December 11, 1964

The regular meeting of the Elkton Town Council was held December 11, 1964 at 8:00 PM with the mayor, R. J. Lough presiding and the following council members present: M. W. Lough, J. C. Black, E. F. Garber, R. B. Hutton, H. L. Coffey, and W. H. McGahey.

M. W. Lough presented the following concerning minutes of October 28, 1964:

Mr. Mayor, Through no fault of Clerk of Council, but as a result of the attitude of Council, he has caused to be inserted in the minutes that the vote of 4-2 over-rode the mayor's veto of the appointment of a warrant justice. Also that the vote of 4-2 passed the Council into executive session. A two-thirds vote of Council is required in each case. The facts, however, will show that the assumption of a 4-2 vote of Council is false.

Section 3 of the town charter specifies that the administration and government of the town is vested in the Council composed of a mayor and six councilmen.

Section20 of the town charter specifies that the Town Council, composed of the mayor and six councilmen, shall be elected at large, etc.

Page 4 of the Handbook for Virginia Mayors and Councilmen, first paragraph, last sentence, states: The mayor and the councilmen make up the council.

These statements need no clarification. They show simply that the town council is composed of a mayor and six councilmen. That makes a total of seven. A simple majority, therefore, would be four, but a 2/ 3 vote would require five.

Since this is so, then Council did not present a 2/3 vote necessary for having an executive session, and did not present a 2/3 vote necessary for over-riding the mayors veto and therefore the executive session and ecerything that went on in it are null and void.

This means that all sections of the minutes having reference to such actions are in error. Gentlemen, we are all in error. I, for one, do hereby admit my mistake publicly and apologize to the citizens of the town for my ignorance. It is inexcusable. I sincerely hope that Council will see fit to correct it right now so that all future transactions will be conducted within the scope of the town charter.

If this simple fact, that the mayor is a member of the town council, is not recognized, then a grievous error will be perpetuated.

J. C. Black moved, seconded by R. B. Hutton and passed to approve the minutes of the last meeting. M. W. Lough opposed.

The treasurer's finance report was approved.

R. B. Hutton presented the following to council:

Senate Joint Resolution No. 5

Requesting the United States Post Office Department to issue a stamp commemorating Governor Spotswood's expedition to the Valley of Virginia
Patron: Mr. Aldhizer

Whereas, Alexander Spotswood, who was Colonial Governor of Virginia, and his Knights of the Golden Horseshoe made their famous expedition into the area

now known as the Shenandoah Valley in 1716 and crossed the Blue Ridge Mountains at Swift Run Gap September 5, 1716; and

Whereas, Governor Spotswood's exploration of the Valley Area led to its settlement a few years later and also contributed to the development and settlement of the American Frontier; and

Whereas, Governor Spotswoods exploration and the interest shown by members of his expedition focused attention on the vast untapped areas of the new world: and

Whereas, the year 1966 will mark the Two Hundred and Fiftieth Anniversary of Governor Spotswoods famous expedition into the Valley; now, therefore, be it

Resolved by the senate of Virginia, the House of Delegates concerning, That the General Assembly of Virginia requests that the United States Post Office Department issue a Five Cent Alexander Spotswood Commemorative Postage Stamp on September 5, 1966.

Resolved, further, That the Clerk of the Senate is instructed to send copies of this resolution to the Postmaster General of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Congress from this State.

Agreed to by the House of Delegates December 3, 1964
Agreed to by the Senate December 2, 1964

R. B. Hutton reported that a survey for TV cable will be made by January 1, 1965.

R. B. Hutton reported that William Herring passed sewer exam.

R. B. Hutton moved, seconded by J. C. Black and passed to proceed to drill well on memorial park site.

M. W. Lough moved, seconded by J. C. Black andpassed to accept W. O. Hensley bid of $107.14 to repair Merck house.

J. C. Black moved, seconded by H. L. Coffey and passed to give each town employee $10.00 for Christmas and Mr. Frey, Mrs. Sigafoose and Silas Tolver a turkey or ham.

J. C. Black moved, seconded by H. L. Coffey and passed to erect a Christmas tree on town parking lot.

J. C. Black moved, seconded by H. L. Coffey and passed to grant Ray Morris a building permit.

J. C. Black moved, seconded by H. L. Coffey and passed the following resolution:

Whereas, the safety and general well-being of the Town of Elkton depend, to a great degree, on the condition of our public streets: and

Whereas, this community having a population of less than 3500, does construct and maintain its streets as provided for in Section 33-50.2 of the State Code as amended; and

Whereas, the street maintenance funds reimbursed to this community by the State represents only one-third of the actual cost of maintenence; and

Whereas, the quality and effectiveness of these facilities aswell as the planning, design and construction of future streets is vitally dependent upon funds received from the State for these purposes;

Now, therefore, be it resolved by the Council of the Town of Elkon to request the members of the Virginia Advisory Legislative Council to include in their study of the financing of streets and highways in cities and towns above 3500 population, the provisions of Section 33-50.2 of the State Code governing the payment of maintenance funds to towns of 3500 or less population.

Be it further resolved that the Council of the Town of Elkton request the members of the Virginia Advisory Legislative Council to include in their recommendations that street maintenance payments be provided for towns of 3500 or less population, which are providing street maintenance , on the same basis as towns over 3500 population.

R. B. Hutton moved, seconded by H. L. Coffey to continue membership with civil defense.

Recommendations from Bauserman and Ould C. P. A. were discussed by Council.

J. C. Black moved, that all persons renting property in town would have to make a $20.00 deposit for lights and $10.00 for water with no refund until service is discontinued and no deposit will be required of home owners. There will be no refund to present deposit holders until service is discontinued. The motion was seconde by H. L. Coffey and passed.

With no further business the meeting was adjourned.

APPROVED: R. J. Tomlin
Mayor

RECORDER: L. L. Lawson
Leon L. Lawson