**Regular**
**Council Meeting**
**November 19, 2001**

The regular meeting of the Elkton Town Council was held Monday, November 19, 2001 in the Council Chambers with Mayor M. Lee Dearing presiding. The following Council members were present:

PRESENT

J. T. Dean
C. H. Murphy
M. S. O'Neill
T. Pence
W. E. Printz
L. Sigafoose

Attorneys J. Burns Earle and Lauri Sigler, Raymond Clary, Town Administrator, Richard Pullen, Chief of Police, Todd McCoy, Director of Public Works/Zoning Administrator, Faye Vickers, Treasurer, and Richard Carey, Clerk of Council were also present.

Councilman O'Neill offered the Invocation.

The Pledge of Allegiance was recited.

**CITIZEN COMMENTS**

Hazel Crider

Mrs. Crider of 114 Hillside Avenue, Elkwood, was pleased with the way the public address system was working.

Councilman Sigafoose reported that the American Flag in front of the Municipal Building was returned. Those responsible for removing it will be prosecuted to the limit of the law.

**MINUTES**

**Councilwoman Murphy moved, second by Councilman Pence, and carried to approve the minutes of the Special Council meeting held October 29, 2001.**

**YEAS: T. Dean, C. Murphy, T. Pence, W. Printz, L. Sigafoose, and M. O'Neill.**

**Motion carried (6-0)**

**Councilwoman moved, second by Councilman Dean, and carried to approved the amended minutes of the Regular Council meeting of October 15, 2001. Amend minutes to read: ALL 3-phase customers will pay a minimum of $100.00 per month, under Electric Utility Increase.**

**YEAS: T. Dean, C. Murphy, T. Pence, W. Printz, L. Sigafoose, and M. O'Neill.**

**Motion carried (6-0)**

**DEPARTMENT HEAD REPORTS**

Chief of Police

There were no questions for Chief Pullen. Mayor Dearing announced the Elkton Police Department was awarded an approved highway safety project in the amount of $3,500.00.

Director of Public Works

There were no questions for Mr. McCoy.

Treasurer

Faye Vickers reported an ending ledger balance of $227,781.92 for the month of October.

**Councilman Pence moved, second by Councilman Printz, and carried to approve the Treasurer's report.**

**YEAS: T. Dean, C. Murphy, T. Pence, W. Printz, L. Sigafoose, and M. O'Neill.**

**Motion carried (6-0)**

Town Administrator

Councilman Pence asked if a letter to Chief Phelps of the Elkton Volunteer Fire Department stating the status of their request for the purchase of a thermal imaging camera had been mailed. Mr. Clary said he wanted to present the letter to council first and the letter would be mailed tomorrow.

**COMMITTEE REPORTS**

Electric

Councilman Sigafoose's request for a dusk-to-dawn security light at the Miller-Kite House was satisfied with a work order being issued for the project.

Finance

The audit is still in progress.

Personnel

The committee met on November 13 and will present personnel policies under New Business. The advertisement for Heavy Equipment Operator has been placed and a new job description has been written.

Public Safety

Mayor Dearing and Chief Pullen have discussed some issues, but there was nothing to report.

Streets and Sidewalks

Councilman Printz will take the Advisory Committee's recommendations to committee.

Water and Sewer

The committee met and will continue under New Business.

Recreation

Councilman Pence submitted the names of Greg Pinkerton and George McDaniel as members of the Recreation Commission.

Planning Commission

Did not meet due to election day.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

**Councilman O'Neill moved, second by Councilman Printz, and carried to approve the appointment of Rupee Nicholson to the Cemetery Commission.**

**YEAS: T. Dean, C. Murphy, T. Pence, W. Printz. L. Sigafoose, and M. O'Neill.**

**Motion carried (6-0)**

**Revocation of Special Use Permit - Victorian Haven**

Councilman O'Neill reading verbatim from a resolution adopted at a Special Meeting of Council on September 27, 2001: "The Town Council will permit the continuation of the special exception permit from Weaver to Waterfront upon the settlement under the existing contract to purchase, until such a time as Waterfront can file and pursue to conclusion an application for a revision or issuance of a new special exception permit."

Waterfront Properties, LLC has filed and regardless of the favorable or unfavorable decision of Council, the Wayne Weaver T/A Victorian Haven Special Use Permit under which Our Shenandoah Home is currently operating will cease to be

Council will have sixty (60) days from the date of the Public Hearing of November 19, 2001 to render their decision.

**Adoption of Personnel Policies**

**Councilwoman Murphy moved, second by Councilman Printz, and carried to approve one half day closing on New Year's Eve, December 31, 2001.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilwoman Murphy moved, second by Councilman Printz, and carried to approve as presented Personnel Policy 1.31, Reduction in Work Force, Policy 1.32, Employee Records, Policy 1.33, Employee Orientation, Policy 1.34, Employee Benefits, and Policy 8.0, Sexual Harassment.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilwoman Murphy moved, second by Councilman Printz, and carried to approve as presented Personnel Policy 9.0, Electronic Media Use, Policy 10.0, Inclement Weather, Policy 14.0, Travel Regulations.**

**Councilwoman Murphy moved, second by Councilman Printz, and carried to approve as presented Personnel Policy 1.6, Holidays. This Policy eliminates an employee personal day and establishes New Year's Eve as a permanent employee paid holiday.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilwoman Murphy moved, second by Councilman Printz, and carried to approve Richard Carey as Clerk of Council effective immediately.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilwoman Murphy moved, second by Councilman O'Neill, and carried to eliminate Richard Carey's job description as Administrative Assistant to the Town Administrator and approve the new job description as Clerk of Council.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilman Pence moved, second by Councilman Sigafoose, and carried to appoint Gary Pinkerton to the Recreation Commission.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilman Pence moved, second by Councilman O'Neill, and carried to appoint George McDaniel to the Recreation Commission.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilman Dean moved, second by Councilman O'Neill, and carried to not consider any new water and/or sewer connections to out-of-town areas not covered under a contract, unless the property owner petitions the County for a boundary line adjustment and pays all legal fees associated with the petition.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilman Dean moved, second by Councilman Printz, and carried to set a moratorium on new lines west of Elkton until our water and sewer study is completed.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Special Use Permit - Our Shenandoah Home**

Mayor Dearing tabled action. Councilman O'Neill suggested perhaps a contract with Waterfront Properties should be considered in addition to approval of a Special Use Permit.

**Councilman Printz moved, second by Councilman O'Neill, and carried to donate $500.00 to the disabled veterans transportation van.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

Mayor Dearing set December 11, 2001 for the Personnel, Finance and Electric Committees to meet; December 13, 2001 for Public Safety, Streets and Sidewalks, and Water and Sewer.

Mayor Dearing asked if any councilperson, or any Town employee in attendance, was a stockholder, a potential stockholder, or investor in Waterfront Properties. The responses are recorded as:

Councilman Dean - No
Councilwoman Murphy - No
Councilman Pence - No
Councilman Printz - No
Councilman O'Neill - No
Councilman Sigafoose - No
Town Administrator Raymond Clary - No
Treasurer Faye Vickers - No
Chief of Police Richard Pullen - No
Clerk of Council Richard Carey - No
Director of Public Works Todd McCoy - No

Mayor Dearing stated in the negative for himself.

With Mayor Dearing and Councilman Sigafoose in agreement, Councilman Printz asked that the Finance Committee review the Town's rate structure, such as the cost incurred by the Town for a lot lien adjustment. It was suggested that the applicant should absorb the legal fees associated with such an application. Mayor Dearing, although concurring that many of the Town's fee structures are too low, reminded Council that they must enforce what is currently in place. Council as a whole would have to act to revise any fee structure that is not appropriate in today's economy.

**Councilwoman Murphy moved, second by Councilman O'Neill, and carried that the Elkton Town Council be in closed session under Virginia State Code 2.1-344 to discuss litigation and personnel performance.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

**Councilwoman Murphy moved to go from closed session back into regular session and that each member, to the best of his or her 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. Councilman O'Neill duly seconded the motion.**

**YEAS: T. Dean, C. Murphy, M. O'Neill, T. Pence, W. Printz, and L. Sigafoose.**

**Motion carried (6-0)**

As there was no further business, the meeting was adjourned.

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

**RECORDER:** _____
**Richard D. Carey, Clerk**