# REGULAR
# COUNCIL MEETING
# September 16, 1996

The regular meeting of the Elkton Town Council was held September 16, 1996 at 7:30 p.m. in the council chambers with the Mayor Charles E. Dean presiding. The roll call was as follows:

PRESENT

D. H. Dail
M. L. Dearing
A. D. Dixon
W. E. Printz
R. L. Snow

ABSENT

F. A. Bennett

Dale Davenport, Attorney, Norma Leap, Clerk, Robert Marshall, Police Sergeant, Gerald Monger, Superintendent, Theodore Pence, Director of Parks and Recreation and Joseph Shifflett, Director of Public Works were also present.

## CITIZENS COMMENTS

Hazel Crider

Mrs. Crider noted that she has been reading in the paper about the town taking action to correct defective meters throughout the town and she thinks this is great. It will not only bring in more revenue but will help eliminate our water loss. She noted that as a citizen she appreciates this action and feels the town is going forward. She also pointed out that she has heard a lot of citizens complaining about the poor television reception and the fact these rates were recently increased by Adelphia. She feels council should look into this situation. Mrs. Crider thanked each council member and the employees for the job they are doing.

Vivian Hitt

Mrs. Hitt, along with Maxine Mowbray and Janet Eppard, from Washington Avenue was present regarding the water problem they have had for numerous years in that area. They stated they would like some answers tonight as to what the town plans to do about this problem. They noted the council has had ten or twelve days since this last flooding to make some decision.

Mayor Dean referred this to the Streets & Sidewalks Committee. Mr. Monger is presently working with VDOT regarding the size of pipe needed.

Mrs. Eppard noted that her husband has been trying for months to get a new water meter put in at their residence. This meter has not been right for months.

Councilman Dearing noted that they have replaced approximately seventy seven meters and plan to replace all meters which need to be replaced. He will be discussing this further in the meeting.

## MINUTES

**Councilman R. L. Snow moved, seconded by Councilman A. D. Dixon and carried to approve the minutes of the Regular Meeting August 19, 1996 and the Special Meeting August 22, 1996 as presented.**

## DEPARTMENT HEAD REPORTS

Chief of Police

Sgt. Marshall, reporting for Chief Pence, asked if council had any questions on the monthly report which was distributed in the council packets and there were no questions.

Sgt. Marshall commented on the recent flooding. He noted that they had to evacuate some people but to his knowledge there were no injuries. He stated that the Maintenance Department and Police Department worked well together during this crisis.

Director of Parks and Recreation

Mr. Pence stated he had nothing other than his written report.

Councilman Dixon asked how long they felt it would take for the park to drain?

Mr. Pence stated they are going to put another drain line down there tomorrow but he has not idea how long it will take. He also reported that they are going to move to the Intermediate School tomorrow for soccer.

Director of Public Works

Mr. Shifflett stated he had nothing other than his written report.

Superintendent

Mr. Monger stated he had nothing other than his written report.

Councilman Dearing asked if Mr. Monger thought the town would get any money back on flood damages.

Mr. Monger stated that Mr. Joe Shifflett will be attending a FEMA meeting on Thursday to get some information on this.

Treasurer

**Councilman R. L. Snow moved, seconded by Councilman M. L. Dearing and carried to approve the Finance Reports for the months of July and August 1996.**

Mrs. Leap reported that hopefully the audit report will be completed this month.

## COMMITTEE REPORTS

Personnel Committee

Councilman Dearing reported that the town has advertised for a Junior Clerk and a Police Officer (COPS Fast). They hope to fill the Junior Clerk's position in the next thirty days.

Councilman Dearing commended Chief Pence and the Police Department, as well as Mr. Monger, Mr. Shifflett and the Maintenance Department, on their efforts during the recent flooding. Letters of commendation will be place in each persons personnel file.

Public Health, Public Safety and Ordinances

Mayor Dean reported the committee had met. They discussed the suggestions by the Citizens Committee and agreed with at least 75%. Plans are to take action on some of these in the near future. The committee will be meeting again probably on the first Wednesday of the month.

Streets and Sidewalks

Councilman Printz reported that the North Avenue drainage situation is behind due to the flooding. He also stated that he had received a call from a lady regarding a drainage problem in front of her driveway and asked Mr. Monger if she had contacted him. Mr. Monger stated she had not but he had checked the problem during the flooding and it was draining. This situation was scheduled as the next project after Gibbons. Councilman Printz asked Mr. Monger to get in touch with this lady and give her an approximate idea of when they will be working on the problem.

Councilman Printz reported that the Streets and Sidewalks Committee had discussed putting some type of restriction on Terrace Avenue. Mayor Dean stated they had discussed this in the Public Safety meeting and made a recommendation. Mr. Monger reported that they have been instructed by Public Safety to use poles in the ground with reflectors placed on them at the intersections on top of the Memorial Park. This is on a work order but at this time, due to flood clean-up and repair, is not a high priority.

Councilman Printz reported that they had discussed, prior to the flood, the trash and debris on Wirt Avenue. Most of this was washed away during the flood. They will be having a meeting to discuss this problem and decide what priority to place on it.

Councilman Printz asked if the town has heard anything on the Fifth Street bridge. Mr. Monger stated he hasn't heard anything but feels they are still waiting on the steel.

Councilman Printz stated he will set up a Streets and Sidewalks Committee meeting to address the Washington Avenue water problem.

## NEW BUSINESS

### Senior Clerk Introduction

Councilman Dearing introduced Julia Smith who has been hired as the new Senior Clerk in the Treasurer's Office.

### Lineman Positions

Councilman Dearing reported that during the Electric Committee meeting it was discussed that although we have a large number of electric customers, we have only one electrician. Anytime our electrician is off work we are at the mercy of whoever we can find to come in and do the job. The committee would like to do away with an Assistant Lineman position and create another full time lineman position.

**Councilman M. L. Dearing moved, seconded by Councilman D. H. Dail to create another Lineman position.**

Mayor Dean asked what the salary range would be and Councilman Dearing stated it would range from $17,900.00 to $26,900.00.

**A vote was taken on the motion and carried.**

**Laborer 2 Position**

Councilman Dearing noted that we do not have enough laborers to take care of all the demands that are placed upon the town. They would like to create another Laborer position to enable the town to have two work forces. They feel they can stay within the budget by filling this position based on the part time money we pay out now. This position would pay approximately $16,800.00.

**Councilman M. L. Dearing moved, seconded by Councilman R. L. Snow to create another No. 2 Laborer position.**

Councilman Printz questioned where the money was coming from to create all these new positions.

Councilman Dearing noted that on the new Lineman position, there is money in the budget for an Assistant Lineman which we have eliminated so that will cover the Lineman position. The town, at the present, is not funding a Town Manager position and based on the amount of money paid to the part time worker, we will only be paying about a dollar more an hour for the new Laborer.

**A vote was taken on the motion and carried.**

**Defective Meters and Corrective Action**

**Councilman M. L. Dearing moved, seconded by Councilman W. E. Printz and carried that based on the number of meters that the town has replaced and the number of meters that will be replaced in the next thirty days, the town will correct all the paper work to reflect zero on the meter, putting in new meters, adjusting the meter reading to the level that the customer can live with and write off any losses. This is strictly on defective water meters.**

Councilman Dearing reported that when the Electric Committee they discussed Section 4-4-24 of the Town code which states that "(a) In the event a meter is found defective, it shall be immediately changed or repaired. In the event such a meter ceases to register, the kilowatts consumed will be estimated, at the direction of the electrical inspector, either by the average of a correct meter or by the kilowatts consumed during the previous corresponding or like period. (b) Upon the making of a complaint to the electrical inspector that a meter is defective, the electrical inspector shall cause the meter in question to be checked for accuracy in measurement and if the meter is defective, it shall be either repaired or replaced; provided, however, that if the meter in question should prove to be accurate, then the costs of having the meter checked shall be borne by the consumer who made the complaint." The electric meters they are discussing have been defective for a long period of time. The question is what is a reasonable time the customer should be required to pay. They did not come to any agreement in the committee meeting. They all read this section of the charter and are split at this time.

Councilman Dearing stated he personally is reluctant to say lets go back and recoup.. He questions what is the customers responsibility. Should the customer have to go out and recheck the meter? These errors are the town's problem and to be fair he feels we should make it even across the board for electric as well as water and sewer.

Councilman Dail, Chairman of the Electric Committee, noted that the charter does make an allowance for defective meters and the possibility of going back and rebilling people, however no statue of limitations is evident. It is unclear as to how far back we can go. For this reason, Councilman Dail stated he personally is reluctant to move forward until council has some sort of agreement on what is the time period we are going to work with when implementing this section of the code. He feels council also needs to look at the fact that they have just basically written off the defective water meters and revenues that we would have received for those. He realizes that for each individual meter the amount is going to be far less than the average electric meter. However, there

are far more defective water meters than electric so in terms of revenue there is probably not that much difference. He wants to be consistent with this and feels if we are doing it for one utility we should do it for all.

**Councilman M. L. Dearing moved that in an effort to correct this problem, the town adjust the electric meters and move on and make sure that we provide enough monitoring in the future to assure that this does not happen again.**

Councilman Dail stated he would like to see the motion include some guidance that we are going to keep the part about the electric meters in the charter and include something about the statue of limitations on how far back we can go. He suggests it is incumbent upon the town to make sure we are reading these meters. It is not the responsibility of the individuals, so he feels we need to limit their liability in this to the amount of time it would be reasonable for the town to pick up on the problem and correct it. He personally feels this should not be in the excess of two or three months.

Councilman Printz noted he would abstain from voting as one of his meters was being billed incorrectly. He also noted that he did not say he would not pay, as quoted in the paper.

**Councilman Dail stated he would second the motion.**

Councilman Snow noted that he feels the town does have the majority of responsibility for seeing that the billing is done correctly. However he also feels the home owners and businesses should take enough interest in their bills to see that they are close to what they should be. If they aren't they should be checking with someone. He feels going back three years is a little long but he would not feel bad about going back a year.

Councilman Dixon stated he feels most people pay their bills every month and it doesn't seem right to write these big bills off.

Councilman Dail pointed out that it is not a question of these people not paying their bill, it is a question of the bill not being correct. They paid what the town billed them.

**A vote was taken on the motion and recorded as follows:**

**YEAS:** **D. H. Dail and M. L. Dearing**

**NAYS:** **A. D. Dixon and R. L. Snow**

**ABSTAIN:** **W. E. Print**

**Mayor Dean voted <u>YEA</u> to break the tie.**

Councilman Dail stated he feels council needs to look at this defective meters policy and make it effective on all meters, water, sewer and electric alike and to set a statue of limitations Councilman Dearing stated he feels the Electric, Water and Sewer Committees should look at this and come back with a recommendation for council.

**<u>Set Date for Special Council Meeting for Gooden Rezoning</u>**

Mayor Dean stated if council had no objections they would wait until the next meeting to act on the Gooden rezoning request.

**<u>Approval of Resolution Requesting Use of Inmate Labor</u>**

Mr. Monger reported that the Cold Springs Work Center would supply the town with an eight

to ten man inmate work crew. The cost would be $1.50 per hour per inmate. Meals and transportation would be provided by Cold Springs. Billing time starts when inmates depart from the Cold Springs Work Center and ends when they return to the center. Cold Springs will provide one unarmed correctional officer to supervise all work being performed and the inmates are under the Department of Corrections control. The Town of Elkton would not be responsible for accident or injury. Mr. Monger noted he has talked with some people from VDOT and they have been very pleased with this program and have gotten a lot of work accomplished by using the inmate work crews.

Councilman Printz expressed some concern over the safety issue.

**Councilman R. L. Snow moved, seconded by Councilman M. L. Dearing and carried to approve the necessary resolution requesting the opportunity to use inmate labor for certain Town and community purposes, which include but shall not be limited to, general maintenance and repair work on town utilities.**

**Set Date for Special Council Meeting on Gooden Rezoning**

A special meeting was set for Monday, September 23, 1996 at 7:00 p.m. to discuss the Gooden rezoning request. The Streets and Sidewalks Committee will meet at 6:00 p.m. prior to this special meeting.

There was some discussion on our cable contract. Councilman Dixon noted that Adelphia will give credit for the outage time during the flood if you call them.

**EXECUTIVE SESSION**

**Councilman D. H. Dail moved, seconded by Councilman A. D. Dixon to go into Executive Session for the purpose of discussing an appointment to a Planning Commission vacancy, a lease request on a lot and request for severance pay. The vote was recorded as follows:**

**YEAS: D. H. Dail, M. L. Dearing, A. D. Dixon, W. E. Printz and R. L. Snow**

**Councilman D. H. Dail moved that each council member to the best of his knowledge certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered. The following council members so certified:**

**YEAS: D. H. Dail, M. L. Dearing, A. D. Dixon, W. E. Printz and R. L. Snow**

**Councilman D. H. Dail moved, seconded by Councilman W. E. Printz and carried to go from Executive Session back into Regular Session.**

**Appointment to Planning Commission**

**Councilman A. D. Dixon moved, seconded by Councilman W. E. Printz and carried to appoint Dwight E. Kite of 337 W. Spring Avenue to the position of Planning Commissioner to fill the position vacated by Mr. John Adams.**

## MISCELLANEOUS

There was some discussion regarding court pay for the police department. Mayor Dean noted that this would be placed on the agenda for the Special Meeting Monday night. Councilman Dearing pointed out that the cost for curfew violations also needs to be reviewed.

Councilman Snow asked that council direct the Clerk's Office to set up a procedure by which the town invests their money in the Local Government Investment Pool. Mrs. Leap was asked to gather the needed information and this be placed on the agenda for the Special Meeting Monday night.

## ADJOURN

As there was no further business, the meeting adjourned.

**MAYOR:** Charles E. Dean
Charles E. Dean, Mayor

**RECORDER:** _____
Norma R. Leap, Clerk