REGULAR
COUNCIL MEETING
January 8, 1979

The regular meeting of the Elkton Town Council was held January 8, 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 and L. C. Life. C. A. Schumacher was absent. Charles Lawhorne, Chief of Police, Norma Leap, Clerk, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

Councilman Dean opened the meeting with prayer.

Mr. Jim Mooney of the Moody-Bernstein Co., operating under a sibsidiary called The Bernstein Group, Inc., out of Columbus, Ohio, was present. The company builds apartment buildings through the F.H.A. Mr. Mooney presented a book with pictures showing seven projects completed by his group. He reported that since the last meeting he has found a site on the edge of the city limits, south on Sixth Street at the deadend at the intersection of Prospect Avenue on the east side. The five acres of land is presently owned by Mr. Ashby Lam. It is zoned by the county as R-3 Residential and will accomodate multi-family dwelling. The State Clearing House still has to approve this and then it has to go back to the Rockingham County Planning Commission for their approval. They are thinking of 54 units at this time and will be an open housing project, open to anyone with an adjusted gross income of $15,600.00 or less. Mr. Mooney pointed out that in regards to water and sewer service to the site, sewer is right at the site with a six inch line and water is north of the project about 150 feet with a four inch line. Mr. Mooney's purpose at this meeting is to request a letter, which is required by the F.H.A. in their preapplication, granting permission to hook on to the town water and sewer system, subject to any requirements which the town may have at the time of building. Mr. Monger felt there would be enough water pressure and that the size lines in the area should be adequate. Mayor Dean stated this would be considered under the Water and Sewer Committee's report during the meeting.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried to approve the minutes of the December 11, 1978 regular meeting.

Mr. Monger reported that they did not go to North Carolina about the truck. He had called and the truck has not been moved and is there if we still wish to purchase it. Mayor Dean suggested Mr. Monger contact Mr. Schumacher to see if he could go to look at the truck along with Mr. Monger and possibly himself. If the truck is okay they would purchase it and bring it back.

Councilman Holt reported that there had been some discussion at the last council meeting regarding the problems which we might have due to the cut back in the Ceta Program and the possible effect it would have on the police department operations. The town did receive a break in that one of the police positions will be retained until September. We did lose our two dispatchers and if the town plans to have around the clock coverage we need these two dispatchers. The Public Safety Committee discussed this problem and recommends that a temporary solution be made at this point by keeping these two dispatchers on until the end of February at minimum wage and give the Finance Committee a chance to look over the town's finances to see what the steps should be so far as permanent positions for these two people. The Mayor was able to put the two dispatchers on the payroll temporarily until council could take action at this meeting.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to hire the two dispatchers, Debbie Curtis and Hilda Meadows, at the minimum wage of $2.90 an hour from December 29, 1978 through March 1, 1979. The vote was recorded as follows:

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

Councilman Flory stated he has some reservations regarding Mr. Mooney's request for a letter. He pointed out that his reservations were not with the project itself as he feels it is a good idea, but with dealing with any type of federal government. He would like to know if we send a letter would it be binding to the community. Mr. Mooney said it could be a letter of intent.

Mr. Wiles stated he felt a letter of intent would probably be binding. Councilman Flory had a concern also with one project of this type in Harrisonburg which has been a problem and he would not like this to happen to Elkton. Mr. Mooney stated he was aware of the project he was speaking of, but that it was not an F.H.A. project but HUD. Councilman Flory still felt the letter should be phrased so it would not be binding on our part in the event the council discovers things about the program they did not like. Mr. Mooney stated he would welcome council checking with the communities where they have their other projects. Councilman Flick felt that as Mr. Wiles would be preparing the letter he would safeguard the town's interest. Councilman Holt suggested that after Mr. Wiles prepares the letter, the Water and Sewer Committee and Mayor look over the letter and if they feel it protects the town then go ahead with it. Mr. Wiles felt sending a letter saying the town would be glad to authorize water and sewer to this project if they felt so inclined when the time came would not fullfill the requirements.

Councilman R. R. Dean moved, seconded by Councilman B. B. Holt that the town write a letter of intent to the Berstein Group Inc. to provide water service and sewer service to the Ashby Lam property located on Prospect and Sixth and the developers will run their lines to our present lines. The vote was recorded as follows:

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

Councilman S. P. H. Flick stated he had no progress to report. His committee has not met. Mr. Monger has been unable as yet to install the drainage pipe mentioned at the December meeting. He reported on a letter from W. J. Osborne, Resident Engineer for the State Highway Department, in which Mr. Osborne reported that the maintenance of "other streets" in the Town of Elkton is considered to be satisfactory as of December 19, 1978. For informational purposes he also read the following paragraph of a letter from Mr. Osborne regarding the Marshall Avenue - N & W Railroad Crossing:

> "According to our latest Highway Railroad Grade Crossing Inventory the Marshall Avenue grade crossing carries 535 vehicles per day and the N & W RR indicates a total of 14 trains per day, 10 of which are at fast speed. In view of the vehicular traffic count, number and speed of trains and sight distance at this grade crossing I recommend the Town advise this office as to your plans for providing flashing signals and gates to comply with the current standard highway railroad grade crossing protection plan being developed by this Department."

Mr. Monger estimated the cost to do this would be approximately $100,000.00. Councilman Flick stated this was something we would have to be thinking about sometime in the future.

Councilwoman Life presented the First Readings to amend the following ordinances:

AN ORDINANCE TO AMEND SECTION 32-10 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: CONNECTIONS INSIDE AND OUTSIDE TOWN

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-10 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Section 32-10. Connections inside and outside town.

Before a connection to the town water system shall be made, the applicant therefor shall pay to the town treasurer the following charges:

(a) With reference to water connections inside the town:
  (1) For 3/4" water connection $300.00
  (2) For 1" water connection $400.00

(b) With reference to water connections outside the town:

Such connection charges shall be $400.00 for a 3/4" connection, and the applicant shall install at his expense

the connecting line to the Town of Elkton's existing available water lines. The installation must meet town requirements and becomes town property when connected to town lines.

(c) Provided, however, that if the Town Council determines it to be in the best interests of the town to extend its existing water lines partly or wholly at town expense, it may enter into agreements with individual landowners or developers whereby such extensions of existing water lines shall be accomplished and the costs thereof shared as mutually agreed; or, in the proper case, the Town Council may resolve to extend the town water system wholly at town expense. In determining the best interests of the town, the Council shall consider the number of potential connections which such extension of the system might be expected to facilitate; the enhancement to the value or capability of the existing system that would result from such extension; the value of any easements that would be granted to the town under such agreements; the potential for increased employment opportunities and economic development that might reasonably be expected to result from such extension; and the increased revenue to the town that could be anticipated to derive from such extension.

AN ORDINANCE TO AMEND SECTION 32-27 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: "CONNECTION CHARGES WITHIN TOWN"

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-27 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 32-27. Connection charges within town.

Before a connection to the town sewer system is made within the town, the applicant therefor shall pay to the town treasurer a connection fee of $500.00. The sewer department shall run all sewer service lines to the applicant's property line for a distance not to exceed one hundred feet. If the distance exceeds one hundred feet, the applicant shall pay all costs in excess of one hundred feet. Provided, however, that if the Town Council determines it to be in the best interests of the town to extend existing sewer lines partly or wholly at town expense, it may enter into agreements with individual landowners or developers whereby such extensions of existing sewer lines shall be accomplished and the costs thereof shared as mutually agreed; or, in the proper case, the Town Council may resolve to extend the town sewer system wholly at town expense. In determining the best interests of the town, the Council shall consider the number of potential connections which such extension of the system might be expected to facilitate; the enhancement to the value or capability of the existing system that would result from such extension; the value of any easements that would be granted to the town under such agreements; the potential for increased revenue from utility service charges and taxes that could be expected to result from future development made possible by extension of the sewer system; and the potential for increased employment opportunities and economic development that might reasonably be expected to follow such extension of the sewer system.

Notwithstanding the foregoing, the connection fee with respect to houses located within the town and in existence on September 12, 1977, to which sewer service was not available on that date, shall be $400.00 if application for connection is made and such fee is paid immediately upon receipt of notice by the property owner that sewer service is available. The Town Superintendent shall notify the owners of such existing houses by certified mail with return receipt when sewer service shall become available.

AN ORDINANCE TO AMEND SECTION 32-28 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: CONNECTION CHARGES OUTSIDE THE TOWN

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON,

VIRGINIA, THAT SECTION 32-28 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 32-28. Connection charges outside the town.

The applicant for a connection to the town sewer system shall pay to the town treasurer a fee of $600.00 and install at his expense the connecting line to existing available Elkton sewer lines. The installation must meet town requirements and becomes town property when connected to town lines. Provided, however, that if the Town Council determines it to be in the best interests of the town to extend its existing sewer lines partly or wholly at town expense, it may enter into agreements with individual landowners or developers, subject to state law requirements for notice and approval by Rockingham County, whereby such extensions of existing sewer lines shall be accomplished and the costs thereof shared as mutually agreed; or, in the proper case, the Town Council may resolve to extend the town sewer system wholly at town expense. In determining the best interest of the town, the Council shall consider the number of potential connections which such extension of the system might be expected to facilitate; the enhancement to the value or capability of the existing system that would result from such extension; the value of any easements that would be granted to the town under such agreements; the potential for increased employment opportunities and economic development that might reasonably be expected to result from such extension; and the increased revenue that could be anticipated from utility service charges to new customers.

Councilwoman Life reported that some of the members of the Recreation Commission are going to New Market on Thursday to meet with the Mayor and Town Superintendent to talk about their park. Mr. Monger stated he thought the date had been changed to Wednesday, January 17th.

Mr. Monger reported to Councilwoman Life that garbage collection this month has been pretty rough but that a container has been brought in at the Elkton IGA and this should help the situation.

Councilwoman Life inquired if the people who were sent letters concerning safety hazards due to obstruction of vision on corner lots have complied. Mr. Monger reported that one if fixed, they are going to help a man fix another and one is going to trim the bushes to comply.

Councilwoman Life reported she plans to have a committee meeting Thursday, January 18, 1979 at 7:00 P.M. in the Council Chambers.

Councilwoman Life ask if the town has been doing any particular remodeling or renovation to the town in the last five months. Mr. Monger reported we have done quite a bit and most is due to the change over to give the Fire Company more room.

Councilman R. R. Dean presented the Finance Report for December which was approved as presented.

Councilman Dean reported that he had checked with NCR regarding a service contract on the machine. The service contract would cost approximately $1800.00 a year but they would have to overhaul the machine before they would accept it. They would not give us a maintenance contract after December 1980. Councilman Dean suggested we continue as we have been doing the past year.

Councilman Holt reported that he had been watching the reports in the paper about the state surplus in the amount of about $33,000,000.00 and evidently an additional $22,000,000.00 of unexpected revenue. There is an indication that there is a strong movement to distribute at least a portion of this money back to the localities. Mr. Holt felt the town should encourage, in every way they can, at least a portion of this money be returned to the localities to help defray expenses incurred due to state and federal mandated programs. The paper had indicated that Nathan Miller and Clinton Miller were both opposed to this distribution but Councilman Holt had talked with Nathan Miller and he stated that the paper had misinterrupted his position. His concern was that the state would use all this surplus, then possibly have

additional expenses and have to raise the tax rate. He was in favor of a portion of the money being returned to the localities and ask Councilman Holt to explain his position to council. Councilman Holt suggested the Mayor send letters to all three of our representatives and the Governor encouraging them to distribute a portion of this money, placing special emphasis on refunding or defraying expenses on state mandated programs and point out the problems we are running into because of our sewer system.

Councilman B. B. Holt moved, seconded by Councilman H. D. Flory and carried that the Mayor be directed to write letters to Nathan Miller, Clinton Miller, Bonnie Paul and the Governor expressing the town's concern and support for redistribution, especially to those communities spending money because of state mandated programs and outlining our particular problems.

Mr. Wiles reported he has written to Michie Company to see how they are coming along on the code revision. They stated that the project is currently in their editorial department and when it has reached the editorial conference stage, they will be in touch with the town. They indicated there would be an editorial conference within eighteen months after the receipt of material. The eighteen month period will be sometime around May.

Mr. Wiles explained that the land acquisition for the sewer plant has gone through circuit court, the order has been entered and the only thing left is for the deed to be prepared and signed. The cost estimate was too low, partly due to the ownership of land being very complexed and requiring a good deal of work. $500.00 has been appropriated for court costs. The fees allowed by the court were $900.00, there was a $100.00 appraisal fee and there will be expenses for recording the deed, etc. Mr. Wiles felt an additional $600.00 appropriation should cover the cost for acquiring the land.

Councilman H. D. Flory presented the First Reading to appropriate an additional $600.00 to cover legal expenses and cost of the suit incurred in the land acquisition of two acres of land plus a twelve acre buffer zone for the new sewer plant.

Mr. Wiles reported that he had written Gary Nickerson and informed him that the land acquisition had gone through court and ask him what he saw as the next step. He has not received a reply at this time. Councilman Flory was ask to contact Mr. Nickerson.

Mayor Dean reported that Mr. Diehl, Principal of the Elkton Elementary School, had contacted him on two items. One was the fixing of the fence in Memorial Park between the railroad tracks and the park. The Mayor had talked with Mr. Monger about this. Mr. Monger reported he talked with Mr. Diehl and he had also ask the county to fix the fence. Mr. Monger suggested that possibly the two groups could cooperate by the town furnishing the labor and the county the materials. Second was that the Parent-Advisary Committee at the Elementary School would like to have something done about the traffic pattern of the children going to and from the park across Terrace Avenue. They suggested Terrace Avenue be closed but Mayor Dean said he was opposed to this suggestion along with Councilman Flick and Mr. Monger. Council was also opposed to this suggestion. Some suggestions to help correct the situation were repainting the lines in that area and possibly the police patroling it more ofter.

Mr. Monger reported that the Fire Company's annual supper will be January 26th. at 7:00 P.M. at the Spotswood Cafeteria. The Mayor, Council and their wives and husband are invited.

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

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

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