REGULAR
COUNCIL MEETING
January 20, 1986

The regular meeting of the Elkton Town Council was held January 20, 1986 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, S. P. H. Flick, B. B. Holt, H. W. Leap and L. C. Life. H. A. Leet was absent. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Mr. John Deavers came before council requesting permission to place a dumpster at his apartment building on Spotswood Avenue as he is having such a problem with trash. He feels this might correct the problem. Mayor Dean informed Mr. Deavers that later in the meeting council would be having a Second Reading to amend our code to allow this and council would consider his request after this action is taken.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to approve the minutes of the regular meeting December 16, 1985 as presented and the minutes of the special meeting December 30, 1985 with the following amendments: in the resolution to the County Board of Supervisors change 'service area' to 'service areas' and change the figures regarding the purchase of a police car from $10,500. to $10,992. and $8,500. to $8,992.

Councilwoman Life asked Mr. Monger if the manhole covers along the creek which Mr. Fred Davis had referred to as being off at the last meeting have been replaced and Mr. Monger stated that as far as he knows they are on.

Councilman Leap asked Mr. Monger if the sewer leaks at the Tannery Apartments have been repaired. Mr. Monger stated that the inspector was back two weeks ago and located the leaks. One has been fixed and they are working on the other leak.

Chief Pence reviewed the monthly police report. He reported that the police car was ordered the day after the last meeting and it will take six weeks for delivery. He also reported that the committee will have two names to submit to council for employment as police officers.

Councilman S. P. H. Flick moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for the month of December.

Council was in agreement to closing the Sanitary Sewer Project Account and putting the balance of $66.83 in the General Fund Account.

Councilman Davis stated he had nothing to report tonight but that he would like to meet with his committee for a few minutes after the meeting to set up a date to have a committee meeting.

Mr. Monger stated that they do need to have a Water and Sewer Committee meeting. He does not know how soon Councilman Leet will be back but he does need to set up a meeting.

The Clerk read the following letter from Mr. Timothy Hulings, Chairman of the Board of Supervisors for the County:

"Much to my disappointment last week's action by the County's Board of Supervisors effectively separated the McGaheysville sewer collection system from Elkton's treatment plant.

However, both the planning commission and the board re-affirmed their intent to complete the Shenandoah bridge crossing and the connection to the homes in the Little Egypt area. Secondly, both board and commission stated that should a 'worthwhile' (my term) project or investment be proposed then the Little Egypt line would be extended in the natural drainage area.

Water is much of a concern with many residents west of town. What can be done is unclear at this time. If anyone were to put forward a reasonable plan I would be pleased to do what I could to help (which might not be much).

I appreciate the town's co-operation in this latest episode and thank Gerald Monger and Red Herring for the tour of the sewer plant."

Councilwoman Life commented that she feels it is probably a dead issue regarding the town furnishing sewer treatment service to McGaheysville but she wanted to commend Supervisor Hulings for his efforts and she feels she can speak for council as well as herself in this. The offer he made was in the best interest of both communities. Councilwoman Life stated that Elkton has a service which is sorely needed by our neighbors to the west and it would not be a hardship on Elkton to provide these services, both water (which has not been brought up) and sewer. Of course it would be an asset to the town but this was not foremost in the town's mind. The town has been made the villian again, but Councilwoman Life pointed out this was not our idea in the first place. The town was approached to see if they would be willing to offer sewer service to McGaheysville and the council stated they were in favor of the proposal. She stated she felt they should have done their homework before making such an important decision. The town has a service to offer, we are willing to give it and they need it. She felt the Board of Supervisors and Planning Commission for the county should put aside their egos and vanity and decide what would benefit not one particular area but on the general planning of the county. She challenged that they think their thoughts through and if possible reconsider what we have, what they need and how we can all work together.

Councilman Davis stated he felt the town had gone the second mile on this. We had a special meeting as requested by the county to discuss and take action on the proposal which they presented to the town, not the town to them.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap to approve on Second Reading the following ordinance amending Section 4-2-20 of the Code of Ordinances of the Town of Elkton, Va:

Sec. 4-2-20 Schedule and charges for the collection of garbage and refuse.

(a) The schedule for collection of garbage, trash, refuse and other similar matter shall be established by the town council and maintained in the office of the town superintendent.

(b) Monthly charges for the collection and hauling of garbage, trash, etc., shall be as set forth in a schedule of rates and charges promulgated and fixed by the town council, and subject to rules and regulations adopted therewith. A copy of the schedule of rates and charges and a copy of any such rules and regulations shall be maintained in the office of the town superintendent and in the treasurer's office for public inspection.

(c) Any house, apartment, or business may be exempt from the refuse collection fee if the owners of such

property notify the town treasurer in writing that it is unoccupied and creating no refuse. It shall then become their responsibility to notify the town treasurer again in writing when it is reoccupied.

(d) Any business or apartment house may be exempt from the refuse collection fee upon written application to the town superintendent and satisfactory proof that

(1) one such business or apartment house generates no refuse, or

(2) suitable alternative provisions for the removal of any and all trash, garbage, refuse, litter, and other like substances have been made. (Code 1966, Sec. 26-16 as amended by Ord. of 3/10/80, and as further amended by Ord. of 1/20/86.)

The vote was recorded as follows:

Davis	- yea	Leap	- yea
Flick	- yea	Life	- yea
Holt	- yea		

Mayor Dean told Mr. Deavers that he would need to submit a written application to the town superintendent in order to be exempt from the town refuse collection fee and explain the provisions he plans to make for the removal of trash, etc.

Councilman Holt reported that the town is required by state law to insure that our grievance procedure conforms to the grievance procedure of the state. There are some differences in our procedure which need to be changed.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap to adopt the following resolution to amend our grievance procedure:

Resolution Amending the Grievance Procedure
for the Town of Elkton

Be it resolved that the following amendments are adopted to the Grievance Procedure of the Town of Elkton, Virginia:

Insert --> --
(see back)

Section II(iv) is amended to read - "Complaints of discrimination on the basis of race, color, creed, political affiliation, age, handicap, national orgin or sex".

Section IV is amended to read -

"All permanent employees of the Town of Elkton are eligible to file grievances and participate in the grievance procedure except as follows:

1. Probationary employees.

2. Department heads appointed by the Town Council.

3. Any employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation.

4. Any employee electing to proceed pursuant to any other existing procedure in the resolution of a grievance (employees who would otherwise be eligible to use the grievance procedure in a discrimination complaint, by electing to pursue discrimination complaints through the State Equal Employment Opportunity Complaint Procedure, upon acceptance of the complaint

by the State EEO office, become ineligible to use the grievance procedure in the resolution of the complaint)."

Section IX, Step 1, is amended to read - "An employee who has a grievance shall discuss the problem with his immediate supervisor within fifteen (15) work days after the event or action giving rise to the grievance. The grievance may be presented orally or in writing with the objective of resolving the matter informally. The immediate supervisor shall give the employee an answer within five (5) work days of the time the grievance is presented to him and shall report the result to his immediate supervisor. In all cases the supervisor shall make a record of the grievance presented."

The vote was recorded as follows:

Davis	- yea	Leap	- yea
Flick	- yea	Life	- yea
Holt	- yea		

Councilman Holt reported that Mayor Dean has sent letters to Senator Miller and Delegate Hanger in regards to the highway departments' pressure on the town to install a gate crossing on Marshall Avenue and asking for some sort of legislature relief on this matter.

Chief Pence introduced Robert Marshall and Page Campbell who are the two prospects which were selected from the interviews for police officers.

Councilman Holt stated that he, along with the Mayor and Chief of Police, interviewed quite a few good applicants. They agreed that these were the top two applicants and recommend them to council. He explained that we are short one officer and will be having one officer retire in the spring. They are wanting to hire the second officer now in order to have him trained and ready when the officer retires. This will cost approximately $300.00 more by putting him on now.

Councilwoman Life stated she is willing to go along with the committee's recommendations but asked Chief Pence if he would give council members, at a later date, a brief summary of each applicant so they could become more familiar with them. Councilman Leap stated he agreed with Councilwoman Life's request and is willing to go along with the committee's recommendations.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to hire Robert Marshall and Page Campbell as patrolmen effective immediately at an annual rate of $11,000.00. The vote was recorded as follows:

Davis	- yea	Leap	- yea
Flick	- yea	Life	- yea
Holt	- yea		

Mayor Dean reported on the following letter from Fred A. Bennett, Secretary of the Board of Zoning Appeals:

"The Board of Zoning Appeals of the Town of Elkton at their regular annual meeting on January 13, 1986 makes the following recommendations: In view of the fact that Mr. I. L. Flory Jr.'s appointment expires on March 1, 1986 and he desires not to serve another term, the aforementioned vacancy needs to be filled.

We, the Board of Zoning Appeals, would recommend Kenneth Berry, of Rockingham Street, be appointed this position. His appointment would be a full term and would expire on or about 3/1/91."

Mayor Dean stated he felt the town should recognize Mr. I. L. Flory Jr. for his 25 years of service on the Board of Zoning Appeals. Council left it with Mayor Dean to decide on some type of recognition.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap and carried to recommend the appointment of Kenneth Berry to the Board of Zoning Appeals to replace Mr. I. L. Flory Jr. whose term expires March 1, 1986.

Councilwoman Life reported that she is sure everyone is aware that Shirley O'Byrne, Chairman of the Planning Commission, has been ill. She visited Shirley in the hospital. She has a long, rough way to go but she is doing very well. She wanted to commend Mrs. O'Byrne for her work on the Planning Commission and hopes that she will be able to continue.

Councilman Holt asked what the status is on Mrs. O'Byrne's resignation. Councilwoman Life stated she has submitted her resignation and it is her understanding that the Planning Commission has not met and taken action as yet and Mrs. O'Byrne might be able to reconsider her resignation.

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