Regular
Council Meeting
September 15, 2008

The regular meeting of the Elkton Town Council was held on September 15, 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

ABSENT
T. Pence

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 Kite gave the invocation.

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

PLAQUE PRESENTATIONS

Virginia Delegate R. Steven Landes presented a plaque to the Town commemorating its One Hundred Anniversary. Delegate Landes read the following:

HOUSE JOINT RESOLUTION NO. 50
Commending the Town of Elkton on the occasion of its 100th anniversary

Agreed to by the House of Delegates, January 11, 2008

Agreed to by the Senate, January 17, 2008

WHEREAS, the proud citizens of the Town of Elkton will celebrate their historic community's 100th anniversary in 2008; and

WHEREAS, the Town of Elkton, located in northeast Rockingham County and bordered by the Blue Ridge Mountains to the east and the Massanutten Mountain range to the west, became incorporated on March 14, 1908; and

WHEREAS, with its vistas of the mountains, fertile farmland, and beautiful rural scenery, the Town of Elkton is named for the Elk Run stream; and the Norfolk and Western Railroad, United States Route 33, and the south fork of the Shenandoah River, a popular destination for outdoor enthusiasts, all cut through the community; and

WHEREAS, the area of Elkton was first populated as a town during the American Revolutionary War and identified by the general store built in 1785 by George Conrad, and the post office, the communication hub of rural life, was located in Conrad's Store from 1816 to 1866; and

WHEREAS, the town's historic Jennings' House, built in 1840 by Dr. Simeon B. Jennings, was used as a confederate hospital during the Civil War; and

WHEREAS, another important historic site, the Miller-Kite House, was built in 1827 by Henry Miller, Jr., and served as Stonewall Jackson's headquarters from April 19 to April

30, 1862, at the beginning of the Confederate general's intrepid spring Valley Campaign of 1862 through the Shenandoah Valley of Virginia; and

WHEREAS, the Jennings' House is now the home of the town hall and local government offices and the Miller-Kite House is a fascinating museum, displaying historic artifacts of the American Civil War and personal items belonging to General Jackson; and

WHEREAS, in celebration of the Elkton Centennial Jubilee in 2008, the enthusiastic residents of the Town of Elkton will hold festive events and activities and sponsor displays and souvenirs commemorating the town's rich and diverse history and culture for the citizens of the region and the Commonwealth to enjoy; and

WHEREAS, Elkton's numerous historic buildings will be highlighted during the Centennial Jubilee and an original film will be offered, featuring colorful narratives about town history and its inhabitants over the years, personal interviews by many residents retelling their ancestor's old stories, and other wonderful folklore that illuminates bygone days in the Town of Elkton; and

WHEREAS, Elkton is an enduring town with good schools and exceptional farms, businesses, and industry; spectacular tourist and recreational opportunities; and citizens dedicated to the preservation of the natural beauty of their community and the well-being of their neighbors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly commend and congratulate the Town of Elkton on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Centennial Jubilee Committee on behalf of the citizens of Elkton as an expression of the General Assembly's appreciation of the town's rich history and culture and best wishes for a festive centennial celebration.

Council member Isom accepted the plaque on behalf of the Elkton Town Council and Centennial Committee.

Virginia Delegate R. Steven Landes presented a plaque in honor of Welty Hensley. Delegate Landes read the following:

HOUSE JOINT RESOLUTION NO. 374
Celebrating the life of Welty H. Hensley.

Agreed to by the House of Delegates, February 15, 2008

Agreed to by the Senate, February 21, 2008

WHEREAS, Welty H. Hensley of Elkton, a respected citizen and community supporter, died on January 3, 2008; and

WHEREAS, born in 1925 in the community of Penn Laird, Welty Hensley was the son of the late Howard Samuel and Nellie Hinkle Hensley; and

WHEREAS, Welty Hensley graduated from Elkton High School and attended Bridgewater College before joining the United States Navy in August 1944, where he worked as a flight simulator instructor during World War II and achieved the rank of Seaman First Class; and

WHEREAS, after leaving the Navy, Welty Hensley worked with his father at Hensley Sales and Service, a Chevrolet dealership in Elkton, and in 1975 he opened Spotswood Realty; and

WHEREAS, a leader in the community, Welty Hensley was instrumental in helping form the Rockingham League of Towns, was on the board of directors for the Elkton Golden Jubilee Celebration, served as president of the Elkton Diamond Jubilee Celebration, and served as mayor of Elkton from 1966 to 1970; and

WHEREAS, always interested in local history, Welty Hensley served as president of the Elkton Historical Society, was a strong advocate for the renovation of the historic Miller-Kite House, and penned "A History of Elkton" in 2004; and

WHEREAS, Welty Hensley helped organize the Elkton Horse Show for 20 years and served as chairman of the event; he was also a member of the Crime Solvers of Harrisonburg and Rockingham County and served on the board of directors of Farmers and Merchants Bank for 22 years; and

WHEREAS, Welty Hensley was a faithful member of Elkton United Methodist Church, supporting its many missions and programs, and he was an active member of the Harrisonburg Elks Lodge, Elkton Masonic Lodge No. 74 A.F.&A.M., and ACCA Shriners Temple of Richmond, and was a former president of the Lions Club and commander of American Legion Post 222; and

WHEREAS, Welty Hensley will be fondly remembered and greatly missed by his wife Alice; his son Winston and his wife Carol; his two granddaughters and two great-grandsons; and many other family members and dear friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Welty H. Hensley, a model community leader and a fine Virginian; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Welty H. Hensley as an expression of the General Assembly's respect for his memory.

Mayor Printz accepted the plaque on behalf of Ms. Hensley who was unable to attend the meeting. She would accept the plaque at a later time.

Delegate Landes stated he had toured the Kite House in Elkton. He was pleased that the citizens of Elkton and Eastern Rockingham County were utilizing the new Elkton Area Community Center. He noted the facility was a great asset for everyone. He spoke of a town meeting he had at the center and his intention to use the facility again in the future. He noted the location of the center and its easy access. He asked Council to contact him for any assistance they may need in future endeavors.

Council member O'Neill read the proclamation being presented to the Massanutten Chapter Daughter of the Revolution from the Elkton Town Council honoring Constitution Week.

PROCLAMATION
Constitution Week 2008

WHEREAS, September 17, 2008 marks the two hundred twenty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, Wayne E. Printz, by virtue of the authority vested in me as Mayor of the Town of Elkton, Virginia do hereby proclaim September 17 through 23, 2008 to be

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never by regained.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Town of Elkton, Virginia to be affixed this 15th day of September in the year of two thousand eight.

Mayor Printz presented the proclamation to the Massanutten Chapter Daughters of the American Revolution. Mrs. Barbara Babcock and some additional members accepted on behalf of the organization.

Council member O'Neill moved, seconded by Council member Kite, and carried to adopt the resolution as presented.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

CITIZEN COMMENTS

Mayor Printz thanked everyone for their involvement and contribution to the successful Elkton Horse Show.

Vic Corbo, 264 Windsong Hills Drive, Elkton, spoke of his concerns regarding the low income government subsidized housing project Council had approved. He noted the extra measures Council would need to take in order for the project to comply with the current code; namely, lower density requirements and parking. He noted that same consideration was not given to another developer who had recently approached the Town with his project. He noted that no feasibility study had been prepared for the project. Lastly, he inquired as to the location of Town funds in the amount of $700,000.00.

Mayor Printz spoke briefly regarding the current economic status. He noted his support for the project referenced above. He noted the project was not for people with limited incomes but for seniors of age fifty-five and older.

Council member O'Neill stated the project was not Section 8 housing and that Council had issues with the other project discussed due to the location of a floodplain. He noted that safety for all citizens was a concern of Council.

Mildred Shifflett, 112 West Spotswood Avenue, Elkton, spoke briefly regarding her confusion of a recent mailing from the Town. She noted a new utility bill. She did not support the new billing process and noted it would be time-consuming and costly.

Council member Kite requested that Treasurer Sipe explain the recent mailings. Treasurer Sipe stated the Treasurer's Office was in a transition process regarding the printing of utility bills and was attempting to change print formats. She noted her office had ordered blank bills for printing, but had not received the shipment in time for the billing period. Therefore, the bills were printed on regular paper, folded and mailed in order to be received by the residents at the usual billing time. The new blank bills should arrive in her office shortly to be used for the next billing cycle.

Scott Sellers, 342 Diamond Court, Harrisonburg, was present to represent Dr. Davis and T. K. Patterson. He was the design engineer of the Davis Dental site plan. He noted the Fire Chief required a fire hydrant to be installed within three hundred feet of the project. He requested that Council waive the connection fee for the hydrant. He noted that all residents in that area would benefit from the installation of the hydrant. He briefly spoke of information he had compiled regarding connection fees and noted he could not locate another locality that charged a fee to connect a hydrant.

Mayor Printz stated he appreciated Mr. Sellers' professionalism and thanked him. He noted that Council had discussed the matter.

Further discussion took place on the hydrant matter. Council member O'Neill requested the matter be discussed in more detail. Therefore, the matter was sent back to committee.

Bobbie Rae Monger, 680 Stephen Conrad Road, Elkton, stated she was not opposed to the above-referenced project. She briefly spoke of the developer's responsibility to pay expenses to the Town where required. She stated there was a zoning issue that had not been addressed and she would like to speak to someone regarding the matter. Mayor Printz noted that he would address the issue. She spoke of her request for a set of uneven bars.

Jonathan Kibler, Chief of Elkton Volunteer Fire Company, read the following statement:

"Several years ago the Elkton Volunteer Fire Company approached the then Town Manager Dennis Donachy in regards to much needed repairs to the fire station. Mr. Donachy met with us at the station and then developed estimates to correct the problems. Mr. Donachy was honest about the Town's ability to fund these repairs. He stated it would most likely take several years to complete all the repairs as funds were available. The major concerns expressed to Mr. Donachy were: The leaking roof, aging overhead doors and operators, heating system and the station lighting. To date none of these issues have been addressed.

As the roof leaks worsened, we once again contacted the Town speaking to Marty Shifflett. Mr. Shifflett had a roofing contractor down to look at the problem but again no repairs were made. On several occasions, the doors have failed, preventing us from accessing our equipment or preventing us from securing the station. Each occurrence resulted in a costly emergency repair. Additionally the overhead door openers do not have safety systems or remote operators. The station heat has worsened every year. One of the bay heaters is inoperable and of the three remaining, only one provides reliable heat. The last major issue is lighting. At any given time only 75% of the stations lighting works.

On August 2nd during the severe weather, the interior of the fire station suffered significant water damage due to the leaking roof. The mezzanine floor was damaged; the ceiling in the kitchen, meeting room and both bathrooms was damaged as well as the lighting and heating systems. Power to those portions of the station had to be disconnected due to the amount of water coming from the electrical fixtures. Mayor Printz was notified of our situation and was contacted by the Rockingham County Fire Marshal due to his

concerns with the safety of the fire station. Seven weeks since this event and no repairs have been made to the station.

As many of you are aware, the Elkton Volunteer Fire Company is looking to improve our facilities which we have out grown. Most of the Council have visited the station and seen our vision for the future. One key element to this vision is the Fire Companies ability to renovate the existing station. Councilman O'Neill expressed his concern about the perception of giving an asset away during these tough financial times. Currently the fire station is a $100,000 liability to the Town if repairs that are needed are completed. By donating or selling the station for $1.00, to the fire company, the Town of Elkton can eliminate this liability. Additionally, this will allow us to move forward with our planning and hopefully the realization of our vision. An additional hurdle that was discussed during our presentations was the maintenance shop which occupies a portion of the station. The fire company is willing to furnish a long term no cost lease to the Town of Elkton for this space.

The Elkton Volunteer Fire Company has faithfully served the Elkton area for over 80 years. We are grateful to the Town of Elkton for supporting us with a facility and electricity for so many years. At this juncture the Town of Elkton can no longer meet these needs. Please consider our request at the next available opportunity as we can no longer continue to exist in our current condition."

Council member Isom inquired what the most pressing issue was at the building. Fire Chief Kibler stated the roof of the building was in dire need of repair. He noted the Fire Marshall had contacted him and stated that the building was unsafe.

Mayor Printz stated that an insurance claim had been submitted to the Virginia Municipal League regarding the repairs. He requested a list of repairs from Fire Chief Kibler for the building.

Fire Chief Kibler noted a concern was that the Fire Department had no legal right or authority to the building.

Council member O'Neill inquired that if ownership transferred to the Fire Department would the company have funds to make the necessary repairs without Town assistance. Fire Chief Kibler responded affirmatively. Mayor Printz noted the delay for repairs was due to the insurance company.

Vice Mayor Dearing stated his concern was if legally the Town could turn the building over to the Fire Department. He noted the building was an asset for the Town and suggested a long term lease as an option. Fire Chief Kibler responded that a long term lease was unacceptable. He noted the station would purchase the building for $1.00. He noted that Council could sell assets on behalf of the Town.

Council member Kite inquired if the Fire Department would be willing to negotiate a sale price for the building. Fire Chief Kibler responded the only offer would be $1.00. He noted the company was not in a position to buy real estate.

Mayor Printz stated he supported giving the building to the Fire Department. He noted the current Fire Department was the best the Town ever had and had the best equipment.

Council member Isom inquired as to what measures were currently be taken regarding the leaks. Fire Chief Kibler stated the roof was flat and no corrective measures had been taken. He noted the water was currently leaking onto their million dollar equipment.

MINUTES

Motion to Approve August 12, 2008 Committee Meeting Minutes

Vice Mayor Dearing moved, seconded by Council member Sigafoose, and carried to approve the minutes for the Committee Meetings held on August 12, 2008 as presented.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Motion to Approve August 18, 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 August 18, 2008.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $131,021.66 for General Government for the month of August 2008. Total designated money was $151,882.04, leaving total available cash of $-20,860.38.

Council member O'Neill stated that available cash had indicated a negative balance. However, he confirmed with Treasurer Sipe that the account balance was several hundred thousand in designated funds. He noted the report was a snapshot of the Town's finances as of August 31, 2008. Treasurer Sipe confirmed the current account balance was over $300,000.00.

Further discussions took place regarding the finances of the Town.

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

Further discussion took place regarding meals tax lawsuits, cut-off notices, and the DEQ Consent Order expenses.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

EACC Administrator Allison Morris noted upcoming events: self defense class, Virginia Inland Game and Fishery hunter safety course, RMH vascular screening, Glick & Phillips, health fair and an election dinner.

CHIEF OF POLICE REPORT

It was determined that the Town's "Halloween Hoo-Doo" would be held on Friday, October 31, 2008. Vice Mayor Dearing noted that EDRC members would need to provide receipts from the event for reimbursement.

The fate of the Council chamber desk at the Town Hall would be discussed at the next committee meeting.

Mayor Printz thanked the Elkton Police Department for their assistance with some recent vandalism.

NEW BUSINESS

Reappointment of Sherry Hall to Recreation Commission

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to reappoint Sherry Hall to the Recreation Commission from September 2008 through September 2010.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Resignation of Diane Johnson from Recreation Commission

Council member Kite moved, seconded by Vice Mayor Dearing, and carried to accept the resignation of Diane Johnson from the Recreation Commission.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Authorize $4,200.00 Purchase of Uneven Bars for Gymnastics Program

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to disapprove the expenditure of $4,200.00 of Town funds for uneven bars.

Council member O'Neill stated he had reviewed the finances of the Town. He noted that citizens were contributing $176,000.00 to subsidize the Community Center and he was not comfortable asking citizens to contribute additional funds. He suggested fundraisers as a means to provide the additional funds needed for the purchase.

Further discussion took place regarding designated funds and money from other sources.

Bobbie Rae Monger noted that the gymnastics program was successful and the Town had received those funds in past years. She noted that the Town had never purchased any equipment for the program. She noted her dissatisfaction at how one local recreational program was managed. She noted additional mats and other equipment that the program intended to purchase through fundraisers.

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

NAYS: D. Kite

VOTE: (4 – 1 roll call) Motion carried

Administrator Morris noted that a request to purchase uneven bars was not brought to her attention until after budget discussions had taken place.

Bore Testing for Gravity Line

Vice Mayor Dearing stated that bore hole testing needed to be performed in order to eliminate the substation for the new schools. He noted that 18" holes needed to be drilled every 25' to investigate rock formations.

Vice Mayor Dearing moved, seconded by Council member Sigafoose, and carried to allocate $5,700.00 for the bore test project.

Council member O'Neill noted the funding would be allocated from "capitol projects – water and sewer." He recommended that if the contract was approved the Mayor endorse it.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Kitty Shifflett Subdivision

Council member Sigafoose moved, seconded by Vice Mayor Dearing, and carried to approve the subdivision and give the Mayor the authority to sign as the subdivision agent on the plat.

Council member Kite requested a clarification on the matter. Vice Mayor Dearing noted that the plat had been revised to include the drain field for the trailer. He noted it was added to show an easement. Town Attorney Sigler noted that the well indicated on the plat showed it to be located on the property with the existing home.

Council member O'Neill stated the motion presented last month required that both properties be connected to water and sewer. With the revisions to the plat, those requirements were no longer necessary. Council member Kite questioned if the prior approval given by Council had been necessary. Mayor Printz responded the matter needed to be moved forward at that time.

Vice Mayor Dearing called for the question. However, a member did not second the motion. Mayor Printz called for the vote.

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

NAYS: M. O'Neill

VOTE: (4 – 1 roll call) Motion carried

Mayor Printz thanked the Planning Commission for their hard work and professionalism.

Otho Conley Lot Line Adjustment and Vacation

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to accept Otho Conley's subdivision lot line and vacation as presented.

Town Attorney Sigler clarified the matter presented was a lot line adjustment and not a subdivision.

Vice Mayor Dearing amended his motion to state lot line adjustment instead of subdivision.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Street Closure Request by George Hensley

Mayor Printz requested the matter be sent back to committee. He noted that negotiations had taken place and wanted to advise Council on the matter.

Motion for Vacation of Alley for Lohmans

Town Attorney Sigler stated that a motion was needed from Council to begin the process. She noted a survey would be needed.

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to begin the process for the vacation of alley to meet the Lohman request.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Ordinance Amendments for Nuisances Appeal/Hearing

Town Attorney Sigler briefly discussed the need to clarify the ordinance. She noted the change would allow an appeal process to take place. She stated that residents would have fifteen (15) days after a notice was sent regarding the violation to ask for an appeal. She stated that after that time the Town could abate the property either by themselves or by way of the Court.

Council member O'Neill sponsored the First Reading as follows:

First Reading
Amendment to the Elkton Town Code
September 15, 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.

Sperry Van Ness Contract

Mayor Printz requested that the process of selling the Kite property through Sperry Van Ness begin. It was determined that no public hearing was needed to enter into the listing agreement. Town Attorney Sigler noted that a public hearing would need to be held when an offer or proposal was presented to the Town. She noted that a new listing agreement had been presented.

Council members O'Neill and Kite both noted concerns regarding the matter. Therefore, Mayor Printz sent the matter back to committee.

Kite House Alarm System

Vice Mayor Dearing noted that pursuant to compliance measures, the Kite House would require a fire alarm and notification system to be installed. He noted that Miss Kite had donated funds to pay for an alarm system.

Brief discussion took place regarding selling the Kite House as opposed to keeping the house and making the necessary repairs and improvements.

Council member Kite stated that much work was needed to the Kite House before the building could be opened to the public again. Mayor Printz estimated the amount of work to be $30,000.00-$40,000.00.

Brief discussion took place regarding restorations or repairs under certain specifications since the house was a noted historical location.

Mayor Printz noted he would not support selling the Kite House. Council member O'Neill concurred with the Mayor. However, he noted funds may not currently be available to complete the repairs. Council member Isom also noted she would like the Town to keep the house.

Kite House Resolution

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to keep the Kite House and explore getting the needed repairs made.

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

NAYS: S. Sigafoose and D. Kite

VOTE: (3 – 2 roll call) Motion carried

Generator Loan Information

Council member O'Neill briefly spoke regarding the terms of the generator loan.

Council member O'Neill moved for Council to revoke the note with the Farmers & Merchants Bank and adopt the note as presented with BB&T for a period of four years at 3.64% on $400,000.00 and authorize the Mayor to sign the note.

It was determined the Town would need to hold a new public hearing due to changes in the terms of the financing. Therefore, **Council member O'Neill withdrew his motion.**

It was determined a public hearing would be held on October 14, 2008.

COMMITTEES

Planning Commission

Council member O'Neill moved, seconded by Vice Mayor Dearing, and carried to appoint Richard McGregor to the Planning Commission.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Council member Sigafoose was excused from the meeting at approximately 8:45 p.m.

Electric

No report at that time.

Vice Mayor Dearing showed a slide presentation of some of the Town's piping system. He noted the North Street pipe was filmed and discussed leaks in the pipe and grease accumulation in certain areas.

Finance

No report at that time.

Personnel

Vice Mayor Dearing noted a wastewater treatment operator had been interviewed for the plant. A final interview would take place shortly.

Public Health, Safety, Ordinances

Mayor Printz and Chief Morris would meet and discuss some type of alarm system for the Town.

Chief Morris stated that Rockingham County paid for a certain number of fire fighters to be available Monday through Friday. He asked that Council consider the age and repairs needed at the current municipal building when making decisions to spend funds on the Kite House or donate an asset to an organization.

Streets and Sidewalks

No report at this time.

Water and Sewer

Vice Mayor Dearing stated the Town was still under a Consent Order from the Virginia Department of Environmental Quality. He noted that the Town had committed to complete the items in the Order by a certain time period. He noted items to be completed before May 2009:

Influent pump station:	$10,000.00
Clarifiers (2):	$38,000.00 - $50,000.00
Digesters:	$20,000.00
Belt press:	$76,000.00

Council member Isom queried the type of belt press. Vice Mayor Dearing responded that instead of rebuilding the structure currently located at the plant, a belt press could be purchased that comes in a heated container.

Recreation

No report at this time.

Cemetery

No report at this time.

Advisory

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

1. The right side of North Avenue going southeast from Hillside Avenue needs a good clean-up. The grass should be mowed and the tree limbs need trimming.

2. There are some empty houses in our community that have become unsightly and present potential health problems as they are being used as dens for stray animals, especially cats.

3. There is a "sink hole" in the area of Berry Building that needs repairing.

4. There is a water leak at the intersection of Jackson Avenue and C Street that is in need of repair.

5. Exiting the Cemetery onto Newtown Road can be hazardous. We recommend painting yellow lines or some other means of alerting drivers to the potential danger.

Brief discussion took place regarding the placement of signs relative to speed at the Cemetery.

UNFINISHED BUSINESS

Move Council Meeting Time – Second Reading

Council member O'Neill moved on a second reading as follows:

Second Reading
Change of Meeting Time
September 15, 2008

The Elkton Town Council has determined that the starting time for regular Council meetings shall be changed to 6:00 p.m. effective with the meeting on October 20, 2008.

The motion was duly seconded by Vice Mayor Dearing.

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

NAYS: None

VOTE: (4 – 0 roll call) Motion carried

Vice Mayor Dearing requested Council assist Town Attorney Sigler in prioritizing Town issues. The generator and zoning amendments were noted as high priority items. Town Attorney Sigler noted the Planning Commission would meet on September 30, 2008 on the zoning amendments.

Vice Mayor Dearing suggested that Council look into a public relations person for the Town to express information to the news media. Mayor Printz supported the idea and asked that it be reviewed at the next committee meeting.

TOWN ATTORNEY

No additional business was presented.

MAYOR'S BUSINESS

No additional business was presented by Mayor Printz.

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, M. O'Neill, and D. Kite

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Mayor:_____
Wayne E. Printz

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

APPENDIX A

PROCLAMATION
Constitution Week 2008

WHEREAS, September 17, 2008 marks the two hundred twenty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, Wayne E. Printz, by virtue of the authority vested in me as Mayor of the Town of Elkton, Virginia do hereby proclaim September 17 through 23, 2007 to be

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never by regained.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Town of Elkton, Virginia to be affixed this 15th day of September in the year of two thousand eight.

_____
Mayor

ATTEST:

_____
Clerk of Council