Regular Council Meeting
MARCH 15, 1999
7:30 p.m.

The regular meeting of the Elkton Town Council was held MARCH 15, 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.

CITIZENS COMMENTS

Casey Billhimer - 2516 Hawksbill Road, McGaheysville - Mr. Billhimer asked that the Town Council approve $4,000.00 for emergency funding for the Historical Society. Mr. Billhimer stated that the $4,000.00 are for the Miller-Kite house restoration.

Frank Meleski - 604 N. Stuart Avenue- Mr. Meleski read a statement he had prepared to the Town Council. Mr. Meleski stated that on Thursday evening, March, 11, 1999, about 10 people were congregated outside the council meeting room about 7:15 P.M. Mr. Meleski stated that the citizen were all standing around talking, passing the time of day, waiting for the meeting to resume. Mr. Meleski stated that an Elkton Police Officer walked into the room, on his way out of the building. Mr. Meleski stated then the officer stopped and in a loud, threatening voice stated that if he heard any more comments about the cemetery the people would be arrested for slander. Mr. Meleski stated that the officer then left the building. Mr. Meleski stated that this could be verified by talking to the people that were in the room at that time. Mr. Meleski stated that one witness was a reporter from the Daily News Record. Mr. Meleski asked all members of the council if this was the way they wanted their police officers to act. Mr. Meleski stated that if the answer is no, and it should be no, then he asks that the town council and the town manager take charge of the police department and to change their attitude or change the police department.

Linda Dean - 115 Clark Avenue - Ms. Dean stated that she has had a parking problem at her home on Clark Avenue for over a year. Ms. Dean stated that last April the town council agreed to allow parallel parking signs in her yard and Chief Marshall promised to enforce them. Ms. Dean complained that almost every time she has called to complain about people parking in her yard and ignoring the signs she was threatened or harassed by Chief Marshall, Kenny Flick and other town officials. Ms. Dean stated that a month or so ago Officer Monty Dean came to her home with a letter from Chief Marshall saying that he was having the signs removed and would enforce the parking as he saw fit.

Ms. Dean stated that her aunt had previously owned the property at 115 Clark Avenue and had agreed for the church to park there as needed. However, Ms. Dean stated that she now owns the property and any agreement her aunt had made is no longer valid. Ms. Dean stated that her aunt had a "resident only" parking sign placed in front of her mailbox. Ms. Dean stated that Chief Marshall had told her that resident parking signs could not be enforced. Ms. Dean asked that "resident" parking signs be removed from "B" Street and Ashby Avenue or put hers back. Ms. Dean requested a written response and a copy of the code stating that resident parking signs are illegal.

Derrick Mowbray - W. Washington Street - Mr. Mowbray stated that at the last meeting the town council acted like they didn't want to do anything about the Police Department. Mr. Mowbray stated that if the council thinks the police are doing such a great job they shouldn't mind an investigation.

Lucky Sigafoose - 112 Rockingham Street - Mr. Sigafoose stated that the last meeting he attended the town council asked that all people leave for a closed session. Mr. Sigafoose stated that he was concerned because people that were not on the council were permitted to stay in the room.

Mayor Dearing responded to Mr. Sigafoose stating that the town council has to right to retain the town manager, or the individual that may have information needed, when going into a closed session.

Mildred Shifflett - 112 W.. Spotswood Avenue - Ms. Shifflett stated that she saw one of the police officers shoveling snow out of a lady's driveway, dressed in uniform, and was wondering if they would like to come shovel hers out the next time. Ms. Shifflett stated that she has had about 20 people call and tell her how rudely they thought Mr. Snow was the other week when he stated I couldn't ask any questions.

Gene Kite - 337 W. Spring Avenue - Mr. Kite stated that for six months he sat in a council chair and then lost an election. Mr. Kite stated that he stood up and took his loss like a man. Mr. Kite stated that he walked in the Country Inn Restaurant, where there was suppose to be a victory celebration. Instead it was a room of sadness. Mr. Kite stated that he shook hands with Councilman Davis, Councilman Snow as congratulations. Mr. Kite stated that three years ago he stood up and told the council to put up, shut up and put the show on the road. Mr. Kite stated that there are still problems and he feels that they are from Councilman Dean losing his seat as Mayor. Mr. Kite suggested to Councilman Dean to take the loss like a man and let's get going. Mr. Kite stated that he is standing here as a tax paying citizen of Elkton, VA and he has been here six years now. Mr. Kite stated that Mayor Dearing has started pulling things from under the carpet. Mr. Kite stated that Mayor Dearing is the only one with the back bone to face the problems we have. Mr. Kite stated that he is proud of what the Mayor has done so far. Mr. Kite stated that if the Mayor could not run his police department then he, as a tax paying citizen, would like to see Chief Marshall removed from office without pay until this problem is resolved.

Richard Lam - 201 E. Washington Street - Mr. Lam stated that he had a water line put in up to his home. Mr. Lam stated that he paid for this line his self and had it put up there his self. Mr. Lam stated that he had to be bonded for six years and pay for easements. Mr. Lam stated that he went and asked every one of his neighbors to help pay to put the water line in. Mr. Lam stated that no one wanted in on it. Mr. Lam stated that now everyone is getting on the water line he had put in. Mr. Lam stated that the water line cost him about $6,000.00. Mr. Lam stated that since he paid the money but, it isn't fair that everyone else is hooking up on the line.

Mrs. Eppard - 230 W. Washington Street - Mrs. Eppard stated that she was involved in an automobile accident on January 27, 1999 at the intersection of Route 340 and Washington Street. Mrs. Eppard stated that the accident was not her fault, that the young lady driving the other vehicle ran the stop sign at the intersection. Mrs. Eppard stated that the young lady left the scene and went to work. Mrs. Eppard stated that she wrote down the young lady's license number and gave the number to Officer Monty Dean. Mrs. Eppard stated that later that evening Officer Monty Dean called her home and asked if Mrs. Eppard had gotten an estimate on her car. Mrs. Eppard stated that Officer Monty Dean told her that since the girl left the scene she would be charged with reckless

driving. Officer Dean asked Mrs. Eppard if the girl's insurance paid for the repairs would Mrs. Eppard be willing to drop the charges against her. Mrs. Eppard stated that she told Officer Dean that she just wanted her car fixed. Mrs. Eppard stated that she just has two questions for the council. The first question being why this young lady was not charged with leaving the scene of an accident and second if an officer can call and ask that charges be dropped after a ticket is written.

Hazel Crider- Elkwood - Mrs. Crider stated that with the last election it has been noticed that there is a lot of dissension. Mrs. Crider stated that she was hoping the council would pull together and go forward. Mrs. Crider stated that the citizens don't mind the bad publicity at all because that is the only time things get accomplished. Mrs. Crider stated that let's take this publicity and clean our town up. Mrs. Crider stated that all citizens are waiting and watching to see what is going to be done. Mrs. Crider stated that she is beginning to wonder who is working with the Mayor up front or behind his back. Mrs. Crider stated that if the council had done their job last fall when money came up missing it would not have gone this far. Mrs. Crider commented that she would appreciate Mr. Davenport taking a bit more interest in this matter so we can go forward.

Randell Snow - Councilman Snow stated that at the last council meeting that this council passed a resolution asking the Mayor to put forth his allegations. Councilman Snow stated that about a week later he signed a letter to the Commonwealth Attorney requesting a police investigation. Councilman Snow stated that at this point he is not aware of anything being done. Councilman Snow stated that it's not like they are sitting there and doing nothing, the council has done what they said they would do.

Mayor Dearing read a statement that he had prepared. Mayor Dearing stated that on March 12, 1999 he turned over 19 allegations to his Attorney Walter Green and sent a courtesy copy to Commonwealth Attorney Doug Starke. Mayor Dearing stated that his attorney will personally hand deliver a copy of the allegations to the Virginia State Police Criminal Bureau of Investigation. Mayor Dearing stated these allegations are only a few and a test to see if any action will be taken before he sends more serious allegations in. Mayor Dearing stated that he must at all cost protect the individuals that are willing to come forward. Mayor Dearing stated that Wednesday there will be an ad in the Valley Banner and the Daily News Record stating "Citizens Alert". Mayor Dearing stated that the ad would ask if you have had a weapon, personal items, or if you purchased items from the Elkton Police please come forward. Mayor Dearing stated that there are a lot of citizens who are scared to come forward because of fear of retaliation from the Elkton Police Department. Mayor Dearing stated the citizens elected him and he would serve his time. Mayor Dearing stated that these allegations do not only include the Police Department, there are other people involved.

MINUTES

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

Councilman R. C. Davis moved, seconded by Councilman W. E. Printz and carried to approve the minutes of the Special Council Meeting held February 23, 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

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

Treasurer

Councilwoman B. B. Horne moved, seconded by Councilman R. C. Davis and carried to approve the January 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.

COMMITTEE REPORTS

Electric

Councilman Davis stated that there was nothing at this time.

Finance

Councilwoman Horne stated that there was nothing at this time.

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 we have finally gotten the majority of the sidewalks done in form of Doug Berry's building. North Street has also had some work done to it. Councilman Printz thanked everyone for their support.

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.

OLD BUSINESS

Second Reading of $4,000.00 in additional funds for the Historical Society

Councilwoman B. B. Horne moved, second by W. E. Printz to approve the $4,000,00 in additional funds for the Historical Society to be taken out of repo.

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

NAYS: B. B. Horne

The motion carried (5-1)

NEW BUSINESS

Councilman Bennett commented on the letter, sent from the Government Club, thanking the council for the contribution council made so students could attend the Mode General Assembly.

SIGNATURE AUTHORITY FOR WIRE TRANSFERS

Councilwoman B. B. Horne moved; second by F. A. Bennett to approve Rhonda Myers for signature authority for wire transfers.

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

Motion carried (6-0)

THREE OUT OF TOWN WATER CONNECTIONS

Councilman F. A. Bennett moved, second by W. E. Printz and carried to allow three out of town water connections to Map #131-B4 lot 7, 8 & 9; 131B4 lots 20, 21,22,23 & 24 and map # 131-B4 lots 10, 11 & 12.

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

Motion carried (6-0)

SUMMER SEWER RATES

Councilman F. A. Bennett moved, second by W. E. Printz and carried to offer the summer sewer rate for the months of May, June, July and August and all residents will sign up before April 30, 1999. The sign up form is to have a disclaimer that council can question any abnormal amount of water used.

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

Motion carried (6-0)

PAY INCREASES FOR POLICE OFFICERS

Councilwoman B. B. Horne moved, second by C. E. Dean and carried to increase the salary of Officer Jim Porter to $25, 090.00 a year, Officer Mike Downey to $23, 010.00 a year and Officer Scott Lam to $20,436.00 a year with the increases to take effect March 17, 1999 with no other increase to be given until July 1, 2000.

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

NAYS: W. E. Printz

Motion carried (5-1)

Mayor Dearing stated that from now on when people are hired we need to make policy clear that we do not give merit increases at the end of the probation period. Councilman Dean agreed that we need to make this a policy. Councilman Printz stated that we need to be careful because of fairness to other employees.

EDRC REQUEST FOR CONCERT

Councilman C. E. Dean moved, second by F. A. Bennett and carried to allow EDRC to use the Municipal front lawn for a concert on July 8, 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)

REQUEST FOR EPIC TO CLOSE STREETS

Councilwoman B. B. Horne moved, second by W. E. Printz and carried to allow EPIC to close and use areas set aside in prior years for the fall festival.

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

Motion carried (6-0)

MAYORS BUSINESS

Committee meetings were set for Tuesday, April 6, 1999, 6:00 P.M. for water, streets/sidewalks & electric, Thursday, April 15, 1999, 6:00 P. M. Public Safety , personnel & finance.

Councilman Printz stated that he would like to see Mr. Richard Lam's question over the water line on Washington Street addressed in the committee. Councilman Printz stated that people are still complaining about the police department door being locked and no dispatcher on duty. Councilman Printz commented that this makes it hard for citizens to get a hold of town officials when they are needed.

Councilman Snow presented the plan for Shen Elk property that the town purchased a couple of years ago. Councilman Snow stated that the Recreation Commission has approved this as a preliminary plan and would like councils' approval. Councilman Snow pointed out that the south end, bordering the Shen Elk parking lot, would be used for additional parking. There will be two new fields, one being a Little League Field and the other being a regulation softball field to be used for different levels of softball play. Other uses for property include regulation horse shoe pits. Councilman Snow stated that if the Commission for sees the things needed we will try to get them in the budget. Councilman Snow stated that a lot of the work would be by volunteers. Councilman Snow stated that it could be possible to have a road run from Shen Elk, run along the railroad and exit by going past the existing tennis courts. Riverside park - shelter - commission approved to close the park after dark. Dearing stated that there was a cable there but it was washed out by the flood. Councilman Snow stated that there is a cable there now but does not know how often it is being locked. Councilman Snow asked Chief Marshall to make sure the park is closed at night.

Councilman Snow asked for a Special Meeting for Thursday night at 7:00 P.M. to meet with the Recreation Center Committee.

TOWN ATTORNEY

Mr. Davenport stated that he has sent a memo as to use of the Internet and e-mail. Mr. Davenport stated that a draft of the sexual harassment policy has been sent to the committee.

Councilman Printz stated the Mr. Melenski's concerns should be brought to a committee.

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 personnel matter regarding the job performance of Chief Robert Marshall concerning funds and procedures related to the calendar fund bank account.

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, seconded by Councilman W. E. Printz and carried that council go into Executive Session for the purpose of discussion of a personnel matter regarding the evaluation and job performance of clerks position in the police department.

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, seconded by Councilman R. C. Davis and carried that council go into Executive Session for the purpose of discussion of the performance of the Mayor.

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

NAYS: **B. B. Horne and W. E. Printz**

Motion carried (4-2)

There was some discussion as to whether it was permissible to discuss the Mayor's performance in a closed session. A reporter from the Daily News Record asked that it be noted an exception from the Daily News Record. Mrs. Hutton also made an exception to the Mayor's performance being discussed in a closed session.

Mayor Dearing stated that he would go into Executive Session as long as the three items stated were the only things discussed. Mayor Dearing stated that the part of the Executive Session pertaining to himself would be discussed outside the chambers if he so wished to be as it pertains to him.

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 Dearing
M. Lee Dearing, Mayor

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