Regular
Council Meeting
October 20, 2008

The regular meeting of the Elkton Town Council was held on October 20, 2008, in the Council Chambers at the Elkton Area Community Center with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
M. Dearing
M. Isom
M. O'Neill
D. Kite
S. Sigafoose
T. Pence (arrived at 6:25 p.m.)

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

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

Council member Isom gave the invocation.

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

.Peter Ott Presentation

Peter Ott made a presentation to Council for a cardio respiratory track to be established at the perimeter of the Kite property. He noted that community groups could buy-in the project. He noted the local Boy Scouts were prepared to assist with the project by linking the trails. He stated that three trails could be prepared and briefly spoke of the location of each. He noted he had worked with EACC Administrator Allison Morris on the project.

Vice Mayor Dearing moved, seconded by Council member O'Neill, and carried for Council to allow Mr. Ott to mark the trail with Timmy Turner the Maintenance Foreman.

Mayor Printz suggested that EACC Administrator Morris also participate in the project.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Town Engineer Presentation

Town Engineer Chris Fewster of Anderson and Associates, Inc. spoke regarding the progress made and additional improvements needed at the Town's wastewater treatment plant. He spoke of a Preliminary Engineering Report (PER) which was prepared and submitted to the Virginia Department of Environmental Quality on August 15, 2008. He noted the report addressed three important issues: modifications to the aeration system, upgrades to the UV system, and sludge dewatering improvements.

Mr. Fewster stated that a summary report with additional items for repair/replacement had been submitted to DEQ on September 15, 2008 which included: influent pump station control improvements, clarifier repairs and aerobic digester repairs.

Mr. Fewster spoke extensively regarding the wastewater treatment plant's current situation regarding inflow and infiltration (I & I). He spoke of the process by which the Town was identifying issues and what measures had been taken to eliminate the problems in those areas.

Mr. Fewster stated that an Inflow and Infiltration Plan of Action was submitted to DEQ on October 1, 2008 which addressed the following:

i) Complete field investigation December 31, 2008
ii) Complete flow monitoring in collection system April 30, 2009
iii) Complete Phase 1 of collection system repairs December 31, 2009
iv) Complete collection system repairs to provide capacity for Rockingham County High School July 31, 2010
v) Complete Phase 2 of collection system repairs December 31, 2010
vi) Complete Phase 3 of collection system repairs December 31, 2011

Mr. Fewster briefly discussed the first quarterly report submitted to DEQ on October 15, 2008. He noted the report had thirty-one items that had been identified and corrected by the Town. He commended the Town for the progress that had been made.

Mr. Fewster presented the outline for upcoming expenditures for the wastewater treatment plant. He noted the following:

i) Sludge press lease (5 year) - $85,639 / $10,000 credit to be given for rental of current sludge press
ii) Influent pump control panel replacement and automated rain gauge - $3,775
iii) North Avenue pump station - $4,000

Council member O'Neill inquired as to current flow measures at the wastewater treatment plant. Mr. Fewster responded that the Town had purchased several portable flow meters that would be place in various areas throughout the system to monitor flow activity.

Mr. Fewster spoke briefly regarding operational problems with the Town's clarifiers at the plant. He stated that DEQ had repeatedly emphasized the importance of the Town moving forward on the matter. He stated that the equipment cost to repair each clarifier was $10,000.00 each. He also noted that critical spare parts for the clarifiers would add to the cost and labor had not been calculated.

Mr. Fewster stated the digester repairs were still problematic. He noted that options were being determined on the matter, but costs would range from $10,000.00 - $20,000.00.

Mr. Fewster encouraged Council to take action on the five items he had requested. He noted a meeting would take place with DEQ regarding the Town's revolving loan fund application. The date was scheduled for November 3, 2008. He noted that the Town informed DEQ that their clarifiers and digesters would be repaired by January 1, 2009. He noted Council action was needed as soon as possible to comply with that date.

Mr. Fewster spoke briefly regarding the revolving loan fund and procurement procedures. He noted that federal guidelines would apply. He advised Council to authorize Town Attorney Sigler to procure engineering services in order for the Town to be reimbursed for those expenses through any of the programs the Town would use.

Motion to Authorize Town Attorney to Procure Services

Mr. Fewster noted that qualifications were solicited for engineering services as opposed to bids. He briefly spoke of the process by which you would solicit quotes or bids.

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to authorize the attorney to proceed with the process of obtaining quotes for engineering services under the Federal Guidelines to meet state requirements for the revolving loan fund or similar programs.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Council member O'Neill moved to authorize the attorney to proceed with the process of obtaining quotes for materials under the Federal Guidelines to meet state requirements for the revolving loan fund or similar programs.

After a brief discussion, the **motion was amended** to the following:

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to direct the attorney to advise the procurement processes on obtaining parts and quotes to be done in a competitive manner complying with Federal Guidelines except where sole source parts and materials are required.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Authorize Lease Purchase of Belt Press

Council member O'Neill moved, seconded by Council member Kite, and carried for Council to authorize the lease purchase of the belt press at the approximate price of $1,432.00 a month, give or take, pending confirmation of a contract with the attorney working out the details to be funded out of the equipment line for sewer, under the capital projects line - sewer.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Authorize Expenditures for WWTP

Council member O'Neill moved, seconded by Council member Pence, and carried for Council to authorize the expenditure of funds from the capital projects account for sewer to cover the cost of the influent control panel for the pump, pump control panel at $3,775, North Avenue pump station at $4,000, the clarifiers repairs at $25,000, and the digester repairs at $20,000.

Council member Kite acknowledged that circumstances regarding the matter were difficult, but the Town needed to move forward.

Mayor Printz commended the Town Council for their hard work. He noted that the County had indicated they would assist the Town regarding the matter for the schools.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

A brief discussion took place regarding the fine from DEQ, pump station as opposed to gravity sewer line and rock drilling.

CITIZEN COMMENTS

Vic Corbo, 264 Windsong Hills Drive, Elkton, spoke regarding the pending apartment project. He noted the absence of a feasibility study to determine if three hundred units could be rented. He noted the project would occupy three parcels which would need to be rezoned. He noted that if the developer decided not to continue with the same additional housing after the development of phase I, the remaining parcels could be sold. He noted those parcels would have been rezoned for higher density. He was of the opinion that Council could lose control over the development of the additional parcels. Town Attorney Sigler responded that a special use permit process was being developed to address those issues. She noted that any project with more than 12 units per acre would need a special use permit under the proposed amendments.

Mr. Corbo briefly spoke of the federal guidelines regarding density of apartments and the absence of young families moving to the Town. Mayor Printz agreed there was a lack of youth in the Town.

Council member O'Neill stated that senior citizens needed housing. He noted that seniors offered a solid basis for the local economy and were a desired group to reside in the Town. He briefly spoke regarding developing projects for seniors.

Mayor Printz stated he had spoken with a doctor in the Washington D.C. area that was interested in purchasing the Kite property. He noted they were also interested in developing projects for senior citizens.

Nuisance Letter Appeals

Town Attorney Sigler stated that Mr. Lugene Dovel and Mrs. Mearle Shifflett were in attendance for the hearings. She noted the Town's Code allowed the parties' time to be heard before the Town Council. She noted that letters had been mailed which stated there were issues with the properties that needed to be cleaned up.

16716 East Washington Avenue - Hearing

During the hearings, Chief Morris would provide slides of each property showing the code violations.

Mrs. Mearle Shifflett appeared for the hearing regarding 16716 East Washington Avenue.

Mrs. Shifflett stated she was seventy-six years old and that she had cleaned up the property last fall. She stated she knew the property needed to be cleaned up because of the weeds. She noted she had a bad heart and was unable to work all day long.

Council member Kite queried if Mrs. Shifflett could ask family members for assistance. He noted that two vehicles needed to be removed from the property. He noted

that the Town would need to proceed with the process regarding all properties if additional clean ups did not take place. Mrs. Shifflett stated that her family was unable to assist her with clean up efforts due to health issues.

Mayor Printz stated he would personally, with permission, assist Mrs. Shifflett clean up her property.

Town Attorney Sigler stated the property was located at 16716 Washington Avenue. She noted the original letter was dated October 2, 2008 which gave Mrs. Shifflett thirty days to abate the nuisance. She noted that the Town could not abate the property itself until the hearing took place before the Town Council. She noted that after the hearing, the Town could go in and abate the property and charge the cost to the homeowner. If those costs were not paid to the Town, a lien could be placed against the real estate. She noted that Mrs. Shifflett was given until November 2, 2008 to abate the nuisance. However, she noted that if Council wanted to extend the date for Mrs. Shifflett, the date should be set at the hearing.

Mayor Printz asked, as a representative of the Town, if Mrs. Shifflett would allow him to come and meet with her to decide what needed to be cleaned up. She responded that she trusted him so far.

Council member Isom queried that when the Town abated a nuisance, if the cost had to be paid in full at one time by the homeowner. Town Attorney Sigler stated that Council would have some flexibility in that area. She noted that a specific date should be identified when the cost was due.

Council member Pence queried why the Town should assist with the clean up of a nuisance property. Mayor Printz stated he would personally assist Mrs. Shifflett.

Town Attorney Sigler stated the unpaid portion of the clean up cost would be the amount the Town would lien against the property. She noted the process was handled the same way as unpaid real estate taxes.

Council member O'Neill recommended that Council set a date for voluntary clean up by homeowners. He noted November 20, 2008. The Town would proceed to abate the property itself after that date and charge the homeowner.

Council member O'Neill moved, seconded by Council member Kite, and carried for Council to grant until the 20th of November for Mrs. Shifflett's property to be cleaned up at which time, if not, then the Town would proceed to clean it and charge whatever expenses were incurred.

Council member Pence requested that the date be extended for everyone who recently received letters regarding a nuisance violation.

After a brief discussion, **Council member O'Neill withdrew his motion and Council member Kite withdrew his second**. The new motion was presented as follows:

Council member O'Neill moved, seconded by Council member Kite, and carried that all appeals presented tonight will have a deadline of the 20th of November to be completed at which time the Town will abate it themselves or proceed to Court to obtain a Court Order necessary to clean it up.

Chief Morris was designated as the person to inspect and document the properties after the deadline.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

407 Lee Avenue – Hearing

Mr. Lugene Dovel stated he was almost near death. He stated anyone from the Town could call and verify that information with various medical facilities. He was unable to clean up his property due to medical reasons. He stated his brother may assist him with the clean up.

Mayor Printz stated that the Council had voted and his property would need to be cleaned up by November 20, 2008.

Council member Kite stated he would contact church organizations and ask for assistance in cleaning up Mr. Dovel's property. He asked Mr. Dovel for permission to move forward on that request. Mr. Dovel agreed to allow the clean up to take place.

Council member Pence noted his frustration regarding Mr. Dovel's property not being cleaned up. He stated that the Fire Marshall should be contacted regarding the matter.

The two residents that did not attend the hearing would be sent a correspondence regarding the extension.

Mayor Printz commended Town Attorney Sigler for her hard work on the property matters.

MINUTES

Motion to Approve September 9, 2008 Special Council Meeting Minutes

Vice Mayor Dearing moved, seconded by Council member Sigafoose, and carried to approve the minutes for the Special Council Meetings held on September 9, 2008 as presented.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Approve September 9, 2008 Committee Meetings Minutes

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to approve the minutes for the Committee Meetings held on September 9, 2008.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Approve September 15, 2008 Regular Council Meeting Minutes

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to approve the minutes for the Regular Council Meeting held on September 15, 2008.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $369,587.60 for General Government for the month of September 2008. Total designated money was $203,455.73, leaving total available cash of $166,131.87.

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

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

EACC Administrator Allison Morris spoke briefly of the Health Fair and Election Day dinner. A Christmas Bazaar would be held on December 6, 2008.

CHIEF OF POLICE REPORT

No report at that time.

Vice Mayor Dearing commended the police department for the recent drug busts.

A brief discussion took place regarding Town residents without decals receiving citations.

Complaints at the youth center briefly discussed.

NEW BUSINESS

Amendments to R-6 and Off-Street Parking Requirement – First Reading

Council member O'Neill moved on a First Reading as follows:

First Reading
Amendments to the Elkton Town Code
October 20, 2008

Chapter 110
LAND DEVELOPMENT
Article VI
Use Districts
Amending Section 110-607. High-Density Residential District R-6.

Section 110-607. **High-Density Residential District R-6.**

C. [Amended 3-25-1991] Special exceptions. When after review of an application and hearing thereon, in accordance with Article VIII herein, the following uses may be permitted by special exception permit:

(12) ~~(Reserved)~~ Multiple-family dwellings of more than twelve (12) units per acre under conditions set forth in subsection H and such other conditions deemed necessary by council.

E. Lot regulations.

(1) (a) [3] Maximum density is ~~17~~ twelve (12) units per acre.

H. Other regulations.

(1) When after review of an application and hearing thereon in accordance with Section 110-802(c) herein, multiple-family development special use permits may be approved for dwellings of more than twelve (12) units per acre up to seventeen (17) units per acre if the following conditions as determined by council are met:

(a) Consideration of existing or approved multiple-family development, or land planned for multiple-family development according to the Comprehensive Plan and its location to the proposed multiple-family development.

(b) The applicant has demonstrated that adequate vehicular, pedestrian and bicycle facilities:
• Currently serve the site; or
• Are planned to serve the site according to a town or state plan with reasonable expectation of construction within the timeframe of the need created by the development; or
• Will be provided by the applicant at the time of development; or
• Are not needed because of the circumstances of the proposal.

(c) The applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single family, duplex and townhouse development. Compatibility may be achieved through architectural design (e.g.. multi-dimensional façade or other attributes that make the development appear more residential in character), site planning, landscaping and/or other measures that ensure that views from adjacent single family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.

(d) The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.

(2) When after review of an application and hearing thereon in accordance with Section 110-802(c) herein, multiple-family development special use permits may be approved for dwellings of more than seventeen (17) units per acre up to twenty (20) units per acre if the following conditions as determined by council are met:

(a) The applicant has met all the conditions in subsection H(1) above;

and;

(b) The applicant has demonstrated that the proposed multiple-family development will be a "multiple-family senior dwelling" as defined in this Chapter such that the dwelling will contain three or more independent living units where the proposed multiple-family development's living units are occupied by persons fifty-five (55) years of age or older per unit; and, whereby the owner by adherence to policies and procedures demonstrates the intent to provide independent housing for persons fifty-five (55) years of age or older.

First Reading
Amendments to the Elkton Town Code
October 20, 2008

Chapter 110
LAND DEVELOPMENT
Article III
Terms Defined
Adding new definable terms to Section 110-302

DWELLING, MULTIPLE-FAMILY SENIOR – A building containing three or more independent living units where the proposed multiple-family development's living units are occupied by persons fifty-five (55) years of age or older per unit; and, whereby the owner by adherence to policies and procedures demonstrates the intent to provide independent housing for persons fifty-five (55) years of age or older.

PARKING UNIT, PRIVATE - A self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit shall be entered by from the public street; and offer adequate ingress and egress for emergency vehicles and shall be developed according to standards found in Subdivision Street Requirements by the Virginia Department of Transportation by authority of Title 33.1 of the Code of Virginia, 1950, as amended.

First Reading
Amendments to the Elkton Town Code
October 20, 2008

Chapter 110
LAND DEVELOPMENT
Article VII
Use Regulations
Amending Section 110-703. Off-street Parking.

B. Site requirements.

(1) All such parking spaces, except those serving one- and two-family dwellings shall be hard surfaces with concrete or plant bituminous material and shall be maintained in dustproof condition.

(6) When after review of an application and hearing thereon in accordance with Section 110-802(c) herein, a special use permit may be approved for a multi-family senior dwelling so that the parking surface for no more than 0.5 spaces per unit may be of an alternative surface than required in Subsection (1) herein if the following conditions as determined by council are met:

(a) The parking spaces with the alternative surface are contiguous with the hard surface spaces; and

(b) The parking spaces with the alternative surface do not abut the multi-family senior dwelling; and

(c) The parking spaces with the alternative surface do not lie between the hard surface spaces and the public road.

C. Parking space requirements for all districts except B-l Business. In all districts, there shall be provided adequate off-street motor vehicle parking spaces with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth, including but not limited to the following: **[Amended 12-18-2000]**

Land Use	**Parking Requirements (spaces)**
Dwellings;	
One and two families	2 for each dwelling unit
Multifamily, senior	1.5 spaces for each dwelling unit
Multifamily, townhouses	2 per dwelling unit

First Reading
Amendments to the Elkton Town Code
October 20, 2008

Chapter 110
LAND DEVELOPMENT
Article VII
Use Regulations
Adding new Section 110-713. Special regulations for multiple family dwellings.

Section 110-713. Special regulations for multiple family dwellings.

A. The primary entrances of each principle multi-family dwelling shall face a dedicated public street or the limits of a private parking unit (as defined) and shall also contain curbs, gutters, and sidewalks. The streets including curbs, gutters, and sidewalks shall be developed according to standards found in Subdivision Street Requirements by the Virginia Department of Transportation by authority of Title 33.1 of the Code of Virginia, 1950, as amended.

B. Adequate lighting as determined by the zoning administrator and chief of police will be provided for each building.

C. All open areas, including parking, shall be maintained by the owner.

Set Public Hearing Date to Rezone Parcels Under Contract

Town Attorney Sigler briefly discussed the date of December 9, 2008 being scheduled for the public hearing. She noted the Planning Commission could meet on that date as well and Council could vote on the matter at the Regular Council Meeting in December. She noted the code amendment public hearing would be held on October 30, 2008.

Public Hearing (rezone parcels under contract) – December 9, 2008 at 6:00 p.m.
Council Vote – December 15, 2008 at 6:00 p.m.

Generator Resolution

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried for the Mayor to execute the already approved note with Farmers and Merchants Bank in the amount of $400,000.00, thirteen (13) equal payments of approximately $32,000.00 and that will preserve the interest rate that was originally quoted by the bank that will be executed by November 1, 2008.

Town Attorney Sigler stated that an amendment would be endorsed by the Mayor regarding the repayment period.

Council member Isom commended Mayor Printz for his hard work and efforts regarding the generator project.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Letter of Intent for Belt Press to Or-Tec

No discussion on that item.

Identity Theft Preventative Program

Vice Mayor Dearing moved, seconded by Council member Isom, and carried to accept the Identify Theft Prevention Program as presented.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Appoint Administrator for Identity Theft Prevention Program

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to appoint Treasurer Clairen Sipe as Administrator for the Identify Theft Prevention Program and Donna Gooden, Deputy Treasurer as Co-Administrator.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Approve Purchase of Veterans Pennants

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried for approval of the purchase of the Veteran pennants in the amount of $400.00 on an invoice properly submitted.

Council member Kite inquired if the pennants were a different design and of the number of pennants left over after the ceremony. It was determined the extra pennants were given to veterans who were unable to attend the ceremony.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Council member O'Neill noted the funds were be taken from special events.

Discussion Regarding Field at Shen-Elk Plaza

Mayor Printz stated a motion was needed on the floor before discussion could take place.

Council member O'Neill moved, seconded by Council member Pence, and carried to open discussion regarding the field at Shen-Elk Plaza.

It was determined Council would discuss the matter after a formal presentation was made at their meeting next month.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Council member Kite stated that the Elkton Little League had a proposal to establish ball fields on seven acres of land to form a Little League complex. He noted that a diagram had been submitted outlining the project. He noted that Jerry Shifflett would make a presentation to Council on the matter next month.

Little League

Same issue as above.

COMMITTEES

Electric

Mayor Printz noted that an emergency situation regarding wires hanging at 7-11 needed to be properly addressed.

It was announced that Dominion Power would cut off electricity on Thursday from 11:00 p.m. – 12:30 a.m. to conduct needed repairs.

Finance

Status of audit report was not available. Council member O'Neill encouraged the audit review to take place in November.

Personnel

Vice Mayor Dearing encouraged anyone with information regarding the disappearance of Rachal Good to contact the proper authorities. He commended Mayor Printz for having the Virginia General Assembly present a plaque commemorating the Town's 100th Anniversary.

Vice Mayor Dearing stated that the Town Superintendent employment position was advertised on the Virginia Municipal League website and newsletter. He noted that the ad was of no cost to the Town. He noted that Council had not replied to him with their candidates to schedule interviews.

Vice Mayor Dearing announced that Treasurer Sipe's daughter Reagan Shea Sipe was crowned 2008/2009 Wee Baby Miss Eastern America.

Mayor Printz took a moment to recognize former Council member Jay Dean who was in attendance.

Public Health, Safety, Ordinances

No report at that time.

Streets and Sidewalks

Council member Pence stated that Route 340 towards Shenandoah needed some attention. He noted that the water lines under the road needed to be moved to the alleyways on both sides.

Water and Sewer

No report at that time.

Recreation

Council member Kite stated his support and appreciation for the hard work that Diane Johnson had put forth in her new position with the Town.

Future endeavors discussed briefly as well as the need for attention regarding the restroom facilities.

Vice Mayor Dearing stated that Town vehicles could only be driven by Town employees until further review of the current policy.

Planning Commission

Council member O'Neill commended the Planning Commission for their hard work regarding the zoning amendments. Mayor Printz acknowledged the efforts of Town Attorney Sigler.

Cemetery

No report at this time.

Advisory

The Advisory Committee submitted the following recommendations, suggestions and comments for consideration by the Town Council.

1. Loitering on Town streets is on the increase, especially on the corner of Spotswood and Stuart Avenue. We recommend the Town police enforce the Town ordinance against this practice.

2. In order to improve the appearance of entrance to the Town by way of Old Route 33, we suggest the erection of "shadow walls" around the Town dump.

3. We suggest the Town Council consider imposing a special tax on abandoned property in Town until the owners make the necessary improvements to make the property presentable. Town Attorney Sigler responded a registration fee could be imposed but the maximum amount was minimal. She would research the tax issue.

4. There are a number of Town streets in need of repaving. We recognize the Town's financial position does not allow repaving all of them. Perhaps a survey can be made to determine what streets need immediate attention. Mayor Printz asked members of the committee to meet with him and Timmy Turner regarding the matter.

Mayor Printz thanked Madelyn Dixon, George Grunewald, Bob Hammer and Haze Crider, Chair for their contributions.

UNFINISHED BUSINESS

Ordinance Amendments for Nuisance Appeal/Hearing – Second Reading

Council member O'Neill moved on a Second Reading to amend the Town's Code as follows:

Second Reading
Amendment to the Elkton Town Code
October 20, 2008

BE IT RESOLVED that the Town of Elkton hereby adopts by ordinance the following Amendment to the Elkton Town Code Amending CHAPTER120, NUISANCES, Sections 120-5, 120-6 and 120-9 as follows:

§ 120-5. Notice to abate condition.

If at any time a Town officer shall find that a condition which constitutes a nuisance exists within the town, he or she shall give notice in writing to the owner, occupant or person in charge of the premises upon which such condition exists, stating therein the condition which constitutes a nuisance and directing such addressee to remedy the condition within the time stated in such notice, which shall be not more than 30 days. It shall be unlawful for any such owner, occupant or person in charge to fail to comply with the terms of such notice. If the officer giving notice shall state in such notice that the condition which constitutes a nuisance is such as to be an imminent hazard to the health, safety or welfare of the public or any person within or near the premises upon which such nuisance exists, then the addressee shall comply with the terms of such notice.

§ 120-6.Appeal.

Any property owner to whom a notice is sent may appeal in writing to the Town Council within fifteen days after notice is sent and protest the decision of the Town officer. The Council shall thereupon affirm, modify or overrule the decision which was appealed. If the ruling is appealed the terms of such notice shall be stayed pending action of the Town Council, which shall be final.

§ 120-7. No special duty created.

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. No provision or term used in this chapter is intended to impose any duty whatsoever upon the Town or any of its officers, agents or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the town, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the town, its officers, employees or agents.

§ 120-8. Violations and penalties.

It shall be an offense for any person to fail to abide by this article, and any person found guilty thereof shall be subject to a fine not to exceed $1,000 or imprisonment for a period not to exceed six months, or both. Each day any violation of this article shall continue shall constitute a separate offense.

§ 120-9. Abatement by Town. [Added 10-27-2003]

If fifteen days elapse after written notice from a Town officer to the owner, occupant, or person in charge of the premises upon which a nuisance exists without such condition being abated or removed, and after the expiration of any right to appeal pursuant to § 120-6, the Town may abate such nuisance or remove it, charging the costs thereof to such owner or occupant and collecting such costs in the same manner as the local real estate tax.

Council member Pence duly seconded the motion.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

TOWN ATTORNEY

No additional business was presented.

MAYOR'S BUSINESS

No additional business was presented by Mayor Printz.

Mayor Printz spoke briefly regarding the projects in the Town and offered copies of documentation to citizens.

Closed Session

Council member O'Neill moved, seconded by Council member Isom, and carried to go into closed session under Virginia Code 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, 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

As there was no additional business, **Council member O'Neill moved, seconded by Council member Kite 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

APPENDIX A

AGENDA
ELKTON TOWN COUNCIL
October 20, 2008

- ❑ **ROLL CALL**
- ❑ **INVOCATION**
- ❑ **PLEDGE OF ALLEGIANCE**
- ❑ **STATEMENT BY MAYOR PRINTZ**
- ❑ **PETER OTT PRESENTATION**
- ❑ **TOWN ENGINEER PRESENTATION**
- ❑ **OPPORTUNITY FOR CITIZEN COMMENTS, QUESTIONS, REQUESTS, AND PRESENTATIONS WHICH DO NOT VIOLATE STATUTORY PUBLIC HEARING REQUIREMENTS.** (Council may establish or alter rules governing this or other public comment periods.)
- ❑ **MINUTES**
  - Special Council Meeting – September 9, 2008
  - Committee Meetings – September 9, 2008
  - Regular Council Meeting – September 15, 2008
- ❑ **TREASURER'S REPORT**
  - Questions/Comments from Council
- ❑ **COMMUNITY CENTER ADMINISTRATOR'S REPORT**
  - Questions/Comments from Council
- ❑ **CHIEF OF POLICE'S REPORT**
  - Questions/Comments from Council
- ❑ **NEW BUSINESS**
  1. Nuisance Letter Appeals
  2. Amendments to R-6 and Off-Street Parking Requirements – First Reading
  3. Set Public Hearing Date to Rezone Parcels Under Contract
  4. Generator Resolution
  5. Letter of Intent for Belt Press to Ortec
  6. Identity Theft Preventative Program
  7. Appoint Administrator for Identity Theft Preventative Program
  8. Motion to Approve Purchase of Veteran Pennants
  9. Discussion Regarding Field at Shen-Elk Plaza
  10. Little League
- ❑ **COMMITTEE REPORTS**
  - Electric
  - Finance
  - Personnel
  - Public Health, Public Safety, Ordinances
  - Streets and Sidewalks
  - Water and Sewer
  - Recreation
  - Planning Commission
  - Cemetery
  - Advisory
- ❑ **UNFINISHED BUSINESS**
  1. Ordinance Amendments for Nuisance Appeal/Hearing – Second Reading
- ❑ **TOWN ATTORNEYS/REPORT/ACTION NEEDED**
- ❑ **MAYOR'S BUSINESS**
- ❑ **CLOSED SESSION**
  1. George Hensley Street Vacation
- ❑ **ADJOURNMENT**