REGULAR
COUNCIL MEETING
May 8, 1978

The regular meeting of the Elkton Town Council was held May 8, 1978 immediately following the Public Hearing at 7:30 P.M. on the proposed amendments to the Zoning and Subdivision Ordinances. Mayor Maurice W. Lough presided. The following councilmen were present: C. E. Dean, R. R. Dean, H. D. Flory, B. B. Holt, and H. W. Leap. Councilman R. J. Lough was absent. Charles Lawhorne, Chief of Police, Norma R. Leap, Clerk, Gerald Monger, Superintendent and R. Bruce Wiles, Attorney were also present.

Councilman Randal Dean opened the meeting with prayer.

Mayor Lough welcomed the newly elected officials.

Mrs. Hazel Crider was present regarding the need of street repairs in the Liberty Heights area. She pointed out that council had used streets being kept in good repair as one of their points for annexation and felt the council would take care of this problem immediately. The Mayor assured Mrs. Crider this would be looked into.

The minutes of the regular meeting April 10, 1978 were approved as corrected.

A Public Hearing was held on the application for a Hud grant. Councilman Flory explained this is 100% grant money, not a loan. He presented the following items which will be included in the application:

Priority I. To undertake an immediate concentrated program of substantial housing rehabilitation involving upgrading of plumbing, flooring and heating systems, as well as siding and roofing repair in a two-block area in the town bounded on the east by Fifth Street, south by Wirt Avenue, west by First Street and north by Spotswood Avenue. This section contains a total of 21 dwelling units, 17 of which are judged to be in need of rehabilitation or needing extensive renovation or demolition. In addition the town has held preliminary discussions on the purchase of nine vacant lots in this area to be converted to a town park and recreation uses and improvements on the alleys servicing the dwellings fronting on Wirt and Spotswood Avenue. The projected cost of this project would be $97,500. to $101,000.

Priority II. To eliminate a raw sewerage overflow problem in the Wirt Avenue area. During periods of heavy rain, the excessive amount of storm water mixed with raw sewerage backs-up in the collection system and overflows through manholes onto Wirt Avenue, endangering the health and safety of Wirt Avenue and Town residents. The fact that raw sewerage floods Wirt Avenue and the adjoining yards of dwelling units is a health hazard to person living in the ten units fronting Wirt Avenue. Added to this is the safety hazard to any Town resident using Wirt Avenue caused when the force of wastewater collection system back-up pops the manhole covers which cannot be replaced until the flooding subsides. The request is for a 24 inch line down the center of West Spotswood Avenue from First Street to the Sewer Plant to replace the present 12 inch line with a 24 inch line. The projected cost of this project is $75,000.00.

Priority III. The acquisition and razing of an uninhabitable "rooming house" for elderly and disadvantaged persons (namely the Blue and Gray Hotel on Terrace Avenue) and providing sound and healthful sites to meet the demand for apartments, duplexes and townhouses at the lower income levels. The projected cost for purchase and demolition of this building is $30,500.00.

The second Public Hearing on the HUD Grant Application will be held May 10, 1978 at 10:00 A.M. in the council chambers.

Mrs. Shirley O'Byrne questioned why the next public hearing is being held in the morning when citizens are unable to attend. Councilman Flory explained that they had the first one in the evening so people working during the day could attend and the next will be in the morning so those citizens working in the evenings can attend.

Mrs. O'Byrne ask if once the buildings were renovated would they still belong to the present property owners. It was explained that the rehabilitation of these buildings would not effect the ownership of the property but would benefit the tenant as well as the owners. These are low income areas and also in the flood plain area. If the buildings were torn down it is doubtful if anyone would be interested in rebuilding due to the fact of being in the flood plain and the people renting would be without a place to live.

The question was ask if the council did not pass on the amendments to the zoning and subdivision ordinances required to qualify for flood insurance would this effect the town getting a HUD grant. Councilman Flory was not sure what effect this would have but felt strongly we would not receive a HUD grant if we do not qualify for flood insurance.

Mrs. Brenda Keyes ask what guarantee the tenants would have that their rent would not increase after the rehabilitation. Councilman Flory stated that the rent cannot be raised for five years.

Mrs. Linda Life ask if putting in a 24 inch line will eliminate the overflow problem on West Spotswood Avenue as well as on Wirt and Councilman Flory said it would help the whole area.

The question was ask if the projects would be considered as a package deal or individually. Councilman Flory explained that HUD could pick just one of the project or possibly two or three.

Councilman Holt reported that the Planning Commission has met and recommends to council that council postpone taking action on the amendments to the zoning and subdivision ordinances before June 5th. as the Planning Commission plans to open their May 22nd. meeting to the public to discuss the proposed amendments.

There was a discussion regarding the request for a subdivision along North Street, Virginia Avenue and Clover Lane. The Planning Commission has approved the subdivision at their April 24th. meeting. The town subdivision ordinance gives the authority for approval of subdivisions to the Planning Commission subject to any action council might wish to take at the next regular meeting. If there is no action by council the subdivision will be considered approved.

Mr. Wiles pointed out that there are some specific requirements set out in the subdivision ordinance which have not been complied with that perhaps the Planning Commission did not feel were significant. Several of the items mentioned were the requirements regarding insert map, boundary surveys, drainage layouts and proposed setback lines. Councilman Holt and Mr. Monger stated these things had been considered by the Planning Commission. Mr. Monger pointed out that further down in the subdivision ordinance the ordinance sets the required setbacks so this will take care of this area. He also stated that the final map will meet the requirements.

Mr. H. L. Baugher ask what type of subdivision would this be, residential or apartments. Mr. Monger stated there will be nine lots in the subdivision, half zoned A-1 and half zoned A-2.

Council chose not to take any action on this subdivision.

Councilman Holt reported that the Planning Commission had considered the request from Carl Schumacher regarding a section of Fourth Street that runs in front of his house. The request was to close or to fence in the portion that falls within the limits of his yard. The Planning Commission does not recommend closing and oppose closing this section of Fourth Street but would have no objections to this section being fenced with the understanding that the town has complete right-of-way for utilities and that anytime the town should so request the property could be restored to its present condition. This required no council action.

Councilman Holt presented the following letter from Chief of Police, C. K. Lawhorne to the Town Council regarding a public nuisance:

"Whereas it has come to my attention that the real estate hereinafter referred to as the Blue and Grey Hotel located at 109 South Terrace Avenue, Elkton, Va. is in such condition as to endanger or be likely to endanger public health or safety and is in violation of the afore mentioned section of the Elkton Town Code.

It is my intention, as pursuant to Sec. 24-1 (see enclosure) to notify Mrs. Darlene Roadcap, owner of such above mentioned real estate of my request to Council for a Declaration of Public Nuisance and Order of Abatement regarding said property. This notice to Mrs. Roadcap will indicate the date and time of such hearing (May 8th. 1978)."

Mrs. Darlene Roadcap, one of the four owners, was present and stated that she could only speak for herself and that she had no objections to the town enforcing Sec. 24-1 of the Town Code but would like to be able to restore the building if they could find someone who could. Mr. Holt assured her that council would have no objections to that request as the restored building would be an asset to the town.

Mr. Wiles stated he felt evidence as to the condition of the building would have to be presented before council could take action.

Councilman Holt pointed out that the letter from Chief Lawhorne could be considered as evidence of the problem and the following letter from the Board of Directors of the Fire Company was also presented:

"Whereas the Chief of Police of Elkton is attempting under Sec. 24-1 of the Elkton Town Council to attain an order of abatement on the Blue and Gray Hotel. We feel compelled to offer our comments.

We feel the Blue and Gray Hotel, in its present condition, is unfit for human habitation. Potential fire hazzards are as follows:

1. No fire escapes.
2. No fire extinguishers.
3. Faulty electrical wiring.
4. No sprinkler system.
5. General deteriation of premises.

We concurr in this request for an Order of Abatement."

Mr. Monger presented a portion of the HUD preapplication. Mr. Terry Ratigan and Mr. Monger in January of 1977 talked with Mr. Frazier and the following is a writeup that is in the preapplication form:

"Several years ago the Frazier Rooming Home was severely damaged by a fire that completely destroyed the adjoining building and caused heavy damage to the roof of the rooming house. Fire insurance provided for absolutely necessary repairs to the rooming house roof, after which the policy was cancelled and the property classified as "uninsurable". Since that time, the property's deterioration has accelerated, and the property, by the owner's admission, has reached the end of its useful economic life and should be demolished."

Also in the preapplication form is the following letter from Mr. T. W. Good, Jr., Building Inspector for Rockingham County:

"On January 4, 1977 I made an inspection of certain dilapidated buildings in Elkton at the request of Gerald Monger, Town Superintendent of Elkton. After inspecting these building I would agree with Mr. Monger that the buildings are of substandard condition and are not habitable."

Councilman B. B. Holt moved, seconded by Councilman H. D. Flory to pass the following resolution:

RESOLVE THAT the property known as the Blue and Gray Hotel located at 109 South Terrace Avenue, Elkton, Va.

WHEREAS such property is in such condition as to endanger or

likely to endanger public health or safety and

WHEREAS the condition of such property is in violation of the town code

THEREFORE BE IT RESOLVED THAT the owner of that property be given notice that order of abatement has been issued by the Council of the Town of Elkton this date and that occupancy of such property is forbidden until such time as the property has been restored or changed so that the condition of the property is no longer a hazard to public health and safety and is no longer in violation of the town code.

The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea		

Mr. Holt reported that the Public Safety Committee is coming along very nicely with the Reserve Police Force concept but do not have all the details worked out at this time. The complete purposal will be ready to present at the special meeting on May 16, 1978.

Mr. Holt reported on what the Police Department is doing in the regards to public and community relations. He read a letter from Mrs. Raymond Smith to Chief Lawhorne. Mrs. Smith was writing on behalf of the Shenandoah-Elkton American Association of Retired Persons to thank Mr. Lawhorne and his officers, Mr. Teague and Mr. Ball for their excellent presentation on Crime Prevention at their meeting on May 4th. Mrs. Smith stated that as for improving Police-Community relations, their coming made a very favorable impression. Crisp, decisive remarks reassured their club that they have an excellent police chief and officers of whom they are very proud.

A special meeting was set for Tuesday, May 16, 1978 at 7:30 P.M. The 1978-79 Budget will be presented at this meeting.

Councilman Flory reported on a letter he received from the State Health Department regarding the purchase of property for the new sewerage treatment plant. Before the town can proceed with Step III and get the money the land matter must be settled. The Health Department does not want anything done until all the papers for which the town is negotiating to purchase a few acres of land and also the twelve acres of buffer zone is completed. This must be done before they will consent to start construction.

Council agreed to instruct Mr. Wiles to proceed with finalizing the land acquisition so that if EPA awards us the Step III grant in November or December, we will be in a position to go ahead with the project.

The money set aside to pay a portion of Arthur Beard Engineer's bill will be held up and this money used toward the land acquisition.

Councilman Flory reported that where the town had been using the spring twenty hours a day we are not using it at all now. This is due to finding and repairing two large leaks, one on Rockingham Street and one on Marshall Avenue.

Councilman Henry Leap reported that the town was well represented at the Bicentennial celebration at Singers Glen. The town received nothing but good comments on their exhibit.

Councilman Leap reported that Mr. John Berry had brought it to his attention that we need an American flag for the municipal building. Councilman Leap agreed to see about getting a new flag.

Councilman Leap suggested council consider adopting official town colors. He ask council to consider the colors of the high school, royal blue and old gold, until the next meeting.

Councilman R. R. Dean presented a letter from the State Highway Department requesting a resolution for the town to share in the cost of a sidewalk resulting in the widening of Route 340. The project would be advertised in the fall of 1979 subject to funding and other priorities. The cost to the town is estimated at $3,910.00 plus 10% for engineering and contingencies. Council agreed to consider this at the special meeting on May 16, 1978.

Councilman C. E. Dean reported that the public hearing on the amendments to the zoning and subdivision ordinances was held and suggested council wait until June 5th. to make any decision as requested by the Planning Commission.

Councilman C. E. Dean moved, seconded by Councilman B. B. Holt to pass a resolution declaring the Valley Banner to be the "legal organ" for the Town of Elkton. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea		

No action was taken on the request from the P.T.A. as no representative was present.

Councilman Holt reported that there had been some question as to whether or not the town would have to have a public hearing when transferring Revenue Sharing funds. Mr. Wiles checked into this and a public hearing is required after you reach 25% of the cumulative budgeted amount and we have not reached that point.

Councilman B. B. Holt moved, seconded by Councilman R. R. Dean to approve on Second Reading the transfer of $3,500.00 in the Revenue Sharing Account EP-9 appropriated for a garbage truck to increase the funds appropriated for a police car to $5,000.00. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea		

Councilman C. E. Dean moved, seconded by Councilman H. D. Flory to donate $50.00 to the Youth Employment Service Program. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea		

Councilman H. W. Leap moved, seconded by Councilman R. R. Dean to approve the Finance Report for the month of April. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea		

Councilman Holt presented the following bids on a new police car:

Eastside Chrysler	(Plymouth Fury)	$5,200.00
Myers Ford	(LTD II)	4,992.00
Sheets Chevrolet	(Chevy II - no air)	4,987.00
Highway Motors	(Plymouth Fury)	4,995.00

Councilman Holt recommended the Plymouth Fury from Highway Motors as the car should be there now. Myers Ford is $3.00 cheaper but did not indicate when they could deliver the car.

Councilman B. B. Holt moved, seconded by Councilman H. D. Flory to accept the Highway Motors bid for the Plymouth Fury in the amount of $4,995.00. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
R. Dean	- yea	H. Leap	- yea
D. Flory	- yea		

Mr. Wiles brought to council's attention that at the March meeting council voted to recommend to the judge the reappointment of C. J. Davis to the Board of Zoning Appeals. It was the understanding at that time that his term of office expired in March. When proceeding with this, Mr. Wiles found Mr. Davis' term of office does not expire until the 25th. of July. Mr. Wiles will take action at the appropriate time.

Mayor Lough reported that he had received a letter from Dayton that the County Municipal League Meeting has been changed from May to June.

Mayor Lough reported that after the Flag Committee had presented their three versions of what they thought would be a good flag for Elkton they made no recommendations, they simply presented the three suggestions. Mayor Lough then appointed the three department heads, Mr. Monger, Mrs. Leap and Mr. Lawhorne

to come up with a recommendation from this. The department heads liked the flag which the Bicentennial Committee used at the Singers Glen exhibit so well that they suggest it be adopted as the town flag. The council was ask to consider this suggestion and a decision would be made at a later date.

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

MAYOR: Maurice W. Lough
Maurice W. Lough, Mayor

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