REGULAR
COUNCIL MEETING
April 9, 1984

The regular meeting of the Elkton Town Council was held April 9, 1984 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: S. P. H. Flick, B. B. Holt and B. J. Ream. R. E. Davis was working but came in later for the business portion of the meeting. Councilmen Leet and Snow were absent. Norma Leap, Clerk, Jeffrey Nadeau, Chief of Police, Gerald Monger, Superintendent and Dale Davenport, Attorney were also present.

Mr. Ditman Flory came before council requesting permission to locate a trailer at the front of their building to be used as a temporary office while they are rebuilding. He felt they would not need the trailer much longer than October of this year.

Mr. Lowell Hensley of the Elkton Little League was present to request that the town help them set some poles at the ball park as they do not have the equipment to do it themselves.

Mr. Monger reported that he had obtained a price on surveying Block I which is the block Seven-Up Bottling Company is in. This block appears to be incorrect and the price for surveying would be approximately $1,250.00. Seven-Up Bottling Company has said they will pay for surveying their lots (15) so it would cost the town approximately $698.60 for the remaining lots in that block. Mr. Monger stated he needed to know if council wants to go ahead with the survey. The town will have to survey the lots if Seven-Up Bottling Company asked for a building permit.

Mayor Dean reported that the police report for March has been distributed to council and gave council members the opportunity to ask any questions they might have regarding the report.

Mayor Dean reported that the town no longer has a fifth police officer as Mr. Hudson resigned effective April 6, 1984.

Councilman Ream reported that they have received the new Vepco rates and after their committee meets they will report back to council with any recommendations they might have.

Councilman Holt reported that the town has received a reply in response to our resolution regarding fluoridation from Dr. Bernhard of the Department of Health stating that the town would be reimbursed for the engineering plans. He urged the town to proceed with the planning as quickly as possible as the state would like to send the town a contract obligating the state money by June. They also sent a list of engineering firms which have experience with fluoridation plans and Mr. Monger has been in touch with a couple of these. Councilman Holt pointed out that even if we make a contract with one of the firms for plans this does not commit the town to any action nor cost the town any money as the state will reimburse the town for the cost of the engineering plans.

Councilman B. B. Holt moved, seconded by Councilman B. J. Ream and carried to authorize Councilman Holt as Chairman of the Public Health Committee, Councilman Leet as Chairman of the Water and Sewer Committee, Mr. Monger and the Mayor to examine the submissions of the various consulting engineering firms on the study of engineering plans for fluoridation and select an engineering firm and authorize the Mayor to sign a contract.

Councilman Flick reported that work is progressing on the budget for 1984-85.

Councilman B. B. Holt moved, seconded by Councilman R. E. Davis to approve on Second Reading the following amendment to Section 9-1-25 of the Code of Ordinances with a slight modification in the first paragraph of reversing the words "is" and "hereby":

> BE IT ORDAINED by the Council of the Town of Elkton, Virginia, that Section 9-1-25 of the Code of Ordinances be and the same hereby is amended so as to read as follows:
>
> (a) It shall be unlawful for the owner of any dog to allow such dog to run at large within the town. (Va. Code Sec. 29-213.17)
>
> (b) The animal control officer or dog warden of Rockingham County is hereby appointed to enforce the dog laws (Va. Code Sec. 29-213.8) and the dog laws of the County (Article II, Chapter 4 of the Code of Laws of Rockingham County), including provisions providing penalties for violation of such laws, are hereby adopted and incorporated by reference as the dog laws of the Town.
>
> (c) The animal control officer or dog warden of the County is designated as a special policeman for the purpose of being authorized to issue summonses for dog law violations within the Town.
>
> Adopted by the Town Council of the Town of Elkton on April 9, 1984 following a first reading of the same on March 12, 1984.

The vote was recorded as follows:

Davis	- yea	Holt	- yea
Flick	- yea	Ream	- yea

Councilman B. B. Holt moved, seconded by Councilman B. J. Ream to go into Executive Session to discuss personnel matters and possible litigation. The vote was recorded as follows:

Davis	- yea	Holt	- yea
Flick	- yea	Ream	- yea

Councilman B. B. Holt moved, seconded by Councilman R. E. Davis and carried to go from Executive Session back into Regular Session.

Councilman Holt, as the council's representative on the Planning Commission, gave the report from the Review Board which was appointed to study the request from Seven-Up Bottling Company to close the alley, Ben Yehuda Road, behind their building and reroute it. The consensus of the report was that the Review Board has no recommendation due to the fact that the board was split in a 2-2 tie each time they voted on whether to leave the alley open or closed and whether to reroute the alley. They did present the following list of conveniences and inconveniences which they felt would exist from rerouting Ben Yehuda Road:

<u>Inconveniences</u>

1. Traffic Flow
2. Traffic Congestion
3. Deliveries
4. Parking
5. Fire Protection
6. Zoning of Land

Conveniences
1. Safety for Elkton Seven-Up Bottling Company
2. Expansion for Elkton Seven-Up Bottling Company
3. Efficiency for Elkton Seven-Up Bottling Company
4. Revenue from Elkton Seven-Up Bottling Company

Councilman B. B. Holt recommended, as requested by council, to reroute Ben Yehuda Road under certain conditions. These conditions are as follows:

1. That the 35 feet mentioned in the plan be deeded to the town.
2. The section of alley between Ben Yehuda Road and Warren Avenue be built completely at Seven-Up expense and the town's specifications.
3. If within one year the Seven-Up Company does not build this plant substantially as outlined in their proposal the rerouting will be cancelled.
4. In the past the appearance of the Seven-Up plant has been undesirable and one of the major considerations of council is the improvement of that end of the town. Seven-Up Company will be expected to clean-up as they promised they would and maintain the clean-up to the satisfaction of the town.

Councilman B. B. Holt moved, seconded by Councilman B. J. Ream that the Mayor be authorized to execute the Deed of Vacation and further moved that if any of the conditions which have been listed above are not met, then the Mayor is authorized to cancel the Deed of Vacation. The vote was recorded as follows:

Davis	- yea	Holt	- yea
Flick	- yea	Ream	- yea

Councilman Holt stated that he wanted to point out that this was not an easy decision to make but that each councilman had made their decision as to what they considered to be best overall for the town. Councilman Ream stated he would like to echo what Councilman Holt said.

Councilman S. P. H. Flick moved, seconded by Councilman R. E. Davis and carried to approve the minutes of the Regular council meeting March 12, 1984 and the Public Hearing April 2, 1984 as presented.

Councilman S. P. H. Flick moved, seconded by Councilman B. J. Ream and carried to approve the Finance Report for March as presented.

Councilman B. J. Ream moved, seconded by Councilman B. B. Holt and carried to provide the equipment to help the Little League set the poles as requested and to keep an account of the time spent on this project.

Councilman S. P. H. Flick moved, seconded by Councilman B. B. Holt to approve on Second Reading the Revenue Sharing EP-15 Budget in the amount of $15,588.00 as printed in the March 12th. minutes. The vote was recorded as follows:

Davis	- yea	Holt	- yea
Flick	- yea	Ream	- yea

Councilman S. P. H. Flick moved, seconded by Councilman R. E. Davis to approve on Second Reading the budget transfers and additional appropriations as printed in the March 12th. minutes. The vote was recorded as follows:

Davis	- yea	Holt	- yea
Flick	- yea	Ream	- yea

Mayor Dean stated he has a proposed lease between the Town of Elkton and the Diamond Jubilee Committee regarding the Jackson House property. Copies of this will be sent to each council member and action will be taken at our next council meeting.

As there was no further business, the meeting adjourned.

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

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