REGULAR
COUNCIL MEETING
June 13, 1977

The regular meeting of the Elkton Town Council was held Monday, June 13, 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. Mrs. Norma Leap, Clerk, Mr. Gerald Monger, Superintendent and Mr. Bruce Wiles, Attorney were also present.

Mr. E. Wayne Davis had asked to be put on the agenda but due to the Fireman's Carnival was unable to attend. He has met with Mr. Holt, Mr. Randal Dean, Mr. Gerald Monger and Mr. W. H. McGahey to discuss the problem of more space needed in the Fire Department. The Public Safety Committee will study the problem further.

Mr. G. W. Berry voiced his opposal to the closing of Fourth Street as he owns property on Fourth Street.

Mrs. Alice Lough brought to council's attention Section 9, item 9 of the Town Zoning Ordinance which reads:

> On any corner lot there shall be no planting, structure, fences, shrubbery or obstruction to vision more than three (3) feet higher than the curb level within twenty-five (25) feet of the intersection of any two street lines in Residence Districts.

Mrs. Lough pointed out that on the extension of Jackson to Rockingham Street and on Clark and C Streets there are violations of this ordinance. Mr. Holt stated that the lot on Jackson and Rockingham has been brought to the attention of the police department and the property owner has agreed to cut the shrubbery. They will look into the area on Clark and C Street.

Mrs. Ruth Brooks, Mrs. Robert House, Mrs. Geneva Baugher and Mrs. Barbara Horne all spoke against a tax increase. One of the big concerns were the elderly and also those raising families.

Mr. Welby Showalter gave the following reasons as to why he felt the council should close a portion of Fourth Street:

1. Two plats on record show the street as never being opened.
2. This portion of the street has not been used by the public at large in at least seventy years.
3. There has been no official action taken to close the street and this should be done to clear the record.
4. The Sigafooses' have paid taxes on this for at least seventy years, have maintained and mowed it.
5. Do not feel the town will ever open this street.
6. Master Plan does not show this street but shows Park Avenue as the road open through the area.
7. The town will be receiving more tax revenue if a house is built.

Mr. B. B. Holt moved, seconded by Mr. R. R. Dean and carried to approve the minutes as presented for May 9th., May 25th., June 1st., and the Public Hearing June 6th.

Mr. Holt ask if the portion of Fourth Street were closed, how would the property be divided. Mr. Showalter said the Virginia Code provides that the property is divided equally among the adjacent property owners. There was discussion regarding setting a precedent.

Mr. H. D. Flory moved, seconded by Mr. B. B. Holt to close the purposed portion of Fourth Street and retain easement rights for future power, water and sewer lines.

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to amend the motion that the Town of Elkton retain twenty feet through the middle of Fourth Street, giving twenty feet to each adjacent property owner.

Mrs. Worden was ask how she felt about closing the street as she is the other property owner involved. She stated she did not want the street closed but would not go on record as opposing it.

Mayor Lough stated he felt council should give some consideration to the

Planning Commission's study on this and the fact that they opposed closing the street. Mr. Holt pointed out that the biggest objection the Planning Commission had was setting a precedent and he felt the council would not be doing this.

The vote on the motion 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 letter from Mr. R. B. Hutton requesting permission to review certain documents regarding Officer Helsley has been turned over to Mr. Wiles.

Mr. Wiles composed a letter to Mr. Hutton stating that it was his view that the records which Mr. Hutton had requested permission to review are personnel records specifically exempted from the public disclosure requirements of the Virginia Freedom of Information Act, and, therefore, not required to be disclosed publicly upon request. The council agreed that Mr. Wiles should send this letter to Mr. Hutton.

Mr. H. W. Leap reported that fossil fuel for June will be $.01284 per kwh.

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to approve the Finance Report for May 1977. 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 approve the Second Reading to appropriate an additional $6,000.00 in General Government, $20,000.00 in the Electric Department and $3,000.00 in Public Safety. 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. H. D. Flory to employ Bosserman, Alt, James and Stickley to perform the audit. 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. C. E. Dean to approve the Revenue Sharing Budget of $11,233.00 as presented and the First Reading to appropriate the funds as listed. The vote was recorded as follows:

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

There had been some misunderstanding between Mayor Lough and Mr. Monger regarding a date for Clean Up Week and it was agreed that the week of June 27, 1977 would be observed as Clean Up Week.

Mr. Flory pointed out that after reviewing the proposed rate change and needs of the Water and Sewer Department, the Water and Sewer Committee has decided not to proceed at this point with the application for the FmHA loan thus eliminating $8,000.00 in the Debt Retirement and $10,000.00 from the Revenue from Water and Sewer Charges. Mr. Flory assured those present he was going to do everything possible to keep the rate changes as low as possible.

Mr. R. J. Lough moved, seconded by Mr. H. W. Leap to retain our present tax structure of $0.75 on each $100.00 of assessed value for the year 1977-78. 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. C. E. Dean to approve the Budget of $618,660.91 Expected Revenue and $606,134.08 Expected Disbursements. 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 approve the First Reading to appropriate the $606,134.08 as itemized for the year 1977-78. 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 authorize the Ordinance Committee to draw up the proper ordinances for changing the Water and Sewer Rates, the Refuse Rates and Water and Sewer Hookup Rates. The vote was recorded as follows:

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

A special council meeting was set for June 29, 1977 at 8:00 P.M.

Mayor Lough reported that Mr. Elmer Lam has resigned from the Elkton Planning Commission and suggested Mr. R. C. Lough to replace Mr. Lam. Council felt they would like to wait until the special meeting before appointing a replacement for Mr. Lam.

Mr. R. J. Lough gave each councilman a breakdown on Revenue Sharing Funds which have not been spent as yet.

Mayor Lough reminded council of the requirement in Section 17 of the Town Charter that the Mayor communicate to the council annually a general statement of the condition of the town in relation to its government, finances and improvements with such recommendations as he may deem proper. Mayor Lough asked to be excused from Making comments but reserved the right to do so later. Council agreed.

Mayor Lough reported on a letter from HUD regarding proposed base flood elevations which will be the basis for the flood plain management measures that the community must either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. This letter and information is in the town office for anyone wishing to review it.

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

MAYOR: Maurice W. Lough, Mayor

RECORDER: Norma R. Leap, Clerk