REGULAR
COUNCIL MEETING
August 21, 1989

The regular meeting of the Elkton Town Council was held August 21, 1989 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, R. B. Hutton, H. W. Leap, L. C. Life and R. L. Snow. Robert Keefer, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to approve the minutes of the Regular Meeting July 17, 1989 and the Special Meeting July 25, 1989 as presented.

Mr. Monger reported that the blue books which were distributed are the new zoning ordinances. He hopes to have Mr. Strieder of the CSPDC at the Planning Commission meeting Monday night if its okay with Chairman Ishmal Baugher and he invites him.

A Public Hearing was set for September 18, 1989 at 7:00 P.M. to receive input from the citizen on the proposed zoning ordinances.

Mr. Monger reported that Mr. Peter Bonivita has requested a water connection to a duplex he is building on Route 3, Box 4B.

Councilman H. W. Leap moved, seconded by Councilwoman L. C. Life and carried to grant Mr. Peter Bonivita a water connection to his duplex with the rates as set up in the ordinance for out of town hookups.

Mr. Monger reported on a letter from Elkmont Partners requesting the town grant permission for another year for water and sewer services to the property located between 6th. Street and Route 340 lying adjacent to the Town of Elkton, known as the Ashby Lam property. The Town had granted permission for a year and had stated that if progress on the project had developed and more time was needed, it would be granted when needed. The year ended February 8, 1989. They are now in the building permit stage.

Councilman R. B. Hutton moved, seconded by Councilwoman L. C. Life and carried to grant a one year extension for water and sewer services to Elkmont Partners to the property located between 6th. Street and Route 340.

Mr. Monger reported that the Middle School has asked permission for the town men to take the roller and grader up on the track at the school to smooth it out. There was no objections from council.

Chief Pence reported that Dispatcher Debbie Curtis is ill and in Rockingham Memorial Hospital. He did not know how long she would be hospitalized. Chief Pence answered questions on the monthly Police Report.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for the month of July 1989.

Mrs. Leap reported that the auditors have finished their field work and hope to have the reports by the September meeting.

Councilman Snow read a letter from William Coffman, President of the First Virginia Bank-Planters. Mr. Coffman expressed their appreciation for the Town coming to them in connection with the $68,000.00 loan request and that they had the winning bid. He also stated they would like to have the opportunity to provide depository services for the Town of Elkton.

Councilman Snow suggested the Town go back to Mr. Coffman to see what they have to offer and what they feel they can do for the Town that our present bank can not do. Council was in agreement that the Finance Committee should look into this request.

Mrs. Leap reported that Mike Vess, Methodist Minister on the Massanutten United Methodist Charge, requested permission for the Elkton Ministrial Association to have a 10K Crop Walk on October 15, 1989 at 2:00 P.M. The walk would begin and end in town. Council had no problems with this as long as it does not interfere with any other functions and details can be worked out with the Chief of Police.

Mayor Dean asked Councilman Davis about the street lights in Elkwood. Councilman Davis stated that his instructions were that they were to be installed.

Councilwoman Life stated that she had not had the opportunity to talk with Councilman Davis before the meeting regarding the three additional street lights in Elkwood. She pointed out that these lights do fall between the two committees, Electric and Streets & Sidewalks. The Electric Committee had told Mr. Monger to go ahead and get a cost and install the three lights. Since then the Streets & Sidewalk Committee met and Mr. Monger had contacted the gentleman concerning this and still has not gotten a price on installation. Mr. Monger has also contacted some of the residents in that area to see how they feel about the lights. Councilwoman Life stated she was under the impression that the majority of the residents in Elkwood wanted the lights but not all of them do. Mr. Monger has contacted the residents that would be affected most by the installation of the lights, such as on or near their property. Councilwoman Life stated she had been up there at night and felt three lights were needed but has since been back to review the situation in the day time and found that the lighting there is in line with the lighting in the other areas of town. She does feel there is a need for one more light in Elkwood but not three. She feels they need to take another look at this situation as well as the lighting situation all over town. Councilwoman Life stated that, with Councilman Davis' permission, she would like to take this back to committee.

Councilman Davis stated he would not take it back to the Electric Committee but it can be turned over to Streets & Sidewalks if that is what is wanted.

It was pointed out that in the past the Streets & Sidewalks Committee and the Public Safety Committee have handled street light requests.

After some further discussion, Mayor Dean suggested that since we don't have prices and we have the recommendation by the Electric Committee to install three lights, Mr. Monger go ahead and get the prices; have another meeting of the Streets & Sidewalk Committee, since this comes out of their budget, and if there is no objections from these three members then go ahead and install the lights. He also suggested the Street Committee ride up there and take Chief Pence from the Public Safety Committee along to get his opinion regarding the safety aspect.

Councilman Holt brought to council's attention the article in The Daily News-Record regarding power rates. The article confirms what council has been trying to convince people of for a long time; it is cheaper to buy your electricity in the Town of Elkton than it is out in the County.

Councilman Holt stated he feels council should be looking seriously toward a policy where any new electric lines that we install from now on should be underground.

Councilwoman Life asked if we have heard any more from Justice House regarding the walk for affordable housing. Mr. Monger stated they called last week to see if we have any place they can take showers and he told them no.

Councilman Snow stated he feels this request should have gone through the Recreation Commission as they are more or less in charge of things that go on in the park and responsible for park upkeep.

Mayor Dean stated this is a reputable organization and have stated they will clean up after themselves.

Councilwoman Life asked about the mowing problem on Lewis Avenue. Mr. Monger stated this has not been taken care of and he thinks the Town is going to have to clean up the lot and bill the owner. Council was in agreement that the Town take care of this problem and send the bill to the owner.

Councilwoman Life commented on how good the Field Day Parade and activities were this year.

Councilwoman Life stated that she and the Street Committee were distressed when they heard that the traffic light at Shenandoah Avenue and Route 340 has been put on the back burner again. Mr. Monger was asked to write a letter stating our distress.

Councilwoman Life reported that the main reason for their Streets & Sidewalk Committee meeting last week was that Bill Davis of Blue & Grey Lawn and Garden Equipment came over to talk with the committee regarding the drainage problem in that area. He has been trying to work with the County over the drainage problems and in thinking that sometime in the future the Town may want to expand West they should be aware of this problem. He feels the County's ideas are going to be very costly and he is not sure they will help the situation. Mr. Monger is going to contact Mr. Osborne to see if he might take a look at this problem and come up with some suggestions.

Councilwoman Life reported that Janet and George Bennington donated three hemlock trees to be placed around the caboose and the Fire Company has been watering them.

Herbert Clem is going to do the sandblasting and painting of the caboose but has been rained out the past two Saturdays.

Mr. Clark Hopkins of Dean Lumber Company is going to donate paint.

Councilman B. B. Holt moved, seconded by Councilman R. B. Hutton to approve on Second Reading the following amendment of Section 7-1-39 and enacting and ordaining a new Section 7-1-40:

> Section 7-1-39 of the Code of Ordinances of the Town of Elkton, Virginia is hereby amended to read as follows:
>
> 7-1-39 Precious Metals Dealers. All of the provisions and requirements of the laws of the state contained in Chapter 41 of Title 54.1 of the Code of Virginia as in force and effect on July 1, 1989, except those provisions which by their nature can have no effect or application to the Town, if any, are hereby adopted and incorporated in this Chapter by reference and made applicable within the Town, as fully as though set forth at length herein, except as provided herein. An initial permit issued hereunder shall be valid for the remainder of the calendar year of issuance, without proration of the application fee, and any renewed permit shall be valid for the calendar year of issuance.

The Code of Ordinances of the Town of Elkton, Virginia is hereby amended by adding a section, to be numbered 7-1-40, which section reads as follows:

7-1-40 Pawnbrokers. A pawnbroker, as defined in Chapter 40 of Title 54.1 of the Code of Virginia, seeking to conduct such business within the Town, shall first petition the Rockingham County Circuit Court to authorize the Town to issue to such individual a license to engage in the business of a pawnbroker within the Town. Any expenses and charges of such Circuit Court proceeding shall be paid by the petitioner and not the Town. Upon authorization by the Circuit Court, the individual shall submit such information to the Town as the treasurer may reasonably request. Upon payment of the required license tax, the treasurer shall issue a license authorizing the individual to engage in the business of a pawnbroker for the calendar year of issuance. Licenses for succeeding years may be issued by the treasurer upon payment of the license tax. The license tax shall be in the amount of $100.00.

Enacted this 21st. day of August, 1989.

The vote was recorded as follows:

Davis	-	yea	Leap	-	yea
Holt	-	yea	Life	-	yea
Hutton	-	yea	Snow	-	yea

Councilman Holt presented the following First Reading 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, 1989, 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 reviewed a letter from David Penrod to Chief Pence regarding retirement benefits for public safety employees. New legislation was passed by the 1988 session of the General Assembly. The legislation permits local jurisdictions to provide the same retirement program to public safety employees as is now provided to state police officers. The Virginia State Retirement System will be conducting studies to determine cost data of the retirement program for local jurisdictions. The cost of the study per jurisdiction is $300.00 plus $8.00 per employee for the first 100 employees. This would cost the Town $340.00. The Fraternal Order of Police has offered to reimburse the Town for one-half the cost of the study that would be conducted on behalf of the Town police officers but Councilman Holt pointed out that the other towns who have considered this have all declined to ask the Fraternal Order of Police to carry that part of the load. The study would not obligate the Town in any way.

Councilman B. B. Holt moved, seconded by Councilman R. L. Snow and carried to authorize the maximum amount of $348.00 for a study from the Virginia State Retirement System to see how much this program would cost the town.

Councilman Holt stated he read an article in the Virginia Town and Cities regarding the insurance issue in regards to liability obligation on underground tanks. There is some indication that we may have some liability obligation and may need some sort of insurance because of the new laws affecting underground tanks. Mr. Monger is checking into this and Councilman Holt suggested we also run this by the Town Attorney.

Mr. Monger reported they are still working on the project on the lower end of town. They are considering some other possibilities.

Mrs. Leap requested council consider setting up a Records Retention System and possibly consider closing the Town Office for a day or two so the office employees can work on the records. Mrs. Leap was asked to run copies of the State schedules and distribute them to council for their consideration.

Councilman Snow asked if anyone knows if the group who plans to camp in Memorial Park in September has insurance to cover damages or anything.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt that in the event there is damage in Stonewall Memorial Park, and their insurance doesn't cover it, that the Town of Elkton will take responsibility for any repairs necessary. The vote was recorded as follows:

Davis	-	yea	Leap	-	yea
Holt	-	yea	Life	-	yea
Hutton	-	yea	Snow	-	yea

Mr. Monger was asked to get in touch and find out about their insurance.

Councilwoman Life asked if things were worked out with the Elkton Dry Cleaners regarding the parking at that location. Mr. Monger stated the Cleaners does not want to change it but wouldn't fight it. Mr. Monger stated he feels the evening hours should be extended to 9:00 P.M. because during winter holidays you may find those stores wanting to stay open until 9:00 P.M.

Councilwoman Life stated she has been down to look at the rest rooms in the park. They are marvellous but she does have a problem with the construction done by the contractor. There was a great deal of work left for the town people to do that should have been done by the contractor before he was paid. She suggested the Recreation Commission members go down and look at this. Councilman Snow stated they are aware of what still needs to be done.

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