REGULAR
COUNCIL MEETING
September 10, 1979

The regular meeting of the Elkton Town Council was held September 10, 1979 at 8:00 P.M. with the Mayor, Charles E. Dean presiding. The following council members were present: R. R. Dean, S. P. H. Flick, H. D. Flory, B. B. Holt, L. C. Life and C. A. Schumacher. Charles Lawhorne, Chief of Police, Norma Leap, Clerk, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

Roger Ritchie was present seeking support for his candidacy. He presented his background, qualifications and plans, if elected.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to approve the minutes of the public hearing and regular meeting August 13, 1979 as presented.

AAD025

Councilman Holt reported that Jess E. Sager's position as a Ceta employee ends as of October 1, 1979 and as a permanent position of police officer was included in the budget this year, his committee recommends hiring Jess Sager to fill the permanent position.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to hire Jess Sager as a police officer effective October 1, 1979 at a starting rate of $8100.00. The vote was recorded as follows:

R. Dean	-	yea	B. Holt	-	yea
S. Flick	-	yea	L. Life	-	yea
D. Flory	-	yea	C. Schumacher	-	yea

Councilman Holt reported that they hope to have the corrections on the Land Use Plan by the next meeting.

Councilman Flory reported that they are working with E.P.A. and Arthur Beard Engineers on the wastewater treatment plant and have received a timetable from E.P.A. His committee is working on other problems also but have nothing to report at this time.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to approve on Second Reading the payment to Arthur Beard Engineers, upon receipt of the money from E.P.A. for our final payment on Step II, $10,500.00 to finalize Step II of the sewerage treatment plant. The vote was recorded as follows:

R. Dean	-	yea	B. Holt	-	yea
S. Flick	-	yea	L. Life	-	yea
D. Flory	-	yea	C. Schumacher	-	yea

Councilman Schumacher reported that everything seems to be going along well in the electric department. Mr. Monger reported that he has ordered some of the poles and electrical supplies for the shopping center and will have to be meeting with the Finance Committee on the money to pay for this project.

Councilman Flick stated he had nothing to report as it has been too wet to do anything on street work.

Mr. Monger reported that he has received the copy from Mr. Longley on the signs and hopes to have more to report at the next meeting.

Councilwoman Life reported that her committee met August 28, 1979. The Recreation Commission at their regular scheduled meeting met and they are submitting for council's approval the name of Bobbie Rae Monger to serve on the Recreation Commission. She has been contacted and consented to serve on this commission.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to approve Bobbie Rae Monger as a member of the Recreation Commission. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- yea	C. Schumacher	- yea

Councilwoman Life reported they still have one more vacany on the Recreation Commission to fill and possibly two.

Councilwoman L. C. Life moved, seconded by Councilman H. D. Flory to approve the First Reading on the following ordinance providing for sewer connection cleanout services:

AN ORDINANCE PROVIDING FOR SEWER CONNECTION CLEANOUT SERVICES

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT THE CODE OF THE TOWN OF ELKTON, VIRGINIA, CHAPTER 32, IS HEREBY AMENDED BY ADDING THE FOLLOWING SECTION:

Sec. 32- . Sewer connection cleanout services.

Upon request, the town will provide a cleanout service for private sewer connections in accordance with rules and regulations established by the town superintendent. A "private sewer connection" is determined to be the connection from the main line to the structure owned or occupied by the sewer service customer. When it is determined by the town superintendent that stoppage of the sewer connection is the responsibility of the customer, a special charge for these cleanout services shall be made in accordance with rates set and established by the council. A copy of such schedule of rates and a copy of such rules and regulations shall be maintained in the office of the town superintendent and in the treasurer's office and shall be available for public inspection during working hours. Billing for sewer cleanout services shall be made and included on the customer's water and sewer bill, and provisions relating to the imposition of penalties and termination of service for nonpayment set out elsewhere in this chapter shall be applicable to the sewer connection cleanout services charge.

The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- yea	C. Schumacher	- yea

Councilwoman Life reported that preliminary forms have been completed and returned to PRM Law Publishers on the ordinances.

Councilwoman Life reported that her committee has been working with Blue Ridge Disposal on the problems each are having with the commercial garbage collection. She distributed to council some material and ask that if they have any recommendations, her committee would be glad to hear them.

Councilwoman Life reported that Mrs. Black had come requesting shelves for the library several months ago and that at the estimated cost it appears they will run about $390.00. As these ladies really need these shelves, Councilwoman Life asked what was the next step to be taken to get this project completed. After some discussion, Councilman Holt suggested that possibly some of the businesses in town might help with this project. The Finance Committee was ask to take this project under advisement.

Councilwoman Life reported that it has been brought to her attention that perhaps the town has not set up procedures, even though it is state law, on taking application for permits for "going out of business" sales. Councilwoman Life presented a resolution on this matter.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to adopt the following resolution:

RESOLUTION

WHEREAS, Section 18.2-224 of the Code of Virginia, 1950, as amended, requires every county, city, and town to issue permits to retail merchants who have made application to conduct special "going out of business" sales, and to inspect the advertisement and conducting of such sale to insure that it is being advertised and conducted in conformity with the required permit; and

WHEREAS, said Section 18.2-224 authorizes each county, town and city to charge a fee for the issuance of such special sale permits not to exceed fifteen dollars for each permit;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, that the Treasurer of the Town of Elkton is authorized to issue permits to retail merchants, upon proper application being made and accompanied by an inventory of all goods which are to be offered for sale during a special "going out of business sale," as provided by law, and shall charge a fee of Ten Dollars ($10.00) for the issuance of each such special sale permit. Upon issuing a special permit for a "going out of business" sale, the Treasurer shall forward a copy of said permit, together with copies of the application and inventory submitted by the retail merchant, to the Chief of Police of the Town of Elkton, who shall be responsible for insuring that the sale is advertised and conducted in conformity with the required permit.

AAD025

Councilman Holt ask what the terms of the permit are and Mr. Wiles stated that the guidelines are set up in the state code. Councilman Holt also ask why they are going with a reolution rather than an ordinance. Mr. Wiles pointed out that there is no need to set up a law as the state already requires this and makes it law. After some discussion, it was decided to check further on setting up a town ordinance to be introduced later, but to go with the resolution at this point. Council was displeased with the way this matter came about and wanted it made clear that there was no reflection on Mr. Haden by the action they were taking.

The vote on the resolution was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- yea	C. Schumacher	- nay

Councilman Holt suggested that council should be thinking about setting up guidelines stating the responsibilities of the various committees.

Councilman Dean reported that there would be no Finance Report tonight as we just got the audit report back. Councilman Dean reviewed the audit with council and discussed suggestions on capital improvement funds, depreciation of equipment, etc.

Councilman R. R. Dean moved, seconded by Councilman H. D. Flory to accept the audit report. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- yea	C. Schumacher	- yea

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt and carried that Mr. Leroy M. Leap be recommended to the court to replace Mr. Bill Madren on the Board of Zoning Appeals.

Councilman Flory asked that it be recorded that the town goes on record as thanking Mr. Bill Madren for his years of service to the town.

Councilman Holt suggested that council go on record as supporting the Town of Mt. Crawford in their battle with Vepco by adopting a resolution. Mr. Holt was asked to draw up the resolution. The following resolution was sent to the Mayor of the Town of Mt. Crawford:

RESOLUTION

WHEREAS, the Town of Mt. Crawford is engaged in a legal battle with the corporate giant, Virginia Electric & Power Company; and

WHEREAS, said Town is struggling to protect its rights and best interests; and

WHEREAS, Mt. Crawford, like most small towns is handicapped by limited resources, and

WHEREAS, the Council of the Town of Elkton is fully in sympathy with Mt. Crawford in these efforts;

THEREFORE, BE IT RESOLVED THAT THE Council of the Town of Elkton extends its encouragement and complete moral support to Mt. Crawford, and further be it resolved that a duly attested copy of this resolution be transmitted to the Mayor of Mt. Crawford as an expression of Elkton Council's understanding and support.

Mrs. Leap reported that we have received a letter from James W. Moyers, Chairman of the Shenandoah Valley Soil and Water Conservation District, stating they have received our donation for 1978-79 and would appreciate our contribution for the fiscal year 1979-80. Council did not feel they could contribute more at this time but would have to wait until next year.

Mayor Dean reported that he and Mr. Monger attended a meeting in Richmond on insurance and that it looks real promising that the Virginia Municipal League will be coming up in the near future with some insurance programs.

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

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk