Regular
Council Meeting
January 15, 2007

The regular meeting of the Elkton Town Council was held in the Community Room of the Elkton Area Community Center on January 15, 2007, with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
M. Dearing
M. Isom
D. Kite
M. O'Neill
T. Pence

ABSENT
S. Sigafoose

Town Attorney Tom Miller, Director of Public Works Marty Shifflett, Chief of Police James Morris, and Clerk of Council Richard Carey were also present.

Pastor Clyde Plum offered the Invocation.

The Pledge of Allegiance was recited.

CITIZEN COMMENTS

Lugene Dovel, Lee Avenue, is conscientiously cleaning up his property, as his health permits. He sought Council's patience and asked for a time extension to complete the task.

Vic Corbo, Windsong Hills, discussed zoning issues on Wirt and First, Shenandoah and Wirt, and two houses on West Washington. He stated all four structures were owned by the same person and sighted zoning violations, as he understood them. Mr. Corbo was in possession of photographs of "junk car" locations around Town. He asked why taxes were not levied against these vehicles. Another zoning violation was a garage on Tamarack in Elkwood. No action has been taken for the storage building beside EAUS. Mr. Corbo suggested that the Town hire a professional zoning administrator. Additional violations were a house on Wirt with an addition and a fence and a wooden deck on Warren that encroaches a Town sidewalk. A required fence at Spotswood and Shenandoah has not been installed.

Jay Dean, 116 Lucas Lane, shared an encounter he was privileged to have had with an American soldier who had served in Iraq. Although the young soldier was missing an arm, he planned to return to Iraq. Then Mr. Dean stated that after eight months, repairs had not been made to his house. Council was given two weeks to make the repairs or Mr. Dean would involve his attorney.

Mildred Shifflett, 112 West Spotswood Avenue, spoke against any increases in utility rates. People in the back of the room cannot hear Council.

Hazel Crider, Elkwood, favored a senior retirement development on the Kite property. Certain areas of Town lack adequate lighting. She referred to Elkton Manor and the entrance to the Community Center. As for utility rates, she agreed with Mrs. Shifflett.

MINUTES

Vice Mayor Dearing moved, second by Council member Kite, and carried to approve the Committee Meeting minutes of December 11, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 voice vote)

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to approve the minutes of the Public Hearing of December 18, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 voice vote)

Vice Mayor Dearing moved, second by Council member Kite, and carried to approve the minutes of the Regular Council Meeting of December 18, 2006.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 voice vote)

TREASURER'S REPORT

Mrs. Sipe is still on maternity leave.

DIRECTOR OF PUBLIC WORKS

Virginia Power will increase electric rates by 1.83% on February 1, 2007. The fuel factor will remain at the current level. Mr. Shifflett stated this will be the last increase until Year 2010, the term of the current contract. Mr. Shifflett remarked this will require a First Reading.

Mr. Shifflett termed the work of Anderson & Associates as "very good." Emerging from a meeting with DEQ, Council will be presented three proposals regarding the treatment plant. Mr. Shifflett recommended that the Town continue to employ the services of Anderson & Associates.

CHIEF OF POLICE

Vice Mayor Dearing made Chief Morris aware of golf cart and moped traffic on Jackson Avenue. Chief Morris responded that warnings had been issued to the offenders.

Responding to a question from Council member O'Neill, Mayor Printz affirmed that the Angler Settlement Agreement was signed. Elkton could profit approximately 4.5 million dollars. Town Attorney Miller confirmed that this issue was "closed," as Council member O'Neill stated.

Mr. Shifflett received a quote of $2,400.00 each for two desk top color copiers, which are networkable. One unit would go to the Community Center and the other to the Treasurer's office. Without action, Council member O'Neill termed the copiers "expensive."

Vice Mayor Dearing's suggestion to expand the police department to the "old" Council Chambers was sent to Committee by Mayor Printz. Council member O'Neill also expressed "reservations."

NEW BUSINESS

Hire Community Center Administrator

Council member Kite asked that the drainage from the Chevron station to the railroad tracks be checked.

A ditch on Spring Avenue needs repairing.

The owner of *Pieces of the Valley* has some parking recommendations. Vice Mayor Dearing commented that the cabinet shop, the door company, and the mill all have dumpsters that block the alley. These dumpsters need to set on the businesses' properties.

Water and Sewer

No report.

Recreation

A swing needs to be replaced on the Kids Castle. Council member Kite described a Kaivac cleaner, which disinfects and cost $3,395.00 to purchase.

Council member O'Neill moved, second by Council member Isom, and carried to purchase a Kaivac machine.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 roll call)

Planning Commission

Vice Mayor Dearing listed numerous violations that needed correcting.

Cemetery

Vice Mayor Dearing proposed installing a wrought iron fence at the Cemetery. Two prices were obtained; $9,517.00 and $8,200.00. This will be discussed when Committees meet. The maintenance building has been moved.

UNFINISHED BUSINESS

Set Water and Sewer Availability Fees – Second Reading

Council member O'Neill moved, second by Vice Mayor Dearing, that residential connection fees for Town water and sewer be set as follows, unless otherwise specified by contract: water, $4,000.00 per unit and sewer $6,000.00 per unit.

Following a discussion of commercial customers and annexed areas, the motion and second were withdrawn.

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that residential connection fees for Town water and sewer be set as follows, unless otherwise specified by contract: water, $4,000.00 per unit and sewer $6,000.00 per unit. In addition, existing residences brought into Town by annexation, and did not have water and sewer available, can connect at the prevailing rate at the time of annexation.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 roll call)

It was stated at the time of annexation a water connection was $1,200.00 and a sewer connection was $1,800.00.

Fee Change Corresponding Commercial Connections for Water and Sewer

Mr. Shifflett will submit a proposed fee schedule based on the new residential fee of $10,000.00.

Attorney Miller presented the latest drafts for water and sewer connections.

Sections 170-10 and 170-11 Code of the Town of Elkton – Second Reading

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that Council adopt this ordinance amending and re-enacting Sections 170-10 and 170-11 of the Code of the Town of Elkton, Virginia with changes brought forward deleting the paragraph in Section D with the provision that if a County issued building permit expires or is canceled that would cancel the permit and the final end date after the permit is issued must be completed by 18 months and also the changes listed in Item "G."

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 roll call)

ORDINANCE AMENDING AND RE-ENACTING SECTIONS
170-10 AND 170-11
OF THE
CODE OF THE TOWN OF ELKTON, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELKTON, VIRGINIA: That Sections 170-10 and 170-11 be repealed and replaced by the following provisions:

Section 170-10 Water Connections inside and outside Town limits.

(a) The owner or his agent (the Applicant) of a parcel of land located within or without the corporate limits of the Town of Elkton may apply to the Director of Public Utilities of Elkton (the Director) for a permit to connect to the Town's potable water system. Prior to applying for a permit from the Town, if the Applicant's land lies outside the corporate limits of the Town of Elkton, the applicant shall obtain at least preliminary approval from the County of Rockingham for the development project. Preliminary approval may take whatever form is acceptable to both the County and the Director, and need not commit the County to final approval. Such evidence of County approval shall be submitted with the application to the Town. Water connection permit applications shall include (i) the estimated average daily demand, (ii) peak instantaneous demand, and (iii) fire flow demands.

(b) Where the intended use of the Applicant's land is residential involving four (4) or fewer units, the Director shall either approve or reject the application. Where there is any other intended use the Director shall forward the permit application to the Planning Commission for its recommendation. After consideration by the Commission, the permit application shall be forwarded to the Town Council, with the recommendations of both the Commission and the Director for final approval or rejection.

(c) Prior to acting on the application, for residential project of five (5) or more units, and for all other categories of projects, the Director shall require, and for residential projects of four (4) or fewer units the Director may require, that the Applicant submit appropriate engineering reports or studies that demonstrate the anticipated impact on the town's water system, along with any recommendations for changes or additions to the Town's infrastructure indicated because of the proposed new connections. All engineering studies and reports shall be paid for by the Applicant.

(d) All infrastructure, whether it be an extension to a main, or a new service line or lateral, shall be installed in accordance with the Town's design and construction standards at the Applicant's expense. Once installed by the Applicant and accepted by the Director, water lines up the meter shall be the property of the Town. The Applicant shall provide all reasonably required easements, at the Applicant's expense.

(e) Any permit issued under this provision shall expire if (i) construction on the unit for which it was issued is not commenced within three (3) months of the date of issuance, or (ii) if the building permit issued by Rockingham County is canceled or expires for any reason, but (iii) shall expire in any event at the expiration of eighteen (18) months after the date of issuance if the project is not completed. Once a permit expires a new permit must be obtained by filing a new permit application and paying all fees and charges at the then current rates.

(f) Terms of this Section may be modified on a project by project basis only by the Town council acting to approve a contract with a specific developer by ordinance. Contracts between the Town and a specific developer already approved and signed prior to the date of enactment of this amended Section are hereby reaffirmed and ratified as if so approved.

(g) Permits issued under this Section are non-transferable.

(h) The Director may charge a reasonable fee to cover time and expenses of processing the application.

(i) A "main" is a water line that serves more than one customer. A "service line" is a water line proceeding from a main that serves one customer.

This ordinance is enacted and shall be effective from the 15th day of January 2007.

ADOPTED AND APPROVED THIS 15th day of January 2007.

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MAYOR

ATTESTE:

_____
CLERK OF THE COUNCIL

Section 170-28 – Second Reading

Council member O'Neill moved, second by Vice Mayor Dearing, and carried that the ordinance amending and re-enacting Section 170-28 under the Code of

Elkton, Virginia with the same corresponding changes as enacted in the provision just passed for Sections 170-10 and 170-11 be enacted.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 roll call)

ORDINACE AMENDING AND RE-ENACTING SECTION 170-28 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELKTON, VIRGINIA: That Section 170-28 be repealed and replaced by the following provisions:

Section 170-28 Application for Sewer Connection and Sewer Service.

(a) The owner or his agent (the Applicant) of a parcel of land located within or without the corporate limits of the Town of Elkton may apply to the Director of Public Utilities of Elkton (the Director) for a permit to connect to the Town's sanitary sewer system. Prior to applying for a permit from the Town, if the Applicant's land lies outside the corporate limits of the Town of Elkton, the applicant shall obtain at least preliminary approval from the County of Rockingham for the development project. Preliminary approval may take whatever form is acceptable to both the County and the Director, and need not commit the county to final approval. Such evidence of County approval shall be submitted with the application to the Town.

(b) Where the intended use of the Applicant's land is residential involving four (4) or fewer units, the Director shall either approve or reject the application. Where there is any other intended use the Director shall forward the permit application to the Planning Commission for its recommendation. After consideration by the Commission, the permit application shall be forwarded to the Town Council, with the recommendation of both the Commission and the Director for final approval or rejection.

(c) Prior to acting on the application, for residential projects of five (5) or more units, and for all other categories of projects, the Director shall require, and for residential projects of four (4) or fewer units the Director may require, that the Applicant submit appropriate engineering reports or studies that demonstrate the anticipated impact on the Town's sanitary sewer system, along with any recommendations for changes or additions to the Town's infrastructure indicated because of the proposed new connections. All engineering studies and reports shall be paid for by the Applicant.

(d) All infrastructure, whether it be an extension to a main, or a new lateral, shall be installed in accordance with the Town's design and construction standards at the Applicant's expense. Once installed by the Applicant and accepted by the Director, sanitary sewer lines up to the laterals shall be the property of the Town. The applicant shall provide all reasonably required easements, at the Applicant's expense.

(e) Any permit issued under this provision shall expire if (i) construction on the unit for which it was issued is not commenced within three (3) months of the date of issuance, or (ii) if the building permit issued by Rockingham County is canceled or expires for any reason, but (iii) shall expire in any event at the expiration of eighteen (18) months after the date of issuance if the project is not completed. Once a permit expires a new permit must be obtained by filing a new permit application and paying all fees and charges at the then current rates.

(f) Terms of this Section may be modified on a project by project basis only by the Town Council acting to approve a contract with a specific developer by ordinance. Contracts between the Town and a specific developer already approved and signed prior to the date of enactment of this amended Section are hereby reaffirmed and ratified as if so approved.

(g) Permits issued under this Section are non-transferable.

(h) The Director may charge a reasonable fee to cover time and expenses of processing the application.

(i) A "main" is a sanitary sewer line that serves more than one customer. A "lateral" is a sanitary sewer line proceeding from a main that serves one customer.

This ordinance is enacted and shall be effective from the 15th day of January 2007.

ADOPTED AND APPROVED this 15th day of January 2007.

_____
MAYOR

ATTESTE:

_____
CLERK OF THE COUNCIL

Water and Sewer Hook-up Ordinance – Second Reading

This was incorporated in the Water and Sewer Code and was termed "redundant."

Closed Session

Council member O'Neill moved, second by Council member Kite, and carried to go into closed session under Virginia Code 2.2-3711.A.11 to discuss personnel issues, 2.2-3711.A.7 to discuss possible pending litigation, and 2.2-3711.A.3 to discuss real estate negotiations.

YEAS: M. Dearing, M. Isom, D. Kite, and M. O'Neill
Council member Pence left the room before the vote.

Motion carried (4 – 0 roll call)

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. Council member Kite duly seconded the motion.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 roll call)

Appoint Acting Town Superintendent and Permanent Zoning Administrator

Vice Mayor Dearing moved, second by Council member O'Neill, and carried to name Marty Shifflett as acting Town Superintendent and permanent Zoning Administrator, with a salary increase of $2.00 per hour.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence

Motion carried (5 – 0 roll call)

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

Mayor: _____
Wayne E. Printz

Recorder: Richard D. Carey, CMC
Richard D. Carey, Clerk