REGULAR
COUNCIL MEETING
February 13, 1984

The regular meeting of the Elkton Town Council was held February 13, 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, H. A. Leet, B. J. Ream and R. L. Snow. R. E. Davis was absent. Norma Leap, Clerk, Jeff Nadeau, Chief of Police, Gerald Monger, Superintendent and Dale Davenport, Attorney were also present.

Councilman H. A. Leet moved, seconded by Councilman S. P. H. Flick and carried to approve the minutes of the regular council meeting January 9, 1984.

Mr. Monger distributed a written report to each member of council and explained that he was not prepared tonight to recommend any action on Item 3-Appropriation of Money under the Street Committee.

Councilman S. P. H. Flick moved, seconded by Councilman R. L. Snow and carried to approve the Finance Report for the month of January.

Councilman Flick reported that he had to be out of town for a short while on personal matters but planned to have a Finance Committee meeting shortly after his return to discuss a budget for the Revenue Sharing monies.

Councilman Ream reported that the Electric Committee had met and discussed the due date on our utility bills as requested. The committee could not come up with a suitable alternative for the existing billing and would therefore leave the procedure as it is.

Councilman Snow reported that Mr. Monger, as per his report, has received prices from Vepco for installing two street lights in Elkwood. The cost would be $424.00 if we do the trenching. Vepco will need a letter authorizing the installation before they can begin construction.

Councilman R. L. Snow moved, seconded by Councilman B. J. Ream to send a letter to Vepco authorizing the installation of two 175 watt mercury enclosed lights in Elkwood, with the town doing the trenching, at a cost of $424.00. The vote was recorded as follows:

Flick	- yea	Ream	- yea
Holt	- yea	Snow	- yea
Leet	- yea		

Councilman Leet stated that his report was summed up in Mr. Monger's report.

Councilman R. L. Snow moved, seconded by Councilman H. A. Leet to go into Executive Session to discuss the acquisition of property and personnel. The vote was recorded as follows:

Flick	- yea	Ream	- yea
Holt	- yea	Snow	- yea
Leet	- yea		

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

Mayor Dean reported on a letter from Councilman R. E. Davis requesting he be relieved of his position as Chairman of the Public Safety Committee effective upon receipt of his letter.

Mayor Dean recommended the following to serve on the Public Safety Committee:

Councilman H. A. Leet
Councilman B. J. Ream
Councilman R. L. Snow
Mayor C. E. Dean, Chairman

Councilman B. B. Holt moved, seconded by Councilman H. A. Leet and carried to accept the new Public Safety Committee as recommended.

Councilman Holt reported that the Attorney General has rendered an opinion that states in part " . . . that a county animal warden may not enforce a county ordinance prohibiting dogs from running at large within the territority of an incorporated town." Due to this ruling the county dog warden can no longer enforce dog control in Elkton unless we pass a new ordinance. This information has been passed on to Mr. Davenport and he is preparing the necessary ordinance changes for the council to adopt.

Councilman Holt reported that the Resident Engineer for the Virginia Department of Highways and Transportation has been trying to get Elkton to install gates and signals at the railroad crossing on Marshall Avenue. It would cost approximately $90,000.00 to do this. The State cannot help with this as the town receives highway upkeep monies and it would be a big expense for the town alone. The only possible solution they can see at this point would be special legislation which they are working on at this time.

Mayor Dean reported that the County Municipal League will meet Wednesday, February 15th. at 7:30 P.M. at Mt. Crawford. Those planning to attend should contact Mrs. Leap.

Councilman B. B. Holt moved, seconded by Councilman R. L. Snow and carried to approve on Second Reading the following new section to the town code regarding drinking alcoholic beverages, or tendering to another, in public places:

AN ORDINANCE TO ADD A NEW SECTION 9-3-102
TO THE CODE OF ORDINANCES OF THE TOWN OF ELKTON, VIRGINIA

9-3-102. Drinking Alcoholic Beverages, or Tendering to Another, in Public Place.

(a) If any person shall take a drink of alcoholic beverages or shall tender drink thereof to another, whether accepted or not, at or in any public place within the Town, such person shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100.

(b) This Section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in those areas designated in Code of Virginia, 1950, as amended, Section 4-78(b).

It was brought to council's attention that it was necessary to pass a resolution, acting as a bond, in the amount of $10,000.00 (we presently have one for $1,000.00) in regards to damages which might arise due to our permits for utilities crossing the state highways.

The following First Reading was made which authorizes the Mayor to enter into a bond of $10,000.00:

KNOW ALL MEN BY THESE PRESENTS, that the Town of Elkton, a municipal corporation of the State of Virginia, is held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the full and just sum of TEN THOUSAND DOLLARS ($10,000.00) current money of the United States, to be paid to the said Commonwealth of Virginia, to the payment whereof it hereby binds itself by these presents, sealed with its seal and dated this _____ day of _____, A.D. 19____.

WHEREAS, it becomes necessary from time to time for the Town of Elkton to obtain permits from the Virginia Department of Highways to install, construct, reconstruct, maintain and operate certain public works along, across, over and upon the highway system of Virginia: and

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of the granting to said Town of Elkton by the Virginia Department of Highways of said permits for the work aforesaid; and

WHEREAS, one of the conditions of such permit or permits is that the Town of Elkton shall indemnify the Commonwealth of Virginia against all damages and injuries to the highways and bridges and to persons or property lawfully upon such highways caused by the willful or negligent acts or omissions of the Town of Elkton.

NOW, THEREFORE, the condition of this obligation is such that if the said Town of Elkton shall in all respects comply with all of the conditions of permit or permits that have been, or will be, granted said Town of Elkton, and shall indemnify and save harmless the Commonwealth of Virginia against and from all loss, cost, expense, damage or injury to highways and bridges and to persons and property lawfully on such highways caused by the willful or negligent acts or omissions of the Town of Elkton and growing out of the granting of such permit or permits to said Town of Elkton, then this obligation to be void, otherwise to be and remain in full force and virtue.

IN WITNESS WHEREOF, the said Town of Elkton has caused this bond to be executed and its official seal affixed the day and year first above written, pursuant to an ordinance adopted by its Council on the _____ day of _____, 19 ____.

Mrs. Leap read a letter from Catherine Holmes, Government Sponsor for Spotswood Senior High School, thanking the town council for their contribution to the Model General Assembly program.

A Public Hearing was set for Thursday, February 23rd. at 7:30 P.M. in the council chambers to give the citizens of the town the opportunity to express their views on the dispatching system, whether to go with the county or continue with our own system.

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