SPECIAL
COUNCIL MEETING
March 31, 1981

A special meeting of the Elkton Town Council was held March 31, 1981 at 7:30 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, James McIntyre, Chief of Police, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

Councilwoman L. C. Life presented the First Reading to appropriate the remaining portion of the House Bill 599 (Law Enforcement) Grant in the amount of $5,418.00 as follows:

Auxiliary Pump	$5,000.00
Install 2 Street Lights in Elkwood (One at the intersection of Hillside and Sweetgum and the other at the intersection of Sweetgum and Tamarack)	$ 418.00

Councilman S. P. H. Flick presented the First Reading on the following proposed Revenue Sharing Budget for Entitlement Period 12 in the amount of $16,495.00:

Sewer Repairs Lower End of Town	$ 1,000.00
Door Closer or Ceiling (Fire Hall)	2,285.00
Landfill Operations	6,000.00
Recreation	4,000.00
Mower	1,010.00
Fire Company Gasoline	2,200.00
	$16,495.00

A Public Hearing on the Revenue Sharing Budget was set for April 13, 1981 at 7:30 P.M.

Councilwoman L. C. Life moved, seconded by Councilman V. L. Cook Jr. to go into Executive Session to discuss personnel. 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 Councilwoman L. C. Life and carried to go from Executive Session back into Regular Session.

Councilwoman L. C. Life moved, seconded by Councilman V. L. Cook Jr. to accept the recommendation of the Public Safety Committee to hire Noah W. Helsley as a Police Officer with the rank of Sergeant to begin his employment April 1, 1981. Mr. Helsley is certified under the minimum training standards of the Commonwealth of Virginia. He will be on a six month probation period. 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 S. P. H. Flick moved, seconded by Councilman R. L. Snow to ratify the appointment of Mr. Lowell W. Winegard to the Elkton Town Council. The vote was recorded as follows:

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

Councilman S. P. H. Flick moved, seconded by Councilwoman L. C. Life to ratify the appointment of Mrs. Rhea Tench to the Elkton Planning Commission. The vote was recorded as follows:

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

AAD025

Councilman R. L. Snow moved, seconded by Councilwoman L. C. Life that council issue the following press release:

PRESS RELEASE

Recent press reports and editorials appearing in The Valley Banner have accused the town council of violating state law by conducting certain town business without full public disclosure. These reports, and the implication that the council would act on budgetary appropriations and other public business in private, are matters of serious concern to the council, requiring this response.

By general consent of all members present, the Elkton Town Council on March 13, 1981, in a meeting open to the public and attended by the press, took a ballot for the appointment of a member to the Elkton Planning Commission. The procedure of voting by ballot is specifically authorized by the general ordinances of the town and by Robert's Rules of Order, which governs the proceedings of the council.

Contrary to the implication of the newspaper that it is illegal to consider the appointment of public officers in private, the Virginia Freedom of Information Act expressly permits the holding of an executive or closed meeting for the purpose of discussing or considering the appointment of "public officers, appointees or employees of any public body." This law makes good sense. The reasons for allowing free and open discussion of prospective appointees in private, uninhibited by the presence of the public and the press, will be readily apparent to anyone who takes a moment to think about it.

It is just as clear that the same considerations do not apply to the discussion of budget appropriations, the spending of town money, or hiring practices. The Virginia Freedom of Information Act prohibits the holding of executive or closed meetings to discuss such matters. It makes no sense to suppose that because council would consider in private matters expressly permitted by law--in this case the appointment of public officials--that it would be likely to consider in private other matters prohibited by law.

If there is any merit in the criticism of the procedure followed by the council in appointing a member to the Planning Commission, it can only be in council's permitting the public and the press to remain while it took a ballot in public session, when it might legally have excluded them from this deliberation. For the future it might very well appear the better course to consider all such appointments in executive or closed session before taking formal action in a public meeting. For the present, however, there would seem to be no useful purpose in revealing the name or names of persons who have allowed themselves to be considered for appointments in the past on the express condition that their names would not be disclosed in the event they were not appointed. And much harm could result from the breaking of this confidence on future efforts by council to recruit persons willing to undertake public service. We do not believe disclosure of such names at this time would be in the public interest.

ELKTON TOWN COUNCIL

The vote was recorded as follows:

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

Councilwoman Life expressed her happiness over the fact that Adolph Coor's may be building a brewery in the valley as she feels it will be a big asset.

As there was no further business, the meeting adjourned.

MAYOR: _____
Maurice W. Lough, Mayor

RECORDER: _____
Norma R. Leap, Clerk

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