REGULAR
COUNCIL MEETING
November 17, 1977

The regular meeting of the Elkton Town Council was held November 17, 1977 at 7:30 P.M. with the Mayor, Maurice W. Lough presiding. The following councilmen 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, Mrs. Norma Leap, Clerk, Mr. Gerald Monger, Superintendent and Mr. R. Bruce Wiles, Attorney were also present.

Mayor Lough opened the meeting with prayer.

Carl Lee Smith came before council asking for a donation toward the purchasing of blazers for the Elkton High School varsity basketball team which is being sponsored by the Proud Elks Athletic Booster's Club. The club hopes to be able to purchase eighteen blazers. The council said they would consider the request during the business session.

Randy Murphy identified himself as the new reporter for the Daily News-Record.

The minutes of the regular meeting October 10, 1977 and the special meeting October 26, 1977 were approved as presented.

Mr. Holt reported he had checked on the increase in the Fire Company's telephone bill and found it to be a rate increase.

Mr. Henry Leap reported he has the new Vepco Contract Agreement which needs to be signed and returned by the end of the week. Mr. Wiles just received a copy of the agreement and had not had a chance to review it before the meeting.

Mr. H. W. Leap moved, seconded by Mr. R. J. Lough to authorize the Mayor to sign the Vepco Agreement No. 5415 and Supplement No. 1, Electric Service Specifications after Mr. Wiles has reviewed and approved them. The vote was recorded as follows:

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

Mr. Leap reported the new proposed electric rates should be ready by the first of the week and we will need a special meeting to act on the rates.

There was a First Reading on 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.

Mr. Henry Leap reported that the Fuel Adjustment Rate will be $0.00890 per kwh for November.

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

A Proposed Use Hearing for the Revenue Sharing Entitlement Period Nine (October 1, 1977 through September 30, 1978) in the amount of $18,821.00 was set for December 5, 1977 at 7:30 P.M.

Mr. R. J. Lough moved that the regular council meeting time be changed from 8:00 P.M. to 7:30 P.M. until further notice. Mr. Wiles stated a change in time would require an ordinance change. Mr. Lough withdrew his motion.

The Town Christmas Party will be December 15, 1977 at the Bethel Church.

Mr. R. J. Lough moved, seconded by Mr. H. W. Leap and carried to donate $35.00 toward the purchase of blazers for the Elkton High School varsity basketball team.

The town has not received anything as yet regarding a stop light at the intersection of Rockingham Street and Route 340. Mr. Hammer reported he has talked with Mr. Evans of the State Highway Department regarding the problem. One of his suggestions was to make Rockingham Street one way.

There was a discussion regarding charter changes and the limited time left to make changes.

Mr. B. B. Holt moved, seconded by Mr. R. J. Lough to go into Executive Session to discuss the acquisition of real property, pending litigation and personnel matters. 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. R. J. Lough and carried to go from Executive Session back into Regular Session.

Mr. Flory presented the First Reading of 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.

Mr. R. J. Lough moved, seconded by Mr. H. D. Flory to approve $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:

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

There was a discussion regarding the length of time it takes to pick up garbage at several of the businesses due to their not putting the trash in proper bundles. It was the opinion of council that the ordinances should be

(Over)

enforced regarding placing trash in the proper containers and bundles.

As there was no further business, Mr. Holt moved to adjourn.

MAYOR: _____
Maurice W. Lough, Mayor

RECORDER: _____
Norma R. Leap, Clerk