REGULAR
COUNCIL MEETING
September 12, 1977

The regular meeting of the Elkton Town Council was held September 12, 1977 at 8:00 P.M. with the President Pro Tempore, H. Ditman Flory presiding. The following councilmen were present: Mr. C. E. Dean, Mr. R. R. Dean, Mr. B. B. Holt, Mr. H. W. Leap and Mr. R. J. Lough. Mayor Lough was absent. Mrs. Norma Leap, Clerk, Mr. Gerald Monger, Superintendent and Mr. R. Bruce Wiles, Attorney were also present.

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

Mr. R. B. Hutton introduced his attorney, Mr. John Crist and yielded the floor to him. Mr. Crist presented a petition signed by approximately sixty taxpayers noting their opposition to the purposed ordinance to amend Section 32-27 of the code of the Town of Elkton entitled "Connection Charges Within Town". They felt this ordinance would discriminate against the citizens and residents of the unannexed portions of the town as it would require a higher connection fee to the town sewer systems for these residents than it does to those residents in the annexed area of Liberty Heights and Hisey Heights. Mr. Crist stated he felt these citizens were not entitled to special favors and legislature favoring one section is unconstitutional. He felt the council should consider the judge's order in the annexation case that all people in the town be treated alike.

Mr. Flory stated that if they would wait until later in the meeting he felt their request would more than be fullfilled.

Mr. B. B. Holt moved, seconded by Mr. R. J. Lough and carried to approve the minutes of the regular meeting August 8, 1977 as presented.

Mr. Holt explained to council that when the position of Police Lieutenant was established no pay scale was set up and this should be done.

Mr. B. B. Holt moved, seconded by Mr. R. J. Lough to accept the following pay scale for Police Lieutenant and it be included in the Personnel Program effective July 1, 1977:

Entrance Level $8,200.00

	SCALE					
	1	2	3	4	5	6
Police Lt.	8,610	8,990	9,395	9,818	10,260	10,722

The vote was recorded as follows:

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

Mr. Holt reported that Officer Lawhorne has been put in the Lieutenant position.

Mr. B. B. Holt moved, seconded by Mr. R. J. Lough that Officer Lawhorne be promoted from Patrolman, Step 3 to Police Lieutenant, Step 2 effective July 1, 1977. The vote was recorded as follows:

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

Mr. Holt stated that the skateboard situation had been passed on to the Recreation Commission and they have come up with some recommendations, but that it has been brought to his attention that the town could prohibit skateboards on the streets but it is doubtful as to whether they could prohibit them on the sidewalks. Mr. Wiles prepared an ordinance to take care of this problem.

Mr. Holt presented the First Reading on the following ordinance:

AN ORDINANCE TO AMEND SECTION 17-92 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, TO MAKE IT UNLAWFUL TO USE SKATEBOARDS OR OTHER DEVICES ON WHEELS OR RUNNERS ON THE SIDEWALKS IN THE TOWN OF ELKTON

WHEREAS, it has been determined by the town council that a serious threat to the safety and health of its inhabitants

is created by the use of skateboards or other devices on wheels or runners on the sidewalks of the town, and that such use should be prohibited except in certain designated areas:

NOW, THEREFORE, IN ORDER TO SECURE AND PROMOTE THE GENERAL WELFARE OF THE INHABITANTS OF THE MUNICIPALITY AND THE SAFETY, HEALTH, PEACE, GOOD ORDER, COMFORT AND CONVENIENCE OF THE MUNICIPALITY AND THE INHABITANTS THEREOF, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 17-92 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 17-92. Playing on streets; roller skates, skateboards, toys or other devices on wheels or runners; persons riding bicycles, etc., not to attach to vehicles.

No person shall play on a street within the town. No person shall use on a street or upon the sidewalks thereof roller skates, skateboards, toys or other devices on wheels or runners, except the use of bicycles and motorcycles on the streets of the town, but not on the sidewalks, shall be permitted. The chief of police may designate areas on streets where play is prohibited in which persons may be permitted to use roller skates, skateboards, toys or other devices on wheels or runners, and, if such highways or streets have two traffic lanes, such persons shall keep as near as reasonably possible to the extreme left side or edge of the left-hand lane so that they will be facing oncoming traffic at all times.

No person riding upon any bicycle, roller skates, skateboards, toys or other devices on wheels or runners, shall attach the same or himself to any vehicle upon a roadway.

Mr. Charles Dean presented the following recommendation from the Recreation Commission:

"Our recommendation is that skateboarding not be allowed on any streets other than A and C Streets when these areas are barricaded. In addition, parking lots such as those at the Blue Bell Plant, the Farm Bureau, Farmers and Merchants Bank, and the long street in Elkwood Subdivision should be investigated as possible areas.

The Commission will look into the costs and the possibilities of installing a skateboard park and will be in a position to make a long-term recommendation after the investigation is completed."

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to adopt the Ordinance to Amend Section 17-92 of the Code of the Town of Elkton, Virginia, to make it Unlawful to use Skateboards or other Devices on Wheels or Runners on the Sidewalks in the Town of Elkton on the First Reading declaring an emergency to exists. The vote was recorded as follows:

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

Mr. Holt stated that the site for the new Eastside school is a real concern and felt the town should pass a resolution opposing the Jackson site.

Mr. B. B. Holt moved, seconded by Mr. H. W. Leap to approve the following resolution:

WHEREAS, the Rockingham County School Board has directed its attorneys to procure a site for the new consolidated high school, this site commonly known as the Jackson site, and

WHEREAS, this site is obviously much more costly than other sites considered and

WHEREAS, this site is otherwise completely unsatisfactory

from the standpoints of student safety, convenience, shape, location and contour,

The Town Council of Elkton does hereby express its strongest opposition to the Jackson site and further pledges, in the interests of the citizens of the Town of Elkton and the citizens of the County of Rockingham, to take all reasonable steps possible to prevent erection of a County High School on the Jackson site.

The vote was recorded as follows:

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

Mr. Henry Leap reported that the town has received a refund in the amount of $14,863.58 from Vepco for the Rider A Surcharge plus interest which they have been billing us since May 1976. The Federal Power Commission denied this Surcharge and Vepco's request for a rehearing. Vepco has appealed the decision to the Federal Court and if they win the appeal the return of the refund could be required. Mr. Leap suggested holding the money until a decision on the appeal is made and if we don't have to return the money, then refund it to our customers.

Mr. H. W. Leap moved, seconded by Mr. C. E. Dean to put the money refunded from Vepco into a savings fund until a court decision is made on Vepco's appeal. If the ruling is against Vepco the town will return the proper share to each customer; but if the ruling favors Vepco the town will return the refund to Vepco. The letter from Vepco will be incorporated in these minutes. The vote was recorded as follows:

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

RIDER A SURCHARGE (REFUND)
DOCKET NO. ER 76-415

"The Federal Power Commission in its Order issued June 20, 1977 denied the above reference Rider A Surcharge and ordered refunds to the customers of the amounts collected within thirty days plus interest at nine percent per annum from the date of payment to the Company to the date of the refund.

Vepco subsequently filed a motion for a stay of the refund provisions in the Order so that a request for a rehearing could be made. In the motion for a stay, Vepco requested that refund provisions be modified so that refunds, if any, could be made within 30 days from the date of an order denying a rehearing. The stay was granted in an Order issued July 20, 1977.

On July 14, 1977 Vepco filed an application for a rehearing. In its Order issued August 5, 1977 the Commission denied Vepco's request for a rehearing.

No further billing of this Surcharge will occur in the immediate future; however, the Company intends to appeal the Commission's decision to the Federal Court. If the Commission's decision is reversed then the return of this refund and future billing of the Surcharge may be required.

Enclosed is a check and a tabulation indicating the principle and interest due."

Mr. Leap reported that Mr. William McGahey had contacted him asking the town to waive the electric bill for the annual Fireman's Carnival as they have each year.

Mr. H. W. Leap moved, seconded by Mr. R. J. Lough and carried to waive the electric bill for the Fireman's Carnival in the amount of $67.43.

Mr. Leap reported he had received a letter September 3, 1977 on a new program in Virginia which is designed to help the low income citizens who could not pay all or part of their weather contingent energy bills for last winter. The program is called Virginia Energy Payment Program. They need the town to sign the following form before they make their first payments:

AGREEMENT BY FUEL OR UTILITY COMPANY TO RECEIVE CSA SPECIAL CRISIS INTERVENTION FUNDS

Town of Elkton Electric Department is desirous of receiving payment of outstanding or future bills of its eligible customers from funds made available to the Commonwealth of Virginia from the Federal Community Services Administration Special Crisis Intervention Program Funds. These funds will be administered by local Area Agencies on Aging or their designees. The fuel or utility company named above agrees that in accepting such funds it does so under the following conditions:

(1) The outstanding bill is reduced by the full amoung of the Special Crisis Intervention Program payment;

(2) For the remaining balance, the customer is offered a deferred payment arrangement;

(3) A reconnection charge, to be paid by the customer, is made only where such a charge was company practice prior to May 5, 1977;

(4) No security deposit is required to be paid except where such a deposit was required by State Law or explicit State Regulation prior to May 5, 1977; in such cases the deposit is included in a deferred payment arrangement;

(5) Reconnection of service is made upon certification for payment and satisfaction of the above requirements.

Mr. H. W. Leap moved, seconded by Mr. R. J. Lough and carried that the Electric Committee investigate this a little further and if everything seems to be in order with the Electric Committee and the Mayor, the Mayor be authorized to sign the form.

Mr. Robert Lough reported that the audit reports have been received and will be taken up at the next meeting.

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt and carried to approve the First Reading to transfer the $700.00 in the Revenue Sharing Fund EP-4 set up for Capital/Dump to Sanitary or Storm Sewer Projects; the $2,000.00 in the Revenue Sharing Fund EP-5 set up for Capital/Dump to Sanitary or Storm Sewer Projects and the $2,592.80 in the Revenue Sharing Fund EP-6 set up for Operational/Infiltration Study to Sanitary or Storm Sewer Projects.

Mr. Robert Lough reported that there is a bad debt on the books which he would like council to give Mr. Wiles authority to take whatever action necessary to try to collect. Mr. Flory stated he felt this should be discussed later in Executive Session.

Mr. Robert Lough reported that in response to a letter the Mayor had written, the Criminal Justice Grant Division had written saying the Mayor or Chairman of the Council had to assume responsibility for the grant and the items purchased. Mr. Robert Lough wanted to know who the Chairman of the Council would be and it was council's opinion this would be the Mayor.

Mr. Robert Lough reported on a complaint he had received from Mr. John Hostetler regarding the refuse charges on his bills. He feels he is being penalized on the two bills he receives for the old drug store building. He is charged a small business rate on each bill and one of his tenants does not have trash. This matter was turned over to the Garbage Committee to bring back recommendations at the next meeting.

Mr. C. E. Dean moved, seconded by Mr. R. R. Dean to approve the Second Reading to amend Section 32-39 as follows:

AN ORDINANCE TO AMEND SECTION 32-39 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: "RATES FOR SEWER SERVICE INSIDE AND OUTSIDE TOWN"

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-39 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

<u>Sec. 32-39. Rates for sewer service inside and outside town.</u>

Meters shall be read and billed monthly.

(a) The rates for customers inside the town shall be as follows:

0 - 3000	-	2.50 minimum
Next 5000	-	.60 per thousand
Next 10,000	-	.55 per thousand
Next 20,000	-	.50 per thousand
Next 62,000	-	.45 per thousand
Over 100,000	-	.30 per thousand
Over 1,000,000	-	.28 per thousand

(b) The rates for customers outside the town shall be as follows:

0 - 3000	-	3.50 minimum
Next 5000	-	1.20 per thousand
Next 8000	-	1.10 per thousand

The vote was recorded as follows:

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

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to approve the Second Reading to amend Section 32-10 as follows:

AN ORDINANCE TO AMEND SECTION 32-10 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: CONNECTIONS INSIDE AND OUTSIDE TOWN

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-10 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Section 32-10. Connections inside and outside town.

Before a connection to the town water system shall be made, the applicant therefor shall pay to the town treasurer the following charges:

(a) With reference to water connections inside the town:

(1)	For 3/4" water connection	$300.00
(2)	For 1" water connection	$400.00

(b) With reference to water connections outside the town:

Such connection charges shall be $400.00 for a 3/4" connection, and the applicant shall install at his expense the connecting line to the Town of Elkton's existing available water lines. The installation must meet town requirements and becomes town property when connected to town lines.

The vote was recorded as follows:

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

Mr. Flory presented the First Reading to amend Section 32-28 as follows:

AN ORDINANCE TO AMEND SECTION 32-28 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: CONNECTION CHARGES OUTSIDE THE TOWN

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-28 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 32-28. Connection charges outside the town.

The applicant for a connection to the town sewer

system shall pay to the town treasurer a fee of $600.00 and install at his expense the connecting line to existing available Elkton sewer lines. The installation must meet town requirements and becomes town property when connected to town lines.

There was a Second Reading on the ordinance to amend Section 32-27: Connection Charges Within Town.

AN ORDINANCE TO AMEND SECTION 32-27 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: "CONNECTION CHARGES WITHIN TOWN"

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-27 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 32-27. Connection charges within town.

Before a connection to the town sewer system is made within the town, the applicant therefor shall pay to the town treasurer a connection fee of $500.00. The sewer department shall run all sewer service lines to the applicant's property line for a distance not to exceed one hundred feet. If the distance exceeds one hundred feet, the applicant shall pay all costs in excess of one hundred feet.

Notwithstanding the foregoing, the connection fee with respect to existing houses in the annexed area of Liberty Heights and Hisey Heights shall be $400.00 if application for connection is made and such fee if paid within thirty (30) days of the time sewer service from the Town of Elkton becomes available. The Town Superintendent shall notify the owners of existing houses in this area by certified mail as soon as sewer service is available.

Mr. Flory moved for the adoption of a proposed amendment to Section 32-27 on Second Reading.

Mr. C. E. Dean moved, seconded by Mr. R. J. Lough to amend Councilman Flory's proposed amendment as follows:

AN ORDINANCE TO AMEND SECTION 32-27 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: "CONNECTION CHARGES WITHIN TOWN"

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-27 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 32-27. Connection charges within town.

Before a connection to the town sewer system is made within the town, the applicant therefor shall pay to the town treasurer a connection fee of $500.00. The sewer department shall run all sewer service lines to the applicant's property line for a distance not to exceed one hundred feet. If the distance exceeds one hundred feet, the applicant shall pay all costs in excess of one hundred feet.

Notwithstanding the foregoing, the connection fee with respect to houses located within the town and in existence on September 12, 1977, to which sewer service was not available on that date, shall be $400.00 if application for connection is made and such fee is paid immediately upon receipt of notice by the property owner that sewer service is available. The Town Superintendent shall notify the owners of such existing houses by certified mail with return receipt when sewer service shall become available.

The vote was recorded as follows:

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

Mr. C. E. Dean moved, seconded by Mr. B. B. Holt to approve the Second Reading to adopt the ordinance to amend Section 32-27 of the Town Code as amended. The vote was recorded as follows:

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

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to approve the Second Reading to amend Section 32-38 as follows:

AN ORDINANCE TO AMEND SECTION 32-38 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: "RATES FOR WATER SOLD BY TOWN INSIDE AND OUTSIDE TOWN

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-38 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 32-38. Rates for Water sold by town inside and outside the town.

Meters shall be read and billed monthly.

(a) The rates for customers inside the town shall be as follows:

First	2,000 gallons	-	2.00 minimum
Next	3,000 gallons	-	.65 per thousand
Next	5,000 gallons	-	.55 per thousand
Next	5,000 gallons	-	.50 per thousand
Next	5,000 gallons	-	.45 per thousand
Next	10,000 gallons	-	.35 per thousand
Next	5,000 gallons	-	.30 per thousand
Over	35,000 gallons	-	.25 per thousand

(b) The rates for customers outside the town shall be as follows:

First	2,000 gallons	-	2.50 minimum
Next	3,000 gallons	-	.80 per thousand
Over	5,000 gallons	-	.75 per thousand

The vote was recorded as follows:

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

Mr. R. J. Lough moved, seconded by Mr. R. R. Dean to authorize the Town Treasurer to put monthly water and sewer billing into effect October 1, 1977 and authorize the necessary changes on the computer to have the electric, water and sewer charges on one bill. The vote was recorded as follows:

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

There was a discussion on whether to sign the amendment of Va. NPDES Permit No. Va. 0026 433 from the Water Control Board. Gary Nickerson and William Herring felt it is okay to sign. Mr. Holt stated he could not see what other option the town has even though he was concerned about waiving certain rights. Mr. Flory suggested waiting until after the VML Convention and have someone try to find out more about this matter. The council was in agreement and ask Mr. Monger to try to find out something on this matter at the convention.

Mr. R. J. Lough reported that the flag contest has been extended through October.

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to go into Executive Session to discuss the acquisition of property regarding the sewerage disposal plant and personal matters regarding pending litigation. The vote was recorded as follows:

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

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt and carried to go from Executive Session back into Regular Session.

As there was no further business, Mr. R. J. Lough moved, seconded by Mr. B. B. Holt and carried to adjourn.

MAYOR: _____
Maurice W. Lough, Mayor

RECORDER: _____
Norma R. Leap, Clerk