REGULAR
COUNCIL MEETING
October 13, 1980

The regular meeting of the Elkton Town Council was held October 13, 1980 at 8:00 P.M. with the Mayor Maurice W. Lough presiding. The following council members were present: F. A. Bennett, V. L. Cook, Jr., S. P. H. Flick, L. C. Life, C. A. Schumacher and R. L. Snow. Charles Lawhorne, Chief of Police, Norma Leap, Clerk, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

The Reverend James Martin opened the meeting with prayer.

Mr. Bill Holt was present, representing the Northwest Virginia Health Systems Agency, in support of a flouridation program in the town. He stated he hopes the town will take advantage of the grant money available for this type program.

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Mrs. Hazel Crider was present and spoke in behalf of the Elkton Police Department. She noted that a petition had been circulated which stated "We as citizens, taxpayers, and registered voters of the Town of Elkton would like for Chief Lawhorne to reconsider his resignation and remain as Chief of Police for the Town of Elkton. We also request Mayor Maurice Lough and Councilwoman Linda Life to stop harassing our police department as per today. We recognize our police department has done, and are doing, an excellent job for the Town of Elkton and we would like for the entire force to remain. We would like to see our town, and you the council, to work in unity. We would like our town to be more inviting and we are interested in safety for our citizens." Mrs. Crider was asked if she planned to present the petition to the council and she stated she did have signatures on the petition but planned to keep them herself. The Mayor thanked Mrs. Crider for her interest.

Mrs. Shirley O'Byrne stated that the comments she has heard regarding council have all been very good ones. She felt the reason so much focus has been directed to one committee is because there is no money in any of the other departments to do anything with because it has all gone for so many years to that one department.

Mrs. Sheila Babb also spoke in support of the Elkton Police Department. She pointed out that Section 19-21 of the town code states that no person shall hinder, obstruct, resist or abuse any officer or employee of the town in the discharge of his duty, yet the Mayor and Councilwoman have hindered the Chief, making it almost impossible for him to run his department. She stated that Section 44 of the Town Charter states that the town council shall have the power and authority to prescribe rules and regulations but this does not mean they have the right or power to hinder or ridicule the Chief of Police, or Officers, or Public Safety Chairman to try and keep them from executing their job to the fullest for the citizens of the Town of Elkton.

Mrs. Brenda Kees commented on the publicity and how embarrassing it is.

Mayor Lough stated he appreciated the input from citizens as it always helps to know how people feel.

Councilwoman L. C. Life moved, seconded by Councilman F. A. Bennett and carried to approve the minutes of the regular council meeting September 15, 1980 and the special meetings September 23rd. and 27th.

Mr. Bob Perkins from Hall Risk Management Services, Inc. came before council to explain and answer questions on the Workmen's Compensation Program which the Virginia Municipal League has been working toward establishing.

Dr. Thomas LaTouche presented a program on the benefits and needs of flouridation in the town water system. He pointed out that the town has a problem. The rate of cavities are almost epidemic. He pointed out that flouridation has been thoroughly researched and is safe. He felt that with the grants which are now available through the Virginia Department of Health the town cannot afford not to do this.

The request by Dr. LaTouche was referred to the Water and Sewer Committee. They were asked to work with Mr. Monger to send a letter of intent in regards to obtaining a grant as it would not bind the town, but would get our foot in the door.

Mr. David M. Loker was present in regards to street lighting in Elkwood. He pointed out that he had appeared on several occasions with this request. He referred to documents from the annexation proceedings. He pointed out that these documents state that the citizens in the annexed area will be granted the same services and priviledges which the citizens already in town enjoy and yet to date they do not have street lights. He asked what their status is in regards to street lights.

Mr. Schumacher reported that the presentation from Vepco on the cost of street lights in Elkwood was received two days after the budget was made up and was too late for consideration this year. It is one of the items discussed for the future budget. He stated he would be glad to refer this to the Finance Committee and if they could come up with the money it would be okay with him.

Mr. Loker stated that if something is not resolved within a reasonable amount of time, which he considers to be thirty days, they intend to take this matter back before the annexation court for their opinion.

Mr. Monger asked if 50% of the people in the area want street lights and Mr. Loker stated that he does not feel this is the question. He feels if one person wants them, that is his right.

Councilwoman Life stated she feels the Finance Committee and Electric Committee will review this and see what can be done.

Mr. Loker also stated that he has been in contact with Mr. Larry Clem, the current Fire Chief, as well as other line members of the Fire Department. They state that the area of Elkwood is not adequately supplied by water pressure. He would also like to have this looked into. Mr. Monger was asked to check into this.

Councilman Snow stated he would like to make a motion to go into Executive Session to discuss personnel. Mayor Lough asked if he would wait until after the business session and he stated he would.

Councilman Cook gave the following report on the sludge truck for the new sewer plant:

> "Bids on a sludge hauling truck were received April 14, 1980. We had originally set aside $55,000.00. Big Wheels submitted a bid of $64,989.00. Ag-Chem submitted a bid of $58,300.00. Ag-Chem's bid was not according to specifications. Council decided to go with Big Wheels bid of $64,989.00.
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> Mr. Jim Hack of Big Wheels was notified by phone, that we would be ordering a truck, but due to an overrun on money, we could not order until EPA or the State Water Control Board gave their approval.
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> He told us to send a letter of intent, to purchase, stating our reasons, and Big Wheels would hold a truck for us. A letter was sent on June 12, 1980.
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> On June 9, 1980, a letter was sent to Mr. Steve Raney, with the State Water Control Board in Richmond, explaining why we picked the Big Wheels truck. This letter served as a request for additional appropriations from $55,000.00 to $64,000.00. An increase of $9,989.00.
>
> We were waiting on an answer when, on August 29, we received a letter from Big Wheels saying they no longer had a 1980 diesel chassis left for the Town of Elkton. They did inform us they had gas powered units available at a price of $57,989.00.
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> This quote is good for thirty days from September 23, 1980. DEADLINE OCTOBER 23, 1980."

Councilman Cook stated that council will have to make a decision as to whether they are going with a 1981 Model Diesel Unit which will run approximately $6,000. to $8,000. more, or purchase the gas powered unit. The Water and Sewer Committee had not met on this but Councilman Cook felt the council did not have much choice except to go with the gas powered unit due to the deadline.

Mr. Wiles stated he would question whether we have a contract due to the letter of intent. If so, it would be Big Wheels obligation to furnish us a diesel powered truck which we had accepted. Mr. Wiles stated he would like to review the quotes and letter of intent. Council agreed to have Mr. Wiles review these documents and have a special meeting to make the necessary decision.

A special meeting was set for Monday, October 20, 1980.

Councilwoman Life reported that she had planned to present a resolution which will have to be passed by council to obtain the litter grant again this coming year, but she left it at home. She asked that this be put on the agenda for the special meeting.

Councilman Schumacher stated that since the matter of street lights in Elkwood has nothing at all to do with the town electric system, nor does his committee have the means to finance the project, he is going to pass the matter on to the Finance Committee.

Councilman C. A. Schumacher moved, seconded by Councilwoman L. C. Life to approve on Second Reading to put $500.00 a month into a sinking fund for electric. The vote was recorded as follows:

F. Bennett	-	yea	L. Life	-	yea
V. Cook	-	yea	C. Schumacher	-	yea
S. Flick	-	yea	R. Snow	-	yea

Councilman S. P. H. Flick moved, seconded by Councilwoman L. C. Life and carried to write off $100.00 of the Junior Order electric bill for current used by the Elkton Fire Company for their carnivals in 1979 and 1980.

Councilman Flick reported that the Fire Company had also asked council to help them on their gasoline allowance and asked council's permission to tell the Fire Company that at such time as the Revenue Sharing funds come up, their request will be considered. Council was in agreement with this.

Councilman Flick reported that he has received one bid on the Public Official's Liability Insurance which expires October 20, 1980. He had requested a second bid but did not receive it. The bid received and opened at the meeting was from R. Loring Cover Insurance Agency Inc. in the amount of $3,696.25 for a three year period and can be paid annually in the amount of $1,383.36 a year.

Councilman S. P. H. Flick moved, seconded by Councilman C. A. Schumacher to accept the bid for Public Official's Liability Insurance in the amount of $3,696.25 for three years from R. Loring Cover Insurance Agency Inc.. The vote was recorded as follows:

F. Bennett	-	yea	L. Life	-	yea
V. Cook	-	yea	C. Schumacher	-	yea
S. Flick	-	yea	R. Snow	-	yea

Councilman Flick reported that it has been brought to council's attention that the town will have to revise their filing and accounting system. This is due to federal government financing. He asked council's permission to have the Treasurer get prices on these revisions.

Councilman S. P. H. Flick moved, seconded by Councilman C. A. Schumacher to accept the audit report and incorporate the suggested accounting and filing changes. The vote was recorded as follows:

F. Bennett	-	yea	L. Life	-	yea
V. Cook	-	yea	C. Schumacher	-	yea
S. Flick	-	yea	R. Snow	-	yea

Councilman Flick asked that in the future the insurance bidding be handled by the town attorney as it is highly technical in nature. Council was in agreement with the suggestion.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow to go into Executive Session to discuss personnel.

Mr. Wiles requested that the motion include the discussion of potential litigation.

Councilman Bennett agreed to amend his motion to include the discussion of

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possible litigation. The vote was recorded as follows:

F. Bennett	- yea	L. Life	- yea
V. Cook	- yea	C. Schumacher	- yea
S. Flick	- yea	R. Snow	- yea

The motion was temporarily suspended in order to have the Finance Report for September. The report was approved as presented.

Council went into the Treasurer's Office for an Executive Session. Mr. Wiles, Mrs. Leap and Mr. Phillip Garrett were asked to be present at the Executive Session.

Councilman R. L. Snow moved, seconded by Councilman V. L. Cook Jr. to go from Executive Session back into Regular Session. The vote was recorded as follows:

F. Bennett	- yea	L. Life	- yea
V. Cook	- yea	C. Schumacher	- yea
S. Flick	- yea	R. Snow	- yea

Councilman Bennett reported that he has a letter asking the town council to place the Auxiliary Police Force on in-active status as pursuant to Section 3-1-25 of the Code of the Town of Elkton. When another Chief is appointed, the Auxiliary Force will consider active service.

Councilman F. A. Bennett moved, seconded by Councilman R. L. Snow and carried to accept this application for an in-active status for the Auxiliary Police Force.

Councilman Bennett presented letters of resignations from the following: Police Officer Danny W. Cox effective October 29th.; Sergeant G. Wayne Ball effective October 15th.; Dispatcher Pat Messerley effective October 24th.; Police Officer Jess Sager effective October 15th. and Chief Lawhorne's which has been acted on with the exception of the date being as stated in his letter, October 15th.

Councilman V. L. Cook Jr. moved, seconded by Councilwoman L. C. Life to accept these resignations as of the effective date of each letter. The vote was recorded as follows:

F. Bennett	- yea	L. Life	- yea
V. Cook	- yea	C. Schumacher	- yea
S. Flick	- yea	R. Snow	- yea

Councilman Bennett requested that each person's resignation be placed in their personnel file and that he be given a copy of each of the resignations.

Councilman F. A. Bennett moved, seconded by Councilwoman L. C. Life and carried to approve the following items for consideration in regards to the hiring of a Chief of Police:

1. The Chief of Police shall be a working Chief, meaning he would be required to work a rotation shift schedule as the case necessitates. As an administrator he should not assume that those duties would require him to work a straight 8/4 shift.

2. The Chief of Police shall adhere to the State Code governing his place of residence. That is to be understood that as an appointed officer of the Town he shall reside within the Elkton Town Limits.

3. The Chief shall continue to abide by the Guidelines adopted by the Council at an earlier date.

4. In reviewing applicants for the position of Chief of Police the Public Safety Committee shall discuss the possibilities of policy and/or operational changes as routes to assist in conservation measures.

5. The Committees recommendation of a starting salary would be $12,000.00 annually, and could be reviewed upon the completion of his one year probationary period.

Mr. Wiles reported on the suit that was filed by the Virginia National Bank Shares requesting that our bank stock tax be reassessed. The suit was held in abeyance until the current legislature had the opportunity to pass on the new bank franchise tax. Mr. Wiles has received a communication from the Virginia National Bank Shares offering to withdraw the suit without prejudice in bringing the suit back at a later time if the current legislation is not amended as anticipated. Mr. Wiles recommended doing this.

Councilwoman L. C. Life moved, seconded by Councilman R. L. Snow and carried that Mr. Wiles be authorized to draw up the proper papers for the suit to be withdrawn without prejudice.

Council considered the First Reading to change the Order of Proceedings for the council meetings.

As there was no further business, Councilman V. L. Cook Jr. moved to adjourn.

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

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