
- Planning Commission recommended approval for a lot line adjustment for Nick Campbell's property. *Agenda.*
- Ed Butler summary.
- World War I Memorial discussed.
- 90 days letters to be sent to residents with results from smoke tests.
- VDOT requested to close Route 607 known as Bear Lithia Spring Road.
- Two people want to purchase property from Town: Barry Ecroyd on Mt. Pleasant Road and a person wants to purchase the field in front of Bear Lithia Springs.

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.11 to discuss personnel issues and 2.2-3711-A.3 to discuss real estate negotiations.

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

Motion carried (5 – 0 roll call)

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

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk