REGULAR
COUNCIL MEETING
December 16, 1985

The regular meeting of the Elkton Town Council was held December 16, 1985 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: S. P. H. Flick, B. B. Holt, H. W. Leap, H. A. Leet, and L. C. Life. R. E. Davis was absent. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap and carried to approve the minutes of the regular meeting November 18, 1985 as presented with the following addition: in the paragraph regarding the letter from John E. Wetsel Jr. about his wife's car entering the river during the flood, add "of the Rockingham County Sheriff's Department" after Investigator Smith's name.

Mr. Monger reported that in regards to the flood insurance, we have not heard anything from the insurance company. He has heard from FEMA and they have allowed a small amount of money but he needs to meet with the Water and Sewer Committee before making a report.

Councilwoman Life asked if Michael Brothers have gotten their problems squared away at the apartments. Mr. Monger reported there are two small leaks in the sewer lines but that the inspector didn't have the right equipment to find the leaks when he was here. The inspector is coming back and Michael Brothers will repair these leaks when they are located.

Mr. Fred Davis reported that while walking up and down the creek he has noticed that the manhole covers are not on. Mr. Monger stated these are suppose to be on and he will check into this.

Chief Pence reviewed the monthly police report. He reported that they have received four bids on a new police car ranging from $10,900. to $11,600. The low bid was Myers Ford Company and they have a delivery time of six weeks.

Councilman B. B. Holt presented a First Reading to purchase a new police car from Myers Ford Company at a cost of $10,992.00 and to appropriate the additional $8,992.00 needed to purchase the car.

Councilman Flick questioned the ticketing of cars on the old Seven-11 lot. Chief Pence reported that the lot is posted and the notice is on the building. He also stated that Picklesimer's employees have permission to park there.

Councilman S. P. H. Flick moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for the month of November.

Councilwoman Life reported that they have not heard anything on the concrete and drainage at the Elementary School but it is in the process.

Councilwoman Life reported that about a week after the last meeting she had called Commonwealth Cablevision as there are still problems with the reception. They indicated that they had sent the Mayor a letter and that they have a temporary makeshift operation due to the flood. Poles have to be implanted and they

are waiting for a firm out of Harrisonburg to do this work. They stated that until this work is completed the quality will not improve. Mayor Dean reported that he never received a reply to the letter he sent regarding the poor reception. He did receive a letter regarding the cable service being out for five days after the flood. Councilwoman Life stated she could understand the situation due to the flood, but how long should we have to wait for them to correct the situation. There are still problems, especially on the lower channels. Mayor Dean stated he or Mr. Monger would call the cable company tomorrow to see how soon we can expect them to correct this situation.

Councilman Holt reported that Mr. Monger is working with Rev. Davidson regarding creating an emergency plan for the town and having supplies available. Things are moving, but slowly.

Councilman Holt reported that they are having some problems with garbage at apartment houses. The committee feels a possible solution would be to amend our present ordinance to permit apartment houses to be exempt and make arrangements with a dumpster company to collect their garbage. Councilman Leap stated they are having similiar problems in the downtown area.

Councilman Holt presented the following First Reading to amend Section 4-2-20:

Ordinance Amending Section 4-2-20
of the Code of Ordinances of the
Town of Elkton, Virginia

Sec. 4-2-20 Schedule and charges for the collection of garbage and refuse.

(a) 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.

(b) 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 for public inspection.

(c) 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.

(d) Any business or apartment house may be exempt from the refuse collection fee upon written application to the town superintendent and satisfactory proof that

(1) one such business or apartment house 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. (Code 1966, Sec. 26-16 as amended by Ord. of 3/10/80, and as further amended by Ord. of _____.)

Councilman Leet stated that he could see them being exempt if they generate no refuse, but in regards to having other methods of disposing of the garbage, it's a little like having a public school system set up and then the people keep filtering out and you wind

up with three or four and can't afford to have a public school system. The point he was trying to make is we have a system set up and if enough people start providing their own then we destroy our system. Councilman Holt pointed out this would just exempt apartment houses. Councilman Leet stated he was just commenting that it is basically rather poor to let a whole bunch of different trash haulers come in town. We need a more organized system than that.

Councilman Holt reported that in regards to the letter about adult videos being sold in town, he has discussed the situation with Mr. Davenport and the state code protects juveniles. The state code is completely adequate. The problem in that aspect is a matter of enforcing the code if there are violations. He can understand what the concerns are of the group of people who have written and object to this thing. This is an area that has been fought through the court at all levels, up through and including the Supreme Court, so we have to be very careful about how we handle this. Otherwise, in dealing with a big organization like a chain store, we could wind up in a very expensive court case and accomplish nothing. Whatever we do has to be done extremely carefully and they are looking at all aspects of this thing to be sure that whatever course of action they follow will be one that will accomplish what they want to accomplish and still not get the town involved in an expensive court case.

Mayor Dean reported that Officer Donald Michael will be going with the Rockingham County Sheriff's Department effective December 20th. The police department started advertising last week to fill two police officer's positions. They should have all the applications in by Friday and plan to start interviewing over the weekend.

Councilman Leet stated he was glad to be back and thanked the council for the plant they sent him while he was in the hospital.

Councilman Leet reported that the town had applied for a federal grant to help with our infiltration problem and were informed today that we did not receive the grant. They said we had done well above average in terms of those that were sent in but there were too many others that were considered in greater need than the town.

Councilman Leet reported that the engineering firm that is studying the extension of our sewer line across the river has not informed us of any of their findings. He also reported that there are two or three apartments rented at the Tannery Apartments. There are still a few leaks but these are being looked into and will be corrected.

Councilman Leet asked if the town has received any of the fluoride equipment and Mr. Monger reported that all of the equipment has been ordered but it will be about seven to eight weeks before it comes in. The prices turned out to be higher when ordered.

Councilman H. W. Leap moved, seconded by Councilwoman L. C. Life and carried to go into Executive Session to discuss acquisition of property and personnel matters.

Councilman H. W. Leap moved, seconded by Councilwoman L. C. Life and carried to go from Executive Session back into Regular Session.

Councilman Leap reminded council of the Christmas Party Thursday night at 7:00 P.M. at Belle Meade restaurant.

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