Regular
Council Meeting
November 16, 2009

The regular meeting of the Elkton Town Council was held on November 16, 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
M. Dearing, Vice Mayor	None
M. Isom, Council Member	
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
Lauri A. N. Sigler, Town Attorney	
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.

All present were asked to join in the Pledge of Allegiance.

Gerald Monger Community Service Award

Council member Kite presented the 2009 Gerald Monger Community Service Award to Doug Shifflett for his leadership, volunteering efforts and hard work within the community. Mr. Shifflett accepted the award and thanked everyone for the honor.

Policeman of the Year

Mayor Bompiani noted that former Chief of Police James A. Morris was named the 2009 Policeman of the Year. He was not in attendance but would be given his plaque at a later time.

Town Safety Manuals

JMU students Emily Strickler, Natasha Nau, and Kevin Settle reviewed a slide presentation of a safety manual they had drafted for the Town. The Town Council would review the matter and take their recommendations under advisement.

Appoint Chief of Police

Council member Armbruster moved, seconded by Vice Mayor Dearing, and carried to hire Kevin Whitfield as the next Chief of Police for the Town of Elkton effective immediately.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

CITIZEN COMMENTS

Mildred Shifflett, 112 West Spotswood Avenue, asked why the Kite House was left sitting empty with no prospect of future use. She noted that the house would continue to become "run-down." She suggested that local contractors be used to perform the repairs needed. She noted that the house was a source of revenue for the Town at one time.

Wayne Printz, 336 West Washington Avenue, read the following statement: "*I would first like to compliment and thank the Neighborhood Watch for hosting the Veteran's Day celebration down at our beautiful Stonewall Park. Even though the weather was not cooperating, the event was well attended and well presented. The refreshments were great. The event provided for one of the, not so often times, in which our Veteran's can stand proud and be shown appreciation. Thanks to the Vice Mayor for emceeing the event. He does a good job as always and thanks to the staff.*

I would also like to recognize and thank Mr. Peter Ott and the Town staff for creating the wilderness trails; meandering through some of the property we purchased off of Mrs. Kite. These trails are very nice and afford our citizens an outstanding opportunity to get in touch with nature and enjoy a special place.

Mr. Mayor, as a rule, I am somewhat cautious regarding my relationship with The Valley Banner. Not specifically Ted or Travis, but the editorial conduct from their superiors. Like for example, the time Jenny Jones just happened to be driving into Elkton and stopped to take a picture of an individual, who just happened to be cleaning up a bridge leading into Elkton, and it just happened to be on the front page of The Valley Banner the next week. That was obviously an orchestrated event. There are times at The Valley Banner that I've had the latitude to convey my thoughts, for the most part, uncensored, and there are times I was censored more recently, when I believe I should have been able to speak; especially when it comes to many current issues in the Town that I disagree with. But I was perplexed to have read in The Valley Banner a retraction regarding the discipline of our beloved Chief Morris that he had received. The retraction stated it was the Council and not Mr. Wodicka which administered discipline, which I believe, ultimately, contributed towards the departure of our Chief. This change in The Valley Banner was after Mr. Wodicka had a meeting with a representative of The Valley Banner. Well, I beg to differ with this assessment, sir. On April 20 at 1:30 p.m., Mr. Morris was sent home by Mr. Wodicka and it was not until the 23rd of April, when the Council had a special meeting on whether to fire the Chief when any decisions were made or not made. The Council came out of private session and there was no vote regarding the matter. The Valley Banner was unequivocally correct in its original article in this case.

Mr. Mayor, I am also becoming progressively concerned on who was minding the store. Personnel moral is very low for many reasons including no significant raises. I have heard of live outbursts aimed at employees, I have heard of intimidation, I have heard of fists being thrust down on a table. In the last month, we have lost three good employees. One, of which is still hanging in the balance waiting for some type of reasonable explanation on what happened from the Personnel Chair. I understand there were papers thrown up in the air at a meeting with one of our seniors. Also, one of our Councilmen was very rude at a committee meeting with many people present including you, Mr. Mayor.

We still do not have a legal budget. Last week Mr. Mayor, there was a blatant disrespect for the state code when there was an illegal meeting where you guys went into a private session with no notification to the public.

Then, I was informed that Mr. Wodicka was driving our police car up in Elkwood; possibly turned the blue lights on. He was also seen delivering pizza in the police car and last week took the police car to a Manager's meeting in Harrisonburg."

A brief discussion took place between Council member Kite and Mr. Printz regarding the words, "possibly" and "facts." Mr. Printz continued to read his statement:

"*Under state code Section 18.2-175, which states, "it is unlawful to use a vehicle with the word police shown thereon." This is a Class 1 Misdemeanor. If the lights were used it's much worse. I understand there was nothing done about this and there was no oversight on the situation.*

Mr. Mayor, it seems to me that there is a time clock ticking on many fronts. There is a lack of commitment and direction on where the Town is going. I suggest that these issues be taken care of before we have lawsuits we do not need. We need more time and oversight into running our Town. Thank you, sir."

Council member Armbruster stated that the Public Safety Committee met and discussed the matter regarding the use of a police vehicle with the Town Manager. He noted that the matter had been taken care of.

Mayor Bompiani stated that, "just because there is silence on our part, doesn't mean that we agree with what's being said. I guess to make a little bit of levity of this, Reid you didn't bring me a pizza, bud. I don't appreciate information's put out there as fact by an opinion by a person and then the Town takes everything as fact. So, I'm just going to say, don't take our silence as agreement to everything."

Hazel Crider, Elkwood, thanked Council for their support and assistance with the Veteran's Day program and for providing the medals. She noted a special thanks to Vice Mayor Dearing for help with the event. She noted that more Veterans and supporters had attended the event. She noted that medals were given to 12 veterans in adult facilities who were very appreciative upon receiving the honor.

Mrs. Crider stated that she had walked the nature trails and was very impressed with the work that had been done. She noted that the trails were a huge asset to the Town and noted her appreciation for Mr. Peter Ott's efforts regarding the project. She suggested that markers or signs be placed to indicate where the trails are and make the areas easier for people to find.

Ora Mae Shifflett, 330 West Marshall Avenue, spoke briefly regarding several high water bills she had received. She noted that the current month showed normal use for her residence. She questioned why the Town Manager was overseeing the Police Department.

MINUTES

Motion to Approve Consent Agenda

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

1) September 21, 2009 Regular Council Meeting
2) September 29, 2009 Council Work Session / Retreat
3) October 13, 2009 Council Work Session
4) October 19, 2009 Regular Council Meeting

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

TOWN MANAGER'S REPORT

Mr. Wodicka spoke regarding the following:

- Permanent piping at the Elkwood well installed and in service.
- 2 new interns to begin working with the Town on January 11, 2010.
- Task Force Program to be developed.
- JMU students working to develop Economic Development Plan; focus groups to solicit input from citizens; minutes forthcoming.
- Wastewater treatment plant plans have been reviewed by DEQ; initial comments returned to the Town; final approval to be submitted soon.
- FY2010 Budget amendments almost finished; amendments to be brought to the Finance Committee next month.

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $75,461.04 for General Government for the month of October 2009. Total designated money was $44,519.39, leaving total available cash of $30,941.65.

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

A brief discussion took place regarding HEC funds.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Administrator Morris spoke regarding the following:

- New marketing techniques to be reviewed.
- Facebook page for the center.
- Christmas Bazaar to be held on December 5, 2009 from 9:00 a.m. – 1:00 p.m.

CHIEF OF POLICE REPORT

Chief Whitfield stated that the department had run 2,254 calls year-to-date. He noted that an additional officer would be hired to replace the position he formerly held in the department. He noted that some grant money would be forthcoming.

A brief discussion took place regarding the large number of juvenile arrests, the department's mutual agreement with the Rockingham County Sheriff's Office to assist with service calls and the nature of calls listed under "miscellaneous" of the report.

NEW BUSINESS

Town Audit

Young, Nicholas, Branner & Phillips, LLP, Certified Public Accountants performed the Town's audit and prepared the Financial and Compliance Reports dated June 30, 2009.

David Black, Senior Accountant, with the firm discussed the Town's financial management and provided an analysis regarding such.

Mr. Black thanked Treasurer Clairen Sipe, Deputy Treasurer Donna Gooden, Clerk Dorenda Flick, and Clerk of Council, Denise Monger for their assistance during the audit. He noted all information was given in a prompt manner, the staff was very cordial and he appreciated their efforts.

Mr. Black highlighted the following issues from the Financial and Compliance Reports:

- Town received a "clean opinion" which is the highest level of assurance that an audit firm can give on an organization's financial statements.
- The assets of the Town exceeded its liabilities by $6,161,925 at the close of the most recent fiscal year. [pg. 5]
- Town's net assets increased as a result of this year's operations. [pg. 6]
- Business-type activities, operating revenues increased by $462,143 from the previous year while operating expenses increased by $179,678. [pgs. 7 & 8]
- Governmental activities, operating revenues. [pgs. 6 & 7]
- Revenues and expenses in comparison with budget for general fund, electric fund, water fund and sewer fund. [pg. 46, 54, 55, 56]
- The Town spent $871,917 for capital outlays. [pg. 57]
- Town's debt increased by $164,357. [pg. 11]

Mr. Black reviewed page 5 of the report to compare the Town's balance sheet from one year to the next. He noted that at the end of 2008, the Town had approximately $4.4 million invested in capital assets minus its debt. By comparison, at the end of 2009, the Town had approximately $4.8 million invested in net assets. He noted that although the report showed an increase of over $400,000 that was mainly in fixed assets. He noted that the "unrestricted" number had decreased from approximately $1.4 million in 2008 to $1.3 million in 2009, which showed a good year for the Town as a whole. He noted that fiscally, the report was one of the best he had seen in three years for the Town. He noted that some of the "liquid money" the Town had in the prior fiscal year had been invested in capital assets.

Mr. Black briefly discussed the Town's "liquid assets." He noted that the Town's cash had increased. He noted that the Town's liquid assets had decreased due to the general fund forgiving a debt to the Cemetery Fund for slightly over $100,000. He noted that in the prior fiscal year that was shown as a receivable from the Cemetery to the General Fund. However, that was not the case in the current fiscal year. He noted that was the main reason for the decrease in liquid assets.

A brief discussion took place regarding the projected revenue from the recently purchased real estate for the Cemetery. It was determined that the transaction happened after the end of the audited fiscal year. Therefore, all financial reporting on the matter would be in next year's fiscal budget.

Mr. Black briefly discussed the Statements of Revenues, Expenses and Changes in Net Assets regarding the Town's Enterprise Funds (Electric, Water and Sewer). He noted that the only enterprise fund that operated in the "red" was the Sewer Fund. [pg. 20, 21]

Two special points Mr. Black made regarding the Sewer Fund were: "DEQ fine" paid by the Town in the amount of $16,170 and "professional services" in the amount of $107,162.

Mr. Black stated a positive outlook for the Electric Fund. He noted that particular fund was back to where it was three years ago.

Vice Mayor Dearing inquired if the Town needed to review its revenue since it spent $208,002 over its budgeted amounts. Mr. Black encouraged the Town Manager and Town Treasurer to be more involved in the budget process. He noted that consistency in the financial department would greatly benefit the Town. He suggested that the Town Manager, Finance Chair and Town Treasurer work through the budget process together. He noted that considering the size of the Town's budget, it only missed the projections by 10%.

Council member Snow inquired as to where in the budget financial information regarding meals tax could be found. Mr. Black responded that information could be found on pg. 48 of the report.

Mr. Black stated that on pg. 9 of the audit report was a listing of variations of actual results to the final General Fund budget with a two paragraph summary of all of the listings.

Mayor Bompiani thanked Mr. Black and his team for their hard work and efforts auditing the Town's finances. He also thanked the Town employees that provided them the information.

Appoint Additional Members to Community Center Advisory Board

Council member Snow moved, seconded by Council member Isom, and carried to appoint Councilman Harry Armbruster as a member of the Community Center Advisory Board.

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

ABSTAIN: H. Armbruster

NAYS: None

VOTE: (5 – 0 – 1 roll call w/ one abstention) Motion carried

Adjust Fossil Fuel Factor from $0.01096 per kilowatt to $0.00556 per kilowatt

Council member Isom moved, seconded by Council member Snow, and carried to reduce the fuel factor from $0.01096 to $0.00556 per kilowatt to be effective retroactively as of October 2009.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Valley Program for the Aging Agreement

Council member Kite moved, seconded by Council member Armbruster, and carried that Council allow Valley Program for the Aging, per the agreement, an extra day upon a contingence of the public hearing set for December 8, 2009.

It was determined that Council was voting to extend the offer of a third rental day. The final vote on the entire lease agreement would take place after the public hearing.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Rezoning Requests

Town Attorney Sigler stated that notices were in the process of being prepared and sent to certain residents regarding the zoning change. She suggested a public hearing be held on January 12, 2009. She noted that an additional public hearing would need to be held for some zoning amendments and suggested that take place in December.

The next Council Retreat would take place on December 17, 2009.

COMMITTEES

Electric

Council member Isom stated that the financial information regarding the generator was forthcoming.

Finance

No report.

Personnel

No report.

Public Health, Safety, Ordinances

No report.

Streets and Sidewalks

Council member Workman stated that street maintenance and sidewalk repair requests were still being accepted.

Water & Sewer

No report.

Vice Mayor Dearing briefly spoke regarding the Town hiring a police officer. It was determined he would be retroactively hired.

Economic & Community Development

Council member Workman stated that the Economic and Community Development Committee meeting would be rescheduled to Wednesday, November 25, 2009 at 6:00 p.m. or possibly canceled.

Community Center

Council member Snow encouraged citizens to join the Advisory Committee.

Recreation

No report.

Planning Commission

No report.

Cemetery

No report.

Advisory

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

1. We encourage the implementation of previous recommendations that have not been implemented:

a. The turn lane on Stuart Ave. going north at the intersection with Spotswood Ave. needs correcting. We recognize this is a job for the State. Have they been contacted concerning this problem?

Mr. Wodicka responded that the necessary persons have been contacted, but no timeframe was given regarding the correction of the problem.

b. Curtail speeding within the Town limits.

2. Recommend placement of a sign on Stuart Ave. indicating location of Town Police Department.

3. Recommend enforcement of Town ordinance forbidding signs being posted on telephone poles.

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

UNFINISHED BUSINESS

Ordinance Adoption Procedure – Second Reading

Vice Mayor Dearing moved, seconded by Council member Kite, and carried that Council adopt 37-12. Ordinance adoption procedure.

Second Reading

Amendment to the Elkton Town Code

November 16, 2009

Amending Section 37-12. Ordinance adoption procedure

Chapter 37

TOWN COUNCIL

Article II

Council Meetings

37-12. Ordinance adoption procedure

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.

BE IT ORDAINED that this ordinance is enacted and shall be effective from the 16th day of November, 2009.

ADOPTED AND APPROVED this 16th day of November, 2009.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Hire Public Safety Officer

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to formally move officer Gregory Orebaugh from auxiliary officer to full-time officer retroactive 10/19/2009.

It was confirmed that officer Orebaugh's one year probation was effective 10/19/09.

Mr. Wodicka stated that an additional officer would not be hired until former Chief of Police Jim Morris was no longer on the Town's payroll which would be December 5, 2009.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

TOWN ATTORNEY/REPORT/ACTION NEEDED

Town Attorney Sigler stated that final comments would be received from DEQ regarding the documentation the Town had submitted. She noted that upon receipt, the Town would place bids in the newspaper and hold a public hearing on borrowing the money.

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.3 for the discussion or consideration of the acquisition and disposition of real property regarding the Elkwood well. Council member Armbruster duly seconded the motion.

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

NAYS: None

VOTE: (6 – 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 Kite duly seconded the motion.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Contract Between Town of Elkton and Lucci

Council member Workman moved, seconded by Vice Mayor Dearing, and carried that the Town of Elkton adopt a contract of purchase between Mike Lucci, Raul Castillo, and Green Mountain Properties as presented and to give the Mayor the authority to sign the contract and any other paperwork deemed necessary.

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

NAYS: None

VOTE: (6 – 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, M. Isom, H. Armbruster, D. Kite, P. Workman, and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Mayor: Larry A. Bompiani
Larry A. Bompiani

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

APPENDIX A

AGENDA
ELKTON TOWN COUNCIL
November 16, 2009

- ❑ **ROLL CALL**
- ❑ **INVOCATION**
- ❑ **PLAQUE PRESENTATIONS**
- ❑ **PRESENTATION OF TOWN'S SAFETY MANUALS BY JMU STUDENTS**
- ❑ **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. Town Audit
  2. Appoint Chief of Police
  3. Appoint Additional Members to Community Center Advisory Board
  4. Adjust Fossil Fuel Factor from $0.01096 per kilowatt to $0.00556 per kilowatt
  5. Valley Program for the Aging Agreement
  6. Rezoning Requests
- ❑ **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. Ordinance Adoption Procedure – Second Reading
- ❑ **TOWN ATTORNEYS/REPORT/ACTION NEEDED**
- ❑ **MAYOR'S BUSINESS**
- ❑ **CLOSED SESSION**
- ❑ **ADJOURNMENT**