REGULAR
COUNCIL MEETING
May 13, 1980

The regular meeting of the Elkton Town Council was held May 13, 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, B. B. Holt, L. C. Life and C. A. Schumacher. 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.

Mr. Joey O'Byrne stated that he felt that in the interest of public safety the stop light at the triangle should be reinstated.

Mrs. Lorna McInturff asked what has to be done to get the trailer removed in Elkwood. It was put there as an office, but to her knowledge it has not been used as such for about two years. The property owners are not allowed to have a building for storage and she feels it is time this trailer was moved. Mayor Dean agreed and Mr. Monger stated that they have been notified to remove this trailer.

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Mrs. Sheila Babb stated she would like to ask a question of Councilman Schumacher regarding his survey on the police department. She has obtained a copy of the survey and feels the figures can be taken one way or the other. She wanted to know why he didn't ask the crime rate of the forty-two towns surveyed. Without those figures, the rest do not mean too awfully much. Councilman Schumacher stated that it was purely an economic study. Mrs. Babb stated that she felt he failed to ask the most important question.

Councilman H. D. Flory moved, seconded by Councilwoman L. C. Life and carried to approve the minutes of the April 15, 1980 regular meeting as presented.

Councilman Holt reported that a group did go to the county's public hearing regarding the town's comprehensive plan. Councilwoman Life, Councilman Flick, Councilman Holt, Gerald Monger, Superintendent, and B. W. Gooden, Calvin Shaffer, and G. W. Berry of the Town Planning Commission. The Board of Supervisors had decided to consider nothing in the comprehensive plan outside the corporate limits of the town and this is what they did consider. Councilman Holt stated they had pointed out the real problems associated with this. They also pointed out that the county planner, since the town had first started the plan, had almost directed the town to plan for growth so there would be no real inconsistency between the areas lying outside the town and those lying within the town. Evidently the County Planning Commission and the Board of Supervisors have some reservations, but Councilman Holt stated they got fairly good assurances that they would go ahead and shoot the town's portion of the plan (the plan within the boundaries) through, approve that and as the county goes along working on their own plan, Councilman Holt and the others had a general feeling, although there was no absolutely firm committment, that they would accept, and include as part of the county plan, the section of the town's plan that is outside the town's limits. There will be a problem as to how this is going to be printed if the county accepts only that portion within the town limits. In talking with Larry Jennings, the County Planner, he stated that what will be done is that the town's plan will be printed as presented with no changes in the text or map, but there will be a notation in the book indicating that the county has not approved that section of the comprehensive plan outside the town limits.

Councilman Flory reported that the council will need to appoint a new signatory authority on the wastewater treatment plant project as he will be going out of office July 1, 1980. He had discussed this with Mr. Maurice Lough, the newly elected Mayor and they both agreed that it would be better to appoint a specific office rather than a person, as people will change, but the office won't.

Councilman H. D. Flory moved, seconded by Councilwoman L. C. Life that council appoint the Chairman of the Water and Sewer Committee as the signatory authority, and in his absence, the Vice Chairman of that committee, in our dealings or business with EPA and FmHA.

Councilman Holt questioned if future councils could change this if they so desired and Councilman Flory stated they could but it requires so much red tape that it is better if it can be worked out so there does not have to be any change. That is why he discussed it with Mr. Lough before making a recommendation. 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 that he, along with Mrs. Leap and Mr. Monger, have been meeting with Mr. Dick Kelly of FmHA to set up the monitoring account on the sewer project. In the first meeting it appeared that we were short about $140,000.00 in funds; at the meeting yesterday the figure was brough down to about $13,000.00. There will be another meeting tomorrow morning in the council chambers at 10:00 A.M. to try to finalize the figures. Councilman Flory invited anyone that is interested to attend.

Councilman Schumacher stated that he does not have any final figures on the rate change, but it looks promising.

Councilman Flick reported that Sun Asphalt has completed the Spotswood Avenue surfacing. The town has not received a bill from them as yet, but they have reason to think it will be in line with the estimate of $17,000.00. The alley in the rear of Mr. Herbert Baugher's car wash had gravel applied as of today, at an approximate cost of $375.00. Preliminary grading has been done on Lee Avenue between "F" Street and North Avenue and it is hoped that this project can be completed before the end of the fiscal year. At the moment he could see no reason why it shouldn't be, for as far as he knows the money is available. Councilman Flick reported that they have been contacted by the Elkton Seven Up Bottling Company with a request to repair the alley at the rear of the bottling plant. This is the same alley that runs north and south between the police building and Snyder Plumbing and Heating. The alley was surfaced originally by the town and it is in bad need of repair. The bottling company is willing to pay half on the surface immediately behind their building, which would amount to about $800.00. The town's share would be $3,100.00, which would be to surface the alley all the way to the sidewalk at Robinson's Department Store. Councilman Flick stated that he understands it is not the policy of the town to surface alleys, but since the town did surface this to start with it would seem to be only good common sense to go ahead and do it now while we can recover part of the cost.

Councilman S. P. H. Flick moved, seconded by Councilman C. A. Schumacher to resurface the alley which runs behind the Elkton Maintenance Department not to exceed $3,100.00.

Councilwoman Life stated she went over the alley and she will go along with helping out Seven Up Bottling because it would be a savings to the town, but will not go along with paving the entire alley. There are several bad pot holes that could be filled in, but in speaking of $3,100.00, the town has not hit all of their most important priorities.

Mr. Monger reported that if you patch areas such as behind the shop you would just be blocking water up behind it. You almost have to pave the whole alley to get the proper drainage.

Councilwoman Life stated she would like to go over the area with Mr. Monger before she voted on it. If it is going to present a drainage problem, she might agree to consider it, but otherwise she would not.

Councilman Dean stated he would like to see the whole thing completed once it is started, but there are other property owners there owning a small portion and he would like to see them given the opportunity to share in this just like the bottling company.

Councilman Schumacher wanted to know where the money would come from to pay for this and Councilman Flick stated that the money would come out of this year's state highway funds, but it will probably be turned down in the future.

Councilman Holt wanted to know if time was a consideration. Mr. Monger stated that if something is not done in the next year or so, they will probably lose the whole thing, as it is all cracked down to the subsurface.

Councilman Flory reported that he has served on council for six years and he has not pushed this project, but has asked Mr. Monger each year to consider it. He feels their company has lost a few thousand dollars a year in glass bottles due to the uneven surface. He feels their company contributes to the community and does not feel that they are wrong in offering to pay half; that this is more than fair.

The vote was taken on the motion to pave the alley. The vote was recorded as follows:

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

Councilman Flick reported that Mr. James Powell on Ashby Avenue is having trouble with the residents on the east side of the street parking over on his side on the grass in front of his house. He has asked that the town provide him with the same type of signs as are in front of Mrs. Furry's, "Parking for Residents Only". As there is some question as to whether this is a matter for the Street Department or the Police Department, he felt council should decide on this. Councilwoman Life stated she has received complaints on this also. Councilman Flick stated he has checked on this and cannot see where there has been any damage up until now, but it could be a nuisance and he would like to see something done about it. Councilman Holt suggested they ask the Chief to check into this situation and report back to council. The council was in agreement that if the Chief felt signs should be erected, and Mr. Monger was in agreement, that the signs could be placed without further council action.

Mayor Dean asked Councilman Holt what the Planning Commission's recommendation was regarding the request by Mr. Ludwig Davis for the closing of an alley.

Councilman Holt pointed out that viewers were appointed from the Planning Commission. He was not one of the viewers as the attorney thought it would not be proper as he is a member of council. The action taken was not by the Planning Commission, but the recommendation is from the viewers themselves.

The following letter from B. W. Gooden, Chairman of the Elkton Planning Commission, was presented to council.

> "On May 7, 1980 the five (5) appointed members of the Planning Commission met at the home of Ludwig W. Davis and Lucille S. Davis for the purpose of viewing the closing of an alley adjoining Lot 5, Block 54, Section 3 on the North and Lots 6, 7, 8, 9 and 10, Block 55, Section 3 on the South.
>
> It is the viewers of the Planning Commission's recommendation to the Council not to close the alley.
>
> The Commission, by a second motion that carried, would recommend approval of three (3) alternatives for Mr. Davis.
>
> 1. Approve a variance to permit Mr. Davis to build his garage with the overhang extending no further than his southern property line.
>
> 2. Should Mr. Davis acquire 10 feet from the rear of Lots 6, 7, 8, 9 and 10 of Block 55, Section 3, and would transfer this acquired 10 feet block to the Town of Elkton, the viewers would recommend moving the alley 10 feet to the South.
>
> 3. Should Mr. Davis acquire five (5) feet from the rear of Lots 6, 7, 8, 9, and 10 of Block 55, Section 3, and would transfer this acquired five (5) feet block to the Town of Elkton, the viewers would recommend a variance to permit Mr. Davis to build his garage, with the overhang extending no further than his southern property line and would further recommend moving the alley five (5) feet to the South."

Councilman Holt added that the reasons given for this decision were (1) the viewers were opposed in principle to closing this particular alley because of the precedent it might set and the fear that closing this alley would mean a series of requests to close similar alleys down the street and (2) if you close this alley it forever denies access to the back of Lots 5, 6, 7, 8, 9 and 10 which finger onto the alley.

Mr. Welby Showalter, attorney for the Davis', presented the reasons they felt the alley should be closed.

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1. The ten foot alley running east/west has never been used by the public even though it first appeared on the court records in 1890.

2. The alley in question is not the twenty foot alley to the rear of the Davis property, but the ten foot alley extending from Morgan Avenue back to the twenty foot alley.

3. As to setting a dangerous precedent, he submitted to council that they need to look at each of these on their own merits. Each should be reviewed individually.

4. The Davis' bought their property in 1951 and for almost thirty years have maintained this alley and kept it well groomed for all this time at no cost to the town. They have shown good citizenship by maintaining the alley as they have.

5. The closing of the alley would have several ramifications. One, Mr. Showalter has a signed real estate contract in which the Downey's have agreed that if the town closes the alley, the effect of that closing would be to give the Davis' five feet and the Downey's five feet and the Downey's have agreed to sell their five feet to the Davis'. The reason for this is that the Davis' want to build a garage on a portion of this alley. The structure would be attractive. Mr. Davis has a health problem and this is the reason he wishes to place this garage at this particular location.

6. The closing of the alley would have a benefit to the town by placing the alley back on the tax rolls and becoming a taxable piece of real estate. By allowing an attractive structure to be built by Mr. Davis, it will increase the real estates values and would improve the real estate.

Mr. Showalter stated that his clients would appreciate every consideration council could give them.

Mr. B. W. Gooden, Chairman of the Viewing Committee, stated that there was one other reason they had spoken against closing the alley. Most alleys are laid off for utilities and they could forsee that we will probably get gas in this town in the near future and we are going to need these alleys for our utilities. Not just this alley, but all alleys. The viewers went on record as being willing to help Mr. and Mrs. Davis out by allowing a variance or, if they buy the land suggested, by moving the alley, but the viewers felt they had enough to build the garage with the variances. Mr. Gooden stated he felt all alleys should be left open.

Councilwoman Life asked if the twenty foot alley to the rear of the Davis' is used for trash pickup. Mr. Monger stated that it is but that they go out over Dr. Downey's property as they cannot get out of this alley either way; but they could not make the turn into the ten foot alley either.

Councilwoman Life questioned if the alley behind the adult home on Rockingham Street had been closed right before she came on council and was told it had been. She asked if anyone had complained about the Davis' reqeust except those who were confused thinking they were speaking of the twenty foot alley to the rear of the Davis property. Mr. Gooden stated that no one voiced an objection to him.

Councilman Holt pointed out that the reason the viewers were concerned about a precedent on this particular alley is because of the way the alleys are laid out on Spotswood. There is a whole series of one block or one-half block alleys staggered, running right down Spotswood, none of them being used and each one running between pieces of property similar to the one Mr. and Mrs. Davis has.

Councilman Flory questioned Mr. Davis on the fact that he has kept his property immaculately clean for years, but has left his automobile sitting on the outside. Now this request comes up and Councilman Flory wonders why? Mr. Davis stated that unfortunately he has a disability problem and is now unable to take care of his car outside and move his lawn cleaning equipment about as he once did.

Councilman Dean asked Mr. Showalter if the garage would be built up to the alley line and he stated that it would. Councilman Dean questioned if they bought the land as suggested from Dr. Downey if there would be a twenty foot alley. After some discussion on the possibility of shifting the alley, Mr. Davis pointed

out that he had tried to buy ten feet of land from Dr. Downey before coming to council with his request and Dr. Downey did not want to sell but that due to Mr. Davis' health condition, and only due to his condition, he would agree for the alley to be closed to give Mr. Davis the freedom of getting five more footage to be able to put up his structure. Mr. Davis pointed out that to build his structure in the fashion suggested by the viewers, the limitations are a little strict for what money he would have to borrow to build a structure such as this. It would mean he could not go into his garage straight, but would have to make some provisions to offset this. It could be done, but he did not feel the cost would justify it.

Mr. Showalter stated he had talked with Dr. Downey this afternoon and he did not feel he would be agreeable to any of the suggestions. He has agreed that if the town closes the alley he will give up his five feet of the alley to Mr. Davis but he does not want to sell any of his present property.

Councilman Dean asked if Mr. Davis would be willing to give them an easement for utilities if the alley is closed and Mr. Davis was agreeable to underground utilities.

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Councilman R. R. Dean moved, seconded by Councilwoman L. C. Life to close the ten foot alley requested by Mr. L. W. Davis with the right that the town maintain an easement for underground utilities on the southern five feet of the alley. The vote was recorded as follows:

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

Mr. Wiles reminded council this will require an ordinance. Mr. Showalter offered to prepare the ordinance.

Councilwoman Life reported that the Elkton Recreation Commission presently has two vacanies on the commission for members outside town. The commission would like to present for council's approval the names of Mrs. Carolyn Nester and Mr. Steven Hensley, who have consented to serve.

Councilwoman L. C. Life moved, seconded by Councilman R. R. Dean and carried to approve the appointments of Mrs. Carolyn Nester and Mr. Steven Hensley to the Elkton Recreation Commission.

Councilwoman Life reported that Mr. Wiles informed her yesterday that it will be necessary to have a second reading on the bank franchise tax ordinance. Mr. Wiles explained that he had contemplated the ordinance would go into effect immediately but the charter requires two readings on ordinances for taxes and this is a tax and will not go into effect until after the second reading.

Councilwoman L. C. Life moved, seconded by Councilman H. D. Flory to approve on Second Reading the following bank franchise tax:

AN ORDINANCE IMPOSING A BANK FRANCHISE TAX

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

1. That the Code of the Town of Elkton, Virginia, be and it hereby is amended by adding in Chapter 15, a new Article III, "Bank Franchise Tax," to include the following section:

Sec. 15- . Bank Franchise Tax.

(a) Definitions.

For the purposes of this ordinances, the following words shall have the meanings ascribed to them by this section:

A. "Bank" shall be defined as in Section 58-485.01 of the Code of Virginia.

B. "Net Capital" shall mean a bank's net capital computed pursuant to Section 58-485.07 of the Code of Virginia.

(b) Imposition of Town Bank Franchise Tax.

A. Pursuant to the provisions of Chapter 10.01 of Title

58 of the Code of Virginia, there is hereby imposed upon each bank located within the boundaries of this town a tax on net capital equalling eighty (80) percentum of the state rate of franchise tax set forth in Section 58-485.06 of the Code of Virginia.

B. In the event that any bank located within the boundaries of this town is not the principal office but is a branch extension or affiliate of the principal office located outside the corporate limits hereof, the tax upon such branch shall be apportioned as provided by Section 58-485.012 of the Code of Virginia.

(c) Filing of Return and Payment of Tax.

A. On or after the first day of January of each year, but not later than March 1 of any such year, all banks whose principal offices are located within this town shall prepare and file with the Commissioner of the Revenue of Rockingham County a return as provided by Section 58-485.013 of the Code of Virginia in duplicate which shall set forth the tax on net capital computed pursuant to Chapter 10.01 of Title 58 of the Code of Virginia. The Commissioner of the Revenue shall certify a copy of such filing of the bank's return and schedule and shall forthwith transmit such certified copy to the State Department of Taxation.

B. In the event that the principal office of a bank is located outside the corporate boundaries of this town and such bank has branch offices located within this town, in addition to the filing requirements set forth in subsection (A) hereof, any bank conducting such branch business shall file with the Commissioner of the Revenue of Rockingham County a copy of the real estate deduction schedule, apportionment and other items which are required by Sections 58-485.012, 58-485.013 and 58-485.014 of the Code of Virginia.

C. Each bank, on or before the first day of June of each year, shall pay into the treasurer's office of this town all taxes imposed pursuant to this ordinance.

(d) Effective Date of Ordinance

The provisions of this ordinance shall be effective for the year beginning January 1, 1980.

(e) Penalty upon Bank for Failure to Comply with Ordinance.

Any bank which shall fail or neglect to comply with any provision of this ordinance shall be fined not less than one hundred nor more than five hundred dollars, which fine shall be recovered upon motion, after five days' notice in the circuit court of this locality. The motion shall be in the name of the Commonwealth and shall be presented by the attorney for the Commonwealth of this locality.

2. That Section 28-5 of the Code of the Town of Elkton, Virginia, is hereby repealed; provided, however, that in the event the provisions of Chapter 10.01 of Title 58 of the Code of Virginia, 1950, as amended, are held unconstitutional for tax year nineteen hundred eighty, then the repeal of said Section 28-5 shall not be effective until on and after January one, nineteen hundred eighty-one.

Reference to state law: Code of Virginia, 1950, as amended, Sections 58-485.01 through 58-485.018.

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 Holt presented the First Reading on 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 SUB-PARAGRAPH 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 person related to him by blood or marriage. Any such special permit granted shall be based upon a finding that such permitted use will be in harmony with the general intent and purposes of the Elkton Comprehensive Plan and the Zoning Ordinance, and is compatible with other permitted and existing uses in this district, and consistent with good zoning practices generally. Among matters to be considered in this connection are traffic congestion, pedestrian and vehicular safety, parking, sanitary and health facilities, and the effect upon the development, use, and value of adjacent land and buildings. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance. 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 nor more than twenty-one days prior to the hearing, and by mailing of such notice by certified mail to each adjoining landowner.

Councilman Flory questioned who would look into the special mandates or conditions allowed to be set by the ordinance. Councilman Holt felt that at the public hearing you will receive the concerns from the people living adjacent to the property to be used for "Homes for Adults" and from those concerns expressed, mandates may be developed or it may be that some circumstances may become so prominent that they will become standard mandates; but it will be council's responsibility. They may decide to designate the Town Manager to do this, the person representing the council on the Planning Commission or anyone council decided.

Mayor Dean pointed out that the Planning Commission did recommend that the A-2 zone of the Town of Elkton zoning ordinance be modified to include as an approved use "Homes for Adults". Also included in their recommendation was the provision that council has to approve or disapprove each individual case.

Councilwoman Life stated that at the last meeting she had proposed an ordinance imposing a tax on unlicensed automobiles and in order to have discussion on this she would present the Second Reading.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to approve on Second Reading an ordinance amending Chapter 15 of the Code of The Town of Elkton to impose a tax on unlicensed automobiles.

Councilwoman Life stated that she has changed her mind about this ordinance. In trying to clean up the town she is hurting a lot of people who are not really hurting the town. There are vehicles stored on private property, they are paying taxes on this property, mowing around these vehicles and they are not determinantal

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to the neighborhood. She felt that before she voted yea on this ordinance she would like to have a survey made, and as Mr. Wiles had suggested at the last meeting, there is a chapter on junk vehicles if it is enforced by our police department. She had checked on insurance for these cars and it cost about $18.00 for antique cars plus the $5.00 license by the State but cars which are not antiques would have to pay about $50.00 or $60.00 for insurance which would be the same as or more than what the town is trying to put on them. She asked council to reconsider this ordinance.

Councilman Holt felt they were settled on this new ordinance. The ordinance committee had discussed this situation and felt there were some shortcomings in the existing ordinance and that there were some areas not covered. It may be that the other ordinance turned out to be unenforceable. He feels this proposed ordinance is a good idea and he is going to vote yea.

Mr. Wiles read the existing ordinance restricting the keeping of inoperative motor vehicles on residential or commercial property and providing for the removal of such vehicles. He pointed out that the key sentence in this is "whose condition (motor vehicle, trailer, or semitrailer) is such that it is economically impractical to make them operative;". This is what has made the ordinance difficult to enforce.

Councilman Flory stated that he knows the community does have a problem. He is not as concerned about the beauty, even though this is desirable, as the problems created by the area around these vehicles growing up and there being a danger, especially to children, from snakes, etc. He suggested possibly requiring people to cover these vehicles with plastic. He was not in favor of the proposed ordinance before, but feels there is a problem and council needs to give this more thought.

Councilman Flick and Councilman Dean both stated they would like to see this tabled.

Councilman Schumacher felt that the ordinance the way it is written puts a hardship on those people who collect cars for a hobby and the idea of making them put a larger insurance on them is using the state law in exactly the opposite of the intent the law was written.

Councilman Holt stated that the antique cars are protected and he felt they were evading the issue. There is a junk car problem in town and council is backing off from the opportunity to give people the incentive to get rid of their junk cars.

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

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

Councilwoman Life stated that she will certainly keep looking into this problem. Mr. Wiles pointed out that the state law provides that you can charge up to $50.00 per vehicle but you could set the amount as low as you wished. Councilman Flory stated he would like to go on record as endorsing some type of program that would help.

Councilwoman Life stated that the ordinance committee would like for her to bring before the public a summation of the most important changes in the town code which they hope will be adopted when the printer's draft is presented the latter part of May or first of June. The printer's proofs will be available in the Town Treasurer's office for public inspection as soon as they are received. The new Code of the Town of Elkton, Virginia, has been significantly reorganized. Instead of thirty-three chapters arranged alphabetically, the new Code contains nine "Titles" under which all ordinances relating to a common subject area are classified. Other significant changes have been made in the revised Code. The new Code, of course, includes all ordinances enacted since 1966 which are still in effect. All ordinances repealed since 1966 have been deleted. In addition, other ordinances not previously repealed but seen as obsolete have been dropped. For example, all ordinances dealing with the Town Dump have been eliminated from the new Code. Provisions requiring the registration and inspection of bicycles have been deleted. Other ordinances have been changed to conform to modern practices: the order of proceedings at council meetings set out in old Section 2-5 has been updated; the Town Superintendent's authority to hire and fire employees in the Maintenance Department is recognized; ordinances pertaining

to the display of auto tags have been modified to reflect the use of decals in place of tags. In addition, several rather significant changes in existing ordinances have been made and much new material has been added to the new Code for the first time. For example, provisions raising penalties and interest charged on delinquent taxes to 10%, in accordance with recent legislation of the General Assembly, have been incorporated into the new Code. The date on which interest on delinquent taxes may be charged has likewise been advanced. The new Code also adopts for the first time a procedure sanctioned by State law for publishing the names of delinquent taxpayers. Procedures for imposing assessments for local improvements have been broadened to allow for assessments in the case of sidewalks, waterlines, sanitary sewers, and permanent amenities in addition to storm water sewers, as presently provided. This authority already exists under State law, but procedures for implementing this authority have hitherto been established only for storm water sewers. Another new provision is the imposition of a tax on electric utility companies doing business in the Town of Elkton. Perhaps the most significant new changes included in the revised Code are those concerning business licenses. These changes have been made in conformity with recent revisions in State law redefining the authority of municipalities to impose local license taxes and prescribing limitations on such taxation. These changes affect virtually every business operating in the town. In most cases, they will result in an increase in the license tax. The primary change is replacement of the old fixed license tax on specified occupations or businesses with a new license tax based on gross receipts. Four classifications of businesses or occupations will now be taxed on gross receipts: (1) Contractors; (2) Retail Sales; (3) Financial, Real Estate, and Other Professional Services; (4) Repair, Personal and Business Services. The new rate of tax are as follows:

(Per One Hundred Dollars of Gross Receipts)

	Before 1982	After 1981
Contractors, etc.	8¢	8¢
Retail Sales, etc.	8¢	10¢
Financial, Real Estate, Professional	24¢	29¢
Repair, Personal and Business Services	15¢	18¢

Minimum tax: $15.00

In each case, the rate charged beginning January 1, 1982, is one-half of the rate authorized by State law. Specific license taxes have been fixed in conformity with State law for businesses and occupations which could not be classified under one of the four categories set out above. Special license tax provisions applicable to operators of coin-operated machines or devices, within the limits prescribed by State law, have been incorporated into the revised Code. All operators of coin-operated machines are taxed on their gross receipts as retail merchants. In addition, a tax of $10 per machine, up to a maximum of $200, is imposed on the operators of all such machines which do not vend goods, wares, or merchandise, with certain specified exceptions. In conformity with State law, the tax on Manufacturers has been removed.

Mr. Wiles pointed out that once the revised Code is received they will have to set for two weeks before council can take final action.

Councilman Flory stated he felt it should be clarified that business license tax will be increased and the merchants be made aware of this. Councilwoman Life said this was what she was trying to do tonight and anything she read was available to the press for publication.

Councilwoman Life stated she had asked Mr. Wiles to give her the areas of collection of unpaid taxes and he has done so but she has not been able to go over these and would like to take them to her committee first.

Councilwoman Life reminded everyone that it is Clean Up Week in Elkton.

Councilman R. R. Dean moved, seconded by Councilman H. D. Flory and carried to approve the Finance Report for April as presented.

Councilman Dean presented the following quotes on doing the town audit:

A. M. Pullen & Company	$2040.00
S. B. Hoover & Co. CPA	$1800.00 to $1950.00

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Councilman Flory stated that as the quotes are so close he would like for the Finance Committee to go over these quotes and then make a recommendation to council. Council was in agreement with this.

Councilman Dean presented the First Reading on the following transfers and additional appropriations in the various departments:

Additional Appropriation Land Acquisition	$ 2,670.00
General Government	
Transfer from Unemployment Tax to Legal	$ 1,000.00
Transfer from Council Expenses to Auto License	50.00
Transfer from Council Expenses to Repairs Town Property	150.00
Transfer from Insurance to Fuel Oil	650.00
Transfer from Misc. to Fuel Oil	750.00
Transfer from Supplies to Fuel Oil	1,000.00
Electric	
Transfer from Insurance to Supplies	$ 1,475.61
Additional Appropriation Wages	3,000.00
Additional Appropriation Current	120,000.00
Sewer	
Additional Appropriation Misc.	$ 3,111.00
Public Safety	
Transfer from Overtime to Wages	$ 160.00
Transfer from Jail Fees to Wages	50.00
Transfer from Radio & Radar to Wages	145.00
Transfer from Telephone to Wages	58.00
Transfer from Uniforms to Wages	95.00
Additional Appropriation Wages	2,066.00
Additional Appropriation Insurance	457.00
Additional Appropriation Vehicle Upkeep	2,785.00
Additional Appropriation Misc.	225.00
Additional Appropriation Supplies	530.00

Councilman Holt pointed out that the police department does generate about $11,000.00 a year in Fines and Cost and are now receiving $84.00 a month for teletype service they are providing to Wintergreen. He further stated that there is a little money left in overtime simply because the police officers have been taking overtime only when they work holidays even though they have been working overtime. They are also entitle to court time and the officers have not been putting in for this. They have been trying to do what they can to save.

Councilwoman Life stated that she does not go along with the additional appropriations requested by the police department. She pointed out that the original budget request had been approximately $102,000.00 but had been cut by the Finance Committee to around $96,000.00. The Finance Committee suggested cutting a dispatcher in order to meet this $96,000.00 budget which was adopted by council. The Public Safety Department was also given another $2,000.00 in Revenue Sharing. Now they are asking for an additional appropriation of $5,895.00 which when added to the $96,000.00 and $2,000.00 makes a total of over $103,000.00. At the end of February, she attended a Public Safety meeting and was told they might need an additional $3,000.00 or a little more. Now it has jumped to $5,895.00. The reasons she feels this should not be appropriated is one, no one was ever cut, which was told should be done to save money and she does not feel it was ever intended to be done; and two, we lost a police officer around April 30th. which would have given them a savings of $1,472.00.

Councilman Holt stated that $3,000.00 of this increase was due to the increased cost of gasoline, and had nothing to do with salaries. He questioned that if the money is not appropriated what did council purpose they do, start cutting police officers? He told Mrs. Life she would have two years to destroy the best police department this town has ever had. If the council votes against the appropriation needed to see this police department through the end of the year, they can start destroying it right now.

Councilwoman Life asked Councilman Holt if he would not say that if a person had been cut when he was originally told to cut, they would be able to pay the $3,000.00. Councilman Holt stated it just didn't work out that way.

A special council meeting was set for Tuesday, May 20, 1980 at 7:30 P.M. to have the Second Reading on the additional appropriations, the Second Reading on

rezoning the A-2 District and maybe the new budget.

Councilman Holt made the following comments on Councilman Schumacher's survey on police departments. "As the originator said, you have to be awfully careful about drawing conclusions from raw statistics and if anyone feels that we should make and can make responsible decisions on the basis of this survey then that person underestimates the level of sophistication of this council and the intelligence of this group and the intelligence of the town. This is a very complex subject and has been treated in a very primitive fashion. There are too many unknowns; too many intangibles; too many variables that haven't been considered. It appears to me, and I may be wrong, that a selected set of statistics have been taken to support a preconceived conclusion." Councilman Holt mentioned two points. One was the percentage of the Elkton Police Budget of the overall budget. For some reason which he could not understand the survey decided to eliminate the most important part of the town budget, our most important source of income, the electrical department. He stated that simply, perhaps, because if you leave it in the Elkton Police Department looks pretty good in comparison to other towns. If you are going to leave this out you have to look at all the sources of income for the other towns. You have to consider all the variables. He stated that responsible statistics do not permit you to pull out one important part in order to support a foregone conclusion. If the electricity is considered in the town's budget instead of having 30 or 29 or whatever the percentage was, you come down to a very reasonable 12½%. Of the 34 towns surveyed 25 of them have that much or higher percentage. The other item he mentioned was Elkton's police cost per person per year, $60.75. This looks bad, but as the paper says, there may be extenduating circumstances. One element mentioned was that we have a higher percentage of taxpayers than most towns in Virginia and another was what the police department supports. Ninety percent of the Town of Elkton's arrest, according to Chief Lawhorne, the people live out of town. Councilman Holt stated that what he is talking about is what does this police department service or keep under control. The post office services about 9,000. If you consider that as a service area and start dividing that into the police budget, you come down to a per capita expense of $10.60. If you come closer in and use about 3,000, the cost per capita is about $32.00 and that is pretty good. He admitted that this is not a completely logical approach, but felt it was just as logical as pulling the electrical system out of the budget and arriving at another conclusion.

Councilman Schumacher stated that his statement was on the front of the summary he had sent to each council member.

Councilwoman Life pointed out that in going through the survey there was only one other town with approximately the same population as Elkton's that maintains its own jail facilities and she wondered if perhaps this might be a way of saving money in this area. She further commented on the article written by Patty Smith of The Valley Banner in which she apparently interviewed Chief Lawhorne. Councilwoman Life stated this bothered her and felt it should be of concern to the whole council. Councilwoman Life asked Councilman Holt if he was aware of the article before it was written and he stated that he was not. She also asked Councilman Holt if he approved of the article and he stated he had no comment. Councilwoman Life asked Chief Lawhorne if the article was correct or was he misquoted in any area and he stated he had no comment.

Councilwoman Life stated she would like to make a few comments on the article. She stated that Chief Lawhorne, as a policeman, has her highest regard; as a manager of money, he does not. Council can not be blamed for inability to manage a budget, this is Chief Lawhorne's duty. Councilwoman Life stated that she has not seen any application asking that a person be police orientated to run for council and this does not make them stupid. Nor does asking questions make them stupid. It was said in the article that more cooperation could be had and she felt this goes two ways. She found it quite hard to believe that we police 5,000 people but stated that maybe we do as we are out of our territory a lot. She stated that we boast on the number of arrest but she wonders about the record of convictions. She felt trouble has been invited by stressing in the media that we are going to have less police coverage due to finances. Perhaps the jail would be the answer and use our county services more, which we pay for. Usually there are two patrolmen working at the same time, one could stay in Elkton while the other takes the person under arrest to Harrisonburg. The State mandate for deputies salaries do not interest Councilwoman Life and it bothers her that Policeman Helsley is always put in the middle. She pointed out that she thinks there is some type of law that if someone makes under $10,000.00 it is not suppose to be published. Everyone knows that Policeman Helsley has the highest confidence of people in Elkton and she wished they could pay him over $10,000.00. She felt the elections said a lot. She stated that the article

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stated no ultimatum. She quoted the following passage: "in essence if they, the council, do not give us the money necessary, they can run the department themselves. They do not need a Chief of Police, Lawhorne charged." Councilwoman Life pointed out that we need and want good protection but we must also need and want what we can afford. The council does have other areas of concern. She felt council members have to be strong and have to be honest and vote their true convictions. She, for one, did not like the article. She thought it was degrading to the present council, and also the council and mayor-elect.

Councilman Dean stated he would like for all of us for the next couple of months to keep our cool. He would like the people of the town to work with them, also the council and mayor-elect, and give them a chance to study the budget for the coming year. They may have to cut in all areas. He realizes the police budget is high and he feels Mr. Lawhorne when they show him the facts will be willing to work with them. He has found that if there is too much bickering, your best men will quit first so he hopes everyone will hold together for a couple months until the new council takes over.

Councilman Holt stated that he was amazed that all this fuss is made about $5,895.00 when we probably should be concerned about the $123,000.00 shortage in the electric department. No one seems to be concerned about this.

Mr. Wiles reported that he has a deed of easement with ShenElk Associates and the Town of Elkton. The easement is for the water and sewer lines in the ShenElk Plaza development. He has gone over this with Mr. Monger and they have agreed on the format of this easement. It specifies that only a portion of the system has been installed. What they are asking is that the town accept the portion of the water system which has been installed and the sewer system into the town's water and sewer system at this time. There is language in the easement which refers to the construction standards of the town which provide that the developer is responsible for the maintenance for one year. The council does need to vote to accept the presently installed sewer main and water main lines into the town's sewer and water systems and authorize the Mayor to sign this deed of easement acknowledging the acceptance of the system.

Councilman Flory stated he would like to go over this document with the Water and Sewer Committee and bring a recommendation back to council. It could be put on the agenda for the special meeting. Council had no objections.

Mr. Monger reminded council of the meeting of the Rockingham Municipal League Wednesday, May 21, 1980 at 7:30 P.M. at Mount Crawford.

As there was no further business, the meeting adjourned.

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

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