REGULAR
COUNCIL MEETING
July 10, 1978

The regular meeting of the Elkton Town Council was held July 10, 1978 at 8:00 P.M. in the council chambers 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, L. C. Life and C. A. Schumacher. Sergeant Helsley, Norma Leap, Clerk, Gerald Monger, Superintendent and R. Bruce Wiles, Attorney were also present.

Councilman Randal Dean opened the meeting with prayer.

Mrs. Alice Lough was present and wished the new council luck in the coming year. She came regarding Section 9, Item 9 of the Zoning Ordinance Town of Elkton, Va., 1948 which reads as follows:

> On any corner lot there shall be no planting, structure, fences, shrubbery or obstruction to vision more than three (3) feet higher than the curb level within twenty-five (25) feet of the intersection of any two street lines in Residence Districts.

Mrs. Lough pointed out that at the intersection of Rockingham Street and the extension of Jackson Avenue this ordinance is being violated and creates a very dangerous situation.

Councilman Holt stated that Mrs. Lough had brought this to council's attention once before and he thought the problem had been corrected. He assured Mrs. Lough that it would be taken care of this time.

Mrs. Ruth Brooks welcomed all new council members and said they had her moral support.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt and carried to approve the minutes of the regular meeting June 13, 1978 and the special meetings June 20th., June 30th., and July 5th. as corrected.

Mr. Monger reported he had talked with Mr. Zimmerman of Comsonics in Harrisonburg regarding acoustical tile for the council chambers. After telling Mr. Zimmerman how the room was, he felt it would not help the hearing problem and could possibly make it worse. His suggestion was a public address system. Mr. Monger stated that in talking with Mr. Schumacher, they had decided to take some pictures of the room and maybe make a drawing of the room to take up to let Mr. Zimmerman take a look at them. He could then make a better judgement of what would best correct the problem. Mr. Schumacher already has the pictures and agreed to go with Mr. Monger to see Mr. Zimmerman.

Mr. Monger reported that Mr. G. W. Berry ask if the town is going to put a float in the Field Day Parade.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to appropriate $150.00 to put a float in the Field Day Parade. The vote was recorded as follows:

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

Councilman Flory reported he has received revised figures on the sewerage treatment plant. By July of 1979, they expect the cost to be $1,255,000.00. This has jumped from $648,000.00 in three years. It is nothing the town can do about this as the federal government keeps delaying turning the money loose. This revised figure is the maximum cost figure.

Councilman Schumacher reported that he is having Mr. Wiles check on some matters concerning street lights for Elkwood and hopes to have something on this by the next meeting.

Councilman Flick reported he had held a committee meeting and as all members were not present they will wait until the next meeting to present their proposals.

Councilwoman Life reported that the Public Health, Ordinances and Recreation Committee had met July 7, 1978 with all members present. The main reason they met was to discuss amending Section 9-22, Section 32-42 and repealing Section 32-43 of the town code.

Councilwoman Life read the proposed ordinance changes.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to amend Section 9-22, Section 32-42 and repeal Section 32-43 of the Code of the Town of Elkton as presented.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to amend the motion to modify the first paragraph of Section 9-22 and Section 32-42 by adding after the words "the month in which such bill is rendered" the words "or within ten days of the date such bill is mailed, whichever comes later," and in paragraph two of Section 9-22 and Section 32-42 by adding after the words "If any bill is not paid by the" the words "date specified in the preceding paragraph" and deleting the words "twenty-fifth day of the month in which it is rendered." The proposed ordinances changes will read as follows:

AN ORDINANCE TO AMEND SECTION 9-22 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, PROVIDING FOR THE READING OF ELECTRIC METERS AND THE PAYMENT OF ELECTRIC BILLS, IMPOSING A PENALTY FOR LATE PAYMENT, ESTABLISHING A PROCEDURE FOR DISPUTING THE CORRECTNESS OF BILLS, AND PROVIDING FOR THE DISCONTINUANCE OF SERVICE FOR FAILURE TO PAY BILLS

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 9-22 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 9-22. When electric meters read and bills paid; penalty, etc. for failure to pay bills; procedure for disputing correctness of bills; discontinuance of service for nonpayment of bills.

All meters for measurement of electric current furnished and supplied by the town to its consumers shall be read monthly and the bills for such current shall be due on the day of reading. If any such bill is not paid by the twenty-fifth (25th) day of the month in which such bill is rendered, or within ten days of the date such bill is mailed, whichever comes later, a five per cent penalty shall be added.

It is the policy of the Town to discontinue electric service to customers by reason of nonpayment of bill only after notice and a meaningful opportunity to be heard on disputed bills. If any bill is not paid by the date specified in the preceding paragraph, a second bill will be mailed containing a cutoff notice that if the bill is not paid within five (5) days of the mailing of the second bill, service will be discontinued for nonpayment.

Any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the Town Treasurer at the Treasurer's Office in the Municipal Building, Elkton, Virginia, during regular working hours. The Town Treasurer is authorized to order that the customer's service not be discontinued and to make a determination of the customer's complaint. Requests for delays and waiver of payment will not be entertained; only questions of proper and correct billing will be considered. The decision of the Town Treasurer may be appealed within five (5) days to the Mayor, in writing, and the Mayor is authorized to make a final determination of the customer's complaint.

Notice of the customer's right to a hearing and appeal for the purpose of disputing the correctness of a bill as herein provided shall be given to all new customers applying for electric service and shall be sent by regular mail with second bills and cutoff notices, which notice shall indicate the address and telephone number of the Town Treasurer whereby a hearing may be requested.

An emergency is hereby declared to exist, and this ordinance shall be effective from its passage following its introduction and first reading.

AN ORDINANCE TO AMEND SECTION 32-42 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, PROVIDING FOR THE READING OF WATER METERS AND THE PAYMENT OF WATER AND SEWER BILLS, IMPOSING A PENALTY FOR LATE PAYMENT, ESTABLISHING A PROCEDURE FOR DISPUTING THE CORRECTNESS OF BILLS, AND PROVIDING FOR THE DISCONNECTION OF SERVICE

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-42 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AMENDED TO READ AS FOLLOWS:

Sec. 32-42. When water meters read and water and sewer bills paid; penalty, etc. for failure to pay water and sewer bills; procedure for disputing correctness of bills; disconnection on failure to pay bills.

All meters for measurement of water furnished and supplied by the town to its consumers shall be read monthly, and the bills for water so supplied and for sewer service provided shall become due on the day of reading. If any such bill is not paid by the twenty-fifth (25th) day of the month in which such bill is rendered, or within ten days of the date such bill is mailed, whichever comes later, a five per cent penalty shall be added.

It is the policy of the Town to discontinue water and sewer service to customers by reason of nonpayment of bill only after notice and a meaningful opportunity to be heard on disputed bills. If any bill is not paid by the date specified in the preceding paragraph, a second bill will be mailed containing a cutoff notice that if the bill is not paid within five (5) days of the mailing of the second bill, service will be discontinued for nonpayment.

Any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the Town Treasurer at the Treasurer's Office in the Municipal Building, Elkton, Virginia, during regular working hours. The Town Treasurer is authorized to order that the customer's service not be discontinued and to make a determination of the customer's complaint. Requests for delays and waiver of payment will not be entertained; only questions of proper and correct billing will be considered. The decision of the Town Treasurer may be appealed within five (5) days to the Mayor, in writing, and the Mayor is authorized to make a final determination of the customer's complaint.

Notice of the customer's right to a hearing and appeal for the purpose of disputing the correctness of a bill as herein provided shall be given to all new customers applying for water and/or sewer service and shall be sent by regular mail with second bills and cutoff notices, which notice shall indicate the address and telephone number of the Town Treasurer whereby a hearing may be requested.

An emergency is hereby declared to exist, and this ordinance shall be effective from its passage following its introduction and first reading.

AN ORDINANCE TO REPEAL SECTION 32-43 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, "WHEN SEWER BILLS PAID . . . ETC."

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-43 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE AND THE SAME HEREBY IS REPEALED.

The vote was recorded as follows:

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

Councilwoman Life announced that her committee would meet on Tuesday, August 1, 1978 at 7:30 P.M. in the council chambers if this suited the members.

Councilman R. R. Dean moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for June.

Mr. Wiles presented the following annual report:

Annual Report of Town Attorney -- Elkton, Virginia

For the Fiscal Yeal Ending

June 30, 1978

I. Litigation Completed:

1. Suit against Kenneth E. Smith, d/b/as Elkton I.G.A. Judgment for Town of Elkton: $2,422.16.

2. Writ of garnishment against Blue Ridge Skyline Company, Inc. on Kenneth E. Smith judgment. Judgment for Town of Elkton: $2,022.81. PAID

II. Litigation Pending

None

III. Contracts Prepared or Reviewed by Town Attorney

1. Reviewed "Agreement for the Purchase of Electricity and Electric Services . . . from Virginia Electric and Power Company."

2. Negotiated and prepared with Attorney Steven M. Blatt "Agreement between Town of Elkton, Virginia, and Elkton Volunteer Fire Company and Emergency Squad" for fire and emergency services.

3. Prepared contract for purchase of additional land for expansion of sewer treatment plant and negative easement for buffer zone from Dr. Charles S. Miller and his children.

IV. Ordinances Prepared by Town Attorney

1. Amending Section 26-16 of the Elkton Town Code, "Schedule for collection of garbage, etc."

2. Amending Section 32-39 of the Elkton Town Code, "Rates for Sewer Service Inside and Outside Town."

3. Amending Section 32-10 of the Elkton Town Code, "(Water) Connections inside and outside town."

4. Amending Section 32-27 of the Elkton Town Code, "(Sewer) Connections inside and outside town."

5. Amending Section 32-38 of the Elkton Town Code, "Rates for water sold by town inside and outside the town."

6. Amending Section 26-16 of the Elkton Town Code, "Schedule for collection of garbage, etc." (second amendment)

7. Amending Section 17-92 of the Elkton Town Code to make it unlawful to use skateboards or other devices on wheels or runners on the sidewalks in the Town of Elkton.

8. "Ordinance Providing for the Removal, Repair, or Securing of Certain Dilapidated Buildings and Other Structures."

9. Amending Zoning Ordinance to establish flood plain districts, etc.

10. Amending Subdivision Ordinance to establish flood plain regulations, etc.

11. Ordinance establishing Auxiliary Police Force

V. Miscellaneous

1. Prepare petition and order for reappointment of Calvin J. Davis to Board of Zoning Appeals.

2. Prepare proposed revisions to Elkton Town Charter. (No action taken)

3. Various formal and informal opinions.

4. Prepare resolutions required by H.U.D. for continued eligibility in National Flood Insurance Program.

VI. Matters Pending

1. Acquisition of land and easement for buffer zone for expansion of sewer treatment plant.

2. Revision of Elkton Town Code by The Michie Company.

Mr. Wiles reported that in checking with The Michie Company regarding the progress on revising the code he found they have changed the Supervisor on this project again and they were not able to give him any idea of a scheduled completion date. They did indicate it takes approximately a year and a half from the time the ordinances are submitted. The town signed the contract in March of 1977 but they did not receive all the ordinances until October of 1977 according to their records. So this indicates the completion date could be quite some time yet.

Mayor Dean ask what date Mr. Wiles forsees for the acquisition of the land for the sewerage treatment plant. Mr. Wiles did not know how soon the papers will be signed and ready to present to court. This could be a matter of days or weeks. He stated that once court action is started, it could be completed in a matter of two or three months.

Mayor Dean stated that at the last meeting he had reported that the Staff Attorney for the Commonwealth of Virginia ask the council for their opinion on moving election dates for council and etc. from May to November. Mayor Dean stated he would like council's opinion so he could reply to this letter. After some discussion, it was the general opinion of council that they are opposed to this change.

Councilman Flory reported that on July 6, 1978, Gerald Monger and Councilman Flory attended a meeting in the Harrisonburg Council Chambers and listened to Senator Raules from Norfolk. The purpose of this meeting was to hear comments and complaints from the people of the Northern Virginia District regarding the possibility of drawing water from the Shenandoah River to feed the large metropolitan areas. Their concerns with this possible use of water were:

1. lowering the water table making it more difficult to meet the water standards

2. hurting industrial growth and development along the river

Councilman Flory and Mr. Monger felt Mayor Dean should write a letter to Senator Raules expressing our concerns. Mayor Dean stated he would be happy to write this letter.

As there was no further business, Councilman Holt moved, seconded by Councilwoman Life to adjourn.

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

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