REGULAR
COUNCIL MEETING
March 10, 1980

The regular meeting of the Elkton Town Council was held March 10, 1980 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. Councilman Holt was absent due to illness. Charles Lawhorne, Chief of Police, Norma Leap, Clerk, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

Councilman R. R. Dean opened the meeting with prayer.

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Mr. Ludwig Davis was present to find out the setback requirements on a combination garage and utility building. Mr. Monger told him a garage can be on the property line at the alley but a utility building has to be fifteen feet off the line. Mr. Davis pointed out that he is limited for space and asked what procedures would he need to follow to request the closing of the alley by his house. He has checked with the other adjoining property owner, Mr. Garner Downey, and he would be agreeable to the closing of the alley. After some further discussion, Mr. Davis said he would like to request the closing of this alley. Mr. Davis was asked to give his telephone number to Mr. Wiles and he would notify Mr. Davis as to what procedures he needs to follow regarding closing an alley.

Mrs. Freda Tschiniak came before council to petition the council to in turn petition the Board of Zoning Appeals for permission to have a home for adults on the site of the Upper Room Church.

Councilman H. D. Flory moved, seconded by Councilman R. R. Dean and carried to refer Mrs. Tschiniaks' request to the Planning Commission and asked them to consider an amendment to the zoning ordinance to rezone A-2 to include homes for adults.

Mr. Wiles stated this should also be brought to the attention of the Board of Zoning Appeals.

Mr. Jim Cisney, General Manager of the Rockingham Cooperative Farm Bureau, was present in regards to some remodeling plans they have for the Valley Heritage building. They would like to put some bay windows on the North side of the building along Spotswood Avenue. It was his understanding from Mr. Monger that it would be proper for him to request the town issue him a license which would permit him to install bay windows that would extend approximately ten to twelve inches out from the building and would be about eighteen to twenty-four feet from the sidewalk.

Mr. Wiles pointed out that a new ordinance would be needed to do this. Mr. Wiles had drafted a proposed ordinance which would allow council to do this.

Councilwoman Life suggested the ordinance committee review this ordinance when they meet next week. Mayor Dean told Mr. Cisney that this request would be brought up later in the business session.

Mrs. Shirley O'Byrne expressed concern that council may be setting a precedent if they allow the bay windows. She pointed out that even though they would be most attractive, in case of an accident, the town might be sued and felt council should consider this. Mayor Dean assured Mrs. O'Byrne that all these possibilities would be considered.

Councilwoman L. C. Life moved to accept the minutes of the February 11th. regular meeting as presented and Councilman H. D. Flory moved to accept the minutes of the special meeting February 26th. as presented. The motions carried.

The Public Safety Committee had no report.

Councilman Flory reported that there would be a Preconstruction Conference on the wastewater treatment plant tomorrow morning at 10:00 A.M. in the council chambers.

Councilman Flory reported that there is a resolution which FmHA needs to be passed regarding the borrowing of $300,000.00. Mr. Wiles was not sure if the form of the proposed resolution has been approved by FmHA as yet. This matter was tabled until a special meeting which will probably be sometime next week.

Councilman H. D. Flory moved, seconded by Councilman C. A. Schumacher to pay $628.64, $136.08 to Ideal Reprographics and $492.56 to Dan Daniels Printing, for ten sets of plans and specifications on the wastewater treatment plant to be paid from the Sanitary Sewer Project Account. The vote was recorded as follows:

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

Councilman Schumacher reported that Chief Lawhorne has written the Virginia Municipal League and some other places about the impact of turning off some of the street lights but has received no reply as yet.

Councilman Flick reported that a formal meeting of the Street Committee has not been held but the individual members have been contacted and notified that Mr. Herbert Baugher has requested that we repair the approaches to his car wash business on Water Street. Councilman Flick contacted Mr. Monger and he says that the needed repairs to the Water Street approach are the responsibility of Mr. Baugher and this does seem to be the case. However, the alley in the rear of the car wash is in very bad shape and Councilman Flick suggested, if it is the will of council, that some stone or fill material be put in the alley to make it passable but that this be done at as little expense as possible. Councilman Flick stated that as far as the front is concerned, if the town does anything about this, they should get Mr. Baugher's agreement in writing to share the expense. He suggested Mr. Monger write Mr. Baugher and get his response before taking any further action on the Water Street approach. Councilman Flick also reminded council that they had promised to finish Lee Avenue. This was given high priority and he felt it should be done as soon as possible. He also reported that we have received part of the highway upkeep grant funds.

Councilman S. P. H. Flick moved, seconded by Councilman H. D. Flory to repair the alleyway between Shenandoah Avenue and Fifth Street with gravel. The vote was recorded as follows:

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

Mr. Monger pointed out that the highway upkeep grant funds can be used to buy street equipment and also that Clover Lane is high on the priority list.

Councilwoman Life stated that she would prefer to wait until Thursday night when her Ordinance Committee is having a meeting to consider the ordinance which is needed to allow bay windows at the Valley Heritage.

Councilwoman Life presented a letter from the Youth Employment Service requesting a $50.00 donation. We have taken part in this program before. Mrs. Leap pointed out that there is only $45.00 left in donations.

Councilwoman L. C. Life moved, seconded by Councilman R. R. Dean to donate $50.00 to the Y.E.S. program. The vote was recorded as follows:

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

Councilwoman L. C. Life moved, seconded by Councilman C. A. Schumacher to approve on Second Reading the following ordinance to amend Section 26-16 of the Code of the Town of Elkton, Virginia: "Schedule for Collection of Garbage, etc.":

AN ORDINANCE TO AMEND SECTION 26-16 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: "SCHEDULE FOR COLLECTION OF GARBAGE, ETC."

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 26-16 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE, AND IT HEREBY IS, AMENDED TO READ AS FOLLOWS:

Sec. 26-16. Schedule for collection of garbage, etc. and monthly charges.

The schedule for collection of garbage, trash, refuse and other similar matter shall be established by the Town Council and maintained in the office of the Town Superintendent.

Monthly charges for the collection and hauling of garbage, trash, etc. shall be as set forth in a schedule of rates and charges promulgated and fixed by the Town Council, and subject to rules and regulations adopted therewith. A copy of the schedule of rates and charges and a copy of any such rules and regulations shall be maintained in the office of the Town Superintendent and in the Treasurer's Office of the Town of Elkton available for public inspection.

Any house, apartment, or business may be exempt from the refuse collection fee if the owners of such property notify the Town Treasurer in writing that it is unoccupied and creating no refuse. It shall then become their responsibility to notify the Town Treasurer again in writing when it is reoccupied.

Any business may be exempt from the refuse collection fee upon written application to the Town Superintendent and satisfactory proof that (1) such business generates no refuse, or (2) suitable alternative provisions for the removal of any and all trash, garbage, refuse, litter, and other like substances have been made.

The vote was recorded as follows:

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

Councilwoman Life reported that she had two reports from the Recreation Commission. One, the commission is as concerned about the electricity, and perhaps the misuse of it, as council and Mr. Schumacher and support any action by the electric committee in perhaps having a timer on the basketball and tennis courts. Second, the Recreation Commission is reapplying for a Recreation Coordinator.

Councilwoman Life reported that as Councilman Holt was absent, and was the author of the list of duties for the various committees, she would table this until the next meeting as she would prefer he present this.

Councilwoman Life reported that she has been very interested in junk cars and had mentioned this to Mr. Wiles when she came on council. There has been some articles in the paper recently about Grottoes and what they are doing in regards to junk cars. She did not have the papers available but will continue looking into this matter.

Councilwoman Life reported that in June of 1979 council had discussed putting out for bids the auditing of our books, which at that time we were not able to do as it was too late. She stated she would like to again suggest this. Mayor Dean referred this to the Finance Committee and asked that they do this.

Councilwoman Life reported that she had talked with Mrs. Iva Long and she will be sitting at the IGA Saturday, March 15th. from 10:00 A.M. until 2:00 P.M. to register new voters.

Councilwoman Life reported there will be an Ordinance Committee meeting or a meeting for any member of council who can come Thursday night at 7:00 P.M.

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in the council chambers on the code revisions.

Councilwoman Life reported that as she was absent at the last meeting she was unaware that council had been invited to the grand openings at ShenElk Plaza.

Councilman R. R. Dean moved to approve the Finance Report for February as presented.

Councilman Dean reported that Mr. Monger had sold some copper wire and received $2470.00 and suggested this money be placed in the Elkton Electric System Fund to help defray the cost of the new electric lines on Shenandoah Avenue.

Councilman R. R. Dean moved, seconded by Councilman H. D. Flory to deposit the $2470.00 from the sale of wire in the Elkton Electric System Fund. The vote was recorded as follows:

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

Councilman Dean reported he had a letter from the VML regarding the Workmen's Compensation Insurance and they feel the town would save approximately $500.00 by going into this league sponsored insurance program. Mayor Dean explained that the VML is trying to get league sponsored insurance programs on Workmen's Compensation and Auto Liability at a possible savings. They are wanting to know within the next week or so if the town will go into this program. Council preferred to try to have someone from the league come and explain the programs further before taking any action.

Mr. Wiles reported that at the last meeting the subject came up regarding recording liens at the Clerk's Office on delinquent real estate taxes. He pointed out that we automatically have a lien but when placing them at the Clerk's office it becomes more effective as it provides notice to those checking on the taxes. He explained the different procedures available to the town for collection of delinquent taxes. Councilwoman Life asked Mr. Wiles to give her a list of the different alternatives.

Mayor Dean recognized the candidates for office which were present: M. W. Lough, Randal Snow and Virgil Cook.

Mayor Dean reported we had letters from the Elkton United Methodist Church and the Evangelical United Methodist Church inviting the Mayor and members of the council to attend a series of evangelistic services, "Proclaim the Word", between March 23rd. and March 27th. at 7:30 P.M. each evening. The letters stated that if council would like to attend as a group to let them know what night they would like to come. Council preferred to attend individually.

Councilman Flory stated that he had one person ask him if the electric rates were increased because the town ran the electric line down Shenandoah Avenue to the shopping center and he felt this should be clarified that this is not why we went up on our electric rates. Councilman Flick and Councilwoman Life felt the reason for the rate increase had been pretty well covered in the papers.

Councilman Schumacher pointed out that the electric system is like any other business, it must make a profit to continue and when it comes to the point where the profits aren't there, something has to be done to make sure that they are and the only way the town could do that was to raise the rates. It was because of the expense to operate the system and the cost of the energy the town buys. The increase had nothing to do with the shopping center or any other single factor.

A special council meeting was set for Friday, March 21st. at 7:00 P.M.

A letter was read from Mrs. Hilda Black thanking the council for the new bookshelves in the library.

As there was no further business, Councilman H. D. Flory moved, seconded by Councilwoman L. C. Life and carried to adjourn.

MAYOR: Charles E Dean
Charles E. Dean, Mayor

RECORDER: Norma R Leap
Norma R. Leap, Clerk