Special
Council Meeting
August 14, 2007

A special meeting of the Elkton Town Council was held in the Elkton Area Community Center, located at 20593 Blue and Gold Drive, Elkton, Virginia on August 14, 2007 at 6:00 p.m., with Mayor Wayne E. Printz presiding. The following Council members were present:

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

Town Attorney M. Christopher Sigler, Acting Town Superintendent/Zoning Administrator Marty Shifflett, Chief of Police James A. Morris, EACC Administrator Allison Morris, Treasurer Clairen Sipe and Clerk of Council Denise R. Monger were also present.

Mayor Printz opened the meeting and read the agenda as follows:

1. Closed Session
2. First Reading of Ordinance to Change Polling Location
3. First Reading of Resolution for Finance and Purchase of Peaking Generator
4. Hire Police Officer

Council member O'Neill proceeded with the following motion:

Closed Session

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

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

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. Council member Isom duly seconded the motion.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Council member O'Neill requested "Downey Knolls" be added to the agenda since full Council was in attendance.

Ordinance to Adopt Chapter 11 ELECTIONS Sections 11.1 & 11.2 - Code of the Town of Elkton – First Reading

Council member O'Neill moved on a First Reading for Council to adopt an ordinance enacting Chapter 11 ELECTIONS Sections 11.1 and 11.2 of the Code of the Town of Elkton, Virginia which stated the following:

Chapter 11 ELECTIONS

Section 11.1 Voting precinct.

The whole of the Town is hereby established, ordained and declared to be a single voting precinct.

Section 11.2 Polling place.

The one polling place for the Town shall be at the Elkton Area Community Center located at 20593 Blue and Gold Drive.

Vice Mayor Dearing stated the Town Hall was not handicap accessible. He noted there was a plan to turn the old Council Chamber at the Town Hall into part of the police department. He stated that since the Community Center can accommodate voters the elections should be held in that facility.

Council member Kite noted his support for the change in polling location and was encouraged by the number of people that would be able to view the center.

Council member Isom noted that parking for all voters was more convenient at the Community Center.

Council member O'Neill expressed concerns regarding the short time period Council was given notice to make a change in the polling location and if there would be any cost involved.

EACC Administrator Allison Morris stated one room would be used for voting purposes. However, the remainder of the Community Center would still be in operation.

Resolution for Finance and Purchase of Peaking Generator – First Reading

Council member O'Neill moved on a First Reading for Council to approve a Resolution which stated the following:

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA TO APPROVE A LOAN IN THE MAXIMUM PRINCIPAL AMOUNT OF $400,000.00 FOR THE PURCHASE OF A PEAKING GENERATOR AND THE ASSOCIATED COSTS FOR MATERIALS, INSTALLATION AND THE DESIGN AND PROJECT MANAGEMENT AND PROFESSIONAL COSTS

WHEREAS, the Town Council of the Town of Elkton, Virginia ("Town") has determined that it is necessary and desirable to purchase a peaking generator and to finance the cost of the generator and the associated costs for materials, installation, and the design and project management and professional expenses.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA:

1. **The Town Council hereby authorizes the borrowing of funds for the purchase of a peaking generator and to finance the cost of the generator and the associated costs for materials, installation, and the design and project management and professional expenses.**

2. **The loan shall be in the principal amount not to exceed $400,000.00.**

3. **The Town may pledge its full faith and credit to secure the repayment of the loan.**

Mayor Printz questioned the option of borrowing funds by lease or loan and queried if the motion could be revised to that effect.

Treasurer Sipe stated the lease company would request a tax exempt bond status. Council member O'Neill added no response from the lease company had been given concerning if bond council would be a requirement which would add additional expenses.

Town Attorney C. Sigler confirmed that if the lease option was used bond council would be a requirement of the leasing company.

Treasurer Sipe stated the loan option would give the Town flexibility to decide if monthly payments or a one year payment would be made. In contrast, the lease option required payment in advance.

Council member O'Neill stated the loan terms for the generator would be four years. The scheduled payment per year would be $110,014.00. The estimated revenue per year would be in the amount of $150,000.00. With the exception of the first year, the Town could expect a positive cash flow of approximately $40,000.00.

Vice Mayor Dearing expressed concern with the project cost. He stated the Town had expected revenue from the Angler contract in the month of June. To date, that money had not been received by the Town which would affect the budget.

A brief discussion continued regarding future revenues from the purchase of the generator, depletion of generation, positive cash flow and electrical maintenance.

Motion to Hire Edward Barton

Vice Mayor Dearing moved, seconded by Council member Kite, and carried for Council to hire Edward Barton, a police officer, at $32,500.00 per year.

A short discussion ensued regarding additional applicants who applied for the position.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Resolution to Approve Downey Knolls

Council member O'Neill spoke regarding the zoning request of Downey Knolls before Rockingham County. He stated Mayor Printz had sent a correspondence on Town letterhead to the County in which he expressed reservations concerning the project. The following correspondence was sent to the Board of Supervisors and Joe Paxton the County Administrator:

"I received information yesterday that a potential vote regarding Pete Bonavita's development may be taken this afternoon at the Board of Supervisor's meeting. I am requesting that you delay any vote until your next meeting so that I may have the opportunity to attend in representation of the Town of Elkton.

There are three major concerns not addressed at this point:

1. The entranceway to the development and the supporting information required to sustain that entranceway.

2. Any approval should include Mr. Bonavita's request to have a boundary line adjustment as he stated would be the case regarding his development.

3. Seventeen business units should be rejected due to the significant impact this would cause to downtown Elkton. At the very least, zoning in that business part of the development which would require singular approval by the county for each business.

These issues are extremely important to me and the citizens of Elkton. I would like to request that you consider in making sure the above-referenced issues are settled and consider my request to delay action until the next meeting which will enable myself to attend. Endorsed, Sincerely, Wayne E. Printz, Mayor."

Council member O'Neill and Vice Dearing noted their disagreement with the position stated in the correspondence. Council member O'Neill noted he had a prepared resolution pending to be brought to the floor.

Mayor Printz stated Mr. Bonavita's project had only been approved for water and sewer. He noted Council had never voted to support the development. Further, he stated the Town would receive water and sewer connection fees and not the County because he and Town's citizens had voiced opinions on the matter.

Vice Mayor Dearing stated there was a public hearing on the Downey Knolls project at which time all parties noted their concerns. He did not concur with Mayor Printz on verbalizing points of concern once the hearing had concluded.

Council member O'Neill stated the resolution he had prepared would address a number of unresolved issues. A lengthy discussion ensued regarding water and sewer connections and fees from connections for the development.

Council member Isom questioned if the development would be within town limits. Vice Mayor Dearing stated that matter would be decided by County. Council member O'Neill concurred with Vice Mayor Dearing.

Council member O'Neill presented the following Resolution:

WHEREAS, per a recent agreement with the County, the Town will collect water and sewer connection fees on the line extension west of Town; and

WHEREAS, BPML Properties has made proffers and committed to request a boundary line adjustment to bring the property into the Town following zoning approval;

BE IT RESOLVED, that the Elkton Town Council supports the zoning request by BPML Properties for the Downey Knolls Project and requests its approval by the Board of Supervisors.

Council member Pence seconded the Resolution.

Council member Isom questioned when Council would be informed the property had been rezoned. Council member O'Neill noted a public process would take place.

Pete Bonavita noted the delay had cost him financially. Mr. Bonavita stated Council had approved his project on two occasions. Mayor Printz differed in opinion by

stating Council had approved water and sewer connections for the project; not the entire project. Mr. Bonavita agreed and noted that Council had endorsed his project and had no opposition to the development.

Mr. Bonavita stated he had made proffers which were legitimate and binding to the County. He noted a boundary line adjustment would be requested after the zoning approval due to a procedural process. He noted the Town's boundary line agreement, made during the last Annexation, stated Elkton cannot be in boundary line agreements with agricultural land. Therefore, the land for his project must be rezoned.

Mr. Bonavita questioned the actions of Mayor Printz in regards to the correspondence sent to the Board of Supervisors. Mayor Printz stated Council had never voted support for the development and had only extended water and sewer connections.

Vice Mayor Dearing spoke regarding the project appearing before the Board of Supervisors. He noted that the Zoning Commission sent a correspondence to the Town of Elkton asking if the Town had any issues with the project. At that time, the Town approved water and sewer for the development with no opposition presented. Mayor Printz rebutted by noting that Council had not voted on the development and therefore had not taken an official position. He continued by stating he would support Council's decision on the matter.

Further discussions took place regarding: contents of documentation in Mr. Bonavita's possession concerning Elkton Plaza West and Downey Knolls Subdivision, proffers and annexation request v. boundary line adjustment.

Mr. Bonavita disagreed with Mayor Printz' suggestion to County concerning the business development of the project. Mayor Printz clarified that his responsibility was to the Town of Elkton and to voice an opinion as to the impact the project would have to the downtown area. Vice Mayor Dearing added if losing businesses in the downtown area was a concern then Council would need to renovate and rebuild that area to entice people to come to Elkton.

Council member O'Neill amended his Resolution to refer to both of Mr. Bonavita's projects. The name should read as follows: **Downey Knolls Project/Elkton Plaza West.**

Vice Mayor Dearing seconded the amended Resolution.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

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

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

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