REGULAR
COUNCIL MEETING
September 15, 1980

The regular meeting of the Elkton Town Council was held September 15, 1980 at 8:00 P.M. in the council chambers with the Mayor M. 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 Davidson of the Evangelical United Methodist Church opened the meeting with prayer.

Mayor Lough stated that Mr. Joseph Keene of Hall Risk Management Services Inc. who was to discuss insurance would not be in attendance at this meeting, but plans to attend next months meeting.

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Mr. Bill Farmer, Customer Service Manager of Continental Telephone of Virginia, was present. He gave a brief report on the telephone company's request to the S.C.C. for a rate increase.

Councilwoman L. C. Life moved, seconded by Councilman C. A. Schumacher and carried to approve the minutes of the regular council meeting August 11, 1980 and the special council meeting August 26, 1980.

The Treasurer presented the Finance Report for August.

Councilwoman L. C. Life moved, seconded by Councilman R. L. Snow to approve on Second Reading the following amendment to Section 8-3-4 of the town code:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 8-3-4
OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION 8-3-4 OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BE, AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 8-3-4

How license obtained; schedule of license taxes.

(a) The owner of a vehicle as provided for in section 8-3-3 shall obtain the requisite license from the town treasurer upon giving to the town treasurer a description of the vehicle to be licensed, including the make, model, and state license number of the motor vehicle, and upon payment to the town treasurer of a license tax in the following amount:

(1) Upon each motorcycle, seven dollars and fifty cents.
(2) Upon each trailer as defined in Section 46.1-155 of the Code of Virginia, six dollars and fifty cents.
(3) Upon every motor vehicle, trailer or semitrailer, fifteen dollars; provided, that such tax shall not exceed the state registration fees imposed by Section 46.1-149, Code of Virginia, and provided, further, that any such vehicle, trailer or semitrailer which is exempt from the payment of the aforesaid fee imposed by said Section 46.1-149 shall likewise be exempt under this section.

(b) The license tax upon a motor vehicle other than a motorcycle shall be half-price if obtained after October 1.

(c) Upon the sale or transfer of the motor vehicle for which a decal has been issued, the owner shall remove such decal. Upon application for a decal to replace one so removed, such owner shall present the original decal or enough of the mutilated decal to identify it, and a duplicate shall be issued by the treasurer for a fee of one dollar.

(d) Duplicate decals to replace those lost, stolen or destroyed, shall be issued at a charge of one dollar each.

THE ABOVE ORDINANCE SHALL BECOME EFFECTIVE JANUARY 1, 1981.

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 on the guidelines for the Public Safety Department which the Public Safety Committee had prepared and recommended to council for adoption.

Councilman Schumacher questioned Item 5 which limits patrolling to the town limits except for true emergencies. He asked if this means we will no longer patrol the Elkton Intermediate School? It was suggested that Item 5 be amended to include the Elkton Intermediate School, Blue Bell and the town property outside town.

Councilman F. A. Bennett moved, seconded by Councilwoman L. C. Life to adopt the following guidelines for the operations of the Elkton Police Department as presented with an amendment to Item 5 to include the patrolling of the Elkton Intermediate School, Blue Bell and the town properties outside town.

GUIDELINES

1. The Chain of Command as established by the Town Council, and in accordance with the Town Charter and Town Code, is as follows:

   A. The Council
   B. The Mayor
   C. The Chief of Police
   D. Police Officers/Dispatchers/Auxiliary Police

2. The Chief of Police shall discuss with the Public Safety Committee any news to be released to the news media. This is not to be construed to mean that of Public Knowledge.

3. Unwarrented high speed chases are frowned upon, therefore, any high speed chase shall be followed by written statement to the Chief of Police on the Standard Complaint form. Any unwarrented high speed chase shall be deemed grounds for disciplinary action.

4. Every effort should be made to make use of one patrol car for routine patrol. This should not be construed to mean that one could not use a second patrol car when needed.

5. The Police Department shall limit their patrolling to the Elkton Town Limits. Only in a True Emergency should there be any exception to this rule. Anytime the occasion should present itself which would require the presence of an officer or other member of the Police Department outside the Elkton Town Limits should be followed by a written statement to the Chief of Police on the standard complaint form. Exceptions to this rule would include Town properties owned outside the Town Limits, the Elkton Blue Bell property and the Elkton Intermediate School on Blue and Gold Drive.

6. It is to be understood that there is no blanket request to provide assistance for any other organization or Law Enforcing Agency. Any requests shall be treated on an individual basis, and on their own merits. Any violation shall be deemed grounds for disciplinary action.

7. All members of the Police Department shall at all times deploy tact and the utmost courtesy when meeting the public in all areas of their work in accordance to law and Departmental Policy.

8. No un-authorized persons shall be allowed to enter the dispatchers office. The Chief of Police shall make all authorizations in

accordance and in compliance with State Law. Since this is a Business Office, off duty members of the department should not be allowed to enter the dispatchers office without appropriate authorization.

9. Assignment of work schedules and hours of work will be the responsibility of the Chief of Police, striving to limit the amount of unnecessary overtime that may accrue.

10. Patrol cars shall not be used for any purpose other than that of Public Safety, in nature. Patrol cars shall not be driven, parked or stored outside the Town Limits except for that of business relating to that of Public Safety. Any requests shall be made to the Mayor, Chairman Public Safety Committee, or the Public Safety Committee, by the Chief of Police.

11. Personal gratuity is often used to influence us, and acceptance of a personal gift conveys the impression that we acknowledge the influence. This creates an embarrassing situation because we can not be influenced and still conduct our business with freedom of decision.

12. Any additions to these guidelines shall be by virtue of a memo from the Town Council.

13. Any violation of these guidelines shall be deemed grounds for diciplinary action in accordance with the State Code governing Police Forces.

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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 the Public Safety Committee has met and discussed the possibility of purchasing a new police cruiser. One of the police cars is inoperable at this time. He presented the following bids on a new police car:

Highway Motors (1981 Chrysler LaBaron)	$7,498.00
Sheets Chevrolet (1981 Chevrolet Malibu)	$7,071.90
Myers Ford (1981 Fairmont)	$6,975.00
(Ford offers a rebate of $500.00 if ordered before October 2. This would reduce the cost to $6,475.00)	

Councilman Bennett stated that the committee suggested the money for the cruiser be taken from the Law Enforcement Grant and enough money be transferred from wages to cover the cost of the cruiser until enough grant money is received, then the money transferred back into wages.

Councilman F. A. Bennett moved, seconded by Councilwoman L. C. Life to approve the First Reading to purchase the 1981 Ford Fairmont before October 1st. at a cost of $6,475.00. The cost of the vehicle will be funded from the Law Enforcement Grant, but until enough money is received from the grant, monies will be transferred from wages to cover the cost and then be placed back into wages when enough grant money is received. 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 if it was necessary to formally allocate the grant money. Council felt this was not necessary.

Councilman Flick reported that he had received a request on September 2nd, from Mr. Donnie Davis, President of the Fire Company, that council pay for the Junior Order light bill which is $50.00 a year. The Fire Company owes for 1979 and 1980, so the amount would be $100.00. This is for current used by the fire company for their annual carnival. The town has paid this in the past. Councilwoman Life stated this was fine with her, but that council had

voted that anytime the town is expected to pay a bill, the request should be presented before the event takes place. Mr. Monger was asked to make the fire company aware of this so that in the future they will present their request at the proper time.

Mrs. Leap questioned how we planned to handle this. In the past we have written off the electric charge to the Junior Order during the month the fire company had their carnival. The Junior Order has already paid the bill for last year. This matter was tabled until it could be looked into further and will be brought back to the next meeting.

Councilman Flick reported that Mr. Davis also asked him to bring to the attention of council the fact that their bill for gasoline has increased greatly in the past five years. They asked if the town would help them on their gas bill. In the past the town has been allocating to them $1,200.00 from the Revenue Sharing Fund.

Mayor Lough reported that he asked Councilman Bennett to check into the financial status of the fire company and he has not had a chance to do so as yet. The Mayor suggested we defer this request until the October meeting. By that time the town should know how much our revenue sharing will be and the results of Councilman Bennett's study. Council was in agreement.

Councilman Schumacher reported that the Electric Committee had met with the Mayor, Mr. Monger and Mr. Avery Whitfield. After the meeting Mr. Whitfield was hired as town electrician to replace Bill Comer who gave up the job because of pressure from his own business.

Councilman Schumacher reported on a letter from ElectriCities which stated there would be a rise in the wholesale fuel charge from Vepco from $4.84 per 1000 kwh in July to $10.03 in August. The letter went on to explain some of the reasons for the increase.

Councilman Schumacher reported that the town has experienced a decline in the percentage of revenue above the cost paid to Vepco for energy. In 1978 the percentage was 15.06%; 1979, 16.69% and 1980, 13.91%. This is money over and above that paid to Vepco and does not include any of the cost of materials, supplies and labor required for maintenance of the system. It was Councilman Schumacher's understanding that our rate structure had been set up to generate a percentage of revenue above cost of energy in the amount of 20%. At present we are about 6% below this. When taking inflation into account, this puts the system in a particularly weak financial position. In addition to this, over the past five or six years the town has taken approximately $25,000.00 from sinking funds earmarked for emergency reserves for the system. The town does have insurance on the substation for lightning, fire or other catastrophes but there are no funds available for damage to the lines, replacement due to normal aging or building additional lines. In view of these facts, the committee recommends council maintain the present rate structure with the one-half cent per kilowatt hour increase which was added about six months ago. It was suggested to maintain this rate for a period of one year. The committee felt however that the one-half cent per kilowatt hour should be dropped from the last rate bracket on the Residental Schedule on the October - May rate in order that those heating with electricity will not pay more than their fair share to maintain the system. They also recommended that each month an amount of $500.00 be placed in a sinking fund or certificate of deposit, whichever the treasurer deems will yield the greatest rate of interest.

Councilman C. A. Schumacher moved, seconded by Councilman S. P. H. Flick to maintain the present rate structure with the exception that the one-half cent be dropped from the last rate bracket in the Residential Schedule on the October - May rates and that $500.00 a month be put 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

Councilwoman Life reported that on August 20th. a letter had been referred to her by Mr. Wiles from Marshall Coleman, the Attorney General of Virginia, having to do with gold and silver dealers. She did not rush to do anything about it as we had not had anything like this in Elkton. Today she did see an ad in the paper that we are going to have this, so she feels an emergency exists. Mr. Wiles has given her an ordinance which she would present at this time.

Councilwoman L. C. Life moved, seconded by Councilman R. L. Snow that an emergency is hereby declared to exist and the following ordinance imposing a license tax on dealers in precious metals and jewels be adopted on this first reading:

AN ORDINANCE AMENDING TITLE 7, CHAPTER 1, ARTICLE B, OF THE CODE OF THE TOWN OF ELKTON, VIRGINIA, BY ADDING A NEW SECTION IMPOSING A LICENSE TAX ON DEALERS IN PRECIOUS METALS AND JEWELS

Sec. 7-1-39 Dealers in Precious Metals and Jewels

(a) No itinerant dealer may purchase gold, silver, platinum, gems, or semiprecious stones without a license as provided herein.

(b) Itinerant dealer within the meaning of this article is a person, firm, or corporation, who shall engage in any temporary or transient business in this town for the purchase of gold, silver, platinum, gems, or semiprecious stones.

(c) Licenses shall be issued by the Treasurer to any person able to produce satisfactory evidence of good character, which license shall designate the premises on which the licensee shall conduct his business and specify the date or dates upon which the business may be conducted. A fee of $30.00 per day may be charged.

(d) The license issued hereunder shall be a personal privilege and shall not be transferable, nor shall there be any abatement of the tax upon such license by reason of the fact that the licensee shall have exercised the privilege for any period of less than for which it was granted. The license shall at all times be kept publicly exposed by the licensee on his business premises.

(e) Any false statement made on the application form voids the license ab initio.

(f) Licensees shall ascertain the name, address, and age of sellers by requiring an identifier issued by a governmental agency with a picture of the subject and one other corroborating means of identification. Licensees shall record the items purchased, the price paid, and the seller's identity. Such records shall be delivered to the chief of police on the day of purchase.

(g) No purchases may be made from anyone under age 18.

(h) Every person so licensed shall at the time of license and before the same shall be operative, enter with either one corporate or two personal sufficient sureties into a joint and several recognizance to the town in the penal sum of five thousand dollars conditioned upon due observance of the terms of this article.

(i) If any person shall be aggrieved by the misconduct of any licensee and shall recover against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution upon such judgment, maintain actions in his own name upon the bond.

(j) Violation of the terms of this section shall be a misdemeanor.

An emergency is hereby declared to exist, and this ordinance shall be effective from its passage following its introduction and first reading.

The vote was recorded as follows:

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

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Mr. Wiles reported on a letter from PRM Law Publishers advising him that their company has sold its law publishing business to the Municipal Code Corporation (MCC) of Tallahassee, Florida. They stated that MCC is fully qualified to perform the code publishing supplement service to the town's code and requested permission to assign the code supplemental contract that they have with the Town of Elkton to the Municipal Code Corporation. MCC has agreed to fullfill PRM's contract with the town under terms and conditions specified in the contract. They enclosed a suggested resolution for the town to pass granting PRM permission to assign this work to MCC. Mr. Wiles recommended council adopt the resolution.

Councilwoman L. C. Life moved, seconded by Councilman V. L. Cook Jr. and carried to adopt the following resolution:

RESOLUTION

WHEREAS, the Town of Elkton has a contract with Public Research and Management, Inc. of Atlanta, Georgia for providing looseleaf supplement services for the code of the Town of Elkton, Virginia, and;

WHEREAS, Public Research and Management, Inc., sold its law publishing business to the Municipal Code Corporation (MCC) of Tallahassee, Florida, and;

WHEREAS, Public Research and Management, Inc. has requested that it be granted permission by the Town to assign its code supplemental contract to the Municipal Code Corporation.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Elkton, hereby grants Public Research and Management, Inc. permission to assign its code supplemental contract with the Town of Elkton to the Municipal Code Corporation of Tallahassee, Florida.

Adopted this 15th. day of September, 1980.

Mr. Wiles explained the payment agreement with PRM regarding withholding a certain amount for the zoning ordinance. We have received the final bill in the amount of $1,400.00 which has had withheld from it an amount of $200.00 for the zoning ordinance. Council was in agreement to go ahead with payment of this bill.

Mr. Wiles asked that it be reflected in the minutes that in view of the requirement that he attend all meetings, he was not notified of the last special meeting August 26th. The Mayor stated he was not aware that Mr. Wiles was to attend all meetings. Mr. Wiles stated that it is one of the ordinances.

Mrs. Leap presented a request from the Shenandoah Valley Soil and Water Conservation District for a donation. Last year we donated $100.00.

Councilman R. L. Snow moved, seconded by Councilwoman L. C. Life that we donate $100.00 to the Shenandoah Valley Soil and Water Conservation District. The vote was recorded as follows:

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

Mrs. Leap reported that the audit bill from S. B. Hoover and Company in the amount of $1,950.00 has been received and if there were no objections, she would send the payment. There were no objections.

Mrs. Leap reported that she has received a request from Mrs. Black for a telephone in the library and Nancy Pence, the Recreation Coordinator, for a telephone in the Recreation Department. Mayor Lough stated this is being taken care of.

Councilman F. A. Bennett moved, seconded by Councilman V. L. Cook Jr. to go into Executive Session to discuss possible consideration of employment. All department heads were to be included in the 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 F. A. Bennett moved, seconded by Councilwoman L. C. Life and carried to go from Executive Session back into Regular Session.

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

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

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

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