The regular meeting of the Elkton Town Council was held July 10, 1969 at 8:00 p.m. with the Mayor Welty H. Hensley presiding. The following council members were present: Mr. I. L. Flory 111, Mr. E. F. Garber, Mr. R. G. Harman, Mr. E. O. Karow, and Mr. A. R. Thompson. Mr. H. A. Workman was absent. Mr. Marvin C. Hillsman, Jr., Town Attorney, Mr. David C. Liskey, Town Superintendent and Mr. Lyle E. Williams, Chief of Police were also present.

Mr. E. F. Garber opened the meeting with prayer.

Mr. Maurice W. Lough came before the council in regards to the proposed garbage collection fee which had been discussed at a previous meeting, He stated that he and his wife would like to enter a protest against adding this fee. Mr. Lough said that the tax payers pay the salary of the employees which collect the garbage and the garbage truck and town dump was purchsed with tax payer's money. He felt that if the town considered eliminating these then it might justify adding a collection fee but otherwise he could not see where this could be justified.

Mayor Hensley explained to Mr. Lough that several means of increasing the town's revenue had been considered: First the council had considered not increasing any taxes or adding any fees; second, a garbage collection fee, third, real estate tax increase, and fourth, a utility tax. Mayor Hensley furthered explained that none of these had been decided upon and that before anything is definately passed there will be a public hearing August 21, 1969 on the budget for 1969-70.

Mr. Lough asked if the Mayor or any member of the council would like to comment on the editorial in the Valley Banner in regards to an incident which involved the police department. Mayor Hensley said that he would not care to make any comment at this time as he had not had the time to do anything but glance at the editorial. The other members of the council had no comments at this time. Mr. Karow explained that he also had not had time to read the paper before coming to the meeting.

Mrs. Lester Gooden who lives on Summit Avenue came before the council in regards to her basement being flooded with four feet of water. She stated that she felt most of this water had been turned on them from Fairfax Avenue and would like for the town to try to eliminate this problem. Mayor Hensley asked Mr. Thompson and his committee to check into this situation and see what could be done.

Mr. Leroy Leap who lives on West Rockingham Street came before the council in regards to water in his basement. He stated that he had been before the council about two years ago and that the council had agreed at that time that water was being turned onto his property and that as soon as the weather broke they would try to eliminate this problem and as yet nothing had been done to take care of this situation. This matter was turned over to Mr. Thompson and the Street Committee.

Mayor Hensley stated that he would like to commend several of the town employees who he flet had gone beyond their realm of duty. He explained that the afternoon the storm came up near 4:00 p.m. when the maintenance men leave, Homer Ageon and Red Herring had stayed on the job (without being instructed to do so) and checked all the motors, etc. which might be damaged by the electrical storm. They found that the starter on the main well had been damaged and called in another electricain and exchanged starters thus preventing the town from being without water. Also on a Sunday when a storm knocked out half the town current, the Chief of Police, Lyle Williams located Mr. Herring immediately and he came in and saw to the reclosure and fuse which had been knocked out due to the storm thus restoring the current to the town.

Mr. E. F. Garber moved, seconded by Mr. A. R. Thomspon and carried to approve the minutes of the Regular Meeting June 13, 1969 as presented.

Mr. R. G. Harman moved, seconded by Mr. I. L. Flory 111 and carried to approve the Finance Report.

Mr. R. G. Harman moved, seconded by Mr. E. O. Karow and carried to pass the following ordinances:

EQUIPMENT
Sec. 17-112. BRAKES

Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movements of and to stop and hold such vehicle, and such brakes shall be maintained in good working order.

Sc. 17-113. HORNS

Every motor vehicle operated upon a highway shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions over a distance of not less than 200 feet.

Sec. 17-114. ILLEGAL SIRENS, WHISTLES, ETC.; UNLAWFUL USE OF HORNS, ETC.

It shall be unlawful for any vehicle to be equipped with or for any person to use upon any vehicle any siren or exhaust, compression or spark plug whistle or horn, except as may be authorized in this chapter. It shall be unlawful for any vehicle to be equipped with or for a highway or any way open to public travel that is not of a type that has been approved by the superintendent of State Police or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device, except that the vehicles of common carriers of extra-ordinary large and heavy vehicles may be equipped with such type of warning device as the supenintendent of State Police may require or permit.

Sec. 17-115 MIRRORS

(A) No person shall operate a motor vehicle upon a highway which is not equipped with a mirror so located as to reflect to the operator a view of the highway for a distance of not less than 200 feet to the rear of such vehicle.

(B) No motor vehicle registered in this State designed and licensed primarily for passenger vehicular transportation on the public highways and manufactured for the year nineteen hundred sixty-nine or for subsequent years shall be operated on the highways of this State unless equipped with at least one outside and at least one inside rear view mirror meeting the requirements of subsection (a) hereof.

Sec. 17-116 EXHAUST SYSTEM IN GOOD WORKING ORDER REQUIRED

No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with an exhaust system of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in consuant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard makes.

The term "exhaust system", as used in this section, means all the parts of a motor vehicle through which the exhaust passes after leaving the engine block.

Sec. 17-117 MUFFLER, CUTOUT, ETC., ILLEGAL

It shall be unlawful to sell or to offer for sale a muffler without interior baffle plates or other effective muffling device, commonly called "gutted muffler", "muffler cutout" or "striaight exhaust" or for any motor vehicle to be equipped with or for any person to use such a "gutted muffler", "muffler cutout" or "straight exhaust" while such motor vehicle is being operated upon a highway.

Sec. 17-118 HEAD LAMPS ON MOTOR VEHICLES

Every motor vehicle other than a motorcycle, road roller, road machinery or tractor used on a highway shall be equipped with at least two head lamps as approved by the superintendent of State Police at the front of and on opposite sides of the motor vehicle.

Sec. 17-119 HEAD LAMPS ON MOTORCYCLES

Every motorcycle shall be equipped with at least one and not more thn two head lamps which shall be of a type that has been approved by the superintendent of State Police and shall be capable of projecting sufficient light to the front of such motorcycle to render discernable a person or object at a distance of 200 feet but shall not project a glaring or dazzling light to persons approaching such motorcycles.

Sec. 17-120 REAR LAMPS

Every motor vehicle, trailer or semitrailer which is being drawn at the end of one or more other vehicles, or motorcycles, shall carry at the rear a lamp capable of exhibiting a red light plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle and such rear lamp shall be constructed and so mounted in its relation to the rear license plate so that the same may be read from a distance of 50 feet to the rear of such vehicle; or a separate white light shall be so mounted as to illuminate and make visible such rear license from a distance of 50 feet to the rear of such vehicle, such rear light or special white light to be of a type that has been approved by the superintendent of State Police.

Sec. 17-121 LAMPS ON OTHER VEHICLES; REFLEX REFLECTORS

(a) All vehicles or other mobile equipment not heretofore required to be equipped with specified lamps shall carry one or more lamps or lanterns capable of projecting a white light to the front and a red light to the rear visible in clear weather from a distance of not less than 500 feet to the front and rear of such vehicles.

(b) In lieu of or in addition to the lamps or lanterns a reflex reflector of a type, size and color approved by the superintendent of State Police may be permannently affixed to the rear and front of such vehicle.

Sec. 17-123 SPOTLIGHTS AND DITCH LIGHTS

Any motor vehicle or motorcycle may be equipped with not to exceed two spotlights or two ditch lights which when lighted shall be aimed and used so that no portion of the beam will be directed to the left of the center of the highway at any time or more than 100 feet ahead of the vehicle and shall be of a type that has been approved by the superintendent of State Police. No such spotlights shall be used in conjunction with or as a substitute for required headlights, except in case of emergency.

Sec. 17-124 OTHER PERMISSIBLE LIGHT; POLICE AND FIRE DEPARTMENT VEHICLES, EMERGENCY VEHICLES, ETC.

Any motor vehicle may be equipped with not to exceed two fog lights, one passing lamp, one driving lamp, two side lamps of not more than 6 candle power; vacant or destination signs on vehicles operated as public carriers, and signal lamps.

Any police vehicle, fire department vehicle, school bus, vehicle owned or operated by a member of a volunteer fire company, ambulance, any rescue vehicle, whether publicly or privately owned, used for emergency calls, and any vehicle used for the principal purpose of towing disabled vehicles or in constructing, maintaining and repairing public highways or utilities on or along public highways, may be equipped with flashing, blinking or alternating warning lights of a type approved by the superintendent of State Police. The superintendent of State Police may limit the number of vehicles to be equipped with such warning lights owned by any one department, association or person.

In addition to the foregoing, the superintendent of State Police upon application of the chief of any volunteer fire company shall authorize the issuance of permits to members of any volunteer fire company, designated by the chief in such application, to equip one privately owned vehicle each with warning lights for use in emergency calls; provided, however, that any such device, which may be approved by the superintendent of State Police for use by members of a volunteer fire company on private vehicles, shall be installed on only one vehicle of such member and used by him only in answering emergency calls of the fire company. It shall be unlawful for any member of a volunteer fire company to install such a light without first obtaining a permit or to use the light for any other purpose than answering a fire call of his company. Any person violating the provisions of this section shall be guilty of a misdemeanor.

No motor vehicle shall be operated on any highway which is equipped with any lighting device other than lamps required or permitted in this article or required or permitted by the superintendent of State Police.

Sec. 17-125 WHEN LIGHTS TO BE LIGHTED; NUMBER OF LIGHTS TO BE LIGHTED AT ANY TIME; USE OF WARNING LIGHTS

(a) Every vehicle upon a highway within this Town shall display lighted lamps and illuminating devices as required by this article from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons in vehicles on the highway are not clearly discernible at a distance of 500 feet.

(b) Not more than four lamps used to provide general illumination ahead of the vehicle, including at least two head lamps and any other combination of fog lamps, passing lamps, driving lamp or other auxiliary lamp approved by the superintendent of State Police shall be lighted at any time; provided, however, this limitation shall not preclude the display of such warning lights as may be authorized in Sec. 7-95, nor such lights as may be authrized by the superintendent of State Police for purpsoes of identification, or other warning lights.

(c) Vehicles equipped with warning lights authorized in Sec. 17-124 shall dispaly such lights at all times when engaged in emergency calls, and if engaged in towing disabled vehicles or in constructing, repariing and maintaining public highways or utilities on or along public highways, such lights shall be displayed during the period prescribed in paragraph (a) of this section.

Sec. 17-126 LIGHTING EQUIPMENT REQUIRED OR PROHIBITED

Every vehicle operated or moved upon a highway within this town shall at all times be equipped with such lamps as are required by these ordinances for different classes of vehicles, which lamps shall at all times be capable of being lighted, except as herein otherwise provided (and which shall be installed and aimed as set forth in such laws); but this section shall not apply to any vehicle for transporting well-drilling machinery licensed under Sec. 46. 1-156 of the Code of Virginia (1950), when operated only between the hours of sunrise and sunset.

Sec. 17-127 LIGHTS ON PARKED VEHICLES

Whenever a vehicle is parked or stopped upon a highway, whether attended or unattended, during the period from a half hour after sunset to a half hour before sunrise there shall be displayed upon such vehicle one or more lamps projecting a white or amber light visible in clear weather from a distance of 500 feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of 500 feet to the rear.

THE COUNCIL OF THE TOWN OF ELKTON, VIRGINIA DECLARES AN EMERGENCY TO EXIST AND THESE ORDINANCES SHALL BE IN FULL FORCE AND EFFECT FROM THE 9th DAY OF JULY 1969.

Mr. I. L. Flory 111 moved, seconded by Mr. R. G. Harman and carried to approve the Second Reading to amend Sec. 32-23, Sec. 32-28 and Sec. 32-39 of the Town Code.

Mr. Flory reported that the North Avenue Sewer Project is progressing nicely and that the relocation of the water line on Route 33 has been completed and the bill forwarded to the State Highway Department.

Mr. Thompson reported that Painter & Mundy would begin black topping the streets in the morning.

A request from Mr. Hershall Lam to black top Harnesberger Street while the town is doing the street near by was turned over to Mr. Thompson.

Mr. Liskey reported that Mr. Kenny May would like to rent the building located on the parking lot behind the Cook Burger's to open a fruit and vegetable stand. This matter was turned over to Mr. Thompson and his committee with the suggestion that Mrs. Kite should be contacted before any decisions were made.

Mr. Flory reported that the sewer connection fee for the residence's in the North Avenue area who have not had sewer available before will be $75.00 and that a deadline will be set up after the completion of the new sewer addition to pay this fee and to hook on to the sewer.

Mr. Garber was asked to contact Bosserman, Alt and Stickley in regards to doing the audit and to request that the reports be available for the October meeting.

Mr. E. O. Karow moved, seconded by Mr. I. L. Flory 111 and carried to rent a float for the Queen in the Field Day parade August 9, 1969 at a cost not to exceed $85.00.

Mayor Hensley reported that Mr. Jack Davis, the parade chairman for the Field Day parade had requested that the Mayor and Councilmen ride in the parade.

Mr. E. O. Karow reported that Mr. John Adams would resign as Police Dispatcher effective August 10, 1969. Mr. Karow explained that Mr. Adams can only work a certain number of hours and still draw full social security benefits.

Mr. E. O. Karow moved, seconded by Mr. E. F. Garber and carried to hire Mr. Harry House as a dispatcher in the Police Department at a salary of $2,652.00 a year beginning August 10, 1969.

Mr. Karow reported that the police radio in one of the cars is about gone. Mr. E. O. Karow moved, seconded by Mr. I. L. Flory 111 and carried to approve the First Reading to purchase a new police radio through the State Purchasing Agency at a cost of $579.55.

The regular council meeting for August was changed from August 8, 1969 to August 14, 1969 at 8:00 p.m.

A public hearing on the budget for 1969-70 was set for August 21, 1969 in the Council chambers.

Mr. Williams read a letter from Mr. Robert Y. Cooke, Vice President and General Manager of the Chesapeake Western Railway in which he thanked Mr. Williams for his letter of July 7 informing him of the condition existing alongside Fifth Street, thence between Marshall and Washington Street, due to trains blocking this crossing and stating that he would personally get into this matter and would see that the condition was corrected.

Mayor Hensley reported on some of the figures from the report on the recent traffic count on the streets in town.

Mr. R. G. Harman stated that due to the fact of the recent criticism of the police department in the papers and the fact that Mr. Williams' sixty day probation period was now up, he felt the council would have to consider whether they felt Mr. Williams to be satisfactory as Chief or if they wanted to have him contineu with the force as a patrolman and hire a new chief.

Mr. Karow stated that his committee had not met but planned to do so, and would then make their suggestions.

As there was no further business, Mr. E. O. Karow moved, seconded by Mr. I. L. Flory 111 and carried to adjourn.

MAYOR: Welty H. Hensley
Welty H. Hensley

RECORDER: Norma R. Leap
Norma R. Leap, Clerk