Regular Council Meeting
September 20, 1999
7:30 p.m.

The regular meeting of the Elkton Town Council was held September 20, 1999 at 7:30 p.m. in the council chambers with the Mayor Millard L. Dearing presiding. The roll call was as follows:

PRESENT

C. E. Dean
B. B. Horne
W. E. Printz
R. L. Snow

ABSENT

F. A. Bennett
R. C. Davis

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

Councilwoman Horne offered the Invocation.

The Pledge of Allegiance was recited.

Mayor Dearing opened the meeting by introducing Mr. John Huddle from the Rockingham County Fire Marshall's office.

Mr. Huddle was asked to address concerns citizens may have over new regulations. Mr. Huddle reported that the fire code has been in effect for the past 15 years. Mr. Huddle stated that the Fire Marshall's office will be enforcing the code. Mr. Huddle stated that the code is to ensure a safe community. Mr. Huddle stated that one of the concerns from citizens and businesses are how they are going to look at old buildings that were built 30 or 40 years ago and make them apply to the standards of today. Mr. Huddle responded to this concern by stating that the code does not apply to these concerns. Mr. Huddle stated that the buildings in this category would have to meet the criteria for the code at the time the building was built. Mr. Huddle stated that right now their primary concern is to inspect local government buildings, fire and rescue buildings and schools every six months.

CITIZENS COMMENTS

Tony Lawson - Mr. Lawson stated that on September 5, 1999 Mayor Dearing, council and several other town employees were sent a letter from him and his wife concerning a 25-foot tree limb falling on their house on the evening of July 22, 1999. Mr. Lawson says he has receipts for about $562.30 for the damage done by the limb falling against new guttering and roof. Mr. Lawson stated that he also sent these people a copy of the letter he received from Virginia Municipal League denying the claim that was submitted for this damage. Mr. Lawson stated that he does not understand why the claim was denied, however we feel the town should take responsibility for the damage done to his

home. Mr. Lawson stated that he didn't feel him or his insurance carrier should be responsible for this and if the town isn't adequately covered maybe they should review their insurance policy. Mr. Lawson stated that the town does own about 10 old maple trees that border on his property. Mr. Lawson stated that on July 21, 1999 the town claimed ownership of these trees. Mr. Lawson stated he appreciates how quickly the town responded when the limb fell on his house. Mr. Lawson stated that the town filed the claim with VML and is now planning to remove the tree hopefully in the near future. Mr. Lawson stated that all he expects the town to do is the right thing and pay for damages and vow to do a better job in maintaining their trees. Mr. Lawson stated that as a homeowner he cannot, will not risk a more serious incident from happening. Mr. Lawson stated that the next week will be two months since the limb fell on his house and if reimbursement is not done by the town, frankly he feels he has been very patient. Mr. Lawson stated that it is up to the council whether he pursues this matter any further.

Mayor Dearing responded to Mr. Lawson by stating that the matter would be brought up at next month's committee meeting and that he feels the town will do the right thing.

Hazel Crider - Elkwood - Mrs. Crider stated disappointment that the Town did not have a float in the Field Days Parade. Mrs. Crider stated that we are in bad need of new Christmas decorations. Mrs. Crider stated that both the float and the Christmas decorations are beneficial to citizens and enjoyed by all. Mrs. Crider asked what the plans were for the $18,000.00 left over from EDRC, which dissolved August 30.

Mayor Dearing responded that at the last finance committee meeting members of the council stated that the want to look at the money for EDRC again. Mayor Dearing stated that the money is on hold until a decision is made by council.

Mildred Shifflett - Mrs. Shifflett stated that she thought the EDRC issue was dead. Mrs. Shifflett stated that EDRC should earn their own money. Mrs. Shifflett stated that the council should take part of the $18,000.00 and fix Mr. Lawson's house. Mrs. Shifflett stated that EDRC should not be allowed back in. Mrs. Shifflett stated that she hopes all members of the council are voted out if EDRC is given money.

Lucky Sigafoose - Mr. Sigafoose asked why other groups are allowed keys to the recreation building and Neighborhood Watch is not permitted to have one.

Councilman R. L. Snow moved, seconded by Councilwoman B. B. Horne and carried to approve the minutes of the Regular Council meeting held August 16, 1999.

YEAS: C.E. Dean, B.B. Horne, W. E. Printz and R. L. Snow

The motion was carried (4-0)

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 report.
Councilman Snow asked if the pipe came in to complete a project. Mr. Flick stated that the pipe is in and will be put in Wednesday. Mayor Dearing stated that he would like to see some of these projects completed.

Treasurer

Councilwoman B. B. Horne moved, seconded by Councilman W. E. Printz and carried to approve the July 1999 Finance Report as presented.

YEAS: C. E. Dean, B. B. Horne, W. E. Printz, and R. L. Snow

Motion carried (4-0)

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz and carried to approve the August 1999 Finance Report as presented.

YEAS: C. E. Dean, B. B. Horne, W. E. Printz, and R. L. Snow

Motion carried (4-0)

Councilwoman B. B. Horne stated that HEC credit will be printed on the bill each month in the comment's section. The total amount credited to the town and the average per kilowatt will be stated on the bill.

Town Manager

Mr. Monger offered to answer questions on his monthly report.
Councilman Snow asked if there was any progress on ISTEA? Mr. Monger stated that he has not heard anything yet from Richmond.

COMMITTEE REPORTS

Electric

Councilman Davis asked was not present. Mayor Dearing asked if anyone had any questions or comments. Councilman Printz stated that he would like for the committee to look at the commercial rate's structure.

Finance

Councilwoman Horne stated that Chief Marshall is still looking at software prices for the upgrade to the police department software. Councilwoman Horne also reported that later in the meeting council will need to look at the change over of McGladrey and Pullen being sold to H & R Block. McGladrey and Pullen is the company that currently does the audit for the town.

Personnel

Councilman Dean stated that the committee met twice and interviewed two police officers. Councilman Dean stated that the committee agreed to meet again to discuss the rewrite of the town charter.

Public Health & Safety

Mayor Dearing stated that the committee met and discussed the trimming of trees. Mayor Dearing stated the asked Mr. Flick to put something in the paper to let the citizens know that the town will be clearing all intersections and alleys. Mayor stated that trees will be trimmed if they are blocking stop signs or are a traffic hazard by obstructing people's view. Mayor Dearing stated that letters will be sent out to citizens whose trees are obstructing signs and view. Mayor Dearing stated that Councilman Printz will be writing a policy on tree trimming. Councilman Snow stated that he would like to see citizens contact the town if there are dead or damaged trees near their home that is on town property so the town can trim or cut down these trees.

Chief Marshall stated that the police department has approximately 14 to 16 bicycles that no one has claimed. Chief Marshall stated that the policy before has been to take sealed bids. Chief Marshall however asked if the council would approve a civic club to take these bicycles and fix them up for kids for Christmas. Mayor Dearing stated that we need to go by the code and we need to advertise these bikes before any further action is taken.

Councilman C. E. Dean, seconded by Councilwoman B. B. Horne and carried to approve to give unclaimed bicycles to civic groups to fix and donate to needy children for Christmas.

YEAS: C. E. Dean, B. B. Horne, W. E. Printz, and R. L. Snow

Motion carried (4-0)

Councilman Printz stated that if the council decides to change the Charter, regarding who is in charge of the police department, that we should elect the Chief of Police. Councilman Printz stated that he would like for this to go to a committee.

Streets and Sidewalks

Councilman Printz stated the committee discussed the following and will present for council action at the next meeting.

1) All trees, shrubs, poles, etc. on town right of ways are agreed to by the town that they are the town's responsibility to maintain.
2) Any damage to other property caused by the town will be paid for by the town.
3) Communication will be made with citizens before any maintenance, tree trimming or any other work before the work is done near their property.
4) Discussion should ensue regarding the alleys and town property that is not being maintained.
5) No trees should be put on town property.

Water and Sewer

Councilman Bennett was not present.

Cemetery

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

Recreation

Councilman Snow stated that there was nothing at this time.

Planning Commission

Councilwoman Horne stated that there was no meeting held this month. Councilwoman Horne reported that there are currently two vacancies on the Planning Commission due to the resignation on Larry Baugher and Cathy Murphy.

Councilwoman B. B. Horne moved, seconded by Councilman W. E. Printz and carried to accept the resignations of Larry Baugher and Cathy Murphy from the Planning Commission.

YEAS: C. E. Dean, B. B. Horne, W. E. Printz, and R. L. Snow

Motion carried (4-0)

Mayor Dearing stated that he is very concerned over the Planning Commission not meeting. Mayor Dearing stated that we have been waiting more than five years for a comp. plan. Mayor Dearing stated that he felt the resignations came from the inactivity of the committee.

OLD BUSINESS

Mayor Dearing stated that he enclosed a letter in the packets in reference to legal expenses. Mayor Dearing stated that the legal expenses have increased drastically over the last year. Mayor Dearing requested that each person contact Gerald Monger prior to calling Mr. Davenport for legal issues. Mayor Dearing stated that this would allow him and Mr. Monger to monitor legal expenses. Mr. Davenport stated that the practice has been for him to respond to Department Heads, Town Manger and council. Mr. Davenport stated that he cannot recall a time he responded to anyone else. Mr. Davenport stated that if he gets a call from a department head or from the council he does not want to not be able to respond. Mr. Davenport recommended that council adopt a policy.

NEW BUSINESS

Water Connection E. Washington (Danny and Elizabeth Lam)

Councilman C. E. Dean moved; second by W. E. Printz and carried to approve the water connection on E. Washington for Danny and Elizabeth Lam.

YEAS: C. E. Dean, W. E. Printz and R. L. Snow
NAYS: B. B. Horne

Motion carried (3-1)

Councilman Dean stated that the Police Department Procedure Manual will be discussed at the next committee meeting.

McGladrey and Pullen

Councilwoman B. B. Horne moved, seconded by Councilman C. E. Dean and carried to agree to request set forth in the letter from McGladrey and Pullen referencing being bought by H & R Block and authorize the mayor to sign said letter.

YEAS: C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow

Motion carried (4-0)

Resolution - Integrated Criminal History Records Info System

Councilwoman B. B. Horne moved, seconded by Councilman C. E. Dean and carried to adopt the resolution for Integrated Criminal History Records Info System. (Attached)

YEAS: C. E. Dean, B. B. Horne, W. E. Printz and R. L. Snow

Motion carried (4-0)

Hiring of Police Officers

Councilman C. E. Dean moved, second by R. L. Snow and carried to approve the hiring of Harold Shifflett for police officer at a salary of $20,415.87 and John Painter at a salary of $21,436.66 with each officer entitled to a raise upon certification.

YEAS: C. E. Dean, B. B. Horne, W. E. Printz and R. L. Snow

Motion carried (4-0)

MAYORS BUSINESS

Mayor Dearing stated 22 years ago M. Lough had the same problem as mayor as Dearing is facing today. Mayor Dearing stated that after reading old minutes he found M. Lough received the same welcome as he has. Mayor Dearing stated that Mr. Lough went to the Attorney General and came back with the response that he was over the police department. Mayor Dearing stated that the charter hasn't changed in 22 years and the law will stand in place until changed.

Mayor Dearing stated that he has spoken with Mr. Flick and he is going to be in charge of replacing the Christmas Tree.

Mayor Dearing reviewed concerns brought to the council by the Advisory Committee.

Mayor Dearing stated that he asked to see parking tickets from 1994 through the current date. Mayor Dearing stated that he asked if he could review these in the council chambers with an officer present but was denied. Mayor Dearing stated that he requested the parking tickets under the FOIA. Mayor Dearing stated that he was informed he would have to pay $127.50 for copies of all tickets requested. Mayor Dearing stated that he did not feel he should not ever have to do this. Mayor Dearing stated that in 1997 there were 421 parking tickets issued, in 1998 only 31 tickets were issued. Mayor Dearing stated that he felt the decrease came from the police department being investigated over parking tickets. After much discussion Councilman Printz made the following motion.

Councilman W. E. Printz moved, seconded by B. B. Horne that if the mayor or any council member makes a request for information that the charge incurred be waived and that the requestor receives the information as soon as practical.

YEAS: W. E. Printz

NAYS: R. L. Snow

ABSTAINED: B. B. Horne and C. E. Dean

Motion failed

Councilman W. E. Printz moved, second by B. B. Horne and carried to change the October council meeting to October 25, 1999 so members of the council can attend the VML conference on October 18, 1999.

Closed Session

Councilwoman B. B. Horne moved, seconded by Councilman R. L. Snow and carried that council go into Closed Session for the purpose of probable litigation.

YEAS: C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow

Motion carried (4-0)

Councilwoman B. B. Horne moved to go from Closed 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: C. E. Dean, B. B. Horne, W. E. Printz, R. L. Snow

Finance, Public Safety and Personnel Committee meeting was set for Thursday, October 21, 1999 at 6:00 P.M..

As there was no further business the meeting was adjourned.

MAYOR: M. Lee Dearing
M. Lee Dearing, Mayor

RECORDER: Julia M. Smith
Julia M. Smith, Clerk