Regular
Council Meeting
March 19, 2007

The regular meeting of the Elkton Town Council was held on March 19, 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, Acting Town Superintendent/Zoning Administrator Marty Shifflett, Treasurer Clairen Sipe, Chief of Police James Morris, and Clerk of Council Richard Carey were also present.

Pastor Travis Hensley offered the Invocation.

Cub Scout Pack 181 and Pack Leader Greg Berry led The Pledge of Allegiance.

MINUTES

Vice Mayor Dearing moved, second by Council member Kite, and carried to approve the minutes of the Committee Meetings of January 9, 2007.

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 Sigafoose, and carried to approve the minutes of the Regular Council Meeting of January 15, 2007.

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 Isom, and carried to approve the minutes of the Special Council Meeting of January 23, 2007.

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 Kite, and carried to approve the minutes of the Regular Council Meeting of February 19, 2007.

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 Sigafoose, and carried to approve the minutes of the Special Council Meeting of February 27, 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 $513,454.55 for General Government for the month of January 2007. Total designated money was $366,830.27, leaving total available cash of $146,624.28.

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to accept the Treasurer's report as presented with a corrected date of January 2007.

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

Motion carried (6 – 0 voice vote)

Treasurer Sipe reported an ending ledger balance of $386,871.53 for General Government for the month of February 2007. Total designated money was $315,987.26, leaving total available cash of $70,884.27.

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to approve the Treasurer's report of February 2007.

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

Motion carried (6 – 0 voice vote)

CITIZEN COMMENTS

Seth McGuffin, Executive Director of the Elkton Downtown Revitalization Corporation, presented the achievements and future goals of the organization. His presentation included: business seminars featuring Jim Blair, a facade program, SOS advertising, and various other matters.

Following this discussion, Vice-Mayor Dearing suggested an informal meeting with business owners to better promote the Elkton downtown area. His observation was there are too many vacant stores producing no revenue. Considering the 2007-2008 budget, Vice-Mayor Dearing was looking for the most return to Elkton for the funds designated for economic development.

Mildred Shifflett, 112 West Spotswood Avenue, spoke in favor of the Town assisting any resident who experiences a sewer backup.

Tony Dean, 116 Lucas Lane, thanked the town officials and staff for repairing the damage to his residence. His remaining concern was the siding on his house. Referring to the report from Anderson & Anderson regarding the treatment plant upgrades, Mr. Dean strongly encouraged the Council to proceed immediately with Phase I and Phase II.

Council member Pence expressed again his dissatisfaction regarding the length of the Council meetings noting that some Committees have had no opportunity to report to date.

COMMUNITY CENTER ADMINISTRATOR'S REPORT

The contractor has been contacted to make repairs to the sidewalk which is still covered under a one year warranty.

CHIEF OF POLICE REPORT

Vice Mayor Dearing requested that Chief Morris speak to his officers regarding their speed in police vehicles.

TOWN SUPERINTENDENT'S REPORT

Deferred to Planning Commission.

NEW BUSINESS

Purchase Community Center Exercise Equipment

Council member O'Neill moved, second by Council member Kite, and carried to spend approximately $16,000.00 for the purchase of four (4) pieces of exercise equipment for the Community Center out of the Community Center designated funds per the Administrator's quote.

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 the total was an approximation because the Town is exempt from sales tax.

James Rion – Two Out-of-Town Connections

Council member Kite moved, second by Vice Mayor Dearing, and carried to approve two out-of-town water connections for James Rion under the restrictive agreement discussed with the Town Superintendent.

YEAS: M. Dearing, M. Isom, D. Kite, T. Pence and S. Sigafoose

NAYS: M. O'Neill

Motion carried (5 – 1 roll call)

Council member Kite stated he personally had visited the site.

COMMITTEE REPORTS

Recreation Commission

Council member Kite moved, second by Vice Mayor Dearing, and carried to reappoint Wayne Hall to his recreation commission seat for the period ending February 28, 2009.

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

Motion carried (6 – 0 voice vote)

Personnel

Richard Carey and Denise Monger

Vice Mayor Dearing moved, second by Counsel member O'Neill, and carried to move Richard Carey to Documents Manager and Denise Monger to Clerk of Council effective March 26, 2007. Ms. Monger's salary will increase to $13.00 per hour with an annual salary of $27,040.00.

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

NAYS: D. Kite, T. Pence, and S. Sigafoose

Mayor Printz broke the tie with a yea vote.

Motion carried (4 - 3 roll call)

Council member O'Neill stated that Ms. Monger will become a salaried employee.

Craig Lam

Vice Mayor Dearing moved, second by Council member Kite, and carried to increase Craig Lam's hourly wage by four percent from $11.22 per hour to $11.66 per hour.

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

Motion carried (6 – 0 roll call)

Charlotte Shifflett

Vice Mayor Dearing moved, second by Council member O'Neill, and carried that Charlotte Shifflett's pay will increase from $10.88 per hour to $11.55 per hour or $24,024.00 per year.

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

Motion carried (6 – 0 roll call)

Olivia Diehl

Vice Mayor Dearing moved, second by Council member Kite, and carried to terminate Olivia Diehl who was a temporary employee at the Community Center.

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

Motion carried (6 – 0 roll call)

Allison Morris

Vice Mayor Dearing moved, second by Council member Kite, and carried to move Allison Morris, Community Center Director, from an hourly employee to a salaried employee with no salary increase.

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

Motion carried (6 – 0 roll call)

CEMETERY COMMISSION

Vice Mayor Dearing discussed the installation of the new fence at the Cemetery. An article was published in the Valley Banner regarding donations of $200.00 towards a ten feet section of the fence. In recognition of those who donate $200.00, a plaque will be placed on the fence inscribed with the donor's name.

Necessary trimming of trees and various landscaping have begun.

Vice Mayor Dearing and Mr. Shifflett will prepare a correspondence to an individual whose dwellings encroach on Cemetery property.

FINANCE

$84,000.00 Transfer to CD's

Council member O'Neill moved, second by Council member Kite, and carried to move to place the balance of the $84,000.00 from the 1.7 million loan into CD's for the terms specified.

Vice Mayor Dearing reflected on near-future needs and questioned if the Town should keep these excess funds readily available. He spoke specifically if the Town should decide to purchase a new trash truck(s) and collect our own trash.

Town Attorney Miller suggested the Bond Agreement should be reviewed for anti-arbitrage clause(s). Attorney Miller further stated that some anti-arbitrage clauses forbid making money on borrowed money.

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

Motion carried (6 – 0 roll call)

Reallocation of Capitol Equipment – First Reading

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

Health Coverage for Town Employees.

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that Council adopt the Key Advantage 200 Plan as the insurance provided for the Town employees, which is one step below the employee's current plan.

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

Motion carried (6 – 0 roll call)

PLANNING COMMISSION

Anna Marie Butler

Council tabled a request from Anna Marie Butler to subdivide a property that faces Prospect Avenue. Mayor Printz sent this request to Committee.

Willow Oaks Subdivision

Vice Mayor Dearing moved, second by Council member O'Neill, to approve the Final Plat sent to the Planning Commission for Willow Oaks.

Vice Mayor Dearing clarified the motion by stating that "you can build forty-four (44) houses. Our rates are set at $10,000.00-$12,000.00, whatever the rate is. He must come in and start purchasing at the prevailing rate."

Excluding the money issue, Vice Mayor Dearing was satisfied that Mr. McDaniel had "gone through all hoops" and at this point Vice Mayor Dearing was willing to "let Mr. McDaniel move forward."

Attorney Miller stated, "Approval of the site plan doesn't have any interplay with the rates for hook-up." Mr. Miller added that the technicality was that the plat must be signed by a Subdivision Administrator, a job title that exists in the Code but is currently not a filled position.

Following the discussion, Vice Mayor Dearing withdrew his Motion, and Council member O'Neill withdrew his second.

Attorney Miller then advised that the council could go ahead and approve the plat. Accepting Attorney Millers' advice, Vice Mayor Dearing made the following Motion:

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to approve the Willow Oaks Subdivision Plat.

Council member Isom ascertained that she would be voting to approve the Subdivision plat and that Mr. McDaniel would be required to pay the prevailing rates for connections. Mayor Printz assured her that she correctly understood the intent.

Vice Mayor Dearing stated "we're giving him permission to build forty-four units. We're not giving him any concessions for reduced rates. The prevailing rates are there. Now, if he wants to challenge the prevailing rates, then he does not have to build one house." He concluded by saying, "the site plan is approved."

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

Motion carried (6 – 0 roll call)

Subdivision Administrator

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to appoint Marty Shifflett as Subdivision Administrator.

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

Motion carried (6 – 0 roll call)

UNFINISHED BUSINESS

Attorney Miller stated he has reports regarding businesses operating without business licenses. He will report to Council in closed session.

Closed Session

Council member O'Neill moved, second by Council member Kite, and carried to go into closed session under Virginia Code 2.2-3711.A.11 to discuss personnel issues and 2.2-3711-A.7 to discuss pending/possible litigation.

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. Council member Kite duly seconded the motion.

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

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise Monger, Clerk