REGULAR
COUNCIL MEETING
September 9, 1974

The regular meeting of the Elkton Town Council was held Monday, September 9, 1974 at 8:00 P.M. in the Council Chambers with the President Pro Tempore William H. McGahey presiding. The following council members were present: Mr. C. E. Dean, Mr. R. R. Dean, Mr. H. A. Leet, Mr. R. J. Lough and Mr. W. P. Suiter. Mr. William Ayers, Town Manager, Mr. R. Bruce Wiles, Town Attorney, Mr. Homer Ageon, Co-Superintendent, Mr. Charles Hammer, Chief of Police and Mrs. Norma R. Leap, Town Clerk were also present.

Mr. R. R. Dean opened the meeting with prayer.

Mr. R. J. Lough moved, seconded by Mr. W. P. Suiter and carried unanimously to accept the minutes of the regular meeting August 12, 1974.

Dr. Asa R. Talbot came before the council in regards to Boy Scout Troop No. 46. He reported on the troop's growth and accomplishments and presented a letter to each council member which summerized his report. The letter included thanks to the town for their support and requested their continued support. Dr. Talbot presented a bill for $177.71 which covers the cost of paint, nuts, bolts and washers which were used to repair and complete the work on the outside of the scout hut. This had been approved by council at an earlier meeting. He requested council consider further aid in placing a new roof on the scout hut as it is leaking in several places and causing severe damage to the inside walls. Dr. Talbot had obtained an estimate of $550. to $575. to completely replace the roof. This was turned over to the Finance Committee.

Dr. Talbot also presented a letter requesting the council's consideration on the matter of a traffic sign located at the corner of Sixth Street and Marshall Avenue. The sign in question is a "Yield - Right of Way" sign facing east and west. He ask council to consider changing this sign to a full "Stop" sign facing northbound traffic coming on Sixth Street. He felt that as the through street is the East-West direction on Marshall Avenue and the northbound traffic on Sixth Street runs into a dead end at Marshall due to Route 33, this sign should be changed to protect the people traveling east and west. This was turned over to the Street Committee.

Mr. Rodney Harman reported that he was sitting in on the meeting as President of the Elkton J. C.'s and had nothing to bring before council.

Mr. Ayers reported that his business would be brought out under the various departments when they make their reports.

Mr. Suiter presented a request which had been given to him from Mr. Ayers to purchase poles for the Electric Department at a cost of $1,300.00. He stated that he felt this needed further study and the Electric Committee would look into the request and have their recommendations ready at the next meeting.

Mr. W. P. Suiter moved, seconded by Mr. R. J. Lough and carried to approve the Second Reading to purchase 13 demand meters and 13 glass covers from General Electric Supply Co. and 4 Westinghouse demand meters at a cost of $1,040.00. The vote was recorded as follows:

C. Dean	-	yea	R. Lough	-	yea
R. Dean	-	yea	W. Suiter	-	yea
H. Leet	-	yea			

Mr. R. J. Lough moved, seconded by Mr. C. E. Dean and carried to pay $177.71 to Dr. Asa R. Talbot to pay Dean Lumber Co. for the supplies used to complete the repairs at the scout hut. Mr. R. R. Dean abstained from voting.

Mr. Lough reported that the bill to repair the damages to the old Plymouth Police Car was $109.00. He had discussed this with R. Loring Cover and Mr. Cover advised that the bill be submitted to the insurance company for payment as it would not affect our insurance or penalize the town in any way. All agreed that the bill should be submitted to R. Loring Cover Insurance Agency for payment.

Mr. R. J. Lough moved, seconded by Mr. H. A. Leet to approve the Second Reading to adopt and continue to carry a Liability Insurance Policy covering the Elkton Police, Mayor and Councilmen at a cost of $635.00 per year. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. Suiter	- yea
H. Leet	- yea		

Mr. Lough stated that at the workshop meeting of council, Mr. Ayers had mentioned that he had given Ernest Shifflett a 16% increase when his duties were increased due to Mr. Herring's resignation. Mr. Lough felt the council had reached an agreement that these financial matters should be discussed and acted on by the Finance Committee and council. He further stated these situations can get out of hand. He did not argue the fact of Mr. Shifflett's value to the town but was in disfavor of this type of procedure. He strongly felt no raises should be given without first being discussed with the Finance Committee, who in turn would bring before the council. Mr. Ayers stated he felt the Personnel Rules and Regulations gave him the authority to promote an employee and he knew of no such agreement to discuss it first with the Finance Committee. Mr. C. Dean, Mr. R. Dean and Mr. W. Suiter all agreed with Mr. Lough. Mr. Leet stated he felt this involved a policy procedure and should either be discussed in a committee meeting or closed session of council.

Mr. H. A. Leet moved, seconded by Mr. R. R. Dean to defer any action regarding Mr. Ayer's granting Mr. Ernest Shifflett a 16% increase until the council had a chance to discuss this from a policy standpoint. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. Suiter	- yea
H. Leet	- yea		

Mr. Lough reported that the audit reports would be brought before council at the next meeting. The reports were just received on this day and would be given to each member of council to study before the next meeting.

Mr. C. E. Dean moved, seconded by Mr. H. A. Leet and carried unanimously to amend Section 26-16 as follows:

> BE IT ORDAINED by the Council of the Town of Elkton to amend the Refuse Collection Ordinance Section 26-16 by adding the following:
>
> Any house or apartment may be exempt from the refuse collection fee if the owners of such property notify the Town Treasurer in writing that it is unoccupied and creating no refuse. It shall then become their responsibility to again notify the Town Treasurer in writing when it is re-occupied. Failure to obey the latter clause shall result in the same penalty as provided for in the ordinance for non payment of this fee. This resolution shall not be retroactive but only in effect after its passage date by council vote.

Mr. C. Dean reported that the Health Department had approved the C. B. Hamm's for a nursing home on the first floor only.

Mr. C. E. Dean moved, seconded by Mr. W. P. Suiter and carried unanimously to approve the C. B. Hamm's for a license to operate a nursing home on the first floor only with a limit of three people.

Mr. R. R. Dean moved, seconded by Mr. C. E. Dean to approve the First Reading to purchase a Good Roads Model 701 One Way Snow Plow from Capital Equipment Co. Inc. at a cost of $1,343.00. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. Suiter	- yea
H. Leet	- yea		

A letter to Mr. Ayers from the Norfolk and Western Railway Company was presented in regards to his request to lease an additional area, 370' x 65' between Terrace Street and Team Track "C" of the N & W. The N & W agrees to lease the requested area to the town, which is to be cleared, graded, compacted and graveled and used in the same manner as the area covered by the agreement dated October 31, 1949, which enables the Railway Company, when required, to make deliveries to its customers at this location. The annual rental will be $120.00.

Mr. R. R. Dean moved, seconded by Mr. H. A. Leet and carried unanimously to enter into the lease agreement with the Norfolk and Western Railway Co. to lease 370' x 65' between Terrace Street and Team Track "C" of the N & W at an annual cost of $120.00.

Mr. R. Dean reported that he had received two more bids on the galvanized pipe for the Lee Avenue Project which had been approved on a First Reading at the last meeting. The bids were as follows:

Lane Metal Products Co.	$2628.00
Republic Steel - not to exceed	$2500.00

This quote from Republic Steel is much lower than the price approved on First Reading of $2745.96 from Armco Metal Products Co.

Mr. R. R. Dean moved, seconded by Mr. C. E. Dean to approve the Second Reading to purchase 140' of 42" in diameter galvanized pipe for the Lee Avenue Project from Republic Steel at a cost not to exceed $2500.00. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. Suiter	- yea
H. Leet	- yea		

Mr. H. A. Leet moved, seconded by Mr. W. P. Suiter to approve the Second Reading to purchase a water meter to install at the spring at a cost of $543.00. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. Suiter	- yea
H. Leet	- yea		

Bills in the amount of $5,606.07 (Water $1,800.50 Sewer $3,805.57) were presented from Arthur Beard Engineering for services through August 1974. Mr. Lough questioned paying until we knew what we are getting for our money. After checking the contract it was found the bills are according to the contract agreement and must be paid.

A letter from the State Water Control Board was given to Mr. Leet regarding learning sessions on new rules and regulations. The meeting in our area will be at Weyers Cave on September 19, 1974 from 10:00 A.M. to 4:00 P.M. Mr. Leet stated he would try to see that someone attends this meeting.

Mr. R. J. Lough moved, seconded by Mr. W. P. Suiter and carried unanimously to adopt the following resolutions:

RE: FLOOD INSURANCE -- LEGISLATIVE ACTION TO APPLY FOR FEDERAL FLOOD INSURANCE

WHEREAS, certain areas of the Town of Elkton, Virginia, are subject to periodic flooding from streams and rivers and their tributaries causing serious damage to properties within these areas; and

WHEREAS, relief is available in the forms of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968 as amended; and

WHEREAS, it is the intent of the Town Council of Elkton, Virginia, to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain and/or mudslide areas having special flood and/or mudslide hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Sections 15.1-839, 15.1-863, and 15.1-466 of the Code of Virginia of 1950, as amended, and pursuant to Section 51 of the Elkton Charter of nineteen hundred and fifty-four;

NOW, THEREFORE, BE IT RESOLVED, that this Council hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures

with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and

2. Vests the Town Manager of Elkton, and in his absence the Mayor of Elkton, Virginia, with the responsibility, authority, and means to:

(a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of building sites.

(b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain (and/or mudslide area).

(c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and/or mudslide areas in order to prevent aggravation of existing hazards.

(d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain (and/or mudslide area) management measures.

3. Appoints the Town Manager of Elkton, and in his absence the Mayor of Elkton, Virginia, to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

RE: FLOOD INSURANCE -- APPROVED PLAN FOR BUILDING PERMIT REVIEW

WHEREAS, the Town of Elkton is subject to the Virginia Uniform Statewide Building Code promulgated by the State Board of Housing pursuant to Sections 36-98 and 36-99 of the Code of Virginia of 1950, as amended; and

WHEREAS, the Virginia Uniform Statewide Building Code requires building permits before the erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing of any building or structure; and

WHEREAS, by contract with the Town of Elkton, the County of Rockingham is enforcing the Virginia Statewide Building Code within the incorporated area of the Town of Elkton; and

WHEREAS, Section 873.5 ("Floodproofing") of the Virginia Uniform Statewide Building Code requires:

> "Where a structure is located in a 100-year flood plain, the lowest floor of all future construction or substantial improvement to an existing structure (the cost of which equals or exceeds 50% of the actual cash value of the construction), must be built at or above that level, except for non-residential structures which may be floodproofed to that level. In the absence of data on the 100-year flood, the local government shall require structures to be designed to resist or overcome anticipated flood conditions in riverine and coastal areas based upon historical data, soil maps, flood flow, flood elevations or other approved

date sources. Listed below are the performance requirements that must be satisfied:

(a) Either elevate structures and/or design same to assure protection from hydrostatic or hydrodynamic loadings from anticipated flood levels.

(b) Design all structures to be safeguarded from collapse and/or flotation.

(c) Provide for adequate protection of all heating and mechanical equipment of structures subject to flood damage.

(d) Provide protection of electrical installations of structures subject to flood damage as called for in Article 15.

(e) Provide adequate sewerage and water system protection of structures subject to flood damage as called for in the Plumbing Code Sections of Article 17.

(f) All existing structures which are scheduled to undergo major improvements, repairs and/or rehabilitations shall, to the maximum extent practicable, provide floodproofing protection as described in this section."

WHEREAS, pursuant to the aforesaid contract, the Rockingham County Building Official must examine all plans and specifications for the proposed construction when application is made to him for a building permit; and

WHEREAS, by Resolution adopted at a meeting held on 4/29/74, the Rockingham County Board of Supervisors provided that the Rockingham County Building Official" in reviewing all applications for construction in flood hazard locations within Rockingham County, including its incorporated towns shall require that any such proposed construction must:

"(a) Provide adequate drainage in order to reduce exposure to flood hazards.

(b) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems."

WHEREAS, this body has the legal authority to regulate subdivisions to provide for adequate drainage and flood control pursuant to Sections 15.1-839, 15.1-466 of the Code of Virginia of 1950, as amended, and pursuant to Section 51 of the Elkton Charter of nineteen hundred and fifty-four;

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

1. That the Rockingham County Building Official has the authority to review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding; and, if a proposed building site is in a location that has a flood hazard, to require that any proposed new construction or substantial improvement (including prefabricated and mobile homes) (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) construction materials and utility equipment be used that are resistant to flood damage, and (iii) construction methods and practices be used that will minimize flood damage; and

2. That the Town Manager of Elkton, Virginia, or in his absence the Mayor of Elkton or his designated appointee, shall

review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

3. That the Town Manager of Elkton, Virginia, or in his absence the Mayor of Elkton or his designated appointee, shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

As there was no further business, the meeting adjourned.

MAYOR: H. Ditman Flory Mayor
H. Ditman Flory, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk