REGULAR
COUNCIL MEETING
February 8, 1982

The regular meeting of the Elkton Town Council was held February 8, 1982 at 8:00 P.M. in the council chambers with the President Pro Tempore Linda C. Life presiding. The following council members were present: V. L. Cook Jr., R. E. Davis, S. P. H. Flick, T. G. Hulings, and R. L. Snow. Mayor Lough was absent. Dale Davenport, Attorney, Noah Helsley, Sergeant, Norma Leap, Clerk, and Gerald Monger, Superintendent were also present.

The meeting was opened with the Pledge of Allegiance.

Mr. Charles Taylor came before council stating he is considering purchasing a lot across from the B & B Electric Service. Before investing in the lot, he would like to know if there would be any problem council is aware of that would prevent this lot being rezoned for business as he would want to use it for a store or possibly office space.

Mrs. Life stated that council would refer a request for rezoning to the Planning Commission and explained the procedures necessary before any action could be taken to rezone.

Mr. Taylor stated he was not asking for rezoning at this point, only if council knew of any reason why this lot could not be rezoned. Mr. Monger stated he knew of no reasons and Mr. Hulings stated the same but pointed out that there is no guarantee the vote would be there when the time came to vote on rezoning. Mr. Taylor stated he would go before the Planning Commission and ask them the same question.

Mrs. Hazel Crider came before council again in regards to the Vepco rebate. She stated she has asked council several times to have a public hearing on this question. She feels this money is not the councils to toy around with and consider ways to keep it. The money should be on the way back to the people now, but if council is still thinking along the lines of keeping it, they should at least have a public hearing to give the citizens the opportunity to voice their feelings on this matter.

Mr. B. W. Gooden stated he would like to ditto most of what Mrs. Crider said, but he feels the best way to refund the money would be to give the refund by a certain percentage in the form of a credit on the customers electric bill. He also spoke in regards to developing the park. He pointed out that in the 1970's when the town could have gotten a grant to develop the entire park with the town paying only 25% of the cost, council did not decide to do so even though times were good. Now with the economic situation as it is, they are considering a matching grant. He stated he felt the town should not be sinking money into a mud hole, but should first be considering how to drain the park so it can be used at all times. He pointed out that he is not against recreation but questioned putting money into recreation at this time with the economy the way it is. He feels that if the town has all this surplus because something got out of balance in the charging of water and sewer, the town owes it to the people to go back and regulate the water and sewer as they shouldn't be making all this money. However, since there is a surplus, he felt the council should take a look at the electric department as the lines and all are going down hill. If council insists on putting the money into recreation, they should drain the field before doing anything else.

Mrs. Shirley O'Byrne asked if Mr. Davenport has come up with an ordinance on yard sales as recommended by the Planning Commission in September. Mr. Davenport reported that he has not.

Mr. Davis stated they would be discussing this tonight under his committee report. His committee has found only one statute in the State of Virginia and his committee is not of the sentiment at this time to bring it before council.

Chancelor Lough questioned if Phase I of the park is complete. He asked if anyone could tell him what Phase I and II are. He felt the people should be made aware of what is being considered in Phase II and what Phase I is. He also agreed that drainage is the major problem in the park.

Councilman Snow stated that there hasn't been anything brought up that they aren't aware of and again pointed out that the Recreation Commission meets the third Wednesday of every month at 7:00 P.M. and if anyone has any concerns they are welcome at these meetings.

AAD025

Mrs. Lorraine Smith of Elkwood Subdivision stated she personally liked garage sales and didn't understand why anyone would complain about them. She pointed out that everyone doesn't like ball games, she doesn't, but she doesn't complain about them. Mrs. Life explained that the complaint was that some of the same people were having yard sales every week and this was not fair to the merchants and it also created a traffic problem.

Mrs. O'Byrne stated she did not understand why Mr. Lough could not get his question answered without having to go to the Recreation Committee. This does come under the council.

Mrs. Crider stated that one thing that is needed in the park is restrooms. A water fountain is also needed. She would also like to see a swimming pool in the town. If the town has this surplus money, this could be considered. However, she would go along with what Mr. Gooden said, the crunch is on, and if the town has all this surplus money, it should be given a lot of thought. Mrs. Life pointed out that they did have portable restrooms down in the park last summer for the ball games.

Mr. Dick Strickler commented on the Vepco refund. He felt that council was elected in good faith to handle our money and that the cost to refund the Vepco money would be great. He felt the money should be left on high interest and the interest money be used to make needed repairs and improvements.

Councilman R. L. Snow moved, seconded by Councilman V. L. Cook Jr. and carried to approve the minutes of the regular meeting January 11, 1982 and the special meeting February 2, 1982.

Mr. Monger read a proposed agreement for an erosion and sediment control program between Rockingham County and the Town of Elkton. The new agreement is necessary due to amendments in the State and County Ordinances.

Councilman R. E. Davis moved, seconded by Councilman R. L. Snow and carried to adopt the amendment as presented and continue with the program as before.

Councilman S. P. H. Flick moved, seconded by Councilman V. L. Cook Jr. and carried to renew the membership in the Association of Local Government Attorneys at a fee of $75.00.

Councilman S. P. H. Flick moved, seconded by Councilman R. L. Snow and carried to approve on Second Reading to accept the proposal for the supplement insurance coverage from R. Loring Cover Insurance Agency Inc. at a cost of $850.00.

Councilman S. P. H. Flick moved, seconded by Councilman V. L. Cook Jr. to approve on Second Reading the following proposed Revenue Sharing EP-13 budget:

Recreation	$ 4,000.00
Shades for town hall	1,500.00
Copier	3,000.00
Fire Company gasoline	2,400.00
Typewriter	800.00
Lighting (Elkwood)	800.00
Change heating in old PD	550.00
Installation of our own gas	4,284.00
	$17,334.00

Councilman Hulings moved to amend the proposed Revenue Sharing budget by deleting the $4,000.00 for Recreation and adding $1,716.00 to the installation of our own gas tank and $2,284.00 for needed repairs to sidewalks. The motion died due to a lack of a second.

A vote was taken on the motion and recorded as follows:

Cook	- yea	Huling	- yea
Davis	- yea	Snow	- yea
Flick	- yea		

Councilman S. P. H. Flick moved, seconded by Councilman V. L. Cook Jr. and carried to approve the Finance Report for December.

Councilman Hulings reported that his committee has not met since the last regularly scheduled council meeting. He has talked with the person doing our rate schedules and the problem is that the federal government has not agreed to the out of court settlement with Vepco as yet. We will not be able to get our electric rate schedules until this agreement is settled so therefore he has no recommendations at this time on the rebate money unless council wishes to dicuss it.

Mrs. Life stated she had talked with Mayor Lough before he left town in regards to the rebate question and that he would prefer, and so would she, that this be referred back to the Electric Committee and that they have a recommendation one way or the other on the six ideas at the next meeting.

Councilman Davis reported that the Ordinance Committee had tried to find something on yard sales in the state and the only ordinance they could come up with was from Emporia, Virginia. This is a twenty section ordinance and would be difficult to administer. The committee is aware of the problems that exist but it was the consensus of the committee not to pursue this any further at this time. He pointed out that most of the people he contacted in the community were not in favor of an ordinance regulating yard sales.

AAD025

Mrs. Life asked Councilman Davis if he or his committee would object to Mr. Davenport checking into this and he had no objections.

Councilman Davis reported that it would be necessary for the town to renew their agreement with the Junior Order regarding the right of first refusal upon sale or transfer of their land due to the Junior Order becoming incorporated.

Councilman R. E. Davis moved, seconded by Councilman V. L. Cook Jr. and carried to adopt the following resolution.

R E S O L U T I O N

WHEREAS, Blue Ridge Council No. 149, Junior Order, United American Mechanics is the owner of Fifteen (15) Acres of land on the west side of U. S. Route 340, in the Town of Elkton, Stonewall District, Rockingham County, Virginia, LESS 0.057 acre heretofore conveyed to the Town of Elkton; and → (Insert - Pg. 299)

WHEREAS, Blue Ridge Council No. 149 has previously granted the right of first refusal to the Town of Elkton upon sale or transfer of the said Fifteen Acre tract of land, and has requested the Town of Elkton to consent to the transfer of title to the new corporation, without in any other way affecting said right of first refusal;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, that the Town of Elkton, Virginia, does hereby consent to the transfer of Fifteen Acres of land on the west side of U. S. Route 340, in the Town of Elkton, Stonewall District, Rockingham County, Virginia, by Blue Ridge Council No. 149, Junior Order, United American Mechanics, to Blue Ridge Council No. 149, Junior Order of United American Mechanics, Inc., and does authorize and direct the Mayor of the Town of Elkton to unite in a deed from the trustees of the association to the corporation to evidence its consent thereto; provided, however, that the Town of Elkton's right of first refusal shall continue unaffected in any other way by this action.

Councilman Davis reported that in regards to renting the back portion of the old police station, he has talked with Rev. Martin regarding an agreement. Councilman Davis will draw up an agreement as discussed with Rev. Martin for approval by his committee and bring it before council for their approval.

Councilman R. E. Davis moved, seconded by Councilman S. P. H. Flick to approve on Second Reading the adoption of the resolution as presented and thereby guarantee to meet our commitment to obtain the funds from the Virginia Commission of Outdoor Recreation as stipulated in said resolution. Such funds not

to exceed a total of $25,000. of which $9,000. shall come from the Elkton Recreation Commission treasury and the balance be obtained as an advance on money to be allocated to the Recreation Commission in the four years from July 1, 1983 thru June 30, 1987. During this period the Recreation Commission will not receive their normal allocation of $4,000. per year, but instead each fiscal year, this amount will revert to the sources used to obtain these funds at this time. In the event the state funds are not received for any reason the $16,000. to be provided by the Town of Elkton, in this agreement, will not be advanced and future allocations will be annually at the pleasure of that present council. The vote was recorded as follows:

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

Councilman Cook presented the request by Mr. Garland H. Gibbs for a water and sewer connection on Fairfax Avenue. Mr. Gibbs has been informed of the problem regarding having to cross a piece of property on which the owner is not known which would be his responsibility and he would have to run his lines to our present lines at his expense. Mr. Monger could see no problem in allowing this connection.

Councilman V. L. Cook Jr. moved, seconded by Councilman R. E. Davis that we allow Mr. Gibbs a water and sewer connection with the stipulation that it is his responsibility and it will be his expense to run the lines to our existing lines. The vote was recorded as follows:

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

Councilman V. L. Cook Jr. moved, seconded by Councilman T. G. Hulings to go into Executive Session to discuss personnel. The vote was recorded as follows:

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

Councilman R. L. Snow moved, seconded by Councilman S. P. H. Flick to go from Executive Session back into Regular Session. The vote was recorded as follows:

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

Councilman V. L. Cook Jr. moved, seconded by Councilman R. E. Davis to adopt the proposed employment agreement between the Town of Elkton and future employess who have no basic training.

Mr. Davenport reviewed the agreement.

The vote was recorded as follows:

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

Mrs. Life reported that Mr. Davenport will be getting with Mrs. O'Byrne, Chairman of the Planning Commission on the conditional zoning.

Sergeant Helsley recommended to council that Officer Harold H. Hess II be dismissed effective immediately.

Councilman R. L. Snow moved, seconded by Councilman V. L. Cook Jr. to accept the recommendation of Sergeant Helsley. The vote was recorded as follows:

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

Mrs. Life reported that the filing for this spring's election is Tuesday, March 2nd. at the Rockingham County Court House, Mr. Wayne Harper's office. Citizens have until 5:00 P.M. Saturday, April 3rd. to register to vote in the upcoming election. They may register at the Rockingham County office building, fifth floor, Room 508.

As there was no further business, the meeting adjourned.

AAD025

PRESIDENT PRO TEMPORE: Linda C. Life
Linda C. Life

RECORDER: Norma R Leap
Norma Leap, Clerk

INSERT FROM PAGE 297

WHEREAS, Blue Ridge Council No. 149 has become incorporated and wishes to transfer title to the aforesaid real estate to the corporation; and