Regular Council Meeting
December 21, 1998
7:30 p.m.

The regular meeting of the Elkton Town Council was held December 21, 1998 at 7:30 p.m. in the council chambers with the Mayor Millard L. Dearing presiding. The roll call was as follows:

PRESENT

F. A. Bennett
R. C. Davis
C. E. Dean
B. B. Horne
W. E. Printz
R. L. Snow

Gerald Monger, Town Manager, Dale Davenport, Attorney, Robert Marshall, Chief of Police, Kenny Flick, Director of Public Works, and Julia Smith, Treasurer/Clerk were also present.

Councilman Bennett offered the Invocation.

The Pledge of Allegiance was recited.

CITIZENS COMMENTS

LUCKY SIGAFOOSE. - Mr. Sigafoose was present on behalf of Neighborhood Watch. Mr. Sigafoose stated that the Neighborhood Watch program would like to come under the umbrella of the council. Mr. Sigafoose stated that the Neighborhood Watch patrols the town on a regular basis. Mr. Sigafoose stated that on Halloween night he and one other person patrolled. Mr. Sigafoose stated that in the last year he has spent between $200 and $300 on gas. Mr. Sigafoose stated that there are a lot of drugs in town and we need help to clean it up. Mr. Sigafoose stated that with the help of the town council and the police department a whole lot more could be done to help the town.

Mr. MAY - Mr. May stated that the motion to adopt ordinance section 8-1-24 and 8-1-25 is out of order due to the Elkton Town Charter stating that the motion needed a second. Mr. May stated that the motion was not second.

MINUTES

Councilman F. A. Bennett moved, seconded by Councilwoman B. B. Horne and carried to approve the minutes of the Regular Council Meeting held, November 16, 1998.

YEAS: F. A. Bennett, R. C. Davis, C.E. Dean, B.B. Horne, W. E. Printz and R. L. Snow

The motion was carried.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Marshall offered to answer questions on his monthly report. Chief Marshall stated that there were two drug arrests for the month of November. Chief Marshall reported that the police department has been interviewing and investigating the numerous street lights that have been shot out recently.

Recreation

No report. Mayor Dearing announced that Lynn Meadows will be on board next month and a report will be given at that time.

Director of Public Works

Mr. Flick offered to answer questions on his monthly report. Mr. Flick stated that he will be asking for bids to subcontract this project out.

Treasurer

Ms. Smith offered to answer questions on her report.

Councilman R. C. Davis moved, seconded by Councilman F. A. Bennett and carried to approve the October 1998 Finance Report as presented.

YEAS: F. A. Bennett, R . C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, and R. L. Snow

The motion was carried.

Councilman R. C. Davis moved, seconded by Councilman F. A. Bennett and carried to approve the November 1998 Finance Report as presented.

YEAS: F. A. Bennett, R . C. Davis, C. E. Dean, B. B. Horne, W. E. Printz, and R. L. Snow

The motion was carried.

Town Manager

Mr. Monger offered to answer questions on his monthly report.

COMMITTEE REPORTS

Electric

Councilman Davis stated that the Electric Committee has nothing at this time.

Finance

Councilwoman Horne stated that there are several things being worked on at this time. Councilwoman Horne stated that we are revising our BPOL application and the ordinances that pertain to it. Ms. Horne also stated that we are going to look into the legal obligations of Adelphia Cable. Ms. Horne stated that Dale Davenport had researched the impact fees and the town would be unable to access fees. Ms. Horne also stated that the return check fee has been researched by Dale Davenport and we can charge $30.00. This fee will be $25.00 for the town and $5.00 for the bank fees.

Personnel

Councilman Dean discussed the change in the sick leave policy and the two days personal time for employees.

Public Health & Safety

Mayor Dearing stated that there was nothing to report on at this time.

Streets and Sidewalks

Councilman Printz stated that there was nothing to report on at this time.

Water and Sewer

Councilman Bennett stated that there was nothing to report at this time.

Cemetery

Mayor Dearing stated that there was nothing at this time.

OLD BUSINESS

Mayor Dearing answered Mr. May on his comment that the Cruising Ordinance was out of order. Mayor Dearing stated that the meeting that Mr. May was referring to was a committee meeting and a second was not needed.

Second Reading on Cruising Ordinance Section 8-1-24 and 8-1-25

Councilman C. E. Dean moved, seconded by Councilwoman B. B. Horne and carried to adopt the proposed Section 8-1-24, Cruising on Town Streets and Alleys with the fines to be $50.00 for the first offense, second fine $75.00 not more than $100.00.

YEAS: F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne and R. L. Snow

NAYS: W. E. Printz

The motion carried (5-1)

Councilman C. E. Dean moved, seconded by Councilwoman B. B. Horne and carried to adopt Section 8-1-25, Cruising on Certain Private Property.

YEAS: F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne and R. L. Snow

NAYS: W. E. Printz

The motion carried (5-1)

Councilman Printz stated that he felt that we are restricting movement in our town. Councilman Printz stated that he felt the cruising ordinance was unconstitutional and if taken to the Supreme

Court it would not hold up. Councilman Printz also stated concern of putting the burden of responsibility onto Chief Marshall. Councilman Dearing stated that the Cruising issue has been to the Supreme Court with cities such as Virginia Beach and Charlottesville.

NEW BUSINESS

First Reading of Sick Leave amendment to Personnel Handbook

Councilman C. E. Dean moved, seconded by Councilman F. A. Bennett and carried to amend Section 6-3, Employee Sick Leave, as written by Dale Davenport.

YEAS: F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz and R. L. Snow

The motion carried

BPOL Ordinance Amendment

Councilwoman B. B. Horne moved, seconded by C. E. Dean and carried to amend Section 7-1-23 to include paragraphs (g) and (f).

YEAS: F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, and R. L. Snow

ABSTAIN: W. E. Printz

The motion carried (5-1)

First Reading of Reappropriation of Funds for Treasurer's Office Remodeling

Councilwoman B. B. Horne moved, seconded by C. E. Dean and carried to reappropriate $6,000.00 from the county to remodel the Treasurer's Office.

YEAS: F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz and R. L. Snow

The motion carried

Set Public Hearing for Home Occupation and M. E. Kite Property

1) Public hearing for Home Occupation was set for January 18, 1998 at 7:00 P.M.

2) M. E. Kite Public hearing set for January 12, 1998 at 7:00 P.M.

SEPA Contract

Councilman R. C. Davis moved, seconded by C. E. Dean and carried to approve Gerald Monger to sign a contract with SEPA for power purchase.

YEAS: F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz and R. L. Snow

The motion carried

Decal Discount for Fire and Rescue Personnel

Councilman F. A. Bennett moved, seconded by C. E. Dean and carried to approve a $5.00 discount on decals for fire and rescue personnel for one vehicle per member.

YEAS: F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz and R. L. Snow

The motion carried

Clark Avenue

Councilman Printz stated that in committee it had been discussed that there is still a problem on Clark Avenue with parking. Councilman Printz stated that it was discussed to give the power to control this problem to the Chief of Police. Mayor Dearing stated that the Chief did have the power until council took it away. Mayor Dearing suggested removing that motion and give the power back to the Chief of Police

Councilman W. E. Printz moved, second by F. A. Bennett that Council withdraw its order taken at June 15, 1998 concerning traffic and parking control on Clark Avenue and authorize traffic and parking control in that area to fall within the authority of the Chief of Police.

YEAS: F. A. Bennett, R. C. Davis, C. E. Dean, B. B. Horne, W. E. Printz and R. L. Snow

The motion carried

Councilman Printz asked to discuss North Street where we have a retaining pond. Councilman Printz asked if the town is going to put any fencing up around the pond to protect citizens. Mayor Dearing stated that this would be brought up in committee. Mayor Dearing also stated that the town does not own this property.

Councilman Printz asked about the Adelphia Cable contract. Dale Davenport stated that the contract will be due in April 1999. Councilman Printz asked that a representative from Adelphia come and discuss with council the quality of service, pricing, availability to all citizens. Councilman Davis asked what the town could do to renegotiate. Mr. Davenport stated that Adelphia would have to be in default. Mr. Monger stated that he would contact someone from Adelphia to come to the next committee meeting.

Mayor Dearing stated that he would refer Neighborhood Watch to the Public Safety Committee.

Mayor Dearing thanked everyone for their efforts and time over the past year.

As there was no further business the meeting was adjourned.

MAYOR: M Lee D
M. Lee Dearing, Mayor

RECORDER: Julia M Smith
Julia M. Smith, Clerk