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

The regular meeting of the Elkton Town Council was held February 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

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

ABSENT

F. A. BENNETT

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.

Councilwoman Horne offered the Invocation.

The Pledge of Allegiance was recited.

CITIZENS COMMENTS

DERRICK MOWBRAY. - Mr. Mowbray commented that we now have a good Mayor, who wants to get things done. Mr. Mowbray stated that an officer came to his grandmother's house to see him, while the officer was on duty, to state that he was seeing Mr. Mowbray's wife. Mr. Mowbray stated that the people need to wise up. Mr. Mowbray stated that in two cases the Elkton Police Department has split up his home. Mr. Mowbray stated that the next time an officer comes to house either him or the officer will go to jail.

Mildred Shifflett - Mrs. Shifflett stated that there are a lot of disturbing things going on around town and it is time someone tries to straighten it out. Mrs. Shifflett questioned how an officer can write a ticket for a missing decal when there is an officer here that does not have a decal on his personal vehicle. Mrs. Shifflett stated that she is behind the Mayor 100% and there are a lot of people rooting for him.

Joyce Crawford - Mrs. Crawford stated that people are acting like a bunch of kids fussing and fighting. Mrs. Crawford stated that she appreciates what the Mayor has done for them.

Tim Smith - Mr. Smith stated that an officer came into his place of business to question him and told him he was not under arrest. Later another officer came back and arrested him for assault and battery.

Kevin Harris - Mr. Harris stated that the same night the officer came up and removed four kids from Mr. Crawford's business and said Mr. Crawford was distributing to a minor.

Lawrence Knight - Mr. Knight stated that he was present that night and there was no beer present. Mr. Knight stated that the law can do anything they want. Mr. Knight stated that he has seen Elkton

Police sitting on Route 754 at a two-story home. Mr. Knight asked what are Elkton Police doing outside of town?

Lynn St. Clair - Mr. St. Clair stated that the Mayor is doing a really good job. Mr. St. Clair stated that about two months ago he hurt his shoulder and couldn't work, Mr. Dearing helped him with his utility bill.

Donnie Mowbray - Mr. Mowbray stated he came just to support Mr. Dearing.

Kenny Crawford - Mr. Crawford stated that the other night the police came into his store. Mr. Crawford state there was about 25 people in his store at that time. Mr. Crawford stated that the police picked four people and took them outside. Mr. Crawford stated that he told the police they did not have the right to come into his business and bother his customers. Mr. Crawford stated he was later charged with distributing to a minor. Mr. Crawford stated that the police cannot run his business. Mr. Crawford stated that part of the council were doing a really good job and thanked them.

Joan Sigafoose - Mrs. Sigafoose stated that each council member received a letter from the Neighborhood Watch. Mrs. Sigafoose read the letter that was enclosed in the council packets.

Vivian Mowbray - Mrs. Mowbray stated that any officer doesn't have a right to come and upset people. (Reference Derrick Mowbray statement above) Mrs. Mowbray stated that the Mayor is an honest person and something needs to be done about the police department.

Mayor Dearing explained the complaint procedure in reference to town employees.

MINUTES

Councilwoman B. B. Horne moved, seconded by Councilman C. E. Dean and carried to approve the minutes of the Public Hearing held January 12, 1999, the Public Hearing held January 18, 1999, the Regular Council meeting held January 18, 1999 and the Special Council Meeting held January 21, 1999.

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

The motion was carried (5-0)

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. Councilman Printz asked about the North Street project. Mr. Flick stated that he has two bids in and is waiting for one more to come in. Mr. Flick stated that the project should come into budget. Mr. Flick stated that the Doug Berry property would be done as well. Councilman Printz asked if the little building that was falling down in the alley had been taken care of. Chief Marshall responded that the gentleman has fixed the back of the building and he will check up on it this week. Mayor Dearing stated that he has sat for five months and listened to talk about the North Street project. Mayor Dearing stated that we pay out good money and cannot see why it takes a contractor five to six months to tell us whether they will or will not take the job. Mayor Dearing stated that if the contractors in this area did not want to

work for the Town of Elkton then get someone else. Mayor Dearing stated the Doug Berry sidewalk should have been done. Mayor Dearing stated that we were seven months into a new telephone system. Mayor Dearing stated that if contractors didn't want to do the job tell them we will find someone else.

Treasurer

Councilwoman B. B. Horne moved, seconded by Councilman R. L. Snow and carried to approve the December 1998 Finance Report as presented.

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

Motion carried (5-0)

Town Manager

Mr. Monger offered to answer questions on his monthly report. Mr. Monger stated we need to keep in mind about the utility tax that will come into effect January 1, 2001.

COMMITTEE REPORTS

Electric

Councilman Davis stated that there was nothing at this time. Councilman Davis gave a brief explanation of the credit from HEC customers will receive on their utility bills.

Finance

Councilwoman Horne stated that the reinstatement of dispatchers died in committee.

Personnel

Councilman Dean stated that he has nothing at this time.

Public Health & Safety

Mayor Dearing stated that he would like to see Vice-Mayor Snow oversee the Police Department until litigation is complete. Mayor Dearing stated that there have been complaints by citizens. Mayor Dearing stated that he would see that ordinances are enforced such as unsightly property, abandoned cars, etc. Mayor Dearing stated that there are a lot of unsightly places in town. Mayor Dearing stated that decals are not enforced and taxes paid.

Streets and Sidewalks

Councilman Printz stated that he has nothing at this time.

Water and Sewer

Councilman Bennett was not present. Mayor Dearing stated that we need a grease trap ordinance due to the amount of grease in the sewer lines.

Cemetery

Mayor Dearing stated that the Cemetery Commission met and discussed road improvements.

OLD BUSINESS

Second Reading Ordinance Amendment to Increase Returned Check Charge to $30.00

Councilwoman B. B. Horne moved, second by W. E. Printz to amend Section 2-3-6 to read: In the event a check or draft for payment of taxes or other sums due to the town which is uttered, published or passed to the town or any of its departments of commissions, is returned by the payor's bank for insufficient funds or because there is no account or the account has been closed, then the payor shall be liable to the town for a fee of thirty dollars ($30.00) for each such check or draft.

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

The motion carried (5-0)

NEW BUSINESS

EDRC Request for Additional Funds

Mayor Dearing stated that EDRC has requested an additional $12,500 for this year and that Councilman Dean suggested $5,000.

Councilwoman B. B. Horne moved; second by W. E. Printz to discuss additional funding for EDRC.

Councilwoman Horne stated that Councilman Dean suggested that we give $5,000 to EDRC. After checking the Sheriff's funds we only have $1,500 left. Mayor Dearing stated that request for funds should be given to the town by February. Mayor Dearing stated that we have rejected other request due to the time factor. Councilwoman Horne stated that she does not feel comfortable granting this money at this time. Councilman Printz asked if EDRC was out of funds. It was stated that they will be out of funds by the end of their fiscal year.

Councilwoman B. B. Horne withdrew her motion to discuss additional funds; W. E. Printz withdrew his second due to the motion being made improperly.

Councilwoman B. B. Horne moved; second by R. C. Davis and carried to deny EDRC's request for additional funds at this time.

YEAS: R. C. Davis, B. B. Horne, R. L. Snow

NAYS: W. E. Printz and C. E. Dean

Motion carried (3-2)

Request for additional funds for the Historical Society

Mayor Dearing stated that the Historical Society came to the committee to request additional funds of $4,000. Councilwoman Horne stated the Historical Society is out of money and will have to go to the bank for a loan if the town does not grant them more funding.

Councilwoman Horne stated that she restates her position. Councilwoman stated that the Historical Society had given the committee a breakdown of their expenses. Councilwoman stated that she did have problems with some of the expenditures the Historical Society incurred. Councilman Printz asked how much more it will take to finish the Miller Kite House. Mayor Dearing stated that the Historical Society will need a line item on our budget indefinitely. Councilman Printz stated that he would like to see the building completed. Mayor Dearing asked where the money was going to come from. Councilman Snow asked Mr. Flick if there was any way we could save $2,500 on projects. Mr. Flick stated that was street money and had to be used for such. Councilman Snow stated that we would like to see us come up with $2,500 to complete this project. $1,500 will come from the Sheriff's fund.

Councilman W. E. Printz moved, second by R. L. Snow and carried to fund $ 4,000 for the Historical Society.

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

NAYS: R. C. Davis and B. B. Horne

Motion carried (3-2)

Set Cost of Living and Merit Raises

Councilwoman B. B. Horne moved, second by C. E. Dean and carried to give the town employees a 2% cost of living increase and a merit increase of zero to 3% based on employee performance ratings to be effective 07/01/99.

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

Motion carried (5-0)

Board of Zoning Appeals - Leroy Leap

Councilwoman B. B. Horne moved, second by W. E. Printz and carried to recommend to the Circuit Court the reappointment of Leroy Leap to Chairman of the Board of Zoning Appeals for the term March 1, 1999 to February 28, 2004.

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

Motion carried (5-0)

Councilman Snow stated that the Recreation Commission would like to go on record as recommending and supporting the exploration of a golf course. Councilman Snow also stated the Elkton Area Community Center Development Committee would like to request a special meeting with the council Wednesday, March 10 to discuss the Community Center concept and to explore the town's involvement. After discussion of dates March 11, 1999 was decided on. Mayor Dearing set committee dates as follows:

Tuesday, March 9, 1999 at 6:00 P.M. - Water and Sewer, Streets and Sidewalks & Electric.

Thursday, March 11, 1999 at 6:00 P. M. - Public Safety, Finance and Personnel

Councilman Printz asked if tenure raises were being looked at. Councilman Dean stated that Mr. Monger was looking at this. Councilman Printz stated that when the young man lost his life in town that if we had the dispatchers it may have helped. Councilman Printz stated that we were for getting

rid of the dispatchers but it may need to be addressed again. Mayor Dearing stated that people will have to call 911 or the Sheriff's Department. Councilman Printz asked that this go back to the committee again. Councilman Printz asked about the softball field. Councilman Snow stated that they are working on a plan for the property and will have it to the council next meeting. Councilman Printz asked about the cruising ordinance guidelines to be given to the Chief of Police. Mayor Dearing stated that the Public Safety committee gave the Chief of Police the power to handle this when traffic is unsafe. Councilman Printz asked that this go back to the committee so he could have some input. Councilman Printz asked about the cable company comments to service in this area. Mayor Dearing stated that they are within the bounds of the contract we have with them. Mayor Dearing stated that they are out to help us. If service is interrupted call them and your bill will be credited. Mayor Dearing stated that they are trying to set up another phone for this area of Virginia.

MAYORS BUSINESS

Mayor Dearing stated that Neighborhood Watch had asked to come under the umbrella of the council. Mayor Dearing stated that this has been addressed and that we cannot add them to our system. Mrs. Sigafoose stated that the Neighborhood Watch only wanted the town's endorsement. Mayor Dearing stated that he had done that last year when he signed a proclamation.

Mayor Dearing stated that he needs to meet individually with all council members. Mayor Dearing stated that we need to discuss EDRC, Historical Society, budget, streets, water, sewer and capital improvements. Mayor Dearing stated that we need a ten-year plan.

Mayor Dearing read a statement in reference to his arrest by Chief Marshall on February 15, 1999.

Councilman Printz stated that he has been in the Mayor's shoes. Councilman Printz stated that he was angry about chasing people out of town. Councilman Printz stated that he had been to Mr. Starke before and because of the old buddy system it was not investigated.

Mayor Dearing stated that no one oversees the Elkton Police Department except for the citizens. Mayor Dearing stated that he wants people to call him if they are done wrong in town. Mayor Dearing stated that weapons can only be done by a court order and not given to officers. Mayor Dearing stated that there are guns that were ordered destroyed and the guns have not been destroyed. Mayor Dearing stated that he will stand only for what is right.

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