Council Work Session
May 12, 2009

PRESENT	STAFF
M. Dearing	Reid Wodicka
M. Isom	Lauri A. N. Sigler
D. Kite	James Morris
P. Workman	Clairen Sipe
R. Snow	Diane Johnson
L. Bompiani	Allison Morris
H. Armbruster	Denise R. Monger

The following items and issues were discussed:

Mayor Bompiani

- Steve Reid offered to give the Mayor and Council a tour of the new schools
- Rescue Squad contacted to schedule meeting
- East Rockingham Business League meeting to be held on June 18, 2009 from 5:30 p.m. – 7:30 p.m. at EACC
- John Sease contacted regarding the cost of working plans for the Kite House / approximate cost of plans was $6,000.00 / additional $2,000.00 for estimates from MEI regarding plumbing and air conditioning
- Move June Council Workshop from June 9, 2009 to June 8, 2009 due to voting taking place in the EACC and to meet legal requirements for the public hearing ads for the budget and new ordinances
- Clarified motion presented at the Regular Council Meeting regarding meals tax. It was determined the proper wording would be "procedure/policy"

Town Manager (R. Wodicka)

General Government

- Budget in a different format
- Total budget increased 3 ½ percent over last year due to Consent Order
- Employee raise of 1 percent in January / Vice Mayor Dearing requested to revisit the raise allocation for employees / no raise for employees in over 2 years
- No increase in property taxes and local sales tax
- Raise utility rates

Street Maintenance

- General fund expenditures / increased money for training
- Backhoe traded / additional items to be purchased
- Paving for West Summit and East Prospect
- Develop capital improvements list / set schedule for next several years of projects

Police Department

- 7th police officer and new vehicle cut from budget
- School Resource Officer (SRO) position discussed for the new high school
- Decrease in vehicle maintenance

Parks and Recreation

- Parks & Recreation to purchase uneven bars for approximately $4,000.00
- Kite House – decision needed as to how to proceed
- Increase for economic and community development
- Increase in Fire and Rescue donations
- EAUS donations were not included in budget
- Insurance on Miller-Kite Museum discussed

Electric Department

- Electric reconnection and late fees to increase

- Projection of revenues from the generator were conservative
- Lighting at Pentecostal Hill not in this year's budget
- Two areas at Pentecostal Hill do not have water and sewer with the Town
- Residential electrical connection fees currently $1,200.00
- Town should petition for electrical services at the Kite property and area where the Koogler project would be located
- Electrical connection fees to be reviewed in other VEMA localities

Water Department

- Water rates would increase 16%
- Ordinance to be prepared to establish an annual increase for water and sewer based on the Consumer Price Index (CPI)
- Concern regarding the impact on citizens of raising rates
- Consent Order needed to be followed
- Proposed rate schedule to be reviewed

Sewer Department

- Sewer rates would increase 16%
- Payment of $170,000 included in the budget would be from the $3.4 million loan if borrowed for the wastewater treatment plant
- 30 year loans under revolving loan fund only given under extreme hardship and in rare cases
- Gravity line for school included into the revolving loan fund
- Draper Aden Report shows rate comparisons for Towns of similar size
- Town needed to demonstrate to DEQ a plan for new rates
- 0% interest would save the Town money over the period of the loan
- If construction costs deferred, could rates be adjusted over a two year period
- Public hearing would be needed to increase rates
- Cost of some future phases unknown for the wastewater treatment plant due to unresolved I & I issues
- DEQ had stated that the Town's rate structure needed to cover the cost of the debt service and cost of I & I work at the wastewater treatment plant
- Aggressive effort must be made to correct I & I problems in order to reduce capacity issues
- Plant flows had increased recently due to wet weather
- Sump pumps were an existing problem in Town
- Review ordinances to define a legal and illegal Town connection
- Alternative sources of revenue needed to pay for the Town's debt service

Community Center

- Funds from County for the Community Center not included in the budget
- Consolidation of outstanding debt service
- Rates increased last year at the Community Center / suggestion made to defer raising membership fees again
- Room rentals should be increased at the Community Center
- Town residents could be given a discount a the Community Center

Sanitation

- Landfill fees had significantly increased / refuse fees to residents would increase by 15%
- County receiving revenue from the Town in landfill fees
- At next RML meeting, suggestion should be made that County lower the Town's rates for landfill fees
- Last review of a Town based sanitation system and cost of trucks shown to be expensive / additional review to take place
- Green Earth recycling discussed / not all residents participate

- Cost benefit analysis to be performed regarding the Town's recycling program with Green Earth
- Some dumpsters had been removed to lower sanitation expenses / fees were increased last year

Cemetery

- Cemetery Commission suggested that rates not be increased
- Purchase of land from Dr. Downey for additional burial spaces
- Maintenance fund discussed
- Operation of Perpetual Care Fund should be reviewed
- Cost to finish fence at the Cemetery would cost approximately $12,000.00
- Discussion of dispersal of funds regarding Cemetery revenue

Mayor Bompiani thanked the Town Manger and Department Heads for their hard work preparing the budget.

Mayor Bompiani and the Town Council took a five minute break. The meeting proceeded with Chris Fewster, P.E., of Anderson & Associates, who spoke to Council regarding the Town's wastewater treatment plant.

Mr. Fewster discussed monthly plant flow records and a decrease in flows since December. He indicated that significant rainfall for May and an increase in flow at the plant were the reasons for continuing I & I. issues.

Mr. Fewster explained that inflow was caused by a rain event through the connections and going directly to the sewer system. Infiltration was caused by ground water or rainfall. He noted two types of infiltration were: 1) rainfall infiltration which fell on the ground and percolated through the ground into the pipes and, 2) groundwater infiltration which was ground water that rose up and infiltrated into the pipes.

Mr. Fewster stated that wastewater treatment plant employees needed to be more responsive to issues. He noted much improvement over the last six months.

Mr. Fewster reviewed with Council the projected costs for the wastewater treatment plant under the revolving loan fund. He noted that additional work would take place on the Old Spotswood Trail sewer, Route 33 pump station abandonment and new sewer main, replacement of the sewer main under and along Blue & Gold Drive and replacement of the North Avenue pump station control system. He noted that current economic conditions were favorable for the Town to receive low bids on projects.

Mr. Fewster stated that a manhole needed to be replaced at the laundromat as soon as possible. Also, he stated that repair work needed to be addressed under the railroad. He noted that permits needed to be obtained from Norfolk & Southern Railroad in order to perform the repairs. He noted that the process by which to receive those permits was a timely one.

Mr. Fewster stated that according to flow meter readings Blue & Gold Drive still showed an extensive amount of inflow and infiltration. However, he noted that the additional flow was not coming from the recently replaced area but from the Tannery or school area. He noted that the manhole areas should be inspected in the evening hours for additional information on the problems.

Mr. Fewster encouraged Council to move forward with the process of upsizing the line at Spotswood to a 12" replacement. He noted that if the Town would bid all of the projects at one time, interim financing may not be needed.

Mayor Bompiani asked that Mr. Fewster attend the Council retreat in order to update Council with additional information and statistics regarding the wastewater treatment plant.

It was determined that the $3.4 million was included in the current proposed budget.

Mr. Fewster briefly reviewed a site plan regarding the plant. He stated the plan showed various projects that would take place and their locations. He noted the sludge facilities had issues with the old drying beds and that the Town had acquired a portable belt press and trailer to correct that problem. He stated the plan was to place the press in a building that would also house the new a new electrical system, which would replace the currently inadequate system.

Mr. Fewster also spoke regarding the inadequacy of the UV system at the plant, control issues, easements, a closing date for the revolving loan fund, lining Spotswood pipe, laterals and sewer service for the south side of Newtown Road.

Community Center (Council Rep: R. Snow)

Council member Snow spoke regarding the Elkton Area Community Center Advisory Board Bylaws. He noted that two versions of bylaws had been presented to Council. One version was from him and the other from Town Attorney Sigler.

Town Attorney Sigler noted that it was unnecessary to identify Administrator Morris as a member of the advisory board. She noted that "members" should be identified as the Board of Directors and that "officers" should be elected to handle day-to-day business. She noted that the purpose of an advisory board was to review issues and report to the Town Council.

Council member Snow stated the advisory board was being established to advise the director and was needed according to grant applications.

Town Attorney Sigler stated that clarifications were provided for officers in the bylaws but not members. She noted that vacancies and removals for the "members" had not been addressed. She stated that statuary responsibility should be removed from the bylaws since no specific statute would govern the advisory board. She noted that the accounting principals should be removed if the advisory board was not going to have a separate account and be responsible for specific funds.

Council member Snow stated that he did not have an issue with removing the Articles as referenced above.

A brief discussion took place regarding the accounting documents needed for grant applications.

Council member Snow suggested that Council approve the version he presented and delete ARTICLE VII – Statutory Responsibility and ARTICLE VIII – Accounting Principals. Town Attorney Sigler suggested that ARTICLE VIII contain Section 3 – Access to Records.

Administrator Morris stated that when applying for grants the Community Center needed documentation regarding revenues and expenses. She noted that a full financial report was needed. Treasurer Sipe stated that the budget v. actual report received by Council monthly provided that information. However, she could detail the report to offer an additional breakdown of items.

Mayor Bompiani suggested that no change take place on the Treasurer's Report at that time and that Council address the bylaw matter. He noted that using Council member Snow's version, strike all of ARTICLE VII and Sections 1 and 2 under ARTICLE III.

A brief discussion took place regarding the term of service for members. It was determined the service time would be a one year term with the option of re-election. The following language would be added to the bylaws, "*All members shall serve for a one year term or until their successors are elected,*" under ARTICLE I, Section 1 – Terms of Office before, "*All officers shall hold office until the next annual election.*"

Mr. Wodicka stated that he had requested legal input from Town Attorney Sigler regarding the bylaws.

Further discussion continued with an additional revision to the bylaws as follows: "*The Advisory Board will consist of (9) members who will be recommended by the Elkton Area Community Center Committee to the Elkton Town Council for approval. All members shall serve for a one year term until their successors are elected.*"

Mayor Bompiani asked that Town Attorney Sigler revise the document for presentation at the Regular Council Meeting on Monday.

Electric (Chair: M. Isom)

Council member Isom stated that the Electric Committee had met. She inquired to Vice Mayor Dearing regarding the status of the noise reduction walls for the generator. Vice Mayor Dearing responded that an engineer had provided a quote regarding the project. He noted the cost was estimated at $34,000.00. The Town was currently working with Jeff Vaughan, the owner of Shenandoah Speedway, to purchase stacking walls to reduce the noise issues.

Mr. Wodicka would request that Timmy Turner, Director of Public Works, work with Mr. Vaughan to move the project forward.

Public Safety, Health & Ordinance (Chair: H. Armbruster)

Mr. Wodicka asked if the police ordinance would be discussed or tabled until a later time. The matter would be discussed later in the meeting.

Water & Sewer (Chair: L. Dearing)

Vice Mayor Dearing asked that Council approve $3.4 million towards the wastewater treatment facility under the revolving loan fund. (*Agenda*)

Town Attorney Sigler stated that a public hearing would need to be held on the matter since the Town would be borrowing funds.

Cemetery

Vice Mayor Dearing asked for Council support regarding a land purchase for Elk Run Cemetery from Dr. Downey. He noted that the Cemetery Commission wanted to move forward on the matter. (*Agenda*)

First right of refusal was briefly discussed regarding additional land purchases from Dr. Downey for the Cemetery.

Finance (Chair: R. Snow)

Council member Snow stated that nine names were recommended for the advisory board. He asked that Council review the recommendations. He noted the following persons appeared on the list:

Randell Snow (Council representative)
Sue Armbruster
Pat Shifflett
Julia Smith
John Keys
Kevin Dovel
Elizabeth Swallow
Peter Ott
Mike Breeden (County representative)

Council member Snow stated that the bylaws could be revised to allow eleven members on the Board of Directors and a quorum of seven. He noted that would allow Goldie Helsley to be added as a member of the board. Council member Armbruster noted that Mrs. Helsley would like to be on the board.

It was determined that Council would vote on the approval of the bylaws and appointment of board members at its Regular Council Meeting. (*Agenda*)

Streets & Sidewalks (Chair: P. Workman)

Council member Workman stated that a letter to VDOT needed to be sent by the Mayor or Town Manager requesting a review of the intersection at Chiefy's and Route 340.

Mr. Wodicka stated that a public hearing would be held on Monday, May 18, 2009 at 6:30 p.m. regarding the reallocation of funds under the Urban Construction Program. He noted that Spotswood Avenue would be removed from the program and two new projects added.

Public Safety, Health & Ordinance (Chair: H. Armbruster)

Mayor Bompiani noted that Council member Armbruster wished to discuss the proposed amendment to the Elkton Town Code regarding the police department as follows:

Proposed
Amendment to the Elkton Town Code
May 4, 2009

BE IT RESOLVED that the Town of Elkton hereby adopts by ordinance the following Amendment to Chapter 27, POLICE, to the Elkton Town Code, as follows:

Chapter 27
POLICE
Article I
Police Department

Section 27-3. Chief of Police.

A. Unless otherwise provided by the Town Council, the Chief of Police shall be the Town Sergeant.

B. The head of the police department shall be the Chief of Police. He or she shall be appointed by the Council and shall be under the supervision of the town manager. The

Chief of Police shall be in command of the police department. He or she shall make rules and regulations in conformity with the Charter and other ordinances of the town concerning the operations of the department; the conduct of the officers and employees thereof; their uniforms, arms and other equipment; their training; and the penalties to be imposed for infractions of such rules and regulations. With respect to their duties as police officers the town manager's supervision of the Chief of Police shall not include the power to countermand any order, rule or regulation promulgated by the Chief of Police to the officers.

~~D.~~ C. The town shall never be without a Chief of Police. In the absence of the Chief of Police from the town for any length of time, the powers and duties of the Chief of Police shall devolve upon the Police Sergeant, until the return Chief of Police.

Section 27-4. Appointment, suspension, demotion or dismissal of chief of police and police officers.

A. The Council shall appoint the Chief of Police who shall serve at the pleasure of the town council. The Council shall have the exclusive right to suspend, demote, or terminate the Chief of Police.

B. The town manager shall appoint such number of officers and members to constitute the police department of the town as the Council may authorize from time to time, by appropriation or otherwise. The town manager, or the Chief of Police with the consent of the town manager, shall have the power to suspend, demote or dismiss any police officer of the town at any time for just cause.

Council member Isom inquired as to the intention of the last provision presented by Town Attorney Sigler regarding the ordinance. Town Attorney Sigler responded that a clarification of the chain of command was needed. She noted that the Chief of Police was in the process of developing a standard operating procedure which, in the future, would address such issues.

Mr. Wodicka stated that the Town Manager should have authority over the Police Department just as he did with the Public Works Department. He questioned why the Police Department would be a separate entity.

Council member Isom had concerns that police officers would be conflicted as to which person to listen to, the Town Manager or the Chief of Police if a situation arose in which there was a disagreement on an issue.

Mr. Wodicka stated that the officer's immediate supervisor would be the Chief of Police. He noted that ultimately the Town Manager should have authority over the Police Department. He was of the opinion that the last sentence in the proposed ordinance amendment was contradictory.

Council member Workman inquired if the Chief of Police had reviewed and given an opinion on the matter. Mr. Wodicka responded that Chief Morris was at the last meeting and had viewed the documentation.

Vice Mayor Dearing noted that all department heads needed to attend meetings in their entirety.

Council member Snow stated that one reason Council had reserved the right to hire and fire police officers were due to their visibility in Town.

Mr. Wodicka stated that the public works department was also visible in the community. He added that if Council wanted change to be made effectively, the process needed to be more streamlined.

It was determined that the matter needed additional review by the Town Council. Therefore, the matter would be discussed further at the Council retreat.

Mayor Bompiani stated that the next Council retreat would be held on June 4, 2009 from 8:00 a.m. to 12:00 p.m. at the Cooley Conference Center – Merck House.

A discussion took place regarding a citizen's request to be placed on the agenda as a speaker. It was determined that any comments should be made under the citizen comments section of the meeting.

Council member Isom stated that the Planning Commission and Board of Zoning Appeals were in need of additional people to serve on those committees. She asked that names be submitted as soon as possible. It was determined that two positions were available on the Board of Zoning Appeals.

Town Attorney Sigler stated that a public hearing was needed regarding the Lohman matter. She noted that a map had been presented to Council for a review of the proposed property to be closed. It was noted that a public hearing on the matter would take place in July.

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

Mayor: Larry A. Bompiani
Larry A. Bompiani

Recorder: Denise R. Monger
Denise R. Monger, Clerk