REGULAR
COUNCIL MEETING
August 13, 1979

The regular meeting of the Elkton Town Council was held August 13, 1979 at 8:00 P.M. 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, L. C. Life, and C. A. Schumacher. Officer Ball, Charles Lawhorne, Chief of Police, Norma Leap, Clerk, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

The council meeting was opened with a moment of silent meditation in memory of Robert Lough, former Mayor and Councilman and Ben Snyder. Councilman Randal Dean led in prayer.

Mayor Dean set the rules for those wishing to speak for or against the Sunday beer sales.

AAD025

Those speaking for the sale of beer on Sunday were Marvin Hillsman, Attorney representing the Seven-11 Store, Pizza Hut and the I.G.A. Stores, Rodney Harman, R. B. Hutton and Jimmy Slye. Mr. Hillsman asked that the present ordinance limiting the sale of beer on Sunday be repealed. If council feels they cannot do this, it is too drastic a change, then he asked that they be given a chance for one year to see if the sale of beer on Sunday would work. Some of the reasons given in support of sale of beer on Sunday were that during the period of 1970-72 when they were allowed to sell beer on Sunday there were no problems; the loss of revenue to the merchants; the fact that beer is now being sold on Sunday right on the edge of town; citizens should have the right to choose if they want to buy beer or not on Sunday. A petition containing 672 names of people living in the Elkton area was presented requesting the sale of alcoholic beverages on Sunday.

The following citizens spoke against the sale of beer on Sunday: Bob Hammer, Wilson Gaynor, Lois Gaynor, Shirley O'Byrne, Harold Leet, Alan Thompson, Hazel Crider, Edward Garber and Barry Ream. The main reasons these people were opposed was the concern for safety and order, there would be a revenue factor involved due to possibly having increased police coverage and the regligious factor. They felt council should heed the wishes of the 476 citizens of the Town of Elkton which signed the petition opposing the sale of beer on Sunday. Mr. Tim Hulings ask if there could be some difference made between sales on premises and off premises. Mr. Wiles felt this probably would not be possible.

The minutes of the July 16, 1979 regular meeting were approved as corrected.

Councilman Holt stated that the Mayor had ask that the Sunday beer issue be brought up under his report as he felt it to be a public safety issue. Councilman Holt briefly analyzed the issue as it had been presented. The question to be decided is whether or not beer and wine can be sold in Elkton during an approximately eighteen hour period on Sunday. Councilman Holt felt the following to be things council should consider in making a decision:

1. Does it leave businesses in a competitive position?
2. How much revenue is involved?
3. What effect would it have on public safety?
4. Should there be a referendum?

He felt that he personally did not have a clear view of what the majority feels and preferred a referendum.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life that council petition the proper authorities to place the question of sale of beer on Sunday in Elkton on the ballot in November to determine the will of the people.

Councilman Flory stated he would rather resolve the question tonight as a referendum just tearsup a community. He stated that if Councilman Holt would rescind his motion he would make a motion to settle the question tonight. Councilman Holt choose not to rescind his motion. Councilman Flick and Councilman Schumacher both felt they would rather see it settled one way or other tonight.

Councilwoman Life stated she had received 77 calls against and 68 for sale

of beer on Sunday. She stated that she was unable to tell from the petition presented tonight how many of the 672 names for the sale of beer on Sunday were registered voters but of the 479 names on the petition against the sale of beer on Sunday, 296 were registered voters. There are 696 registered voters in the Town of Elkton and in the last town election, 399 citizens cast a vote. With these facts in mind and feelings being strong on both sides, she felt the decision should be left to each person to make their mark in the election booth. Councilman Dean also felt due to the amount of interest, the question should go to a referendum.

Mayor Dean called for a vote on the motion. The vote was recorded as follows:

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

Mayor Dean - yea

Councilman Holt reported that they have decided from a cost standpoint that it would not be worth keeping the dog which was donated to the town by Staunton, so the dog has been donated to the Town of Shenandoah at no cost except a flea collar.

Councilman Holt reported that the Planning Commission tonight did recommend approval of the Comprehensive Plan subject to small changes in zoning in the land-use plan as requested by Mr. David Frey. This recommendation will be submitted in writing at a later date.

Councilman Holt reported that he had received a call regarding an annual donation to the soil conservation district. Mrs. Leap reported that council had voted to do this one year but as far as she could find had not voted to do it annually.

Councilman H. D. Flory moved, seconded by Councilman R. R. Dean and carried to donate a $100.00 to the soil conservation district.

Councilman Flory reported that we have applied to EPA for our final payment on Step II of the sewerage plant project in the amount of approximately $5500.00. We still owe Arthur Beard Engineers, to phase out Step II, $10,500.00.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to approve the First Reading to pay Arthur Beard Engineers, upon receipt of the money from E.P.A. for our final payment on Step II, $10,500.00 to finalize Step II of the sewerage treatment plant. The vote was recorded as follows:

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

Councilman Flory reported that he had contacted Arthur Beard Engineers and told them that the Water and Sewer Committee would like to have Mr. Harold Leet as the on-site engineer on this project and that they retain him. They finally agreed to this. Mr. Leet has agreed to this and will work out the details with Arthur Beard Engineers.

Councilman Schumacher reported that in regards to the grant he had mentioned at the last meeting on low head power technology power generating, they had received the applications and unfortunately it only applies where there is an existing dam.

Councilman Schumacher reported they are still checking on a town electrician.

Councilman Flick made the following report: the Street & Sidewalk Committee had not met; the "Dead End" sign authorized by council at the last meeting has been installed at the end of Lee Avenue. Nothing further has been done towards street repairs due to lack of time.

Councilman Holt ask what progress has been made on the town signs. Mr. Monger stated he has not been able to get with Mr. Longley as he has been busy but they are trying to coordinate their ideas.

Councilman Holt reported that the Planning Commission recommended approval of the proposed amendment to the subdivision ordinance.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to approve on Second Reading the following proposed amendment to Section 2-29 of the Town of Elkton Subdivision Ordinance:

PROPOSED AMENDMENT
TO SECTION 2-29
OF THE TOWN OF ELKTON SUBDIVISION ORDINANCE

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 2-29. OF THE TOWN OF ELKTON, VIRGINIA SUBDIVISION ORDINANCE BE AND IT HEREBY IS AMENDED BY ADDING THE FOLLOWING SUBSECTION NUMBERED 2-29-3:

2-29-3. The Agent may permit a division of land without complying with all of the requirements of this ordinance if one of the resulting parcels is to be transferred to an immediately adjacent property owner for the purpose of increasing acreage or square footage, or to establish the location of a disputed boundary line; provided, however, that both resulting parcels meet the minimum lot size requirements set out in Section 5 of this ordinance; and provided further that the division is not in conflict with the general meaning and purpose of this ordinance.

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The vote was recorded as follows:

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

Councilwoman L. C. Life moved, seconded by Councilman R. R. Dean to approve on Second Reading the following Ordinance Providing for Furnishing Brush Grinding Services by amending Chapter 26:

AN ORDINANCE PROVIDING FOR FURNISHING BRUSH GRINDING SERVICES

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT THE CODE OF THE TOWN OF ELKTON, VIRGINIA, CHAPTER 26, IS HEREBY AMENDED BY ADDING THE FOLLOWING SECTION:

Sec. 26- . Brush grinding services.

Upon request, the town will provide brush grinding services to residents in accordance with written rules and regulations established by the town superintendent. A special charge for these services shall be made in accordance with rates set and established by the council. A copy of such schedule of rates and a copy of such rules and regulations shall be maintained in the office of the town superintendent and in the treasurer's office and shall be available for public inspection during regular working hours.

The vote was recorded as follows:

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

Councilwoman Life reported that the rates suggested for the brush grinding services are $15.00 for up to the first hour and $7.50 per hour thereafter.

Councilwoman L. C. Life moved, seconded by Councilman H. D. Flory to set the rates for brush grinding services at $15.00 up to the first hour and a charge of $7.50 per hour thereafter. The vote was recorded as follows:

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

Mr. Wiles stated that the rates should be printed on separate schedules and

available in the Treasurer's and Superintendent's offices. Rules and Regulations will need to be available also. Councilwoman Life ask Mr. Monger to prepare the rules and regulations to be presented at her next committee meeting.

Councilwoman Life reported that at her last committee meeting they had some complaints about the garbage pickup by Blue Ridge Disposal Co. They met with the two owners of Blue Ridge Disposal and talked with them about the problems. Mr. Monger had just given Councilwoman Life, before the meeting, a copy of their proposal of how to handle problems in this area. As the problem is not pressing at this time, Councilwoman Life stated she would prefer to review the proposal and discuss it with her committee. They do realize there is a problem but feel they will be able to work it out.

Councilwoman Life reported at the last meeting that there is a vacancy on the Recreation Commission due to a member moving and hoped to have a name at the next meeting. Her replacement has not been named as yet as the person contacted has not said she will accept the appointment and so a name will not be submitted tonight. There is also another vacancy on the Recreation Commission. Mr. Leroy Leap is no longer a member of the Commission. Mr. Randal Snow will act as Chairman of the Commission and Mrs. Life and Mr. Edmondson as Co-Secretary until September when they have their election of officers.

Councilman Randal Dean reported that there would be no finance report due to the annual audit.

Mayor Dean reported that the certificates in the amount of $20,000.00 which the town has on deposit at the two banks mature Thursday and are not automatically renewed. It will require a motion by council if they wish to renew them for another six months.

Councilman H. D. Flory moved, seconded by Councilwoman L. C. Life to leave the decision on renewing the certificates, what type of savings and for how long, to the Finance Committee. The vote was recorded as follows:

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

Councilman Dean reported he does not have all the figures needed for painting the fire hall but hopes to have this information at the next meeting.

Councilman Dean reported that he had talked with our present insurance carrier and he does not wish to work up bid sheets for other insurance carriers. He suggested they should come in and get the information needed themselves. Councilman Dean was asked to contact the other insurance agents regarding bidding on the insurance and arranging for them to get the needed information to bid.

Councilman Flory reported that he had been working on the vacancy on the Board of Zoning Appeals and had a very good prospect but found out they are getting ready to move out of town. He will have a name to submit at the next meeting.

As there was no further business, Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to adjourn.

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

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