Special
Council Meeting
July 25, 2007

A special meeting of the Elkton Town Council was held in the Elkton Area Community Center, located at 20593 Blue and Gold Drive, Elkton, Virginia on July 25, 2007 at 6:00 p.m., 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 Lauri A. N. Sigler, Acting Town Superintendent/Zoning Administrator Marty Shifflett, Treasurer Clairen Sipe and Clerk of Council Denise R. Monger were also present.

Council member O'Neill stated he would like to proceed with the second reading to Repeal the Procurement Act.

Vic Corbo, Elkton, stated the first reading [to repeal the Procurement Act] took place after citizen comments at Council's prior meeting. He noted the second reading should take place after the public has had an opportunity to comment on the matter.

Council member O'Neill stated there were no requirements in the code for public comments regarding this matter.

Repeal Virginia Procurement Act – Second Reading

Council member O'Neill presented the following motion:

WHEREAS, the Town population has not reached 3,500 and therefore the Town is not required to follow all of the procedures set out in Sections 2.2-4300 thru 2.2-4377 of the Virginia Code known as the Virginia Public Procurement Act; and

WHEREAS, the Town Council would like to repeal the application of the general requirements under the Virginia Public Procurement Act understanding that certain mandatory provisions stipulated in Section 2.2-4343(9) of the Virginia Code apply to the Town even without the adoption of the Virginia Procurement Act.

BE IT RESOLVED that the Town of Elkton hereby repeals in full Section 31 Article 3 entitled Virginia Procurement Act.
Council member Sigafoose seconded the motion.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Change Cell Phone Service

Council member O'Neill moved, seconded by Council member Kite, and carried for Council to authorize the switch of cell phone service to Nextel from Ntelos.

A short discussion ensued regarding circumstances regarding change of service.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Resolution to Acquire Peaking Generator

Council member O'Neill stated Town Attorney Sigler had reviewed some documentation regarding the peaking generator. He noted a public hearing would be held regarding the matter. Town Attorney Sigler added the public hearing would be held for borrowing the funds. Council member O'Neill stated approximately $400,000.00 would be needed to purchase the generator.

If the Town would choose to lease the generator, a bond council opinion would be required. Bond council is a law firm or attorney that would review a municipal issue and then give a legal opinion. The estimated cost to the Town for a bond council opinion would be $6,000.00-$7,000.00. Lenders often require these opinions.

Town Attorney Sigler noted, "The financing lease option that Caterpillar gave us was like a financing lease. The payment of interest from a locality would be tax exempt to the lender receiving it - it can be. In order to make sure everything is done properly the lender will usually require bond council to give an opinion. There's other tax forms to fill out. You have to hire another attorney to give us that opinion."

Treasurer Sipe to request a written letter of the financial terms from the financial institution that will execute the loan.

Further discussion took place regarding the amount of funding needed to purchase the generator.
Mayor Printz suggested leaving financing options open.

Vice Mayor Dearing stated Council should support no reduction in electrical rates until the debt for the generator is paid.

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

Council member O'Neill moved, seconded by Council member Isom, and carried for Council to acquire a generator in the amount of $400,000.00, authorize a public hearing, authorize advertising the public hearing, and receive funds from an outside source either through a leasing company or borrowing from a bank.

Council member Kite stated he supported the purchase of the generator because he believed the Town would see a "return" on their money. He concurred with Vice Mayor Dearing regarding no reduction in electrical rates until the generator debt is paid.

Tony Dean, Elkton, queried Mr. Shifflett regarding noise abatement in reference to the generator location. Mr. Shifflett responded the generator is a self contained unit emitting less than 85 decibels. The generator would only run for two peak hours and would not run at night. The unit would be inspected, have a muffler and meet all EPA standards.

Council member O'Neill requested the Public Hearing for the generator be held on August 20, 2007 at 6:30 p.m.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Vice Mayor Dearing asked the Mayor and Council to provide copies of statements before the documents are read at meetings for Council to review. Further, he stated that anyone reading an official statement for the record should present a copy to the Clerk of Council.

Motion to Allocate Funds for Food & Lodging to Elkton All Stars

Vice Mayor Dearing stated the Elkton Community Little League Girls Softball Team 11-12 division won the State Championships. The team was in Florida to compete in the Southern Regional Tournament. If successful, the team would participate in the 2007 Little League Softball World Series in Oregon.

A lengthy discussion took place regarding funding for little league and how to designate funding.

Council member Kite left the meeting for a brief period of time and contacted a member of the Recreation Commission. He was told that all donation money was deposited into an account with the same amount written back out if receipts were provided.

Town Attorney Sigler suggested Council send a correspondence to the Little League organization to request some oversight regarding financial matters.

Past donations were discussed among Council members as well as reimbursement for lodging expenses in Florida and Oregon.

Council member Kite spoke of the Virginia State 10-11 Softball Tournament held in Elkton. He noted this event was not sponsored by the Town. He stated many compliments were received regarding the tournament and the community.

Council member O'Neill suggested allocating funds up to a specified amount for food and lodging. Town Attorney Sigler concurred a specified amount should be designated.

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to allocate up to $1,000.00 for food and lodging costs for the Elkton All Stars on their trip to Florida and authorize an additional $1,000.00 of food and lodging expenses if they go to Oregon.

Council member Isom inquired as to how many girls would be attending the trip and how many nights the teams would actually be in Florida. Further discussion continued regarding the matter.

Council member Kite stated that Council may want to specify the allocation of funds for "players only." He stated the team had adequate funds for Florida, but would need assistance to participate in the World Series held in Oregon.

Treasurer Sipe reminded Council of past donations given to teams and of future donations Council would be expected to give.

Further discussion continued regarding the matter.

Vice Mayor Dearing suggested allocating $1,000.00 for the trip to Florida and an additional $2,000.00 if the team proceeds to Oregon.

Mayor Printz queried Treasurer Sipe regarding last year's donation. Treasurer Sipe stated the amount was $200.00. Further, she stated that Council was setting a new precedent compared to past allocations. The team last year also traveled to Florida.

Council member Isom suggested Council allocate the same funds as in past years but allocate additional funds if the team continued to Oregon.

Pursuant to this action, Council member O'Neill withdrew his first and Vice Mayor Dearing withdrew his second.

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried for Council to allocate $500.00 for Florida and if they go to Oregon an additional $1,000.00.

Council member Sigafoose questioned the motion on the floor. Council member O'Neill stated he had issues with setting a new precedent on the matter.

Council may review the issue at any time.

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

NAYS: None

ABSTENTION: T. Pence

VOTE: (5 yeas and 1 abstention) Motion carried

Council member Sigafoose was excused at 7:06 p.m.

Closed Session

Council member O'Neill moved, second by Council member Isom, 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, and T. Pence

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

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.

Council member Pence was excused at 8:05 p.m. He was not present for the vote.

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

NAYS: None

VOTE: (4 – 0 voice vote)

Mayor Printz recalled for a roll call vote.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

As there was no additional business, **Council member O'Neill moved, seconded by Council member Kite, and carried to adjourn the meeting.**

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

Recorder: Denise R. Monger
Denise R. Monger, Clerk