Special
Council Meeting
December 28, 2004

A special meeting of the Elkton Town Council was held in Council Chambers on December 28, 2004 to review the proposed Charter revisions. Mayor Printz presided and the following Council members were present:

PRESENT
J. Dean
C. McDaniel
T. Pence
S. Sigafoose
R. Snow
P. Workman

Town Attorneys Nathan Miller and James Jones and Town Manager Dennis Donachy were also present.

Attorney Miller corrected dates which appeared in the original Charter draft. Section 3.1 now states the election will occur on the second Tuesday in November 2006 with those elected taking office on January 1, 2007. The terms thereafter will continue to be staggered. The seats up for election or re-election are currently held by Randell Snow, Phillip Workman, Jay Dean, and Clyde McDaniel. The Mayor will continue to be elected or re-elected every two years.

The status of Clyde McDaniel was not as clear. Attorney Miller speculated that Council member McDaniel would be required to run for election in November 2006 to fill the remaining two years in the term of deceased Council member Lucky Sigafoose, who would have had to seek re-election in 2008. The attorney's research will produce an answer.

Vice Mayor Snow stated he believe four Council seats would be open, with those three receiving the most votes being elected or re-elected to four year terms, and the fourth highest serving the two-year term.

Section 3.4

Under State Code "the Mayor shall be the Chief Executive Officer of the Town." That means "he has the authority to do whatever he should in that position," stated Attorney Miller. The Chief Executive Officer (the Mayor) is above the Administrative Officer (the Town Manager). Attorney Miller stated, "He collectively can guide the Administrative Officer in what needs to be done in the absence of a Council meeting, which is what you are doing now."

Attorney Miller stated, "A clear line of definition between the Police Department and the Council" will be determined. He continued, "The Mayor is still in there with the same position he had before and he, in the absence of a Council, can direct the Town Manager how to handle that." The Police Chief is an appointed position with no grievance procedure along with other appointed positions, "so at Council discretion, fire-at-will like you do any other appointees."

"We are taking out this discrepance where we have a question of a line of command between the Council, the Mayor, the Town Manager, and the employees. The issue is the Town Manager will still supervise the Chief of Police to make sure all the stuff gets done that you want done, but you are going to tell the Town Manager."

During a lengthy discussion, many opinions were expressed regarding the power and authority of the Mayor. Vice Mayor Snow wanted the authority of the Mayor limited by having it written that "the Mayor will have no day-to-day responsibilities for supervision of personnel." The personality of the person in the Mayor's chair would vary the role of the Mayor, with some desiring to be more hands-on than others. To emphasis his position, Vice Mayor Snow stated, "In the past we had a Mayor sitting over here who thought he was head of the Police Department and he could tell them what to do everyday. That's wrong, and we need to clarify that in the

Charter."

Attorney Miller stated if we get a "nutty" Mayor, there are controls to contain him, as well as any "out-of-control" Council members. Vice Mayor Snow insisted "I want to see it in black and white, folks. That's the only way I am ever going to vote for this thing." Attorney Miller stated he could make the language as restrictive as Council decided but, perhaps, the issue could be handled in the Code instead of the Charter.

Cemetery

"The Cemetery is out," stated Attorney Miller, "because you have a whole section in Virginia Code about municipals can have your own cemetery, you can have your own funds, you can do whatever you want to do with it. You don't have to have it in the Charter. You already have the power to do it. According to the deed, the Town must have a Cemetery Commission but, Council must decide to what degree to empower them." Mr. Miller added, "You have to have the Committee but you don't have to give them any authority." As he has many times in the past, Vice Mayor Snow compared the Cemetery Commission to the other Boards and Committees of the Town which serve as advisory bodies with no authority to spend money. Council is made aware of problems and it is Council's duty to "fix them."

"You have the authority to deal with the Cemetery now. You can put it in the Charter if you want to, but you don't need to. That's true of all these other items. If you put everything...there are 8 volumes like this. This is the Code of Virginia. If you want every section in there, I can put 'em in there for you. But that's what it's gonna look like - that's your Charter. You don't want that," stated Attorney Miller.

Council discussed a work session devoted entirely to Cemetery issues.

Section by section of the Charter were reviewed and Attorney Miller explained why they were no longer needed or where Virginia Code granted municipalities the power to construct their local Codes under the umbrella of State Code.

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

Mayor: Wayne E. Printz
Wayne E. Printz, Mayor

Recorder: Richard D. Carey
Richard D. Carey, Clerk