Regular
Council Meeting
May 19, 2008

The regular meeting of the Elkton Town Council was held on May 19, 2008, in Council Chambers at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
M. Dearing
M. Isom
M. O'Neill
T. Pence
S. Sigafoose

ABSENT
D. Kite

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

Council member O'Neill gave the invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Vic Corbo, 248 Windsong Hills, Elkton, read the following statement:

"*What is wrong with this picture?*

1. In the August 3, 2006 issue of The Valley Banner, the Town of Elkton advertises for one laborer II/Meter Reader position. The personnel chair hires former Town employee Timmy Turner, Timmy's son Joshua Turner, Timmy's son-in-law, Jeffery Breeden and Dustin Chapman. The equation is: Advertise one job, hire four. Per the Commonwealth of Virginia code, section 15.2-1604, this is not only illegal, it is highly unethical.

2. Elkton prepares to rebuild Warren Street. The personnel chair hires Turner Construction Company owned and operated by Ronnie (Hootie) Turner, a brother of Timmy Turner. Advertisements for bid are dated October and November of 2005. The advertisements clearly state that bids must be received by November 16, 2005. The two estimates received are dated December 4 and December 11, 2006, over one year from the closing date for bidding. Are these valid bids? An estimate received from Turner Construction is in the amount of $28,770.00. Subsequently two invoices were paid to Turner Construction totaling $40,300.00. In addition to this, an invoice was paid to Ran Mar Corporation in the amount of $33,500.00 for paving Warren St. A project that was stated at more than one council meeting to cost about $40,000 if town labor was used suddenly ballooned to almost $74,000.

3. The town prepares to run a new sewer trunk line out to the Newtown Road area. Work begins with no engineering or permits. It was stated here in council chambers that town labor was being used. A bulldozer is being utilized to "clear brush" from the site. The Town of Elkton does not own a bulldozer. A FOIA request reveals Mr. Dearing signed a lease agreement for this bulldozer from one Carolyn Turner in the amount of $2,500.00 per month. My attempts to determine the actual owner of the dozer have met with resistance from both the Treasurer's office and the town attorney, Lauri Sigler. Looking in the telephone book I find a listing for Timothy and Carolyn Turner in McGaheysville. I am making the assumption that this is the Timmy Turner who works for the town. Apparently some subterfuge is going on here. Another highly unethical action,

leasing from a town employee. Also per Councilwoman Margaretta Isom there is a spending freeze in effect, and each council member has a $500 spending limit?

4. Just prior to the Elkton Area Community Center opening, a number of people were hired to work at the center. An ad appeared in the October 5, 2006 issue of The Valley Banner advertising for Administrative Assistants and Custodians. As a result of this ad, an Administrative Assistant and a Janitor were hired. Also, five community center clerks were hired. The ad made no mention of positions being hired for community center clerk. I was told that some of those hired reported for work and either brought their applications in on the first day of employment or completed their employment applications their first day on the job. Also, apparently no background checks of any kind were done. One of those hired as a clerk, Olivia Diehl, no longer employed, has quite an extensive arrest and conviction record for theft in the County of Rockingham. Another one hired was Pamela Cubbage a close friend of Olivia Diehl, and also hired was Jessica Frazier, Sandra Herrings niece.

5. Elkton requires a cleaning service to clean town hall and other areas. Mr. Dearing, personnel chair, hires Sandy Herring. Someone with which he has a very personal relationship, his now live in girlfriend. He is said to have marriage plans with Ms. Herring. No job or services advertisements were published. Not only is it illegal, per the State of Virginia code, but again highly unethical. January 14, 2008 an advertisement was placed in the newspaper requesting bids for this service. Bids closed on January 31, 2008. To date, May 19, 2008, no service has been hired. Where are the bids that were received?

6. For what position was Billy Shifflett hired. Was there an advertisement in the papers for this position?

7. As stated above, there is a council mandated spending freeze in effect. Yet on February 21, 2008 a purchase order was signed by Timmy Turner purchasing a trencher for $5493. Is this a budgeted item? According to the accepted minutes this item was charged to recreation. This money was appropriated from the HEC fund, as well as $17,000 to pay for the sludge press for the waste treatment plant. I was under the impression that HEC money was to be spent for electrical department use only. The sludge press is for the waste water treatment plant. Could this be considered misappropriation of funds?"

Debra Gooden, 151 North Street, read the following statement:

"Several weeks ago I sent a letter to each of you expressing my concerns with some issues on North St. in front of and on either side of our property.

In that letter I addressed my main concern..... the fact that the electric pole carrying the main lines was moved from the East side of the street where it has always been, to the West side to keep the electric and utility lines from running in front of the new townhouse development. This pole only services 1 location and that is the office for the development. The office across the street where the pole used to be!

This has resulted in a huge mess of electric, telephone and TV cable wiring strung diagonally across the road, criss-crossed and sideways all over this section of North Street all within a few hundred feet or less and all of which looks trashy, hideous and ridiculous. And this is not to mention all the lines hanging all over the poles, looped all around the top of the poles, hanging all over each other and in bundles up and down the sides of the poles.

To date I have had no response from anyone except Margaretta Isom, Gene Kite and the town electrician, Claude Dean. Mrs. Isom actually looked at the site, discussed it in detail with me and took it to the council and mayor and presented it at a committee meeting. I appreciate the fact that Mrs. Isom, Mr. Kite and Mr. Dean responded and I

really appreciate the time, effort and follow up that Mrs. Isom has given this issue even though it has had no results — at least she has tried and has done her job as a council person.

For any of the others of you who my have bothered to look at it in passing and for anyone else who lives on or travels that street you can easily see what a total mess this is, how ugly, unsightly, hideous, ridiculous and unprofessional this looks.

I have traveled almost all if not all of the residential streets in Elkton and nowhere do I see any kind of mess that compares to this. I believe that only in Elkton, where there is no one really in charge of any individual departments would this be allowed to happen - certainly not in any of the other towns in Rockingham County that I have noticed! And I have been looking.

So again I am requesting that this pole with the streetlight which was moved from the east side of the street to the west side be moved back to the correct side of the street where it has always been and where it should properly be. I have been in this home for 35 years and my husband even longer because it is where he grew up. We will continue to live in this home, on this street. In all of the time we have lived her, we have never asked for any special treatment or favors from this town. And unfortunately, we--- the longtime owners--- were not asked nor informed that these changes were taking place until it was already done, unlike the discussion, input and personal preferences that were given to the developer of the new townhouses.

All I am asking now is that the pole with the main lines that are strung diagonally across the street be moved back to the proper side of the street. The same side of the street where all the other poles up the street are that carry the main lines. I do not see why our property should be devalued and our street turned into a trashy, unsightly, hideous looking mess, nor should I have a streetlight shining in my living room and bedroom windows all to accommodate someone else's desire for a neater looking property. Especially when the pole in question, only has 1 line on it and that is the line that services the developer's office across the street.

So again I am requesting this pole be moved back across the street where it should correctly be and I would like to know tonight what you will do regarding this.

In addition I would ask that as common courtesy and respect to all longtime and current homeowners, we be notified and given a chance to respond to any future changes that are requested by any developers that will affect our neighborhood and property values, before they are approved and carried out."

Vice Mayor Dearing stated the Town electrician had inspected the site. However, the "hanging" lines reported were telephone and cable lines and the Town did not have authority to take action on that matter. It was noted the proper authorities were notified of the situation.

Further discussion took place regarding moving the pole and various areas for its relocation. The matter would be discussed at a future Committee Meeting.

Tom Schroeder, Elkton, distributed a copy of Pete Bonavita's proposal for the sale of the Kite property.

Mildred Shifflett, 112 West Spotswood Avenue, Elkton, spoke regarding the "young people" in Town. She noted that raising utilities would cause those citizens to move from Town. She noted under the circumstances, she may not live at her residence for another five years. She questioned the Town's financial state. She noted a change was needed.

Vice Mayor Dearing noted the Town had "operating" and "repo" money. He noted that the "repo" account had approximately $600,000.00 which was the same amount when Council took over. He noted the embarrassment of the Town due to some bloggers and their comments. He spoke of problems with leaks and aging pipes in Town. He noted the Town had to beg people to work for it since they were harassed by citizens. He noted the Town's Treasurer did not receive a $2,000.00 pay raise as stated in the blogs. He noted his responsibility to ensure the Town was run efficiently.

B. W. Gooden, 302 Morgan Avenue, Elkton, stated his support for Vice Mayor Dearing's position regarding the state of the Town's water system. He noted the pipes should have been replaced long ago. He noted some streets were named improperly. He spoke briefly of issues at a new subdivision.

MINUTES

Motion to Approve March 17, 2008 Joint Public Hearing Minutes

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to approve the minutes for the Joint Public Hearing held on March 17, 2008 as presented.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Motion to Approve April 8, 2008 Emergency Council Meeting Minutes

Vice Mayor Dearing moved, seconded by Council member Sigafoose, and carried to approve the minutes for the Emergency Council Meeting held on April 8, 2008.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Motion to Approve April 8, 2008 Committee Meetings Minutes

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried to approve the minutes for the Committee Meetings held on April 8, 2008.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $372,714.56 for General Government for the month of April 2008. Total designated money was $317,805.79, leaving total available cash of $54,908.77.

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

Vice Mayor Dearing spoke briefly regarding cash flow issues. He noted that decal sales were responsible for the positive available cash for the Town.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Administrator's report was included in the regular packet.

EACC Administrator Allison Morris spoke briefly regarding the status of the flagpole and sign. A survey would be forthcoming at a cost of $6,000.00.

CHIEF OF POLICE REPORT

Report provided for Council in the packet.

Chief Morris stated a new "Monthly Law Enforcement Runs Report" was provided and spoke briefly of the comparisons with other law enforcement agencies.

Council member Isom queried the miscellaneous category on the Monthly Police Report. Chief Morris responded that category included served warrants, bad check charges, etc…

Brief discussion took place regarding police dogs.

NEW BUSINESS

Revision to Approve Minutes Requested by Goldie Helsley

Mayor Printz stated the matter had been taken care of.

Purchase Two Diesel Carts

Vice Mayor Dearing noted the carts were approximately $18,000.00. The carts would be purchased from Street Maintenance funds.

Vice Mayor Dearing moved, seconded by Council member Sigafoose, and carried to purchase two diesel carts at approximately $18,000.00.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Nomination of Jeff Hensley to Recreation Commission

Vice Mayor Dearing moved, seconded by Council member Sigafoose, and carried to nominate Jeff Hensley to fill the Recreation Commission position.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Increase Account Reactivation (Reconnect) Fees

Council member O'Neill stated the matter was discussed at the Committee Meetings which would implement fees to cover the cost the Town incurs reactivating accounts that were delinquent.

Mayor Printz questioned if a hearing would need to be held on the matter. It was determined a hearing was not needed.

Treasurer Sipe noted 250+ disconnect notices were sent monthly. She noted a small number were actually disconnected every month. She noted in most cases these matters involved the same customers. She briefly explained the disconnect process.

Mayor Printz noted this action would repress low income citizens.

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried that we implement the following fees:

Account Reconnect / Reactivation Fee: (Residential): going from $30.00 to $45.00; (Commercial): from $60.00 to $75.00

Service Charges for: Electrical: from $30.00 to $35.00; Water: from $5.00 to $10.00.

Customer Deposits: Required deposit for electric: from $150.00 to $200.00; required deposit for water: from $50.00 to $75.00.

Effective July 1, 2008

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Street Closure Request from George Hensley

Town Attorney Sigler noted the Planning Commission had voted in favor of the street closure. Both the Fire Chief and Chief of Police had prepared correspondence in favor of the closure as well. She noted it was a requirement of the Town's statute to approve the closure and a public hearing would also need to be held. She noted a price could be negotiated for the sale of the property before the hearing was scheduled.

Adopt New Community Center Rates

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried that the Community Center rates be set as follows:

	Town of Elkton		Rockingham County		Non-County	
	Monthly	Yearly	Monthly	Yearly	Monthly	Yearly
Youth	$15.00	$110.00	$15.00	$165.00	$20.00	$220.00
Adult	$15.00	$165.00	$20.00	$220.00	$25.00	$275.00
Family	$30.00	$330.00	$40.00	$440.00	$50.00	$550.00
Senior 55+	$10.00	$110.00	$15.00	$165.00	$20.00	$220.00

Town/County Walk-in Fee $3.00 per day / Day Non-Resident $4.00

Effective May 20, 2008.

Council member Pence noted his concern that the Town rates would be the same as County rates. He questioned future funding from the County.

A brief discussion took place regarding the pending rate proposal and if some rates should be additionally raised. The Community Center staff recommended an even increase in all categories until the funding amount from County would be available. Administrator Morris noted the County had given the Town over $1 million to the center. Her main concern was the increase to the youth and senior categories.

Mayor Printz noted that Mike Breeden was the Town's representative and a meeting should be scheduled.

Council member Pence was of the opinion that County residents should pay a higher membership fee than Town members. Council members O'Neill and Isom noted prior discussions had taken place in regards to raising fees higher than the proposed rates on the floor. However, the Community Center staff was concerned members who lived outside of the County would also be affected by the increases.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

COMMITTEES

Mayor Printz noted he had attended Mary-Liz Humphries' dance recitals and commended her on her hard work and positive contribution to the Town.

Chili Cook-Off would be held on May 31, 2008.

Electric

Brief discussion took place regarding Dominion Power's rate increase documents.

Vice Mayor Dearing noted that Council member O'Neill's resignation as finance chair had not been accepted by Council and he would continue in that position.

Finance

Council member O'Neill stated that a revision to the budget had been presented to Council. He noted the budget did incorporate the increased Community Center rates, meals tax increase and the proposed water and sewer rate increase. He noted that capital projects were listed under the water and sewer expenses. The anticipated revenue increase from the new rates could allow a debt service for $1.9 million over a period of twenty years at 4%.

Council member O'Neill stressed that Council needed to review the additional cost-savings proposed by Mayor Printz.

Brief discussion took place regarding various capital projects and additional budget issues.

Council member O'Neill stated additional rate increases might be necessary after the Town was fined by DEQ.

Council member Pence queried why 50% of the Recreation Director's salary was charged as an expense to the Community Center. Council member O'Neill noted that the new budget showed that position was solely charged to the recreation department. He noted in past years that position was considered part-time and should be reviewed.

Other matters briefly discussed: vapor lights charged $10.09 per month; charge-back for electric to Community Center, water, sewer and recreation, positive balance in electric with charge backs, proposed rate increases to fund water and sewer, and schedule meetings.

Vice Mayor Dearing queried the rates for the schools. Town Attorney Sigler noted that the Town would set the rates. She noted that some localities have a "government rate" as opposed to charging a residential rate. He encouraged Council to review the rates and possibly charge a demand. Mayor Printz encouraged Council to investigate the matter. Town Attorney Sigler suggested a correspondence be prepared and mailed to County on the matter. The Mayor would prepare said correspondence.

No provision in budget for custodial support since that matter was unresolved.

Mayor Printz spoke regarding raises for Town employees. Council member O'Neill stated the current budget had no raises for employees.

Vice Mayor Dearing noted the bids for the cleaning position remain unopened.

Separate votes to be taken regarding the meals tax and the water and sewer rate increase.

June 3, 2008 is the date for the Public Hearing. A Special Council Meeting will be held thereafter. Lengthy discussion took place regarding a budget work session or additional meetings.

Council member Isom may not be in attendance for the Regular Council Meeting on June 16, 2008 due to personal obligations.

Personnel

No report at this time.

Public Health, Safety, Ordinances

No report at this time.

Streets and Sidewalks

Sidewalk requirements for subdivisions briefly discussed.

Water and Sewer

Forty-five tons on sludge moved from plant. Contract operators for the plant to be hired shortly. Town would still pursue a full-time licensed operator to oversee the plant on a permanent basis.

Vice Mayor Dearing noted all expenditures were being tracked in order to make a presentation to DEQ when discussing fines against the Town.

Mayor Printz stated there was confusion that the Town was not moving forward regarding the DEQ matter. He noted the Town had met with all of the proper parties in

order to facilitate the matter unto a positive path. He invited any citizens with suggestions or who wanted to volunteer to contact the Town.

Authority for Vice Mayor to Sign Contract

Council member O'Neill moved, seconded by Council member Isom, and carried to give Vice Mayor Dearing the authority to enter into a contract after it is reviewed by the attorneys and the engineers.

Bids had been solicited by the Town to fulfill the request.

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

NAYS: None

ABSTAIN: M. Dearing

VOTE: (5 – 0 – 1 roll call) Motion carried

Recreation

No report at this time.

Planning Commission

Town Attorney Sigler and Mayor Printz to meet and discuss various matters.

Cemetery

Licensed contractor working for the Town.

Advisory

The Advisory Committee submits the following recommendations, suggestions and comments for consideration by the Town Council.

1. There have been a number of persons expressing the need for painting of crosswalks in downtown area.

2. Recommend the cement dividers at the intersection of Route 33 West and Old Route 33 be painted bright yellow to help drivers select the correct lane. At the same time, perhaps something could be done to improve the entrance on the right side coming ease. The left side is kept mowed. The right side is generally a mud puddle.

Vice Mayor Dearing will review the matter.

3. The Telephone Directory listing for the Town of Elkton is incorrect. In addition, Elkton has only one listing while the other towns have listing for the various offices. Recommend the Town publish listings for the various town offices in the Valley Banner in order for citizens to call the correct office.

Chief Morris noted that a former employee was in charge of that task. His office has since rectified the issue.

4. Parked cars create a bad blind spot across the street in front of EAUS. When pulling out of lot between Bank of America and Hammer's Recon, it is impossible to see if more than 2 cars are parked in that area. Recommend that 2 spaces only be allowed for that area.

Chief Morris will review that request.

Mayor Printz thanked Madelyn Dixon, George Grunwald, Bob Hammer, and Haze Crider, Chair of the Advisory Committee, for their contribution and advice to the Town.

Council member Pence stated that "skateboarders" needed to be addressed in Town. He noted his concern for everyone's safety. Liability issues discussed.

Town Attorney Sigler noted a variance request would be heard by the Board of Zoning Appeals on June 27, 2008 regarding a corner lot and setback requirements. The Planning Commission had requested to clarify the Town ordinance regarding setbacks for corner lots.

Mayor Printz noted there were several properties the Town needed to pursue legal action against regarding various violations.

Request for proposals advertised for trash contract.

UNFINISHED BUSINESS

Schedule for June 3, 2008 Public Hearing

Public Hearing scheduled for June 3, 2008.

TOWN ATTORNEY

No additional business.

MAYOR'S BUSINESS

No additional business was presented by Mayor Printz.

Closed Session

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to go into closed session under Virginia Code 2.2-3711.A.11 to discuss personnel issues and under 2.2-3711.A.7 to confer with the attorney.

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

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

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

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

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