SPECIAL
COUNCIL MEETING
May 9, 1979

A special meeting of the Elkton Town Council was held May 9, 1979 at 9:00 A.M. in the council chambers with the Mayor, Charles E. Dean presiding. The following council members were present: R. R. Dean, S. P. H. Flick, H. D. Flory, B. B. Holt, and C. A. Schumacher. Councilwoman L. C. Life was absent. Norma R. Leap, Clerk, Gerald Monger, Superintendent and R. Bruce Wiles, Attorney were also present.

Mayor Dean reported that the first item on the agenda was to discuss the proposed contract with ShenElk Associates.

Mr. Mack Jones pointed out several concerns they have with the contract. One change which came to light through Mr. Monger was regarding the request by the highway department for an allocation for a certain amount of width along Shenandoah Avenue for eventual dedication to either the town or highway department however it was determined to be done in the future. Mr. Jones wanted to amend Paragraph 9, according to indications in a letter from Mr. Frank Evans, Resident Engineer of the Highway Department, that the width of the area to be conveyed would be 30 feet from the center line of the road rather than 30 feet from the property line as presently written. Another area of concern was Paragraph 3 and the ten inch line mentioned in this paragraph. He would like the town to reconsider paying the difference between a ten inch and an eight inch line as all the developer would need would be an eight inch line. The other area of concern related to Paragraph 5. They would prefer not to install this line at this time but install it when the town upgrades their lines to the town reservoir. This would save them a considerable amount of money in interest.

Councilman Flory moved, seconded by Councilman B. B. Holt to accept the rewording of Paragraph 9 to include after the word property, "the southern boundary of which will be up to but not exceeding thirty feet from the center line of existing pavement on Shenandoah Avenue approximately 630 feet in length." The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	C. Schumacher	- yea
D. Flory	- yea		

Councilman H. D. Flory moved, seconded by Councilman C. A. Schumacher and carried to have Paragraph 3 remain as written in the contract.

A question was raised regarding what would happen if the developers were allowed to delay putting in the line referred to in Paragraph 5 and during this time sold or went bankrupt. It was felt the town needed some type of security if they were to allow any delay. Mr. Jones stated he would be willing to offer Parcel 2 of their land as security.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to add the following additional wording to Paragraph 5:

> "Upon written notice from the Town of its intent to complete upgrading the water lines to at least 8 inch pipe from ShenElk Plaza to the Town Reservoir to the east, Developers will, within ninety days following completion of the upgrading of said lines"
>
> "provided, however, that Developers will, in any event, have a minimum of six months following notice given as above to complete installation of this water line."

The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	C. Schumacher	- yea
D. Flory	- yea		

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to accept Mr. Jones' proposal of 3.802 acres of land, described as Parcel 2 on the plat, as security on the water line in Paragraph 5 in case of default and the contract be amended to include this. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	C. Schumacher	- yea
D. Flory	- yea		

Councilman B. B. Holt moved, seconded by Councilman H. D. Flory that the Mayor be authorized to sign the contract, subject to the changes agreed upon today, and approval of the contract, after amended by Mr. Wiles, by the Chairman of the Water and Sewer Committee. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	C. Schumacher	- yea
D. Flory	- yea		

The next item on the agenda was the suggestion to change the regular council meeting from May 14, 1979 to May 16, 1979 at 8:00 P.M. The reason for the change is that the County Board of Zoning Appeals is having a public hearing on the rezoning of land for Coor's Brewery Monday, May 14, 1979. The council feels they should be at this meeting giving their support for the rezoning.

Councilman B. B. Holt moved, seconded by Councilman R. R. Dean to change the regular council meeting from May 14, 1979 to May 16, 1979 at 8:00 P.M. due to the Board of Zoning Appeals Public Hearing on the request of rezoning land for Coor's on Monday night and council feels they should be present offering their support to rezone. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	C. Schumacher	- yea
D. Flory	- yea		

As there was no further business, Councilman Flory moved to adjourn.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

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