REGULAR
COUNCIL MEETING
February 14, 1977

The regular meeting of the Elkton Town Council was held February 14, 1977 at 8:00 P.M. in the Council Chambers with the Mayor, Maurice W. Lough presiding. The following council members were present: Mr. C. E. Dean, Mr. R. R. Dean, Mr. H. D. Flory, Mr. B. B. Holt, Mr. H. W. Leap and Mr. R. J. Lough. Mr. Fred Cloonan, Police Lieutenant, Mrs. Norma R. Leap, Clerk, Mr. Gerald Monger, Superintendent and Mr. Bruce Wiles, Attorney were also present.

Mr. Charles Dean opened the meeting with prayer.

Mr. and Mrs. Carrol Campbell, Mr. Densel Lucas and Mrs. Frances Stevens were all present regarding their electric bills. They were very concerned with the sharp increase in the fuel adjustment costs and questioned why the town did not refund to their customers the refund the town received from VEPCO. Mr. Henry Leap handed out copies of an explanation as to how the town arrives at the fuel adjustment cost each month and explained that according to the minutes, the reason the town did not give any refund to their customers is that the town absorbed the fossil fuel costs for well over a year before passing them on to the customer at a loss of approximately $40,000.00 and the rebate was less than $27,000.00.

The minutes of the January 10, 1977 meeting were approved as presented.

Mr. Holt reported that Officer Cleveland Babb has completed his schooling and probationary period and that Chief Hammer recommends he be taken on as a permanent employee.

Mr. B. B. Holt moved, seconded by Mr. H. D. Flory that Officer Cleveland F. Babb be taken on as a permanent employee and be raised to Step I of the pay schedule. The vote was recorded as follows:

C. Dean	-	yea	B. Holt	-	yea
R. Dean	-	yea	H. Leap	-	yea
D. Flory	-	yea	R. Lough	-	yea

Mr. Holt reported that the Public Safety Department has gone over the budgeted amount for Overtime and suggested that $1000.00 be transferred from the amount budgeted for Regular Pay to Overtime Pay. The Finance Committee and Council had no objections to this suggestion.

Mr. Holt reported that the State Highway Department has notified the town that their recent study at the intersection of Rockingham Street and Stuart Avenue does not justify a stop light.

Mr. Holt reported that a grant in the amount of $1912.00 from the Division of Justice & Crime Prevention has been approved for the Public Safety Department. The town will have to match this grant in the amount of $101.00. The funds are to be used to purchase two portable radio units and one desk set and one 35mm camera.

Mr. Holt reported that the Planning Commission has met and discussed the zoning for the newly annexed area. There will have to be a joint hearing with the Council and the Planning Commission. Mr. Holt was ask to advertise the hearing for 7:30 P.M., March 14, 1977 before the regular council meeting at 8:00 P.M.

Mayor Lough ask Mr. Holt, Mr. Monger and Chief Hammer to make a survey of the street lights in the Liberty Heights area. Mr. Leap reported that this study is already in process.

Mr. R. J. Lough moved, seconded by Mr. C. E. Dean to approve the Second Reading to pay $792.50 to Mr. Richard J. DiRienzo for his services as an expert witness in the annexation suit. The vote was recorded as follows:

C. Dean	-	yea	B. Holt	-	yea
R. Dean	-	abstain	H. Leap	-	yea
D. Flory	-	yea	R. Lough	-	yea

Mr. R. J. Lough moved, seconded by Mr. C. E. Dean to approve the Second Reading to pay Arthur Beard Engineers $686.83 for services concerning Elkton's recent annexation hearing December 7, 8, and 9, 1976. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- abstain	H. Leap	- yea
D. Flory	- yea	R. Lough	- yea

Mr. R. J. Lough moved, seconded by Mr. C. E. Dean to approve the Second Reading to approve payment to R. Bruce Wiles in the amount of $5,542.81 for his fees and cost and Mr. Roger Ritchie's fees and cost in the annexation suit. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- abstain	H. Leap	- yea
D. Flory	- yea	R. Lough	- yea

Mr. R. J. Lough moved, seconded by Mr. R. R. Dean to approve payment in the amount of $271.70 to the Circuit Court of Rockingham County for court cost in the case of Randy Dean. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea	R. Lough	- yea

It was reported that the town has received notification from EPA of an additional grant of $1900.00 on the North Avenue Pumping Station.

Mrs. Leap reported that the Blue Cross insurance rates will increase $4.12 a month per each employee effective March 1, 1977.

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt and carried to approve the Finance Report for January.

Mr. R. J. Lough opened the bids on a new truck for the Electric Department. The bids were as follows:

Myers Ford	$3,698.00
Batman's Pontiac	No Bid
Bob Yetzer Ford	3,916.00
Sheets Chevrolet	3,822.35
Eastside Chrysler	3,900.00
Highway Motors	No Bid

No action was taken on the bids at this time.

Mr. C. E. Dean moved, seconded by Mr. B. B. Holt to approve the First Reading on the following ordinance:

AN ORDINANCE TO PROVIDE FOR THE DISPOSITION OF UNCLAIMED BICYCLES

WHEREAS, by act of the General Assembly of Virginia as provided in Title 15.1, Chapter 3, Article 1, Section 15.1-133 of the Code of Virginia, 1950, as amended, the governing body of a town is authorized to provide for the public sale of any bicycle which has been in the possession of the town police department, unclaimed, for more than thirty days;

THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, AS FOLLOWS:

Sec. 17- . Disposition of Unclaimed Bicycles.

Whenever any bicycle has been in the possession of the police department of the Town of Elkton for more than thirty days, unclaimed, the same may be sold at public auction, and the proceeds deposited to the general fund of said town, after advertisement and notification as follows:

(a) If there is a license tag affixed to the bicycle, the record owner shall be notified directly.

(b) Notice of public sale shall be published once a week for two successive weeks in a newspaper of general circulation within the town, which notice shall indicate the location and description of any bicycles to be sold; the second publication shall be made not less than six days prior to the date of sale.

The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea	R. Lough	- yea

Mr. C. E. Dean moved, seconded by Mr. B. B. Holt to approve the First Reading on the following ordinance:

AN ORDINANCE RESTRICTING THE KEEPING OF INOPERATIVE MOTOR VEHICLES ON RESIDENTIAL OR COMMERCIAL PROPERTY AND PROVIDING FOR THE REMOVAL OF SUCH VEHICLES

WHEREAS, by act of the General Assembly of Virginia as provided in Title 15.1, Chapter 1, Article 2, Section 15.1-11.1 of the Code of Virginia, 1950, as amended, the governing body of a town is authorized to restrict keeping of inoperative motor vehicles, trailers or semitrailers, on residential, commercial, or agricultural property, and to remove and dispose of such vehicles;

THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, AS FOLLOWS:

(a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure, on any property zoned for residential or commercial or agricultural purposes any motor vehicles, trailer or semitrailer, as such are defined in § 46.1-1 of the Code of Virginia, 1950, as amended, whose condition is such that it is economically impractical to make them operative; provided, however, that the provisions of this ordinance shall not apply to a licensed business which on June twenty-six, nineteen hundred seventy, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

(b) The chief of police shall send written notice by registered or certified mail, return receipt requested, to the owners of property on which such vehicles are kept not within a fully enclosed building or structure, requiring the removal of such vehicles within ten (10) days. Whenever the owner of the premises, after such notice is sent, shall fail to remove any such inoperative motor vehicles, trailers or semitrailers within the prescribed period, the chief of police, or an agent or employee of the town at his direction, may remove such inoperative vehicles from the premises of the owner.

(c) In the event the Town of Elkton, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers pursuant to such notice, the town may dispose of such vehicles by public or private sale, to a demolisher or otherwise, provided that additional written notice ten (10) days in advance of any such sale be given to the record owner of such vehicle or vehicles, and to all lienholders of record, by registered or certified mail, return receipt requested.

(d) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the town as taxes and levies are collected.

(e) Every cost authorized by this ordinance with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the town.

The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea	R. Lough	- yea

Mr. Wiles reviewed the agreement from Michie Company. Several items he felt should be cleared up before the agreement is signed. One was their obligation in regards to the charter and binder costs. He also felt council should be aware of extra cost due to the involvement of the town attorney at certain points in the process of bringing the ordinances up to date.

Mr. C. E. Dean moved, seconded by Mr. B. B. Holt that when our attorney Mr. Wiles is satisfied that the contract from Michie Company is in agreement with our understanding of their obligations and that the work can be completed at a cost not to exceed $4,200.00, the Mayor is then authorized to sign the contract and the Treasurer authorized to pay the $1,400.00 due at the signing of the contract. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- nay	H. Leap	- yea
D. Flory	- nay	R. Lough	- nay

Due to a tie vote, Mayor Lough voted yea, with the assurance that he would bring the contract back to council if anything was out of line.

Mayor Lough reported to council on Delegate Bonnie Paul's actions in regards to eliminating the present procedures regarding the distribution of fines and the 5% fee allowed.

Mayor Lough reported that the information he has passed on to the council in regards to amending the charter is for the purpose of getting something started in this area and that he is not trying to impose his wishes on the town.

Mayor Lough reported that Mrs. Jerrie Brown has resigned from the Planning Commission and nominated Barry Ream to fill this position.

Mr. B. B. Holt moved, seconded by Mr. H. D. Flory to appoint Mr. Barry Ream to replace Mrs. Jerrie Brown on the Elkton Planning Commission. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea	R. Lough	- yea

It was reported that Mr. Lloyd Schlicker has ask that the council appoint a member to serve on a committee to study annexation problems. Mayor Lough nominated Henry Leap.

Mr. H. D. Flory moved, seconded by Mr. R. R. Dean to appoint Mr. Henry Leap to be the town's representative on the County Annexation Committee. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea	R. Lough	- yea

Mr. Flory reported that the town has received information from the State Water Control Board that funds have been cut but the town is okay in regards to the funds they are suppose to receive.

Mr. Flory reported on a request from Paul and Eva Simmons on Furnance Road for a water connection.

Mr. H. D. Flory moved, seconded by Mr. B. B. Holt to supply Mr. and Mrs. Paul Simmons with town water. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea	R. Lough	- yea

As there was no further business, the meeting adjourned.

MAYOR: M. W. Lough
Maurice W. Lough, Mayor

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