REGULAR
COUNCIL MEETING
March 9, 1981

The regular meeting of the Elkton Town Council was held March 9, 1981 at 8:00 P.M. in the council chambers with the Mayor Maurice W. Lough presiding. The following council members were present: V. L. Cook Jr., S. P. H. Flick, L. C. Life, C. A. Schumacher, R. L. Snow and L. W. Winegard. Norma Leap, Clerk, Jim McIntyre, Chief of Police, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

The Mayor opened the meeting with prayer.

Mr. Vern Michael and his brother of Michael Brothers were present. They reported that they are in the process of purchasing what is known as the "old tannery property" on Rockingham Street for the purpose of building apartments at this location. He showed council prints of the purposed apartments.

Mayor Lough stated this will require a zoning change if apartments are to be built in this area and a zoning change requires a public hearing.

Council referred this request to the Planning Commission for their recommendation with the suggestion that the Planning Commission and Town hold a joint Public Hearing on April 6, 1981 at 7:00 P.M.

Councilwoman L. C. Life moved to approve the minutes of the regular meeting February 9, 1981.

The request from Richfood for a free standing sign was referred to the Planning Commission with the suggestion that this also be included in the joint Public Hearing April 6th.

Mr. Monger reported on the vandalism at the spring. Councilwoman Life asked if this was covered by insurance and Mr. Monger stated he did not think it was. Councilman Cook stated he has tried to contact Mr. Cover to check on this but has not been able to reach him. He will keep trying until he contacts Mr. Cover.

Mr. Monger reported that the budget on expected Expenditures is completed and ready to present to the Finance Committee but that the budget on Expected Revenues will probably not be ready until tomorrow or the next day.

Mrs. Leap presented the Finance Report for February.

Councilwoman Life called council's attention to Chief McIntyre's report. Chief McIntyre reviewed the report with council.

Councilwoman Life reported that the Public Safety Committee met Tuesday, March 3rd. Officer May has completed his basic and Councilwoman Life and Chief McIntyre attended his graduation. Officer's Harman and Weaver have completed their in-service. She reported that the windshield in the new police car was damaged the first of the month, Saturday a "bb" went through one of the side windows and then Sunday it was backed into. The car is being repaired.

The Public Safety Committee recognizes a vacancy in the police department and according to the rules and regulations have placed an ad in the Daily News-Record for a certified officer. Applications must be in by March 13th. The committee will review the applications the week of March 16th. The committee would like to have a special council meeting March 24, 1981 to hire a new officer.

A special meeting was set for March 24th. at 7:30 P.M. for the purpose of hiring a new police officer.

Councilwoman Life reported that Supplies in the Public Safety Budget have exceeded budget appropriations. The reason for this is that due to an administration change, it was necessary to purchase new forms and tickets which the new chief needed for his records and methods of reporting. There seems to be an excess in the Insurance Budget.

Councilwoman L. C. Life presented a First Reading to transfer $1000.00 from the Insurance to Supplies in the Public Safety Budget.

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Councilwoman L. C. Life opened and presented the following bids on the old police car:

$110.00	V. W. Poindexter, Gladys, Va.
$ 35.00	no name listed

Councilwoman Life stated that the committee had requested the chief to contact a junk dealer to see what kind of price he would give on the old police car. Chief McIntyre had contacted Mr. May's place of business, Mr. May was out but the person answering the telephone said he would have Mr. May come up and take a look at the car. Chief McIntyre stated that if he came to look at the car, he was not aware of it.

Councilman R. L. Snow moved, seconded by Councilwoman L. C. Life and carried to reject the bids on the police car.

The Public Safety Committee will pursue this further and try to get other prices from junk dealers.

Councilman Flick reported on the bids he has received on the new bookkeeping system. He has just received one from A. M. Pullen & Co. for services not to exceed $2800.00. The bid previously received from S. B. Hoover stated they felt they could do the work for less than $2000.00. Councilman Flick asked council to allow him, along with Mrs. Leap, to choose the firm.

Councilman S. P. H. Flick moved, seconded by Councilman V. L. Cook Jr. and carried to authorize Councilman Flick and Mrs. Leap to choose the firm to provide the services for the change in the bookkeeping system.

Councilman Winegard reported that we have received a check from the Division of Litter Control in the amount of $475.00.

Councilman Cook reported that we have been informed by our engineers that Aaron J. Conner has requested an extension of time of thirty days on the sewerage treatment plant. Aaron Conner thinks they will be able to meet the existing deadline, but pending on weather between now and then, they may have some odds and ends to do.

Councilman V. L. Cook Jr. moved, seconded by Councilwoman L. C. Life to grant the extension of time of thirty days on the sewerage treatment plant, if it meets approval of all the governing agents we are dealing with, and if it will not cost the Town of Elkton any extra money. The vote was recorded as follows:

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

Councilman V. L. Cook Jr. moved, seconded by Councilman R. L. Snow to allow an out of town water connection on Route 33 East at the end of our present 2" line for Mr. Melvin McCauley. The connection will be $400.00 plus all costs. It is to be understood by the owner that he will dig and install all necessary pipe and appurtances according to standards and specifications of the Town of Elkton. The owner will obtain all necessary permits from the Virginia Department of Highways and Transportation. It is also understood by the owner that the Town of Elkton does not promise any certain amount of water or pressure. The vote was recorded as follows:

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

Mr. Wiles reported that we are ready to move on financing the sewer plant. He presented the First Reading on an ordinance authorizing the issuance, sale and award of a $300,000.00 sewer bond of the Town of Elkton, Virginia, and providing for the form, details, and payment thereof.

A special meeting was set for March 13, 1981 at 7:00 P.M. to have the Second Reading on the bond ordinance.

It was decided to place the proposed Revenue Sharing EP-12 Budget on the agenda for the special meeting March 24th.

Mayor Lough reported on a letter he received from Nutech Housing Services. They stated that they would not be in a position to spend any more time or money on the proposed development in Elkton.

Mayor Lough reported that at a recent committee meeting of the Public Safety Committee he was asked to contact the town attorney to get his opinion on the legal status of equipment formerly used by the Auxiliary Police Force. Mayor Lough read the following portion of a letter from Mr. Wiles:

> " 3. What is the legal status of equipment formerly used by the Auxiliary Police force? I am not able to find where the auxiliary police "force" ever actually constituted a legal entity. The applicable town ordinances, enacted under authority of state law, provide for the appointment of "auxiliary policemen" appointed by the council and called into service by the chief of police. I recognize that Sections 3-1-24 and 3-1-25 refer to an auxiliary police "force," but that language is only descriptive and not substantive. Under Sec. 15.1-159.2 of the Code of Virginia, the governing body has the power to equip and maintain auxiliary police forces; under Sec. 15.1-159.3, the governing body has the authority to appropriate the necessary money to equip, uniform and maintain such auxiliary police force. In my opinion, any private donations made for this purpose inured to the benefit of the town, inasmuch as the town council had the responsibility for equipping the auxiliary policemen. Since the auxiliary force is not a legal entity, and was a creature of the town council, it would appear to me that any uniforms and equipment used by the auxiliary policemen which were acquired by private donations or from town funds belong to the Town of Elkton. I would not, however, be willing to carry this further to include such uniforms or equipment purchased with private funds of the individual policeman himself. There it could be argued that such equipment was privately owned and merely loaned to the Town."

Mayor Lough stated that he was further requested by the Public Safety Committee, and he wants it fully understood that he did not do this on his own, to write a letter to each former member of the Auxiliary Police Force. The letter read as follows:

"To: ex-Members of the Elkton Police Auxiliary Force.

Mr. Gerald Monger, Mr. David Frey, Mr. Phillip Garrett, Mr. Herbert Sigafoose, and Mr. Welty Hensley.

Dear Sirs:

I would like to take this opportunity to thank you for your contribution to police protection during the period the auxiliary was activated.

As you must know there has been some question as to whether the equipment in your possession should be returned to the town. I have asked our attorney for his opinion on this matter, and his answer is attached.

In light of his opinion, therefore, I am asking you to return all that equipment belonging to the auxiliary force which you did not purchase directly out of your own personal funds, to Mr. James McIntyre, Chief of Police. I further ask that you return this equipment by March 9, 1981, which is the date of our regular monthly council meeting.

Thank you for your co-operation."

Chief McIntyre reported that the equipment has not been returned. Mr. Monger reported that they called him this afternoon and stated that the equipment will be returned at 1:00 P.M. Wednesday afternoon.

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Councilwoman Life asked what the status is on the Go Kart races. Mayor Lough reported that he has been notified by Mr. Neatrour that they are pursuing other avenues and if they come up with something he would notify Mayor Lough.

Councilwoman Life reported that she plans to attend the regional meeting for legislative recap which the Virginia Municipal League is sponsoring in Harrisonburg Wednesday, March 11th. and asked if anyone else plans to attend. Councilman Flick and Mr. Monger stated they plan to attend.

Councilman Schumacher presented the following statement:

> " I have given study for the past several months to the matter of a progressive future for the Town of Elkton and its government.
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> During the past month I have met with the Mayor, Personnel Committee and other council members individually to discuss the subject and to exchange views with them.
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> The unanimous feeling of all members was that in order for the town to prepare for the expected growth that would result from the Coors brewery's impending location here, plus as a means of developing long-range plans and financial implementation thereof to help resolve many existing problems, the town should change from its present Mayor-Council government to a Town Manager system.
>
> Therefore, I move that the Council instruct the Town Attorney to research and draw up required petitions to call for an election to change the form of government so that the necessary charter change may be submitted to the meeting of the General Assembly in January, 1981.
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> Further, it is understood that the Town Manager office will not replace that of the Town Superintendent, but will be a new office of professional municipal administration to work in conjunction with the superintendent and the Council, and in addition that the Council will seek an outside professional screening committee to help the council in selection of the person to fill the position."

Mr. Wiles stated that the procedure is to have an election to determine if the people want to go to a Town Manager System and a charter change would not be required.

The motion was changed to read "I moved that the Council instruct the Town Attorney to research and draw up required petitions to call for an election to change the form of government to a Town Manager system. Further, it is understood that the Town Manager office will not replace that of the Town Superintendent, but will be a new office of professional municipal administration to work in conjunction with the superintendent and the Council, and in addition that the Council will seek an outside professional screening committee to help the council in selection of the person to fill the position. Councilman Flick seconded the motion.

Most of council were in agreement with the idea but did not want to commit themselves completely before they review the town's financial situation.

Mr. Wiles stated they would also need to say how many council members they would want and if they would receive compensation for their services.

Councilman Schumacher stated he felt we should at least get something started as it could still be called off before circulating petitions. Mr. Wiles stated the motion was for him to draw up the required petitions, it would then be up to council to decide if they want to continue this further by circulating the petitions. Council stated that as long as this didn't commit them they would be willing to vote for the motion.

Councilman C. A. Schumacher moved, seconded by Councilman S. P. H. Flick to amend the motion to include five council members to receive compensation for their services. The motion carried.

The Mayor appointed the following committee to keep in touch with Mr. Wiles and bring back recommendations to council:

Lowell W. Winegard
S. P. H. Flick
Carl A. Schumacher

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

MAYOR: Maurice W. Lough, Mayor

RECORDER: Norma R. Leap, Clerk

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