REGULAR
COUNCIL MEETING
December 12, 1977

The regular meeting of the Elkton Town Council was held December 12, 1977 at 8:00 P.M. with the Mayor, Maurice W. Lough presiding. The following councilmen 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. Charles Hammer, Chief of Police, Mrs. Norma Leap, Clerk, Mr. Gerald Monger, Superintendent and Mr. R. Bruce Wiles, Attorney were also present.

Mr. C. E. Dean opened the meeting with prayer.

Mr. Marshall Whithead of the Community Development Assistance Group was present. He reported that our three requests for a DHUD grant are still consistant with the revised guidelines.

Mr. H. D. Flory moved that council give Mr. Whithead the assurance that the council is still behind the program. It was felt that this wasn't needed, so Mr. H. D. Flory withdrew his motion.

The minutes of the regular meeting November 17, 1977, the special meeting December 1, 1977 and the Proposed Use Hearing December 5, 1977 were approved as presented.

Mr. Holt reported on the Board of Supervisor's meeting which was held today. Mr. Holt stated that last January the cost of the school was set at 7.2 million and now it is 8.1 million.

The question was raised regarding what the hookup costs would be if a person bought two lots in Elkwood and built one home on the two lots.

Mr. B. B. Holt moved, seconded by Mr. R. J. Lough that it should be the policy of the Town in the case of the Elkwood Subdivision where two lots are purchased by the same buyer, water and sewer hookup charges on both lots shall be collected and at such time as construction on these lots is began and the Town Superintendent is satisfied that no more than one dwelling can be built on these lots the council may authorize the refund of one water and sewer charge. 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. H. D. Flory moved, seconded by Mr. B. B. Holt to approve on Second Reading the following resolution:

A RESOLUTION TO ACQUIRE BY PURCHASE 1.9969 ACRES OF LAND IN THE COUNTY OF ROCKINGHAM, VIRGINIA, FOR THE PURPOSE OF EXPANDING THE TOWN OF ELKTON SEWERAGE TREATMENT PLANT, TOGETHER WITH A NEGATIVE EASEMENT OVER AN ADJACENT TRACT OF 12.6172 ACRES FOR A BUFFER ZONE ON WHICH NO BUILDING INTENDED FOR HUMAN HABITATION MAY BE ERECTED

WHEREAS, under Section 301 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1311, it is mandated that its sewerage treatment plant meet effluent limitations based on secondary treatment not later than July 1, 1977; and

WHEREAS, the State Water Control Board, acting pursuant to § 62.1-44.15(8) and (14), has issued a special order for compliance with effluent limitations in accordance with a schedule based on completion of a new, expanded sewerage treatment plant to be constructed pursuant to a grant from the Environmental Protection Agency; and

WHEREAS, the consulting engineer employed by the Town of Elkton has determined that an additional area of approximately two acres is necessary for the construction of a new sewerage treatment facility; and

WHEREAS, the State Board of Health requires that a buffer zone be included around any new sewerage treatment facility in which zone no building intended for human habitation may be erected; and

WHEREAS, Dr. Charles S. Miller and his children, devisees under the last will and testament of Ernest B. Miller to a tract of land adjacent to the present Elkton sewerage treatment plant which includes the approximately two acres and buffer zone needed by the Town of Elkton to expand its facility, are willing to enter into an agreement with the Town of Elkton, subject to Court approval, and under the terms and conditions set out below, to convey said hereinbelow described tract of land with a negative easement for a buffer zone, to the Town of Elkton; and

WHEREAS, Section 49 of the Elkton Town Charter and Section 15.1-292 of the Code of Virginia, 1950, give the governing body of this town the power and authority to acquire, within or without the town limits, by purchase, or otherwise, land necessary for extending and enlarging its public utilities;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Elkton, Virginia, that the Town of Elkton enter into an agreement with Dr. Charles S. Miller and Frances Jean Miller, his wife, Charles S. Miller, II, single, William Ernest Miller, single, and Joanne Frances Miller, single, to purchase 1.9969 acres of land together with a negative easement over an adjacent 12.6172 acres for a buffer zone in which no building designed for human habitation may be erected, all as shown on a plat thereof prepared by Arthur Beard, Engineers, on September 23, 1977, a copy of which is attached to this Resolution, for the sum of Ten Thousand Dollars ($10,000.00), upon the following conditions:

1. That this agreement is subject to approval by the Circuit Court of Rockingham County, Virginia.

2. That the Town of Elkton will erect and maintain an appropriate fence enclosing the tract of 1.9969 acres at its expense.

3. That the sellers and their successors may continue to graze livestock on the bufferzone and use it for other agricultural purposes.

4. That all costs of Court proceedings necessary for the Town to acquire good title to said property, including attorney's fees, will be borne by the Town.

BE IT FURTHER RESOLVED THAT the Mayor be authorized to execute a contract with Dr. Charles S. Miller et als. on behalf of the Town of Elkton on these terms and conditions.

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. Henry Leap presented the new proposed electric rates which have been prepared by Gary Greene of the Harrisonburg Electric Commission which will reflect the Vepco increase which became effective November 28, 1977.

Mr. H. W. Leap moved, seconded by Mr. H. D. Flory to change the rates in Schedules 1,3,4 and 5 of the Elkton Electric System Schedule of Rates and Charges as presented and to send a copy of the billing and usage to Gary Greene with the intent that these rates may need to be modified in the future. 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. Randal Dean ask if the town has heard anything on the request for a stop light at the intersection of Route 33 and Route 340. Nothing has been done at this time. It was reported that a traffic count is being made at the Tastee Freez. It was the consensus of the council to go ahead and remove the stop lights at the downtown triangle and to continue working for a stop light at the intersection of Route 33 and Route 340. Mayor Lough will write about the stop light.

Mr. C. E. Dean moved, seconded by Mr. R. R. Dean to approve on Second Reading the following ordinance:

AN ORDINANCE PROVIDING FOR THE REMOVAL, REPAIR, OR SECURING OF CERTAIN DILAPIDATED BUILDINGS AND OTHER STRUCTURES

WHEREAS, Chapter 1, Article 1, Section 15.1-11.2 of Title 15.1 of the Code of Virginia, 1950, as amended, authorizes the governing body of any county, city, or town by ordinance to require the removal, repair, or securing of certain dilapidated buildings and other structures;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, that Chapter 7 of the Code of the Town of Elkton, Virginia, be amended by adding Article V, as follows:

Article V. Removal of Dilapidated Buildings, etc.

Sec. 7- . Removal by owners.

Owners of property in the town shall, at such time or times as the council may prescribe, remove, repair or secure any building, wall, or any other structure which might endanger the public health or safety of other residents of the town.

Sec. 7- . Removal by council order.

The council through its own agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town, wherein the owner of such property after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure said building, wall or other structure.

Sec. 7- . Costs and expenses of removal.

In the event the council through its own agents or employees removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this article, the costs or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.

Sec. 7- . Liens.

Every charge authorized by this article with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

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. R. J. Lough moved, seconded by Mr. B. B. Holt to appropriate on Second Reading $10,000.00 plus approximately $500.00 court fees for the acquisition of property from Dr. C. S. Miller and heirs for the sewerage treatment plant. 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. Robert Lough reported he is working on the Revenue Sharing Budget and ask anyone having suggestions to please present them to the Finance Committee.

The Town Christmas Party will be held Thursday night at 6:30 P.M. at the Bethel Church.

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

Mr. B. B. Holt moved, seconded by Mr. C. E. Dean to go into Executive Session to discuss the possible acquisition of property and pending litigation. 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. B. B. Holt moved, seconded by Mr. R. R. Dean and carried to go from Executive Session back into Regular Session.

As there was no further business, Mr. H. D. Flory moved to adjourn.

MAYOR: Maurice W. Lough, Mayor

RECORDER: Norma R. Leap, Clerk