REGULAR
COUNCIL MEETING
August 17, 1987

The regular meeting of the Elkton Town Council was held August 17, 1987 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, B. B. Holt, H. W. Leap, H. A. Leet, L. C. Life and R. L. Snow. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Town 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 July 20, 1987 as presented.

Mr. Monger reported that he has received a request from Valley Lunch for a permit to infringe on the streets with a heat pump which will stick out about thirty-two inches. They will either put the pump on Warren Avenue up high or in the alley at about the level of the steps.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for the month of July.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt to have the First Reading to appropriate $62,000.00 to install the water line from Fifth Street to the river bridge. $42,000.00 of this will come from the Water Department sinking funds and the balance from the Repo Account. Plans are to repay the Repo Account with interest beginning next year. The vote was recorded as follows:

Davis	-	yea	Leet	-	yea
Holt	-	yea	Life	-	yea
Leap	-	yea	Snow	-	yea

Councilman R. L. Snow moved, seconded by Councilwoman L. C. Life to write off the 1982 Real Estate and Personal Property taxes.

There was some discussion regarding other means of collecting delinquent Personal Property taxes. Several methods were discussed as possible solutions to the problem.

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

Davis	-	yea	Leet	-	yea
Holt	-	yea	Life	-	yea
Leap	-	yea	Snow	-	yea

Warren Pence, Chief of Police, reported that they have sent out inquires on a new automobile. They have received written quotes which were over $14,000.00 and a verbal quote from A. J. Cubbage Auto Sales for a 1988 Chevrolet equipped with the standard police package for $10,350.00 or a used 1987 Chevrolet (no police package) with 4,000 miles at $8,800.00. Mayor Dean asked that Chief Pence get a written quote from A. J. Cubbage Auto Sales. The committee will meet and review the quotes which have been received.

Chief Pence reported that the dispatcher overtime was due to one dispatcher being off due to illness and others involved in school.

Councilman Leap reported that he has been in contact with Commonwealth Cablevision regarding the possibility of having an outside firm in to look over the cablevision system. Mr. Judy is on vacation this week but will be back in touch Monday of next week. They seem very positive about this suggestion.

Councilman H. W. Leap moved, seconded by Councilman B. B. Holt and carried to appoint Gerald K. Monger as the voting member of the Virginia Municipal Electric Association Number 1.

Councilwoman Life reported that the Streets and Sidewalk Committee has met twice since the last meeting.

Councilwoman Life reported that she has received some calls regarding the river gravel which has been placed along the roads where we have the new blacktop. She has discussed this with Mr. Monger. This has been put there to help prevent the blacktop from breaking off and will be surface treated except where grass should be.

Councilwoman Life reported that a letter has been received from the highway department that they will put a traffic light and access lane at the intersection of Shenandoah Avenue and Stuart Avenue. The bidding will go out in September of 1988 so it will be awhile before this takes place. There will also be some expense to the town in moving lines, etc. They have not been able to give the town any good news as to a light at the intersection of Stuart Avenue and Rockingham Street. The committee met with Mr. Monger last week and reveiwed the traffic situation at this location. The traffic is very heavy and the committee did not feel that all the traffic is caused by residents of Rockingham Street but from people outside town coming in and using Rockingham Street rather than Spotswood Avenue because of having to use the traffic light at Spotswood Avenue and Stuart Avenue. The committee proposed to try a temporary culdesac at the end of east Rockingham Street to see if this will solve the problem. They plan to do a traffic count first.

Councilwoman Life asked Mr. Monger to explain about the drainage problem on lawn party hill going down into town. Mr. Monger reported that Mr. Evans of the State Department of Transportation was down and looked over the situation. They had hoped to talk him into a storm sewer system but maintenance money would not handle this and it would take a couple of years for capital project money to handle this. Mr. Evans suggested making the pond larger and then put some silt fence up coming down Warren Avenue to keep the mud back. Council discussed other things that might help correct this problem.

Council discussed the request from Valley Lunch for a permit to infringe on the streets with a heat pump. The Street Committee will look into this before any action is taken.

Councilman Holt presented the following First Reading to amend Section 8-1-1, Article A, Chapter 1, of Title 8, of the Elkton Town Code:

Ordinance to Amend Section 8-1-1, Article A, Chapter 1, of Title 8, of the Code of Ordinances of the Town of Elkton, Virginia

BE IT RESOLVED that Section 8-1-1, Article A, Chapter 1, of Title 8, of the Code of Ordinances of the Town of Elkton, Virginia is amended to read as follows:

Pursuant to the authority of Section 46.1-188 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in title 46.1 and article 2 of chapter 7 of title 18.2 of the Code of Virginia, as in force and effect on July 1, 1987, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted,

mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the town, to violate or fail, neglect or refuse to comply with any provision of title 46.1 or of article 2 of chapter 7 of title 18.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.1 or under article 2 of chapter 7 of title 18.2 of the Code of Virginia. To the extent that any provisions of title 8 of the Elkton Town Code may be inconsistent with the provisions and requirements of title 46.1 or of article 2 of chapter 7 of title 18.2 of the Code of Virginia hereby adopted, the title 8 provisions are superseded. (Ord. of Nov. 8, 1976)

Councilman Holt stated that there are several articles in the Virginia Town & City, July edition, which are very good and if council members have not read would be beneficial for them to read. A couple of the articles are on parks and recreation. Councilman Holt pointed out that after working on the Quality of Life section in connection with becoming certified with the state to attract business and industry, it came to him how important the state considers a viable parks and recreation program when they are considering whether or not to send people or businesses to look at an area. One of the things this article brings out is that whether a town has a good parks and recreation program is one of the major things that a company, industry or an executive of a company looks at when he decides whether or not to move into a community. Council has discussed making Parks and Recreation as an official department or division of the town. Insert Another article regards cable television and what recourse you have. According to the article, he feels that FCC, with their deregulation program, is not going to be much help to the town if we find some real problems. Insert

Councilman Holt read the following letter from Christopher F. Davis, Vice Chairman, of the Elkton Planning Commission:

"Dear Mayor Charles Dean:

At the request of the Town Council the issues of having bed and breakfasts in A-1 zones was reviewed. The opinion of the Planning Commission is that bed and breakfasts are permitted in A-1 zones if the owner is in residence while the bed and breakfast is in operation and there are no more than four (4) guests at any time. Further, the Planning Commission feels that if the Town Council doesn't agree with this interpretation it is recommended that Town Council amend the present zoning ordinance to permit bed and breakfasts in A-1 zones."

Councilman Holt stated the last sentence of the letter does not exactly represent what the Planning Commission intended to come across. What they are saying is that because this is a new thing and there are some uncertainties in the law and in order to protect ourselves, we need to do something. We need to define a reasonable definition of bed and breakfast for our purposes and set some restrictions. The only difference between the position taken by the Planning Commission and the one the attorney sent to the Planning Commission was the limitation on the number of guests that there could be in an A-1 area. The Planning Commission feels this was the intent of the zoning ordinance as it was written but they also feel that probably four is not a realistic figure. He explained how they came up with this reasoning. What the Planning Commission is asking is does the council agree with their interpretation of the zoning

Insert 1: and Councilman Holt feels strongly that next year when we start budgeting, we should begin budgeting for this type of operation making Parks and Recreation an official department of the town.

Insert 2: Councilman Holt reported that Mr. Monger and Mrs. Leap are working on some data regarding growth in the community and are coming up with some figures which verify that there has been an upsurge of growth. Mrs. Leap presented some figures on the number of business licenses and utility customers for the past few years.

ordinance and can they direct the Planning Commission or Ordinance Committee to come up with some modifications of the existing zoning ordinance to protect the interest of the other people in A-1 and to define bed and breakfast to show what it is and what it can do.

After some discussion on the Planning Commission's questions, council decided to wait to hear the legal aspects from our attorney before taking any action.

Councilman Davis reported that the Personnel Committee has had one meeting and cancelled another. They have nothing ready to report at this time.

Councilman H. A. Leet moved, seconded by Councilwoman L. C. Life to change our water and sewer hookup rates according to the schedule which was presented to each council member. The vote was recorded as follows:

Davis	-	yea	Leet	-	yea
Holt	-	yea	Life	-	yea
Leap	-	yea	Snow	-	yea

Councilman H. A. Leet moved, seconded by Councilman B. B. Holt and carried to go into Executive Session to discuss potential litigation.

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

Mr. Joseph Early came before council regarding the fact that he had seen town employees working on private property on Rockingham Street using town equipment and doing plumbing work. He wanted to know why this was being done and if the town does this for everyone in town. Mr. Monger explained that the sewer line was stopped up. The town provides, by ordinance, for a sewer clean out service for private sewer connections at a charge to the customer. In this particular incident, the town got the sewer clean out cable stuck in the sewer line and had to dig up the line to get the cable out.

Councilman H. A. Leet moved, seconded by Councilwoman L. C. Life and carried to go into Executive Session to discuss possible legal action.

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

Councilman H. A. Leet moved, seconded by Councilwoman L. C. Life to accept the offer of the County of Rockingham, as set forth in the last draft of a contract, for provision of water to the area west of the town. The vote was recorded as follows:

Davis	-	yea	Leet	-	yea
Holt	-	yea	Life	-	yea
Leap	-	yea	Snow	-	yea

Councilman H. A. Leet moved, seconded by Councilman R. E. Davis that the town offer to amend the contract pursuant to Paragraph 12 to (a) change the water delivery requirement in Paragraph 1 from "500 gallons" to "1000 gallons" per minute, and (b) to include a requirement that any changes in the current water system specifications, to provide a higher gallonage figure at the proposed shopping center, will include payment by a party other than the town to the town of the cost of replacing the four inch town line near the railroad, rather than increase of the pump size or another alternative, if the line replacement alternative is not substantially more costly. The vote was recorded as follows:

Davis	-	yea	Leet	-	yea
Holt	-	yea	Life	-	yea
Leap	-	yea	Snow	-	yea

Councilman Leet reported that in connection with the town offering a summer sewer rate, the town agreed to accept the sewer gallonage at the April figure for the months of May, June, July and August so that the gallonage of the sewer cost would not be greater than the month of April. Since that time we have increased our sewer rate which increased the cost. The slip the people signed stated that the billing for the months of May, June, July and August would not be greater than the month of March, which was changed to April. He has gotten some complaints about passing the increase on to the customers on the summer sewer rate. Councilman Holt asked what is "billing", is it dollars or is it gallons. He feels it was our intention that it be based on gallons, not dollars. After some discussion, the attorney stated he feels the motions were not clear and could be taken either way. Most of council felt it was not council's intention to exempt those on the summer rate from the rate increase and that the increase should be passed on to them as well.

Councilman Leet reported that the county has asked the town to amend the sewer contract to put it in line with the water contract. The changes would be minor.

Councilman H. A. Leet moved, seconded by Councilman R. L. Snow to approve the amendments requested by the county to the sewer contract. The vote was recorded as follows:

Davis	-	yea	Leet	-	yea
Holt	-	yea	Life	-	yea
Leap	-	yea	Snow	-	yea

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