SPECIAL
COUNCIL MEETING
March 29, 1973

A special meeting of the Elkton Town Council was held March 29, 1973 at 8:00 P.M. in the Council Chambers with the Mayor Edward F. Garber presiding. The following council members were present: Mr. R. E. Davis, Mr. R. R. Dean, Mr. H. A. Leet, Mr. W. H. McGahey, Mr. A. R. Thompson and Mr. H. A. Workman. Mr. Homer Ageon and Mr. William Herring, Acting Superintendents, Mr. Noah Helsley, Town Sergeant, Mr. Marvin Hillsman, Town Attorney and Mrs. Norma R. Leap, Clerk were also present.

Mayor Garber opened the meeting with prayer.

Mayor Garber reported that Mr. Frank Evans of the State Highway Department called him Tuesday in regards to the dump. The town can level the dump and use the bank of dirt screening the dump, provided the Town discontinue the use of the dump and reseed the area.

Mr. H. A. Leet moved, seconded by Mr. H. A. Workman and carried to approve the Second Reading to accept the low bid by Monger Brothers Contractors to do the dump work at $9,152.80 or on a time basis whichever is cheaper.

The dump will close March 31, 1973.

There was some discussion on Mr. Herbert L. Baughers offer in regards to a parking lot. It was felt that $25.00 a month or $300.00 annually was excessive.

Mr. R. E. Davis moved, seconded by Mr. A. R. Thompson to improve the lots now under contract with the Elkton Improvement Company and if the use of the lots indicates the need for extra lighting this can be done later. There was some discussion on the motion and Mr. R. R. Dean offered the town the use of his lots on Spotswood Avenue across from the Municipal Building until such time as he would have a buyer for this land. Mr. Davis and Mr. Thompson withdrew the motion and second.

Mr. R. E. Davis moved, seconded by Mr. A. R. Thompson and carried to enter into a verbal agreement with Mr. & Mrs. R. R. Dean on their land across from the Municipal Building on Spotswood Avenue, to improve same for a parking lot. This agreement can be terminated with a thirty (30) day notice.

Mr. H. A. Workman moved, seconded by Mr. W. H. McGahey and carried to continue our lease with the Elkton Improvement Company for the lots on Wirt Avenue.

There was a discussion on the fact that there is nothing in the ordinance which prohibits cattle in town. Mr. Dan Goodson, Mr. and Mrs. Bill Holt, Mrs. Linda Life and Mrs. Linda Stevens were present to voice their objections to Mr. Herbert L. Baugher being allowed to have cattle in their area. Mr. Garber had also received a letter from Carl Schumacher in which Mr. Schumacher stated he could not see where permitting landowners to keep cows would create any less of an ordor, fly or noise problem than would horses, mules or donkeys, all of which are prohibited in the ordinance. He continued to say that several years ago the council passed an ordinance prohibiting chickens from being kept in town and it seems that in an effort to be equitable the council might consider an all encompassing ordinance about livestock.

Mr. H. A. Leet moved to amend Sec. 5-1 to include cattle. After some discussion Mr. Hillsman was asked to try to work up an ordinance in regards to prohibiting cattle to be acted on later in the meeting.

The citizens present were also interested in whether Mr. Baugher had applied for overnight campers and a building permit for an apartment house.

The council informed them that the Zoning Ordinance would prohibit campers but that apartment houses are permissable.

Mr. Goodson inquired as to the councils plans in regards to opening Lee Avenue where it deadends at "F". The council stated that there are no plans at present to do this.

There was some discussion in regards to keeping lots clean and the ordinances pertaining to this.

Mr. H. A. Leet presented the following bids on a new garbage truck:

Hensley Sales & Service Inc.	18 cu. yd.	$13,000.00	with trade-in
The Tidy Corporation	24 cu. yd. F-750 E-Z Pack	12,975.00	" "
Truxmore Industries, Inc.	23 cu. yd. Ford	11,495.00	" "
	27 cu. yd. Int. Harvester	15,500.00	" "

Mr. Leet stated he felt it would be wise to look toward a bigger truck and recommended the 27 cu. yd. from Truxmore Industries, Inc.

Mr. H. A. Leet moved, seconded by Mr. W. H. McGahey and carried unanimously to the approve the First Reading to accept the bid from Truxmore Industries, Inc. for $15,500.00 for the Int. Harvester 27 cu. yd. Truxmore Pakker.

Mr. H. A. Leet moved, seconded by Mr. R. E. Davis and carried to change Mr. Leets previous motion on Sec. 5-1 to alter Section 5-1 as printed below and the Council of the Town of Elkton, Virginia hereby declares an emergency to exist and this ordinance shall be in full force and effective from this 29th. day of March, 1973:

Sec. 5-1 Keeping horses, mules, donkeys, ponies, goats, hogs, livestock and cattle.

It shall be unlawful for any person to keep a horse, mule, donkey or pony in the town; provided, however, that this section shall not apply to the owner or custodian of any such animal who had such animal in the town on or before November 1, 1960, but in the event such animal is not maintained within the town for a period of thirty days, then this section shall also be applicable to such owner or custodian.

It shall be unlawful for any person to keep cattle, goats, hogs or livestock of any nature in Town; provided, however, that this provision shall not apply to the owner or custodian of any such animal who had such animal in Town on or before March 29, 1973, but in the event such animal is not maintained within Town for a period of thirty days, then this provision shall also be applicable to such owner or custodian.

Mr. W. H. McGahey moved, seconded by Mr. H. A. Leet and carried to repeal Section 5-3 and the Council of the Town of Elkton, Virginia hereby declares an emergency to exist and this ordinance shall be in full force and effective from this 29th. day of March, 1973.

Mr. Ageon explained to the council that Mr. John Huddle had been on Residential Electric Heat Rate since February 16, 1970 but is still not completely electric and that effective January 16th. billing he had been taken off the electric heat rate. Mr. Huddle had talked both to Mr. Ageon and Mr. Workman and felt he should have been given thirty days notice. Mr. Ageon felt Mr. Huddle had been given ample time to complete his installation of all electric. The council agreed with Mr. Ageon that Mr. Huddle would have to be totally electric before he can be put on the Residential Electric Heat Rate.

Mayor Garber reported that he had received a reply to his letter to the State Department of Health in regards to the chicken houses at Leroy Kite's. The letter stated that the purveyors of water for public use is responsible for the system down to the last faucet attached to the water supply line, and that it is the responsibility of the locality to insure that the public water supply system does not become contaiminated. The letter further stated that as owner and operator of a public water supply the Town has a responsibility under the Code of Virginia, Title 62.1, Chapter 4, Section 62.1-53, to make the ordered changes in their system as per the letter from the State Health Department February 12, 1973.

Mr. Herring was asked to check into this situation and report back to the Mayor.

Mr. R. E. Davis moved, seconded by Mr. H. A. Leet and carried to go into Executive Session to discuss two applications received for Town Superintendent.

There was a discussion on the two applications received by Mayor Garber.

Mr. W. H. McGahey moved, seconded by Mr. R. E. Davis and carried to go back into Regular Session.

As there was no further business, the meeting adjourned.

(Over)

MAYOR: Edward F. Garber
Edward F. Garber, Mayor

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