Special
Council Meeting
January 7, 2009
7:00 p.m.

A special meeting of the Elkton Town Council was held in Council Chambers of the Elkton Area Community Center on January 7, 2009, with Mayor Larry A. Bompiani presiding. The following Council members were present:

PRESENT
M. Dearing
M. Isom
M. O'Neill
D. Kite (arrived at 7:05)
R. Snow
P. Workman

Town Attorney Lauri A. N. Sigler, Chief of Police James A. Morris, Treasurer Clairen Sipe, Recreation Director Dianne Johnson and Clerk of Council Denise R. Monger were also present.

(A copy of the agenda is appended to these minutes and marked as "Appendix A".)

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

Invocation was presented by Council member Isom.

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

Blue & Gold Drive

Vice Mayor Dearing briefed Council on the Blue and Gold Drive project. He noted that monitoring and evaluations had been performed by the Town's engineers. He noted significant I & I issues had been established in certain areas. He briefly spoke of repairs the Town had made which led to a reduction in the amount of wastewater the Town's plant treated.

Vice Mayor Dearing stated the Town was having issues with the sewer line on Blue & Gold Drive that was installed when the Elkton Middle School was built in 1958. He noted tests were performed and a camera was used to film the line. He stated infiltration was a significant issue. He asked the Council to declare an emergency in repairing the line to allow the Town to seek funds from the state for the repairs. He noted that a bidding process was underway in which a contractor would be selected on January 13, 2009 to perform the work.

Council member O'Neill moved on the following:

Resolution for Emergency Procurement

WHEREAS, the Town of Elkton and the Town engineer Anderson & Associates have discovered a large water leak in the water line along Blue & Gold Drive in the Town that is contributing to the capacity issue at the wastewater treatment plant; and

WHEREAS, Anderson & Associates has declared that an emergency exists and that repairs need to be made immediately on the water line to reduce the capacity issue at the plant; and

WHEREAS, the Town's procurement policy allows for less formal procurement procedures when the emergency exists;

BE IT RESOLVED, that the Elkton Town Council hereby declares the water leak in the sewer line on Blue & Gold Drive to be an emergency and authorizes Town personnel to proceed with emergency procurement procedures, secure a contractor, make the necessary repairs, and Council authorizes the Mayor and Vice Mayor to review and award the contract for the emergency repairs pending review of the Town Attorney.

Vice Mayor Dearing duly seconded the motion.

Council member Snow questioned if the solicitation of bids would prevent the Town from performing the work. Vice Mayor Dearing responded that time was of the essence due to the severity of the situation. He noted that after a review of the Town's outstanding projects and workload, it was determined the Town crews could not manage the project. He briefly spoke of the scope of the work involved and the equipment that would be needed.

Brief discussion took place regarding the issue of time involved with the project.

Vice Mayor Dearing stated that the Town could be reimbursed through the Department of Environmental Quality's revolving loan fund if a contractor performed the work.

Council member O'Neill noted his concerns of weather events and repair work affecting the Town's ability to perform the work for the project in a timely manner.

Council member Snow disagreed with the previous statement and noted that he did not support authorizing any contracts. He noted that no price had been discussed. He noted that he had spoken with Timmy Turner, Director of Public Works, who stated the Town was capable of performing the work for $20,000. He questioned the reasoning for the Town borrowing $80,000 for the project when the job could be performed by the Town for less money. Vice Mayor Dearing responded that the Town had solicited bids in order to follow procurement procedures.

A brief discussion continued regarding the Town performing the work for the project, scope of work involved and wetlands.

Council member Snow stated that in the past he had proposed the Town having two separate maintenance crews. He noted that if the Town performed the work, certain employees should be designated for that project only. He asked Council to review the matter before any decisions be made. He noted that price was a factor. Vice Mayor Dearing responded that the project was necessary to comply with the Consent Order.

Council member O'Neill offered to withdraw a portion of his motion in order to address the issue of awarding the contract. He requested Council call a Special Meeting on January 13, 2009 to discuss the matter.

Council member Isom noted her concern regarding the citizens' needs not being met if a portion of the maintenance department would be committed the Blue & Gold Drive project.

Vice Mayor Dearing stated that at the Special Meeting, Council would vote on the contractor that would be awarded the project. He noted that if the bids were high, the Town would perform the work. He briefly discussed two options available to contractors to repair the line.

***Council member O'Neill withdrew** his motion and **Vice Mayor Dearing withdrew his second** regarding the prior motion. The following was presented:*

Council member O'Neill moved to submit the motion as presented with the

resolution being:

BE IT RESOLVED, that the Elkton Town Council hereby declares the water leak in the sewer line on Blue & Gold Drive to be an emergency and authorizes Town personnel to proceed with emergency procurement procedures, secure a contractor to make the necessary repairs.

Vice Mayor Dearing duly seconded the motion.

Council member Snow stated that the Town could perform the work if they desired. Council member O'Neill confirmed that statement.

Council member Workman inquired if the contractor with the lowest bid would be awarded the contract. Vice Mayor Dearing noted that time was a main issue as well as the lowest bid received.

Council member O'Neill stated that the matter was a request for proposal (RFP) process in order for the Town to review which contractor would give the best value. Town Attorney Sigler stated that the Town engineers were in contact with Walter Gills from DEQ regarding the matter.

Mayor Bompiani requested that the motion be read. Council member O'Neill responded as follows:

WHEREAS, the Town of Elkton and the Town engineer Anderson & Associates have discovered a large water leak in the sewer line along Blue & Gold Drive in the Town that is contributing to the capacity issue at the wastewater treatment plant; and

WHEREAS, Anderson & Associates has declared that an emergency exists and that repairs need to begin immediately on the sewer line to reduce the capacity issue at the plant; and

WHEREAS, the Town's procurement policy allows for less formal procurement procedures when an emergency exists;

BE IT RESOLVED, that the Elkton Town Council hereby declares the water leak in the sewer line on Blue & Gold Drive to be an emergency and authorizes Town personnel to proceed with emergency procurement procedures to secure a contractor to make the necessary repairs.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Organizational Meeting

Mayor Bompiani suggested that Council member Kite continue as the Council representative for the Recreation Commission.

Council member Snow proposed that that the Community Center and Recreation Department be separated into two committees. He noted a Board of Directors should be established for the Community Center.

Council members Workman and Kite supported a Board of Directors being established and the separation into two committees.

A brief discussion took place regarding the standing committees, budget process for the committees and original by-laws for the foundation.

Council member Snow suggested that Council member Kite be appointed as the Council representative for the Recreation Commission.

Council member O'Neill suggested that Council re-activate the Park Authority and place the Community Center under that purview.

Vice Mayor Dearing would remain as the Council representative for the Cemetery Commission.

Council member Isom would be the Council representative for the Planning Commission.

Council member O'Neill and Vice Mayor Dearing would co-chair the Water and Sewer Committee.

Council member Snow stated that if three Council persons would join the same three committees it would reduce the number of meetings they would have to attend since they could schedule some meetings at the same time.

Agenda for committee meetings discussed.

Lengthy discussion took place regarding the committee meeting process.

Vice Mayor Dearing suggested that the Committee Meetings be held two weeks before the Regular Council Meeting to allow Council more time to review matters.

The Water and Sewer Committee members would be Council member Snow, Council member O'Neill and Vice Mayor Dearing.

It was determined that Council should vote on the proposed committee members.

Council member Workman suggested Council establish an Economic and Community Development Committee. He encouraged the new committee to be included into the Town's charter as a standing committee.

<u>Establish Economic and Community Development Committee – First Reading</u>

It was determined that two readings would be needed to establish the committee.

Council member Workman moved on a First Reading to establish an Economic and Community Development Committee. He requested the committee become one of the standing committees in the Town Code.

Town Attorney Sigler stated that Council would be amending Section 37-3 to create a new subsection G.

It was determined that members of the Streets and Sidewalks Committee would be Council member Kite, Council member Workman and Vice Mayor Dearing.

Public Health, Safety and Ordinances Committee would consist of Vice Mayor Dearing, Council member Isom and Council member Kite.

Personnel Committee would consist of Council member Kite, Vice Mayor Dearing and Council member Workman.

Finance Committee would consist of Vice Mayor Dearing, Council member O'Neill and Council member Snow.

Electric Committee would consist of Council member Isom, Council member Snow and Council member Workman.

Economic and Community Development Committee would consist of Council member Workman, Council member Isom and Council member O'Neill.

The Council representatives for the Community Center Committee would consist of Council member Kite, Council member Snow and Council member Workman.

Mayor Bompiani requested that chairs be chosen for each committee.

A discussion took place regarding the process of how to vote for the committee chairs. It was determined the entire Council would vote a chair for each committee.

Council members O'Neill and Snow asked to be considered as the chairperson for the Finance Committee.

Mayor Bompiani called for a voice vote to determine the chair for the Finance Committee. He determined that Council member O'Neill would be the chairperson.

Council member Isom asked to be considered as the chairperson for the Electric Committee.

Council member Kite asked to be considered as the chairperson for the Personnel Committee.

Vice Mayor Dearing asked to be considered as the chairperson for the Public Health, Safety and Ordinance Committee.

Council member Workman asked to be considered as the chair for the Streets and Sidewalks Committee.

Vice Mayor Dearing and Council member O'Neill asked to be considered co-chairs of the Water and Sewer Committee.

Council member Workman asked to be considered as the chair for the Economic and Community Development Committee.

Council member Kite noted that citizens had contacted him and expressed interest in serving on the Advisory Board. Council member Snow recommended that an advertisement be placed asking for volunteers for the Advisory Board or standing committees.

Committees and Vice Mayor Appointment

Vice Mayor Dearing moved for Council to accept the Committees as presented. This motion was not seconded at the time.

It was determined that the Vice Mayor would be selected and included in the above motion.

Vice Mayor Dearing stated he would like the opportunity to serve as Vice Mayor again. Council members Snow and Kite both expressed their interest in the position as well.

A brief discussion took place regarding the responsibilities of the Vice Mayor and the position of Town Manager.

Council member Snow stated a person was available immediately to work perhaps on a temporary or probational basis as the Town's Manager. Mayor Bompiani requested that matter be discussed in closed session.

Town Attorney Sigler noted that the appointment of Vice Mayor and the position of Town Manager were separate designations.

Mayor Bompiani called for a voice vote regarding the appointment for Vice Mayor. He determined that Lee Dearing would be appointed the Vice Mayor.

Vice Mayor Dearing moved, seconded by Council member Kite, and carried for Council to accept the Committee assignments as presented.

Vice Mayor – Lee Dearing
Electric – Margaretta Isom (Chair), Randell Snow, Rick Workman
Finance – Michael O'Neill (Chair), Lee Dearing, Randell Snow
Personnel – Gene Kite (Chair), Lee Dearing, Rick Workman
Public Health & Safety – Lee Dearing (Chair), Margaretta Isom, Gene Kite
Streets & Sidewalks – Rick Workman (Chair), Gene Kite, Lee Dearing
Water & Sewer – Michael O'Neill & Lee Dearing (Co-Chairs), Randell Snow
Planning Commission – Margaretta Isom (Council Representative)
Cemetery Commission – Lee Dearing (Council Representative)
Recreation Commission – Gene Kite (Council Representative)
Economic & Community Development Committee – Rick Workman (Chair), Michael O'Neill, Margaretta Isom

Town Attorney Sigler stated that the appointment for the Vice Mayor was for a two year term, per the Town's charter.

Vice Mayor Dearing encouraged all committees to meet soon. He noted that proper notice would need to be provided to the public.

Mayor Bompiani stated it had been moved and seconded to accept the Committee assignments and the appointment of the Vice Mayor as read.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Council member Snow stated that a review of predetermined meeting times should take place in order to avoid additional advertising for meetings. Town Attorney Sigler stated that posting the advertisements in the usual areas would be sufficient. Vice Mayor Dearing stated that committees could also announce the meetings publicly during Council meetings.

Vice Mayor Dearing suggested that the Committee Meeting be held two weeks prior to the Regular Council Meeting. He noted additional time would enable Council and the citizens to review the matters on the agenda.

Mayor Bompiani asked Council to review the matter and make their suggestions at the next meeting.

The next Council meeting was scheduled for January 19, 2009 at 6:00 p.m. Due to obligations, Mayor Bompiani asked Council to move the next Council meeting time to 7:00 p.m.

Change Council Meeting Time

A brief discussion took place regarding the Regular Council Meeting scheduled on January 19, 2009. It was determined the Regular Council Meeting would be rescheduled to Wednesday, January 14, 2009.

Council member O'Neill moved, seconded by Council member Kite, and carried for Council to move the Council Meeting for the month of January 2009 to the 13th at 7:00 p.m.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Council member O'Neill moved, seconded by Council member Kite, and carried for Council to set the regular meeting time for Council meetings starting February 2009 to the third Monday of the month at 7:00 p.m.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Closed Session

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to go into closed session under Virginia Code 2.2-3711.A.11 to discuss personnel issues.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Council member O'Neill 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. Vice Mayor Dearing duly seconded the motion.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

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

YEAS: M. Dearing, M. Isom, M. O'Neill, 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

SPECIAL COUNCIL MEETING
Town of Elkton
January 7, 2009
7:00 p.m.

Vice Mayor Dearing and Council member Kite have called a Special Meeting of the Elkton Town Council on Wednesday, January 7, 2009 at 7:00 p.m., at the Elkton Area Community Center located at 20593 Blue and Gold Drive in Elkton, Virginia. The purpose of the meeting is as follows:

AGENDA

1. Organizational Meeting
2. Blue & Gold Drive
3. Closed Session - Personnel