REGULAR
COUNCIL MEETING
June 18, 1990

The regular meeting of the Elkton Town Council was held June 18, 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., B. B. Holt, R. B. Hutton, H. W. Leap, L. C. Life and R. L. Snow. Dale Davenport, Attorney, Norma Leap, Clerk and Warren Pence, Chief of Police were also present.

Mr. Joseph Early was present to see what the town attorney has found in regards to the sign across from his house.

Mayor Dean stated they would have an answer for Mr. Early during the business portion of the meeting.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap and carried to approve the minutes of the Regular Meeting May 21, 1990 as amended on Page 3, Paragraph 9, by adding "1990" after the word October, the Public Hearing May 30, 1990 as presented and the Special Meeting May 30, 1990 as corrected on Page 1, Paragraph 8, the word south changed to "north".

Mr. Davenport reported that he, along with Mr. Monger, met with ARS to talk about a contract for trash pickup. They discussed the contract at length and he feels the proposed contract will be fairly protective to the town.

Chief Pence presented the monthly Public Safety Report. He also reported that during the storm this afternoon the Police Department was once again flooded. He has asked to have something done about this before. This is a dangerous situation and he feels something needs to be done to correct the problem.

Chief Pence reported that more "no parking" signs need to be placed on Terrace Avenue overlooking the park. He has made several requests in the past to try to get these signs put up. He asked the Streets and Sidewalk Committee to take the initiative to see that this is done.

Councilwoman Life asked Mayor Dean to help with this. Orders are being written up, but maybe due to lack of manpower, they are not being done. She has talked with Chief Pence about a sign for Jackson Avenue. There has been a complaint about excessive speed there. Other members of council pointed out problem areas. This was turned over to the Public Safety Committee. Chief Pence stated he will have his men monitor the problem areas and try to correct the problems.

Mayor Dean reported that Mr. Davenport has reviewed the "Welcome to Elkton" sign on Stuart Avenue and it is illegal. The council may, as set forth in Section 706.03-7 of the new zoning ordinances give approval for the sign to remain.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to approve the following resolution:

> **RESOLVED**, that the "Welcome to Elkton" sign on Stuart Avenue as it now exists and as it may be improved by EPIC from time to time in the future, is directed to be maintained as an approved public notice sign under Section 706.03-7 of the Zoning Ordinance of the Town of Elkton.

The vote was recorded as follows:

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

Mayor Dean - yea

Councilwoman Life reported that regarding the oak tree she has not been able to talk with the gentleman from JMU as he is out of the country. She has put through two calls to the gentleman in Fishersville. He was to return her call but has not. Mr. Monger has talked with someone from Georgia Pacific and is still getting the run around. Councilwoman Life said that if council will give them a little more time, they will continue to pursue this issue.

Councilwoman Life presented a draft copy by Craig Baugher of the proposed free standing sign for the south side of the Municipal Building. The sign would be 12 x 12 and the cost to put the lettering on one side would be $295.00; on both sides would be $370.00, delivered only, not installed. It would take about three weeks to get the sign.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to hire Mr. Craig Baugher to the tune of $370.00 to make a 12 x 12 free standing sign for the Town of Elkton with writing on both sides to read as stated on this sign except incorporated will be spelled out at Mr. Baugher's discretion. The vote was recorded as follows:

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

Mayor Dean stated that he has a letter which Mr. Davenport has drafted to go to Mr. Raymond Gooden in reference to the materials stored on the lot in Elkwood. The letter has not been mailed as yet. Councilwoman Life stated she has been up there today and everything is gone except some brick and a little bit of trash.

Councilwoman Life stated she would like to talk with Mr. Whittington and also check and see if everything has been removed. Councilwoman Life was asked to check into this and get back with Mr. Davenport or Mayor Dean. If there is still a problem they will go ahead and send the letter.

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

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt to approve on Second Reading the 1989-1990 Budget Transfers & Additional Appropriations as printed in the May 30, 1990 Special Council Meeting minutes. The vote was recorded as follows:

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

Councilman R. L. Snow moved, seconded by Councilman J. R. Correa Jr. to write off the 1985 Taxes, as presented, in the amount of $455.69. The vote was recorded as follows:

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

Councilman R. L. Snow moved, seconded by Councilman J. R. Correa Jr. to approve on Second Reading the 1990-1991 Budget as presented. The vote was recorded as follows:

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

Councilman R. L. Snow presented the following First Reading on the 1990-1991 Budget Appropriations:

General Government	
Wages	$ 15,775.
Ads	100.
Auto Tags	1,000.
Meetings	950.

Utilities & Fuel	$ 1,400.
Insurance	2,400.
Legal	1,500.
Audit	1,100.
Miscellaneous	1,600.
Repairs-Equipment	1,000.
Repairs-Property	2,000.
Supplies & Equipment	2,500.
Telephone	200.
Office Equipment	500.
Payroll Taxes	1,179.
Retirement	684.
Sinking Fund	1,200.
Ordinances	1,000.
Zoning	500.
Planning	1,000.
Annexation study	4,377.
Comprehensive Plan	6,066.
	$ 48,031.

Recreation Department

Wages	$ 25,120.
Ads	225.
Meetings	950.
Utilities & Fuel	2,800.
Insurance	2,055.
Legal	1,500.
Audit	1,100.
Miscellaneous	2,000.
Repairs-Equipment	1,000.
Repairs-Property	3,500.
Supplies, Equipment & Programs	15,000.
Telephone	200.
Office Equipment	400.
Payroll Taxes	1,922.
Retirement	1,717.
Vehicle Maintenance	500.
Park Upkeep	1,500.
	$ 61,489.

Garbage Department

Wages	$ 27,413.
Ads	200.
Meetings	950.
Utilities & Fuel	1,300.
Insurance	4,409.
Legal	1,500.
Audit	1,100.
Miscellaneous	1,000.
Repairs-Equipment	1,800.
Repairs-Property	2,000.
Supplies & Equipment	2,000.
Telephone	250.
Office Equipment	425.
Payroll Taxes	2,146.
Retirement	1,815.
Vehicle Maintenance	1,000.
Private Hauler	44,400.
	$ 93,708.

Street Department-Highway Maint.

Wages	$ 32,087.
Ads	200.
Meetings	950.
Utilities & Fuel	850.
Insurance	7,022.
Legal	1,500.
Audit	990.
Miscellaneous	11,295.
Repairs-Equipment	1,500.
Repairs-Property	2,000.

Supplies & Equipment	81,793.
Telephone	250.
Office Equipment	475.
Payroll Taxes	2,298.
Retirement	1,950.
	$145,160.

Street Department

Wages	$ 1,915.
Utilities & Fuel	12,000.
Insurance	76.
Audit	110.
Miscellaneous	705.
Repairs-Equipment	1,500.
Supplies & Equipment	1,126.
Payroll Taxes	257.
Retirement	218.
Vehicle Maintenance	2,500.
New Vehicles	7,800.
	$ 28,207.

Public Safety

Wages	$143,119.
Ads	250.
Meetings	950.
Utilities	8,650.
Insurance	26,931.
Legal	1,500.
Audit	1,100.
Miscellaneous	3,000.
Repairs-Equipment	4,200.
Repairs-Property	2,000.
Supplies & Equipment	4,500.
Telephone	1,800.
Office Equipment	500.
Payroll Taxes	11,031.
Retirement	9,361.
Jail Fees	350.
Vehicle Maintenance	6,500.
Uniforms	2,500.
New Vehicles	5,500.
Fire Co. Gasoline	2,400.
	$236,142.

Electric Department

Wages	$ 52,958.
Ads	100.
Meetings	950.
Insurance	10,392.
Legal	1,500.
Audit	1,100.
Miscellaneous	6,000.
Repairs-Equipment	2,500.
Repairs-Property	2,000.
Supplies & Equipment	40,000.
Telephone	250.
Office Equipment	425.
Payroll Taxes	4,264.
Retirement	3,619.
Vehicle Maintenance	3,500.
Power Purchased	852,000.
Technical Services	5,000.
Sinking Fund	6,000.
New Vehicles	3,900.
	$996,458.

Water Department

Wages	$ 44,853.
Ads	100.
Meetings	950.
Utilities & Fuel	11,950.
Insurance	11,492.

Legal	1,500.
Audit	1,100.
Miscellaneous	3,000.
Repairs-Equipment	2,600.
Repairs-Property	2,000.
Supplies & Equipment	17,000.
Telephone	225.
Office Equipment	425.
Payroll Taxes	3,520.
Retirement	2,968.
Vehicle Maintenance	2,000.
Sinking Fund	6,000.
New Vehicles	3,900.
Royalties	1,500.
	$117,083.

Sewer Department

Wages	$ 66,016.
Ads	100.
Meetings	950.
Utilities & Fuel	18,000.
Insurance	15,215.
Legal	1,500.
Audit	1,100.
Miscellaneous	4,500.
Repairs-Equipment	3,000.
Repairs-Property	2,000.
Supplies & Equipment	20,500.
Telephone	550.
Office Equipment	425.
Payroll Taxes	4,777.
Retirement	4,007.
Vehicle Maintenance	2,000.
Technical Services	500.
Sinking Fund	6,260.
New Vehicles	7,900.
FmHA Debt Service	17,676.
	$176,976.

Mayor Dean stated that there will be a Special Meeting Tuesday, June 26th. at 8:00 P.M. The Second Reading on the 1990-1991 Budget Appropriations will be acted on at that time.

Councilman R. L. Snow moved, seconded by Councilman H. W. Leap to set the 1990 tax rate at $0.10½ on each $100.00 of assessed value for Real Estate and $0.46 on each $100.00 of assessed value for Personal Property. The vote was recorded as follows:

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

Mayor Dean requested that Councilman Holt have the garbage rates ready to be acted upon at the special Meeting June 26th.

Councilman Leap reported that the Water and Sewer Committee met. Mr. Monger is going to replace the sewer line behind Marla Nemoytin's. Mr. Monger also has been asked to talk with Vern Michael regarding the water and sewer connection fees which he was charged and to bring this back to the Water and Sewer Committee.

Mayor Dean asked Councilman Leap to get in touch with Mr. Monger and Mr. Lynwood Dovel of the Farmers & Merchants Bank regarding the sewer problem they are having.

Councilman Holt stated that they had agreed in principal to create a Citizen's Advisary Committee on recycling. He would like to put an ad in the paper asking people who are interested in serving to contact the town. Council was in agreement with putting an ad in the paper.

Mayor Dean reported that the Woodmen of the World have donated U.S. flags to the Town.

Councilman B. B. Holt presented the following First Reading to enact Section 9-4-1.

**ORDINANCE ENACTING SECTION 9-4-1
OF THE
TOWN OF ELKTON, VIRGINIA**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELKTON, VIRGINIA.

That Section 9-4-1 be enacted as follows:

Section 9-4-1 Tax on criminal and traffic cases.

There is hereby imposed and levied by the Town, subject to the provisions of Section 14.1-133.2 of the Code of Virginia, 1950, as amended, an additional fee of Two Dollars ($2.00) to be taxed as costs in any criminal or traffic case prosecuted on a Town warrant or summons, in either the Circuit Court, General District Court or the Juvenile and Domestic Relations Court. This additional assessment, shall be for the maintenance, construction or renovation of a courthouse, jail or court-related facilities and to defray increases in costs of cooling, heating, electricity and ordinary maintenance.

This ordinance shall be effective from the 1st day of July, 1990 until terminated on June 30, 1991.

Councilman B. B. Holt presented the following First Reading to mend Section 8-1-1 and Section 8-1-2, Article A, Chapter 1, of Title 8 and Section 7-1-39.

ORDINANCE TO AMEND SECTION 8-1-1 AND SECTION 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, 1990, 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 an person, within the town, to violate or fail, neglect or refuse to comply with any provisions 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 No. 8, 1976; Amended by Ord. of July 16, 1990)

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 hereby 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. (Code 1966, Sec. 17-1; Amended by Ord. of July 16, 1990)

AN ORDINANCE AMENDING SECTION 7-1-39

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, 1990, 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 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. (Ord. of August 21 , 1989; Amended by Ord. of July 16, 1990)

Mayor Dean reported that he is going to sign an easement for David Conley which he needs to sell his house.

Mayor Dean reported that Adelphia Cable will be changing their channel numbers effective July 1, 1990.

Mr. Davenport reported that the Circuit Court of Appeals upheld the District Court's decision in the Hutchison Case.

Councilman Holt reported that he had called Mr. Bill O'Brien regarding the mess at the dump. Mr. O'Brien stated they have just let a new contract with ARS for additional pick ups. Councilman Holt stated it has been considerably better but it is still not right. He plans to get back with Mr. O'Brien on the problems which need to be corrected.

Councilman Correa spoke regarding the need for a traffic light at Stuart Avenue and Rockingham Street. Council members reported that a study had been made and the state had rejected the request. Councilman Correa asked that we approach the state again with this request. Councilwoman Life stated she would contact them again to see what they think.

Councilman Correa reported that he has received complaints from some residents on E. Rockingham regarding the cars speeding up and down that street. He feels this problem needs to be addressed and we need to come up with a solution to the problem.

Mayor Dean presented Councilman Holt with a plaque in appreciation of his dedication and years of service as a council member.

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