Regular
Council Meeting
April 20, 2009

The regular meeting of the Elkton Town Council was held on April 20, 2009, in the Council Chambers at the Elkton Area Community Center with Mayor Larry A. Bompiani presiding. The following Council members were present:

PRESENT
M. Dearing
M. Isom
H. Armbruster
D. Kite
P. Workman
R. Snow

Town Manager Reid A. Wodicka, Town Attorney Lauri A. N. Sigler, Chief of Police James A. Morris, Treasurer Clairen Sipe, Recreation Director Diane Johnson and Clerk of Council Denise R. Monger were also present.

Mayor Bompiani 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.

Mayor Bompiani recognized the Town's newest Council member Harry Armbruster.

.CITIZEN COMMENTS

Bertha Williams, Washington Avenue, stated that she owned a building in which the second level was rented as an efficiency apartment and the first level by a business. She noted that due to the economy she had been unable to rent the first level. She noted that an individual was interested in renting the first floor, but she was unsure of how to proceed. She had spoken to Mr. Wodicka and noted her confusion regarding the matter. She asked Council to allow her to rent the first floor unit to an individual as an apartment instead of a business as zoned.

Peter Ott, 1720 Cutback Lane, proposed a Civil War reenactment take place from August 28 - 30, 2009. He provided documents to the Council showing the events that would take place. He noted that a concert was scheduled for Friday, August 28, 2009 and a "Pig Pick'n" on Saturday, August 29, 2009 which would promote both events. He noted that some documentation had been provided to Town Attorney Sigler for review. He noted that no other reenactments were taking place on the east coast at the same time in August. He had requested that the information be made available on the Town's website. He stated that the Miller-Kite House would be included in the events to promote the museum. Further. he briefly spoke of trails that would be accessed, encampment sites, and picnic sites.

Mildred Shifflett, 112 West Spotswood Avenue, spoke of her discontent regarding the current business zoning in the Town. She noted that most of the buildings zoned as business were vacant and empty. She stated there was an issue with a burial stone that needed to be addressed. She stated that the Cemetery was a disgrace due to its unkempt state.

Mr. Wodicka addressed Bertha Williams by stating that the structure she owned was zoned B-2 Business which would not allow for a dwelling on the first floor. Mayor Bompiani suggested that the parties meet at the Town Hall to discuss the matter in more detail.

Hazel Crider, Spotswood, spoke regarding her previous requests for the Town to erect a sign on the Kite property to advertise it is for sale. She asked for an update regarding the Koogler project and noted her concern for the finances of the Town. She encouraged Council not to raise any utility rates due to the state of the economy. She thanked Council for the Easter Egg Hunt and noted that the event was well organized. She noted an improvement with the condition of the park.

Mayor Bompiani stated that the Council was planning a "retreat" in order to address various matters such as advertising the Kite property was for sale and to prioritize goals for the future. He briefly spoke regarding the Council's support of a clean coal technology research center.

MINUTES

Motion to Approve March 10, 2009 Committee Meeting Minutes

Vice Mayor Dearing moved, seconded by Council member Kite, and carried to approve the minutes for the Committee Meetings held on March 10, 2009 as presented.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Approve March 16, 2009 Regular Council Meeting Minutes

Vice Mayor Dearing moved, seconded by Council member Isom, and carried to approve the minutes for the Regular Council Meeting held on March 16, 2009.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Approve March 23, 2009 Special Council Meeting Minutes

Vice Mayor Dearing moved, seconded by Council member Workman, and carried to approve the minutes for the Special Council Meeting held on March 23, 2009.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Motion to Approve March 31, 2009 Special Council Meeting Minutes

Vice Mayor Dearing moved, seconded by Council member Workman, and carried to approve the minutes for the Special Council Meeting held on March 31, 2009.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

TOWN MANAGER'S REPORT

Mr. Wodicka had submitted a written report for the packet. He briefly read the following from his report:

a. A budget approval schedule had been prepared and was available in the Town Hall.
b. A Notice of Violation from DEQ was received last week. Mr. Wodicka had contacted the Town's engineering firm regarding the matter.
c. Notices were sent to all applicants not selected for the Town Council vacancy.
d. In May, a public hearing would need to be held for approval to reallocate funds under the Urban Construction Program. Additional information forthcoming.
e. Septic system for the Kite property would cost approximately $4,000.00 if the Town performed the work.
f. The Town was investigating a remote start function to be installed on generator. That would eliminate the Town electrician's time and labor expense caused under the current manual start function. The generator is operational.
g. A fee and policy for sewer clean-outs was being prepared. Approximate charge would be $60.00.
h. A motion for the destruction of records was on the agenda to be based on the Library of Virginia's recommendations.

A brief discussion took place regarding future expenses from the Consent Order, Town employees entering private property, computer equipment that would allow the Town to monitor the generator from the Town Hall, and HEC funds being used for additional expenses from the generator if needed.

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $802,088.45 for General Government for the month of March 2009. Total designated money was $609,915.72, leaving total available cash of $192,172.73.

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

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

No additional discussion on the report took place.

CHIEF OF POLICE REPORT

Chief Morris briefly discussed that some of his officers had minor injuries for various reasons.

Vice Mayor Dearing stated that the decal deadline was April 15, 2009. Chief Morris noted that the charge for not purchasing a decal after the court fine was approximately $81.00. He noted that "checkpoints" would begin next week. Chief Morris briefly explained the process of decal enforcement at the apartment complexes in Town.

NEW BUSINESS

Community Center Bylaws

Council member Snow stated that copies of the bylaws had been distributed to Council. Town Attorney Sigler stated that she had a concern that no purpose was stated as to what capacity the board would serve; such as an advisory. She also noted a concern regarding the matter of a director. Specifically, if the director referred to in the bylaws was the Community Center Administrator or the director of the board itself.

Council member Snow stated that the proposed bylaws were previously used under the Park Authority. He noted that organization was able to hire a director. He referenced the second paragraph, page two which stated, "The director shall serve at the pleasure of the members and perform such other duties as the advisory board may require as approved by the majority vote of the members." He recommended the following: "The director shall ~~serve at the pleasure of the members and~~ perform such other duties as the advisory board may require as approved by the majority vote of the members."

Vice Mayor Dearing stated his concerns regarding the bylaws not being properly drafted to protect the Town from liability issues. He noted that the board would serve at the pleasure of the Town Council.

Council member Snow stated the following as a purpose to be entered into the bylaws: "The purpose of this advisory board is to provide oversight for the Elkton Town Council and to ensure that the management of the Elkton Area Community Center is such that it will contribute to a smooth running facility which can achieve its mission statement."

It was determined that the "director" referred to in the bylaws was EACC Administrator Allison Morris.

Town Attorney Sigler inquired if the provision that stated, "The director shall be responsible to the board for the administration, acquisition, planning, development, maintenance and operation of all property under the jurisdiction..." if those were all of her duties. She noted the bylaws also spoke of acquiring real estate.

Vice Mayor Dearing stated that the confusion regarding the bylaws was due to the bylaws being taken from one authority and given to a committee. He stated he could not support the document since the final version was not presented to the Council.

Council member Snow stated that according to the bylaws, everything would be submitted to Council for approval.

Council member Isom noted her confusion regarding the presented version of the bylaws.

A brief discussion took place regarding a different set of bylaws that Town Attorney Sigler had presented which she noted would better suit the committee for the purposes it intended to serve.

Mr. Wodicka suggested the matter be tabled and discussed at a future meeting.

Mayor Bompiani agreed that the matter should be reviewed and brought before the Council at their next meeting.

Further discussion took place regarding the provision in the bylaws that referred to real estate.

Council member Armbruster stated that "properties" did not specifically mean real estate, but properties of the Community Center such as gymnastics equipment. He noted that the director would not have the authority to purchase real estate.

Council member Isom stated that the term "acquisition" could be determined to mean "buy." She noted that the document was confusing.

Mayor Bompiani suggested the matter be tabled.

Meals Tax Policy

No policy was presented.

Appointment of Chairperson for Water and Sewer Committee

Council member Kite moved, seconded by Council member Workman, and carried to appoint Vice Mayor Lee Dearing as Chairman of Water and Sewer.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Vice Mayor Dearing offered to step-down as Chairperson of Public Health, Safety, Ordinances with his appointment to the Water and Sewer Committee. He suggested that Council member Armbruster be appointed as Chairperson.

Resignation of Chairperson for Public Health, Safety and Ordinances

Council member Kite moved, seconded by Council member Workman, and carried to accept the resignation of Chairmanship for Public Safety from Vice Mayor Dearing.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Appointment of Chairperson for Public Health, Safety, and Ordinances

Council member Kite moved, seconded by Council member Workman, and carried to appoint Council member Armbruster to be Chairman of Public Health, Safety and Ordinances.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Fossil Fuel Rates

Council member Isom moved, seconded by Vice Mayor Dearing, and carried that the Elkton Town Council adjust the fossil fuel rate from $0.02279 per kilowatt hour to $.01096 per kilowatt hour.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Resolution to Transition Elkton Jubilee Committee to Elkton Welcome Center

Council member Workman presented the following Resolution:

WHEREAS, the year 2008 marked the One Hundredth Anniversary of the Incorporation of the Town of Elkton; and

WHEREAS, the Centennial Jubilee Committee, a group of citizen volunteers formed and carried out countless projects throughout 2008 commemorating this, our great memorable event; and

WHEREAS, we now celebrate the year 2009 and the close of our 100th Anniversary Celebration noting all the many accomplishments of the Centennial Jubilee Committee; and

WHEREAS, the success of the Centennial Jubilee Committee can be measured by a substantial revenue reserve of $11,278 bequeathed to the newly formed Elkton Welcome Center Committee; and

WHEREAS, all surplus memorabilia, logo souvenirs and future generated revenue, as well as rights to these items also become the property of the Elkton Welcome Center Committee; and

BE IT HEREBY KNOWN, the goals of the Centennial Jubilee Committee to be self-sustaining and to promote togetherness came to fruition in a most positive way; and

THEREFORE, as President of the Centennial Jubilee Committee, and on behalf of all officers and faithful volunteers, I salute you who worked so diligently and I do hereby declare that our charge is over and wish our successors in the year of 2033 God speed and success.

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

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Zoning Permit Forms

Council member Isom stated that the Planning Commission would be revising the Town's zoning permit forms. She noted that additional information from applicants would be required on the form. She noted the forms were colored coded for business and residential.

Council member Snow disliked the requirement of a survey in order to build a garage or building. Council member Isom requested that Town Attorney Sigler explain the requirements regarding that matter. Town Attorney Sigler stated that the Planning Commission had reviewed the County's requirements. She noted that those requirements were based on square footage. However, there were some exceptions. She noted that the matter was still under review and had not been adopted.

Council member Isom stated that the expenses for a survey had been discussed.

Resolution to Support Development of Elkton Energy Research Center

No action needed for that issue.

Motion to Destroy All Records Per Retention Schedule

Vice Mayor Dearing moved, seconded by Council member Armbruster, and carried that Council authorize the Town Manager and Rick Carey the Documents Manager to destroy all records according to the Library of Virginia Records Retention and Disposition Schedule as needed.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

COMMITTEES

Electric

Council member Isom stated that the Electric Committee met on April 2, 2009 and discussed the following: release of generator funds, concrete for retention walls, additional training for employees, operating manual, and Dominion Power's rate increase not increasing Elkton's rates.

Finance

Council member Snow stated that the Finance Committee met on April 2, 2009 and discussed the following: budget, meals tax, overtime and a meals tax policy. He stated the policy as, "*Meals Tax payments are due on the 20th of the month, for the previous month tax collected. If payment is not received by the 20th of the month, the Treasurer's office will contact the business to inquire about the payment. If the payment is not received in our office by the fifth day after the courtesy call, we will mail and deliver a Treasurer's Summons to the business. This will order the Owner/Proprietor to appear in the Treasurer's office to present all necessary documents to determine the amount of tax owed. The Owner/Proprietor will then have three days to remit payment for the delinquent tax. If payment is not received, the Treasurer's office will pursue with any and all legal collection means necessary to collect the tax including pursuing criminal prosecution.*"

Town Attorney Sigler recommended that Council adopt the above-referenced sequence of events as a procedure and not a policy. She stated that the adoption of a policy could limit the Treasurer's actions for each individual case regarding meals tax collection.

Council member Snow stated that he thought it should be adopted as a policy and the Treasurer follow it. He stated the Treasurer did not need to have discretion as to whether or not she followed the procedure/policy.

Further discussion took place regarding if the collection process presented should be approved as a procedure or policy, criminal and civil prosecution.

Mayor Bompiani confirmed with Town Attorney Sigler her recommendation to adopt the suggested course of action as a procedure and not a policy.

Council member Snow moved, seconded by Council member Armbruster, and carried to that Council adopt procedure as policy.

There was a brief discussion regarding if the vote taken would be on a procedure or a policy. It was determined the motion presented stated the adoption would be a procedure/policy.

YEAS: M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: M. Dearing

VOTE: (5 – 1 roll call) Motion carried

Council member Snow stated that a preliminary budget had been prepared. A copy could be obtained at the Treasurer's office. He also noted that banners were for sale.

Personnel

Council member Kite stated that the Town would hire four (4) part-time employees in place of the divertees. He noted that the Town had received many applications from the last Laborer 1 classified newspaper ad. He noted those applications would be used to make the selections for the part-time positions. He noted that the change would help the Town since the divertees require constant supervision and cannot drive.

Public Health, Safety, Ordinances

No report.

Streets and Sidewalks

Council member Workman stated that several streets were identified for paving. He briefly spoke of upcoming Town clean-ups.

Water and Sewer

Vice Mayor Dearing reported no new issues at that time.

Economic & Community Development

Council member Workman stated that flower beds had been identified and would be up for adoption. He encouraged all citizens and organizations to participate in the program. He noted that the Elk Run Stream Clean-Up would take place on Thursday, April 23, 2009.

Community Center

Mayor Bompiani noted that Administrator Allison Morris was unable to attend the meeting.

Recreation

Recreation Director Diane Johnson briefly discussed the "Battle of Elkton." Details regarding the re-enactment would be forthcoming. She recognized Rockingham County Recreation and Farmers & Merchants Bank for their assistance with the Easter Egg Hunt.

Council member Workman moved, seconded by Council member Snow, and carried that Council endorse the proposal as introduced by Peter Ott.

YEAS: M. Isom, M. Dearing, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Planning Commission

Council member Isom stated that the commission had met. She stated that the issue of B-2 zoning would be reviewed.

Resignation of Harry Armbruster from Planning Commission

Council member Armbruster stated he wished to resign from the Planning Commission upon his appointment to the Elkton Town Council.

Council member Kite moved, seconded by Vice Mayor Dearing, and carried that Council accept the resignation of Harry Armbruster, Vice-Chairman of the Planning Commission.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Cemetery

Vice Mayor Dearing stated the commission was in the process of working with Pete Bonavita and Dr. Downey to purchase an additional ten (10) acres of land for Elk Run Cemetery.

Community Center

Council member Snow stated that the committee met April 1, 2009. He noted the following sub-committees were chosen: active outreach development, fundraising and finance. The next meeting would take place on May 6, 2009 at 6:30 p.m. He briefly discussed future events at the center.

Advisory

The Advisory Committee recommended the following:

1. Traffic heading south and turning into North Avenue presents a hazard for automobiles exiting Elkwood Avenue. Recommend a line be painted to keep Elkwood traffic back out of the intersection.

2. Recommend an emergency telephone number be posted and/or published of a contact on weekends when Town offices are closed.

3. We recommend the owner of the property across Route 340 from the Catholic Church be encouraged to clean up that area.

Mayor Bompiani thanked the committee for their efforts.

Mayor Bompiani encouraged all parties to attend the Council Workshops in order to hear details regarding the issues that would be discussed at the Regular Council Meeting.

UNFINISHED BUSINESS

No business was presented.

TOWN ATTORNEY/REPORT/ACTION NEEDED

Town Attorney Sigler stated she would be meeting with Chris Fewster to discuss details regarding the revolving loan fund. She noted that Council would need to decide if interim financing would be needed for the sewer plant. She noted that Mr. Fewster would have information to present to Council on the matter.

Vice Mayor Dearing encouraged Council to provide a clear direction regarding the wastewater treatment plant. He noted that some projects were ready for bids to be placed and work to be performed.

Council member Snow stated he needed a better understanding of the Consent Order and the funding that needed to be spent.

MAYOR'S BUSINESS

No additional business presented.

Closed Session

Council member Kite moved to go into closed session under Virginia Code 2.2-3711-A.1, personnel discussion, consideration, interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers. Vice Mayor Dearing duly seconded the motion.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Council member Kite 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. Vice Mayor Dearing duly seconded the motion.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

It was determined that a Council workshop would be held on April 28, 2009 from 8:00 a.m. – 12:00 p.m. at the "Merck House."

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

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Mayor: Larry A. Bompiani
Larry A. Bompiani

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

APPENDIX A

AGENDA
ELKTON TOWN COUNCIL
April 20, 2009

- ❑ **ROLL CALL**
- ❑ **INVOCATION**
- ❑ **PLEDGE OF ALLEGIANCE**
- ❑ **BRIEFING BY TOWN ENGINEER**
- ❑ **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**
  - Committee Meetings – March 10, 2009
  - Regular Council Meeting – March 16, 2009
  - Special Council Meeting – March 23, 2009
  - Special Council Meeting – March 31, 2009
- ❑ **TOWN MANAGER'S REPORT**
- ❑ **TREASURER'S REPORT**
- ❑ **COMMUNITY CENTER ADMINISTRATOR'S REPORT**
- ❑ **CHIEF OF POLICE'S REPORT**
- ❑ **NEW BUSINESS**
  1. Community Center Bylaws
  2. Meals Tax Policy
  3. Appoint Chairperson for Water and Sewer Committee
  4. Fossil Fuel Rates
  5. Resolution to Transition Elkton Jubilee Committee to Elkton Welcome Center
  6. Zoning Permit Forms
  7. Resolution to Support Development of Elkton Energy Research Center
  8. Motion to Destroy All Records Per Retention Schedule
- ❑ **COMMITTEE REPORTS**
  - Electric
  - Finance
  - Personnel
  - Public Health, Public Safety, Ordinances
  - Streets and Sidewalks
  - Water and Sewer
  - Economic & Community Development
  - Community Center
  - Recreation
  - Planning Commission
  - Cemetery
  - Advisory
- ❑ **UNFINISHED BUSINESS**
- ❑ **TOWN ATTORNEYS/REPORT/ACTION NEEDED**
- ❑ **MAYOR'S BUSINESS**
- ❑ **CLOSED SESSION**
- ❑ **ADJOURNMENT**