Regular
Council Meeting
October 19, 2009

The regular meeting of the Elkton Town Council was held on October 19, 2009, in the Council Chambers at the Elkton Area Community Center with Mayor Larry A. Bompiani presiding. The following Council members and staff were present:

PRESENT	ABSENT
L. Bompiani, Mayor	M. Isom, Council Member
M. Dearing, Vice Mayor	
H. Armbruster, Council Member	
D. Kite, Council Member	
P. Workman, Council Member	
R. Snow, Council Member	

PRESENT	ABSENT
Reid A. Wodicka, Town Manager	Timmy Turner, Public Works Director
M. Christopher Sigler, Town Attorney	
James A. Morris, Chief of Police	
Clairen Sipe, Town Treasurer	
Allison Morris, EACC Administrator	
Diane Johnson, Recreation Director	
Denise R. Monger, Clerk of Council	

Mayor Bompiani called the meeting to order and the clerk was asked to call the roll.

Council member Kite gave the Invocation.

Cody Anderson and Boy Scout Troup 145 led in the Pledge of Allegiance and all present were asked to join in the recitation.

Recognition of Cody Anderson by the Recreation Commission

Diane Johnson, Director of the Recreation Department, presented Cody Anderson with a plaque commemorating his work for an Eagle Scout Project by assisting with the "Elkton in Battle" event that was held in the Town.

Recognition of Interns: Heather Phillips and Andrew Piske

Reid Wodicka, Town Manager, presented interns, Heather Phillips and Andrew Piske with Certificates of Appreciation and financial contributions for their work with the Town.

Adopt Resolution for the Daughters of the American Revolution – Massanutten Chapter

Council member Workman read the proclamation being presented to the Massanutten Chapter of the Daughters of the American Revolution from the Elkton Town Council honoring Constitution Week.

PROCLAMATION
Constitution Week 2009

WHEREAS, on September 17, 2009, marked the two hundred and twenty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which commemorated the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

NOW, THEREFORE, I, Larry A. Bompiani, Mayor of the Town of Elkton, Virginia, do hereby proclaim September 17 through 23, 2009 as

CONSTITUTION WEEK

In the Town of Elkton, Virginia, I ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Elkton, Virginia, on this 19th day of October in the year of two thousand nine.

Brenda Babcock and Eleanor Price accepted the proclamation on behalf of the organization.

CITIZEN COMMENTS

Hazel Crider, Elkwood, invited everyone to attend the Veteran's Day program scheduled for November 11, 2009 at 11:00 a.m. at Stonewall Park. She noted that the Neighborhood Watch would be providing refreshments.

Mrs. Crider thanked James Morris, Chief of Police, for his assistance and support with the Neighborhood Watch organization. She noted that membership had increased due to Chief Morris' involvement and guidance with the group. She noted that the Town had benefited greatly from Chief Morris' service and that he would be greatly missed.

Mildred Shifflett, 112 West Spotswood Avenue, thanked the employees at the Town Hall for their assistance with a plumbing issue at her residence. She noted that the recent water rebate to citizens was a positive effort. She noted her sadness that Chief Morris would be leaving his position with the Elkton Police Department.

Wayne Printz, 336 West Washington Avenue, read the following:

"I would like to compliment the Town, its staff and the Elkton Progressive Improvement Committee (EPIC) for hosting the annual Autumn Days. It was a thriving success. People come from miles around to visit and enjoy our beautiful Town. I even talked to a couple on vacation in Massanutten and they enjoyed it immensely. A couple of thoughts for improvement might be, to have some events on Spotswood to help the businesses. We need to improve our downtown involvement. Our businesses are suffering, especially with the recent increase in utilities.

I would also like to thank the Town for completing the paving on Prospect. This was on my administration's agenda and I appreciate the completion of these roads. It was a welcome improvement to the Town and opens up some lots for development. I find it interesting we agree on that project.

I will also have a plan by the next Council meeting for some car shows, yard sale and cooking events for next summer; hopefully to be held on Spotswood in front of the Town Hall, trying to help stimulate business and participation. I will lay out some ideas and hopefully hook up with a number of organizations to present the same type of ideas that Shenandoah had this summer which was a thriving success.

On a much more serious issue, last week the Town lost two officers. Under my administration, we worked very hard to try to stabilize the Police Department after many years of turmoil. Under Mr. Jim Morris, that was accomplished in due form. I'd like to thank you Jim, for you're hard work. I've worked with you for many years. I think you are the best we've ever had and I think that you leveled out our Town. You did a great job and we're going to miss you. Not only are we losing the best chief we ever had, we are losing another fine officer, Mr. Jeremy Hooke. I understand there was a pay issue and I would like for the Town to take another look at that because that man was stable, smart, and knew how to deal with people.

I was disturbed by these events after reading in the media that many on Council think everything is going so well. There are some things going well but there are also some things that are not going very well. This issue with Jimbo, I feel was because of some issues that happened prior to this. I think that left a bad taste and I would hope that would not happen again.

Once an employee is persecuted unjustly and their dignity is attacked, as what may have happened in this case, the end result may be forgone. An insecure environment and employee intimidation has created this situation and there are other situations like this that have not been attended to properly and eventually will come to light if they are not taken care of.

I would also like to suggest to the Town a significant refund to the Elkton citizens in regards to the fiasco involving the Town's water supply. Many residences and businesses were severely impacted financially and personally due the Town's poor judgment. Some businesses had to put tanks and pumps in. This was just after a 70 percent increase was imposed on the citizens and businesses. There was already considerable dissention in the Town. This would be a good dose of contentious respect towards our citizens and our businesses.

On a final note, the Town is preparing to borrow almost $3 million. Why don't we go out here and allow Blackwell Engineering to review where we stand? We already paid $277,000.00 to Anderson & Associates. Like I have said many times before, I have read many of these issues regarding the waste treatment plant and many are already complete. Engineers will, as a matter of fact, perpetuate there own existence. It looks like to me, we are headed towards paying the engineer a significant portion of this money. It might be a good idea for the Council to bring Mr. Blackwell in and talk to him about this issue. Three years with the current engineer could cost the Town almost $750,000.00."

Mayor Bompiani stated that he appreciated the compliments given by Mr. Printz, but did not appreciate the "innuendos." He noted that certain matters had been addressed and that Chief Morris had made a decision. He noted that everyone would like for Chief Morris to stay. However, his decision had nothing to do with any past situation but what was best for his family in the monetary sense. He asked Chief Morris, who was in attendance, if he agreed. Chief Morris responded affirmatively.

MINUTES

Motion to Approve Consent Agenda

Mayor Bompiani stated that a correction to the minutes would be as follows:

Council Work Session for September 8, 2009 would show that Council member Kite was in attendance and Council member Armbruster was absent.

Vice Mayor Dearing moved, seconded by Council member Workman, and carried to approve the consent agenda as presented.

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman, and R. Snow

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

TOWN MANAGER'S REPORT

Mr. Wodicka spoke regarding the following:

- RML meeting has been cancelled.
- Search for Chief of Police to begin.
- County submitted their contribution to the Community Center in the amount of $66,500.00.
- Rockingham County requested to relocate dump site.
- Requested closed session to discuss property acquisitions.

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $126,882.71 for General Government for the month of September 2009. Total designated money was $74,966.67, leaving total available cash of $51,916.04.

Council member Snow moved, seconded by Council member Kite, and carried to accept the Treasurer's report as presented.

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman, and R. Snow

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Administrator Morris spoke regarding the following:

- Haunted Trail open from October 28-31 at 7:00 p.m.
- Election Day Breakfast to be held on November 3, 2009 from 6:00 a.m. – 10:00 a.m.
- Christmas Bazaar scheduled for December 5, 2009.

Vice Mayor Dearing questioned the time frame for the "donations" received by the Community Center. Administrator Morris responded from the time the center opened to the present.

Vice Mayor Dearing questioned if the bulk mailers had any affect on memberships. Administrator Morris noted her disappointment that the project had only recouped $1,500.00. However, the mailings were good advertisement for the center.

Administrator Morris stated that the Elkton Area Community Center had a Facebook page which included photos and information regarding upcoming events.

CHIEF OF POLICE REPORT

Chief Morris stated that his department's drug arrests year-to-date were 18. He noted that number had increased since last year. He noted that in the prior month the department logged 246 calls.

A brief discussion took place regarding the number of calls the department runs for Rockingham County.

Chief Morris stated that a speed reduction was needed on Mt. Pleasant Road after he and his department reviewed a speed study, collected accident data, received citizen complaints, and considered future development in that area.

NEW BUSINESS

Accept Resignation of Chief of Police

Council member Kite moved, seconded by Council member Armbruster, and carried to accept the resignation of Chief of Police James A. Morris effective November 1, 2009.

YEAS: H. Armbruster, D. Kite, P. Workman, and R. Snow

NAYS: M. Dearing

VOTE: (4 – 1 roll call) Motion carried

Accept Resignation of Police Officer

Council member Kite moved, seconded by Council member Workman, and carried to accept the resignation of Jeremy Hooke effective immediately.

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman, and R. Snow

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Motion to Approve Water Rebate

Vice Mayor Dearing moved, seconded by Council member Armbruster, and carried to approve the water rebate as presented at Council's last committee meeting.

It was determined the rebate of $8.50 would take place over a three month period which would average to approximately $2.84 per month for 1126 customers. The total cost to the Town would be $9,593.52.

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman, and R. Snow

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Adopt Resolution to Read Ordinances by Title Only – First Reading

Town Attorney Sigler presented Council with a choice of ordinance adoption procedures. She briefly explained the two options:

Option 1: First reading of ordinance verbatim with the second reading by title only.

Option 2: First and second readings of ordinance by title only.

It was determined that the full text of the ordinance would be recorded in the minutes.

The general consensus of Council was to adopt "Option 1."

First Reading

Amendment to the Elkton Town Code

October 19, 2009

Amending Section 37-12. Ordinance adoption procedure

Chapter 37

TOWN COUNCIL

Article II

Council Meetings

37-12. Ordinance adoption procedure

Option 1.

No general ordinance shall be adopted by the Council unless and until it shall have first been introduced and read at a meeting of the Council and thereafter at a subsequent meeting brought up, discussed and adopted in accordance with existing requirements of state law and of the Code and other ordinances of the town respecting adoption of ordinances by the Council; provided the requirement of a second reading may be confined to the reading of the title only and not verbatim; provided, further, however, that if, in the opinion of Council, an emergency exists that requires the immediate adoption of an ordinance or amendment thereto, any such ordinance or amendment thereto may be adopted on introduction.

COMMITTEES

Electric

No report.

Finance

No report

Personnel

Council member Kite discussed personnel issues that needed to be resolved.

Public Health, Safety, Ordinances

Council member Armbruster stated that the committee was still working on the Noise Ordinance.

Streets and Sidewalks

Council member Workman spoke of recent jobs performed by the Town and traffic concerns.

Water & Sewer

Vice Mayor Dearing spoke briefly regarding the wastewater treatment plant and the well.

Economic & Community Development

Council member Workman stated that a public hearing would be held to discuss the possibility of a clean coal research facility. The hearing would be held on Thursday, October 22, 2009.

Community Center

Council member Snow stated that an advisory member was needed for the EACC Advisory Board. He noted that volunteers were needed.

Recreation

No report.

Planning Commission

No report.

Cemetery

Vice Mayor Dearing spoke briefly regarding the land purchase recently made for additional cemetery property.

Mr. Reese Cover requested to ask some questions regarding the Cemetery finances. Vice Mayor Dearing agreed to meet with Mr. Cover to answer any questions he had at the conclusion of the meeting.

Advisory

Mayor Bompiani read the following recommendations, suggestions and comments for consideration by the Town Council:

1. A number of complaints have been reviewed on the parking at Chief's on Route 340 (people pulling out into a line of traffic, etc…). It is a safety hazard.

2. We encourage a continued clean-up all over Town to improve general appearance.

3. Abandoned vehicles (residential areas) need to be removed.

4. White lines need to be repainted all over Town at the stop signs.

Mayor Bompiani thanked Madelyn Dixon, George Grunwald, Bob Hammer and Haze Crider, Chair of the Advisory Committee, for their hard work and efforts.

Appointment for Advisory Committee

Vice Mayor Dearing moved, seconded by Council member Workman, and carried to appoint Wake Gooden to the Advisory Committee.

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman, and R. Snow

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

UNFINISHED BUSINESS

Decrease Speed Limit on Mt. Pleasant Road – Second Reading

Council member Armbruster moved on a Second Reading as follows:

ORDINANCE TO DECREASE THE SPEED LIMIT ON MT. PLEASANT ROAD

LOCATED WITHIN THE BOUNDARIES OF TOWN OF ELKTON, VIRGINIA

Second Reading

October 19, 2009

WHEREAS, the Town Council for the Town of Elkton has the authority to modify and regulate the speed limit on roads located within the Town's boundaries pursuant to Section 46.2-1300 of the Code of Virginia; and

WHEREAS, the Elkton Police Chief and his department have conducted a traffic investigation on Mt. Pleasant Road and have made a recommendation to the Elkton Town Council for a 10 mile per hour reduction in the speed limit on that portion of Mt. Pleasant Road that is located with the Town's boundaries; and

WHEREAS, the Town Council for the Town of Elkton has found that this reduction in speed limit is for the best interest and safety of the residents and travel in the Town of Elkton.

BE IT THEREFORE RESOLVED, that the Town Council for the Town of Elkton by ordinance hereby reduces the speed limit on the road named Mt. Pleasant Road from 35 miles per hour to 25 miles per hour from the 17003 block range to 17479 block range, all located within the boundaries of the Town of Elkton; and

BE IT FURTHER RESOLVED, that this reduction of the speed limit will become effective and enforceable after proper posting and signage has been completed.

ADOPTED AND APPROVED this 19th day of October, 2009.

Vice Mayor Dearing duly seconded the motion.

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman, and R. Snow

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

TOWN ATTORNEY/REPORT/ACTION NEEDED

Town Attorney Sigler stated she was in the process of working with the Town's engineers to develop a Sewer Use Ordinance. She noted the Town would need to adopt the new ordinance in accordance with the Revolving Loan Fund. She anticipated a "draft" to be prepared for Council to review at the next Committee Meeting in November. She noted that all bidding documents had been forwarded to DEQ for review. She noted that the bidding process could begin upon approval of those documents.

MAYOR'S BUSINESS

Mayor Bompiani thanked Council for their participation and time regarding the last Council retreat held in September.

Closed Session

Council member Workman moved, to go into closed session under Virginia Code 2.2-3711-A.1 for personnel issues and under Virginia Code 2.2-3711-A.3 for the discussion or consideration of the acquisition of real property. Council member Snow duly seconded the motion.

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Council member Workman moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certified that only public business matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.2 of the Code of Virginia were heard, discussed, or considered. Council member Snow duly seconded the motion.

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

As there was no additional business, **Council member Workman moved, seconded by Council member Kite and carried to adjourn the meeting.**

YEAS: M. Dearing, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor:_____
Larry A. Bompiani

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

APPENDIX A

AGENDA
ELKTON TOWN COUNCIL
October 19, 2009

- ❑ **ROLL CALL**
- ❑ **INVOCATION**
- ❑ **BOY SCOUT TROUP 145 TO LEAD PLEDGE OF ALLEGIANCE**
- ❑ **CITIZEN COMMENTS, QUESTIONS, REQUESTS, AND PRESENTATIONS WHICH DO NOT VIOLATE STATUTORY PUBLIC HEARING REQUIREMENTS.** (Council may establish or alter rules governing this or other public comment periods.)
- ❑ **CONSENT AGENDA** (All items under this agenda are adopted as part of one motion. Any items for discussion or dissenting votes will be moved to Old or New Business.)
- ❑ **TOWN MANAGER'S REPORT**
- ❑ **TREASURER'S REPORT**
- ❑ **COMMUNITY CENTER ADMINISTRATOR'S REPORT**
- ❑ **CHIEF OF POLICE'S REPORT**
- ❑ **NEW BUSINESS**
  1. Adopt Resolution for the Daughters of the American Revolution – Massanutten Chapter
  2. Recognition of Interns: Heather Phillips and Andrew Piske
  3. Recognition of Cody Anderson by the Recreation Commission
  4. Accept Resignation of Chief of Police
  5. Accept Resignation of Police Officer
  6. Motion to Approve Water Rebate
  7. Adopt Resolution to Read Ordinances and/or Resolutions by Title Only
- ❑ **COMMITTEE REPORTS**
  - Electric
  - Finance
  - Personnel
  - Public Health, Public Safety, Ordinances
  - Streets and Sidewalks
  - Water and Sewer
  - Economic & Community Development
  - Community Center
  - Recreation
  - Planning Commission
  - Cemetery
  - Advisory
- ❑ **UNFINISHED BUSINESS**
  1. Decrease Speed Limit on Mt. Pleasant Road – Second Reading
- ❑ **TOWN ATTORNEYS/REPORT/ACTION NEEDED**
- ❑ **MAYOR'S BUSINESS**
- ❑ **CLOSED SESSION**
- ❑ **ADJOURNMENT**