REGULAR
COUNCIL MEETING
November 8, 1971

The regular meeting of the Elkton Town Council was held November 8, 1971 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. E. O. Karow, Mr. H. A. Leet, Mr. W. H. McGahey, Mr. A. R. Thompson and Mr. H. A. Workman. Mr. C. B. Knott, Chief of Police, Mr. Marvin Hillsman, Town Attorney, Mr. D. C. Liskey, Town Superintendent and Mrs. Norma R. Leap, Clerk were also present.

The Rev. James Martin opened the meeting with prayer.

Mr. W. H. McGahey moved, seconded by Mr. R. E. Davis and carried to approve the minutes of the regular meeting October 11, 1971.

Mr. E. O. Karow moved, seconded by Mr. H. A. Leet and carried to approve the minutes of the special meeting November 4, 1971.

The Rev. James Martin, on behalf of the Ministerial Association, asked permission to place a nativity scene near the town Christmas tree and there were no objections from the council.

Mr. A. R. Thompson moved, seconded by Mr. E. O. Karow and carried to approve the Finance Report.

Mrs. Martin thanked the council for their action taken to revise the ordinance in regards to Sunday beer sales.

Mr. David Hatmaker, an attorney obtained by certain members of the community who wish to continue Sunday beer sales, requested the council to postpone the second reading on the beer ordinance until the December meeting in order for him to study the matter further and better advise his clients.

Mr. Freeman Meadows, Rev. Martin and several others felt that the matter had been delayed long enough.

Mr. H. A. Leet moved, seconded by Mr. A. R. Thompson to approve the second reading to amend Section 4-2 and Section 4-3 as follows:

Sec. 4-2 <u>When sale of Alcoholic Beverages Prohibited - Generally</u>

It shall be unlawful for any person to sell alcoholic beverages in the Town between the hours of twelve o'clock post meridian of each Saturday and six o'clock ante meridian of each Monday.

Sec. 4-3 <u>Same -- Definition of "Alcoholic Beverages" and "Person"</u>

As used in Section 4-2, "alcoholic beverages" shall include the four varieties of liquor, regardless of the content of alcohol by volume or by weight, defined in Section 4-2 of the Code of Virginia of 1950 as alcohol, spirits, wine and beer and any one or more of such varieties and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being. "Alcoholic beverages" shall also include beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor and fruit juice as referred to in Section 4-99 of said Code of Virginia as containing one half of one per centum or more of alcohol by volume, and not more than three and two tenths per centum of alcohol by weight.

"Person" shall mean an individual, partnership, association or corporation.

Mr. Workman stated that he felt this was a big decision for the council to take away or add to a man's business. He reminded the council that when this matter came up the first time he had called for a referendum which the Judge denied. Mr. Workman pointed out that the council could order a referendum and he felt the people should have the priviledge to vote on such a big issue.

Mr. Hatmaker said he felt Mr. Workman's suggestion of a referendum was very good and would reflect a truer picture of how the people of the community really felt. He mentioned a petition which his clients have with the names of 170 qualified voters asking for the continuing of Sunday beer sales. He pointed out that his was nearly half of the number that voted in the past election in the town.

Mr. L. P. Hale and Rev. Martin again spoke in favor of the ordinances being amended and Mr. S. H. Levinson opposed the change.

The vote on the motion before the council was taken and was as follows:

Davis -	yea	McGahey -	yea
Karow -	nay	Thompson -	yea
Leet -	yea	Workman -	nay

Mr. Lewis Workman voiced his opposition to the way the council handled the matter of the beer ordinance and Mr. Johnny Hensley thanked the council for their stand.

Mr. H. A. Leet moved, seconded by Mr. W. H. McGahey and carried to appoint Mr. Beverly Wolfe to the Planning Commission.

Mr. H. A. Leet reported that the Elkton Parks and Recreation Committee would be willing to continue the control of the Community Hall under the direct authority of the council and would set up more fixed and rigid rules to control the use of the hall. Mr. Leet asked about the janitorial service and supplies for the Community Hall and the council said it would be the responsibility of the Parks and Recreation Committee.

Mr. E. O. Karow moved, seconded by Mr. W. H. McGahey and carried to allow the Elkton Parks and Recreation Committee to make a skating pond in the proper fashion in the park if the weather permits.

Mr. H. A. Workman pointed out that according to the annual audit the revenue from the electric system has been increasing approximately $10,000.00 each year but that there is only about $15,000.00 in Sinking Funds to be used in case of emergency repairs or expansion of the system. He recommended the council consider the amount which is being set aside for the electric system.

Mr. R. E. Davis reported that he had written Mr. W. J. Osborne, State Department of Highways' Resident Engineer, requesting a traffic study to be conducted at the intersection of old Rt. 33 and Rt. 340 and at the intersection of Spotswood Avenue and old Route 33. The objective of this study is to show traffic flow in amounts, directions and if possible hours of peak flow. Mr. Davis had received a reply from Mr. Osborne stating that he had forwarded the request to the District Engineer for his consideration and would advise Mr. Davis of the results of the studies after they are complete.

Mr. Liskey presented a request from Mr. Ray Morris to place a trailer on his property on Terrace Avenue to be used as a temporary cab stand and office while he is rebuilding.

Mr. R. E. Davis moved, seconded by Mr. H. A. Leet and carried to give Mr. Ray Morris a temporary permit for six months to place a trailer on his property on Terrace Avenue to be used for office use only with no water or sewer hookup and no overnight lodging.

It was brought to the councils attention that when Mrs. Herman Meadow's house burned on Stuart Avenue the closest fire hydrant on Stuart Avenue was at the Dry Cleaners or the one on Jackson Avenue.

Mr. W. H. McGahey moved, seconded by Mr. E. O. Karow and carried to run a four inch line off of Lee Avenue, down C to Stuart Avenue and install a fire hydrant at an approximate cost of $1000.00.

Mr. E. O. Karow reported that the town has received a Federal Grant in the amount of $1922.62 to be used in the Public Safety Department for radios, etc. The town is required to match the amount granted. The Police Committee plans to meet to determine the priority items needed and to bring in recommendations to the council.

Mr. E. O. Karow moved, seconded by Mr. W. H. McGahey and carried to purchase a reloader kit at a cost of $132.86.

Mr. Karow reported that Chief Knott had checked into Mr. Sandridge's complaint in regards to Wholesale Merchants selling retail and found that there are grounds for the complaint. Due to an error when the ordinances were reprinted it was felt a closer study of the Wholesale Merchants ordinance should be made and the proper corrections made.

Mr. A. R. Thompson moved, seconded by Mr. H. A. Workman and carried to pass the following resolution:

> Be it hereby resolved that the Town of Elkton, Virginia, a political subdivision, acting by and through the Town Council does hereby elect to have such of the employees and officers of the Town in positions not covered under a local retirement system, who are regularly employed full time on a salary or wage basis, and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective January 1, 1972 to participate in the Virginia Supplemental Retirement System, under conditions set forth in Title 51, Chapter 3.2, Section 51-111.9 through Section 51-111.67, Code of Virginia, as such code has been or may be amended from time to time and said Town agrees to pay its cost for participation of its employees for all services for the Town of Elkton rendered prior to January 1, 1972 for which credit is authorized and established on terms required by the Retirement Board and for membership service in the System after such date and also to deduct from said employees' wages and pay over in the manner prescribed, the respective amounts required by law.
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> Now, therefore, Edward F. Garber, Mayor, Town of Elkton, Virginia and Norma R. Leap, Clerk of the Town Council, are hereby authorized and directed in the name of said Town, to execute any required contract in order that employees of the Town of Elkton, Virginia may become entitled to benefits provided under the Virginia Supplemental Retirement Act. In execution of any contract which may be rendered, the seal of said Town of Elkton, Virginia shall be affixed and attested by the Clerk and said officers of the Town of Elkton, Virginia are hereby authorized and directed to pay from time to time such sums as are due to be paid under said contract by the Town of Elkton, Virginia and its employees.

Mr. Thompson reported that he is still looking into purchasing a buffer. He has received one price but is trying to get prices from other places also.

Mr. E. O. Karow moved, seconded by Mr. H. A. Leet and carried to have Mr. Liskey check the windows in the library and repair those needing repair and to check the windows in the Treasurer's office for storm windows.

Mr. A. R. Thompson moved, seconded by Mr. W. H. McGahey and carried to approve the Audit Report.

Mr. A. R. Thompson reported that due to a shortage of cash on hand in the General Fund and Fire Company Fund, he suggested the council consider borrowing $12,000.00 from the Sanitary Sewer System Fund ($5,000.00) and the Town of Elkton Water and Sewer Fund ($7,000.00) to be repaid in the amount of $3,000.00 quarterly beginning January 1, 1972. $10,000.00 will be placed in the General Fund acoount to pay back bills and $2,000.00 in the Town of Elkton Fire Company Project account to pay notes and interest. He also suggested that the $3,200.00 quarterly and the $1100.00 monthly which are being set aside each month for the Sanitary Sewer System Sinking Fund and the Town of Elkton Water and Sewer Account be suspended until September 1, 1972 as these accounts have enough funds to carry them until this time.

Mr. A. R. Thompson moved, seconded by Mr. E. O. Karow and carried to borrow $7,000.00 from the Town of Elkton Water and Sewer Account and $5,000.00 from the Sanitary Sewer System Sinking Fund, $10,000.00 of which is to be placed in the General Fund and $2,000.00 to be placed in the Town of Elkton Fire Company Project. This is to be repaid from the General Fund in the amount of $3,000.00 quarterly beginning January 1, 1972. The $1,100.00 monthly and $3,200.00 quarterly which are being set aside as sinking funds for these two accounts will be suspended until September 1, 1972.

Mr. W. H. McGahey moved, seconded by Mr. A. R. Thompson and carried to write off the 1966 and 1967 Taxes and place them at the Court House.

Mr. A. R. Thompson moved, seconded by Mr. E. O. Karow and carried to approve the First Reading on the audit fee of $1285.00.

Mr. Thompson presented a request from the American Legion to transfer from the small room they now occupy on the third floor of the Municipal Building to a larger room that is now available. This matter was turned over to the Finance Committee.

Mr. A. R. Thompson moved, seconded by Mr. R. E. Davis and carried to approve the Second Reading of the proposed wage increases as presented at the last meeting.

Mayor Garber reported that it would be necessary for the town to readvertise on the proposed T.V. Franchise Ordinance.

Mr. E. O. Karow moved, seconded by Mr. W. H. McGahey and carried to advertise for bids on the T. V. Franchise.

Mr. R. E. Davis reported that Mr. Hillsman had written in regards to the towns questions on the flood control insurance but had not received a reply. This matter was tabled until the December meeting.

The naming of the street leading to Elkton High School was tabled until the next meeting.

Mayor Garber reported that the Bethel Church would have the Christmas Party again this year if the council so desired. The dates available were December 7th. or 9th. The council decided to have the Town Christmas Party December 7th. at the Bethel Christian Church at 6:30 P.M. at a cost of $2.50 per plate.

Mayor Garber reported that he had received a complaint in regards to the condition and appearance of the Norfolk and Western's right-of-way close to Mr. Rouse's home. Mayor Garber wrote the N & W office in Roanoke and received a reply from Mr. Bill Bridger, Supt. in which he thanked Mr. Garber for his letter and stating that he had asked their Division Engineer to arrange to have the weeds and brush cut and to perform any other clean-up necessary to restore their property to a sightly condition.

Mr. A. R. Thompson moved, seconded by Mr. W. H. McGahey and carried to give the usual Christmas Bonuses of $15.00 for those with six years service and over and $10.00 for those with less than six years service. Turkeys will be given to Avis Burke and Hugh Frey.

As there was no further business, Mr. A. R. Thompson moved, seconded by Mr. E. O. Karow and carried to adjourn.

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

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