REGULAR
COUNCIL MEETING
February 12, 1979

The regular meeting of the Elkton Town Council was held February 12, 1979 at 8:00 P.M. in the council chambers 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, Gerald Monger, Superintendent and Bruce Wiles, Town Attorney were also present.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt and carried to approve the minutes of the regular meeting January 8, 1979 and the special meeting February 8, 1979.

Councilman Holt reported on the meeting held February 8, 1979 by a group of citizens in support of the Coors Brewery. He stated that when the resolution which was passed by the town supporting the establishment of a Coors plant in eastern Rockingham County was read there was a great burst of applause and many people gave a standing ovation.

Mr. Monger reported that they had gone to North Carolina to check on the truck for the Electric Department and decided it would be a good buy. They have not gone to get it yet.

Councilman Holt reported that the Public Safety Committee and Finance Committee met together to discuss the two dispatchers which were hired through March 1, 1979. The two committees agreed that these two dispatchers should be kept on through the end of this fiscal year in order to maintain around the clock coverage. They will take a look at the situation again when preparing the budget for the next fiscal year.

Councilman Holt moved, seconded by Councilwoman L. C. Life to hire the two dispatchers, Debbie Curtis and Hilda Meadows through June 30, 1979. The vote was recorded as follows:

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

Councilman B. B. Holt moved to appropriate $6000.00 for the Public Safety Department to pay the wages of the two dispatchers through the end of the fiscal year. This will be a First Reading.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to approve on Second Reading an additional appropriation of $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. The vote was recorded as follows:

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

Mr. Wiles reported that he had thought the additional $600.00 would cover the expenses but the final figure came to $690.00 above the original $500.00 appropriated.

Councilman H. D. Flory moved, seconded by Councilman R. R. Dean to appropriate an additional $90.00 to cover the final expenses on the land acquisition. The motion carried unanimously.

Councilman Flory reported that he has reviewed and discussed with several people the proposed ordinance amendments to Section 32-10, Section 32-27 and Section 32-28 which had First Readings at the January 8, 1979 meeting. Councilman Flory stated the only thing he was opposed to was giving discretionary powers to the council to have authority outside the community. Mr. Wiles reported he had changed the section which concerned Councilman Flory.

Councilman H. D. Flory presented the First Reading to add the following amendment to Section 32-10:

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--CONNECTIONS INSIDE AND OUTSIDE TOWN--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

The town water department shall run all water 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 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 the town could be expected to derive from utility service charges and taxes in respect to future development.

(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.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to approve on Second Reading the following amendment to Section 32-27 of the Code of the Town of Elkton, Va.: "Connection Charges Within Town":

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.

The vote was recorded as follows:

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

No further action was taken to amend Section 32-28.

Mr. Monger reported that he had been in contact with Gary Nickerson and he had planned to attend the meeting tonight but probably had changed his plans due to the weather.

Mr. Wiles reported that we are now prepared to close on the land acquisition as soon as he receives the checks.

Councilman Flick read a letter from Councilman Schumacher in which he stated the reason for his absence was due to his hearing loss but hopes to be back for the next meeting. The Electric Committee had a meeting of sorts and had nothing that needed to come before council.

Councilman Flick reported that no progress has been made on the drainage problem on Chestnut Street but hopes to complete this in the near future.

Mayor Dean reported that he had discussed the Terrace Avenue problem with Mr. Diehl, Principal of the Elementary School. The signs are up and the streets will be painted when the weather breaks. Mr. Diehl does not feel anything else needs to be done but the Parent Advisory Committee feels the street should be closed. Mayor Dean told him this could not be done.

Councilwoman L. C. Life presented the First Reading to amend Chapter 24 of the Code of the Town of Elkton to read as follows:

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, TO PROVIDE FOR THE REMOVAL, REPAIR, OR SECURING OF CERTAIN DILAPIDATED BUILDINGS AND OTHER STRUCTURES, AND REPEALING ARTICLE V, CHAPTER 7, OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA

BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, PURSUANT TO AUTHORITY GRANTED IN SECTION 15.1-11.2 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, THAT CHAPTER 24 OF THE CODE OF THE TOWN OF ELKTON BE AMENDED BY ADDING SECTIONS 24-4, 24-5, 24-6, and 24-7, AS FOLLOWS:

Sec. 24-4. Removal by owners.

Owners of property in the town subject to an order of

abatement entered pursuant to Section 24-2 shall, at such time or times as the council may prescribe, remove, repair or secure any building, wall, or any other structure found to endanger or be likely to endanger the public health or safety of other residents of the town.

Sec. 24-5. Removal by council order.

The council through its own agents or employees may remove, repair or secure any building, wall or any other structure found to endanger or be likely to 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. 24-6. Costs and expenses of removal.

In the event the council through its own agents or employees removes, repairs or secures any building, wall or other structure after complying with the notice provisions of this chapter, 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. 24-7. Liens.

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

BE IT FURTHER ENACTED AND ORDAINED BY THE TOWN COUNCIL THAT ARTICLE V, CHAPTER 7, OF THE CODE OF THE TOWN OF ELKTON BE, AND THE SAME HEREBY IS REPEALED.

Councilman Holt and Mr. Wiles explained this ordinance was to further implement the ordinance which was passed last year on dilapidated buildings, incorporates something that we already have and makes it somewhat clearer.

Councilwoman Life reported that the garbage pickup is going better and under Recreation all programs are going well.

Councilman R. R. Dean moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for January.

Councilman R. R. Dean suggested that some of the surplus revenue be put on savings. The town can receive a larger rate of interest if they place the money in savings for six months.

Councilman R. R. Dean moved, seconded by Councilwoman L. C. Life to place twenty or thirty thousand dollars on savings for six months to be divided between the two local banks. The vote was recorded as follows:

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

Mr. Wiles presented the proposed amended grievance procedure. He pointed out that the law had changed July 1978 requiring certain changes in our grievance procedure and should be changed by July of 1979 or we would automatically operate under the state grievance procedure. There are three main changes. First, it establishes a procedure for determining grievability. Second, clarifies who is covered under the procedure. Department heads appointed by council are not covered. Third, our previous grievance procedure provided that any decision made by an impartial panel, if it involved appropriation of funds, would be subject to review by council but this is no longer permitted. The decision of panel must be final according to the new state law.

Councilman Holt felt there is a need for input from council. He felt this could be done in the area where the panel selection is made. Rather than the Mayor select a panel member, the council do this. Mr. Wiles suggested they might want to change Step III and IV from Mayor to Town Council. The majority of council agreed these changes should be made.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life that council accept the modification of the grievance procedure subject to the changes as outlined by the Town Attorney in Steps III and IV. The vote was recorded as follows:

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

Mayor Dean reported he had written a letter to The Berstein Group on the water hookup for the FHA apartments.

Mayor Dean reported he had written to Governor Dalton and our representatives on the excess revenues the state has and received a reply from Governor Dalton. He will give each councilman a copy of this letter.

Councilwoman Life reported that four members of the Recreation Department did go to New Market and met with their people. Hopefully something can be done with the park here in Elkton. The commission has had two special meetings and plans are being made along these lines. It is going to take total involvement of the whole community, our organizations, and our whole town council's interest. The Commission hopes that by the end of March things will really be on the way and more information will be available for a report at the next meeting.

Councilman Flory ask if the Bicentennial Commission still has some money. Mr. Monger stated he thought they did but he thinks it has all been set aside for entrance signs. Councilman Flory suggested that if the Bicentennial Commission would have some extra money that they be approached by a member of council to make a donation to Renee Meadows who has been chosen to make a trip to Europe. Mayor Dean will look into this.

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

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

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