REGULAR
COUNCIL MEETING
September 13, 1982

The regular meeting of the Elkton Town Council was held September 13, 1982 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: V. L. Cook Jr., R. E. Davis, S. P. H. Flick, B. B. Holt, T. G. Hulings and R. L. Snow. Noah Helsley. Acting Chief, Norma Leap, Clerk, Gerald Monger, Superintendent, and Dale Davenport, Attorney were also present.

Chancellor Lough was present representing the Jr. O. U. A. M. and the Elkton Ruritan Club in regards to a seventy-fifth birthday celebration in 1983. He gave each council member a copy of the following letter from the Elkton Field Day Committee to the Elkton Town Council:

"As you know, next year, 1983, is Elkton's seventy-fifth birthday.

It is also Elkton Field Day's seventy-fifth birthday.

On behalf of the Junior Order of United American Mechanics and the Elkton Ruritan Club, we are requesting the town to join us in a celebration of seventy-five years of operation.

Our tentative field day date for 1983 is August 8.

We are asking at this time that moneys be placed in the 1983 budget for a celebration, and a committee or persons appointed to work with the clubs for a very productive celebration.

The committee should be appointed as soon as possible, if council is in favor of this.

We appreciate the time allowed for the presentation of this, and we feel that by working together, maybe other organizations will get involved and we can have a very memorable birthday."

Mayor Dean stated they would consider a committee and who might like to serve on the committee later in the meeting.

Councilman B. B. Holt moved, seconded by Councilman S. P. H. Flick and carried to approve the minutes of the regular meeting August 9, 1982.

Mr. Monger introduced Mark Blackwell who is a student at James Madison University. He is doing his internship in Public Administration and will work with the town on Monday, Wednesday, and Friday.

Councilman Davis reported that Hilda Meadows resigned, for personal reason, as a dispatcher and at the present time we are using, on a temporary basis, Ann Reed.

Councilman Davis reported that we can purchase a 1982 Plymouth with the State police package from Poquoson Motors for $7,289.00. In checking prices in the area a comparable automobile would cost approximately $9,500.00. We have $7,000.00 appropriated in the budget for an automobile.

Councilman R. E. Davis moved, seconded by Councilman V. L. Cook Jr. to purchase the 1982 Plymouth from Poquoson Motors at a cost of $7,289.00. The vote was recorded as follows:

Cook	-	yea	Holt	-	yea
Davis	-	yea	Hulings	-	yea
Flick	-	yea	Snow	-	yea

Councilman R. E. Davis moved, seconded by Councilman R. L. Snow to offer the position as Chief of Police to John Ebbert Jr. at a salary of $14,500.00 effective October 4th. He will serve a six month probation period. The vote was recorded as follows:

Cook	- yea	Holt	- yea
Davis	- yea	Hulings	- yea
Flick	- yea	Snow	- yea

Councilman Flick reported that the Finance Committee had met twice since the last council meeting. On August 5th, the committee met with Mr. Monte Hunt, a representative from Hall Risk, regarding our Workman's Compensation insurance and what advantages there would be if we went into the Virginia Municipal League Group Insurance Program. The Finance Committee had agreed to recommend to council that we go with the Virginia Municipal League Group Insurance Program for our Workman's Compensation insurance. Upon arriving tonight for the meeting, Councilman Flick was informed that Mr. Loring Cover would like to meet with the Finance Committee regarding this insurance before council takes any action. Councilman Flick stated he feels we owe Mr. Cover the opportunity to meet with the committee and if there were no objections he would wait until the next meeting before presenting a recommendation regarding this insurance.

Councilman Flick stated that the Finance Committee had also discussed the last Vepco rebate and it was the committee recommendation that the town keep the money for capital improvements.

Councilman S. P. H. Flick moved, seconded by Councilman R. L. Snow that the town keep the Vepco refund in the amount of $14,497.68 in the treasury for capital improvements. The vote was recorded as follows:

Cook	- yea	Holt	- yea
Davis	- nay	Hulings	- yea
Flick	- yea	Snow	- yea

Councilman Flick requested the Mayor to settle with Mrs. Leap for the hours worked overtime in setting up the new billing machine.

Councilman Hulings reported that the Electric Committee met last week. A settlement has been reached with Vepco on the new rate increase to the town which will be effective September 2nd. It appears the increase will be about 5.5%, but we do not have the exact amount as yet. The Electric Committee recommends that the town absorb the increase from Vepco and not increase the electric rates to our consumers for the month of September. The rate study should be completed and new electric rates ready to implement beginning October 1, 1982.

Councilman Hulings also reported that we have been discussing for the past year the possibility of hydroelectric facilities. Two sites in Kentucky were considered and some money has been spent investigating this by a number of towns and cities in the State. It has been decided at this time, due to the politics and economic situation, not to continue with the sites in Kentucky. If something could be found closer to home this may be considered again in the future.

Councilman Hulings apologized for the inconvenience and any problems which were caused by the July electric bills being late. He pointed out that the billing for August was on time and we hope there will be no more problems with the new billing machine.

Councilman Snow gave an update on the Washington Avenue project. The project has not been started as they are waiting on information from the County Engineer and he is waiting on information from the people who have the technical information on the pump he wants to use. Once he has this information he will compile it and give us a report.

Councilman Snow reported that some of the pot holes have been repaired.

Councilman Holt stated that the Planning Commission wrote a letter to the Virginia Representative of HUD with copies to each member of the Board of Supervisors in opposition to the County Building a sewer system in the McGaheysville area. They felt that the County, in doing so, is competing with Grottoes who is in dire need for a sewer system and with the Town of Elkton if we apply for a grant to complete the water loop in our master plan. There are numerous reasons why this would not be in the interest of the County or the Town of Elkton. All of the town councils in Rockingham County will

be writing a letter similar to the one written by the Planning Commission and it was felt the Elkton Town Council should write a letter in opposition also.

Councilman B. B. Holt moved, seconded by Councilman V. L. Cook Jr. and carried that the Mayor be directed to write a similiar letter in opposition to this McGaheysville sewer system in behalf of the Town of Elkton.

Councilman Holt reported on a letter from the Bureau of Water Control Management in regards to the run off problem and pollution of our water supply. The state has adopted a voluntary system of compliance with what they call a group of Best Management Practices in reference to nonpoint pollution. They are asking the town to pass a resolution in support of their program.

Councilman B. B. Holt moved, seconded by Councilman S. P. H. Flick and carried to adopt the following resolution:

RESOLUTION OF THE GOVERNING BODY OF THE TOWN OF ELKTON

The Town Council of Elkton, Virginia in a duly called meeting resolved as follows:

WHEREAS it is recognized that pollutants from diffuse or nonpoint sources degrade the water quality of streams in Virginia, and

WHEREAS this degradation of water by nonpoint sources of pollution can restrict the beneficial uses of those waters by citizens of the Commonwealth, and

WHEREAS the Commonwealth of Virginia has adopted a group of Best Management Practices to abate and control the amount of nonpoint source pollutants from entering the surface and ground waters of Virginia, and

WHEREAS the Commonwealth of Virginia has endorsed a statewide voluntary program to implement these Best Management Practices in order to abate and control nonpoint sources of water pollution,

BE IT RESOLVED that the Town Council of Elkton, Virginia:

1. Endorses the State Plan for reducing nonpoint source water pollution through voluntary action and a non-regulatory program, and

2. Encourages all citizens within this jurisdiction to utilize Best Management Practices wherever practical, and

3. Directs the Mayor of Elkton to insure that appropriate Best Management Practices are utilized by the Town of Elkton whenever practical.

RESOLVED and done this the 14th day of September, 1982.

Councilman Holt reported that the town will receive a grant of some $30,000.00 for the development of our park. The town and/or the Recreation Commission must match these funds. The town has agreed to substitute its $4,000.00 a year obligation to the Recreation Commission for the next four years for its portion and that the Recreation Commission will come up with the remainder of the amount of money.

Councilman Holt presented a First Reading to go on record as being willing to allocate the $16,000.00 when the occasion arises.

Councilman B. B. Holt moved, seconded by Councilman R. E. Davis to approve on Second Reading the following Conditional Zoning Ordinance:

AN ORDINANCE TO AMEND THE ZONING
ORDINANCE OF THE TOWN OF ELKTON, VIRGINIA

"CONDITIONAL ZONING"

Be it ordained and enacted by the Town Council of the Town of Elkton, Virginia that a New Section 15 of the Zoning Ordinance of the Town of Elkton, Virginia shall be enacted to read as follows, and that subsequent sections of the Zoning Ordinance shall bear the next successive higher number:

Section 15
Conditional Zoning

(a) Purpose. The intent of this section is to provide a more flexible and adaptable zoning method to cope with situations found in such zones whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned as allowed by Sections 15.1-491.1--15.1-491.6 Code of Virginia, 1950, as amended.

(b) Proffer of conditions. An owner may proffer (present) reasonable conditions, in addition to the regulations established elsewhere in this ordinance whereby if accepted by the governing body, these conditions become part of the zoning regulations for the parcel. No change of owners and/or title of the land will remove any conditions accepted by the governing body. The proffered conditions shall be in writing and shall be made prior to the public hearing before the Board of Supervisors, provided that:

(1) The rezoning itself must give rise for the need for the conditions.

(2) Such conditions shall have a reasonable relation to the rezoning.

(3) Such conditions shall not include a cash contribution to the Town.

(4) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments, or other public facilities not otherwise provided for in Section 15.1-466 Code of Virginia, 1950, as amended.

(5) Such conditions shall not include payment for or construction of off-site improvements except those provided for in Section 15.1-466 Code of Virginia, 1950, as amended.

(6) No condition shall be proffered that is not related to the physical operation of the property.

(7) All such conditions shall be in conformity with the Comprehensive Plan of the Town of Elkton.

(c) Enforcement and guarantees. The Town Council or its designated representative shall be vested with all necessary authority to administer and enforce conditions attached to a rezoning or amendment to zoning map including:

(1) The ordering in writing of the remedy of any noncompliance with such conditions.

(2) The bringing of legal action to insure compliance with such conditions including injunction, abatement, or other appropriate action or proceeding.

(3) Requiring a performance guarantee, satisfactory to the Town Council in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions. Once it is determined that all improvements have been constructed or installed satisfactorily, the developer shall be released from all liability pursuant to the conditions of the performance guarantee.

(d) Plan of Development. Each Conditional Zoning request shall be accompanied by a "Plan of Development" for the property included in the request, and have been reviewed by the Town Superintendent and by the Zoning Administrator, if such official has been designated, before submission to the Planning Commission. If the application for rezoning is granted following the public hearing procedure required by Section 18, the Plan of Development must be started within a period of two (2) years, and the proposed structure or structures, parking facilities, plantings and other landscaping must follow the Plan of Development introduced during the rezoning hearing. The Planning Commission will have a rehearing if (a) the Plan of Development is not underway within two (2) years, or (b) if any substitutions or deviations to the Plan of Development are proposed by the developer which would change the original intent or affect the scope of the original proposal.

(e) Reconsideration of Request. No request for amendment to the ordinance, including the Zoning Map, or substantially the same request shall be reconsidered within one year of the date acted upon by the Town Council.

(f) Fee for Request for Amendment. $75.00.

The vote was recorded as follows:

Cook	-	yea	Holt	-	yea
Davis	-	yea	Hulings	-	yea
Flick	-	yea	Snow	-	yea

Councilman Cook reported that we are applying for a Commonwealth of Virginia Community Development Block Grant for the water project and presented a proposed resolution.

Councilman V. L. Cook Jr. moved, seconded by Councilman B. B. Holt to pass the following resolution:

RESOLUTION

Be it resolved that the Town of Elkton, Virginia shall apply for a Commonwealth of Virginia Community Development Block Grant, Community Improvement Grant, and further that the Mayor is authorized to execute on behalf of the Town a funding and proposal request and any other documents necessary for the application.

The vote was recorded as follows:

Cook	- yea	Holt	- yea
Davis	- yea	Hulings	- yea
Flick	- yea	Snow	- yea

Councilman Flick reported that a Proposed Use Public Hearing on the EP-14 Revenue Sharing Funds in the amount of $17,213.00 will be held prior to the regular council meeting October 11, 1982 at 7:30 P.M.

Mr. Monger presented a request from Nita Edmondson, President of the Woman's Club, to remove the sink from the children's room on the third floor and they would like to install some bookcases. There were no objections from council.

As there was no further business, the meeting adjourned.

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

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