Regular
Council Meeting
March 17, 2008

The regular meeting of the Elkton Town Council was held on March 17, 2008, in Council Chambers at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT	ABSENT
M. Dearing	T. Pence (excused)
M. Isom	S. Sigafoose (excused)
M. O'Neill	
D. Kite	

Town Attorney Lauri A. N. Sigler, Lieutenant Rodney Hensley, Treasurer Clairen Sipe, EACC Administrator Allison Morris, EACC Secretary Diane Johnson and Clerk of Council Denise R. Monger were also present.

The Pledge of Allegiance was recited

Council member Kite gave the invocation.

PLAQUE PRESENTATIONS

Vice Mayor Dearing presented a plaque to Cynthia James. Mrs. James read the plaque which stated the following:

"2008

We Offer Our Sincere
Thanks and Appreciation To
CYNTHIA JAMES
For Her
Generosity and Contributions
To Our Community

Mayor, Elkton Town Council
and Elkton Citizens"

Mrs. James thanked the Council, Mayor and the Elkton citizens for their sincerity and appreciation.

Mayor Printz presented a plaque to Thomas Schroeder who was representing the Elkton Volunteer Rescue Squad. He read the plaque which stated the following:

"2008

We Recognize The
ELKTON VOLUNTEER
RESCUE SQUAD
For Their Selfless Dedication
And Sacrifice For Providing
Emergency Medical Services
To Our Community

Mayor, Elkton Town Council
and Elkton Citizens"

Mr. Schroeder thanked everyone for the honor.

CITIZEN COMMENTS

Vic Corbo, 248 Windsong Hills, Elkton, commented on the hiring practices of the Town. He made a request under FOIA concerning documentation of the Town's current cleaning service. He noted part of the response to his request had stated that records did not exist for prior advertisements. Mr. Corbo was of the opinion the cleaning matter was handled in an unethical manner as well as employment positions at the Town Hall and the Community Center. Further, he spoke of missing funds at the Community Center, demotion of an employee and in-house posting of available job positions. Vice Mayor Dearing rebutted by stating the positions mentioned were filled in-house and that proper procedure had taken place.

Hazel Crider, Elkwood, spoke about a newspaper article she had read regarding the Town's audit. She noted the debt of the Town was $4.83 million and encouraged Council to deal with those issues. She stated it was not her intention to diminish the moral of the Community Center employees or decrease staff, but expenses regarding the center should be reviewed. She stated the Town's auditors had indicated the center was an issue regarding expenses to the Town. She also stated no action had been taken to advertise the sale of the Kite property. She noted it was not the citizens' responsibility to come forth with money to fund the Town's wallet such as raising utility taxes. She suggested the utility rate matter be tabled.

Mildred Shifflett, 112 West Spotswood Avenue, stated the auditors report indicated the Community Center was not making money. She was of the opinion that the Elkton citizens should not be penalized due to that issue. She noted that the Town needed to grow and encouraged Council to provide incentives for new businesses. She addressed Vice Mayor Dearing regarding his mention of "little old ladies" in reference to citizens who would not be affected by the newly proposed water and sewer tier rate plan. Lastly, she encouraged Council to find ways to make the Town grow without penalizing anyone.

Frances Dovel, 103 Virginia Avenue, thanked Council for assisting in the clean up of her church. She stated that kids were using that area as a park. She would like assistance from Council to help discourage those actions. She noted the church was planning an addition which would aid the Town with funds from the fees. She asked Council not to raise utility rates. She stated that if the Kite property were sold that it would help with revenue for the Town. She also encouraged Council to investigate if the County would be willing to take the Community Center. She noted the expense was a huge burden to the Town. She noted her agreement with the prior statements made by Mrs. Crider and Mrs. Shifflett.

Mary K. Hutton, Elkton, spoke regarding the audit report. She stated the compliance letter noted that the report was issued on November 2, 2007 but reported to Council on March 11, 2008. She noted the information was not obtained at a regular meeting. Mrs. Hutton's interpretation of the auditor's report was that the auditors could not state some of the issues that they wanted to unless they were in closed session. She stated that auditors were not responsible for what was in the records that they only looked at the records and reviewed transactions. She noted her experience with audit reports through food service and stated she had some had issues with some of the conclusionary statements made by the auditors. Most notably, she discussed the "mild" manner in which some statements were presented and the choice of wording. She compared the Town's report to past reports she had reviewed and noted most compliance letters were prepared on one page. She read small portions from the compliance report and noted that some of the statements were the same as in past years. She noted the number of people employed at the Treasurer's Office in reference to the number of people to perform

internal control functions. Lastly, she noted what she believed were errors on one of the Town's reports and made mention of "Sunshine Week."

Council member O'Neill addressed Mrs. Hutton and stated that two audit reports had been prepared. The general audit report was presented at a Special Council Meeting and the other presented in closed session due to its content. He noted the special audit was in reference to missing funds. Mrs. Goldie Helsley indicated the same information had been requested in a FOIA request, which she never received, dated October 14, 2007. She noted that when Marty Shifflett resigned she pondered on whether to rescind the request, however the request was still active and she queried the status of the request. Council indicated Mayor Printz would need to follow up on the matter.

Bobby Morris, 745 Newtown Road, Elkton, thanked Council for their hard work and noted they had a difficult job to try and please everyone. He stated his concern was with the Town's sewer system, namely Woodbridge. He stated the lines were put in before that area was incorporated by the Town of Elkton and that County had installed lines that were undersized. He noted there were problems with the system. Vice Mayor Dearing responded that Council had revised their procedures for transactions with the County to state that Town specifications must be met for all projects. Mr. Morris further noted he had issues with the new schools. He was not supportive of binding contracts. Lastly, he noted a commercial laundry business as a high water user and the low water rates that company paid to the Town.

Council member O'Neill stated the Town was bound by a contract with the County regarding charging more to customers outside of Town limits on Route 33.

Vice Mayor Dearing stated that in past years, citizens attended and chastised Council for the Town not having a Community Center. He noted that Council had provided a center from their requests. Now, he noted Council was being chastised for having a Community Center. Further, he noted Council had worked extremely hard to bring the new schools to Elkton. However, due to newspaper articles stating the Town does not have capacity for the water and sewer for the schools, the County took issue with that information. He stated that neither Council nor its engineers have made any such statement.

Council member Kite relinquished his seat to speak as a citizen: "*Friday evening, I got to enjoy – probably something that will stay with me as long as I have a memory. And that was the ribbon-cutting downtown for the 100 years. I'm telling you it was great. Anybody there can't say that it wasn't nice. It was a lot of hard work put into it – Margaretta. The centennial committee did a great job. For one time I can stand and say we had something positive happen in the Town of Elkton. We have a lot of positive things that go on in the Town of Elkton. We have a lot of people that enjoy things in the Town of Elkton and I'm part of those people. Cause I'm out and about. I don't know if you know it, I'm also president of little league. I meet up with a lot of people and I see a lot of people. There's a lot of people around Town – doing things around Town. Also, Friday evening I had the opportunity to meet Dr. Fenn, School Board Superintendent of Schools. We talked at length. And our subject was, we would try to work together to make this thing successful. And as a citizen there is nothing that will ever happen if we don't put forth the effort to make it work together. If I was to stand here tonight as a citizen and tell you that three months ago me and Rick Workman would have a social conversation, I would have laughed in your face. For a time, we were able to put our differences behind us and we were able to say this centennial will work. We will move forward to work together to see that it works. I will go – leave from here and go back up and I will sit back down. I got some tough decisions that I got to make. My phone line is always open. Ain't that right Pat? Pat calls me, chews my behind out and I feel good when I get off the telephone. My line is always open when I sit back down there. Feel free to call me and ask me and I'll talk to you about any issue that goes on in this Town. But as a citizen and when I'm out here on the street, and when we're out here working together, I'm going to*

do my split-level best to do whatever it takes to make things move forward. I don't care what happened behind me. I don't have any control over that. None of us can take up and do what yesterday - the greatest book in the world ever written there's a passage in there that says: "Jesus is the same, today, yesterday and forever." He was back then and that's how our future is folks. I'm not preaching to you. We can't do nothing about what happened yesterday but we got today we got to deal with. And we got to move forward for tomorrow. If you got anything you want negative as a citizen out there and you run into me and something don't show up and you can't hinder, it's probably cause my wires got crossed somewhere. Because somebody didn't put a team effort together. There has never, never been one man carry a team – I can't think of one that always said did to a championship. If you look back it was team effort that did it every time. Tonight I guess I'm standing here and looking at a very small group of citizens from Elkton. But I think I'm looking at citizens that have some concerns because you're here. You show up. You know what? Forget what happened. Let's move forward. I challenge my colleagues behind me, let's move forward. The bickering, the fighting, the gripes, and the complaints they'll always be there. I ain't saying that. That's how nature carries us. But when we have that difference, let's put it behind us and move forward, tonight. I've talked to Dr. Fenn. I've talked to our Senator. I've talked with these leaders. I went home and looked at my own self in the mirror. I said it must be up to me to do something about it. And I'll do my part. I'm asking the citizens of Elkton, our community, whatever we got to do, let's move forward. Let's make it happen in a positive manner and a manner that we appreciate. What do you think? Thank ya'll for your time." Mr. Kite resumed his seat on Council.

Goldie Helsley commended Vice Mayor Dearing for wanting to keep the Community Center.

Mayor Printz acknowledged Council member Isom and the entire Elkton Town Council and Town employees for their assistance with the Centennial Celebration.

Council member Isom noted a spaghetti dinner would be held on March 28, 2008 at 4:00 p.m.

Vice Mayor Dearing noted the maintenance department was working to clean up the Town. He noted citizens needed to do the same.

MINUTES

Motion to Approve January 8, 2008 Special Council Meeting Minutes

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to approve the minutes for the Special Council Meeting held on January 8, 2008 as presented.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Motion to Approve February 12, 2008 Committee Meetings Minutes

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to approve the minutes for the Emergency Council Meeting held on February 12, 2008.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Motion to Approve February 18, 2008 Regular Council Meeting Minutes

Council member O'Neill moved, seconded by Council member Kite, and carried to approve the minutes for the Regular Council Meeting held on February 18, 2008 as read.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

TREASURER'S REPORT

Treasurer's report was not included in the regular packet.

Treasurer Sipe reported an ending ledger balance of $392,985.77 for General Government for the month of February 2008. Total designated money was $337,943.73, leaving total available cash of $55,042.04.

Council member O'Neill moved, seconded by Council member Isom, and carried to accept the Treasurer's report as presented.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Vice Mayor Dearing noted the Town's electrical payment for the month was $162,544.68.

Council member Isom queried a reimbursement from the Cemetery department. Treasurer Sipe noted those funds had not been approved but were pending on the agenda.

Council member Isom also queried funds in the amount of $70,000.00 from the County regarding the Community Center. Treasurer Sipe stated she had requested the funds verbally. Mayor Printz noted a letter had also been sent requesting the funds.

Mayor Printz stated he had spoken to Mike Breeden and, according to their conversation, County would fund $100,000.00 towards the Community Center. He also noted that everyone wants to keep the Community Center, but the center only made $49,000.00 in revenue while the expenses were $400,000.00 – 500,000.00. He supported keeping the center if somehow the Town could figure out how to make additional revenue to do so. He noted that County would not allocate the same funds as in past years which meant the deficit would be greater to the Town. He spoke briefly regarding the financial status of the Town.

Vice Mayor Dearing stated that no governing body stated that the community center was expected to contribute to the Town's revenue. He noted the facility would provide a service to the Town.

Lengthy discussion took place regarding the financial status of the Town. Pros and cons of the community center also discussed.

Council member Isom noted that Mike Breeden told her there were funds in the amount of $70,000.00 the Town had not requested. Mayor Printz suggested each individual Council member call Mr. Breeden to discuss the funds.

Council member O'Neill noted the delays last year regarding the funding from County for the Community Center caused serious cash flow issues for the Town. He stated those requests for funds were sent on several occasions. He noted a date the expected funds would assist him during budget preparations.

A letter was to be prepared to Mr. Breeden requesting funds in the amount of $70,000.00 for Community Center. Further discussion took place regarding County contributions to other centers located in the Rockingham County.

Vice Mayor Dearing noted his frustration for public statements made by the governing body and citizens that infer a misuse of funds. He noted the Town's Treasurer had accounted for all of the funds. Treasurer Sipe stated the money from the first allocation from County was in the form of heat for the building, general maintenance and upkeep.

Vice Mayor Dearing stated information was still being comprised for Mrs. Helsley's FOIA request. Mrs. Helsley noted there was suspicion regarding the matter since she had not received a response to her request.

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Administrator's report was included in the regular packet.
EACC Administrator Allison Morris stated the center had 113 new members for the month of February.

Several events are scheduled at the center: Miss and Master Valley Pageant to be held on March 30, 2008, and Spring Swing Dance scheduled for April 26, 2008. She noted the Farmers Market would begin on May 3, 2008 with a community yard sale to take place at the same time.

Vice Mayor Dearing noted that Administrator Morris had 120 employment hours to fill for staffing at the Community Center. Currently, she had six employees including two full-time. She has not exceeded the allotted hours. Administrator Morris noted at no time had she employed thirteen workers. Council member O'Neill noted the center was within the budget figures for payroll.

Discussion took place regarding hiring at the Community Center. Council member O'Neill commended Vice Mayor Dearing and Council member Kite for their efforts to open the center.

CHIEF OF POLICE REPORT

Report provided for Council in the packet.

Mayor Printz requested the department review the matter stated earlier in the meeting regarding young children playing at or near the church area.

Vice Mayor Dearing requested the department review the adult supervision provided at the new youth center which opened in Shen-Elk Plaza. Lieutenant Hensley stated a meeting had been scheduled with the necessary parties to discuss to the matter.

Mayor Printz thanked Madelyn Dixon, George Grunwald, Bob Hammer and Haze Crider, members of the Advisory Committee. He read the following recommendations:

1. A ride around the community on a Sunday afternoon is not a pleasant experience. The trash that has been placed on the curb for pick-up on Monday morning gives for an unsightly ride. We request the Council to consider arranging for trash pick-up some other day than Monday's.

2. The various sewer drains in the downtown area need to be cleared of trash to prevent clogging. Mayor Printz noted some of that work had been completed.

3. There are a number of tree limbs down in the park that should be cleaned up. Mayor Printz noted that task would be performed shortly.

4. The white traffic lines on the town streets are badly in need of repainting.

5. In order to improve the appearance of the town, especially during our 100th anniversary celebration, the owners of vacant houses and lots should be notified to clean up their property. Mayor Printz noted the Town was working on those issues.

Creation of ordinance regarding trash placement discussed briefly. Mayor Printz sent the matter to committee.

Lieutenant Hensley indicated better lighting was needed in the park to assist in the prevention of vandalism.

NEW BUSINESS

Hearing for Scott Knight Regarding Violation

A Public Hearing for Scott Knight to be scheduled before the committee meeting in April.

Termination of Wastewater Treatment Employee

Vice Mayor Dearing noted he had received a resignation letter from an employee who had intended to work out a two-week notice. However, he failed to report to work and was terminated. Therefore, Vice Mayor Dearing requested Council terminate the employee.

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried to support his termination.

Proper notification had been given to the employee regarding termination.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Anderson Contracts

Mayor Printz stated the Anderson contracts would extend the services that Anderson was currently providing including the DEQ matter.

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to approve the contracts.

Council member O'Neill queried if the contracts were binding for one year. Mayor Printz noted one year was correct.

Additional discussion took place regarding recommendations to the Town's wastewater treatment plant.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Benny King Rezoning

Town Attorney Sigler noted the Planning Commission would meet on March 31, 2008 to discuss the rezoning matter and to make a recommendation to Council. A Special Council Meeting will need to be scheduled prior to the Committee Meetings.

Vice Mayor Dearing had requested the Planning Commission prepare an informational sheet to present to Council regarding all aspects of the request. Town Attorney Sigler noted an alley would also need to be vacated which would require a separate proceeding and possibly a special exception permit if any portion of the dwelling would be located in a floodway.

The parking issue was also briefly discussed as the project only allows for one parking space per unit which would be an exception to the Town's code.

Jeff Dean Lot Line Vacation

Mayor Printz noted Council was briefed on the matter at the Committee Meeting. The address was 115 Clark Avenue. The Planning Commission voted and recommended the lot line be vacated.

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to allow the Mayor to sign the lot line vacation at 115 Clark Avenue for Jeff Dean's variance.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Barry and Cheryl Ecroyd Land Purchase

Vice Mayor Dearing stated he had sent a letter to Mr. Ecroyd to waive a connection fee. He asked for the matter to be tabled.

Reappointment to Board of Zoning Appeals

No person recommended at present. Ad could be placed in the Valley Banner.

Discussion to Auction Kite Property

Mayor Printz stated action needed to be taken regarding the Kite property. He briefly discussed the state of the economy. He asked Council to allow an auctioneer (Mr. Woltz) to make a presentation regarding the process. He noted reserves could be placed on the property regarding the selling price. The Mayor stated he was told there were no cost factors if an absolute action took place and if reserves were in place for negotiations.

Finances regarding purchase and debt of Kite Property briefly discussed.

Meals Tax Increase

Council member O'Neill stated the meals tax increase was on hold.

COMMITTEES

Electric

Vice Mayor Dearing discussed the electrical meter on the Community Center and noted a reading of electrical usage would be forthcoming. He noted both schools in Town were receiving residential rates for their electrical usage and noted Council needed to review the matter.

Council member Isom requested Mayor Printz update Council regarding the generator. He noted he was working with Downes & Associates and Carter Machinery on the matter. He noted the Town would receive the blueprints via PDF file from Carter Machinery shortly. He noted the Town's electricians had reviewed the purchase and usage of a used transformer. Lastly, he briefly discussed all parties meeting to review the matter.

Finance

Council member O'Neill noted the total cost of the audit was approximately $23,000.00. He commended the work in the Treasurer's Office.

Personnel

No report at this time.

Public Health, Safety, Ordinances

Town Attorney Sigler noted small changes would need to be made to the flood ordinance after a review by DCR and FEMA. An additional public hearing would need to be held.

Water and Sewer

Council member O'Neill stated an approval was given for the emergency rental of a sludge press to address issues at the Wastewater Treatment Plant. Engineering plans were underway. He noted with recommendations from the Town's engineers, that a rental press was obtainable in a short period of time which noted positive action from the Town regarding the DEQ matters. Further, he noted 50% of the rental could be applied to the purchase of a permanent sludge press. He commended the Mayor and Vice Mayor regarding their efforts with DEQ and the operational matters at the treatment plant.

Vice Mayor Dearing noted the Town does have one licensed operator and one unlicensed employee at the Wastewater Treatment Plant. He noted that Don Layne, a wastewater technician, had been brought to the plant by a grant to perform an inspection and make recommendations. He noted 90,000.00 gallons of sludge needed to be pressed which was the reason the belt press had been ordered. A meeting with DEQ would be scheduled in the future.

Streets and Sidewalks

Council member Isom noted an issue with the sidewalk at Nancy's Party Things and Family Dollar. Vice Mayor Dearing would review the matter.

Resurfacing of certain streets and Wirt Avenue clogged drain discussed briefly.

Recreation

Council member Kite spoke of repairs that need to take place at the park.

Vice Mayor Dearing to schedule divertees to clean out inside of the caboose. Caboose also needs to be lettered on both sides.

No vote needed regarding gym instructors for the center.

Planning Commission

No report at this time.

Cemetery

No report at this time.

UNFINISHED BUSINESS

Tier Water and Sewer Rate Increase – First Reading

This matter was deferred to await additional information.

Reimbursement for Cemetery Expenses for Fiscal Year 06-07 – Second Reading

Council member O'Neill moved, seconded by Council member Isom, and carried for Council to authorize transfer of $27,425.00 from the Perpetual Care Fund to the General Fund for reimbursement for fifty percent (50%) of Cemetery expenses fiscal year 2007 and abate the balance.

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

NAYS: M. Dearing

VOTE: (3 – 1 roll call) Motion carried

TOWN ATTORNEY

Town Attorney Sigler stated a Special Meeting would need to be scheduled for Thursday, March 20, 2008 at 7:00 p.m. with the attorneys and engineers present to discuss DEQ matters. Most of the meeting would need to take place in closed session.

MAYOR'S BUSINESS

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

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Mayor: _____
Wayne E. Printz

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