REGULAR
COUNCIL MEETING
February 11, 1985

The regular meeting of the Elkton Town Council was held February 11, 1985 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. W. Leap, H. A. Leet and L. C. Life. Councilman R. E. Davis was absent. Dale Davenport, Attorney, Norma Leap, Clerk, Jeffrey Nadeau, Chief of Police and Gerald Monger, Superintendent were also present.

Maxine Dovel of M & M's Chicken and Steak House came before council requesting a permit to have live music or juke box and dancing.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap and carried to approve the minutes of the regular meeting January 14, 1985 and the public hearing January 28, 1985.

Mr. Monger reported that Virginia Power has been working on the installation of the additional street lights in Elkwood but the lights are not working as yet.

Councilman Holt read the following letter of recommendations from the viewers which were appointed by council to study the altering of "A" Street and the closing of an alley.

> "On this date, the five (5) appointed members of the Review Board met in the Council Chambers for the purpose of making recommendations to you concerning (1) closing a 10-foot alley (2) altering "A" Street. The appointed members inspected, discussed, and with proper vote make the following recommendations:
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> It is the recommendation to the Town Council that Jerome May's request to close a 10-foot alley, lying east and west, joining Ashby Avenue on the west and a 15-foot alley running north and south on the east be denied. Said alley is located at the south end of Block 9, Section 3.
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> It is the recommendation to the Town Council that "A" Street, located between Terrace Avenue and Warren Street, be realigned or straightened as shown on the attached map."

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to accept the recommendation of the viewers in regard to the straightening of "A" Street. The vote was recorded as follows:

Flick	- yea	Leap	- yea
Holt	- yea	Leet	- yea
		Life	- yea

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to accept the recommendation of the viewers with regard to Mr. May's request to close a 10-foot alley joining Ashby Avenue on the west and a 15-foot alley running north and south.

Councilman Holt stated that considering the circumstances, the benefits and the problems, he feels that the recommendation of the viewers is probably appropriate and he intends to support their recommendation. He pointed out that this is a narrow piece of property and a good part of the problem is a disagreement between neighbors. That is one reason he is opposed

to closing the alley. The other reason is the precedent involved. The alley is too narrow for a great deal of traffic and it is no place for a noisy motorcycle to be running through. It is no place for a car to be running through at high speeds, tearing up the place and splashing mud. He stated that he, for one, was giving fair notice that if the council has complaints of abuse of that particular space and those complaints turn out to be justified he will do everything in his power to see that this question is raised again and the possibility of closing the alley considered again.

Councilman Leet stated that he would like to have our lawyer look into the law in regard to whether or not alleys can be closed to general vehicular traffic. That doesn't mean the alley couldn't be used. It could certainly be used by those living on it, by the town and pedestrians. This would not include hard surfaced alleys. He felt this should be looked into no matter what the outcome of the present request.

Councilwoman Life stated she was in agreement with the views expressed by both Councilman Holt and Councilman Leet.

Councilman Leap stated he would abstain from voting due to a conflict of interest.

The vote was recorded as follows:

Flick	- yea	Leap	- abstain
Holt	- yea	Leet	- nay
		Life	- yea

Councilman Holt reported that last year and the year before council passed some ordinances and went on a town clean up project trying to encourage people to keep their property clean, to do away with the junk automobiles and to help make Elkton a place we are more proud of. There may have been a feeling that council had changed their mind, that it was a one time thing and they were not going to continue to push this but they intend to continue with this and do what they can to help keep our community clean. They aren't expecting people to get out and do anything in this kind of weather, but when the weather breaks more attention will be given to this.

Chief Nadeau explained what the enforcement committee will be looking for. He stated there will be four categories.

1. Junk autos.
2. Trash, litter, garbage or refuse or any other substance that may endanger the safety or health of the town residents.
3. Trash cans left out on town property all week long.
4. Unmowed vacant lots.

Councilman Holt reported on a matter of concern which was mentioned at the last meeting, the protection of our town water supply at the spring, and the possibility of new county policy and new county ordinances leaving us vulnerable to infiltration of industrial or agricultural waste into our spring. Mr. Monger went to the health people and the water quality people and they came back with a map showing the drainage basin and area for our spring; an area which needs to be protected. They have talked with the county planning people on this and this Wednesday night the county is having a public hearing on the new zoning map and also some proposed changes to the ordinances that are suppose to take effect on the first of April. It is an effort, but it does not protect us. What the county has done is zone for all practical purposes in that area within our drainage basin A-2. A-2 does not allow any poultry house to be constructed any closer than within 900 feet of a dwelling owned by an adjacent land owner and no closer than within 900 feet of a town or city limit. Yet a poultry house situated more than 900 feet from

an existing residence or town or city limit can automatically be constructed in this area. This does not take into consideration at all the drainage into our water supply. What we need is some sort of provision so this entire area is protected by special use permits. Councilman Holt and Mr. Monger plan to attend the public hearing and represent Elkton.

Councilman Holt reported on another matter that does not require any council action and is not necessarily a prime problem. The Advisory Committee to the County Planning Commission has been working on what is considered to be problems within the eastern part of Rockingham County. On several occasions they have had people say that they felt there was a need for some sort of day care in this area. They are not suggesting in any way that the town be responsible for a day care program, however, because of their concern about the health and welfare of our citizens in this area, if the need is great enough, he feels the town should be interested in encouraging churches, private organizations or service organizations. Councilwoman Life has agreed to work with Councilman Holt on this and if the papers will put out the word that any person who feels he or she has a need for day care they can call Councilman Holt or Councilwoman Life anytime within the next couple of weeks and tell them that they have a need for day care, the number of children involved, what their ages are and what period of time during the day they will need it. They will report back to council on their findings.

Councilwoman Life had some questions on the latest junk car ordinance and requested she be provided a copy of this ordinance as she was not on council when it was passed. She felt the citizens need to be aware of what's in the ordinance and Councilman Holt stated he felt the papers could help with getting the needed information to the public. She also asked if the mowing falls under the police department. Councilman Holt stated there was some question as to whether it was the Town Superintendent's responsibility or the police's responsibility. Councilwoman Life also questioned if letters would be sent to the citizen advising them of the problem and giving them the chance to correct the situation. Chief Nadeau stated he hopes to outline the problem in the four areas and the penalties in some type of one sheet letter form to go to every citizen.

Councilman Holt brought up the request by Maxine Dovel for a permit for live music and dancing at her restaurant. He pointed out that our code states that it does not require a business license for dancing but a permit from council. There are some restrictions listed in the code.

Councilman Leet suggested the proper committee take this request under advisement, getting all the information they can to bring back to council. He did not feel council should act on the request at this meeting as he did not feel they were prepared to act at this time.

Councilman Holt stated that the code is pretty specific on this. There is only one basis for denying the request and that is that the person operating the business is an unfit person. If the council is prepared to say the operator is an unfit person then they can deny the request otherwise the request should be granted.

Councilwoman Life stated she feels council should act tonight as she knows bands have to be hired ahead of time and the present operator has already obligated herself and will have to release the bands or pay them.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to approve a dance permit for Maxine Dovel at the M & M's Chicken and Steak House.

Councilwoman Life stated she had heard several compliments on the dance last week and had also received one complaint against a dance hall. She pointed out that if Mrs. Dovel does not continue to operate within the rules as set forth in the code she will be the first one to go against it.

The vote was taken on the motion and recorded as follows:

Flick	- yea	Leap	- yea
Holt	- yea	Leet	- nay
		Life	- yea

Mayor Dean gave council the opportunity to ask any questions they might have on the monthly police report.

Chief Nadeau stated the proposed date of installation of the teletype is March 20th.

Councilman S. P. H. Flick moved, seconded by Councilman H. W. Leap and carried to approve the Finance Report for January.

Councilman S. P. H. Flick moved, seconded by Councilman B. B. Holt to approve on Second Reading the following Revenue Sharing Budget:

Total Funds to be Appropriated:

Entitlement Period 13	$ 4,284.00
Entitlement Period 14	2,000.00
Entitlement Period 16	14,018.00
	$20,302.00

Appropriations:

Fluoride and Storage Buildings	$ 7,000.00
Library Shelves, etc.	510.00
Computer and Equipment	5,000.00
Fire Company Gasoline	2,400.00
Police Car	2,000.00
Change heating in Maintenance Bldg.	3,392.00
	$20,302.00

The vote was recorded as follows:

Flick	- yea	Leap	- yea
Holt	- yea	Leet	- yea
		Life	- yea

Councilman Flick presented a First Reading to appropriate $32,000.00 to be added to the General Government Budget to cover the parking lot and courts project.

Councilman Flick reported that for the period of January 1984 through November 1984 the "freebies" amounted to $20,232.00.

There was some discussion regarding making the Recreation Commission a department of the town and that they be budgeted just like the other departments are. Council was asked to be giving this some consideration.

Councilwoman Life reported that Mr. Monger does not have any costs but that he did have three men out for four hours due to the ice. She also reported that plans have been obtained by Mr. Monger from Bob May which are pre-plans for the need at the Elementary School. More work needs to be done on this before it is ready to present to council.

Mayor Dean reported that the Rockingham County Municipal meeting will be held Wednesday, February 20, 1985 at 7:30 P.M. at the Broadway municipal building. Those planning to attend should contact Mrs. Leap or Mr. Monger.

Mayor Dean reported that Mr. Davenport has drafted a letter to Delegate Emmett Hanger on placing conditions on alley closings which he will be sending to Delegate Hanger.

Councilwoman Life stated she hopes they are trying to get some information on satellite dishes. Mr. Davenport stated he has gotten some information from Senator Warner's office. The federal legislation that has been proposed would be quite limiting on local governments and he feels we need to see what the federal government does before we go any further.

Councilman Holt reported that the Elkton Historical Society has approve a plan of action on the Jackson-Kite house and the number one priority item is to retain an architect with a background in historical restoration.

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