REGULAR
COUNCIL MEETING
September 11, 1978

The regular meeting of the Elkton Town Council was held September 11, 1978 at 8:00 P.M. with the Mayor, Charles E. Dean presiding. The following council members were present: R. R. Dean, S. P. H. Flick, H. D. Flory, L. C. Life and C. A. Schumacher. Charles Lawhorne, Chief, 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 to inquire if council plans to do anything about her request made at the July meeting to correct the dangerous situation at the intersection of Rockingham Street and the extension of Jackson Avenue created by high shrubbery obstructing the vision. She pointed out that this is clearly a violation of Section 9, Item 9 of the Zoning Ordinance of the Town of Elkton, Va. Two weeks after the July meeting Mrs. Lough wrote a letter to the Board of Zoning Appeals regarding this violation. She received a reply from the Secretary stating he had taken her complaint to the Town Superintendent and discussed the same with the Chairman of the Board of Zoning Appeals. Mr. Wiles, Town Attorney, was also contacted and he concluded that this does not come under the jurisdiction of the Board unless Mr. Flory requested a variance. It was the Secretary's understanding this would be handled by the Elkton Police Department. At this time the shrubbery still has not been cut. Mrs. Lough also presented a picture showing the height of the shrubbery.

Councilwoman Life thanked Mrs. Lough for her concern and welcomed her interest. She stated that it is her understanding that Mrs. Lough considers this a safety hazard. She pointed out that this is a violation of the zoning ordinance but that it is going to be impossible to take care of everyone. You are going to step on someone's feet so you have to go with what is best for the majority of the people. Laws are made, but they are also made so they can be corrected. The Public Safety Committee, the Mayor and Town Superintendent met and have looked into this situation and the effect it will have on everyone else in town. There are quite a few who are in violation of this section of the ordinance, not necessarily a height violation but are within 25 feet of the intersection. This does not always present a safety hazard. The committee decided that perhaps the ordinance needed amending and Mr. Wiles was contacted to prepare an amendment. Councilwoman Life presented the proposed amendment. The following sentence would be added to the present Section 9(9):

> "The Town Superintendent, with the written concurrence of the Chief of Police, may authorize an exception to this provision when in his opinion a departure may be made without destroying the intent of this provision and public safety would not be significantly affected thereby."

Councilwoman Life pointed out that the reason this change is suggested is that there are so many areas that are in violation but are not safety hazards. This is the reason Mr. Monger has not ruled on the complaint as he would have to go throughout the whole community. This change to the ordinance will take some time as the proposed amendment has to go to the Planning Commission and there has to be a public hearing. The Planning Commission has ninety days to act on this but council can deem a shorter period of time. The council also has to refer the amendment to the Board of Zoning Appeals for their report before the public hearing is held. Councilwoman Life told Mrs. Lough she felt council could not enter into this any further than the proposed amendment and going through the necessary procedure to get it passed but that she feels something will be done on this complaint.

Mr. Gene Hensley introduced Mr. Malcolm Jones who would be his partner in the proposed shopping center. Mr. Jones stated that his purpose was to fill council in on where they stand on the shopping center at this point and possible areas where they may need help. One of the areas the town might help is in regards to the sprinkler system. At the present time the town does not have a water system in this area that would allow merchants to obtain the necessary insurance discounts to take advantage of sprinkler systems. Mr. Jones felt that the town is near to having the potential for meeting these requirements. He would like the town to make a formal application to the State of Virginia Insurance Service Office for a review to tell the town what they need to do to

upgrade their water system so they could meet the requirements needed to allow businesses to get the insurance discounts. Another problem area where the town may be of some help is the storm water drainage. Mr. Jones also pointed out that they will need town utilities which will require additional lines to be run to the site.

Mr. Lewis Jolly was present to answer any questions which might arise regarding British Woods request on the water and sewer connections charges in the Elkwood Subdivision.

Mr. Gary Nickerson of Arthur Beard Engineers was present and introduced Mr. Al Wilson who is now associated with their firm in the Electrical Mechanical Design Section. Mr. Nickerson reviewed the projects they have worked on with the town over the past few years, the services that are available through their firm and offered their services in any way they can be of help.

Councilman H. D. Flory moved, seconded by Councilwoman L. C. Life and carried to approve the minutes of the regular meeting August 14, 1978.

Councilman Flory reported he had just received notification on the grant assistance in the amount of $933,800.00. Councilman Flory also reported he has ask Gary Nickerson to come back in six weeks and meet with the Water and Sewer Committee and any other member of council who is interested to brief them on why the price on the sewerage plant project has escalated as it has.

Councilman Flory reported he has discussed with Mr. Schumacher, Mr. Holt and Mr. Monger the request from Mr. Jolly regarding water and sewer connections in Elkwood. They are in agreement with the request, but would like some kind of agreement that British Woods will still be responsible for putting in the laterals as they lay the roads in future sections. Mr. Flory also asked that British Woods instruct their realty people that are selling the lots that the water and sewer hookup connection charges will be at the prevailing rate Elkton is charging.

Councilman H. D. Flory moved, seconded by Councilman C. A. Schumacher that the council go along with Mr. Jolly's request that they not pay for water and sewer connection charges when lots are bought but that the real estate people instruct the buyers that they will pay a water and sewer connection charge at the towns prevailing rate when they request a connection to the towns lines. The vote was recorded as follows:

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

See Back Page for section omitted.

Councilwoman L. C. Life moved, seconded by Councilman H. D. Flory that an ordinance to amend Section 9(9) of the Town Zoning Ordinance go to the Planning Commission and that the Planning Commission will report back their results in a period of sixty days. The vote was recorded as follows:

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

Councilwoman Life presented a report gotten together by Superintendent Monger giving the breakdown of our garbage services and costs. The committee is thinking about possibly going into commercial hauling. The biggest problem is commercial refuse collection and the main problem in this area is the need for a new truck to give a cleaner service. Three alternatives were given in the report and the committee's suggestion is to try alternate "C" to contract for commercial hauling for large and small businesses for a period of one year and the town continue to haul the residential refuse.

Councilwoman Life moved, seconded by Councilman Schumacher that the council accept Alternate "C" and try commercial pickup for large and small businesses for a period of one year with the town still picking up residential and maintaining the old trash truck.

Councilmen Flory and Dean both felt they would like to have a little more time to consider this proposal.

Councilwoman Life withdrew her motion and Councilman Schumacher his second. This will be considered a First Reading on the proposal to have commercial pickup for large and small businesses for a period of one year with the town still picking up residential and maintaining the old trash truck.

Councilman Flory reported that as a matter of record, regarding the shopping center that is going in, he will be abstaining from any decisions regarding this project as in an indirect way his company does business with Mr. Jones who sits on the board of another company. He has turned this project over to Mr. Holt who is on the Water and Sewer Committee. Mr. Schumacher, the other member on this committee, will work with the electric so he did not feel it would be fair to put the water and sewer on him also.

Councilman Schumacher reported that Vepco has been granted a rate increase of about 19%. Vepco has not given the final figures on how to estimate the rate so the Electric Committee cannot at this point propose any new rates for the town. It appears the rate will be about 12% on the retail level. They hope to have something by the next meeting. The new rates go into effect the end of September.

Councilman Flick reported that Mr. Monger has advertised for street work as set up in the schedule on Marshall Avenue between Fourth and Fifth Streets, "F" Street from the old town boundaries to Davis, First Street from Spotswood to Wirt and Wirt Avenue from First to Shenandoah. Mr. Monger reported he has received no bids at this time so he will advertise again.

Councilman Flick reported that he has not been able to contact Mr. Shuler regarding the naming of the alley on the north end of town and suggested it might be a good idea to refer this to the Planning Commission. Council agreed to do this.

Councilman Flick reported on a letter from Mr. Pete Meadows of 227 Washington Avenue. Mr. Meadows rents a house at this address and he feels his family's health is endangered by the lack of drainage in this area and wants to know what the council can do about it. This area has had some drainage work done in the past. Mayor Dean stated that Mr. Monger has been in contact with the Farmers Home Administration who finances new homes in the area and Mr. Monger is going to try to drain the area again. Mr. Monger stated that they will do the best they can but this area will always have water until the town spends approximately $75,000.00 to $100,000.00 for a drain.

Councilwoman Life reported that we do not have a Recreation Director as yet. A meeting has been tentatively set for Wednesday to interview applicants.

Councilwoman Life reported that Mrs. Leap is going to write Representative Robinson to get the towns name on the list to get an American flag. As for the State flags, you have to purchase these. She has the price and requested permission to order two flags at the price of $19.27 each.

Councilwoman L. C. Life moved, seconded by Councilman R. R. Dean and carried to purchase two Virginia State flags at a cost of $38.54, one to be put on the pole immediately and the other to have in reserve.

Councilwoman L. C. Life moved, seconded by Councilman H. D. Flory to send the proposed amendment to Section 9(9) of the Zoning Ordinance of the Town of Elkton, Virginia: "Setback Building Lines" to the Planning Commission. The vote was recorded as follows:

R. Dean	-	yea	L. Life	-	yea
S. Flick	-	yea	C. Schumacher	-	yea
H. Flory	-	yea			

Mr. Wiles pointed out that the Zoning Ordinance itself provides that the council shall refer any proposed amendment to the Board of Zoning Appeals for a report before a public hearing.

Mrs. Leap was asked to send the necessary letters to the Board of Zoning Appeals and the Planning Commission.

Councilman Flory reported that last Saturday he was approached by a citizen that suggested the town look into the possibility of putting in a small boat ramp down where the race runs into the river for recreational purposes. They did not think it would cost more than $100.00 or so. Councilman Flory had told the person to contact Councilwoman Life who is the town's representative on the Recreation Commission. Councilwoman Life said she would look into this.

Councilman Randal Dean reported that at the last meeting he and the Mayor were asked to look into the increased cost of the Police Liability Insurance. After checking the increase, they found it to be only $100.00 after adding the auxiliary police officers. The Treasurer was authorized to send payment for the insurance.

There was no Finance Report due to the audit.

Councilman Dean stated that if council wants more detailed reports on the audit report which they received with their minutes maybe he could get the CPA down for the special meeting. He briefly reviewed the report. As council wanted more time to look over the report, they decided to wait until the special meeting to approve the report

As there was no further business, Councilman Flory moved to adjourn.

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

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