The regular meeting of the Elkton Town Council was held May 9, 1969 at 8:00 p.m. with the Mayor Welty H. Hensley presiding. The following council members were present: Mr. I. L. Flory, lll, Mr. E. F. Garber, Mr. R. G. Harman, Mr. E. O. Karow, Mr. A. R. Thompson and Mr. H. A. Workman. 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. David Beaman, representing the Elkton P.T.A., was present to report on the progress toward the playground equipment. He reported that he had been to the School Board and they have pledged $1,000 provided the traffic problem along Terrace Avenue is resolved. Mr. Beaman also suggested several ways the town could contribute toward this project: 1. Set aside a contribution in the budget. 2. Erect the playground equipment. 3. Consider closing Terrace Avenue or other methods to resolve the traffic problem in order for the School Board to contribute the $1,000.

Mayor Hensley suggested that possibly it might be a good idea to ask the School Board to include in their plans which they will have drawn by an architect a tunnel under the road to take the children to and from the playground. There was also discussion on the possibility of closing Terrace Avenue during school hours.

Mr. Harman stated that this was a step in the long view program for the development of the park.

This matter was turned over to Mr. Thompson and the Street Committee along with Mr. Liskey & Mr. Williams to see what can be done in regards to Terrace Avenue and work out this problem with the School Board.

Mr. R. G. Harman moved, seconded by Mr. E. O. Karow and carried for the town to give its assistance in installing and erecting the playground equipment for the P.T.A. as the town's portion toward this project to be installed when the men & equipment are available.

Mr. Leroy Kite came before the council asking for a decision on his letter in which he requested permission to construct and operate a Trailer Park within the corporate limits of the town. He stated that Mr. Harman had instructed him to go to the Board of Zoning Appeals, which he had done and Mr. G. B. Henry, Chairman of the Board of Zoning Appeals had said they could take no action until he had been refused by the town.

Mr. Hillsman explained that the Town Superintendent was the one who was to act on building permit requests, not the council, and that it would be his duty to refuse Mr. Kite's request as it was in violation of the provisions of the Zoning Ordinance. Mr. Kite's request could then be appealed to the Board of Zoning Appeals and that from the decision of the Board recourse shall be had to the courts as provided by law. He further explained that section 14 part 4 of the Zoning Ordinance also states that the duties of the Town Council in connection with the Ordinance shall not include the hearing and passing upon disputed question that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as hereinbefore set out in this section; and that the duties of the council in connection with the ordinance shall be only the duty of considering passing upon any proposed amendment or repeal of the ordinance as provided by law.

Mr. E. O. Karow moved, seconded by Mr. I. L. Flory lll and carried to approve the minutes of the regular meeting April 11, 1969 as presented.

Mr. A. R. Thompson moved, seconded by Mr. E. O. Karow and carried to approve the minutes of the special meeting April 18, 1969 as presented.

Mr. E. F. Garber moved, seconded by Mr. I. L. Flory lll and carried to approve the minutes of the special meeting April 24, 1969 as presented.

Mr. E. F. Garber moved, seconded by Mr. H. A. Workman and carried to approve the Finance Report.

Mr. R. G. Harman reported that tomorrow, Saturday, would climax the Clean-Up Week. Mayor Hensley commended Mr. Liskey and the town forces on the fine job they had done cleaning up areas around town.

Mr. R. G. Harman moved, seconded by Mr. E. F. Garber and carried to donate $300 to the Elkton Summer Recreation Program to be taken from the amount set aside for recreation in the budget.

Mr. I. L. Flory 111 read two ordinance changes in regards to outside sewer service which he suggested the council consider. Mr. Flory stated that he felt the town should either change Sec. 32-23 which states there shall be no sewer service offered or furnished by the town outside the town or else make sure no more outside sewer connections were made. There was considerable discussion on the proposed changes.

Mr. I. L. Flory 111 moved, seconded by Mr. H. A. Workman to delete Sec. 32-23 as it now reads and to have it read as follows: The town shall furnish or offer to furnish sewer service outside the town limits provided the owner of the property is buying and will continue to buy electricity and water from the town.

The vote was recorded as follows:

Mr. I. L. Flory 111.....yea
Mr. E. F. Garber.....abstain
Mr. R. G. Harman.....nay
Mr. E. O. Karow.....nay
Mr. A. R. Thompson.....yea
Mr. H. A. Workman.....yea

It was decided more study should be given to the proposed ordinance changes in regards to outside sewer service.

Mr. Liskey reported that the pumping station has been staked and work should begin in about two weeks.

A report on the interest rate for borrowing the money for the North Avenue Sewer Project was given and the lowest interest rate was 5¼% from the Virginia National Bank. Mayor Hensley stated that if the interest rate went down the loan cold be renegotiated.

Mr. I. L. Flory 111 moved, seconded by Mr. H. A. Workman and carried to borrow the noney needed for the North Avenue Sewer Project up to $50,000 from the Virginia National Bank at 5¼% interest, payable semi-annually, and up to 10 years to pay.

Mr. H. A. Workman moved, seconded by Mr. I. L. Flory 111 and carried to approve the needed statements or forms to negotiate the loan with the Virginia National Bank.

Mr. Liskey reported that the two piles of dirt across from his house which had been placed there by Mr. Carr has not been moved. Mr. Liskey asked Mayor Hensley to send a letter to Mr. Carr putting a time limit on the moving of the dirt or the town will move it at Mr. Carr's expense.

Mr. Liskey reported that the school is not mowing the park as they were suppose to do. Mr. Harman was asked to look into this matter.

Mr. E. O. Karow reported that the air conditioner in the Police Station had finally given out.

Mr. E. O. Karow moved, seconded by Mr. H. A. Workman and carried to purchase an air conditioner for the Police Station not to exceed the cost of $225.00.

Mr. Williams reported that he had obtained permission to use one of the target ranges in the area and he plans to start classes for his patrolmen as soon as possible.

Mr. Thompson reported that he had checked into the request by Dorothy Fogle to pave in front of her store which is leased by Dean's Hardware and he suggested the town should do this. Mr. Liskey stated it would cost approximately $100 and he would see to having it done.

Mr. I. L. Flory 111 moved, seconded by Mr. H. A. Workman to approve the First Reading to amend Sec. 26-23 of the Town Code to read that anyone outside of the town wishing to use the dump may do so if they have a town license on their vehicle.

A request from the Elkton Fire Company to put a pool table in the Fire Hall was turned over to Mr. Karow and the Police Committee.

Mayor Hensley reported that he, Mr. Flory, Mr. Workman, Mr. Liskey and Mrs. Nicholas had met with Mr. Kurtz of the Highway Department and Moore Brothers Contractors to discuss the water lines affected by the new proposed Rt. 33 east outside of town. Mr. John Rion was also present. Mr. Kurtz stated that the state had decided to replace service for service. Mayor Hensley had proposed that the town act as a subcontractor and lay the two inch line on the south side of proposed Route 33 back to the town's eight inch main for the $6,821.00 set up in the contract for this portion of the project. Mr. Kurtz said he could not give any definite answer but would take this proposal back to the Department for their consideration.

Mr. Liskey presented a building permit for Mr. Larry D. Horne at 114 Clark Avenue for the council to see.

Mr. I. L. Flory 111 moved, seconded by Mr. E. F. Garber to adjourn. The motion did not carry.

Mr. I. L. Flory 111 moved, seconded by Mr. R. G. Harman and carried to bring the Ordinance changes in regards to outside sewer service before the council again.

Mr. I. L. Flory 111 moved, seconded by Mr. H. A. Workman to delete Sec. 32-23 as it now reads and to have it read as follows: The town shall furnish or offer to furnish sewer service outside of the town limits provided the owner of the property is buying and will continue to buy electricity from the town.

The vote was recorded as follows:

Mr. I. L. Flory 111----------yea
Mr. E. F. Garber----------yea
Mr. R. G. Harman----------yea
Mr. E. O. Karow----------nay
Mr. A. R. Thompson----------yea
Mr. H. A. Workman----------yea

Mr. I. L. Flory 111 moved, seconded by Mr. A. R. Thompson to amend Sec. 32-28, second paragraph to read: In case of sewer service for an individual outside the town, the sewer department shall run all sewer service lines to the applicant's property line and the applicant shall pay all costs and maintenance and 50% more than the "in Town" connecting fee and rate in force at the time of application.

The vote was recorded as follows:

Mr. I. L. Flory 111----------yea
Mr. E. F. Garber----------yea
Mr. R. G. Harman----------yea
Mr. E. O. Karow----------nay
Mr. A. R. Thompson----------yea
Mr. H. A. Workman----------yea

As there was no further business, Mr. I. L. Flory 111 moved, seconded by Mr. A. R. Thompson and carried to adjourn.

OVER PLEASE---

MAYOR: _____
Welty H. Hensley

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