REGULAR
COUNCIL MEETING
November 20, 1989

The regular meeting of the Elkton Town Council was held November 20, 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, L. C. Life, and R. L. Snow. H. W. Leap was absent. Dale Davenport, Attorney, Norma Leap, Clerk and Warren Pence, Chief of Police, were also present.

Mr. Jim Russell, Environmental Engineer, for Merck and Company was present to speak to council and bring them up to date on the ground water situation at Merck. He explained that there is contamination beneath the plant but it is staying on site. Precautions are being taken to keep the contamination on site and surveys being conducted on regular intervals to insure that the precautions are working. They are working with EPA on the problem. It will be a long term program and they will keep the Town informed as to the progress being made.

Councilwoman L. C. Life moved, seconded by Councilman R. L. Snow and carried to approve the minutes of the Public Hearing October 23, 1989 and the Regular Meeting October 30, 1989 as presented.

Chief Pence reviewed the monthly police report. He reported that Gail Bruce has been employed as a full time dispatcher and that Officer Bob Lowry has been accepted by the Charlottesville Police Department and will be leaving our police force. He will probably work until December 15th. Chief Pence stated they will be advertising for a police officer this week.

Councilwoman Life asked if Chief Pence had talked with the Rescue Squad regarding the signs and he stated they have not contacted him. Councilwoman Life asked Chief Pence to get in touch with Mr. Garland Sheets on this matter.

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

Mrs. Leap reported that the Town Christmas Party will be December 14, 1989 at 7:00 P.M. at Belle Meade Restaurant in Harrisonburg.

Mayor Dean reported that they had received a quote of $1,408.33 from E. A. Breeden Trucking, Inc. to repair and paint the front porch of the Municipal Building.

Councilman R. L. Snow moved, seconded by Councilman R. B. Hutton and carried to hire E. A. Breeden to repair and paint the front porch.

Councilman Holt asked if anything had been done regarding looking into the VML Insurance Program. Mrs. Leap reported that she had called VML and they are sending information to Mr. Davenport.

Councilwoman Life reported that she and the Mayor have both talked with Mr. Osborne about the slurry treatment on Stuart Avenue (Route 340). He says that the reason it looks so bad now is that it was so bad to begin with. Also they were unable to keep cars off it while it dried. They do plan to come back to clean, sweep and paint the lines and that after a couple of months wear it will look a lot better and probably not be as rough. This type of treatment is suppose to also be safer. He did apologize for not getting in touch with the Maintenance Department and covering our water meters, manhole covers, etc. He offered to send his people in to help find and uncover the meters and covers, at no cost to the town. They do not feel it is necessary to do anything else to the road.

Councilwoman Life reported that she received a letter from some senior citizens in town who are complaining about cats. Their neighbors have about eight or nine cats, the cats are tearing up their yards and are not being feed properly. The problem is the letter was not signed. Councilwoman Life stated that since we do have an ordinance to cover this problem and we are going to be publishing the holiday trash pickup schedule, maybe we could also publish something reminding the citizens of the ordinance or publish the ordinance itself.

Councilwoman Life brought council up to date on the caboose project. Sandblasting and painting is being done by E. A. Breeden; Shickel Machine Shop donated over $400.00 worth of sand to do the blasting; town employees, especially Bobby Turner and Kenny Hammer, have been most helpful; the Ruritan Club is donating over 550 feet of white Christmas lights to decorate the caboose and the F.F.A. and F.H.A. of Spotswood High School have chosen the caboose as their project for the year. There will be a book in the caboose when it is finished recognizing anyone who made a contribution of some type to the caboose. There will be a plaque for those donating over $500.00.

Councilwoman Life reported that last month there was a Public Hearing on the cable. There was no public interest, so it has been suggested that council go ahead and solicit a proposal of renewal from Adelphia Cable.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to solicit from Adelphia a proposal for renewal of the television franchise.

Councilman Holt stated that there appears to be a great deal of interest in recycling in the Elkton area. He personally would like to get started on something like this, but hesitates to do anything until we see what the county plans to do and some sort of provisions are made to dispose of these recycled items. He stated that he has talked with the county regarding the towns, the Planning District Commission and the county working together on the solid waste disposal program but there doesn't appear to be a lot of interest from the county. The town is going to have to come up with a program in twenty months so he will try to get the county moving on this.

There was considerable discussion about the condition of the county trash receptacle site at the edge of town. Something really needs to be done about this. Councilman Correa suggested a letter be sent to the county telling them to clean up that eye sore. Councilman Holt stated he would try to see what can be done informally with the county and if we get no results, we can then send a letter. Councilwoman Life stated that she has received information that someone in Shenandoah collects trash and brings it to the site here in Elkton. Councilman Holt said this should also be reported to the county officials as we have no jurisdiction there.

Councilman B. B. Holt presented the following First Reading 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, Va.:

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

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 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 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 46.2 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 46.2 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 46.2 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)

BE IT FURTHER RESOLVED, that Section 8-1-2, Article A, Chapter 1, of Title 8, of the Code of Ordinances of the Town of Elkton, Virginia is amended to read as follows:

Words and terms used and contained in this Chapter shall be as defined in the Code of Virginia, Section 46.2-100.

Councilman Holt reported that each council member has a copy of the changes to the new zoning ordinances document. These can be reviewed section by section if council so desires or council members can just ask questions. Mayor Dean suggested each council member look them over to see if they have any questions.

Mr. William Strider, Executive Director of the Central Shenandoah Planning District Commission, stated that there are three points that he might raise that are different from the meeting that they had on October 30th. They are mentioned in No. 7 and 8 and under No. 19 on Page 2. The items in No. 7 and 8 deal with a suggestion in the change of intent in the light industrial district. These two changes would make provisions for business and professional offices. Councilman Holt pointed out that these changes had been discussed at the last meeting and this now gives the proper phraseology.

Mayor Dean stated there was one thing he didn't see listed that they had asked to be included and that is to change the side yard requirements in R-5 to be in line with R-3 and R-4. Councilman Holt stated they will need to add this change.

Mr. Strider stated that in No. 19 the intent is still the same, just a change in the text. They have attempted to more specifically deal with 50 foot lots.

Mayor Dean also pointed out that there was a change in the map across from the car wash. Councilman Holt stated that this was a misdraw and it was colored wrong in that area. Mayor

Dean stated he had talked with Councilman Leap on the telephone before the meeting in regards to the little business triangle down at the end of Stuart and North. He had thought council had decided to leave this as it is now, B-1. If left as proposed on the new map in B-2, the set backs would render the land unusable. Councilman Leap feels something should be done to correct this. Council felt this portion should be left as B-1. Stuart Avenue down to the triangle will be R-3 and the Jr. Order Park on Shenandoah Avenue would be B-2.

Mayor Dean reported that he had a call from the man who bought the Hiram Monger property on Lewis Avenue. He has presented a request to take his three 50 foot lots and make two 75 foot lots. It has been six weeks and no one has taken action or done anything about this as yet. Mayor Dean asked Councilman Holt to check into this.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to accept the zoning ordinance and map as published, as amended and the memorandum of November 20, 1989 which each member has; plus an amendment to the zoning map to correct the coloring area in changing R-5 to B-2 in the area adjacent to the Board Walk and west of Fifth Street; change a triangle at the intersection of Shenandoah and Stuart Avenue from B-2 to B-1 in consideration of the parking restraints that would be placed upon that small piece of commercial property if it were retained as B-2; also a change not listed would be a modification of the side yard set backs in the R-5 area changing the side yard from 20 to 10; Stuart Avenue from B Street to Shenandoah Avenue, that section now shown on the map as B-2, would go to R-3.

Councilman Correa stated he would like to see the map updated and the changes all incorporated prior to making a formal vote. He also stated that he did not feel he was ready to issue a qualified vote because he has not had time to examine the entire proposed zoning ordinance.

Councilman Snow reported that Councilman Leap had called him this afternoon indicating he could not be present tonight due to being tied up on his job. He indicated a desire to be present when a vote if finalized on the zoning ordinance and that he has some doubts as to some of the changes that have been made.

Councilman Snow stated he agrees with Councilman Correa that council need to have everything in front of them before making a final decision. He is not sure he understands or agrees with all the changes.

Councilman Holt felt the vote should not be delayed. If council needs to make some changes later this can be done.

Councilwoman Life stated she was in sympathy with Councilman Correa and was sorry Councilman Leap could not be here tonight to vote as she would have liked to have all of the council present, but she would like to call for the vote.

Councilman Hutton stated he agreed with Councilman Correa and Councilman Snow that more time is needed to review the changes.

Councilman R. L. Snow moved, seconded by Councilman J. R. Correa Jr. to table the motion to adopt the zoning ordinance until the next meeting. The vote was recorded as follows:

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

Councilman Snow suggested having another work session for the full council between now and the next council meeting to finalize whatever will be voted on the next time. Mayor Dean suggested a session on December 11, 1989 at 7:00 P.M. for those who would like to attend.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life 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 status of a town employee. The vote was recorded as follows:

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

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried 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	Life	- yea
Holt	- yea	Snow	- yea
Hutton	- yea		

Mayor Dean stated that Officer Wayne Weaver had submitted a letter of resignation on November 3, which he wanted to be effective immediately. They accepted his resignation at that time and Mayor Dean called council members to inform them of Officer Weaver's letter to resign. Sunday night Officer Weaver brought a letter by the Mayor's house stating he did not want to resign, he had been under stress and wanted to be paid sick pay between that time up until now and would like to continue his employment with probably an extended sick leave.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to terminate the employment of Officer Wayne Weaver effective immediately. The vote was recorded as follows:

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