REGULAR
COUNCIL MEETING
March 13, 1978

The regular meeting of the Elkton Town Council was held March 13, 1978 at 8:00 P.M. with the Mayor, Maurice W. Lough presiding. The following councilmen were present: R. R. Dean, H. D. Flory, B. B. Holt, H. W. Leap and R. J. Lough. Charles Lawhorne, Acting Chief, Norma Leap, Clerk, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

Mayor Lough opened the meeting with prayer.

Mrs. Shirley O'Byrne was present. She was concerned with the hiring of a new Police Chief and felt there was a need for a better method of screening police officers. She ask if the Police Committee has taken applications for the position of Chief of Police and Mr. Holt said they have.

Mr. Holt explained the method that is being used to screen applicants and pointed out that there is a double check. The Chief of Police and Mr. Holt check out the applicants separately before they recommend a name or names to the council.

Mrs. O'Byrne wanted to know if there is any stipulation that a man live in the Elkton area if he can find a house and Mr. Holt assured her there was.

Mr. Holt stated that things have changed and there is now a good working situation with the Sheriff's Department and Acting Chief Lawhorne is presently working on schedules and better working conditions for the police officers also.

There were four boy scouts present who explained they were working on their Communication Badge.

Mr. Welby Showalter and Mrs. Tschiniak were present regarding Mrs. Annie Cover's request to close and vacate a portion of an unnamed alley which is approximately 15 feet wide and 200 feet long, extending from the West side of Page Street in a Westerly direction approximately 200 feet, adjoining lots 13 through 20 and lots 33 through 40, Block 128, Section 3. Mr. Showalter pointed out that the appointed viewers had met and voted to recommend the closing of the proposed portion of the alley. The alley has never been open or used.

Mr. Wiles pointed out that there were five viewers but only three voted on the closing. The vote was two to one in favor of the closing. Mr. Showalter stated that he did not feel this would create any problems.

Mr. Wiles also pointed out that the recommendation in writing has not been received from the viewers. He also reported that a fee up to $50.00 apiece could be set for viewers and an application fee of $100.00.

Councilman R. R. Dean moved, seconded by Councilman R. J. Lough to adopt the following ordinance to close and vacate a portion of an unnamed alley on the West side of Page Street in the Town of Elkton, Virginia without fee, and subject to receiving a written report from the appointed viewers:

ORDINANCE CLOSING AND VACATING A PORTION OF
AN UNNAMED ALLEY ON THE WEST SIDE OF PAGE
STREET IN THE TOWN OF ELKTON, VIRGINIA

Whereas, Annie F. Cover has petitioned the Town Council of the Town of Elkton, Rockingham County, Virginia, to close and vacate a portion of an unnamed alley situate in the Town of Elkton, which alley is approximately 15 feet wide and 200 feet long, extending from the west side of Page Street in a westerly direction approximately 200 feet, adjoining lots 13 through 20 and lots 33 through 40, Block 128, Section 3, as shown on the plat of the Elkton Improvement Company of record in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 75, at page 603, which said alley adjoins only the property of the petitioner, Annie F. Cover, on both sides thereof; and

Whereas, at its regular meeting on February 13, 1978, said Town Council, after due notice as required by law, appointed five

members of the town's Planning Commission as viewers to go upon that portion of the alley described above which was petitioned to be vacated and report in writing whether in their opinion any inconvenience would result from vacating and closing it; and

Whereas, said viewers so appointed deliberated and recommended by a vote of two-to-one to vacate and close said portion of said alley in the regular monthly meeting of the Elkton Planning Commission on February 27, 1978; and

Whereas, said viewers made their report as directed at the monthly meeting of the Town Council held on March 13, 1978, and in said report stated that the closing and vacating of that portion of the alley described above will not inconvenience anyone and that no one will be adversely affected by its closing and vacating, said report having been received and considered by the Town Council; and

Whereas, it appearing to said Council that such closing and vacating will not inconvenience anyone and that no one will be adversely affected thereby and that it serves the interest of the public to vacate said portion of the alley described above;

THEREFORE, BE IT ORDAINED this 13th day of March, 1978, that said portion of said unnamed alley approximately 15 feet wide and 200 feet long, extending from the west side of Page Street in a westerly direction approximately 200 feet, adjoining lots 13 through 20 and lots 33 through 40, Block 128, Section 3, as shown on the plat of the Elkton Improvement Company, of record as aforesaid, which said alley adjoins only the property of the petitioner, Annie F. Cover, on both sides thereof, be and the same is hereby closed and vacated, and, as provided by law, title to the entire vacated portion of said alley be vested in said petitioner, Annie F. Cover; and

BE IT FURTHER ORDAINED that an attested copy of this Ordinance be recorded in the aforesaid Clerk's Office where deeds are recorded.

The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
D. Flory	- yea	H. Leap	- yea
		R. Lough	- yea

The minutes of the regular meeting February 13, 1978 and special meeting February 23, 1978 were approved as presented.

Councilman Holt reported that the Police Committee has met and recommends that Acting Chief Charles Lawhorne be appointed Chief of Police.

Councilman B. B. Holt moved, seconded by Councilman R. J. Lough that Charles Lawhorne be appointed Chief of Police for the Town of Elkton, not the Town Sergeant, effective March 1, 1978. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
D. Flory	- yea	H. Leap	- yea
		R. Lough	- yea

Councilman B. B. Holt moved, seconded by Councilman R. J. Lough to employ Charles Lawhorne in Step IV of the Police Chief Salary Scale. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
D. Flory	- yea	H. Leap	- yea
		R. Lough	- yea

Councilman B. B. Holt moved, seconded by Councilman R. R. Dean to employ Garry W. Ball as a Patrolman at the Entrance Level, effective March 13, 1978. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
D. Flory	- yea	H. Leap	- yea
		R. Lough	- yea

Councilman Holt reported that the telecopier is in on a trial basis at no cost. The lockup has been inspected and Mr. Wiles is checking on the insurance.

Councilman Flory reported on the 1978 Five-Point Highway Program being recommended by the Harrisonburg-Rockingham Chamber of Commerce. One of the five recommended projects is the reconstruction of US 340 (Stuart Avenue) in the Town of Elkton between Business 33 and Spotswood Trail, including the bridge over Elk Run.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to adopt a resolution to endorse the 1978 Five-Point Highway Program recommended by the Harrisonburg-Rockingham Chamber of Commerce and concur with their request to the State that money be appropriated to fund these projects. The vote was recorded as follows:

R. Dean	-	yea	B. Holt	-	yea
D. Flory	-	yea	H. Leap	-	yea
			R. Lough	-	yea

Councilman Leap reported that the Fuel Adjustment Cost for March will be $.01394.

Councilman Leap reported on a letter he received concerning the Town of Luray refusing to renew Potomac Edison's franchise. The Luray Town Council has hired attorneys and consulting engineers to look into the feasability of building their own distribution system. The question of does the power company have the right to use the streets without a Franchise is very important to all of the municipal electric systems especially when they have just annexed the power company area. Luray feels that all of the MEPAV members should support them financially in their litigation to determine if the power company has the right to operate without a Franchise.

It was reported that the attorneys are still working out the agreement with the Fire Company.

Councilman Leap reported that he had brought out the fact in the Revenue Sharing Public Hearing of the need of a telephone for the Recreation Coordinator. Councilman Lough agreed to check into this problem.

Councilman R. J. Lough moved, seconded by Councilman B. B. Holt to approve on Second Reading the following Revenue Sharing Budget (Entitlement Period 9 - October 1, 1977 through September 30, 1978) in the amount of $18,821.00:

1.	Funds set aside toward purchase of new garbage truck	$ 5,000.00
2.	Landfill operations	2,500.00
3.	Space Heater	321.00
4.	Water pipe and fittings	2,500.00
5.	Public Safety - Fire Co. Gasoline	1,200.00
6.	Police Car	1,500.00
7.	Communication Terminal	2,170.00
8.	Tractor, Bushhog, Blade, Rack, etc.	1,630.00
9.	Recreation	2,000.00
		$18,821.00

The vote was recorded as follows:

R. Dean	-	yea	B. Holt	-	yea
D. Flory	-	yea	H. Leap	-	yea
			R. Lough	-	yea

Councilman R. J. Lough moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for February.

Councilman Lough reported on a letter he had received from Gary Nickerson of Arthur Beard Engineers. The original informal agreement between Mr. Nickerson and the Council was that Elkton could retain the portion of the design fee not covered by EPA until the town received its FmHA loan. The loan was to be received early in 1978 but construction of Elkton's wastewater plant has been delayed until next year due to lack of EPA funds. With the delay, retainage of the fee would place a hardship on the Arthur Beard Company. They would like the town to pay the amount of $12,100.00 which is due. Councilman Lough recommended the town pay $6,000.00 of this bill.

Councilman R. J. Lough moved, seconded by Councilman H. D. Flory to approve the First Reading to appropriate $6,000.00 from the Elkwood Subdivision Account (to be replaced later) to pay Arthur Beard Engineers. The vote was recorded as follows:

R. Dean	-	yea	B. Holt	-	yea
D. Flory	-	yea	H. Leap	-	yea
			R. Lough	-	yea

Councilman Lough presented a report from Bill Holleran, Town Personnel Consultant, which recommended an adjusted pay scale for Dispatcher/Clerk's reflecting the new minimum wage. The Worker Level would also be adjusted.

Councilman Lough moved, seconded by Councilman Holt to adopt the new purposed pay scales effective July 1, 1978. The other councilmen felt they would like to consider this matter further, so Councilman Holt withdrew his second and Councilman Lough withdrew the motion.

Councilman Lough presented a bid from Juanita P. Knight of $200.00 for the 1971 Plymouth. Councilman Lough recommended and Council agreed to reject the bid.

Mayor Lough reported that the Bicentennial Committee has agreed to work on the County Bicentennial Project.

Mayor Lough agreed to check on the progress of the town flag and arrange a report for the next meeting.

May 15, 1978 will be Clean-Up Week. Mr. Monger will take charge of this project.

Councilman Lough ask that the Ordinance Committee draw up an ordinance to establish a minimum fee of $10.00 for viewers and a $25.00 application fee for closing of alleys or streets payable to the town.

There was a discussion on the application for a building permit by a Pizza Hut. There was a concern about an alley going through the property. Mr. Wiles was ask to check into this situation. If there is no problem as far as an alley or street is concerned, Council approves Mr. Monger's issuing a building permit.

As there was no further business, the meeting adjourned.

MAYOR: Maurice W. Lough
Maurice W. Lough, Mayor

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