REGULAR
COUNCIL MEETING
December 18, 1989

The regular meeting of the Elkton Town Council was held December 18, 1989 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: J. R. Correa Jr., B. B. Holt, R. B. Hutton, H. W. Leap, L. C. Life and R. L. Snow. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Robert Tolsma, speaking on behalf of a group of concerned citizens, stated that there is an attorney from the Vienna area on the way to the meeting who would like to have a few minutes to speak to council when he arrives.

Mayor Dean agreed to give the attorney a few minutes to speak when he arrives.

Mrs. Hazel Crider spoke concerning a safety problem as you come out of Elkwood. People coming from the direction of Shenandoah are turning to come up North Street on the wrong side of the intersection. This is a very dangerous situation and someone is going to get hurt there.

Chief Pence stated they have made some arrests there and they will continue to watch the area and enforce the traffic violations. The delay by the Highway Department in installing the traffic light and working on the intersection has not helped the situation.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to approve the minutes of the Regular Meeting November 20, 1989 as presented.

Mr. Christopher Davis, Vice Chairman of the Elkton Planning Commission, reported that the Commission had met between the Public Hearing and the meeting to discuss the requests by David & Janet Long to redivide their three lots at 107 Lewis Avenue and make two larger lots and Ran-Mar to subdivide 4.335 acres on Shenandoah into four parcels. The Planning Commission recommended granting these two requests.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap to approve the request by David R. and Janet L. Long to redivide Lots 13, 14, 14½, Block 54, Section 3, commonly referred to as 107 Lewis Avenue (said lots each are 50 feet in width and 125 feet in depth) into two lots, Lot A and Lot B, each being 75 feet in width and 125 feet in depth and containing 9,375 square feet. The vote was recorded as follows:

Correa	- yea	Leap	- yea
Holt	- yea	Life	- yea
Hutton	- yea	Snow	- yea

Councilman B. B. Holt moved, seconded by Councilman R. L. Snow to approve the request by Ran-Mar Corporation to subdivide 4.335 acres designated as Shenmar Subdivision, Section 1, on the east side of Shenandoah Avenue into four parcels, to be known as Lot 1, containing .569 acres; Lot 2, containing .598 acres; Lot 3, 1.413 acres; and Lot 4 containing 1.754 acres. The vote was recorded as follows:

Correa	- yea	Leap	- yea
Holt	- yea	Life	- nay
Hutton	- yea	Snow	- yea

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to approve the new zoning ordinances and map as modified this evening and at the last meeting, with the exception of Article 10.

Councilman Snow and Councilman Leap both spoke in favor of making some change in R-2 which would allow townhouses in Mr. Herbert Baugher's area. Councilman Snow stated he would not like any change made however that would allow building on fifty foot lots. Councilman Leap stated he feels some stipulation should be included to insure the townhouses are of high quality.

Councilman Holt and Councilwoman Life both were opposed to changing R-2 and allowing townhouses in that area. Councilwoman Life stated that the majority of the people in that area are opposed to townhouses.

Councilman Correa stated that Mr. Baugher may be just one person but as he owns a lot of property in the area, he should be given some consideration.

After some further discussion, the vote was taken on the motion and recorded as follows:

Correa	-	yea	Leap	-	nay
Holt	-	yea	Life	-	yea
Hutton	-	nay	Snow	-	nay

Mayor Dean - yea

Mayor Dean commended the Planning Commission for the long hours and hard work that has gone into the new zoning ordinances. Councilwoman Life stated that we need to remember Shirley O'Byrne who worked so hard on these ordinances and was a dedicated member of the Planning Commission.

Councilman Holt reported that at the next meeting Article 10, Schedule of Fees, will be ready to be presented for council action.

Councilman Holt reported on a letter from WPKZ Radio stating that Governor Baliles has recognized January 7-13, 1990 as Virginia Broadcasting Week and that WPKZ Radio is supporting the efforts of the Virginia Association of Broadcasters to promote January 7-13 as Virginia Broadcasting Week. The station asked council to pass a resolution in support of this.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried to approve the following resolution:

RESOLUTION

By virtue of the authority vested in me as Mayor, there is hereby officially recognized:

VIRGINIA BROADCASTING WEEK

WHEREAS, Virginia radio and television stations devote over $250 million every year to public service projects, including nearly $2 million in broadcast time in the fight against substance abuse; and

WHEREAS, Virginia radio and television stations employ over 8,000 Virginians with an estimated annual payroll of $135 million; and

WHEREAS, Virginia radio and television stations every year broadcast over 150,000 hours of local news, weather, sports, and traffic information and over 55,000 hours of public service announcements in addition to over $380 million in commercials that promote Virginia business and introduce products and services to our citizens; and

WHEREAS, Virginia radio and television stations provide and maintain the Emergency Broadcast System which links the Commonwealth together in times of crisis; and

WHEREAS, Virginia radio and television stations provide scholarships and internships to college students throughout the Commonwealth;

NOW, THEREFORE, I Charles E. Dean, Mayor, do hereby recognize January 7-13, 1990 as VIRGINIA BROADCASTING WEEK and call its significance to the attention of all of our citizens.

Councilman Holt reported that the Rockingham Municipal League will be meeting in January and the Board of Supervisors will have a representative there to discuss the new solid waste disposal requirements and working together on these.

Councilman Holt reported that he has talked with Mr. William O'Brien about the town's concern over the trash site at the end of town and the possibility of our police assisting in controlling the area. Mr. O'Brien will be talking with the Sheriff regarding this problem.

Councilman Correa stated he feels this is the county's problem, they should maintain the area and he would be opposed to the town providing police services in this area. If this continues to be an eye sore, he will continue to express his concern.

Mr. Gilbert Davis and Mr. Wayne Comer, attorneys representing Wayne Weaver, were present. Mr. Davis spoke with council. He stated he was not acting in any legal capacity tonight, but was present to present a petition signed by approximately 450 citizens on behalf of Police Officer Wayne Weaver. He also presented some letters written by some citizens expressing their personal views. Mr. Davis pointed out that he has seen a lot of police disputes and has represented both sides, but has never seen such an outpouring of sentiment from the citizens on behalf of an officer. He asked council to review the petition and read the letters and urged them to give this some consideration.

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

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to approve on Second Reading an ordinance to amend Sections 8-1-1 and 8-1-2, Article A, Chapter 1 of Title 8, of the Code of Ordinances of the Town of Elkton, Virginia as printed in the minutes of November 20, 1989. The vote was recorded as follows:

Correa	- yea	Leap	- yea
Holt	- yea	Life	- yea
Hutton	- yea	Snow	- yea

Mr. Davenport reported on a letter from the Virginia Supplemental Retirement System informing the Town that effective March 1, 1987 the General Assembly granted political subdivisions the authority to allow employees to retire with unreduced benefits at age 55 with 30 years of service. Subdivisions electing to provide the early full retirement benefits prior to employees becoming eligible have an opportunity to fund this benefit in advance. Should the Town elect to delay providing for this benefit until someone becomes eligible, there may be an immediate significant effect on the Town's retirement allowance account which will require VSRS to adjust our employer contribution rate. If the town elects to provide the early retirement benefit before January 1, 1990, the VSRS will not adjust our rate. However, if the Town should wait until after January 1, 1990 to request the early retirement benefit, an actuarial valuation at the expense of the Town will be required and our employer contribution rate will be adjusted.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to approve unreduced retirement benefits at 55 years of age and 30 years service. The vote was recorded as follows:

Correa	- yea	Leap	- yea
Holt	- yea	Life	- yea
Hutton	- yea	Snow	- yea

Councilwoman Life reported that Glass & Metals has agreed to donate all the glass for the caboose.

Mr. Monger reported that he met with the Highway Department on December 11th. in regards to the stop light at the intersection of Stuart and Shenandoah Avenue. Six poles will have to be moved and some manholes will have to be raised. The Highway Department will pay for these expenses. The town will need to decide if they are going to donate the land needed to the Highway Department or charge them for it and also decide on the public hearing.

Councilman Leap reported that Mr. Monger has received a letter from Mr. Richard N. Burton, Executive Director, State Water Control Board, stating that they have been informed that the Town of Elkton has substantially complied with the requirements of the Consent Special Order issued by the State Water Control Board on October 15, 1985. It is also their understanding that the Elkton Town Council has passed a resolution to continue to address infiltration/inflow problems now and in the future. By its term, the Consent Order can be cancelled by the Board upon thirty (30) days written notice and this letter constitutes that notice. Mr. Burton stated he will request that the Board approve the cancellation at its meeting on December 11, 1989. Following the Board Meeting, his staff will notify the Town of the Board's decision.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried that in accordance with the Code of Virginia Sec. 2.1-344(1) council go into Executive Session for the purpose of discussing the employment of a police officer or officers.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap to go from Executive Session back into Regular Session and that each member, to the best of his knowledge, certify that only public business matters lawfully exempted from open meeting requirements under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed or considered. The following council members did so certify:

Correa	- yea	Leap	- yea
Holt	- yea	Life	- yea
Hutton	- yea	Snow	- yea

Councilman B. B. Holt moved, seconded by Councilman R. L. Snow to employ James Edwin Reamey and Donald Ray Jenkins as police officers at a beginning annual rate of $15,000.00. The vote was recorded as follows:

Correa	- yea	Leap	- yea
Holt	- yea	Life	- yea
Hutton	- yea	Snow	- yea

Councilwoman Life asked Chief Pence if he had talked with the Rescue Squad about the signs. Chief Pence stated he has made several attempts to contact them but has had no success.

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