REGULAR
COUNCIL MEETING
August 9, 1982

The regular meeting of the Elkton Town Council was held August 9, 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, Betty Engle, Assistant Clerk, Gerald Monger, Superintendent and Dale Davenport, Attorney were also present.

Mr. A. L. Bennett was present in regards to building a carport at his home on Fairfax Avenue. This was delayed until later in the meeting.

Councilman Snow moved, seconded by Councilman Holt and carried to approve the minutes of the regular meeting July 12, 1982 as presented.

Gerald Monger asked council to set a date that is suitable with Mr. Davenport and council to meet with a representative from Hall Risk, Virginia Municipal League Insurance and will be calling council to set a date convenient to every one. He also reported that the Rockingham Municipal League will meet August 25th and the town will probably be getting a letter to confirm the date and place of the meeting.

Councilman Davis reported that the Public Safety Committee had two applications for Police Chief that look very promising, and after checking in depth the job would probably be offered to the applicant the committee feels would do the best job, and that if this decision is made there is a possibility that a special council meeting could be called if this comes up in the next week or so.

Councilman Flick moved, seconded by Councilman Holt and carried to approve the Finance Report of June 30th as presented.

Councilman Flick asked if there was something that could be done about the holes in the streets that have resulted after digging lines across the streets. Mr. Monger said the town had a roller coming in and they would try to get this work done. Further discussion was delayed until later in the meeting.

Councilman Flick moved, seconded by Councilman Holt and carried that the Town of Elkton become a member of the Rockingham County Chamber of Commerce.

Councilman Hulings ask Mr. Davenport to refer back to Mr. Bennett's request on a carport. Mr. Monger explained that the carport would go out to the property line, and due to this he could not issue a building permit because there would not be a 5' set back. Mr. Davenport said he would have to look it up to find what channels to pursue.

Councilman Hulings reported the Electric Committee had not met since the last meeting. He presented a bill sent to the Elkton Volunteer Fire Department for $150.00 for electric charges at the Jr. Order Park for their carnival in June, and had requested the town pay this bill.

Councilman Hulings moved, seconded by Councilman Holt that the town donate $150.00 worth of electricity to the Fire Department which they have already used with the understanding that they may not do it next year unless they ask in advance. The vote was recorded as follows:

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

Councilman Hulings read the following letter from Vepco representing a refund check.

> As anticipated, the settlement rates filed with the FERC on December 31, 1981 were accepted and approved for billing by order of June 28, 1982 with the rate schedules effective retroactive to September 1, 1981. Accordingly, the enclosed refund check represents the difference as originally billed your Municipality vs. the settlement rates for usage for the period September 1, 1981 through May 1982 billing (your June 1982 bill was in accordance with the settlement rate). Interest calculated through July 30, 1982, in accordance with FERC rules

is also included. A summary sheet showing the derivation of the amount refunded is enclosed.

Should you have any questions about the refund, please contact your local Vepco representative.

Councilman Hulings reported the refund amounted to $14,497.68 and had no recommendation as to what to do with the money. He also reported that this is what they had been waiting for, in order to make a new rate schedule. Mr. Hulings stated he would be in touch with the Harrisonburg Electric Commission since they would be doing the rate schedule.

Mayor Dean recommended that the Finance Committee make some kind of recommendation as to what to do with this money.

Councilman Snow reported that Mr. Monger has been in touch with Don Kruger, County Engineer, and that the Washington Avenue drainage project is feasible, and he is presently working out details for that project.

Councilman Snow also reported on the widening of Route 340, and that the town's part in that project is in progress.

Councilman Snow also suggested that the pot hole situation be taken care of, and suggested sending it to the committee and let them take care of it. It was suggested that if nothing else to hire someone to do the job.

Councilman Holt presented for First Reading an addition to the Zoning Ordinance titled Conditional Zoning, which reads as follows:

Section_____
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.

Councilman Holt reported on a meeting he attended with Mr. Monger and Mrs. Leap on the Procurement Act sponsored by the Virginia Municipal League held in Charlottesville on July 28th. There will be copies of the hand out material sent to the attorney and council.

Councilman Holt moved, seconded by Councilman Snow and carried to give Rockingham County the go ahead to look in to the possibility of setting up a dumpster site across from the Sewage Plant without any obligation to the town.

Mr. Monger informed council on the HUD money that is being distributed by the State this year instead of the Federal Government, that he would like to try for a HUD Project 10" loop to add to part of the loop from Virginia Avenue to Rockingham Street. This will require a Public Hearing and would be a 100% grant and first priority on it is water and sewer lines. They have already started making phone calls to people which involve some personal questions. Deadline on this is September 17, 1982.

As there was no further business, the meeting adjourned.

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

RECORDER: Betty Engle
Betty Engle, Assistant Clerk