SPECIAL
COUNCIL MEETING
June 19, 1980

A special meeting was held Thursday, June 19, 1980 immediately following the public hearing in the council chambers with the Mayor, Charles 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, R. Bruce Wiles, Attorney and Betty H. Engle, Assistant Clerk were also present.

Councilman Dean moved, seconded by Councilman Flory to raise the Real Estate Tax from 12¢ to 13¢ and leave the Personal Property and Tools and Machinery at 75¢ on $100.00. The vote was recorded as follows:

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

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Councilman Dean read a letter from Commonwealth Cablevision requesting that consideration be given to increasing the primary rate from $5.95 to $7.00 a month and the secondary outlet from $1.25 to $1.50 per month. Mr. Dean said he had checked around and this seemed to be in line.

Councilman Dean moved, seconded by Councilwoman Life to raise the television cable service to $7.00 a month and $1.50 for a second outlet. The vote was recorded as follows:

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

Mayor Dean announced the next thing to be brought up was the application of Mrs. Freda Tschiniak for a special permit to operate a Home for Adults on West Spotswood Trail.

Councilman Holt was concerned about a question that had been raised this afternoon. An expression of concern that although Mrs. Tschiniak has indicated that her intent is to serve the Elkton area, that the place might develop into a center for people coming in out of the area, people who would be on welfare, and would be supported by State and welfare funds. He realizes the need for this type home in the area, but would not like to see a Home for Adults centered in Elkton bringing in people from outside the area or even outside the state, paid for by the State and County welfare funds. Mr. Holt asked Mrs. Tschiniak if she would be agreeable to a condition that indicated that she would take as residents in her Home for Adults only persons who live in Rockingham County or have family in the County, or have a percentage say 80% would meet that qualification. Mrs. Tschiniak answered yes, but her attorney felt this was asking Mrs. Tschiniak to discriminate against the people who might lie outside the County. Mr. Holt asked Mr. Wiles if he thought this was a legal condition, and was told he did not think this was an important legal condition.

Mr. Ritchie stated he felt Mrs. Tschiniak did not want to discriminate against anyone and wanted to operate in a peaceful and business way which he thought was consistent with representing taking care of people in Elkton.

Councilman Holt stated he would be a lot happier if someone had an idea that would be acceptable and legal to assure at least a very high percentage of the people in the home would be from Rockingham County, but there didn't seem to be anyway to hack that. He also stated he was concerned about the sewer thing, and would like to talk to Mr. Monger. Councilwoman Life stated she had talked to Mr. Monger and was told it would present a problem. Where before you had just the flushing of lavatories and the washing of hands, you would now have baths and cooking, etc., that when the water level gets to where you have raw sewage going into the homes now, what are you going to have then? If it does not add that much still, lets face it we're going to have the State Department on our backs even harder than we have had because of this home being inspected by the State Health Department. Mr. Monger is concerned about the Health Department coming down on the town harder than before. Mrs. Life stated we do not have the money to take care of it or we would have already. Also Mrs. Life stated she to was concerned about the traffic in that area.

Councilwoman Life asked about someone going in and inspecting the sprinkler

system which our pipes will not take care of. Mrs. Tschiniak answered that the fire marshall has requested a water supply and pump. There will be a 3,000 gallon tank in the basement that would go through the lines already there, and has been approved by the state. Mrs. Life also said that she understood the purchase had been made of the building of Mrs. Tschiniak, and also wanted to know that if this permit did not go through would she continue to operate her business on Rockingham Street. She was told that there had not been a closing on the property, and that she would continue her business on Rockingham Street.

Councilwoman Life also was concerned that she have a ten bed home, and only seven were occupied by the elderly, would she contact the Welfare Department that she had three beds available, what type of people she would take to fill her home to its capacity, since she is purchasing this home as a business.

Mr. Ritchie answered that he did not feel that the council could ask Mrs. Tschiniak to discriminate, but that he felt sure if she had elderly people in the home, that she would fill the remainder of the beds with people that were suitable to keep harmony within the home.

Councilman Holt stated his concern on the sewer issue, and would find it very hard to vote on the permit tonight.

Councilman Holt moved, seconded by Councilman Flory to delay the decision until the next meeting.

Councilman Dean reported there had been $9,000.00 set aside to help alleviate this problem.

John Hensley, Pastor of The Upper Room Church, said they had not had any sewage problem in that particular area, and does not feel the traffic would be a problem, and the people in town would enjoy this home in their community.

Councilman Schumacher asked if the town granted this permit, and these people were aware of the potential sewer problem in wet season, how liable would the town be?

Mr. Wiles said this being used as a home of this type would not make any difference as far as the town being obligated to providing this service. Mr. Schumacher said he was concerned after talking with Mr. Monger and finding very little has been done to the system since the sewer system was surveyed and the television cameras were pulled through the lines about four years ago, and cracks were revealed and that the sewer problem comes from the upper end of town instead of the lines being really too small, and it would probably cost in an excess of $75,000.00 to correct this problem, and that amount in the budget right now would bend it out of shape.

The vote was recorded as follows to delay the decision of the Homes for Adults.

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

The next council meeting was set for Thursday, June 26, 1980 at 8:00 P.M.

Councilman Dean moved, seconded by Councilman Holt to approve the Second Reading on the 1980-81 Budget. The vote was recorded as follows:

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

Councilman Dean moved, seconded by Councilman Holt to approve the First Reading on Budget Appropriations for 1980-81. The vote was recorded as follows:

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

Councilman Dean moved, seconded by Councilman Holt to set a new rate for town stickers.

Cars $15.00 Motorcycles $5.00 Trailers $5.00

The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea

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

Councilwoman Life moved, seconded by Councilman Holt to approve the Second Reading to adopt the Revised Code as presented.

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

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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.

Adopted and approved this 19th. day of June, 1980.

Councilman Schumacher moved to amend the motion to permit business license rates to be restudied before the end of the year and in keeping with budgetary requirements. The motion died for lack of a second.

Councilman Flory moved, seconded by Councilman Schumacher to amend the particular section dealing with professional people to change the rates for 1981 from 24¢ to 15¢ and 1982 from 29¢ to 20¢. The vote was recorded as follows:

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

Councilwoman Life moved, seconded by Councilman Holt to include in her motion the rates of town stickers in the revised code: Cars - $15.00; Motorcycles - $5.00; and Trailers - $5.00. The vote was recorded as follows:

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

Mr. Wiles informed council that the new code should be in print by the middle of July.

Mr. Leroy Kite asked council about opening an open air market in Brown's lot on the corner of Rockingham Street and Stuart Avenue, selling off of a truck at this time, and next season have a building. He was told by Mr. Wiles that as long as he maintained regular hours and stayed at the same location, he would not be required to purchase peddlers license for $100.00 but would be considered a retail merchant and would purchase a license for $10.00 and next year it would be on his gross sales.

As there was no further business, the meeting adjourned.

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

RECORDER: Betty H. Engle
Betty H. Engle, Asst. Clerk