Regular
Council Meeting
July 20, 2009

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

PRESENT	ABSENT
L. Bompiani, Mayor	H. Armbruster, Council Member
M. Dearing, Vice Mayor	
M. Isom, Council Member	
D. Kite, Council Member	
P. Workman, Council Member	
R. Snow, Council Member	

PRESENT	ABSENT
Reid A. Wodicka, Town Manager	James A. Morris, Chief of Police
Lauri A. N. Sigler, Town Attorney	Timmy Turner, Public Works Director
Clairen Sipe, Town Treasurer	Diane Johnson, Recreation Director
Allison Morris, EACC Administrator	
Denise R. Monger, Clerk of Council	

Mayor Bompiani 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.

CITIZEN COMMENTS

Lugene Dovel, 407 Lee Avenue, Elkton, briefly discussed his dire medical condition. He noted that the Town was causing him additional stress in regards to his property. Mayor Bompiani asked that Mr. Dovel contact Pastor Buchanan regarding the matter.

Mildred Shifflett, 112 West Spotswood Avenue, Elkton, stated that Council had chosen a poor time to increase water and sewer rates, especially if residents would be forced to boil or buy water due to contamination. She noted that the citizens were very aggravated. She noted that the rate increase of 60% for water and sewer was "ridiculous." She inquired why a special person was needed to assist with the Town's website. She noted that too many comparisons were being made between the Town of Elkton and the Town of Bridgewater. She noted that Bridgewater was a college town with more funding available than Elkton.

Hazel Crider, Elkwood, Elkton, spoke regarding the water quality issue the Town was facing. She noted that the past two tests had proved negative for bacteria in the water. She inquired as to the date of the next test and when the results would be released. She was not opposed to the Town issuing an advisory to boil water if the action ensured the safety of the citizens. She suggested that a reduction in the recently increased water rates be considered by the Council.

Mrs. Crider thanked everyone for their clean-up efforts and assistance with the Town's Field Day events. She encouraged Town officials and citizens to try and maintain that same effort throughout the year.

Mrs. Crider stated the annual Neighborhood Watch National Night Out would be held on Tuesday, August 4, 2009 from 7:00 p.m. – 10:00 p.m. at the Town Hall. She noted that music and refreshments would be available.

Goldie Helsley, Elkton, read the following statement: "*Let me say at the onset that there are few aspects of Elkton government, of which I have not focused criticism. The Mayor, Town Manager, and some members of the Town Council have been recipients of my restrained anger, as have others.*

On this occasion, I will applaud Reid Wodicka for informing the citizens of Elkton by letter about the presence of bacteria in our water and the potential necessity of boiling water to render it safe. My praise stops there, however.

While I have nothing but respect for the Ruritan Club, its members, and their many contributions to our community, I find it odd that a limited number of people were afforded the luxury of a full power point presentation by the Mayor and Town Manager while the rest of us were resigned to the carefully chosen works of Reid Wodicka. A letter makes the residents of this fair Town a captive audience, stuck with a well-crafted script and unable to ask questions and have our collective fears eased.

A public power point forum where all the citizens of Elkton could have learned the true extent of this dilemma would have been far better. As I have stated numerous times, too many questionable strategies have been launched by too few people on too many occasions, all without public comment, much less public oversight. The quality of our drinking water is less a political issue than one of public health and its resolution calls for more than management correspondence. What better time to demand transparency in our government than when our drinking water may not be safe to drink or use."

Town Manager Reid Wodicka stated that the Town had received numerous inquiries regarding the water situation. He noted that staff was available to answer any questions.

Vice Mayor Dearing stated there was concern regarding the Town's water source. He noted that was the reason the Elkwood well needed to be brought on-line. Mr. Wodicka noted that all factual information had been released to the public.

Caroline Brill, Elkwood, Elkton, questioned how long the "bogus" water samples had been submitted for testing. She requested that the status of the situation be made public as soon as possible. She noted that a giant poison oak plant was embedded on a tree adjacent to the west of the Memorial Wall on Terrace Avenue. Mr. Wodicka stated that he would look into the matter.

Mayor Bompiani thanked Ted Hayes from The Valley Banner. He noted that Mr. Wodicka had aggressively addressed the water situation via newsletter to the citizens. He noted that Mr. Wodicka had contacted the schools to inform them of the matter. He noted that the recent rate increases were adjusted to allow issues at the plant to be addressed.

Mayor Bompiani stated that the current water source (spring) was located in a floodplain and subject to surface water contamination. He noted that the Town was moving quickly on the Elkwood well matter. He noted his receipt of an invitation to speak to the Ruritan Club. He noted that he and the Town Manager provided a power point presentation on numerous issues. He noted that Mr. Wodicka had done a very nice job of presenting information to the organization. He noted that they would attend any meeting to provide additional information if asked to do so.

MINUTES

Motion to Approve Consent Agenda

Mayor Bompiani stated that Council had time to review the minutes from the following meetings: June 4, 2009, June 8, 2009, June 15, 2009, June 23, 2009, June 29, 2009.

Council member Kite moved, seconded by Council member Snow, and carried to approve the minutes as read.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

TOWN MANAGER'S REPORT

Mr. Wodicka's report was submitted as part of the packet. He noted that the electric contract with VEMA was nearing completion. He noted that the document was approximately 200 pages and was available for review in his office. He noted another quarterly report had been issued to DEQ indicating the Town's activities regarding the sewer issues. He noted that the Town would be disinfecting the spring box on July 21, 2009. He noted the process would take approximately 4-6 hours. He noted that the next date for testing would be by the end of the current week or the beginning of next week.

A brief discussion took place regarding the spring and the additional beaver population contributing to the water issues.

Mayor Bompiani praised Mr. Wodicka for his efforts informing the County of the water quality issue in relation to the new schools, specifically his contacting W. R. Good.

TREASURER'S REPORT

Treasurer Sipe reported an ending ledger balance of $407,383.55 for General Government for the month of June 2009. Total designated money was $160,766.21, leaving total available cash of $246,617.34.

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

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

COMMUNITY CENTER ADMINISTRATOR'S REPORT

EACC Administrator Allison Morris' report was submitted as part of the packet. She noted the center's year-end revenue total was $80,546.25 which included memberships and room rentals.

A brief discussion took place regarding the civil war reenactment.

Administrator Morris stated that the flag raising ceremony had recently taken place. She thanked the local Veterans who had participated in the event.

CHIEF OF POLICE REPORT

Chief Morris' report was submitted as part of the packet. He was not in attendance for the meeting. Therefore, Mr. Wodicka reported on his behalf. He noted the voluminous amount of calls received by the department. He noted that the June numbers had increased in regards to drug activity. He noted that the police department was aggressively dealing with that issue.

NEW BUSINESS

Approval of Contract Between the Town of Elkton and Garner H. Downey for the Purchase of 10.044 Acres

Vice Mayor Dearing noted that for the last 3 months the Town had been working with Garner Downey to extend the size of the Cemetery.

Vice Mayor Dearing moved, seconded by Council member Snow, and carried, that the contract presented for 10.044 acres at a price of $331,452.00 be approved contingent upon the seller agreeing to give the purchaser a deed of easement on the portion of the remaining 17.15 acres as shown in the attached plat which shows a 20' sanitary sewer and water easement. The purchaser will pay all costs for preparing the deed and easements along with all costs of recording the documents.

Vice Mayor Dearing stated that upon completion of the above-referenced transaction, the Town would have approximately 14,000 burial lots for sale. He noted that the purchased real property was adjoining to current Cemetery property. He thanked Dr. Downey and Pete Bonavita for working with the Town on the matter.

Council member Workman inquired if the money used to purchase the property would be coming from Cemetery funds. Vice Mayor Dearing responded affirmatively.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Town Attorney Sigler suggested that authority be given to the Mayor to sign the contract. **Therefore, Vice Mayor Dearing moved to amend the above motion to allow the Mayor to execute the contract for Purchase of Unimproved Property dated June 25, 2009 and the amendment dated July 20, 2009 with Garner H. Downey. There was no second. Motion failed.**

Approval of Contract to Exchange Real Property Between the Town of Elkton, Green Mountain Properties, LLC and Michele Lucci and Raul G. Castillo

Vice Mayor Dearing stated that Council had been given a copy of the Resolution.

Vice Mayor Dearing moved, seconded by Council member Snow, and carried that the Elkton Town Council has the authority in receipt of a Contract of Purchase dated July 1, 2009 between Michele Lucci and Raul G. Castillo, the Town of Elkton and Green Mountain Properties, LLC for the exchange of certain real property between the parties.

Town Attorney Sigler stated that she had spoken with legal counsel for the other party and noted that if a title issue arose, the Town could opt out of the contract. She noted that paragraph 6 of the Resolution addressed that issue.

RESOLUTION OF THE ELKTON TOWN COUNCIL
For Approval of the Real Estate Contract by and between the Town of Elkton, Michele Lucci and Raul G. Castillo and Green Mountain Properties, LLC

BE IT RESOLVED by the Council for the Town of Elkton, Virginia, as follows:

1. Whereas, the Elkton Town Council has the authority, pursuant to Section 15.2-1800 of the Code of Virginia to enter into contracts for the sale and purchase of real property, upon compliance with applicable law; and

2. Whereas, the Town of Elkton is in receipt of a Contract of Purchase dated July 1, 2009 between Michele Lucci and Raul G. Castillo, the Town of Elkton and Green Mountain Properties, LLC for the exchange of certain real property between the parties; and

3. Whereas, Lucci/Castillo agree to convey to the Town of Elkton a tract of land containing 0.571 acres, more or less, located in the Town of Elkton being a portion of Tax Map No. 131B1-A-L56 as shown on a plat dated June 24, 2009, by Randall K. Newman, L.S.; and

4. Whereas, the Town of Elkton agrees to convey to Green Mountain Properties, LLC a tract of land containing 0.376 acres, more or less, located in the Town of Elkton being a portion of Tax Map No. 131-A-L30A as shown on a plat dated June 24, 2009, by Randall K. Newman, L.S.; and

5. Whereas, a public hearing was held to discuss the sale of the real estate owned by the Town of Elkton on July 20, 2009, after notice of said hearing was published once in the Daily News-Record on July 10, 2009; and

6. Whereas, the Town Attorney has recommended an amendment to paragraph 5 of said contract so that neither party is obligated to go forward with the transaction if a title defect is found and cannot be resolved within a reasonable amount of time and/or at a reasonable expense.

NOW THEREFORE, the Mayor be and is hereby authorized to execute the Contract of Purchase dated July 1, 2009 with Michele Lucci and Raul G. Castillo and Green Mountain Properties, LLC, in substantially the same form presented to the Elkton Town Council at this meeting, reflecting the changes recommended by the Town Attorney and further subject to approval as to form by the Town Attorney.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Approval of Subdivision of Lucci/Castillo Property

Vice Mayor Dearing stated that Council was in receipt of a copy of the Resolution.

Vice Mayor Dearing moved that Council give authority to Charlotte Shifflett to sign the plat to eliminate the lot line.

Town Attorney Sigler stated that the Castillo property had to be subdivided into two separate parcels. She noted that the Planning Commission approved the subdivision. Further, she noted that Council would be giving authority to Charlotte to sign the plat to show that there was authority to do the subdivision.

Vice Mayor Dearing continued his motion to include the Resolution as presented. The motion was duly seconded by Council member Snow and carried after the vote.

RESOLUTION OF THE ELKTON TOWN COUNCIL
For Approval of a Subdivision of Real Property

by Michele Lucci and Raul G. Castillo

BE IT RESOLVED by the Council for the Town of Elkton, Virginia, as follows:

1. Whereas, the Elkton Town Council has the authority, pursuant to Section 110-902 of the Elkton Town Code to approve the subdivision of a tract of land, upon compliance with applicable law; and

2. Whereas, Michele Lucci and Raul G. Castillo have requested approval to a subdivision of their real estate located in the Town of Elkton, being known as Tax Map No. 131B1-A-L56, into a 0.571 acre tract, more or less, that will be conveyed to the Town of Elkton with a residue containing 0.445 acre, more or less, as shown on a plat dated June 24, 2009, by Randall K. Newman, L.S.; and

3. Whereas, at a Special Meeting on July 14, 2009, the Elkton Planning Commission by a vote of 4 - 0 approved the requested subdivision.

NOW THEREFORE, Charlotte Shifflett, as the subdivision agent for the Town of Elkton be and is hereby authorized to approve the subdivision of a parcel of land owned by Michele Lucci and Raul G. Castillo, creating a tract containing 0.571 acre tract, more or less, being a portion of Tax Map No. 131B1-A-L56, as shown on a plat dated June 24, 2009, by Randall K. Newman, L.S.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Approval of Lot Line Vacation Between the Town of Elkton and Green Mountain Properties, LLC

Vice Mayor Dearing moved, seconded by Council member Snow, and carried that the Elkton Town Council approve to vacate the lot line between the Town of Elkton and Green Mountain Properties as presented.

RESOLUTION OF THE ELKTON TOWN COUNCIL
For Approval of a Lot Line Vacation
by the Town of Elkton, Virginia

BE IT RESOLVED by the Council for the Town of Elkton, Virginia, as follows:

1. Whereas, the Elkton Town Council has the authority, pursuant to Section 110-910 of the Elkton Town Code to vacate a lot line an on existing parcel when the proposed vacation is not in conflict with any provisions of Chapter 110, Land Development in the Elkton Town Code; and

2. Whereas, the Town of Elkton has requested that a lot line be vacated to convey a parcel of land containing 0.376 acres, more or less, being a portion of Tax Map No. 131-A-L30A, to Green Mountain Properties, LLC, as shown on a plat dated June 24, 2009, by Randall K. Newman, L.S.; and

3. Whereas, at a Special Meeting on July 14, 2009, the Elkton Planning Commission by a vote of 4 - 0 approved the requested lot line vacation.

NOW THEREFORE, Charlotte Shifflett, as the subdivision agent for the Town of Elkton be and is hereby authorized to approve the lot line vacation of the 0.376 acres, more

or less, being a portion of Tax Map No. 131-A-L30A, to Green Mountain Properties, LLC, as shown on a plat dated June 24, 2009, by Randall K. Newman, L.S.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Motion to Approve Lohman Alley Vacation

Council member Kite moved on the following Resolution:

RESOLUTION OF THE ELKTON TOWN COUNCIL
For Permanent Closure of Lucas Lane

BE IT RESOLVED by the Council for the Town of Elkton, Virginia, as follows:

1. Whereas, the Elkton Town Council has the authority, pursuant to Section 15.2-2006 of the Code of Virginia and Section 143-37 of the Elkton Town Code, to permanently close streets or alleys within its jurisdiction, upon compliance with applicable law: and

2. Whereas, the Town of Elkton has petitioned for the vacation, closure and transfer of a portion of an alley known as Lucas Lane on behalf of Arthur G. and Wanda U. Lohman at 614 N. Stuart Avenue, Elkton, Virginia, owners of Tax Map Nos. 131B2-(1)-B 34 L6A, 131B2-(1)-B 34 L4 and 131B2-(1)-B 34 L14.

3. Whereas, a public hearing was held to discuss the vacation and closure of said alley on July 14, 2009 after notice of said hearing was published in the Daily News Record on July 3, 2009 and July 10, 2009.

The entire document was not read as it was lengthy but the remaining text is included for the record.

4. At the public hearing Arthur G. and Wanda U. Lohman accepted to decrease the total area to be closed such that the portion of the alley to be closed and vacated is 20 feet wide and begins at the northern end of the blacktop on Lucas Lane and continues north to a point that is the northern edge of the Lohman's property known as Tax Map No. 131B2-(1)-B 34 L4 which is also the southern edge of a parcel owned by Randell and Hilda Snow known as Tax Map No. 131B2-(1)-B 34 L2.

5. The Town is to have the portion of the alley to be closed surveyed and submitted back to the Town Council for the final approval of the alley vacation ordinance and deed of conveyance to the Arthur G. and Wanda U. Lohman.

NOW THEREFORE, the Town Council hereby recommends as follows:

1. That the 20 foot wide alley known as Lucas Lane will be vacated and permanently closed from the northern end of the blacktop on Lucas Lane and continue north to a point that is the northern edge of the Lohman's property known as Tax Map No. 131B2-(1)-B 34 L4, which is also the southern edge of a parcel owned by Randell and Hilda Snow known as Tax Map No. 131B2-(1)-B 34 L2.

2. The Town will procure the services of a licensed surveyor to prepare a recordable plat showing the area to be vacated.

3. Since the size of the new parcel created by vacating the alley does not meet the minimum lot area requirements, said plat shall show a property line vacation between the newly created parcel and one of the existing adjacent parcels owned by Arthur G. and Wanda U. Lohman, subject to a review by the Planning Commission and final approval by the Town Council.

4. After the plat has received final approval the Town Council will approve and pass the appropriate ordinance vacating the alley and approve the deed of vacation to Arthur G. and Wanda U. Lohman.

Vice Mayor Dearing duly seconded the motion.

YEAS: M. Dearing, M. Isom, D. Kite and P. Workman

NAYS: None

ABSTAIN: R. Snow

VOTE: (4 – 0 – 1 roll call with 1 abstention) Motion carried

Motion to Give Town Manager Authority to Move Forward with Acquisition of Property and Bring Elkwood Well On-line

Vice Mayor Dearing moved, seconded by Council member Workman, and carried that the Elkton Town Council give the Town Manager the authority to, with the attorney, acquire property and bring the Elkwood well on-line as soon as possible.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

UNFINISHED BUSINESS

Resolution of Recommendation to Appoint Kenneth E. Monger and Anthony Lawson

Council member Isom moved, seconded by Council member Workman, and carried that the Elkton Town Council recommend Daniel W. Goodson, Roger Stepp, Kenneth Monger and Anthony Lawson for Appointment to the Board of Zoning Appeals. Council member Isom read Resolution in its entirety as follows:

RESOLUTION OF THE ELKTON TOWN COUNCIL
Recommendation of Daniel W. Goodson, Roger Stepp,
Kenneth Monger and Anthony Lawson for
Appointment to the Board of Zoning Appeals

BE IT RESOLVED by the Council for the Town of Elkton, Virginia, as follows:

1. There are currently four appointments that need to be made on the Board of Zoning Appeals.

2. The first appointment is necessary because of the vacancy that occurred when Joseph V. Flick, III, a full member, resigned at the end of his five (5) year term that expired February 28, 2007. Said position has not been permanently filled. ROGER STEPP, who has been serving as an alternate member of the Board of Zoning Appeals, has agreed to serve out the remaining unexpired five (5) year term that will end February 28, 2012.

3. The second appointment is necessary because DANIEL W. GOODSON, a full member, was not reappointed at the expiration of his five (5) year term that ended March 31, 2008. Having not been officially reappointed, Mr. Goodson continued to serve as a member and has agreed to be reappointed for a new five (5) year term that will end March 1, 2013.

4. The third appointment is necessary due to the death of Leroy Leap who served as a full member and whose term ran from March 1, 2004 and ended February 28, 2009. Having not been officially reappointed, Mr. Leap continued to serve until his passing on April 28, 2009. At a Special meeting held June 3, 2009, the Board of Zoning Appeals unanimously nominated and recommended KENNETH MONGER to serve out Mr. Leap's remaining unexpired five (5) year term that will end February 28, 2014.

5. The fourth appointment is necessary because of the vacancy of the alternate member position on the Board of Zoning Appeals as a result of Roger Stepp accepting and requesting appointment as a full member. At a Special meeting held June 3, 2009, the Board of Zoning Appeals unanimously nominated and recommended ANTHONY LAWSON to serve out Mr. Stepp's remaining unexpired five (5) year term as an alternate member that will end February 28, 2010.

6. By vote on this Resolution, the Town Council is making a recommendation to the Circuit Court of Rockingham County, Virginia for the appointment of ROGER STEPP, DANIEL W. GOODSON, and KENNETH MONGER, to fill the vacancies as full members on the Board of Zoning Appeals, and is making a recommendation for the appointment of ANTHONY LAWSON, to fill the vacancy as an alternate member.

NOW THEREFORE, the Town Council hereby recommends as follows:

1. ROGER STEPP, as a full member, for appointment to the Board of Zoning Appeals to fill the unexpired five (5) year term that began March 1, 2007 and will end February 28, 2012.

2. DANIEL W. GOODSON, as full member, for reappointment to the Board of Zoning Appeals to fill his unexpired five (5) year term that began March 1, 2008 and will end February 28, 2013.

3. KENNETH MONGER, as full member, for appointment to the Board of Zoning Appeals to fill the unexpired five (5) year term vacated by the death of Leroy Leap that will end February 28, 2014.

4. ANTHONY LAWSON, as alternate member, for appointment to the Board of Zoning Appeals to fill the unexpired five (5) year term vacated by Roger Stepp that will end February 28, 2010.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

COMMITTEES

Mayor Bompiani stated that eventually the Regular Town Council Meeting would not include the Committee reports. He noted that information would be available at the Council Work Session on the 2nd Tuesday of each month at 6:00 p.m. He noted that the public was welcome to attend.

Electric

Council member Isom asked the Town Manager to keep her informed regarding the status of the VEMA contract negotiations.

Finance

Council member Snow stated that the committee would be working on the budget and refining the Treasurer's Report.

Personnel

No report.

Public Health, Safety, Ordinances

No report.

Streets and Sidewalks

No report.

Water & Sewer

Vice Mayor Dearing briefly discussed the water quality matter. He reiterated that it was the container of the spring that could be an issue. He was hopeful that the Elkwood well would be on-line by August which would eliminate the spring as a water source.

Mr. Wodicka stated that Town staff had identified that the tests were being taken incorrectly and made the necessary adjustments themselves. He noted that was something to be proud of.

Economic & Community Development

Council member Workman stated that the next meeting would be held on July 23, 2009 at 6:00 p.m. at EACC.

Mayor Bompiani made reference to the recent "blogs" which indicated that the Adam C. Miller statue was being purchased with Town funds. He noted that Jimmy Miller was handling the matter since Adam C. Miller was his great-great-great-7th-removed grandfather. He noted there would be no cost to the Town and the final location of the statue had not yet been determined.

Mr. Wodicka stated the Town's contact from James Madison University would be working with the Town and the Economic & Community Development Committee to identify goals and work on other issues.

Mayor Bompiani thanked Andrew Piske who worked as an intern for the Town and was in attendance at the meeting. The Mayor noted that salaries were not being paid to the young students and that their work was part of their professional development.

Mayor Bompiani stated that Mr. Wodicka had met with Dr. Rose at James Madison University. He noted his work in developing a relationship with the university that would afford additional intern programs with the Town.

Council member Workman stated that costs would be involved with the Town's website such as a fee to own the domain. Mr. Wodicka suggested that the Town provide

some type of monetary fund to the intern for working on the Town website since she was not receiving college credit for any of the work done.

Mayor Bompiani thanked Jeremy Hunt, reporter for the Daily News Record, for the encouraging news article he wrote regarding the Town's updated website.

Community Center

No report.

Recreation

No report.

Planning Commission

Council member Isom stated that the commission was studying certain areas of Town for rezoning.

Cemetery

No report.

Advisory

There was no Advisory Report

Mayor Bompiani thanked Mr. Wodicka for the rapid responses taking place on Town matters.

Council member Isom inquired regarding the pipes on Wirt Avenue. Mr. Wodicka responded that some pipes would be replaced on Wirt Avenue and North Street.

TOWN ATTORNEY/REPORT/ACTION NEEDED

Town Attorney Sigler stated that an Amendment was approved in addition to the contract for the Cemetery. She noted that the current Cemetery property was zoned R-5 and R-2. She noted that "Cemetery" was not a permitted use under those specific districts and that a Special Exception Permit would need to be obtained by the Town in order to continue to operate the Cemetery. She noted that the Planning Commission would need to approve the lot line vacation that was necessary for the Town to purchase the 10 acre parcel. She noted their next meeting would take place on August 4, 2009. She requested that a Public Hearing on the matter be scheduled for the same night as the Council Work Session on August 11, 2009.

Town Attorney Sigler stated that the Planning Commission had been reviewing certain areas for rezoning and other code amendments. Specifically, she noted the requirements for a survey foundation which was being modeled after the County's requirements. Further, she noted that the commission had made a recommendation that lot line vacations could be approved by the Town's Zoning Administrator. She noted that a new sewer use and grease trap ordinance was forthcoming. She noted that the Town's noise ordinance was in the process of being reviewed and that a committee for the Local Government Attorneys Association was in the process of creating a model ordinance that the Town could use.

Mayor Bompiani thanked Mr. Lucci and Mr. Castillo for the addition of such a beautiful new restaurant to the community.

Mayor Bompiani thanked Merck & Co. for allowing the Council to use their facility for their Council Retreat. He also thanked Council member Snow for the suggestion of having quarterly retreats. He noted that the next Council Retreat/Work Session would take place in September.

MAYOR'S BUSINESS

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

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor: Larry A. Bompiani
Larry A. Bompiani

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

APPENDIX A

AGENDA
ELKTON TOWN COUNCIL
July 20, 2009

- ❑ **ROLL CALL**
- ❑ **INVOCATION**
- ❑ **PLEDGE OF ALLEGIANCE**
- ❑ **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.)
- ❑ **CONSENT AGENDA** (All items under this agenda are adopted as part of one motion. Any items for discussion or dissenting votes will be moved to Old or New Business.)
- ❑ **TOWN MANAGER'S REPORT**
- ❑ **TREASURER'S REPORT**
- ❑ **COMMUNITY CENTER ADMINISTRATOR'S REPORT**
- ❑ **CHIEF OF POLICE'S REPORT**
- ❑ **NEW BUSINESS**
  1. Approval of Contract Between the Town of Elkton and Garner H. Downey for the Purchase of 10.044 Acres
  2. Approval of Contract to Exchange Real Property Between the Town of Elkton, Green Mountain Properties, LLC and Michele Lucci and Raul G. Castillo
  3. Approval of Subdivision of Lucci / Castillo Property
  4. Approval of Lot Line Vacation Between the Town of Elkton and Green Mountain Properties, LLC
  5. Motion to Approve Lohman Alley Vacation
  6. Motion to Give Town Manager Authority to Move Forward with Acquisition of Property and Bring Elkwood Well On-Line
- ❑ **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**
  1. Resolution of Recommendation to Appoint Kenneth E. Monger and Anthony Lawson
- ❑ **TOWN ATTORNEYS/REPORT/ACTION NEEDED**
- ❑ **MAYOR'S BUSINESS**
- ❑ **CLOSED SESSION**
- ❑ **ADJOURNMENT**