Regular Council Meeting
MAY 17, 1999
7:30 p.m.

The regular meeting of the Elkton Town Council was held May 17, 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.

Mayor Dearing welcomed the Juniors and Seniors from Spotswood High School who are visiting to learn about our form of government.

CITIZENS COMMENTS

Mr. Knight - North Street. Mr. Knight stated that the project done on North Street was a half way job. Mr. Knight stated that the contractors pushed over a pine tree, put gravel back where there was grass, the water line is sinking, if you back out of the driveway your bumper scrapes on the pavement. Mr. Knight also stated that he loses water pressure when he turns on his outside spigot. Mr. Knight stated that the contractors pushed trash over into yards that they should have taken up. Mr. Knight stated that he did have cement in one end of his driveway and the contractors dug the cement up and didn't replace it. Mr. Knight stated that they didn't do what they said they would. Mr. Knight stated that the contractors stole gravel out of his driveway in order to fix the neighbors driveway. Mr. Knight stated that this was robbing Peter to pay Paul.

Mayor Dearing stated that he has been up to the job site and contacted Mr. Flick this morning. Mayor Dearing stated that Mr. Flick will have the contractor back on site and will look at Mr. Knights complaint. Mayor Dearing asked that Mr. Knight put his complaints in writing due the vast amount of concerns.

Lucky Sigafoose - Mr. Sigafoose stated that he was notified last month of any meetings that were taking place. Mr. Sigafoose stated that he has written the town manager to be notified of all meetings and would like to know why he was not notified of the meetings.

Mayor Dearing responded that at the normal council meeting he sets the committee meetings. Mayor Dearing stated that last month due to volume of business on the agenda he forgot to announce the committee meetings. Mayor Dearing stated that Rick Carey did not send out notices because he assumed that people had already been notified. Mayor Dearing stated that from now own written notices would be sent out.

Hazel Crider - Mrs. Crider stated that she has a concern over the new phone system. Mrs. Crider stated that she had a call from the Treasurer about a week ago and spent about two hours trying to get through on the new phone system when she returned the call. Mrs. Crider stated that she never could get through to anyone. Mrs. Crider stated that something should be done about the new phone system because it is not workable. Mrs. Crider stated that another concern is the water/sewer system. Mrs. Crider stated that she read in the paper about the possible five year lease on our water/sewer system. Mrs. Crider stated she was concerned because we had two town employees whose jobs could not be guaranteed. Mrs. Crider stated that she feels this is all a great mistake. Mrs. Crider stated that the new outfit would make all the profit. Mrs. Crider asked if this was a way to put the responsibility on someone else's back. Mrs. Crider stated that the next thing will be the electric and if things are going to be turned over to someone else to run we may as well go under Rockingham County.

Mildred Shifflett - Mrs. Shifflett stated that she also has a complaint about the phone system. Mrs. Shifflett stated that she can't get through and she doesn't want to sit and push buttons all day. Mrs. Shifflett stated that the No Cruising signs are up. Mrs. Shifflett stated that she had heard that policemen around town were sticking their heads in cars and yelling at cars telling them that they were giving them warnings and that they would be giving tickets for cruising next week. Mrs. Shifflett stated that she understood that the police have a job to do but this is not the way to do it. Mrs. Shifflett stated that if the police want respect from the citizens they have got to show the citizens respect. Mrs. Shifflett stated that the town won't do anything for the young people in town. Mrs. Shifflett asked what the young people were suppose to do if not cruise. Mrs. Shifflett stated that she cruised when she was young and if she wants to cruise now she will.

Richard Armstrong - Mr. Armstrong stated that his comments would be on the water/sewer system. Mr. Armstrong stated that Elkton, Virginia was the first permanent settlement west of the Blue Ridge. Mr. Armstrong stated that he thought it is wrong to let someone from another state come in and run our water/sewer system.

Elaine Austin - Ms. Austin stated that her neighbor has a sinkhole on Rockingham Street. Ms. Austin stated that her neighbor, Maggie Merica, has called the town and there has been no response.

Mayor Dearing stated that he would like to thank everyone who worked on the 1999-2000 year budget including Julia Smith, Gerald Monger and especially Bobbie Horne whose effort at this budget process was tough and she made it more understandable. Mayor Dearing stated his concern was that we are still breaking down expenses into nine different areas. Mayor Dearing stated that we are still reluctant to use our auditors recommendations that this is not a good practice. Mayor Dearing stated that donations and infrastructure repairs must come from repo. Mayor Dearing stated that every department should be held accountable for their budget. Mayor Dearing stated that we need to seriously look at the annexation of the Food Lion area to increase our revenues by the end of this fiscal year. Mayor Dearing stated that if this was not accomplished we will have to alternative but to raise our water, sewer, electric and taxes.

Mayor Dearing stated that in following council procedures he brought to the personnel committee's attention, May 13, 1999, that we had an individual who was abusing the Internet by viewing pornographic sites while on duty. Mayor Dearing stated that he has the individuals name and approximately 100 pages of Internet usage in his possession. Mayor Dearing stated that he actually has 1400 pages. The council has chosen to take no action since there was no policy in place at that time. Mayor Dearing asked if we are not liable if we don't take any action. Mayor Dearing stated that he wants as part of the official record that he as Mayor of Elkton feels this person should be

terminated immediately. Mayor Dearing stated that they he hopes council would be as aggressive in this pursuit of this violation as you are in trying to remove him from office.

Councilwoman B. B. Horne moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the Special Council meeting held March 18, 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)

Councilwoman B. B. Horne moved, seconded by Councilman F. A. Bennett and carried to approve the minutes of the Regular Council meeting held April 19, 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)

DEPARTMENT HEAD REPORTS

Chief of Police

Chief Marshall offered to answer questions on his monthly report.

Director of Public Works

Councilwoman Horne asked Mr. Flick about the rezoning request in Elkton regarding water drainage. Mr. Flick stated that this should have gone to the Planning Commission but it came in after the date of the Planning Commission meeting. Mr. Flick stated that in an attempt to rezone that back to A-2 in would make a possibility for agricultural use. Mr. Flick stated that this is an area that may also be annexed into town. Mr. Flick stated that in an area that is already having problems with sewer when we have rain it could pose other problems down the road. Mayor Dearing stated that he thinks we should send it to the Planning Commission. Mr. Flick stated that they want a letter from council stating that they have a problem with it or approve of it. Mayor Dearing asked that Mr. Monger poll council by phone and then a letter will be done.

Treasurer

Councilwoman B. B. Horne moved, seconded by Councilman F. A. Bennett and carried to approve the March 1999 Finance Report as presented.

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 R. C. Davis moved, seconded by Councilman W. E. Printz and carried to approve the April 1999 Finance Report as presented.

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

Motion carried (6-0)

Town Manager

Mr. Monger offered to answer questions on his monthly report. Councilman Dean asked for an update on the Clark Avenue project. Mr. Monger stated that we received a plan which had to be corrected and hopes to receive the corrected plan tomorrow.

COMMITTEE REPORTS

Electric

Councilman Davis stated that there was nothing at this time.

Finance

Councilwoman Horne stated that there was nothing at this time. Councilwoman Horne stated that a work session date be set for the budget.

Personnel

Councilman Dean stated that he has nothing at this time.

Public Health & Safety

Mayor Dearing stated that it is now mowing season and there are people not mowing and keeping their property up to standards. Mayor Dearing stated that people with unsightly property should be sent letters and given 30 days to clean up. Mayor Dearing stated that this is also clean up week and would be a good time for people to clean up their property. Mayor Dearing stated that he is also concerned about a sign that was removed from Mrs. Dean's property, a resident parking sign, and that if we don't put Mrs. Dean's sign back we should remove any other resident only parking signs in town.

Streets and Sidewalks

Councilman Printz stated that the Clark Avenue project is the highest priority at this time. Councilman Printz stated that we are waiting on the plan. Councilman Printz stated that he also wanted to address the sinkhole on Rockingham Street.

Mayor Dearing stated that in reference to the ISTEA grant, which EDRC did help the town receive this grant. Mayor Dearing stated that it has taken three years and is about ready to start with this project. Mayor Dearing stated that the hold up was not due to EDRC but to government.

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. Mayor Dearing stated that Mr. Meadows has had a lot a work done on the cemetery and it looks very nice and presentable.

Recreation

Councilman Snow stated that there was nothing at this time.

OLD BUSINESS

SECOND READING SEXUAL HARASSMENT POLICY

Councilman C. E. Dean moved, second by W. E. Printz and carried to approve the second reading of the Sexual Harassment Policy.

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

Motion carried (6-0)

SECOND READING OF THE INTERNET POLICY

Councilman C. E. Dean moved, second by F. A. Bennett and carried to approve the second reading of the Internet Policy.

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

Motion carried (6-0)

NEW BUSINESS

FIRST READING 1999-2000 BUDGET

Councilman Dean stated that he would like to point out that he would support more money for EDRC and the Historical Society. Councilman Dean questioned Mr. Monger on Electrical Revenues. Mr. Monger stated that figures were based on what was taken in. Councilwoman Horne read expenditures and revenues projected for 1999-2000 to the public. Mayor Dearing stated that we will have another meeting to discuss the budget. Councilman Dean stated he would voice his concerns at that time.

Councilman Printz stated that he has heard the discussion and has done some research this last month. Councilman Printz stated that some of his dearest friends are standing against EDRC. Councilman Printz stated that this makes it hard for him to vote for more money for EDRC. Councilman Printz stated that he would have to do what he feels is right. Councilman Printz stated that utility charges in other areas are much greater and income is much lower. Councilman Printz

stated that we need that contact person that EDRC offers for incoming businesses. Councilman Printz stated that we need to keep utility and tax cost low. Councilman Printz stated that current projects for EDRC are the Elkton Web Site, walking tour brochure, recruitment package for businesses and summer concerts. Councilman Printz stated that Dr. Bompiani would not have come here if not for talking to EDRC. Councilman Printz stated that we should all work together and get more funding from the private sector. Councilman Printz stated that DMV moved to the other side of Harrisonburg. Councilman Printz stated that this was done with no respect to Elkton and that someone should go to them and talk to them about this. Councilman Printz stated that communication needs to be better, people should know what is going on. Councilman Printz stated that nobody in bringing businesses into Elkton except for EDRC.

Councilman Davis stated that he was pleased with the purchase of the Kite property. Councilman Davis stated that we have to keep in mind the money budgeted to pay for the property. Councilman Davis stated that he thought the people who prepared the budget did an excellent job by not having to raise taxes or utilities.

Councilman Bennett stated that at this time he would have to vote against the budget because he feels it needs a little bit of tweaking. Councilman Bennett stated that he would like to increase donations. Councilman Bennett asked if EDRC went away who would do their job. Councilman Bennett stated that the cost of concerts will run two to three thousand dollars each and feels we need to make the investment in EDRC.

Councilman Snow stated that he supports what EDRC does but cannot support full funding. Councilman Snow stated that he felt the area businesses need to give more and that EDRC should have fund raisers. Councilman Snow stated that it had been brought to the floor to faze out EDRC and that they should be more self supporting.

Councilwoman B. B. Horne moved; second by R. L. Snow and carried to approve the First Reading of the 1999-2000 Budget with the understanding that donations will be reviewed prior to the second reading.

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

Motion carried (6-0)

OUT OF TOWN WATER AND SEWER CONNECTIONS

Councilman Bennett stated that we had a request from Ms. Pat Shifflett, who acquired a piece of property just east of town. Councilman Bennett stated that due to Rockingham County's restrictions on the amount of acreage for building on a lot Ms. Shifflett barely lacked enough land to do this. Councilman Bennett stated her only resource would be to go on town water and sewer. Councilman Bennett stated that this would be for residential purposes only.

Councilman F. A. Bennett moved, second by R. L.Snow and carried to allow Ms. Pat Shifflett to connect to town water and sewer for residential purposes only.

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

NAYS: **B. B. Horne**

Motion carried (5-1)

Councilwoman Horne stated that every month it seems we have out of town people requesting water and/or sewer. Councilwoman Horne stated that 22% of our residential customers on water/sewer live out of town. Councilwoman Horne stated that she feels this is unfair to the citizens who have to pay the same rate for water/sewer. Councilwoman Horne stated that there are 175 locations out of town that our meter readers have to go to each month. Councilwoman Horne stated that the out of town people do not have to pay town taxes and our citizens do. Councilwoman Horne stated that she was here to represent the citizens. Mr. Monger stated that these out of town customers bring in about $20,000 per year that our citizens don't have to pay to keep our water system going. Mayor Dearing stated that we needed to study our connection rates for water/sewer.

FIRST READING PENTECOSTAL HILL PIPE COST

Councilman F. A. Bennett moved, second by C. E. Dean and carried to approve the cost of $3,675 to increase the pipe size to 6 inch with the money to come from repo.

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

NAYS: **B. B. Horne**

Motion carried (5-1)

BICYCLE GRANT FOR POLICE DEPARTMENT

Councilman C. E. Dean moved, second by W. E. Printz and carried to approve the authorization of $1,300.00 for a bicycle grant for the Elkton Police Department.

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

Motion carried (6-0)

SURVEY WORK ON ANNEXATION

Mayor Dearing stated that the annexation committee will remain and that we need to push annexation forward.

Mayor Dearing set a finance committee meeting for 6:00 P.M. Monday, June 7, 1999 with a Special Council Meeting to follow to have the second reading on the budget and first reading on appropriations and transfers.

Mayor Dearing also set committee meetings for:

Tuesday, June 15, 1999 at 10:00 A. M. for Water/Sewer.
Tuesday, June 15, 1999 at 6:00 P. M. for Streets/Sidewalks and Electric
Thursday, June 17, 1999 at 6:00 P. M. for Finance, Personnel, and Public Safety

Mayor Dearing brought to councils' attention a letter in the council packets in reference to Mary Elizabeth Kite for the land acquired by the town.

Councilwoman Horne asked about the Advisory Committee notes. Mayor Dearing reviewed the Advisory Committees request. Mayor Dearing assigned concerns to the appropriate committees.

Councilman Printz stated that he would like to see utility rates addressed for demand meters. Mayor Dearing stated that the Electric Committee would address this.

Councilman Printz stated that he came through town on Saturday and it looked like a blue light special. Councilman Printz stated the cruising situation is a burden on the officers and he hopes that the council realizes what they have done.

Mayor Dearing announced that Officer Jim Porter has submitted his resignation. Mayor Dearing stated that Officer Porter is very professional and that Town of Dayton is getting a fine individual.

Councilman Printz stated that he called Mr. Whetzel with the DMV. Councilman Printz stated that they are willing to put a mobile DMV unit here with a letter from council supporting approval. Mayor Dearing stated that we should do this.

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 a personnel issue regarding the performance of an employee with the town.

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