Regular
Council Meeting
April 21, 2008

The regular meeting of the Elkton Town Council was held on April 21, 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
D. Kite
T. Pence
S. Sigafoose

Town Attorney M. Christopher 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.

Mayor Printz noted Council members Sigafoose and Pence were in attendance after having medical issues. Council member Pence thanked everyone for their support and well wishes.

Council member Kite gave the invocation.

The Pledge of Allegiance was recited.

Mayor Printz read the following: "*I would like to announce a new day here in the chambers of the people's business. Starting today, we as a representative body will start following Robert's Rules of Order. The citizens and the Council including myself will allow citizens to speak if they are signed up to without interruption, contingent assurance of no name calling, obnoxious behavior, slander or outlandish misconduct. Both sides will respect each other or I will call the disruptive individual out of order. Comments from either a citizen or a Council person will be three minutes unless the agenda reflects their attendance to speak or another individual agrees to assign their time to another party at which point the Chair will determine depending on the essence of time, how the meeting will proceed. In an effort to run the meeting more efficiently, a citizen will speak once unless designated by the chair.*

Any topic that needs considerable debate and consideration by the Council should be sent back to committee for introduction by the committee chair. If the committee chair and the full Council have not been fully informed of the issue, the topic or issue should be sent back to the committee for full debate. All hiring from this point forward will be voted on by a full Council after discussion at the committee meeting. The Mayor will set the agenda and unless it is an emergency the issue will not be on the agenda unless the

chairperson for that committee has discussed it with his or her perspective committee and the Council. Many of the issues on the agenda at this very meeting regarding rates and other have not been discussed with the committee chair of Mr. Pence. Any and all snide comments will be dealt with immediately and are unacceptable. Any subject of questionable nature should be dealt with by our attorney and not in the public eye. The Mayor will be the chief spokesman for the Town. I, personally, like to run a more freely run meeting, but things are out of control and the meetings are too long and they must be brought back into control."

CITIZEN COMMENTS

Vic Corbo, 248 Windsong Hills, Elkton, spoke regarding a name calling incident. He was creating a document regarding Council's actions and intended to bulk mail it to all citizens. He noted a petition and letter would be sent to the Commonwealth's Attorney requesting an investigation of practices.

Glendon Hensley, 300 Kensington Drive, Elkton, spoke regarding the sale of the Kite property. He questioned the criteria of consideration given on the matter. He noted the current market was not "normal market conditions" and questioned the timing to sell the real estate. He spoke further regarding perception around the sale, impact to infrastructure, external obsolescence, and flood zoning.

Mayor Printz stated the Town Attorney was reviewing the matter and consideration was being given for the Town to hire an auctioneer. Further discussion took place regarding an auction as opposed to marketing the property to buyers and sellers.

Pat Shifflett, 17421 Spotswood Trail, Elkton, spoke of circumstances regarding a FOIA request submitted on October 12, 2007 concerning disbursements for the Community Center. She informed Council the matter was still active.

Goldie Helsley, 204 East Spring, Elkton, spoke of a recent newspaper article. She noted a telephone call with Treasurer Sipe regarding records. She noted Vice Mayor Dearing had stated to her and Pat Shifflett that records were "missing." Vice Mayor Dearing denied the statement and noted all money was accounted for on a budget v. actual report. He noted there were many boxes of records which would take weeks to review.

Further discussion continued regarding funds spent on renovations of the center and records.

Mrs. Helsley continued regarding the location of records. Further she spoke of difficulties with the Town "coding", her rights under the Freedom of Information Act, extensions under FOIA, separate accounts and Mayor Printz' assistance.

Council member O'Neill stated that the requested invoices were scanned into a computer at the Town Hall. He had instructed a town employee to contact the requestors so they could review the documents and choose which would be printed. He apologized that process had not taken place.

Further discussion took place regarding audits and the charges for the above-referenced FOIA request.

Hazel Crider, Elkwood, thanked Vice Mayor Dearing for assisting the Neighborhood Watch with the caboose project. She noted the interior needed attention and mulching was needed. She spoke of the following: financial condition in '06-07, inquired of the deficit, expense of Community Center, grant assistance to Administrator Morris, following auditor's opinions and selling of the Kite property. She did not support the utility rate increase.

Mrs. Crider supported the recent senior living project presented to the Town. She noted the project on North Avenue. She asked Council to table the utility rates and consider an alternate day for trash pick-up when a new contract would be negotiated.

Vice Mayor Dearing noted unfairness for water and sewer rates to remain unchanged in eighteen years. He noted citizens were unhappy with an increase in rates, but the action was necessary due to the fact that no one had put money back into the Town.

Additional discussion took place regarding rates and pending construction projects.

Council member Kite stated the caboose would be lettered. He read a correspondence from U. S. House of Representatives Member Bob Goodlatte which stated: "*This letter is in response to your inquiry dated February 22, 2008, regarding a request for funding assistance from your constituent, Ms. Allison Morris and Mayor Wayne Printz for Elkton Community Center. Elizabeth Walker, Rural Development Harrisonburg Area Director, Called and spoke to Allison Morris on March 13, 2008, to discuss the Elkton Community Center project. The Town of Elkton, who owns and operates the center, needs operating funds which is not an eligible purpose under Rural Development regulations. However, the Town plans a Phase II expansion that Rural Development may be able to assist them with under our Community Facilities Program. Ms. Walker and Ms. Morris exchanged contact information.*" He noted of no grants for operating expenses.

Mildred Shifflett, 112 West Spotswood Avenue, Elkton, stated the Town had more Town employees than the Town of Bridgewater. She noted some senior citizens only receive $400.00 monthly to live on. Further, she gave examples of the struggles that some families face, Council not keeping their word based on their campaigns, movement of $50,000.00 and a new trash day. Council member Kite responded that the Town had contracted for the Monday pick up in order to receive the cheapest rates for the citizens.

Benny King, Elkton, thanked Mayor Printz and Vice Mayor Dearing for attending the public hearing regarding his rezoning matter. He questioned why the meeting was moved and he was not informed. Vice Mayor Dearing responded that Mr. King's plan had not resolved the issue that part of the project would be built in a floodway. Mr. King noted his patience in working with Council. Council member Kite questioned if the plans he had viewed in November had changed. Mr. King noted Council was not voting on plans.

Mayor Printz stated Council should not have voted on the matter and suggested that Council and the Town Attorney re-open the issue. Further discussion took place regarding one parking space and Wirt Avenue flooding.

Council member Isom apologized to Mr. King for him not receiving notification of the meeting.

Mayor Printz temporarily vacated the chair to Vice Mayor Dearing and presented the following prepared statement as a resident of Elkton:

"All of us in this room care about our Town. I can tell you for the last couple of years, I've sit in that seat up there and kinda wondered what we're doing. I can remember some of the people stated about sensitivity in local people. I can remember when I was a young person and my parents split up and I watched my father drive out the door. I remember taking rice and let it come to the top of the water, the bugs came to the top of the water and we actually ate the rice. I know what it is. We've got to pay attention here. Now, no one in this room is a bad person. You all are very good people. I know all of you guys, Gene, you're my neighbor, Mike, you're my dear friend. All you guys are good people. We're going to figure out how to bring this thing around. We are all a family, families fight. You ever seen an Italian family fight. They fight like the dickens, but you know what? But at the end of the day, they're eating some pasta. I have a number of suggestions

I also would suggest a number of issues which may make us more successful. I think this Council should start listening and respecting each other and the advice of Council and professionals we pay good money. I suggest this Council should consider a more conciliatory and cooperative approach with our citizens and our businesses who come to us for help. I have seen people come to talk to this Council numerous times to look for compromise only to be aggressively shot down in some cases with sarcasm and disrespectful comments. The last special meeting we voted on a potential senior living community and the developer was not even invited to the meeting and we voted on this anyway. As if we are so special we do not need something like this in our community. Is this the way we should do business? In my view this further erodes our reputation.

Many times our attorney has suggested legal opinions on many issues and we blatantly disregard the attorney's opinion as if we know something our attorney does not. This is at a cost of approximately $180.00 an hour. If we are not going to listen to our attorney then let's not subject our citizens to the cost. Recently our accountants, of which

we paid $30,000.00 dollars, explained to us the greatest financial burden to the Town. And we completely discounted their observations and did not deal with the issue. Although I believe the previous Council and Town Manager at that time may have contributed significantly towards Elkton's financial situation, I think our arrogance towards business and people that come in and ask for our help has seriously curtailed improvements in our Town inflicting more harm. Many business people I talk to will not come to Elkton because of our disposition, unbecoming conduct and anti-business stance. The philosophy we seem to have is attack and destroy.

Now I want to say something about the rates. We are in a serious recession, I have never seen Town so slow in 30 years. We have basically chased our youth out of Town alienating our youngsters and their families. Our businesses are suffering. We have hundreds of seniors in our Town on fixed income. The County just raised our taxes 47 cents per hundred which gives Elkton a raise also. We just passed a fossil fuel adjustment with more coming on an electric bill already higher than other communities and our trash collection is going to go up. And we defiantly and aggressively pursue raising water and sewer rates. We say because it is the responsible thing to do. We should not be arguing of how to raise rates, we should be working together to keep from raising rates.

We talk about the responsible thing to do. There's been quite a bit on money spent. I will take partial responsibility. I'm not going sit here and just blame anyone on that Council chambers. I sat there. I tried to express my thoughts. I did not do it like a good leader should. I was not loud enough apparently. I'm not going to go into all the different expenditures that I disagree with because it could hurt some people's feelings. So I'm not going to do that. But in my opinion, we need to take and sell Miss Kite's property. Incidentally, some of us need to call Miss Kite and say "hi" once in a while. If we would sell the Kite property – we voted to keep the Community Center, so we need to figure out how we're going to pay for it. We could save up to $400,000.00 a year. If you needed to borrow money, the debt load at 5% would give you approximately $5-6 million of potential debt load to use that money with no rate increases whatsoever.

In summation I have been here 18 years and six Councils and I believe individuals on this Council are good people, I believe that there are not many bad people - just bad policies. That's why I went door to door and supported each of you believing that you were fair and cared about the average hard working Elktonian. At this point, I am not sure where we stand.

Taking care of our seniors, bringing our youth back in Town, reducing our debt, selling the Kite property, cut the budget 5% - saving a quarter of a million dollars and restrain our spending. This would be about $600,000.00 a year which along with the cash from the Kite property would take care of our issues at the waste treatment plant and water issues. If we approach this in a more focused respectful manner the people will respect and appreciate us and we and get the Town back on track."

MINUTES

Motion to Approve March 11, 2008 Emergency Council Meeting Minutes

Council member Kite moved, seconded by Council member O'Neill, and carried to approve the minutes for the Emergency Council Meeting held on March 11, 2008 as presented.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve March 11, 2008 Special Council Meeting Minutes

Council member O'Neill moved, seconded by Council member Kite, and carried to approve the minutes for the Special Council Meeting held on March 11, 2008.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve March 11, 2008 Committee Meetings Minutes

Council member O'Neill moved, seconded by Council member Kite, and carried to approve the minutes for the Committee Meetings held on March 11, 2008.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve March 17, 2008 Regular Council Meeting Minutes

Council member Kite moved, seconded by Council member O'Neill, and carried to approve the minutes for the Regular Council Meeting held on March 17, 2008.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve March 20, 2008 Special Council Meeting Minutes

Council member O'Neill moved, seconded by Council member Isom, and carried to approve the minutes for the Regular Council Meeting held on March 20, 2008.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve April 2, 2008 Special Council Meeting Minutes

Council member Kite moved, seconded by Council member O'Neill, and carried to approve the minutes for the Special Council Meeting held on April 2, 2008.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

TREASURER'S REPORT

Treasurer's report was included in the regular packet.

Treasurer Sipe reported an ending ledger balance of $374,310.46 for General Government for the month of March 2008. Total designated money was $394,047.52, leaving total available cash of $-19,737.06.

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

Negative balance briefly discussed.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Designated funds and funds in general discussed.

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Administrator's report was included in the regular packet.

EACC Administrator Allison Morris noted on Saturday a "Swing Dance" would take place at the center. The farmer's market would begin soon.

Vice Mayor Dearing noted the Town had to a pay engineers $600.00 to approve the base of a flagpole to be erected at the center. He noted those steps were necessary because the Town was "turned in" for every project it started. No funding for sewer line on Newtown Road was needed since the Town used materials it already had including the pipe.

Council member Isom questioned the procedures regarding funding for events such as dances. Administrator Morris responded those events were treated as fundraisers to purchase certain items needed at the center such as benches, a PA system and youth equipment.

Merck had donated a carpet cleaner, walk-behind floor scrubber, high speed buffer, low speed buffer, and a professional vacuum cleaner. A letter of appreciation would be sent to Merck & Company for their generous donations to the Community Center.

CHIEF OF POLICE REPORT

Report provided for Council in the packet.

Chief Morris noted the community had assisted with issues at the park.

Council member Pence spoke of parking and dog issues at the park.

NEW BUSINESS

Appoint Jeff Jones to Recreation Commission

Council member Kite moved, seconded by Council member Pence, and carried to reappoint Jeff Jones to the Elkton Recreation for a two year term with an effective expiration date of January 2010 for two years.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Accept Resignation of Tracey Smith from Recreation Commission

Council member Kite moved, seconded by Council member Pence, and carried to accept the resignation of Tracey Smith from the Recreation Commission.

Council member Kite noted Mrs. Smith had moved out of the Town of Elkton and now resides in Shenandoah. He noted the matter of her serving in some capacity would be sent back to committee.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Recommendation of New Members to Planning Commission

Mayor Printz queried if any new members had been recommended. There was no response. Therefore, an ad would be placed to fill vacancies.

Appoint Joshua Folk as Auxiliary Officer

Liability issues discussed.

Vice Mayor Dearing moved, seconded by Council member Sigafoose, and carried to appoint Joshua Folk as an Auxiliary Officer.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Advertise for Zoning Administrator and Town Superintendent Position

Council member Kite moved, seconded by Council member O'Neill, and carried to advertise for the two positions.

Brief discussion took place regarding the combination of the two positions. It was decided the positions should be separated.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Designation of Proceeds from Land Sale

Council member O'Neill noted that for budget purposes, a designation of which debts would be paid off after the land sale should be discussed and planning take place. The matter would be discussed at the next Committee Meetings.

Skyline Storage Special Use Permit for Pete Bonavita

Mayor Printz noted that former chicken/turkey houses were to be remodeled for storage units. Mr. Bonavita was given a permit two years ago, but that permit had expired. The County notified the Town due to its location.

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to support the project.

Mayor Printz stated that Vice Mayor Dearing had called the question.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Fence Permit for Dick Brown

Mayor Printz requested the matter be tabled.

Update on Generator

Mayor Printz noted the staff had been most helpful. He noted research had been performed with assistance from Mike York of HEC. Considerable delays had taken place regarding the project. The generator had been delayed until September. He noted within the next 1 – 1 ½ year the profit for the Town would be approximately $150,000.00 over the expenditures for the year. The project will cost approximately $400,000.00.

Automatic start-up was requested by Vice Mayor Dearing. Mayor Printz noted that Mike York of HEC prefers manual start-up due to hazards or issues that could arise. Therefore, he suggested both options be available.

Refinancing options discussed.

Mayor Printz to prepare a correspondence to Carter Machinery requesting extension on payment of generator.

Remove Oak Trees / Set Up Pole

Vice Mayor Dearing moved, seconded by Council member Isom, and carried to allow our electrician to set poles where we're going to remove these trees.

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

NAYS: None

ABSTAIN: S. Sigafoose

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

Remove Pine Trees on Davis and Chestnut

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to move twenty-five pine trees on the west side of the alleyway located between Davis and Chestnut Avenue. This work will be done by the Town employees and completed by May 2, 2008.

Council member Kite noted the pine trees were located on Town property. He noted the trees were a safety hazard.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Auctioneer for Kite Property

This matter was delayed on the Agenda.

Purchase Belt Press

It was determined by Mayor Printz that this matter could not be discussed without a proper motion on the floor.

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to purchase the belt press.

Council member O'Neill noted issues with the Virginia Department of Environmental Quality regarding permits for the belt press. It was determined that Town Attorney C. Sigler would review the matter.

Pursuant to the above-referenced discussion, **Council member O'Neill rescinded his motion and Vice Mayor Dearing rescinded his second.**

Council member O'Neill moved on a First Reading to allocate up to $40,000.00 from repo for the balance on the purchase of the generator.

COMMITTEES

Mayor Printz requested the committee reports be delayed or given at the next Council meeting. It was noted some issues needed to be discussed.

Council member Pence spoke of his dissatisfaction with the current trash contractors.

Unfinished Business was moved forward on the agenda due to Council member Pence's request to leave the meeting.

UNFINISHED BUSINESS

Reallocate HEC Funds – Second Reading

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried for Council to reallocate $22,500.00 from HEC funds to cover $17,000.00 for the rental and delivery of the belt press and $5,500.00 to go towards the purchase of a trencher used by the electric department.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Water and Sewer Rate Increase – Set Public Hearing Date

This matter was sent back to committee.

Meals Tax Increase – Set Public Hearing Date

This matter was sent back to committee.

Council members Pence and Sigafoose were excused from the meeting.

COMMITTEES

Advisory

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

1. There are a number of abandoned vehicles and trash littered lots that should be cleaned up in accordance with existing town ordinances.

2. Although some limbs and trash have been picked up, there are still some that need picking up along Terrace Avenue and in Stonewall Park.

3. A member of our committee recently witnessed a near accident at the intersection of Stuart and Spotswood. A car was in the left lane but wanting to go straight through suddenly swerved into the right lane, barely missing the car behind them. An indication that the left lane is for turning only needs to be made before automobiles get into the intersection. If this is State responsibility, they need to be made aware of the problem before there is a major accident.

Vice Mayor Dearing noted he would review the matter.

4. We again mention that traffic lines need repainting all over town. These lines help drivers to stay in the proper lanes and stop at the proper places when pulling into an intersection.

Mayor Printz noted the repainting was almost complete.

Electric

Discussion took place regarding work for Jr. Order.

Finance

No report.

Personnel

No report.

Public Health, Safety, Ordinances

No report.

Water and Sewer

No report.

Streets and Sidewalks

No report.

Recreation

No report.

Planning Commission

No report.

Cemetery

No report.

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 Council member Isom, and carried to go into closed session under Virginia Code 2.2-3711.A.3 to discuss real estate negotiations.

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

NAYS: D. Kite, and M. Dearing

Mayor Printz broke the tie with a yea vote.

VOTE: (3 – 2 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. Council member Isom duly seconded the motion.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Authorization for Mayor to Endorse Contract for Auctioneer

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried that contingent upon agreement of Town Attorney and the Mayor that they are authorized to sign the contract for the auction with these gentlemen.

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 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