REGULAR
COUNCIL MEETING
December 17, 1990

The regular meeting of the Elkton Town Council was held December 17, 1990 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., L. C. Life, W. E. Printz and R. L. Snow. Councilman Leap came in later in the meeting. R. B. Hutton was absent. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Mr. Marvin Hillsman, Attorney for I. L. Jr. and Eleanor D. Flory, was present regarding the Flory's request to close an unopened and unimproved alley between their property on East Rockingham Street and Spotswood Avenue. Mr. Hillsman presented a fair market value appraisal which he had obtained. The appraisal was for $125.00.

Mayor Dean reported that the viewers have recommended that the 10 foot alley as requested by I. L. Flory Jr. and Eleanor D. Flory be closed and that the alley that is vacated be charged a fair market value to be determined by the Town Council.

Councilwoman L. C. Life moved, seconded by Councilman R. L. Snow and carried to approve the minutes of the regular meeting November 19, 1990.

Mr. Monger reported that the town employees get a half day holiday on Christmas Eve and have requested that this year they be given the other half day as holiday also. Council was in agreement with this request.

Mr. Monger reported that the Water and Sewer Committee has not met but that he has sent Anderson & Associates Inc.'s contract proposal regarding engineering work in the Newtown Road area to Mr. Davenport to review. The contract cost is $10,000.00.

Councilwoman L. C. Life moved, seconded by Councilman W. E. Printz to vacate the alley as requested by I. L. Flory Jr. and Eleanor D. Flory and to authorize the Mayor of Elkton to execute the deed after the estimated fair market value of the property of $125.00 is paid. The vote was recorded as follows:

Correa	-	abstain	Printz	-	nay
Life	-	yea	Snow	-	nay

There was considerable discussion regarding the price for the alley. Some felt it was too low. Some felt other methods should be used to determine the price and that council should establish a set procedure to be used in determining the cost of land when alleys are closed.

Councilwoman L. C. Life moved, seconded by Councilman W. E. Printz to vacate the 10 foot alley as requested by I. L. Flory Jr. and Eleanor D. Flory. The vote was recorded as follows:

Correa	-	abstain	Printz	-	yea
Life	-	yea	Snow	-	nay

Councilwoman L. C. Life moved that the Mayor be authorized to execute the deed with the closing of this alley when and if he feels the estimated fair market value is good for the Town of Elkton and if both parties are in agreement.

There was no second to this motion.

Mayor Dean asked if Mr. Hillsman would like to make another offer for the land. Mr. Hillsman stated they have come to the town with a professional appraisal and he would not want to offer a price higher than the appraisal. After some further discussion, Mr. Hillsman stated that the Florys might be willing to go to $200.00.

Councilman W. E. Printz moved, seconded by Councilwoman L. C. Life to accept square foot assessment price of the adjacent lots in the area for this alleyway.

After some further discussion, Councilwoman Life withdrew her second and Councilman Printz his motion.

Mr. Monger was asked to get the square foot assessment.

The monthly police report was presented by Chief Pence. He reported that two more dispatchers have become certified. He stated that Rick Carey graduated with such high marks that he is classified as a Grade A Dispatcher and if he is sent to a forty hour instructors course he will then be certified to train all of our dispatchers without having to send them to the academy. Chief Pence is seriously considering sending him to take this course.

Councilwoman Life reported on a problem at the intersection of Hill Avenue and Spotswood Avenue across from the Valley Heritage. There have been several accidents in this area. Chief Pence stated that vehicles parked there cause some obstruction of view but he feels they would have to do some more studying of the circumstances before making a recommendation to council.

Councilman R. L. Snow moved, seconded by Councilman J. R. Correa Jr. and carried to approve the Finance Report for November.

Councilman Snow questioned how the rate study is progressing. Mrs. Leap reported that we have sent them more information which they needed for the study.

Councilwoman L. C. Life moved, seconded by Councilman R. L. Snow to approve on Second Reading the following amendments to Section 5-4-9(a) and Section 4-4-27(a):

Ordinance Amending Section 5-4-9(a)
of the Code of Ordinances
of the Town of Elkton, Virginia

BE IT ORDAINED, That the following existing section of the Code of Ordinances of the Town of Elkton, Virginia is hereby amended to read as follows:

Section 5-4-9(a)

(a) All meters for measurement of water furnished and supplied by the town to its consumers shall be read monthly, weather permitting, and the bills for water so supplied and for sewer service provided shall become due on the day of reading. If any such bill is not paid by the 26th day of the month in which such bill is rendered, or within 10 days of the date such bill is mailed, whichever comes later, a ten percent (10%) penalty shall be added.

Ordinance Amending Section 4-4-27(a)
of the Code of Ordinances
of the Town of Elkton, Virginia

BE IT ORDAINED, That the following existing section of the Code of Ordinances of the Town of Elkton, Virginia is hereby amended to read as follows:

Section 4-4-27(a)

(a) All meters for measurement of electric current furnished and supplied by the town to its consumers shall be read monthly, weather permitting, and the bills for such current shall be due on the day of reading. If any such bill is not paid by the 26th day of the month in which such bill is rendered, or within 10 days

of the date such bill is mailed, whichever comes later, a ten percent (10%) penalty shall be added.

The vote was recorded as follows

Correa	-	yea	Printz	-	yea
Leap	-	yea	Snow	-	yea
Life	-	yea			

Councilwoman Life reported that she, along with the Mayor and Mr. Davenport, attended a meeting with Don Kreuger of Rockingham County to discuss the contract with the county regarding the landfill. Nothing has been signed as yet. Mayor Dean stated that the County basically agreed to a full time attendant, nothing left on the grounds and nothing left outside the gates on holidays. Paving, and time period to do this, was discussed. A layout of traffic flow, etc. is also being worked on. They are still negotiating with the County on a contract.

Councilman Correa asked if anyone has ever investigated relocating this dump site. Mayor Dean stated that in 1983 the county tried to locate land for a site but could not find any in our area. Councilwoman Life stated that she brought this up at the meeting and was told that the only land available in 1983 was in the south western part of the county. Councilwoman Life and Mayor Dean both felt that a dump site in our area is a benefit to the town if we can keep on top of how it is maintained.

Councilwoman Life asked council to consider pay for our Planning Commission members when we begin work on our next year's budget.

Councilman Correa set a meeting date of January 8, 1991 for the Personnel Committee to do the final review on job descriptions.

Mr. Monger reported that the closest he could get from the map is the alley requested to be closed by the Florys covers 1630 square feet. Taking the assessed value of the property, the cost would be $0.8178 per square foot totaling $1,333.00 for the 1630 square feet. Mr. Monger stated he realizes the square footage differs from what the surveyor shows but his is what the map shows and without going up and measuring it himself this is all he has to go on.

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz that Mr. Monger come up with a legitimate measurement of the alleyway, that this measurement be multiplied by whatever he determines the price per square footage to be per the assessed value of the adjacent lots and the Mayor be given authority to sign the deed upon payment from the Florys.

Mr. Hillsman stated he would like this put in the form of an ordinance tonight so his clients will have the option of either paying this price or taking an appeal to the Circuit Court from the ordinance.

Councilman Printz withdrew his second and Councilman Snow his motion.

Councilman R. L. Snow moved, seconded by Councilman W. E. Printz that the Florys shall pay to the Town of Elkton an amount based upon the square footage of the alley, prorated to the assessed value of the land value of the lot described as Tax Map No. 1-(1)-B-126-L-C. The calculations of square footage of the alley and the per foot assessed value of the adjacent lot shall be made by the Town Superintendent. The vote was recorded as follows:

Correa	-	abstain	Printz	-	yea
Leap	-	nay	Snow	-	yea
Life	-	nay			

Mayor - nay

Councilwoman L. C. Life moved, seconded by Councilman W. E. Printz to set the value of this alley that the Town of Elkton has vacated to the tune of $650.00 to be paid to the Town of Elkton by I. L. and Eleanor Flory. The vote was recorded as follows:

Correa	-	abstain	Printz	-	yea
Leap	-	yea	Snow	-	nay
Life	-	yea			

Mr. Hillsman asked to let the record show that at this time the Florys have not agreed to this figure.

Councilwoman Life asked if the leases to rent the lots next to the Sovran Bank have been executed. Mr. Davenport stated he has the drafts done but needs some additional information before he can finalize the leases.

Councilwoman Life asked if any further action has been taken on the zoning changes on Wirt Avenue that were discussed at the last meeting. Mr. Monger stated we have one request in from Mr. Spart but have not received anything from Mr. Baugher as yet. The town will probably be setting a public hearing on this within the next month.

Mr. Monger reported that Councilman Printz had asked him to talk to Bill Crummet about the status of the sidewalks downtown. They put it out to bid and the bids were too high. It will probably come up for bid again in March if the Governor lifts the freeze.

Councilwoman L. C. Life moved, seconded by Councilman R. L. Snow that in accordance with the Code of Virginia, Sec. 2.1-344(1) council go into Executive Session to discuss personnel.

It was brought to council's attention that due to recent changes in the law you have to be more specific in your motions for Executive Session.

Councilman Snow withdrew his second and Councilwoman Life her motion.

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