REGULAR
COUNCIL MEETING
June 9, 1980

The regular meeting of the Elkton Town Council was held June 9, 1980 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, L. C. Life, and C. A. Schumacher. Councilman B. B. Holt was absent. Charles Lawhorne, Chief of Police, Norma Leap, Clerk, and Bruce Wiles, Attorney were also present.

The meeting was opened with the pledge to the flag.

Mr. Earl Judy of Commonwealth Cablevision Corporation came before council requesting that consideration be given to allowing them to increase their primary cable television rate from $5.95 to $7.00 per month and the secondary outlets from $1.25 to $1.50 per month. He presented council members with a tabulation sheet showing that their operating expenses have increased over 35% since the franchise was granted. If the request is granted the new rates would become effective by August 1, 1980. This request was turned over to the Finance Committee and they will get back with Mr. Judy as to council's decision.

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Councilman H. D. Flory moved, seconded by Councilwoman L. C. Life and carried to approve the minutes of the Public Hearing May 13, 1980, the Regular Meeting May 13, 1980 and the Special Meetings May 20 and May 27, 1980 as corrected.

Councilman Schumacher reported that the information from Vepco on street lights for Elkwood came in too late to be considered for inclusion in the budget. The Electric Committee has met and decided that the only alternative they have is to see if it can be worked in sometime during the year if funds become available.

Councilman Flick reported that the Lee Avenue Project has been completed and also the alley behind the town shop. We have not received any bills as yet from the company which did the paving but Councilman Flick stated they felt they would be within the estimates. They hope to get some sidewalk repairs done before the fiscal year ends but this will depend on the paving costs.

Councilwoman Life reported that Mayor Dean has asked her to head up the Swearing In Ceromony for the newly elected Mayor and Councilmen and this will be Saturday, June 28, 1980 at 7:30 P.M. in the council chambers. The public is cordially invited to attend.

Councilwoman L. C. Life moved, seconded by Councilman R. R. Dean to approve on Second Reading the following ordinance amending the Zoning Ordinance of the Town of Elkton, Virginia to permit "Homes For Adults" in A-2 Residence Districts:

AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF THE TOWN OF ELKTON,
VIRGINIA, TO PERMIT "HOMES FOR
ADULTS" IN A-2 RESIDENCE DISTRICTS

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT THE ZONING ORDINANCE OF THE TOWN OF ELKTON BE, AND THE SAME IS HEREBY AMENDED BY ADDING THE FOLLOWING SUBPARAGRAPH TO SECTION 5: "A-2 RESIDENCE DISTRICT USES":

(6) "Homes for Adults" with a special permit obtained from the town council. "Homes for Adults" means any place, establishment, or institution, public or private, licensed by the State Department of Welfare, including any day-care center for adults, operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled, except (a) a facility or portion of a facility licensed by the State Board of Health or the State Hospital Board, but including any portion of such facility not so licensed, and (b) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage. If the town council shall find that the use for which a special permit is sought will not (1) adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, (2) will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood,

and (3) will be in harmony with the general intent and purposes of the Elkton Comprehensive Plan and the Zoning Ordinance of the Town of Elkton, with other permitted uses in this district, and with good zoning practices generally, it shall issue the special permit, provided that all other provisions of law and ordinance shall have been complied with. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance, and shall be revocable on the order of the town council at any time on the failure of the owner or operator of the use covered by the permit to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions stipulated in the permit. The town council shall revoke a permit only after ten days advance written notification of intent to revoke the permit, affording the owner or operator of the use covered by the permit an opportunity to be heard before any action revoking such permit is taken. Applications for a special permit for "Homes for Adults" shall be in writing and accompanied by a fee of $25.00. No such permit will be granted until a hearing has been held at which persons affected may appear and state their views. Notice of such hearing shall be given by the town council by publication one time in a newspaper having general circulation in the town, not less than six days and not more than twenty-one days prior to the hearing, and by mailing of such notice by certified mail to each adjoining landowner.

The vote was recorded as follows:

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

Councilman Flory asked that in passing this ordinance was he wrong in assuming that Mrs. Tschiniak, or any other person that wishes to have a "Home for Adults" in town, has to request a permit and that there is a public hearing involved. Mr. Wiles stated that this is what the ordinance requires.

Councilwoman Life reported that the copy of the revised code was received in the town office last Wednesday, June 4th., and shall be available for inspection for the next two weeks before any further action is taken.

Councilwoman Life presented the First Reading on the following ordinance to adopt the revised code:

ADOPTION OF CODE

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWN OF ELKTON, VIRGINIA, ENTITLED "THE CODE OF THE TOWN OF ELKTON, VIRGINIA," PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS, AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA:

Section 1. There is hereby adopted by the town council that certain code entitled "The Code of the Town of Elkton, Virginia," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in titles 1 through 9, both inclusive, of which code not less than one (1) copy has been and is now filed in the office of the town clerk.

Section 2. The provisions of such code shall be in force on and after July 1, 1980, and all ordinances of a general and permanent nature adopted on final reading and passage on or before June 1, 1980, and not contained in such code are hereby repealed from and after July 1, 1980, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before July 1, 1980; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to July 1, 1980; nor shall such repeal affect any ordinance or resolution promising or guaranteeing

the payment of money for the town or authorizing the issue of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the town officers or employees; nor shall it affect any ordinance annexing territory to the town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the town; nor shall it affect the town zoning ordinance; nor shall it affect any ordinance adopted on final reading and passage after June 1, 1980.

Section 4. Whenever in the code adopted by this ordinance or in any other ordinance or resolution of the town or in any rule, regulation or order promulgated by any officer or agency of the town under authority duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of the code or any other ordinance or resolution of the town of such rule, regulation or order shall be punished as prescribed in section 1-1-8 of the code or as provided in any other applicable section of the code.

Except where otherwise provided, every day any violation of such code or any other ordinance or resolution of the town or such rule, regulation, or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the code hereby adopted.

This ordinance shall be in effect from and after the 1st. day of July, 1980.

Councilman Dean reported there would be no Finance Report for a few days as it was not quite completed. He also stated that the Second Reading on the 1980-81 Budget could not be done tonight as there must be seven days between the Public Hearing and the Second Reading.

Councilman R. R. Dean moved, seconded by Councilman H. D. Flory to increase the auto stickers from $10.00 to $15.00 and the others, trailers and motorcycles, to the same as the County.

Mr. Wiles stated he felt we would have to include the amounts for trailers and motorcycles in the motion. He also pointed out that we could wait until after the County sets their rates and then take action.

Councilman Flory withdrew his second and Councilman Dean his motion. This matter was tabled until later.

Councilman Dean reported that in the past our real estate tax rate has been twenty-five percent of the county rate and suggested we continue this practice. It is his understanding that the county will be raising their tax rate this year, possibly to 50¢ or 52¢. This was tabled until we could get some definite figures.

A special council meeting was set for June 19, 1980.

Councilman Dean reported that the town attorney's fee has been $50.00 a month and $16.00 an hour since 1974 and he recommended an increase.

Councilman R. R. Dean moved, seconded by Councilman H. D. Flory to increase our attorney fees from $50.00 per month retainer fee to $75.00 per month and the hourly rate from $16.00 an hour to $25.00 an hour.

Councilwoman Life questioned what is covered by the retainer fee and Mr.

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Wiles stated that the retainer fee covers the regular monthly council meetings and telephone calls in which he advises council or department heads. Anything requiring extensive research or preparations is on an hourly rate.

Councilman Flory stated that we get very competent work from our town attorney and that in dealing with EPA and FmHA, they informed Mr. Flory that we were getting a steal at $16.00 an hour. Most attorneys charge from $50.00 to $75.00 an hour.

Councilman Dean, Councilman Flory and Councilwoman Life stated they felt Mr. Wiles was doing an excellent job.

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

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

Mayor Dean presented a petition from Freda Tschiniak for a permit to operate a Home For Adults, at the site of the now existing Upper Room Church on Spotswood Trail, Elkton, Virginia. A Public Hearing on this petition was set for June 19, 1980 at 7:30 P.M.

The special meeting will follow the public hearing. The following items will be considered at the special meeting:

1. Set Tax Rate for Real Estate and Personal Property.

2. Cablevision Rate Increase.

3. Application by Mrs. Freda Tschiniak for a special permit to operate a "Home for Adults".

4. Second Reading on the 1980-81 Budget.

5. First Reading on the 1980-81 Budget Appropriations.

6. Set rate for town stickers for automobiles, motorcycles and trailers.

7. Second Reading to adopt revised Code.

Councilman Flory asked Mr. Wiles what the procedure would be on Mrs. Tschiniak's request and Mr. Wiles stated there would be a Public Hearing and then all that would be required after the Public Hearing would be a resolution by council to grant the permit, if council so desires.

Councilman Flory pointed out that when the Second Reading is had on the revised code this also incorporates your raises in your town business license tax fees and felt this should be public knowledge.

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

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

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