REGULAR
COUNCIL MEETING
January 10, 1983

The regular meeting of the Elkton Town Council was held January 10, 1983 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, S. P. H. Flick, B. B. Holt, T. G. Hulings, and R. L. Snow. V. L. Cook Jr. was absent. Norma Leap, Clerk, Gerald Monger, Superintendent and Dale Davenport, Attorney were also present.

Mrs. Hazel Crider came before council regarding several areas of concern in the Elkwood Subdivision. She stated she was happy to read in the paper of the town's excellent financial status. She questioned if the town council recognized or had any feeling at all of obligation for the residents of the Elkwood Subdivision. She stated that the streets are starting to break up, the water pressure is low and the lighting is poor in the Elkwood Subdivision. She requested something be done about these problems. She had also read in the paper that Chief Ebbert plans to have periodical traffic checks. A lot of the citizens are upset and resent this. She feels this is okay for high speeders, improper drivers, etc. but the other citizens do not want this harassment. She pointed out that North Avenue is a death trap and she felt it would be more constructive to check this area more often rather than have periodical traffic checks. She suggested council consider speed bumps on North Avenue.

Councilman B. B. Holt moved, seconded by Councilman S. P. H. Flick and carried to approve the minutes of the regular meeting December 13, 1982 as presented.

Councilman Flick reported that the Finance Committee met January 6th. with all the members present. Also present were Mayor Dean, Councilman Hulings, Councilman Cook, Norma Leap and Gerald Monger. The committee considered a request from the police department for a petty cash fund of $50.00. It was decided that the present system seems to be adequate so the decision was to continue with the present system.

Councilman S. P. H. Flick moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for the month of November.

Councilman Flick pointed out that two departments are running behind budget at this point, the Water Department and the Police Department. The Water Department is behind due to projects for which funds were in last year's budget but were not completed. This can be taken care of by reappropriating the funds left from last year's budget. He did not know for sure why the Public Safety Department was running behind but felt we should keep an eye on the situation.

Mrs. Leap stated that we have some appropriations from last year's budget which need to be reappropriated. Also we will receive more street funds this year than we anticipated in this year's budget and we need to appropriate this amount. We had also agreed to use the Vepco refund on our Route 340 projects and we need to appropriate this money. The following First Reading was presented:

General Government		
Miscellaneous	$ 1,500.00	(Reappropriation)
(to program NCR machine)		
Electric		
Supplies	$22,501.67	(Rt. 340 Project)
Water		
Supplies	$12,600.00	(Rt. 340 Project)

Streets		
Repairs-Property (sidewalk)	$ 6,166.37	(Reappropriation)
Supplies & Equipment (paving)	$23,225.63	(Reappropriation)
Supplies & Equipment	$10,611.36	(Additional grant funds)

Councilman Hulings reported that the Electric Committee met Thursday evening January 6th. with all members present. There were two electric customers present who felt they were not being charged fairly. No real conclusions were reached on either Complaint. In one case the customer has an accessory building. She is being charged on a Commercial Rate, uses approximately 1 kwh a month and has to pay $10.08 for that 1 kwh. In reviewing this situation, the committee could not justify placing the building on a residential rate as requested by the customer. The possible solution discussed was to disconnect the service from the building and allow service to be connected from an adjacent building owned by another person. The committee was to check to see if this was permissable in the town code and it appears this can be done with consent of council. The committee is not asking for any action at this time as they have not been presented with what house this will be done from or the procedure in doing it. The other case involved Multi-Family Unit apartments. In our new rate schedules effective November 1st., we did away with Multi-Family Dwelling rates. One of the people being charged on that rate pointed out that he felt it saves the town money by having one meter rather than four and he felt he should be given some consideration as the new rate he is now being charged on is considerably higher. The committee is in the process of trying to come up with some solution. They are in contact with our rate schedule expert and do not know for sure at this point what, if anything, can be done and still be fair to our other customers. Before anything is done on either case it will be brought to council's attention.

Councilman Snow reported that he has received some calls regarding the speed on North Avenue and the committee has discussed stop signs on that street at several points. They will have this under consideration at their next meeting.

Councilman Holt asked Mr. Monger if he sees any problem with the streets in Elkwood. Mr. Monger stated they are cracking mainly on Hillside. The streets were inspected right before Christmas and the highway department feels safe with the streets right now.

Councilman B. B. Holt moved, seconded by Councilman T. G. Hulings to approve on Second Reading the following ordinance to amend Title IV, Chapter 3, Section 4-3-1 of the town code:

AN ORDINANCE TO AMEND
TITLE IV, CHAPTER 3, SECTION 4-3-1
OF THE CODE OF ORDINANCES OF THE
TOWN OF ELKTON, VIRGINIA

Be it ordained and enacted by the Town Council of the Town of Elkton, Virginia, that Title IV, Chapter 3, of the Code of Ordinances is amended to read as follows:

Sec. 4-3-1 Inspection of vacant property.

The town superintendent shall periodically inspect the vacant property in the town to determine if grass, weeds, other foreign growth, trash, garbage, refuse, litter and any other like items on such vacant property are detrimental to the health, safety or welfare of the inhabitants of the town.

Sec. 4-3-2 Accumulation of junk or rubbish on premises in open view.

No person shall allow any junk or rubbish to be, remain or accumulate on premises owned, used or controlled by such person, or on any street, highway, right-of-way, or on any other lands within this Town, except when such junk or rubbish be in a building or enclosure which hides such junk or rubbish from view.

Sec. 4-3-3 Notice to cut and remove.

When he deems it necessary, the town superintendent may cause a notice to be mailed to the owner of a vacant property in the town (1) specifying the detrimental items described in Section 4-3-1 and 4-3-2 which have been found on the property and (2) directing the owner to cut and/or remove the items from the property or cause junk or rubbish to be placed in a building or enclosure which hides such junk or rubbish from view within fifteen (15) days after the notice is mailed. If the owner is not a resident of the town, the notice shall be mailed to the owner's agent in town, or if there is no agent, to the owner's last known address.

Sec. 4-3-4 Appeal to Council.

Any property owner to whom a notice is sent may appeal in writing to the council within fifteen (15) days after the notice is sent and protest the decision of the town superintendent. The council shall thereupon affirm, modify or overrule the decision which was appealed. Pending the council decision of an appeal, the owner shall not be required to cut or remove the items on his property.

Sec. 4-3-5 Cutting or removal by town.

(a) If the detrimental items shall remain on the property and/or not placed within a building or enclosure which hided junk or rubbish from view, after the notice period established through section 4-3-3, and after any extension of that grace period through section 4-3-4, the town superintendent may cause items to be cut and/or removed from the property at the owner's expense.

(b) All expenses incurred in the cutting of grass, weeds or other foreign growth and the removal of junk or rubbish shall be chargeable to and paid by the owners of the property and shall be collected by the town in the same manner and by the same process as is prescribed for the collection of town taxes. In the event that the costs of removal are not collected by November 1 of the year in which the same accrue, the amount of costs against owners of the property from which grass, weeds, other foreign growth, junk or rubbish are removed shall be placed on the tax bill and shall be collected with the taxes. If such costs are not paid by the time that a penalty would be added to the bill for real estate taxes, such costs shall be collected in the manner and to the extent as exists for the enforcement of demands between individuals. There shall be a lien in favor of the town against the property in question for the amount of any unpaid costs for the removal of such grass, weeds, other foreign growth, junk or rubbish in accordance with the provisions of state law as to liens for unpaid taxes.

Sec. 4-3-6 Mowing required.

Every owner of real estate within the Town of Elkton shall mow or cut any grass, weeds and vegetative matter, not including ornamental flowers and shrubs

and garden plants, located on such property, at least once during the period covered by the months of May, June, July and August each year.

Sec. 4-3-7 Penalty.

The failure by the owner of property to cut, remove or hide items described in section 4-3-1 and 4-3-2, after being directed to do so pursuant to section 4-3-3 or, on appeal, pursuant to section 4-3-4, shall, after the expiration of the period of notice, constitute a Class 3 misdemeanor, and every seven (7) day period thereafter in which there is a continuing failure to cut or remove shall constitute a separate offense. The failure by the owner of property to comply with the requirement of section 4-3-6 shall constitute a Class 3 misdemeanor.

The vote was recorded as follows:

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

Councilman B. B. Holt moved, seconded by Councilman T. G. Hulings to approve on Second Reading the following ordinance to amend Title 8, Chapter 2 of the town code as modified:

AN ORDINANCE TO AMEND
TITLE 8, CHAPTER 2 OF THE
CODE OF ORDINANCES OF THE
TOWN OF ELKTON, VIRGINIA

Be it ordained and enacted by the Town Council of the Town of Elkton, Virginia, that Title 8, Chapter 2, of the Code of Ordinances is amended to revise Section 8-2-1 and to include a new Section 8-2-5, as follows:

Sec. 8-2-1 Keeping of inoperative vehicles prohibited; exceptions.

It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure, on any property zoned for residential or commercial or agricultural purposes any motor vehicle, trailer or semitrailer, as such are defined in Section 46:1-1 of the Code of Virginia, 1950, as amended, whose condition is such that it is economically impractical to make them operative or which has not been substantially operated during a period exceeding one (1) year; provided, however, that the provisions of this chapter shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. (Ord. of 3/14/77)

Sec. 8-2-5 Penalty.

Violation of Section 8-2-1 shall be a Class 3 misdemeanor.

A letter was presented from approximately fifteen citizens urging council to reject any ordinance that classifies all non-running and seldom-used cars as "junk", and thereby discriminates against legitimate collectors.

The vote was recorded as follows:

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

Councilman B. B. Holt moved, seconded by Councilman R. E. Davis to approve on Second Reading the appropriation of $16,000.00 as matching funds on the park project. The vote was recorded as follows:

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

Councilman Holt reported on the progress of the Diamond Jubilee celebration. The Board of Directors are in the process of creating a non-profit organization. It is quite likely, but not definite, that they will retain the John Rodgers Company, the same company that put on the celebration twenty-five years ago. The Rodgers Company has given the board some proposals and there are some significant expenditures, but if the Rodgers Company's track record continues there is every indication that the Diamond Jubilee will at least break even and quite possibly make a significant amount of money. They will be incurring some up front cost quite quickly and Councilman Holt proposed that the council appropriate a sum of $9,000.00 as a loan to the Diamond Jubilee Corporation in order to help them meet their immediate expenses.

Councilman B. B. Holt moved, seconded by Councilman R. L. Snow to approve the First Reading to appropriate $9,000.00 as a loan to the Diamond Jubilee Corporation.

Mr. Monger reported that they are still working on the easements for the sewer project on the lower end of town.

Councilman R. E. Davis moved, seconded by Councilman B. B. Holt and carried to go into Executive Sesssion to discuss police personnel.

Councilman R. E. Davis moved, seconded by Councilman B. B. Holt and carried to go from Executive Session back into Regular Session.

Councilman Davis reported that each council member has been given a copy of the police report for the month of December.

Mayor Dean announced that there would be a special council meeting January 14th. at 7:00 P.M. to resolve some personnel problems.

Mayor Dean reported that the Virginia Municipal League has sent a form for submitting names of those interested in serving on one of the Virginia Municipal League's six policy committees and asked if anyone interested in serving would notify him.

Mayor Dean reported that the Virginia Municipal League will have a Legislative Day February 2, 1983 in Richmond and those interested in attending should turn in their names to be submitted before January 26th.

Councilman B. B. Holt moved, seconded by Councilman R. L. Snow and carried to approve the following resolution:

RESOLUTION

WHEREAS the year 1983 marks the 75th year of the founding of THE TOWN OF ELKTON, and

WHEREAS this important milestone provides an opportunity to focus our attention on the growth and progress of our town and

WHEREAS there has been formed a DIAMOND JUBILEE Committee to carry out plans for commemorating this memorable event, and

WHEREAS it is the desire of us all that this event be a self-sustaining one financially,

BE IT HEREBY KNOWN that the DIAMOND JUBILEE

Committee anticipates revenue from such projects as admissions to an Historical Spectacle and historical program, advertising booklet, a carnival and the sale of such novelties and souvenirs as Booster Badges, Membership Certificates, Commemorative Coins, Hats, Bonnets, Old Fashioned Wearing Apparel, plus Ties, Plates, and similar items,

BE IT HEREBY REQUESTED that no individual, company, or organization will sell, trade, or give away anything that has a Celebration reference or connotation without first obtaining written permission from the DIAMOND JUBILEE Committee, and that no permits, franchises, or privileges pertaining to Celebration activities will be granted to anyone by the Town of Elkton unless such written permission is granted by the aforementioned DIAMOND JUBILEE Celebration Committee.

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