SPECIAL
COUNCIL MEETING
August 26, 1980

A special meeting of the Elkton Town Council was held August 26, 1980 at 7:30 P.M. in the council chambers 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. Mrs. Norma Leap, Clerk and Mr. Gerald Monger, Superintendent were also present.

Mayor Lough stated that the special meeting was called for two purposes, one was insurance and the second was the Second Reading on the Helsley obligation.

Councilman Flick presented the following bids on the Police Professional Liability Insurance:

R. Loring Cover Insurance Agency Inc.	$ 675.00
Hensley's Insurance Agency	$1,397.40

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Councilman Flick pointed out that Hensley's Insurance Agency had this policy last year. The rate has increased this year due to the police dog. Last year the dog was included without charge but this year there is a charge of approximately $87.00 to cover the dog. Council felt we needed to know if the bid from R. Loring Cover covers the dog. Mayor Lough telephoned Mr. Cover and he stated that his bid does cover the dog.

Councilwoman L. C. Life moved, seconded by Councilman S. P. H. Flick to accept the bid from R. Loring Cover Insurance Agency Inc. of $675.00 for the Police Professional Liability Insurance.

Councilman Snow stated that he feels council needs to make sure the two bids are on the same coverage. Other members of council felt we needed to know this also. It was pointed out that the policy expires within a few days so there is not much time to check into this. Councilwoman Life stated she feels that Mr. Cover has been in business for a long time, has a good reputation and has done a good job with our coverage so she would still go along with her motion.

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

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

Mayor Lough stated that each council member had received a letter from the town attorney regarding making restitution to Mr. Helsley. Mayor Lough pointed out that he does not agree entirely with Mr. Wiles' opinion, but since Mr. Wiles is our hired attorney and states it as his opinion that what council purposes is illegal, Mayor Lough strongly recommended that Councilman Flick withdraw his motion to consider Mr. Helsley's legal fees in defense of his cause several years ago before council as a legal debt of the present town council. Mayor Lough stated that this does not mean, however, that council cannot act at some future time in another direction to arrive at the same end.

Councilman Flick withdrew his motion and Mayor Lough stated that the second would automatically be withdrawn.

Councilman Flick requested that the following statement be inserted into the minutes:

> "The fact that I am withdrawing my motion, in regard to Mr. Helsley (on recommendation) does not mean that I have given up on this matter.
>
> It means only I have acceded to Mr. Lough's recommendation, in the interests of harmony and Mr. Wiles opinion as set forth in his letter to the Council.
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> When the opportunity presents itself to comply with the legal requirements in making restitution to Mr. Helsley I plan to bring it up again. I happen to believe, strongly, that he was unfairly dealt with and that we owe it to him."

Mayor Lough presented a letter from Margie Mayes, Mayor of Grottoes in which she stated that many of her friends have asked her to seek the nomination to serve on the Executive Committee for the Virginia Municipal League. She requested that Mayor Lough and the Council give her their support. Council was in agreement for the Mayor to send the necessary documents in support of Mayor Mayes.

Councilman Schumacher stated that he would like to mention one thing about the Town Attorney's letter. He stated that it appeared to him from what the Town Attorney said that the Town Council has absolutely no power to use any common sense in any moral judgement unless our state legislature was able to foresee the wheels within wheels that might operate and cause something to come about. According to the letter, unless Council is specifically given permission to do something, they are without any means of doing it. He pointed out that the legislature could not possibly know how this problem came about. Mr. Helsley was the victim of a personal vendetta by the Chief of Police at that time. Council is able now to look back and recognize this but the state legislature, according to Mr. Wiles, says there is nothing Council can do about it. Councilman Schumacher stated that he had no solution but this does not set too well with him.

Councilwoman Life stated that she has more or less taken a survey of some of the citizens and asked their opinion. It was her understanding that this was something they felt should be done. She pointed out that she had not talked to a great number and probably not to those who would be opposed. She questioned if Mr. Wiles' letter was stating that Council would clearly be against the law if they paid the $500.00 and asked what if they made it $499.00?

Mayor Lough pointed out that the thing he was referring to when he said Council could take other avenues was that his recommendation later would be in the form of a bonus for length of service and make it a one time affair. Council can be giving this some thought. The Mayor also pointed out that possibly Mr. Wiles opinion was biased as he was the attorney for council at the time and was on the opposing side from Mr. Ritchie who was Mr. Helsley's attorney.

Councilman Bennett stated that he was not defending anyone, but that it is true when speaking of opinions, whether they be from the Attorney General or what, they are just opinions until they are tested or tried in the courts of Virginia or the Supreme Court. But in Mr. Wiles letter there are cases cited which have been tested in the courts of Virginia, so therefore, he feels Council has no other ground to stand on unless they choose to appeal through a higher court.

There was some discussion regarding setting a precedent. Councilwoman Life stated that she prefer it be rephrased that Council may make an exception. Councilman Flick felt it would be right refreshing to set a precedent for righting a wrong, but Councilman Bennett questioned if you right a wrong with another wrong.

Mayor Lough stated that this case was totally different from those tested but that further discussion at this time would not accomplish anything.

As there was no further business, Councilman Snow moved to adjourn.

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

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