Regular Council Meeting
APRIL 19, 1999
7:30 p.m.

The regular meeting of the Elkton Town Council was held April 19, 1999 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.

EDRC - Marsha Deavers gave the quarterly report. This information was included with the council packets.

CITIZENS COMMENTS

Wayne Printz - Councilman Printz asked for time to speak as a citizen. Mr. Printz stated that he has done a lot of soul searching as far as representing the town and filling a council seat. Mr. Printz stated that 20 years ago he came to town and felt the town to be friendly. Mr. Printz stated that the atmosphere was special. Mr. Printz stated concern over where the town is heading. Mr. Printz stated that we need to quit politizing and try to look at what is best for everyone as a whole. Mr. Printz stated that he feels we have some of the best employees that we could ever get. Mr. Printz stated that we are getting away from the special thing we had. Mr. Printz stated that you can't get in touch with people at the town offices due to the doors being locked after hours and the new phone system. Mr. Printz stated that it was a mistake to get rid of the dispatchers. Mr. Printz stated that if there is wrong doing let's get it fixed and get back to a loving family community. Mr. Printz stated that we have a great little community and we need to get back to who we were.

MINUTES

Councilman C. E. Dean moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the Regular Council meeting held March 15, 1999.

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

The motion was carried (6-0)

Mayor Dearing stated there was a special council meeting March 18, 1999 and requested that the minutes be put in the next council packet. Mayor Dearing stated that there were three councilmen who had a telephonic meeting with Town Attorney, Dale Davenport on February 19, 1999. Mayor Dearing stated that according to the bill from Mr. Davenport's office he had a telephone conference with Councilman Dean, Councilman Bennett and Councilman Snow. Mr. Davenport and the three councilmen stated that there was not a telephone conference between the four of them. Mr. Davenport stated that he spoke to the three councilmen individually. Mayor Dearing stated that he stands corrected.

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Marshall offered to answer questions on his monthly report.

Director of Public Works

Mr. Flick offered to answer questions on his monthly report. Mr. Flick stated that North Street was near completion and mostly what was left was clean up. Mayor Dearing asked Mr. Flick what projects remained to be completed this year under street maintenance. Mr. Flick responded that the two main projects are Lewis Avenue storm drain project and extending a section of storm drain on Spotswood, in front of the Movie House, so the sidewalk project can be completed. Mayor Dearing asked if we are going to spend all of our streets and sidewalk money on paving. Mr. Flick stated that pending final approval of Clark Avenue the rest of the money will be spent of paving.

Mayor Dearing stated that he wanted to address decals. Mayor Dearing stated that he walked around this weekend and there were 27 people without new decals. Mayor Dearing asked if we were affording these people a grace period. Everyone agreed there was no grace period.

Treasurer

Mrs. Smith stated that due to work on the budget and the new software the finance report was not completed in time for the meeting and will be presented next month.

Town Manager

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

Mayor Dearing stated that over the weekend he read the Freedom of Information Act. Mayor Dearing stated that he is also a town citizen and that if he requests information the town has to respond to him within five days. Mayor Dearing stated that on March 3, 1999 he requested information from the town pertaining to an investigation. Mayor Dearing stated that this information pertained to employees and ongoing town projects. Mayor Dearing stated that on March 16, 1999 he requested Internet information. Mayor Dearing stated that as of today he needs this information. Mayor Dearing stated that there was a telephone call placed to Mr. Davenport to see if this information could be given out. Mayor Dearing stated that if for some reason the information could not be given out the town had five days to notify him. Mayor Dearing stated that as of today he has not received any of the information requested.

COMMITTEE REPORTS

Electric

Councilman Davis stated that there was nothing at this time. Councilman Davis asked that every member of the council to carefully read the information Mr. Davenport provided in the packets in reference to deregulation. Mr. Davenport stated that this information should remain confidential.

Finance

Councilwoman Horne stated that there was nothing at this time. Councilwoman Horne stated that a work session date be set for the budget. Mayor Dearing stated that he hopes everyone who campaigned keeps their word and let's work on the infrastructure problems. Mayor Dearing asked that we pass a budget that will improve our infrastructure. Mayor Dearing stated that the water pressure problem is still there, work on our sewer and address the electric so we may be competitive when deregulation hits.

Personnel

Councilman Dean stated that he has nothing at this time.

Public Health & Safety

Councilman Snow stated that he has nothing at this time.

Streets and Sidewalks

Councilman Printz stated that he would like Public Safety to address bringing back the dispatchers. Councilman Printz stated that he knows this has been brought to a committee before but he would like to see it addressed again. Councilman Printz stated that he understands the funds are available for the Clark Avenue project.

Water and Sewer

Councilman Bennett stated that he has nothing at this time.

Cemetery

Mayor Dearing stated that there was nothing for the cemetery at this time.

Recreation

OLD BUSINESS

Mayor Dearing stated that on February 23, 1999 he was instructed by the Elkton Town Council to turn over information he had pertaining to the allegations of wrong doing that he made against the Elkton Police Department. Mayor Dearing stated that he met with Virginia State Police, FBI agents and his attorney Walter Greene to discuss these allegations. Mayor Dearing stated over the last month he has not released any information to the media. Mayor Dearing stated that he hopes the town would take the time to absorb all the information and instead of attacking the messenger would support him in correcting the problems. Mayor Dearing stated that the information regarding the case of Scott Lam is incorrect. Mayor Dearing stated that he was notified by phone to appear in court and was told a subpoena

was to be served. Mayor Dearing stated that due to miscommunication the subpoena was not serviced. Mayor Dearing stated that a subpoena was not needed and he makes no apology for his involvement concerning this case. Mayor Dearing stated that effective today the investigation to his allegations have begun. Mayor Dearing stated that the State Police, under the direction of Lt. Thomas, met with himself and Mr. Greene. Mayor Dearing stated that his court date of April 23, 1999 will be continued until the investigation is complete. Mayor Dearing stated that his silence should not be interpreted as an indication that he is not pursuing this.

NEW BUSINESS

SEWER LINE TO BE RUN TO PENTECOSTAL HILL

Councilman Bennett asked Mr. Monger to address this issue. Mr. Monger stated that the State Highway Department is going to pave Route 340 some time in August or September and they have said that we can open and cut to get sewer and water to any area that we need from Chiefs to the Little League Ball Park. Mr. Monger stated that he asked Mr. Tim Hulings if the county would be interested in helping us out on the sewer line and also a water pipe across Route 340 at Martins. The sewer line would run from Cline Energy up to Spring Avenue. Mr. Monger stated that the county has put about $42,000.00 in their budget to cover this. Mr. Monger stated that all we need is permission from the council to tie that system into our system. Mr. Monger stated that the money they are budgeting should be enough to cover this expense. Councilman Bennett stated that the water would be cased for future development. Mayor Dearing asked if anyone on the council has put a bid on the property for sale in this area. Councilman Dean stated that he at one time put a bid in on this property but has not been told whether or not it has been accepted.

Councilman F. A. Bennett moved; second by W. E. Printz to proceed with the project to be funded by the county and the county will have to meet our criteria

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

ABSTAINED: C. E. Dean

Motion carried (5-1)

THREE OUT OF TOWN WATER CONNECTIONS

There was much discussion on the size line running and where these lines would be run to. Mrs. Mowbray's property is up an incline and there was concern that she may have a water pressure problem. Councilman Bennett stated that she was aware of the potential problem. Mayor Dearing suggested that from now on only four-inch lines be used.

Councilman F. A. Bennett moved, second by R. L. Davis and carried to allow three out of town water connections to Dixie Mowbray, Harold Blose and Alda Shifflett.

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

Motion carried (6-0)

DESIGNATE CRUISING AREA

Councilman C. E. Dean moved, second by F. A. Bennett and carried to designate the area from the railroad tracks to the triangle on Spotswood Trail.

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

NAYS: W. E. Printz

Motion carried (5-1)

NEIGHBORHOOD WATCH REQUEST TO USE LAWN OF MUNICIPAL BUILDING

Councilwoman W. E. Printz moved, second by R. L. Snow and carried to allow the Neighborhood Watch to use the front lawn of the Municipal Building for National Night Out on Tuesday, August 3, 1999.

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

Motion carried (6-0)

EDRC REQUEST FOR CONCERT

Councilman W. E. Printz moved, second by R. L. Snow and carried to allow EDRC to use the Municipal front lawn for a concert on Friday, August 6, 1999.

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

Motion carried (6-0)

FIRST READING OF THE INTERNET POLICY

Councilman C. E. Dean moved, second by R. L. Snow and carried to approve the first reading of the Internet Policy with the amendment presented by Councilwoman B. B. Horne.

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

Motion carried (6-0)

FIRST READING SEXUAL HARASSMENT POLICY

Councilman C. E. Dean moved, second by R. L. Snow and carried to approve the first reading of the Internet Policy with the amendment presented by Councilwoman B. B. Horne.

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

Motion carried (6-0)

Councilman W. E. Printz moved, second by C. E. Dean and carried to approve the Clark Avenue paving, curb & guttering at the cost of $40,000.00.

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

ABSTAIN: **B. B. Horne**

Motion carried (5-0)

Councilman Printz asked that the telephone system go back to a committee. Councilman Printz stated that he would like a live person answer the phone. Mayor Dearing stated that due to a personnel issue this problem would be addressed later.

Councilwoman Horne stated that a budget work session needed to be set. A budget work session was set for Tuesday at 6:00 P.M..

MAYORS BUSINESS

TOWN ATTORNEY

Mr. Davenport stated that the council needed to go into Executive Session to discuss probable litigation.

Executive Session

Councilwoman B. B. Horne moved, seconded by Councilman W. E. Printz and carried that council go into Executive Session for the purpose of discussion of a probable litigation and two pending personnel issues.

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

Motion carried (6-0)

Councilwoman B. B. Horne 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, C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow**

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