REGULAR
COUNCIL MEETING
August 13, 1984

The regular meeting of the Elkton Town Council was held August 13, 1984 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, S. P. H. Flick, B. B. Holt, H. W. Leap, H. A. Leet and L. C. Life. Dale Davenport, Attorney, Norma Leap, Clerk, Jeffrey Nadeau, Chief of Police and Gerald Monger, Superintendent were also present.

Councilman B. B. Holt moved, seconded by Councilman H. A. Leet and carried to approve the minutes of the regular meeting July 9, 1984 and the public hearing and special meeting July 23, 1984 as corrected.

Mr. Monger reported that he has a used motor grader which he has been trying to buy for almost a year. The owner is now interested in selling the grader for $9,500.00. In talking with the auditors, it appears there should be approximately $12,500.00 left in the 1983-84 Street Department budget and Mr. Monger requested this be used to purchase the motor grader.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap to give the Streets & Sidewalks Committee the $9,500.00 to purchase a motor grader as the money is available from last year's Street Department budget. The vote was recorded as follows:

Davis	-	yea	Leap	-	yea
Flick	-	yea	Leet	-	yea
Holt	-	yea	Life	-	yea

Mr. Monger reported that they have started tearing out the sidewalk directly in front of the Evangelical United Methodist Church today. The other section of the block which had been discussed at the last meeting does not need replacing. The church has requested that the town go 50-50 on a section 89½ feet by 5½ feet up Clark Avenue. This would cost approximately $750.00, making our share approximately $375.00.

Councilwoman Life stated she would rather the Streets & Sidewalks Committee take a further look at this before making any decisions. Council was in agreement to turn this request over to the Street Committee to decide whether to go along with the request.

Mr. Monger reported that the basketball court is ready to blacktop but they do not have any bids as yet. They will begin the curbing in front of the Municipal Building as soon as the contractor finishes the sidewalk at the church.

Mr. Monger reported that the water line is under the road on Route 340 and everything is hooked up on the west side of Route 340. The cost was $600.00 more due to a requirement by the State to make the sleeve longer.

The Public Safety report for July was reviewed by Mayor Dean.

Councilwoman Life reported that she has been receiving some calls regarding parking problems and she does not know exactly which committee this would come under. She has no problem with the Public Safety Department as they are just doing their job in regards to the parking regulations but she does feel we need to take a look at the parking signs in the business district. In some areas there are no restrictions and in other areas we have two hour restrictions. In the case of a beauty shop, two hours sometimes does not give a person enough time to get their

hair done. She feels we need to be consistent in our restrictions on parking and to try to work with the merchants in order to not hurt their business. There was some discussion on loitering on some of the business lots in town and suggestions as to what can be done to correct both the loitering and parking problems. This matter was turned over to the Public Safety Committee.

Council also discussed the problem of loitering on the parking lot east of the Sovran Bank. Signs need to be posted stating no parking after normal business hours. There would be no problem with posting the front section as the town leases this part but Mr. Monger needs to get permission from Mr. Welty Hensley, owner of the back section, in order to post that section.

Councilman Holt requested the Public Safety Committee take another look at having the teletype machine reinstalled which was removed in July. The police officers feel it is needed and Councilman Holt stated he feels the machine would be an asset to the department.

Councilman Flick reported that there would be no Finance Report this month due to the books being audited.

Councilman Flick reported that personal property will be assessed at 100% value this year for tax purposes so we will have to lower our tax rate to keep taxes at the present level. Personal property was being assessed at 40% of it's value until this year.

Councilman Flick reviewed the report on "freebies" which were distributed to council members.

Councilwoman Life reported that the Street Committee has not met as yet. Mr. Monger will be reviewing the streets in order to make recommendations to the committee. The committee will then meet to discuss the needs and recommendations as presented.

Councilwoman Life reported that work is being done to obtain an easement for a storm drainage on east Rockingham Street.

Councilman Holt reported that the town has received a bill from BCM Potomac Inc. for the engineering services on the fluoridation study in the amount of $1,750.00. The amount due at this time is $690.00. The town will be reimbursed for these costs by the State.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried to pay the bill of $690.00 to BCM Potomac Inc. for the first installment due on the engineering services.

Councilman Holt reported that Mayor Dean has received a letter from Delegate Emmett W. Hanger Jr. regarding the railroad grade crossing on Marshall Avenue. Delegate Hanger stated that he received the letter from the town too late for legislation in 1984 but that he has talked with representatives of the State Highway Department in Richmond and will file the necessary legislation for the next General Assembly Session which begins January 9, 1985 if that is what is required to obtain the funding.

Councilman Holt reported that we have received replies from Senator Strom Thurmond and Representative Jim Olin regarding legislation to provide antitrust protection for local governments. No action as yet has been taken on the legislation which has been introduced.

Councilman Holt reported that members of the Elkton Historical Society and the committee appointed to oversee the restoration of the "Jackson House" plan to visit Hopewell, Virginia to see what they have done along these lines.

Councilman Holt read the following report from the viewing committee appointed to view the closing of a street as shown on some plats as Asbury Avenue:

"The Viewing Committee, as directed by the Elkton Town Council, voted unanimously, with one (1) member being absent and excused, to recommend that the Town Council vacate and close a street as shown on some plats as Asbury Avenue located between F Street and Virginia Avenue.

The Committee considered and discussed the following:

A. Several deeds of sale offering the property with and without covenants.
A1. Advice of the Town Attorney as to the effects of the covenants.
B. Future need for said street and the probability of its use.
C. Opinion of citizens both in favor of and in opposition to the proposal.
D. The Elkton Comprehensive Plan.
E. The existing Elkton Zoning Ordinance.
F. The effect of closing the street and subsequent development upon traffic flow in the area.
G. The overall good of the Town of Elkton.
H. The need for quality rental property.

Also, the Viewing Committee recommends that because of present and forseeable traffic volume on North Avenue that prospective builders be advised of the possibility of future widening of North Avenue in order that they might provide appropriate setbacks."

Councilman B. B. Holt moved, seconded by Councilman R. E. Davis to close the street known as "Asbury Avenue" on some plats and located between "F" Street and Virginia Avenue. Said street intersects with "F" Street on the south at the intersection of North and "F" Streets and on the north on Virginia Avenue 123.5 feet east of the intersection of North Street and Virginia Avenue.

Councilwoman Life stated that when she was on council before she went against the wishes of property owners in one area and voted in favor of a developer who wanted to build apartments, which at the time she felt were needed. As of this date nothing has been done to build those apartments. She feels all of the council members have been elected to represent the majority of the people involved with this request. She can understand why these residents are in opposition to the closing of this street for the purpose of building duplexes and is going to vote for the homeowners in that area. She pointed out that council voted against federal subsidized apartments in this area several years ago. She felt that if the street was opened it would offer a lot to the single family dwellings in that area. She also felt safety was another factor which needed to be considered plus the fact that the Planning Commission is presently working on a plan which would limit that area to single family dwellings. She asked the members of council to consider these factors when making their decision.

Councilman Leet stated he is having trouble with the whole problem. He feels proper zoning is what is needed but realizes this question cannot wait until a new zoning ordinance is passed. He stated he sympathizes with the homeowners involved. He also realizes the need for this type housing but as the town seems to always fight against it so strongly, he doesn't know if we will ever have any of this type housing. He also pointed out that if North Street would be unsafe for these extra vehicles, it must be unsafe now and something should be done about it.

Councilman Holt stated that the decision of the viewers was a difficult one but that they tried to take an objective view of the situation and make a decision which was best for the citizens of the town as a whole. He felt he needed to report on some of the major items considered before arriving at their decision. He pointed out that the area in which covenants apply do permit duplexes. They considered whether the building of duplexes would change the character of the neighborhood and as there are already duplexes in the area they did not feel it would affect the character of the neighborhood. They looked into the present ordinance and the existing ordinance permits apartments. They considered the additional traffic which would be created by four or five more houses or duplexes and did not feel it would make that much difference. In taking a look at the street, it was their opinion that there is no way the town would ever open that street as it would not be necessary and cost too much to open.

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

Davis	- yea	Leap	- yea
Flick	- yea	Leet	- yea
Holt	- yea	Life	- nay

Councilman Leet reported that we are still having infiltration problems, especially with the weather being so bad. Mr. Monger has been looking into a method of coating the sewer lines but as yet does not have any information on this. They are planning to go ahead with the correcting of the infiltration problem in the creek area.

Councilman Leet reported that Mr. Davenport has returned the proposal on the sewer service across the river to the committee. The committee has reviewed it and sent it on to the County. The committee is in hopes that an agreement can soon be reached.

Councilman Leet reported that the committee has been approached by a number of people regarding the fact that no matter how they use their water supply, they have to pay sewer charges on what is used. The committee plans to review this situation.

Mayor Dean reported that we have received one bid on the T. V. Franchise and that is from Commonwealth Cablevision Inc. Mr. Davenport explained that the advertisement for the franchise had been placed pursuant to the town's instructions and was for a term of eight (8) years. Commonwealth's bid is for a term of ten (10) years rather than the eight as advertised due to financing they are attempting to receive.

Councilman B. B. Holt moved, seconded by Councilman S. P. H. Flick to enact the franchise ordinance as advertised, accept the bid from Commonwealth Cablevision and grant them the franchise as advertised, with the stipulation that Commonwealth Cablevision accept the franchise as enacted within two weeks. The vote was recorded as follows:

Davis	- yea	Leap	- yea
Flick	- yea	Leet	- yea
Holt	- yea	Life	- yea

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried to go into Executive Session to discuss a possible legal contract.

Councilman R. E. Davis moved, seconded by Councilman B. B. Holt and carried to go from Executive Session back into Regular Session.

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