Regular
Council Meeting
January 21, 2008

The regular meeting of the Elkton Town Council was held on January 21, 2008, in Council Chambers at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT	ABSENT
M. Dearing	T. Pence (excused)
M. Isom	
M. O'Neill	
D. Kite	
S. Sigafoose	

Town Attorney Lauri A. N. Sigler, Chief of Police James A. Morris, EACC Administrator Allison Morris, Treasurer Clairen Sipe, EACC Secretary Diane Johnson and Clerk of Council Denise R. Monger were also present.

Council member Kite introduced Reverend Robert Buchanan of the Evangelical Presbyterian Church of Elkton, Virginia who gave the invocation.

The Pledge of Allegiance was recited.

PLAQUE PRESENTATIONS

Mayor Printz stated that Fire Chief Kibler and members of the Elkton Volunteer Fire Company were in attendance. He noted a display had been assembled by the department and encouraged everyone to view the exhibit. The department also presented a short video documentary, by Michael Smith, which was played during the meeting.

Mayor Printz thanked Council for allowing a special evening to take place in which certain community leaders and individuals would be recognized for their dedication and service to the Town.

Mayor Printz and Vice Mayor Dearing asked all recipients of recognition plaques to step forward for their presentations .

Resolution 12108-2 Honoring Donnie Davis

Council member O'Neill moved on the following Resolution:

RESOLUTION NO.: 12108-2
RESOLUTION HONORING DONNIE DAVIS

WHEREAS, The Town of Elkton is greatly indebted to DONNIE DAVIS for his service in fire prevention; and

WHEREAS, in acknowledgement of his volunteer of spirit, devotion to duty and his deserving of our honor and commendation from the Town of Elkton; and

WHEREAS, he has spent forty-six years of his life working in public safety and is recognized for his experience and training; and

WHEREAS, DONNIE DAVIS has demonstrated dedication and his efforts serve as an inspiration for all those who aspire to work in fire service;

NOW, THEREFORE BE IT RESOLVED, the Town of Elkton wishes to recognize and honor DONNIE DAVIS.

ADOPTED and **APPROVED** this 21st day of January 2008.

_____
Wayne E. Printz
Mayor, Town of Elkton

Atteste:

_____
Denise R. Monger
Clerk of the Council

Council member Sigafoose duly seconded the motion.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor Printz acknowledged the Town was very proud and appreciative of Mr. Davis and the Fire Company. He noted their dedication, hard work and efforts providing fire service for the community.

Mayor Printz and Vice Mayor Dearing presented a black marble plaque to Donnie Davis inscribed as follows:

"We Recognize
DONNIE DAVIS
For His Forty-Six Years of
Dedicated Fire Service
And Contributions
To Our Community

Mayor, Elkton Town Council
And Elkton Citizens

2008"

Mr. Donnie Davis thanked the Mayor and Council for presenting him with the plaque. He thanked the community for their support of the Fire Company in the past and in the future.

Mayor Printz and Vice Mayor Dearing presented a black marble plaque to the Elkton Volunteer Fire Company inscribed as follows:

"We Recognize The
ELKTON VOLUNTEER
FIRE COMPANY
For Eighty-One Years of
Dedicated Fire Service.
We Greatly Appreciate
Your Courage and Sacrifice

To Protect Our Community

Mayor, Elkton Town Council
And Elkton Citizens
2008"

Fire Chief Kibler accepted the plaque on behalf of the Fire Company. He noted the display would be left at the center for a short time for citizens to view the board. He encouraged citizens to log onto www.elktonfirecode.org to keep updated on fire department events.

Mayor Printz stated the Town Council would present a resolution honoring Chief of Police James A. Morris and Officer Herbert Kite. He noted Elkton currently has an outstanding police department.

Resolution 12108-1 Honoring James A. Morris and Herbert Kite

Council member O'Neill moved on the following Resolution:

RESOLUTION NO.:12108-1
RESOLUTION OF COMMENDATION
FOR JAMES A. MORRIS AND HERBERT KITE

WHEREAS, on the morning of January 2, 2008, Chief of Police James A. Morris and Officer Herbert Kite answered a call for a traffic accident in Elkton, Virginia; and

WHEREAS, upon arriving at the scene Chief Morris and Officer Kite found an unconscious individual; and

WHEREAS, Chief Morris and Officer Kite began cardiopulmonary resuscitation on the individual in an effort to save his life. He subsequently was revived and is recovering.

THEREFORE, BE IT RESOLVED BY THE ELKTON TOWN COUNCIL as follows:

1) That the Town Council commends Chief Morris and Officer Kite for their heroic actions;

2) That such actions reflect great credit upon the entire Police Department of the Town of Elkton;

3) That a copy of this Resolution be presented to Chief Morris and Officer Kite;

4) That a copy of this Resolution be placed in the official town personnel files of the two police officers.

ADOPTED and **APPROVED** this 21st day of January 2008.

Wayne E. Printz
Mayor, Town of Elkton

Atteste:

Denise R. Monger
Clerk of the Council

Council member Kite duly seconded the motion.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Vice Mayor Dearing spoke regarding the heroic actions taken by Chief Morris and Officer Kite by recounting the events that took place on January 2, 2008. He noted that the officers performed cardiopulmonary resuscitation on an accident victim which saved his life.

Mayor Printz and Vice Mayor Dearing presented black marble plaques to Chief of Police James A. Morris and Officer Herbert Kite inscribed as follows:

"We Recognize
Chief of Police
JAMES A. MORRIS
For His Life-Saving Actions
And Unselfish Contributions
to the
Elkton Police Department
And Our Community

Mayor, Elkton Town Council
And Elkton Citizens

2008"

"We Recognize
HERBERT "JUNIOR" KITE
For His Life-Saving Actions
And Dedicated Service
To Our Community

Mayor, Elkton Town Council
And Elkton Citizens

2008"

Daniel Talbot, Chair of Planning Commission, noted that the commission met after the public hearings and voted unanimously to recommend Council to approve the flood ordinance.

EPIC MEMORIAL/HONOR WALL

Mr. Harry Armbruster, President of the Elkton Progressive Improvement Committee (EPIC), stated almost two years ago the idea of a memorial wall began. He noted the memorial was dedicated to all person(s) living or deceased. He noted the

construction process of the wall was finished and the organization would like to dedicate the memorial to the Town. He presented a certificate to the Town which stated: "*Elkton Progressive Improvement Committee presents to the Town of Elkton a Memorial Wall on January 21, 2008.*" Endorsed by: Harry Armbruster, President and Donna Mowbray, Vice-President.

Mr. Armbruster presented a gift to Larry Davis on behalf of EPIC for his hard work towards building the Memorial Wall.

Mayor Printz thanked EPIC and Larry Davis for their efforts and success of the project. Mr. Armbruster noted that EPIC would retain a list of names on the wall. Approximately ninety names could be engraved on the two plaques which attach to the front and back of the wall.

CITIZEN COMMENTS

Mildred Shifflett, 112 West Spotswood Avenue, Elkton, stated she was disappointed there was no harmonious accord among Council members. She encouraged Council to cease blaming Town Superintendent Shifflett for various matters. She noted that her telephone calls were always accepted by Superintendent Shifflett and he had always assisted her. She advised Council to "leave him alone."

Mrs. Shifflett noted she had read the Town would raise taxes and utilities. She noted that citizens would move from the Town if Council would proceed with any increases. She discouraged Council from taking such action. Lastly, she noted that elections would take place in 2008 and that some Council members would not be reelected.

MINUTES

Motion to Approve December 12, 2007 Committee Meetings Minutes

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried to approve the minutes for the Committee Meetings held on December 12, 2007 with an amendment as stated below.

Council member Isom requested a clarification on page four of the minutes. She stated that if Council was going to fund fireworks, companies were being contacted for bookings. However, no order had been placed through the Centennial for fireworks.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Motion to Approve December 17, 2008 Regular Council Meeting Minutes

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried to approve the minutes for the Regular Council Meeting held on December 17, 2008.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

TREASURER'S REPORT

Treasurer's report was included in the regular packet.

Treasurer Sipe reported an ending ledger balance of $672,433.41 for General Government for the month of December 2007. Total designated money was $424,021.93, leaving total available cash of $248,411.48.

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

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

Report provided for Council in the packet.

EACC Administrator Allison Morris requested that donations be used to pay for a third pool table.

Council member O'Neill queried the cost of the new table. Administrator Morris responded approximately $2,000.00. She noted that fundraisers from the last two pool tournaments financed the lighting over the tables.

Vice Mayor Dearing questioned priority being given to lighting as opposed to signage for the center. Administrator Morris noted that meetings had taken place regarding brick for a new sign.

Administrator Morris stated that the pool tournaments generate about $150-$200 per event. She noted that one of the pool tables would be designated for "children only."

Vice Mayor Dearing inquired as to the type of funds that would be used for the purchase of a third pool table and if any County money would be used. Administrator Morris responded that the funds were in the Community Center's donation fund.

Coors donation of $5,000.00 designated for "children's fitness."

Mayor Printz suggested the matter be sent back to committee in order for a review and recommendation to take place. Council member Kite and Administrator Morris will meet and discuss the matter.

Discussion continued regarding the cost-effectiveness of purchasing used equipment and allocation of up to $2,500.00 in funds.

Council member Isom stated she would agree to the allocation in order to allow certain parties to continue to negotiate the purchase of the pool table.

Council member O'Neill stated he would authorize the Mayor to take steps in order for the center not to lose the option to purchase the table.

Vice Mayor Dearing noted his concern that Council was expected to take action on the matter but received no recommendation from the appropriate committee and what type of funds would be used to purchase the table. Administrator Morris stated she believed funds had been received from Dr. Bompiani that could be used.

Motion to Purchase Pool Table for Community Center

Council member Kite moved, seconded by Council member O'Neill, and carried to allocate up to the amount of $2,500.00 to purchase a pool table, not to exceed the amount of $2,500.00, for the pool table of the individual being discussed and talked to by the Recreation Director and the Community Center Administrator.

It was determined that Council member Kite, Administrator Morris and some pool enthusiasts would examine the pool table before a purchase would take place.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose
NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

The center had fifty-three new memberships for the month of December 2007 with $7,392.50 collected in room rentals and membership fees.

Council member Isom commended Administrator Morris and her staff for the Swing Dance held on January 19, 2008.

CHIEF OF POLICE REPORT

Report provided for Council in the packet.

Vice Mayor Dearing requested Chief Morris' reports reflect the fiscal year of the Town.

TOWN SUPERINTENDENT'S REPORT

Superintendent Shifflett stated the new pump arrived on January 18, 2007 around noon. He noted by 6:00 p.m. the pump was installed and operating efficiently.

Superintendent Shifflett noted a resolution from SEPA would be presented to Council shortly.

Vice Mayor Dearing suggested various organizations be notified with current addresses and contact names to ensure the correct person(s) are being sent information regarding various issues with the Town.

NEW BUSINESS

Reappointment to Recreation Commission for Joseph Gooden

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to reappoint Joseph Gooden to the Recreation Commission.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Reappointment to Recreation Commission for David Dean

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to reappoint David Dean to the Recreation Commission.

Council member Kite noted the appointments were for two years.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Flood Ordinance – Second Reading

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried that Council approve the amendment of Section 615 of Chapter 110 of the Code of the Town of Elkton, Virginia, the Flood Ordinance which has been reviewed and approved and submitted for approval by the Planning Commission.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

VOTE: (5 – 0 roll call) Motion carried

ORDINANCE REPEALING

AND

RE-ENACTING

SECTION 615

OF CHAPTER 110

OF THE CODE FOR THE TOWN OF ELKTON, VIRGINIA

BE IT ORDAINED BY THE ELKTON TOWN COUNCIL, VIRGINIA:

That Chapter 110, Section 615, Flood Hazard District FH-1, be and hereby is repealed and re-enacted as follows:

§ 110-615. Flood Hazard District FH-1.

A. Purpose. The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

(1) Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, frequencies.

(2) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding. **[Amended 12-18-2000]**

(3) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

(4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

B. Applicability. These provisions shall apply to all lands within the jurisdiction of the Town of Elkton and identified as being flood prone as stipulated in this section.

C. Compliance.

(1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdictions of this section.

(2) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the Floodplain District, or that land uses permitted within such district will be free from flooding or flood damages.

(3) Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.

(4) This ordinance shall not create liability on the part of The Town of Elkton or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

D. Abrogation and greater restrictions. This section shall supersede the provisions of any other ordinance or regulation with regard to development in flood prone areas. However, the provisions of any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

E. Definitions. The following definitions shall apply in the interpretation and enforcement of this section.

BASE FLOOD - A flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

BASEMENT - Any area of the building having its floor sub-grade (below ground level) on all sides.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, street, and other paving, utilities, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ENCROACHMENT - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

FLOOD OR FLOODING - (1)_A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source or (2) the collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood or by some similarly unusual and unforeseeable even which results in flooding as defined in (1) of this definition..

FLOODPLAIN OR FLOOD-PRONE AREA - Any land area susceptible to being inundated by water from any source.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FREEBOARD - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of the urbanization in the watershed.

HISTORIC STRUCTURE - Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirement for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or (c) individually listed on the Virginia State inventory of historic places.

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest

floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

MANUFACTURED HOME - A structure, transportable in one or more sections, which is eight (8) feet or more in width and is forty (40) feet or more in length, or when erected is 320 or more square feet in area, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For the purposes of this division, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on site for more than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK/SUBDIVISION, EXISTING - A parcel, or contiguous parcels of land divided into two (2) or more lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance codified in this division.

NEW CONSTRUCTION - For the purposes of determining insurance rates structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structure for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light-duty truck, and which is designed not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

SHALLOW FLOODING AREA - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
SPECIAL FLOOD HAZARD AREA - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year.

START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall,_ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTAINTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

WATERCOURSE - A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

F. Establishment and description of Floodplain Districts – Basis. The various Floodplain Districts shall include areas subject to inundation by waters of the one-hundred-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study and Flood Insurance Rate Map for the Town of Elkton, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, dated February 6, 2008.

   (1) The Floodway District is delineated for purposes of this section using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point. These areas included in

this District are specifically defined in Table 2 of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.

(2) The Flood-Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one-hundred-year-flood elevations contained in the flood profile of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

(3) The approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one-hundred-year floodplain has been approximated. Such areas are shown on the Flood Boundary and Floodway Map or on the Flood Insurance Rate Map, or both. For these areas the one-hundred-year flood elevations and floodway information from federal, state and other acceptable sources shall be used when available. Where the specific one-hundred-year flood elevation cannot be determined for this area using other sources of data such as the United States Army Corps of Engineers, Floodplain Information Reports, United States Geological Survey flood-prone quadrangles, etc., then the application for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify or present evidence that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Town of Elkton. The hydrolic and hydraulic analysis shall be provided to the Town by the applicant at the applicant's cost.

(4) The Special Floodplain District shall be that floodplain area where one-hundred-year flood profiles or elevations have been provided in the Flood Insurance Study but where a floodway has not been delineated on the flood boundary and floodway map. These areas are shown either on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, or both.

All building permit applications issued for any of the various floodplain districts as defined in this section, shall incorporate the following information:

(1) For structures that have been elevated, the elevation of the lowest floor (including basement);

(2) For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed;

(3) The elevation of the one-hundred-year flood;

(4) The zoning approval for the use.

G. Overlay concept.

(1) The Floodplain Districts described above shall be overlays to the existing underlying zoning districts as shown on the Official Zoning Map, and as such, the provisions for the Floodplain Districts shall serve as supplemental provisions to the underlying district provisions.

(2) Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts and those of any underlying zoning district, the more restrictive provisions and/or those pertaining to the Floodplain Districts shall apply.

(3) In the event any provisions concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying district provisions shall remain applicable.

H. Official map. The boundaries of the Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and Flood insurance Rate Map which is declared to be a part of this section and which shall be kept on file at the Town office.

I. District boundary changes. The delineation of any of the Floodplain Districts may be revised by the Town Council of the Town of Elkton where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual documents the need or possibility for such change. However, prior to such change, approval must be obtained from the Federal Insurance Administration.

J. Interpretation of district boundaries. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Town Council of the Town of Elkton shall make the necessary determination. The persons questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present the case to the Town Council and to submit his or her own technical evidence if he or she so desires.

K. District provisions.

(1) All uses, activities, and development occurring within the Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code and Article IX, Subdivision Regulations, of this chapter. Prior to the issuance of any such

permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws.

(2) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway or any watercourse, drainage ditch, or any other drainage facility or system.

(3) Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within this jurisdiction, a permit from the U. S. Corps of Engineers, the Virginia Marine Resources Commission and certification from the Virginia State Water Control Board is necessary (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given to all affected adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Resources), and the Federal Insurance Administration. **[Amended 12-18-2000]**

(4) Within the special floodplain area no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

(5) Standards for manufactured homes and recreational vehicles.

(a) Manufactured homes shall be allowed only in manufactured home parks. All manufactured homes placed, or substantially improved in existing or new manufactured home parks or subdivisions or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage must meet all the requirements for new construction, including elevation and anchoring requirements.

(b) All manufactured homes placed or substantially improved in an existing or new manufactured home park or subdivision must be elevated so that

(i) the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation; or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six inches in height above the grade (this subsection applies only to a new manufactured that will be placed in an existing manufactured home park or subdivision in which one or more homes have suffered substantial damage);

(iii) the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

(c) All recreational vehicles placed sites must

(i) be on the site for fewer than ninety consecutive days;

(ii) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions).

L. Floodway District.

(1) In the Floodway District encroachments, including fill, new construction, substantial improvements or other development shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(2) The placement of manufactured homes, except in an existing manufactured home park or subdivision within the Floodway District is specifically prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home or subdivision provided the requirements set out in §110-615(K)(5) are met.

(a) Permitted uses.

(i) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(ii) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

(iii) Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.

(iv) Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport land strips, etc.

(b) Uses permitted by special exception. The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other ordinance:

(i) Structures except for mobile homes accessory to the uses and activities in § 110-615L(a).

(ii) Utilities and public facilities and improvements, such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

(iii) Water-related uses and activities, such as marinas, docks, wharves, piers, etc.

(iv) Extraction of sand, gravel, and other materials (where no increase in level of flooding or velocity is caused thereby).

(v) Temporary uses, such as circuses, carnivals, and similar activities.

(vi) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

(vii) Telecommunications facilities. **[Added 12-18-2000]**

(viii) Other similar uses and activities, provided that they cause no increase in flood heights and/or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

M. Flood-Fringe and Approximated Floodplain Districts and Special Floodplain Districts. In the Flood-Fringe and Approximated Floodplain and Special Floodplain Districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying districts, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. The placement of any manufactured home, except in an existing manufactured home park or subdivision within the floodplain district is specifically prohibited.

Within the approximated floodplain district, all new subdivision proposals and other purposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five (5) acres, whichever is less, shall include within such proposals base elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100)-year flood elevation more than one foot at any one point. The engineering principle –equal reduction of

conveyance – shall be listed to make the determination of increase flood heights.

N. Special exceptions and variances.

(1) Additional factors to be satisfied. In passing upon applications for special exceptions and variances, the Planning Commission or Board of Zoning Appeals shall satisfy all relevant factors and procedures in other sections of this Chapter and the following factors:

(a) The danger of life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in flood levels during the one-hundred-year flood.

(b) The danger that materials may be swept onto other lands or downstream to the injury to others.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(j) The safety of access to the property in time of flood of ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

(l) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum

necessary to preserve the historic character and design of the structure.

(m) Such other factors which are relevant to the purposes of this section.

(n) No special exceptions or variance shall be granted for any development within the special floodplain district that, together with all other existing and anticipated development, would increase the one- hundred-year flood elevation more than one foot at any point.

(2) The Planning Commission or Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

(3) Special exceptions and/or variances shall only be issued after the Planning Commission or Board of Zoning Appeals has determined that the granting of such will not result in:

(a) Unacceptable or prohibited increases in flood heights.

(b) Additional threats to public safety.

(c) Extraordinary public expense.

(d) Create nuisances.

(e) Cause fraud or victimization of the public.

(f) Conflict with local laws or ordinances.

(4) Special exceptions or variences shall be issued only after the Planning Commission or Board of Zoning Appeals has determined that the special exception or varience will be the minimum required to provide relief from an exceptional hardship to the applicant.

(5) The Planning Commission or Board of Zoning Appeals shall notify the applicant for a special exception and/or variance, in writing, that the issuance of a special exception and/or variance to construct a structure below the one-hundred-year-flood elevation:

(a) Increases the risks to life and property.

(b) Will result in increased premium rates for flood insurance.

(6) A record of the above notification, as well as all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in

the annual report submitted to the Federal Insurance Administrator.

O. Existing structures in Floodplain Districts. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

(1) Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).

(2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any Floodplain District to an extent or amount of less than 50% of its market value shall be constructed according to the VA USBC and elevated and/or flood-proofed to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use regardless of its location in a Floodplain District to an extent or amount of 50% or more of its market value shall be considered substantial improvement and shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.

(4) Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(5) No expansion or enlargement of an existing structure or use shall be allowed in the Special Floodplain District that, together with all other existing and anticipated development, would increase the one-hundred-year flood elevation more than one foot at any point.

(6) The substantial damage or improvement of any structure shall require the entire structure to be brought into full compliance with the provisions of this chapter and the VA USBC.

P. Flood hazard mitigation. Within the Floodway, Flood Fringe District, the Approximated Floodplain District and/or the Special Floodplain District as delineated, the following additional provisions shall be met:

(1) All electric water heaters, electric furnaces and other critical electrical installations shall be permitted only at elevations at or above the level of the one-hundred-year flood.

(2) Water supply systems, sanitary sewage systems, and gas and oil supply systems shall be designed to preclude infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(3) Adequate drainage shall be provided to minimize exposure to flood heights.

(4) The preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated Floodplain District, including information on, but not limited to, the one-hundred-year-flood elevations, boundaries of the Floodplain Districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

Q. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this section shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section which shall remain in full force and effect, and for this purpose the provisions of this section are hereby declared to be severable. **[Amended 12-18-2000]**

R. Municipal liability.

(1) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the Floodplain Districts, or that land uses permitted within such districts will be free from flooding or flood damages.

(2) This section shall not create liability on the part of the Town of Elkton or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

BE IT FURTHER ORDAINED that this ordinance is enacted and shall be effective from the 6th day of February 2008.

ADOPTED AND APPROVED this _____ day of _____, 2008.

_____
Wayne E. Printz
Mayor, Town of Elkton

Atteste:

_____
Denise R. Monger
Clerk of the Council

Fine Earth Arbor Day

Superintendent Shifflett stated that Shenandoah Valley Builders Association and Fine Earth Landscaping were hosting a special Arbor Day project in which two area

communities would be selected to receive a special gift in April or in the coming years. Organizers and sponsors of the event hope to plant ten permanent groves during Arbor Day week over the next ten years. These endeavors would be funded by private contributions. Additional information was provided regarding contact names and site criteria.

Vice Mayor Dearing suggested a designated site at the park and stated he was in favor of the project.

Motion to Support Fine Earth Arbor Day

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to support the Fine Earth Arbor Day program.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Council member Kite requested that Joseph Gooden and David Dean receive the annual holiday bonus for commissioners.

COMMITTEES

Electric

Southeastern Power Administration Resolution No. 12108-3

Council member Isom moved on the following Resolution:

SEPA RESOLUTION No.: 12108-3

RESOLVED, the funding agreement among the Southeastern Power Administration, Southeastern Power, LLC and participating customers is hereby RATIFIED, AFFIRMED and, APPROVED.

RESOLVED, Wayne Printz is authorized on behalf of the Town of Elkton to execute the funding agreement.

Council member O'Neill duly seconded the motion.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Wayne E. Printz
Mayor, Town of Elkton

Atteste:

Denise R. Monger
Clerk of the Council

Finance

Council member O'Neill requested Department Heads submit budget requests for the new fiscal year.

Council member O'Neill inquired as to the status of the Town audit. Superintendent Shifflett responded that he was providing electrical information to the auditors and that a meeting with Council regarding the audit may take place at the next committee or Council meeting. However, a special meeting may need to be scheduled for the auditor's to report their findings for the standard and special audits.

The recent well failure incurred unplanned costs for the Town at just under $12,000.00. This expense also included approximately $7,000.00 in water hauling fees and pump repairs. Further, the pump replacement cost would be $3,600.00.

Personnel

Vice Mayor Dearing stated the personnel manuals are complete and printed. All employees will need to sign for a copy of the new booklets.

Vice Mayor Dearing noted that personnel matters should remain private and confidential.

Council will receive copies of the new manuals.

All department heads to be evaluated by Mayor Printz and Vice Mayor Dearing soon.

Mayor Printz queried pay-outs for accrued time to individuals no longer employed with the Town. Treasurer Sipe responded that, as stated in the employee manual, a "cap" was placed on vacation and sick time. Vice Mayor Dearing stated that personnel ordinances should be enforced. He noted that "comp time" was not accrued and needed to be used within a certain time frame.

Discussion regarding "buy-back" of Town employee's vacation and sick time took place. Mayor Printz encouraged Council to review current policies and discuss those matters. Council member O'Neill noted that time could be bought back in percentages. He noted a figure of twenty-five percent.

Council member Kite suggested that identification cards be issued to all Town employees.

Council member Isom questioned if the policy that stated all designated employees were required to wear Town uniforms during work hours had been implemented. Superintendent Shifflett affirmed that issue was discussed on Wednesday.

Public Health, Safety, Ordinances

No report at this time.

Vice Corbo questioned when the code book and website would be updated. Town Attorney Sigler stated that after additional ordinances were added a submission would be made to the publisher.

Streets and Sidewalks

No report at this time.

Water and Sewer

Vice Mayor Dearing stated that all documents should be provided to Council before they are released to the media. He noted Council would like time to review any documentation before presenting a comment to the press.

Recreation

Council member Kite requested to speak in closed session.

Most events scheduled at the Kite House had been relocated to the Community Center or other venues.

Council member Kite stated historical information was being collected concerning the Kite House. He would brief Council with his findings in the near future.

Vice Mayor Dearing stated that a Saturday work session should be scheduled for Council to discuss outstanding issues.

Planning Commission

No report at this time.

Cemetery

No report at this time.

Advisory

Mayor Printz thanked the Advisory Committee: Madelyn Dixon, George Grunwald, Bob Hammer, Marty Shifflett, and Haze Crider, Chair of the committee.

Mayor Printz stated the committee submitted the following:

1. The white lines at intersections of various town streets need repainting.

2. The street lighting in the area of Elkton Manor is inadequate and should be examined for possible improvement.

3. We recommend a review of the speed limits of town streets be made in order to consider a reduction of the speed limits in some areas of Town.

4. We suggest that the street sweeper be used, when the weather permits.

Mayor Printz noted the suggestions would be reviewed at the next committee meeting.

Mayor Printz noted he and Superintendent Shifflett scheduled a meeting with the Virginia Department of Transportation on January 25, 2008 to discuss state responsibilities in Town.

Council member Isom noted item number two on the Advisory Committee regarding street lighting at Elkton Manor had been addressed previously. Superintendent Shifflett noted that the area of concern was the front of the building. Previously, issues existed concerning the lighting on the side of the building.

Brief discussion took place regarding vapor light bulbs.

UNFINISHED BUSINESS

Closure of Streets and Sidewalks Ordinance – Second Reading

Town Attorney Sigler noted the revised version of the ordinance was received after a review from the Planning Commission. She noted a public hearing would not have to be held since the ordinance was not a zoning matter.

It was determined a first reading had been made regarding the ordinance and a second reading would be in order.

Council member O'Neill moved, seconded by Council member Sigafoose, and carried for Council to approve the street closing ordinance as presented.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

AN ORDINANCE TO AMEND CHAPTER 143 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF ELKTON TO ADD ARTICLE VI (CLOSURE OF STREETS OR ALLEYS).

WHEREAS, currently there is no clear procedure for the permanent or temporary closure of streets or alleys in the current code; and

WHEREAS, there have been numerous requests to close alleys and streets; and

WHEREAS, there are alleys and streets shown on the town map that are nonexistent and need to be improved or abandoned;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 143 (Streets and Sidewalks) of the Code of the Town of Elkton, is hereby amended by adding the following Article VI:

1. ARTICLE VI Closure of Public Streets or Alleys

§143-36 Temporary Closure

A public street or alley may be temporarily closed if the following procedures are met:

A. Request may be on motion from the Town Council or on written application of any person to the town manager, or his/her designated representative at least thirty (30) days prior to requested closure date.

B. The closure is for a purpose that benefits the town population. (can also be for a nonpublic purpose)

C. The closure does not create long term impact to the adjacent property owners.

D. There is a defined period of closure, not to exceed **three hundred and sixty-five days**.

E. Traffic is not diverted in a manner that would cause undue congestion in other areas as verified by the chief of police.

F. At the conclusion of the closure period the street or alley is returned to a status that is at least as good as the original condition by the party that requested the temporary closure.

G. **The town manager, or his/her designated representative, may issue a permit for temporary closure when in their judgment the public safety so requires. Such temporary closure shall not extend past the time of the next Town Council meeting. The Town Council may issue a permit for any other temporary closures.**

H. Closures can be renewed if deemed necessary by Town Council.

§143-37 Permanent Closure

A public street or alley may be permanently closed if the following procedures are met:

A. Request may be on motion from the Town Council or on written application of any person to the town manager, or his/her designated representative. The request must provide information on why the street or alley should be closed, impact on neighboring property and the benefit of closure to the town. The application shall contain the signatures of all abutting property owners along the public street or alley stating their approval of the closure.

B. A fee of one hundred ($100.00) shall be paid to the Town for the processing of an application for the vacation of any public street or alley. The application shall not be received unless such fee is paid at the time the application is filed.

C. The town manager, or his/her designated representative, must certify that the street/alley has no useful purpose to the town or its residents by nature of current use, zoning, cost of closing, or point of origin and/or destination.

D. Notice of the intention to vacate a public street or alley must be published at least twice, with at least six (6) days elapsing between first and second publication, in a newspaper having general circulation in the locality. The notice shall specify the time and place of a hearing at which persons affected may appear and be heard. The cost of publishing the notice shall be taxed to the applicant

E. Request will be reviewed by the Planning Commission, the Elkton Police Department and the Elkton Volunteer Fire Company for their comments and recommendations.

F. After the public hearing review by the other departments and after all affected land owners along the public street or alley have been notified, the Planning Commission will forward their recommendation to the Town Council.

G. After receiving a recommendation from the Planning Commission the Town Council may discontinue the public street or alley.

I. Unless otherwise provided by the Town Council, as a condition of the vacation of any public street or alley, the abutting property owner or owners, shall (1) provide the town with a certified survey of the public street or alley; and (2) purchase from the Town such abutting property owner's fractional portion of the public street or alley. The price shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. No such vacation shall be concluded until the agreed price has been paid. If any abutting property owner does not pay for such owner's fractional portion within one year, or other time period made a condition of the vacation, then the vacation

shall be void, unless another abutting property owner whose property must be contiguous, purchases the unpaid fractional portion.

2. This ordinance shall be effective immediately upon its adoption.

ADOPTED by the Town Council of the Town of Elkton this 21st day of January, 2008.

_____
Mayor

_____
Clerk of Council

Approved this _____ day of _____, 2008.

_____
Mayor

Motion to Approve Personnel Policy Addition 1-1 Divertees

Town Attorney Sigler requested Council take a formal vote on the matter.

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried for Council to adopt the Personnel Policy 1-1 for divertees as presented.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Personnel Policy 1.1 Addition
Divertees

Divertees are incarcerated at the Harrisonburg Men's Diversion Center and are made available as work force assistants to businesses throughout the Shenandoah Valley. There are two types of Divertees:

- Full-time temporary employee of the Town of Elkton (The Town) on a forty hour (40) work week basis
- Weekend Workforce – divertees working on a weekend project that are compensated by The Town providing lunch for each divertee.

I. The following is the policy that department heads shall use to obtain the services of Full-time Divertees.

1) To request Full-time Divertees, a written request must be made to the Town Superintendent outlining the job description.

2) Full-time divertees will be employed on a fourteen week (14) basis.

3) The department head will be responsible to insure that the following paperwork will be completed and returned to the appropriate individual:
   - Town of Elkton Application for employment and Emergency Contact Sheet returned to Clerk of Council.
   - Federal and State tax withholding forms returned to Treasurer's Office.

- Harrisonburg Men's Diversion Center paperwork.

II. The following is the policy that department heads shall use to obtain the services of Weekend Workforce Divertees.

1) To request Weekend Workforce Divertees, a written request must be made to the Special Events Coordinator at least two weeks in advance. The following information must be included with the request.
   - Who will be liaison between The Town and the Diversion Center.
   - What work is to be accomplished along with an estimate of the amount of time the divertees will be working.
   - What tools, equipment and/or signage will be needed.
   - The Department Head must make arrangements for lunch and refreshments for the day. These arrangements shall be consistent and no special treatment shall be given to any divertee.
   - If the weekend workforce is to be shared with another organization, the organization name and contact information must be included in the request as well as what time the Town will turn over responsibility to the other organization.

2) A full report of the work shall be made during the next committee meeting.

III. The following is the policy that department heads shall use with respect to all Divertees.

1) Divertees are employed by the Town in positions that will limit their contact with the general public.

2) Divertees shall be exempt from The Town's random drug policy as they are tested on a regular basis at the Harrisonburg Men's Diversion Center.

3) Divertees shall not be eligible to receive any benefits from The Town.

4) No divertee shall be permitted to operate equipment such as a chainsaw, woodchipper or a vehicle. In the event that a job requires the use of equipment that is dangerous or equipment that could be used as a weapon, the divertee must be closely supervised by the immediate supervisor.

5) All divertees are to be closely supervised at all times by their immediate supervisor. Divertees shall not be allowed to run errands or perform tasks without the direct supervision by their immediate supervisor.

6) The immediate supervisor shall notify the department head and the Town Superintendent immediately of any unusual incident involving the divertee or in the event of any unauthorized absence or tardiness.

7) No divertee shall be given and special treatment or perks.

8) All department heads shall read and abide by the terms of the Harrisonburg Men's Diversion Center Employer's Community Work Agreement dated December 3, 2006.

Motion to Approve Personnel Policy 17.0 Freedom of Information

Vice Mayor Dearing moved, seconded by Council member Kite, and carried for Council to adopt the Personnel Policy 17-0 which mirrors the State's Freedom of Information – this is just more control within the office.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Personnel Policy 17.0
Freedom of Information

Procedure

The Town of Elkton takes its responsibilities very seriously as it relates to the Freedom of Information Act. All requests will receive timely responses by the affected parties. This policy

outlines the process the Town of Elkton will use to insure prompt and accurate responses to citizen requests for information.

Any employee may accept a FOIA request and should encourage requesters to put their request in writing, however, if the requester refuses to put the request in writing the employee shall document the request on the Town approved intake form. All FOIA requests shall immediately be forwarded to the records retention clerk appointed by the Town Council. The Records Retention Clerk will enter the request into the FOIA Log Sheet (Figure 1.1) and the following information will be entered into the spreadsheet:

- Request No.
- Response Date
- Requester
- Subject

Figure 1.1

No.	Date Requested	Response Date	Requester	Subject	Approved		Date Complete
					Yes	No	

- The Records Retention Clerk will then forward the request to the correct department head via email. The department head will review the request and determine if the request can be met within the prescribed 5 working days (Count the day after receipt as day 1). Based on the department head's recommendation the Records Retention Clerk will make one of the following responses to the requester <u>within the five-day time period (as prescribed by FOIA effective July 1, 2007)</u>:

  1) Provide the requested records to the requester in their entirety with a written transmittal describing the records provided.

  2) The requested records are being entirely withheld because their release is prohibited by law or the custodian has exercised their discretion to withhold the records in accordance with FIOA. If all of the records are being withheld a response must be sent to the requester in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows the Town to withhold the records.

  3) The requested records are being provided in part and are being withheld in part because the release of part of the records is prohibited by law or the custodian has exercised discretion to withhold a portion of the records in accordance with FOIA. The Town must provide the requester with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.

  4) The requested records could not be found or do not exist. The Town must provide the requester with a written response. However, if the Town knows that another public body has the requested records, the response shall include contact information for the other public body.

  5) It is not practically possible to provide the requested records OR to determine whether they are available within the five-work-day period, and the Town needs an additional seven work days in which to provide one of the four preceding responses. The written response to the requester must explain the conditions that make the response impossible.

- Once the request has been completed, the department head will forward his/her response to the Records Retention Clerk who will:

  a.) Enter the date complete section on the FOIA Log

  b.) See that the response is provided to the requester in the appropriate timely manner.

Charges

Due to the amount of time and resources certain requests shall require, it has become necessary to begin to recover the actual costs incurred in accessing, duplicating, supplying, or searching for the requested records. The amounts of these charges are as follows:

a.) Copies of documents = Will be periodically set by the Records Retention Clerk on a per page basis.

b.) Research time will be based on the hourly rate of salary for the administrative/support staff performing the research.

Example: An employee making $10.50 per hour is asked for copies of all purchase orders to a certain vendor over the last two years. The employee spends three and one half hours pulling the information together and has a total of 50 pages to be copied. (This example is based on a $0.20 per page charge for copies.)

$10.50 (employee hourly salary) x 3.5 (time to complete task) = $36.75
$ 0.20 (cost of copy per page) x 50 (number of copies made) = $10.00
The total amount due at time the request is picked up = $46.75

c.) A requester may request that the Town estimate the cost of supplying the requested records in advance and if requested the Records Retention Clerk shall provide such estimate as soon as possible.

d.) If the Records Retention Clerk determines that the charges for supplying the requested records are likely to exceed $200, they may require the requester to pay a deposit before proceeding with the request. The deposit may not exceed the amount of the advance determination, and the Town must credit it towards the final cost of supplying the records. If the Town asks for advance deposit, the five-working-day period to respond to the request will be tolled until the deposit is paid.

e.) Before responding to a new request for records, the Town may require the requester to pay any amounts owed to the Town for previous requests for records that remain unpaid 30 days or more after billing.

Vice Mayor Dearing stated he had put a motion of the floor two months ago to cease operations of a home occupation business on Morgan and a location on North Street. He noted police had been called on several occasions to that location due to work still being performed. Photographs had been taken concerning the matter. Superintendent Shifflett responded that he and Town Attorney Sigler were working on the matter and Council would be briefed in a few days. Mr. Gooden stated the Town was due a $300,000.00 fine on the matter.

Mayor Printz asked Council to consider a Saturday to meet and discuss issues. He noted economic development ideas such as: tax breaks and advertising businesses on the Town's website. Council to submit two dates to Marty or Denise for meetings.

Council member O'Neill noted the following documentation would be needed for a Saturday work session: final version of the Anderson report and the audit report.

Vice Mayor Dearing requested financial information from County regarding support for the Community Center for the Saturday meeting.

February 16, 2008 cannot be used as a date for the Saturday meeting due to the Centennial Beauty Pageant being scheduled for that date.

TOWN ATTORNEY

Town Attorney Sigler stated she had no additional items to discuss.

Council member O'Neill asked if Town Attorney Sigler had reviewed the Town's contract with Rockingham County and identified obligations concerning water issues for the new schools. Town Attorney Sigler responded that the language in the contract addressed the point of pressure at the site. She noted the numbers that the Town can produce were standard. She noted issues would need to be discussed in closed session.

Superintendent Shifflett stated he had received a telephone call from Joe Paxton and a meeting had been scheduled for January 25, 2008 at 2:00 p.m. which would include the Town's engineer, County's engineer and the School Board. He noted the "numbers that's coming out now, don't match what was coming out in the beginning." The fire marshals office would also be present at the meeting. Superintendent Shifflett noted the numbers needed for the new schools were "outrageous."

MAYOR'S BUSINESS

Mayor Printz noted the name for the new high school would be "East Rockingham High School."

Council member O'Neill requested e-mail copies of Code Section 170-10, 170-11, and 170-28.

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 and under Virginia Code 2.2-3711.A.7 to discuss pending/possible litigation and under Virginia Code 2.2-3711.A.3 to discuss real estate negotiations.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 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 Kite duly seconded the motion.

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

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

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

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