Regular Council Meeting
March 16, 1998
7:30 p.m.

The regular meeting of the Elkton Town Council was held on March 16, 1998 at 7:30 p.m. in the council chambers with Mayor Charles E. Dean presiding. The roll call was follows:

PRESENT

F. A. Bennett
R. C. Davis
M. L. Dearing
D. E. Kite
W. E. Printz
R. L. Snow

Gerald Monger, Town Manager, Dale Davenport, Attorney, Warren Pence, Chief of Police, Theodore Pence, Director of Parks and Recreation, Denise Jenkins, Cemetery Director and Nancy Sours, Treasurer/Clerk were also present.

Councilman Dearing led the Pledge of Allegiance.

Virginia Main Street Presentation - Mr. Tim Pfohl

Mr. Pfohl presented Mayor Dean and the Town of Elkton with a plaque honoring the accomplishments of the Main Street Program. Mr. Pfohl recognized the volunteers from Elkton Downtown Revitalization Committee for making this program a success. He stated that many milestones have been achieved, including one million dollars in private investments in the downtown area. Mr. Pfohl expressed his appreciation to the Town of Elkton for supporting this program.

Rockingham County Board of Supervisors Presentation - Mr. Joe Correa

Mr. Joe Correa, on behalf of the Rockingham County Board of Supervisors, presented the Town of Elkton with a proclamation honoring the Elkton Downtown Revitalization Program. Mr. Correa presented the Elkton Downtown Revitalization Committee with a donation of $1,000.00 from Rockingham County.

Councilman Bennett expressed his appreciation for the volunteers of this program.

CITIZENS COMMENTS

Vernon Shifflett

Mr. Shifflett of 337 E. Rockingham Street expressed his support for Sergeant Robert Marshall to fill the position of Chief of Police.

Bobbi Horne

Ms. Horne of Clarke Avenue stated that the Streets and Sidewalks Committee met and examined problems. She stated that many residents are experiencing drainage and flooding problems. She recommended that stricter guidelines and stipulations be placed on builders. Ms. Horne stated that town taxpayers should not have to pay for builders' mistakes. She stated that money should be spent on the needs of the citizens.

Linda Workman-Dean

Ms. Workman-Dean of Clarke Avenue stated that she owns the property adjacent to the Methodist Church. She asked for clarification on the town's right-of-way guidelines. She stated her opposition to having any part of her yard paved or graveled.

Mayor Dean asked that Ms. Workman-Dean contact Mr. Monger or Mr. Flick to answer any questions regarding the right-of-way guidelines.

Victoria Dickenson

Ms. Dickenson of Tannery Lane feels that promotions should be made within the police department. She recommended that Sergeant Robert Marshall be appointed to fill the Chief of Police position.

Hazel Crider

Ms. Crider of Elkwood spoke on the youth's activity program sponsored by the Neighborhood Watch Program. She presented council members with a copy of the youth's activity program format. She stated that the limited space has become a problem, due to the excellent turnout. She asked if the other area of the Dance Studio could be used if a tarp is placed on the dance floor. Ms. Crider presented council with a petition signed by town residents, requesting that the vacant Farm Bureau building be purchased as a community center.

Mildred Shifflett

Ms. Shifflett of Spotswood Avenue stated that the Chief of Police position should be re-advertised outside the area. She presented the council with a petition that the Chief of Police position be advertised outside the area.

Donna Mowbray - EPIC

Ms. Mowbray representing EPIC, requested that B Street, Henry Street and Terrace Avenue be closed on October 17 & 18 for Annual Autumn Days.

Lucky Sigafoose

Mr. Sigafoose presented council with photographs from the teen activity program. He stated that the photos clearly show space has become a problem.

Jim Ridenour

Mr. Ridenour expressed his appreciation for the Valley Banner reporting on the council meetings for those who cannot always attend. He expressed his displeasure with council members' comments and attitudes. Mr. Ridenour expressed his support for the Neighborhood Watch Program and feels it is a need within the community. He feels the vacant Farm Bureau building would be a suitable location for a community center. He asked that a cost feasibility study be done on the Farm Bureau building.

Mayor Dean responded that it would cost approximately $900,000.00 to renovate the Farm Bureau building into a community center. Mayor Dean stated that a committee is scheduled to meet next week to discuss this further.

Ron Englemeyer

Mr. Englemeyer of Elkwood asked Councilman Printz why he has attended eleven of 24 meetings. Councilman Printz responded that he feels it is more important to speak with the citizens.

He stated that from that approach, he learns more about the citizens' concerns and problems.

Mr. Englemeyer asked Councilman Dearing if he has the sole authority to appoint a Chief of Police and if he promised this position to anyone. Councilman Dearing responded no. Councilman Dearing stated that no one should fear retribution for filing a compliant in this town.

Wayne Printz

Councilman Printz asked if he could speak as a citizen. He expressed concern over the recent publicity. Councilman Printz stated that he requested an independent investigation on the missing parking ticket funds from the police department. He stated that he feels intimidated just by walking into the town hall. He stated that he is going to continue to help the citizens in anyway.

Randell Snow

Councilman Snow asked to respond on the recreation issue. He stated that there are many opportunities for activities within the town. Councilman Snow asked why Neighborhood Watch Program got involved with the teen center, he feels the recreation department should supervise this program. Councilman Snow asked that any recreational concerns or problems be brought before the Recreation Commission. He stated that the original plan for a teen center was to get kids off the street. Councilman Snow stated that there are several individuals who have a personal vendetta against the dance studio.

M. Lee Dearing

Councilman Dearing stated that he never intended to close down the dance studio. He asked how a private vendor can operate under the Elkton Recreation Department and receive a donation from a local company. He stated that the teens need a place to meet.

Gene Kite

Councilman Kite stated that the teen program is a valuable project. He stated that he attended the teen program and feels a community center is needed. Councilman Kite stated that one person should not be allowed to utilize the dance studio. He stated that the teen program did not go before the Recreation Commission because they would not have acted upon it.

Mayor Dean stated that the Recreation Commission was established twenty-five years ago. He stated that the Recreation Department has many successful programs.

MINUTES

Councilman M. L. Dearing moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the Regular Council Meeting, February 16, 1998 and Special Council Meeting, March 4, 1998 as presented.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence offered to answer questions on his written report. He stated that he and Mr. Englemeyer are friends, but that he never relayed information regarding Councilman Printz's attendance or anyone else. Chief Pence stated that he has never been politically active. Chief Pence

stated that a former employee of the town has been formally charged with the missing parking tickets funds. Chief Pence stated that the former employee confessed and apologized several times. He stated that there was never a cover up. He stated that the missing funds will be fully recovered.

Councilman Dearing stated that he withdrew from the investigation because he was an elected official.

Chief Pence stated that Councilman Dearing interviewed several employees during the investigation. He stated that Councilman Dearing was using this as a campaign issue.

Councilman Dearing responded that he did not interview anyone during the investigation. He stated that as Personnel Committee Chairperson, he has a right to talk with any employee.

Chief Pence expressed his appreciation for the council members' support in the past thirteen years. He stated that the citizens should be proud and work toward the betterment of the entire town. Chief Pence stated that it has been an honor to serve the town.

Mayor Dean expressed gratitude to Chief Pence for his service in the past thirteen years. He feels Chief Pence has been a positive influence in the town.

Parks & Recreation

Mr. Pence offered to answer questions on his written report.

Councilman Kite asked Mr. Pence how many softball tournaments are planned for this year. Mr. Pence responded that approximately seven tournaments are planned at this time. He stated that ASA Committee will address the Recreation Commission regarding tournaments. Councilman Snow stated that it has been the consensus of the Recreation Commission not to rent the softball fields out for tournaments. He stated that all tournaments held on town fields should be managed by the Recreation Department.

Councilman Dearing asked what was the capacity of the area the Neighborhood Watch was using at the Dance Studio. Mr. Pence responded that the maximum capacity was thirty-three and 1/3 persons.

Cemetery

Ms. Jenkins offered to answer any questions on her written report.

Councilman Printz asked whether sod or grass seed is placed on a new grave. Ms. Jenkins stated that the new grave must settle, if necessary additional soil is placed and then seeded.

Treasurer

Councilman F. A. Bennett moved, seconded by Councilman M. L. Dearing and carried to approve the February 1998 Finance Report as presented.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

Ms. Sours stated that 1998 vehicle decals were available as of March 16, 1998. She asked for council's consideration of the decal discount offered to fire and rescue personnel as done in past years.

$5.00 Reduction on Vehicle Decals - Fire and Rescue Personnel

Councilman F. A. Bennett moved, seconded by Councilman D. E. Kite and carried to offer a $5.00 discount on town decals to fire and rescue personnel.

YEAS: F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow

Town Manager

Mr. Monger offered to answer questions on his written report and for the Director of Public Works.

Mr. Monger asked for councils' consideration on three potential appointments to the Cemetery Commission.

Mr. Monger reported that Beth McDonald of Virginia Municipal League plans to speak at the Rockingham Municipal League meeting scheduled for April 22, 1998 at the Country Inn Restaurant.

Councilman Printz asked the status of the water pressure problem in Elkwood. Mr. Monger stated that he plans to meet with an engineer from Anderson and Associates.

Councilman Dearing asked how it is determined what streets are maintained by the town or by the state. Councilman Printz responded that Spotswood Avenue and Stuart Avenue are maintained by the state, the remaining is the responsibility of the town.

COMMITTEE REPORTS

Electric

Councilman Davis reported that the Electric Committee met jointly with the Finance Committee and the Water and Sewer Committee. He stated that the committees reviewed the current utility disconnection procedure and concluded that the procedure should not be changed.

Finance

Councilman Snow stated that the Finance Committee recommended a 2% cost of living allowance and an up to 3% merit raise for town employees. He asked that council members submit a list of proposed capital improvements prior to budget preparation. Councilman Snow stated that any donation request should have been submitted to Mr. Monger before February 15.

Personnel

Councilman Dearing stated that two full time dispatchers have been hired to fill the vacancies in the police department.

Councilman Dearing asked Mr. Davenport if there was enough evidence to place charges of malfeasance against him. Mr. Davenport stated that he did not examine the procedure of placing charges of malfeasance. Mr. Davenport stated that the request was to review the procedure of sanctioning a council member for violating breach of an executive session.

Public Health & Public Safety

Councilman Dearing stated that tickets have been issued to people sitting in their vehicles on Terrace Avenue. He stated that there are no signs or written ordinance informing citizens of this law.

Councilman Bennett recommended that this concern be addressed jointly by the Public Safety Committee and the Streets and Sidewalks Committee.

Councilman Snow asked Chief Pence if tickets are issued for waiting in the Terrace Avenue parking lot. Chief Pence responded that no tickets are written for loitering in a vehicle. He stated that most individuals receive a warning.

Streets and Sidewalks

Councilman Printz stated that Streets and Sidewalk Committee met Saturday to discuss flooding problems. He stated that they reviewed the flooding on North Street and F Street. He said that it appeared the water problem occurred due to new construction on F Street. Councilman Printz recommended that a drainage ditch be angled at the intersection of F Street and North Street. He estimated that placing this drainage ditch would cost approximately $5,000.00. Councilman Printz asked that this be done immediately. Mayor Dean asked Mr. Monger if this proposal would correct the problem. Mr. Monger responded based on his experience, no. He said that due to the elevation of the intersection, the water must back up to 4 feet on North Street before this would work.

Councilman Bennett stated that he agrees with Mr. Monger and suggested that the Streets and Sidewalks Committee readdress this problem.

Councilman Dearing stated that the current drain pipes are not large enough to handle the water from higher elevation. He suggested that all problems be prioritized and then be budgeted.

Councilman Printz stated that the committee reviewed other problem areas such as the flooding on Jackson Avenue and the poor sidewalks at the Movie House, Farm Bureau, Rockingham Street and Fisher Auto Parts. He stated that with weather permitting these sidewalks will be repaired.

Water and Sewer

Councilman Bennett stated that the town requires water lines use galvanized pipe instead of PVC pipe.

Councilman Bennett stated that touch read water meters are installed in 93% of the customers' homes.

Councilman Bennett stated that the committee discussed the utility disconnection procedure. He stated that a customer suggested that a certified disconnection notice be sent before services are disconnected. He stated that it is the customer's responsibility to provide a correct mailing address. Councilman Bennett said it was the consensus of the committee not to change the current disconnection procedure.

Summer Sewer Rates

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to offer Summer Sewer Rates, based on April 1998 usage and for the months of May, June, July and August. All residents must sign up before April 30, 1998. To include a disclaimer that council has the right to review excessive usage.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

Out of Town Water and Sewer Connection on F Street - Ms. Margaret Dean

Councilman F. A. Bennett moved, seconded by Councilman W. E. Printz and carried to grant two water and sewer connections on F Street requested by Ms. Margaret Dean.

YEAS: **F. A. Bennett, R. C. Davis, D. E. Kite, W. E. Printz, R. L. Snow**

NAYS: **M. L. Dearing**

Cemetery Commission Appointments

Councilman Dearing stated that the Cemetery Commission recommended Mr. Scott Baugher, Mr. Harry Weber and Mr. Clyde McDaniel as nominees to fill vacancies on the commission. Councilman Dearing stated that he had received seven nominations.

Councilman M. L. Dearing moved, seconded by Councilman D. E. Kite and carried to appoint Mr. Scott Baugher, Mr. Harry Weber and Mr. Clyde McDaniel to fill vacancies on the Cemetery Commission.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

NEW BUSINESS

Appropriation - ISTEA Phase I Design - $3,500.00 - First Reading

Mr. Monger stated that if $3,500.00 is approved for the Phase I Design, the bid process can be avoided. Mr. Monger stated that the funds must come from the Repo account.

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to appropriate $3,500.00 for the ISTEA Phase I Design.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

Norfolk & Southern Fence Proposal in Stonewall Memorial Park - First Reading

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to contribute 50% of the actual cost to construct a 1500 foot fence in Stonewall Memorial Park, with Norfolk and Southern contributing the other 50% of the actual cost.

YEAS: **F. A. Bennett, R. C. Davis, D. E. Kite, W. E. Printz, R. L. Snow**

NAYS: **M. L. Dearing**

Employee Handbook - Section 6.3 - Sick Pay Compensation for Retiring Employees

Councilman Dearing stated that the Personnel Committee discussed the possibility of sick pay compensation for retiring employees. He stated that the employee (upon retirement) would receive one-third of their accumulated sick pay, up to 174 hours.

Councilman M. L. Dearing moved, seconded by Councilman R. L. Snow and carried that an employee, upon retirement and employed by the town for five consecutive years will be compensated for one-third of their accumulated sick pay, up to a maximum of 174 hours.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

Executive Session

Councilman W. E. Printz moved, seconded by Councilman M. L. Dearing that council go into Executive Session for the purpose of discussion or consideration of the appointment of Chief of Police.

YEAS: **M. L. Dearing, D. E. Kite, W. E. Printz**

NAYS: **F. A. Bennett, R. C. Davis, R. L. Snow**

Mayor Dean voted No - Motion denied

Chief of Police Appointment

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to appoint Sergeant Robert Marshall to fill the position of Chief of Police.

YEAS: **F. A. Bennett, R. C. Davis, R. L. Snow**

NAYS: **M. L. Dearing, D. E. Kite, W. E. Printz**

Mayor Dean voted Yes - Motion Carried

Teen/Recreation Center

Councilman Bennett asked that the Recreation Commission discuss the concerns of the teen/recreation center. He asked that the Recreation Commission study this issue and make recommendation to council.

Councilman Dearing pointed out that the citizens are expressing a need for a community/recreational facility.

Councilman Bennett stated that the town cannot afford a community center at this time without raising taxes. He feels this project should be carefully studied.

Mayor Dean stated that he has spoken with Mr. Cecil Wright about the possibility of using the Farm Bureau building on a short term basis.

Councilman Davis pointed out that before any agreement is made, it should be decided what the building is to be used for.

Councilman Dearing feels that the teen center would not damage the wooden floor in the dance studio. He said that there was a canvas tarp that could be placed on the wooden floor. Mr. Pence stated that he was instructed not to place the canvas tarp on the dance studio floor.

Councilman Davis asked that the Recreation Commission address this issue of a teen facility and make a recommendation to council.

Councilman Kite asked how often the teen center plans to meet. Mr. Sigafoose responded that they are awaiting a decision of a larger room. Ms. Crider responded that the Neighborhood Watch Program initiated this teen activity and the clergymen of the community plan to take over this program. She feels that the dance studio building should be shared for various activities.

It was decided the Neighborhood Watch Program make a request to the Recreation Commission for additional space.

EPIC - Street Closing Request for Annual Autumn Days

Councilman W. E. Printz moved, seconded by Councilman R. L. Snow and carried to close B Street, Henry Street and Terrace Avenue and use of the Dance Studio on October 17 & 18 for Annual Autumn Days.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

Executive Session

Councilman W. E. Printz moved, seconded by Councilman D. E. Kite and carried that council go into Executive Session for the purpose of discussion or consideration acquisition of property, consult on legal action and legal advice.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

Councilman W. E. Printz moved to go from Executive Session back into Regular Session and that each member, to the best of his knowledge, certifies that only public business matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed or considered. The motion was duly seconded.

YEAS: **F. A. Bennett, R. C. Davis, M. L. Dearing, D. E. Kite, W. E. Printz, R. L. Snow**

Adjournment

As there was no further business, the meeting adjourned.

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

RECORDER: _____
Nancy A. Sours, Clerk