REGULAR
COUNCIL MEETING
October 8, 1979

The regular meeting of the Elkton Town Council was held October 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. Councilman C. A. Schumacher was absent. Charles Lawhorne, Chief of Police, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

Mrs. Alice Lough was present concerning the shelves for the library. She pointed out that a lot of money is being, or going to be spent to drain the park yet the Women's Club has requested shelves for the library and have not received them as yet. She felt as this benefits the entire community, council should honor this request. She also ask council to give further consideration before spending so much money for drainage at the park. Mayor Dean told Mrs. Lough that steps are being taken and they should have the shelves for the library in the near future.

Councilwoman L. C. Life moved, the motion was seconded and carried to approve the minutes of the regular meeting September 10, 1979 as presented.

Councilman Holt reported that all of the council has or will soon have a copy of the Comprehensive Plan and ask that each member review them before the next meeting in order to be prepared to proceed with the next steps necessary toward adoption of a plan.

Councilman Holt brought up the matter of an ordinance regarding "Going Out of Business Sales". Councilwoman Life stated they have this ready to present tonight. Mr. Wiles explained that it is his opinion that the town does not have the authority to propose their own requirements but that the concern was to have something in the ordinance book to cross reference the State Code and that is what will be presented tonight. Mr. Holt felt it should be known that the question of the "Going Out of Business" permit did not arise in Elkton, but that our town attorney was approached by a Harrisonburg attorney and pointed out that the law existed and we had no option but to abide by the law.

Councilman Flory reported that Wednesday, October 10, 1979 at 1:30 P.M. there will be a prebid conference here in the town office on the wastewater treatment plant project. He explained that they may run into some drawbacks later on, but it is not the fault of the town, the federal government, E.P.A. or the town attorney. The problem is FmHA has run into a little snag on manpower and are not current on the situation, even though they have been answering everything in the affirmative. There is a possibility that our 25% may not be available as soon as we need it. It is hoped this matter can be straightened out and we can proceed on schedule. The Water and Sewer Committee is working on this.

Councilman Flick reported that his committee has nothing to report as nothing has been done due to pressure of other work but that Mr. Monger assures him he is going to try to do something between now and cold weather. He asked what council thought of the idea of trying to rebuild a small footage of sidewalk each month. Council seemed to agree that this would be a good idea. Councilman Flick was asked to get with Mr. Monger and set up priorities, maybe get some contract prices and bring the information back to the next meeting for further discussion.

Councilman Holt questioned if any progress has been made on the signs and Mr. Monger stated he has no answer as yet. He is still trying to get locations. Councilman Holt felt the signs are in such bad shape they detract from the town and would rather see them taken down than be left up in the shape they are in.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life that the "Welcome to Elkton" signs be removed with the understanding that they be replaced as soon as they can be. The vote was recorded as follows:

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

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Councilman Flory asked if Mr. Flick had found out if the town would be receiving "per lane" mileage payment from the State Highway for the Highway Upkeep Grant this year as we had set up in our budget. Mr. Monger stated that we will be receiving the extra funds as we anticipated.

Councilman Flick reported that he had received a complaint from Mr. Calvin Shaffer concerning drainage from the cemetery which stands in front of his property. Mr. Shaffer is concerned that this could be dangerous in case of freezing. Mr. Monger was asked to contact Mr. Shaffer regarding this problem.

Mayor Dean reported that he has received several complaints on drainage from residents on W. Spotswood Avenue below the railroad tracks and suggested that council may want to give some consideration to this problem when setting up next year's budget. Mayor Dean stated that he had promised Mr. Joe Reed that he would present this complaint to the council as Mr. Reed felt he was unable to attend the council meeting due to his heart condition. Councilman Flory suggested that perhaps the town could apply for a Ceta employee to help compile information to apply again to HUD for a grant to help correct some of these drainage problems. Council felt this to be a good idea and asked Councilman Flory to check into this.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to approve on Second Reading 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		

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to set the rates for sewer connection cleanout at $15.00 for up to the first hour and $7.50 per hour thereafter. The vote was recorded as follows:

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

Councilwoman L. C. Life presented the First Reading on the following ordinance establishing procedures for the issuance of permits to retail merchants for conducting special "Going Out of Business" sales:

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE ISSUANCE OF PERMITS TO RETAIL MERCHANTS FOR CONDUCTING SPECIAL "GOING OUT OF BUSINESS" SALES

WHEREAS, Section 18.2-224 of the Code of Virginia, 1950, as amended, requires every county, town and city 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 permit not to exceed fifteen dollars for each permit;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, that the Code of the Town of Elkton, Virginia, be, and the same hereby is, amended to add the following section to Chapter 15:

Sec. 15- . Issuance of permits for special "going out of business' sales.

The Treasurer of the Town of Elkton, in accordance with the provisions of Section 18.2-224 of the Code of Virginia, 1950, as amended, shall issue permits to retail merchants who make application, accompanied by an inventory of all goods which are to be offered for sale, to conduct a special "going out of business" sale, 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 and state law.

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Councilman Holt commended Mr. Wiles on this ordinance as this is a case of where he is giving the council the opportunity to do what they think is right in a legal and proper manner.

Councilwoman Life reported that we are offered a litter grant again this year in the same amount of $475.00. Her committee has not met as yet but Mr. Monger and Councilwoman Life have discussed the grant and have some ideas to present the committee as to ways to use the monies. A resolution is needed from council in order to apply for this grant.

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

RESOLUTION

WHEREAS, the Elkton Town Council recognizes the existence of a litter problem within the boundaries of the Town of Elkton and

WHEREAS, the Virginia Litter Control Act of 1976 provides, through the Department of Conservation and Economic Development, Division of Litter Control, for the allocation of public funds in the form of Grants for the purpose of enhancing local litter control programs and

WHEREAS, having reviewed and considered the Regulations and the Application covering administration and use of said funds

BE IT RESOLVED that the Elkton Town Council:

Hereby endorses and supports such a program for the Town of Elkton as is indicated in the attached Application Form LC-G-1 and

Hereby authorizes Charles E. Dean, Mayor, to plan, budget, and apply for a Grant, which if approved, will be used to fund said Program and

Hereby requests the Department of Conservation and Economic Development, Division of Litter Control, to consider and approve said Application and Program, said Program being in accord with the Regulations governing use and expenditure of said funds.

Councilwoman Life reported that there is $48.36 left in the grant program from last year but this money is designated to a certain group for trash pickup but they have not done the work as yet.

Councilwoman Life reported that the commercial pickup seems to be going a little better.

Councilwoman Life reported that the Ceta Program has been extended for the Recreation Coordinator but there was no date set on the services so they do not know how long they will have the coordinator.

The Park Commission met and Mr. John Edmondson of the Recreation Commission did meet with them. No funds have been received and there is another form to fill out. The situation does not look too bright in this area of developing the park. This committee plans to start at one end of the park and work their way up. They are going to start with the softball area and work from there. It is long range planning and will take quite a while to develop. She pointed out that no town money will be used in this.

Councilwoman Life reported that they do have a design for the town flag and a flag pole to put it on, but the prices are so high to have the flag made up, $600.00 and up, she feels we will have to hold up awhile on this.

Councilman Holt stated he had raised the question at the last meeting as to whether or not there should be something outlining the committee responsibilities. He feels this should be done. Councilwoman Life pointed out that she feels councilmembers are not elected to committees and should consider any citizens concerns. Councilman Holt agreed with this but felt some guidelines are needed.

After some discussion, Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to have the Ordinance Committee draw up guidelines for responsibilities of committees to be presented to council. The vote was recorded as follows:

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

Councilman Dean presented the Finance Report covering the period through August. The report was approved as presented. The report through September was not complete at this time but would be sent to the councilmembers as soon as prepared.

Councilman R. R. Dean moved, seconded by Councilman B. B. Holt to increase the rate for vapor light rental from $32.50 a year to $75.00 a year. The vote was recorded as follows:

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

Councilman R. R. Dean moved, seconded by Councilman H. D. Flory to transfer the funds in the amount of $8,099.44 from the Town of Elkton, Inc. Elkwood Subdivision Account to the Town of Elkton, Elkton Sanitary Sewer Project Account. The vote was recorded as follows:

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

Councilman R. R. Dean moved, seconded by Councilman H. D. Flory and carried to transfer $2,455.89, which is the town's portion of the Vepco refund, from the town's General Fund Account at the Farmer's and Merchant's Bank to the Elkton Electric System Fund Account at the Virginia National Bank to be used toward installing the electric lines for the shopping center.

Councilman R. R. Dean moved, seconded by Councilman B. B. Holt and carried to transfer the Elkton Electric System Fund Savings Accounts from certificates to the Elkton Electric System Fund Account as needed to pay for installing the

electric lines to the shopping center. Monies not needed right away will be put on short term savings.

Councilman Dean presented the following bids on painting the fire hall.

1. Billy Hilbert - Labor $1350.00. The paint is estimated at $650.00 making a total of $2000.00.

2. William Rodeffer - Labor $1550.00. The paint is estimated at $650.00 making a total of $2200.00.

This matter was postponed until the next meeting with a proposal of not painting the ceiling but setting aside the money to be used toward lowering the ceiling at a later date.

Councilman Dean feels that money could be raised for the book shelves within a month, maybe not the whole $395.00 but part of it.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to appropriate $395.00 for shelves in the library with any donations received for this project to be returned to the General Fund. The vote was recorded as follows:

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

Mr. Wiles reported on the petition for relief from erroneous assessment of the Elkton Post Office property. The court has ruled on this and corrected a portion of the assessment which will lower the taxes beginning with the year 1979.

Mr. Wiles has received no further word on the Bank Share taxes.

Council reviewed comments or recommendations by the auditors A. M. Pullen & Co. for the year ended June 30, 1979. Many of the suggestions had already been done.

Councilman H. D. Flory moved, seconded by Councilman R. R. Dean and carried that council go on record endorsing Mrs. Leap's program that she establish one fund for our wastewater treatment plant and keep all transactions in that fund so it is readily available for the public or auditing purposes by E.P.A.

As there was no further business, the meeting adjourned.

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

RECORDER: Gerald L. Monger
Gerald Monger, Acting Clerk

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