REGULAR
COUNCIL MEETING
April 11, 1977

The regular meeting of the Elkton Town Council was held April 11, 1977 at 8:00 P.M. in the Council Chambers with the Mayor, Maurice W. Lough presiding. The following council members were present: Mr. R. R. Dean, Mr. H. D. Flory, Mr. B. B. Holt, Mr. H. W. Leap and Mr. R. J. Lough. Mr. C. E. Dean was absent. Mr. Charles Hammer, Chief of Police, Mr. Charles Lawhorne, Patrolman, Mrs. Norma Leap, Clerk, Mr. Gerald Monger, Superintendent and Mr. Bruce Wiles, Attorney were also present.

Mayor Lough opened the meeting with prayer.

Mayor Lough gave a brief statement of the circumstances preceding his stopping Mr. Sam Cubbage's placing a trailer on the lot he rented for a Used Car Business. According to the Mayor, Mr. Cubbage claimed to have a permit but it was not posted nor could he present one when he was requested to do so by the Mayor. Thus Mayor Lough halted work at the location until the matter could be resolved at the next council meeting.

Mr. Humes Franklin Jr., Attorney and a colleague from Waynesboro, Virginia, were present representing Mr. Sam Cubbage. Mr. Franklin pointed out that Section 30-1 of the town code does not prohibit Mr. Cubbage's installing a trailer for business use and ask that Mr. Cubbage be allowed to proceed as he stands to lose considerable money.

Mrs. Charles Miller reminded council that approximately three years ago, she along with others, presented a petition to council against trailers in town and that at that time council assured them that the town code strictly prohibits trailers for any purpose within the town limits. Mrs. Miller felt the town should not allow trailers in town for any purpose.

Mr. Elmer Lawson stated that he felt trailers should not be allowed in town and that if they were it would devalue everyone's property.

Mr. Bill Life questioned if Mr. Cubbage would have to pay a water and sewer connection fee as he was being furnished water from an adjoining connection. Mr. Monger explained that he had not brought this before council as yet but that he had planned to run the lines this way so the town would not have to tear up the streets thus resulting in more expense to the town.

Mr. Holt reported that he has been getting a good deal of reaction against a trailer in town for any purpose and felt this would be very unpopular with the majority of the citizens. He also felt it was most unfortunate that the matter had not come before the council, as had been the practice in the past, before any applications for permits were approved. He stated he hoped some solution could be worked out with Mr. Cubbage.

Mr. Flory felt the ordinance on trailer's was vague and wondered if council could amend the ordinance to eliminate the ambiquities. Mr. Wiles stated council can always do this if they so desire.

Mayor Lough ask Mr. Cubbage if he would be willing to meet with council to try to work out some solution to the problem.

Mr. Cubbage stated that he had gone through every aspect needed to place the trailer on the lot he had rented and would first like Mr. Wiles to tell him if there is anything prohibiting trailers in town for business purposes.

Mr. Wiles pointed out that council has nothing to do with building permits and that if there is a question regarding a building permit it goes before the Board of Zoning Appeals.

Mr. Chancellor Lough stated he felt council has only two choices, either go by the present ordinance or amend it.

Council delayed any action until the business session.

Mr. H. D. Flory moved to accept the minutes of the regular meeting March 14, 1977, including both Public Hearings, as presented. As there were no corrections, the minutes were approved.

Mr. H. W. Leap moved to accept the minutes of the special meeting March 29, 1977 as presented. As there were no corrections, the minutes were approved.

Mr. Holt reported that he had drafted for the Mayor a letter to send in response to the letter from the Virginia Department of Highways and Transportation regarding movement of 14-Foot Wide Manufactured Housing Upon Public Highways. The letter stated that the town reluctantly authorizes the Department of Highways to issue hauling permits for such movements subject to the following restrictions:

(1) Movement will be permitted only on US 33 (not Business 33) and US 340.

(2) Any movements on routes other than those listed in subparagraph (1) will require specific approval of the Elkton Chief of Police.

(3) If such movements should occur on other than an occasional basis, the mover will compensate the town for any necessary police escort.

(4) The town will be fully protected against any damage which occurs within the corporate limits as a result of such movement.

Mr. Holt reported that the Board of Supervisors are holding the second hearing on the Modified Land Use Plan tonight and Mayor Lough sent a letter stating that the town officials were unable to attend the hearing due to the meeting's conflicting, but would like to submit the following comments:

"The Town of Elkton is pleased by the decision to reduce the Urban Growth Center along the Route 33 corridor to reasonable proportions. The new plan, we feel, provides for reasonable growth without subtracting from the potential of the existing incorporated towns.

Elkton has serious reservations about Policy Objectives 24 and 25 which effect extension of utility services beyond the limits of the incorporated towns into areas of county responsibility. Obviously this sort of extension will require major capital outlays. Therefore any support which Elkton extends to these policy objectives is given with the understanding that necessary capital investment and operating costs are primarily the county's responsibility.

Overall the Elkton Council feels that the new proposal is a decided improvement over the plan previously agreed upon by the County Planning Commission, and should provide the basis for orderly development of Rockingham County.

The Town of Elkton appreciates your consideration and requests that this letter be read aloud at the hearing April 11, 1977."

Mr. B. B. Holt moved, seconded by Mr. R. J. Lough to approve the Second Reading that the town zoning ordinance and map be modified to include the area annexed January 1, 1977, and to zone this area A-1 Residential. The ordinance will read as follows:

AN ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE ZONING ORDINANCE OF THE TOWN OF ELKTON, VIRGINIA, TO EMBRACE TERRITORY ANNEXED TO THE TOWN OF ELKTON ON DECEMBER 31, 1976.

WHEREAS, an area containing 331.94 acres adjacent to the boundaries of the Town of Elkton, Virginia, as shown on the Building Zone Map of Elkton, Virginia, dated September 11, 1947, was annexed to the Town of Elkton by order of the Circuit Court of Rockingham County, effective December 31, 1976; and

WHEREAS, said area of 331.94 acres lies within the exclusive jurisdiction of the Town of Elkton for purposes of zoning regulation; and

WHEREAS, the Elkton Planning Commission and the Elkton Town Council met jointly in a public hearing, duly advertised, on March 14, 1977, for the purpose of considering zoning the annexed area; and

WHEREAS, the Elkton Planning Commission met subsequent to said public hearing and adopted a resolution recommending to the Town Council that said area be classified and zoned "A-1 Residence District" in its entirety;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, that said Building Zone Map of Elkton, Va., of the Zoning Ordinance of the Town of Elkton, Virginia, be amended to include the annexed area of 331.94 acres in the classification "A-1 Residence District."

The vote was recorded as follows:

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

Mr. B. B. Holt moved, seconded by Mr. H. D. Flory and carried to approve the First Reading to amend Chapter 30 of the code of the Town of Elkton by adding the following section:

AN ORDINANCE TO REGULATE THE LOCATION, CONSTRUCTION, AND OPERATION OF TRAILERS, MOBILE HOMES, AND INDUSTRIALIZED BUILDING UNITS IN THE TOWN OF ELKTON, VIRGINIA, FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE.

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

No trailer, mobile home, or industrialized building unit which is used or which is intended to be used for other than living or sleeping quarters or purposes shall be placed, located, or kept on any property, private or public, or on the streets within the town, without the owner or operator thereof first obtaining a permit so to do from the town council.

Mr. H. W. Leap reported that the fuel adjustment factor for April is $.00921 per kwh.

Mr. Leap reported that he and Mr. Ageon had removed the flags on the triangle but have not received the replacement flags as yet. He suggested a committee be set up to consider a town flag.

Mayor Lough suggested a committee from the citizens be set up rather than council.

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

Mr. Wiles stated that there are some ambiquities in the Grievance Procedure regarding who selects the third member of the panel to hear an appeal and felt this should be resolved. This was referred to the Personnel Consultant.

Mayor Lough read the following letter from Peggy K. Hisey:

"Would you please bring this up at the next council meeting and give me a reply? It was my understanding that Elkwood which was annexed to Elkton, January 1, 1977 was all zoned residential. A TV-cable tower and an industrial building is now being built on an acre of land in Elkwood joining my property. This is a business and not a residence. I would appreciate knowing why this is permitted as it will detract and depreciate my property."

Mr. Monger pointed out that at the time this land was purchased to place the tower the town had not annexed the area. When construction was begun on the tower the town had no zoning in the area and at the present time A-1 Zoning which has been adopted for this area would not prohibit this type of construction.

Mayor Lough reported on a letter from the Virginia Department of Highways and Transportation approving an additional 1.24 miles of streets eligible for maintenance payments at the rate of $1,600 per mile annually in the Town of Elkton. This addition is effective beginning the third quarter, January 1, 1977, for payment due after March 31, 1977. This increases the total mileage in town to 12.91 miles of approved streets.

Mayor Lough read a letter from Mayor Barrett R. Bryant of Shenandoah thanking Mayor Lough, the Town Council and Town Employees for the assistance in supplies, manpower and equipment loaned to the Town of Shenandoah during the severe weather crisis of January and February. He stated that their job would have been a lot

more difficult were it not for the fine cooperation received from Mr. Gerald Monger and his personnel and with council's approval.

Mayor Lough reported we have received the check for $1,912.00 for the Public Safety grant from the Division of Justice and Crime Prevention.

Mr. B. B. Holt moved, seconded by Mr. H. D. Flory to go into Executive Session to discuss possible pending litigation. The vote was called for and Mr. R. J. Lough abstained. Mayor Lough stated that due to Mr. C. E. Dean's absence and Mr. R. J. Lough abstaining, the council would not have the needed two-thirds affirmative vote. Several council members did not agree on the number needed for a two-thirds affirmative vote. Mr. Wiles stated he felt the section of the charter which refers to the two-thirds affirmative vote is not clear and that it would be in line for the Mayor to make a ruling.

After some discussion on this matter, Mr. H. D. Flory moved, seconded by Mr. B. B. Holt to continue with the vote on the motion to go into Executive Session. The vote was recorded as follows:

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

Mayor Lough ruled that the council did not have a two-thirds affirmative vote to go into Executive Session but council overruled the Mayor's decision.

Mr. R. R. Dean moved, seconded by Mr. H. W. Leap and carried to go from Executive Sesssion back into Regular Session.

Mayor Lough made the following statement:

> "On the advice of our attorney, council has come to the conclusion that it cannot take official action on the question of the permit issued Mr. Cubbage.
>
> However, the council and the mayor want to go on record as being strongly opposed to having trailers in town for any purpose.
>
> Therefore, the council will request Mr. Cubbage to withdraw his request for a permit for a trailer and ask for a permit to erect a permanent building."

As there was no further business, Mr. B. B. Holt moved, seconded by Mr. H. D. Flory and carried to adjourn.

MAYOR: Maurice W. Lough, Mayor

RECORDER: Norma R. Leap, Clerk