Public Hearing
December 20, 2004
Charter Revisions

A Public Hearing to receive comments on the proposed Town of Elkton Charter revisions was held on December 20, 2004 in Council Chambers with Mayor Wayne E. Printz presiding. The following Council members were present:

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

Town Attorney Nathan Miller, Town Manager Dennis Donachy, Treasurer Clairen Sipe, Chief of Police Richard Pullen, and Clerk of Council Richard Carey were also present.

Cathy Murphy, 110 North Stuart Avenue, stated she was opposed to the whole Charter revisions process because the public was omitted from the "information loop" and there were no administrative code sections. It was burdensome, and for citizens without access to computers - impossible, to cross reference State Code which consistently appeared in the revisions. She then offered specific concerns:

1. Section 3.1 Elections. Questioned the election dates and when elected members would take office as they appeared in the document.

2. Section 3.6 Meetings. What does "reasonable notice" of meetings mean? The term is ambiguous and open to interpretation. Specifically, the time frame for public notification of Emergency and Special Meetings of Council were not addressed.

3. Section 6.3 Amendments of Charter and Majority Needed. She stated having witnessed this confused process that future amendments be place on the ballot for the public to decide.

4. Section 4.1. The duties of the Mayor and Town Manager as they related to the day-to-day operations of the Town appeared to be the same to her. She wanted to know "who was in charge," specifically of the Police Department.

5. Salaries. In July, a Second Reading of Council salary increases was tabled due to a conflict with the current Charter. She wanted to know what changed to have the Second Reading place on tonight's agenda.

6. Benefits for Council. Will Council be entitled to all benefits offered Town employees?

7. Council members' attendance at meeting. She did not find any penalties imposed on members who failed to attend a specified number of meetings. The current Charter does address missed meetings.

8. Burial place for the dead. Ms. Murphy believed the issue has become too political and will become more so is it is removed from the Charter.

9. How to borrow money. How will the Town borrow money and what vote of Council will be necessary? Currently, non-budgeted items costing more than $500.00 require two readings. She asked, "Where is that?"

She concluded, "If you people sitting there can't understand every aspect of what is written here, then you need to hold your vote until you do. We don't understand it and I am

almost confident that most of you probably have some questions about this, too."

Lee Dearing, 124 North Street, made the following comments: "The people elected the Mayor. I was sitting on that seat four or five years ago when there was controversy over who was in charge of the Police Department. At that time, the Council tried to change the Charter and limit the powers of the Mayor. I would hope that you, as elected officials, would not want someone to limit your powers as elected officials. What you have done here by limiting the Mayor's powers is you have made him nothing more than a ceremonial figure. He has no power over anything. He will sign whatever you lay in front of him, but he has no authority to tell anyone what to do. You have delegated that to a Town Manager. You have taken the Police Department and instead of allowing the Mayor and the Public Safety Committee to oversee the Police Department - which it should be - you've delegated that to another hired employee, which is the Town Manager. I am highly opposed to that. I am also opposed to the Mayor not having any say in anything other than he can discuss, but he can't vote. So you have taken away all his powers. The only thing he can do is participate in this meeting and break a tie. In the pay raises, I know we can get around anything by reading Code. You said your objective when you started this proceeding almost two years ago, your objective was to clarify the Charter, to make it so people could sit down and read that Charter and understand what it means. Right now, I can go to your Code Book and read 23 pages of Charter. No where in our Constitution, no where in our Bill of Right, does it say reference this, reference this. This is our document. This is what we the Town citizens stand for. This is what you stand for. This is what we will or shall do. It's not what the State... in 1908, when the first Charter was given to the Town of Elkton, no where did it ever say refer to State Code. It is not the State, it is the Town of Elkton's Code. It is our Charter. So if you do proceed tonight with this, you have given future Mayors no power. You have given future Councils...hopefully, maybe you all love Mr. Donachy. Maybe Mr. Donachy is doing a great job. But what happens when you don't have that great guy sitting in the Town Manager's position? What happens when you don't have a Council that has values? You say you have values. What happens when someone comes in here and says Council and the Mayor of the Town of Elkton shall be compensated at the same benefits as Town employees. You all should be getting, somewhere, eleven days vacation time. You should be getting comp time. You should be getting sick pay, free dental, eyeglasses. If you want a tummy-tuck, you ought to get a tummy-tuck. That is what it says. So, I don't think you want to say that. The problem you have is by putting your references to Virginia Code. Every time Virginia Code changes your Charter changes. I am really opposed to this and I hope tonight you table it. For one reason, the 13th of December was the deadline to have it to Richmond. Today is the 20th - seven days later. You are just having the Public Hearing tonight. If anything went to Richmond, it should have been a draft, a piece of paper I don't think should have been presented to anyone. If it's in Richmond, it's not what the people wanted. It's wrong. I think you should table this for one year."

Mildred Shifflett, 112 West Spotswood Avenue, opposed eliminating the Cemetery Perpetual Care provisions and delegating any Mayoral powers "to a complete stranger"- especially powers over the Police Department. She wanted the issue tabled or just forget about changing a Charter that does not need to be changed.

Hazel Crider, 114 Hillside, encouraged Council and the Town Attorney to "settle down" and table the Charter revisions. She questioned the "hurry" to change the Mayor powers and to eliminate Perpetual Care. Was the Town Manager granted unchecked authority to manage the business of the Town? She wanted this process stopped until the public was better informed.

Caroline Brill, 148 Sweetgum, asked if December 13th was the deadline, what was the rush now? Mayor Printz answered that was just "to reserve a spot." The whole sequence of events was unacceptable to her because the Public Hearing was held tonight.

As there were no additional comments, Mayor Printz closed the Public Hearing.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk