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

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

PRESENT

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

ABSENT

W. E. Printz

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

Councilman Bennett offered the Invocation.

Councilman Dearing led the Pledge of Allegiance.

CITIZENS COMMENTS

Bobbi Horne

Mrs. Horne stated her support for Councilman Dearing and the stand he takes on issues. She expressed appreciation for Mr. Kenny Flick's response to an electrical problem at their residence.

Mildred Shifflett

Mrs. Shifflett stated her January utility bill reflected forty-five days of usage as opposed to the normal 30-day reading. She asked that the meters be read on a more consistent basis.

Hazel Crider

Mrs. Crider of Elkwood stated that the Citizens Advisory Committee recommended the utility meters be read on a thirty-day basis. She stated that there is a need for a community center and feels this has the support of the citizens. She feels that the vacant Farm Bureau building would be a possible site for the new center. Mrs. Crider feels the citizens have a right to know what is going on within the town government. She feels that an independent party should investigate the missing parking tickets.

Lucky Sigafoose

Mr. Sigafoose feels the town should purchase the Farm Bureau building to be used as a community center.

Elaine Austin

Ms. Austin of Rockingham Street expressed her support for a community center in the town.

MINUTES

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the minutes of the Regular Council Meeting, January 19, 1998 and Special Council Meeting, February 2, 1998 as presented.

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

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Pence submitted his written report and a copy of the funeral policy. Councilman Bennett responded to the request for the police department to assist in funeral procession. Councilman Bennett said the funeral traffic policy states:

All officers, once requested to assist with any funeral in our immediate area, will upon such request, respond and assist with traffic control for the funeral as long as the officer is not detained for reasons of importance that would take priority over funeral requests.

All officers are reminded to consider the trauma of families attending the funeral and assist in a kind and professional manner.

Councilman Bennett presented Mrs. Mildred Shifflett a copy of the funeral policy. Councilman Bennett pointed out that the funeral home must request this service.

Councilman Kite stated that he works part time at the local funeral home. He said that the funeral home was aware of this service and request procedure.

Parks and Recreation

Mr. Pence offered to answer questions on his written report. Mr. Pence stated that he has issued several suspensions in the last week.

Councilman Kite asked about the cable placed around the Riverside Park. Chief Pence stated that the cable is placed as a security measure.

Public Works and Zoning Administrator

Mr. Flick offered to answer questions on his written report. Councilman Dearing asked about the size of the catch basin on the drain on Washington Street. Mr. Flick responded that the catch basin is approximately three feet. Mr. Flick stated that he would examine the drain to make sure it is not clogged.

Cemetery

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

Finance

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the January 1998 Finance Report as presented.

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

Councilman Dearing suggested the collection of delinquent taxes should be addressed if the off set debt program with the state is unsuccessful. Mr. Davenport reported that the off set debt program should be used first.

Town Manager

Mr. Monger reported that the employees' evaluations should be completed soon. He stated that he will distribute copies of the budget for councils' input. Mr. Monger stated that Beth McDonald of Virginia Municipal League plans to attend the March council meeting to answer questions.

Councilman Dearing stated that the employee raises should have a ceiling.

Councilman Kite asked about the bike-a-thon request. Mr. Monger stated that the Streets and Sidewalks Committee should address this request.

Councilman Kite asked about the status of placing the fence along the railroad tracks in Stonewall Memorial Park. Mr. Monger stated that he placed a call and is awaiting a response.

Mayor Dean asked about the flooding problem on Terrace Avenue. Mr. Monger stated that a contractor examined it and suggested placing another man hole so that a video camera can be run through the lines.

COMMITTEE REPORTS

Electric

Councilman Davis asked about the extended readings on the utility bills. Mr. Monger responded that the importance of consistency has been recognized and will be carried out in the future even if it requires overtime.

Finance

Councilman Snow stated that he has received concerns from business owners regarding the 10% late penalty imposed on the Meals Tax. Councilman Snow stated that the post mark date on the envelope determines if the tax is late. It was the consensus of the council to enforce the existing policy.

Councilman Snow stated that the Veterans of Foreign Wars requested a donation for the purchase of a van to transport veterans to the hospital. It was suggested that this donation request be made prior to budget preparation.

Personnel

Councilman Dearing stated that Chief of Police position closed on February 13, and only three applications were received. It was decided to meet March 4, 1998 to interview the applicants.

Public Safety

Councilman Dearing stated that two full time dispatchers' positions are currently vacant. He stated that those positions are in the process of being filled.

Water and Sewer

Councilman Bennett requested a Water and Sewer Committee meeting. A joint Water/Sewer, Electric and Finance Committee meeting was set for February 24, 1998 at 7:00 p.m.

Cemetery

Councilman Dearing stated that the Annual Meeting is set for February 17, 1998 at 7:30 p.m.

OLD BUSINESS

Planning Commission Appointment - Ms. Bobbi Ann Horne

Councilman Dearing reported that the Planning Commission recommended appointing Ms. Bobbi Ann Horne to fill a vacancy on the Planning Commission.

Councilman M. L. Dearing moved, seconded by Councilman D. E. Kite and carried to appoint Ms. Bobbi Ann Horne to the Planning Commission.

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

Report from Investigation Committee

Councilman Dearing reported that Officer Donald Jenkins, Chief Warren Pence and he are conducting an internal investigation regarding missing parking tickets. He stated that each person within the committee was working independently. Councilman Dearing stated that records are being examined from August 1994 to present. He stated that all parking tickets were logged in a journal in the police department. Councilman Dearing stated that the transfer of funds from dispatcher to the junior clerk and the junior clerk to the treasurer was accurate to the penny. He stated that the treasurer's monthly finance reports were correct and accurate. He stated that the break down occurred when the money was received at the dispatcher's window. Councilman Dearing stated that the investigation will continue and the findings will be forwarded to Mr. Dale Davenport.

Chief Pence stated that the conclusion of investigation will be submitted to the Virginia State Police, Commonwealth Attorney, Rockingham Sheriff's Department and Mr. Dale Davenport.

Mayor Dean asked Councilman Dearing if he was satisfied with the internal investigation. Councilman Dearing responded yes.

Councilman Bennett asked Mr. Monger if George McDaniel has been contacted on placing a sign in front of the municipal building as requested by the Citizens Advisory Committee. Mr. Monger stated that he is working on this and perhaps a free standing sign may be placed.

NEW BUSINESS

Request to Reinstate Special Exception Permit for Go Cart Track at Shen-Elk Plaza- Wayne Printz

Mr. Flick stated that he received a letter from Mr. Wayne Printz requesting reinstatement of the Special Exception Permit issued July 1997. Mr. Flick stated that Zoning Ordinance 802.03-11 states that any special exception permit that has expired may be requested by renewal by letter form. He stated that the original special exception permit was valid for six months. Mr. Flick stated that a reinstatement requires a vote from council.

Councilman R. C. Davis moved, seconded by Councilman F. A. Bennett and carried to approve the request from Mr. Wayne Printz to reinstate the Special Exception Permit for Go Cart Track at Shen-Elk Plaza.

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

Board of Zoning Appeals - Alternates

Councilman Bennett stated that BZA requested that alternate members be assigned so that a quorum can be obtained when a regular member is absent. Mr. Davenport stated that the alternate would fill in only in the absence of a permanent member.

Mr. Flick stated that BZA will discuss this issue at the next meeting, tentatively set for March. He stated that BZA will make a recommendation to the Planning Commission and then to the council.

Parks and Recreation Commission - Appointments- Kevin Stevens & Richard Bennett

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to appoint Mr. Kevin Stevens of Elkwood and Mr. Richard Bennett of Fairfax Avenue to the Recreation Commission with terms expiring September 30, 2000.

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

Parks and Recreation - Contractual Agreement

Councilman Snow stated that the Recreation Commission recommended approval of the vendor contractual agreement requiring the town manager's or his designee's signature. It was determined that this form could be used for anyone who performs a service for the Town of Elkton.

Councilman R. L. Snow moved, seconded by Councilman F. A. Bennett and carried to approve the vendor contractual agreement requiring the town manager's signature as presented.

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

Community Center

Councilman Snow reported that the Recreation Commission discussed the possibility of a community center. He stated that it was unanimously decided that the vacant Farm Bureau building would not be suitable for a community center. Councilman Snow reported a subcommittee was formed to discuss this further.

Publicity & Council Responsibilities

Councilman Snow responded to the publicity received in the last week. Councilman Snow stated that council held an executive session meeting on February 2, 1998. He said that it appears confidential information was leaked to the newspaper. He stated that matters discussed in executive sessions should be kept confidential. Councilman Snow asked how Mr. Murphey obtained certain information.

Councilman Davis stated that it was decided that Mayor Dean would be the spokesperson regarding the investigation.

Councilman Dearing stated that it was his right to speak to the press under the Freedom of Information Act.

Councilman Snow stated that confidential information needs to be protected during an investigation. Councilman Snow requested that Dale Davenport research what constitutes malfeasance of a council member. He asked if a council member could be sanctioned from contacting the press.

Mayor Dean stated that executive sessions were pointless if confidentiality is not exercised.

Councilman Davis stated that no one was trying to hide or cover up any information. He stated that an investigation was ordered so that council could then make further decisions. Councilman Davis stated that he feels this was taken out of context by Councilman Dearing.

Councilman Dearing stated that his main reason for publicize this in the Valley Banner was because there were victims in this case. He stated that he brought this problem to Gerald Monger's attention on April 1997. Mr. Monger requested that all complaints be submitted to him in writing. Councilman Dearing stated that he does not agree with executive sessions unless they pertain to Personnel issues.

Councilman Snow asked why the concern of the parking tickets was not brought before any committee.

Councilman Davis stated that Councilman Dearing's time put toward this matter is appreciated. He feels that Councilman Dearing did not respect council's wishes or intentions.

Neighborhood Watch Program and Citizens Advisory Committee

Councilman Dearing stated that the Neighborhood Watch Program was to operate under the direction of the police department. He stated that the Citizens Advisory Committee is to meet at their discretion and make recommendation to the Town Manager. Mayor Dean stated that the minutes from the Neighborhood Watch Program and Citizens Advisory Committee meetings are included in the council packets.

Adjournment

As there was no further business, the meeting adjourned.

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

RECORDER: _____
Nancy A. Sours, Clerk