SPECIAL
COUNCIL MEETING
June 23, 1976

A special meeting of the Elkton Town Council was held June 23, 1976 at 7:30 P.M. in the Council Chambers with the Mayor H. Ditman Flory presiding. The following council members were present: Mr. C. E. Dean, Mr. R. R. Dean, Mr. H. A. Leet, Mr. R. J. Lough, Mr. W. H. McGahey and Mr. W. P. Suiter. Mrs. Norma Leap, Clerk, Mr. Gerald Monger, Superintendent and Mr. R. Bruce Wiles, Attorney were also present.

Mr. C. E. Dean opened the meeting with prayer.

Mr. R. J. Lough moved, seconded by Mr. W. P. Suiter and carried to approve the following resolution regarding cable television with a change of the starting date to October 1, 1976.

RESOLUTION EXTENDING ADDITIONAL TIME TO BAUCE CABLE ASSOCIATES TO ERECT, INSTALL, AND ENERGIZE A CABLE TELEVISION SYSTEM IN THE TOWN OF ELKTON, VIRGINIA

WHEREAS, an ordinance granting to Bauce Cable Associates, Luray, Virginia, a non-exclusive franchise right of convenience or privilege to erect, operate and maintain a community antenna system service and closed circuit television and FM transmission service in the Town of Elkton was duly enacted by the Town Council and an agreement between the parties executed in July, 1974; and

WHEREAS, a question has arisen concerning the possible obligation of the Town to bear a portion of the cost of replacing any non-conforming poles to permit Bauce Cable Associates to locate its facilities thereon, as a consequence of which the system has not been energized within the period of time required by the aforesaid ordinance; and

WHEREAS, the question raised has been resolved to the effect that the Town has no responsibility to contribute any portion of the cost of installing this system and that Bauce Cable Associates is wholly responsible for any and all costs connected therewith, including the cost of replacing any non-conforming poles when necessary; and

WHEREAS, the Town is willing to extend to Bauce Cable Associates additional time to erect, install, and energize this cable television system, subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, that the Town will not exercise its option to cancel the rights given to Bauce Cable Associates by the said franchise as provided in Section 11 (f) therefore, but ratifies and affirms the said franchise agreement in all respects on the condition that Bauce Cable Associates begin construction of these facilities by October 1, 1976, and that said system be fully operational and completely installed by June 1, 1977, with respect to all customers requesting service prior to that date, and on the further condition that Bauce Cable Associates execute a copy of this resolution, signifying their agreement that the Town shall in no way be responsible for any part of the costs of erecting, installing, and operating this cable television system.

Mr. Judy stated they would have their bond effective September 30, 1976. Council told Mr. Judy he could contract the relocating of poles subject to town's approval.

Mr. Gary Nickerson reported that Step II will be forwarded to E.P.A. in about two weeks and it will take approximately forty-five days for approval. Design plans must be in by December 31, 1976, but hopes to get an extension. He plans to have the design ready by December. He reported arrangements are being made for a meeting with Mr. Brown from the Harrisonburg F.H.A. office and Mr. Hawks from the Richmond F.H.A. office regarding a loan.

Mr. Bob Forbes reviewed and explained the water study which they had presented.

Mr. H. A. Leet moved, seconded by Mr. W. H. McGahey to approve the Second Reading to appropriate an additional $3000.00 to install a 10 inch line to service Elkwood. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- abstain	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- yea

Mr. C. E. Dean moved, seconded by Mr. R. J. Lough to approve the First Reading to amend Section 32-10 of the town code as follows:

AN ORDINANCE TO AMEND SECTION 32-10 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA: CONNECTION CHARGES INSIDE AND OUTSIDE TOWN

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 32-10 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA--CONNECTION CHARGES INSIDE AND OUTSIDE TOWN--BE AMENDED TO READ AS FOLLOWS:

Sec. 32-10. Connection charges inside and outside town.

Before a connection to the town water system shall be made, the applicant therefor shall pay to the town treasurer the following charges:

(a) With reference to water connections inside the town:

(1) For 3/4" water connection $200.00
(2) For 1" water connection $300.00

The town water department shall run all water service lines to the applicant's property line for a distance not to exceed one hundred feet. If the distance exceeds one hundred feet, the applicant shall pay all costs in excess of one hundred feet.

(b) With reference to water connections outside the town:

Such connection charges shall be $300.00 and the applicant shall install at his expense the connecting line to the Town of Elkton's existing available water lines. The installation must meet town requirements and becomes town property when connected to town lines.

The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- nay

Mr. R. J. Lough moved, seconded by Mr. W. P. Suiter and carried to go from Regular Session into a Public Hearing.

Mr. W. H. McGahey moved, seconded by Mr. W. P. Suiter and carried to go back into Regular Session.

Mr. R. J. Lough moved, seconded by Mr. W. P. Suiter to approve the Second Reading to approve and appropriate the proposed 1976-77 Budget for the coming year in the amount of $612,851.57 as presented. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- yea

Mr. R. J. Lough moved, seconded by Mr. W. P. Suiter to approve the Second Reading to approve and appropriate $4,987.00 Revenue Sharing Budget for the six month period July 1, 1976 thru December 31, 1976 as presented. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- yea

(Over)

Mr. W. P. Suiter moved, seconded by Mr. W. H. McGahey and carried to adjourn.

MAYOR: H. Ditman Flory Mayor
H. Ditman Flory, Mayor

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