REGULAR
COUNCIL MEETING
August 10, 1981

The regular meeting of the Elkton Town Council was held August 10, 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., R. E. Davis, S. P. H. Flick, T. G. Hulings, L. C. Life and R. L. Snow. Noah Helsley, Town Sergeant, Norma Leap, Clerk, Gerald Monger, Superintendent and Dale Davenport, Attorney were also present.

Mayor Lough opened the meeting with prayer.

Mr. Bill B. Holt came before council to request that they reconsider the consolidation of the town offices into the Jenning's Building as he feels there are better places to put our surplus money than in consolidation.

AAD025

Mrs. Shirley O'Byrne stated that so far the citizens have not heard how the council plans to pay for the legal expenses incurred, other than what was stated in the paper that perhaps the town would pay for this. She has had a number of citizens asked her this same question and she could give them no answer. She felt the people would like to know and that it seems to be the conclusion of many people in town that if the town is going to use the tax payor's money to pay the council's legal expenses, the town should also pay Mrs. Life's as she did not act illegally.

Mr. Wayne Printz of 417 Spring Avenue came before council to speak on behalf of Mr. Jim McIntyre in regard to his resignation being accepted or not accepted, whatever the case may be. He commended Mr. McIntyre on the way he handled the situation when Mr. Printz's home was robbed awhile back. In regard to the recent incident which just happened, Mr. Printz had the opportunity earlier in the evening to observe the man which has lodged the complaint against Mr. McIntyre and he felt the man probably should have been locked up earlier in the evening as he was causing a great deal of trouble. He feels that you would not want a police officer who is afraid to take action and that Mr. McIntyre would not hurt anyone deliberately. He felt the town would be making a big mistake in making a judgement before making sure this is exactly what they want to do.

The Minutes of the regular meeting on July 13, 1981 and the special meeting July 27, 1981 were approved as presented with one correction.

Councilwoman Life reported that in talking with Acting Chief Noah Helsley approximately 3000 attended the annual Field Day and everything went very well.

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:

Cook	- yea	Hulings	- yea
Davis	- yea	Life	- yea
Flick	- yea	Snow	- yea

Councilman R. L. Snow moved, seconded by Councilman R. E. Davis and carried to go from Executive Session back into Regular Session.

Councilwoman Life read the following letter dated August 5, 1981 from James F. McIntyre:

"Re: Letter of Resignation by James F. McIntyre

Dear Mayor & Members of the Elkton Town Council:

After deep reflection about the continuing problems of the Town of Elkton, and in consideration of my own professional desires, I wish to submit my resignation as the police chief of the Elkton Police Department. My resignation is to be effective August 10, 1981.

I feel confident that the scheduled investigation on August 10, 1981, would have proven that on July 17, 1981, I acted in a professional manner in handling the arrest of Ronnie Lee Morris.

However, after careful reflection, and with a deep concern for the citizens of Elkton, I feel it would be in the best interests of the Town of Elkton, its citizens and myself if I resign. My effectiveness as a police chief has been undermined by the excessive publicity about this case. Elkton has suffered several months of extremely troubling times and bad publicity, and I do not believe that further turmoil would be in my best interests or the towns.

I wish to express my appreciation for the cooperation of the members of the Town Council, the Mayor and all the citizens of Elkton who have rallied to my support and who have cooperated with me as police chief in my efforts to bring professional law enforcement to the Town of Elkton.

Best regards,

Sincerely yours,

James F. McIntyre"

Councilman R. E. Davis moved, seconded by Councilman R. L. Snow to accept the resignation of Chief McIntyre as stated in his letter. The vote was recorded as follows:

Cook	-	yea	Hulings	-	yea
Davis	-	yea	Life	-	nay
Flick	-	yea	Snow	-	yea

Councilman V. L. Cook Jr. read the following statement:

"The Town Council of the Town of Elkton appreciates Mr. McIntyre's resignation upon the reasons stated in his letter dated August 5, 1981. The Council wishes Mr. McIntyre and his family success in the future."

Councilman Hulings presented the First Reading to increase the electric rates effective September 1st. This would be an across the board increase of no more than 31.4% as stated to reflect the actual rate charged to the Town of Elkton by Vepco.

Councilman Hulings pointed out that this increase is still under litigation and should it be reduced the town would of course reduce their rate of increase as well.

Councilman Snow reported that Mrs. Crider had talked with him regarding the street lights in Elkwood. She had seen in the paper where the council had approved the contract for Vepco to install these lights and she was wondering what the holdup is. Mr. Monger stated that the contract is still not in Vepco's hands as Mr. Monger is checking with the Virginia Municipal Electric Associates attorney to see that the contract is okay and he does not know how long this will take.

Councilman Hulings reported he has not received anything as yet on the Vepco refund amount.

Councilman Snow presented a short statement to answer some of the questions raised at the first of the meeting regarding money being wasted. He felt there are many areas in town where money is not being used wisely. Examples mentioned were offices at many different locations in town, purchase of gasoline from retail pumps and lack of central store to mention a few. He felt that by consolidating we can save money and meet other needs that exist in town with a minimum of raising rates and living expenses for town residents. True, we may be spending more money totally than we spent before but who isn't these days. The intent is to make the town operations more efficient thereby holding down overall government spending.

Councilman Snow pointed out that the new position as read the first time said Recreation/Librarian. He has had input from several sources and due to the not being sure twenty hours can be used in the library a week the position will be called a Community Services Director. The persons immediate supervisor will be the Town Treasurer. At least twenty hours a week will be spent toward the Recreation Program and the other twenty hours will be spent in several areas. In the library, if required, part time help in the Treasurer's Department, Police Department and Maintenance Department. If this position is funded it

will release the present Utility Clerk and let him work more in the Maintenance Department where he is needed. This person could also be used as an Information Officer. The salary would be $7,800.00 to be taken from the surplus in the 1981-82 Budget.

Councilman R. L. Snow, seconded by Councilman S. P. H. Flick, moved to approve on Second Reading $7,800.00 to fund the new position of Community Services Director.

Councilwoman Life and Councilman Hulings both stated they felt the money could be used more wisely in other areas.

The vote was recorded as follows:

Cook	- yea	Hulings	- nay
Davis	- yea	Life	- nay
Flick	- yea	Snow	- yea

Councilman R. E. Davis moved, seconded by Councilman R. L. Snow to approve on Second Reading the amendments to Section 5-4-4 and Section 5-4-6 increasing the water and sewer rates effective July 1, 1981 as printed in the minutes of the special meeting July 27, 1981. The vote was recorded as follows:

Cook	- yea	Hulings	- yea
Davis	- yea	Life	- yea
Flick	- yea	Snow	- yea

Councilman R. E. Davis moved, seconded by Councilman V. L. Cook Jr. to approve on Second Reading the following amendment to Section 2-2-62:

Section 2-2-62 Attendance at council meetings.

The town attorney shall attend all regular monthly council meetings and shall attend special council meetings when requested by the council.

Councilman Davis and Councilman Cook agreed to amend this to delete the last three words "by the council" and add "by any member of the council." The vote was recorded as follows:

Cook	- yea	Hulings	- yea
Davis	- yea	Life	- yea
Flick	- yea	Snow	- yea

Mayor Lough read the following letter dated July 20, 1981 from Mrs. Rhea N. Tench:

"This notice is my resignation from the Planning Commission of Elkton, Va. as of July 20, 1981."

Councilman R. L. Snow moved, seconded by Councilman V. L. Cook Jr. and carried to accept the resignation of Mrs. Rhea N. Tench from the Elkton Planning Commission effective July 20, 1981.

Councilman Flick read the following letter from R. Loring Cover Insurance Agency Inc.:

"RE: Police #PPL 05308 - Term: 8/29/80 to 81
TOWN OF ELKTON POLICE DEPARTMENT

This is to confirm my telephone conversation with you as of today stating that the above policy can be increased from $100,000.00 each person, $300,000.00 each incident, $500,000.00 aggregate to $250,000.00 each person, $500,000.00 each incident, $750,000.00 aggregate for a premium of $975.00 based on five (5) policemen. The same policy can be increased to $500,000.00 each person, $1,000,000.00 each incident, and $1,000,000.00 aggregate for a premium of $1,075.00 based on five (5) policemen.

I recommend very strongly that the Town purchases the last one which is $500/1,000,000/1,000,000.00."

Councilman Flick stated that we are presently paying $675.00 so if we accepted the last quoted price it would be an increase of $400.00. He pointed

AAD025

out that action should be taken tonight as the present policy expires 8/29/81. His recommendation and also the attorney's would be to increase it as recommended by Mr. Cover.

Councilman S. P. H. Flick moved, seconded by Councilman R. L. Snow to accept the recommendation from R. Loring Cover Insurance Agency Inc. to increase our Police Liability insurance to $500/1,000,000/1,000,000.00 at a cost of $1,075.00. The vote was recorded as follows:

Cook	-	yea	Hulings	-	yea
Davis	-	yea	Life	-	yea
Flick	-	yea	Snow	-	yea

Councilman Flick read the following letter from Roger A. Ritchie:

"Re: Linda C. Life v. The Town of Elkton, et al

Dear Mayor & Councilmembers:

I was retained by Linda C. Life to represent her interests in the above-captioned case as a result of efforts by individual members of your Council to exclude her from the Council on June 15, 1981. The case, as you very well know, was successfully prosecuted by Mrs. Life in the Circuit Court of Rockingham County. This court case established her position as a present member of your Town Council. During the course of the prosecution of this case, Mrs. Life incurred legal fees of $1,725.00 and costs in the amount of $41.06, excluding the court costs awarded to Mrs. Life in the final order of the above-captioned case. These court costs have been itemized and previously presented to the Council for payment.

As Mrs. Life's attorney, I hereby submit a formal request for the Town Council to authorize payment of her legal fees since she was the prevailing party, in particular, since the Council had been advised by its own attorney that there was no letter of resignation which could be legally voted upon, but chose to ignore its attorney's advice and proceed with an act that proved to be illegal.

Additionally, from a close reading of the minutes of the June 15, 1981, Council meeting, it is very evident that the statements read into the minutes of that meeting were deliberately prepared before the vote and that the members of the Council, including the Mayor who voted to accept Mrs. Life's letter of resignation, had discussed and planned the vote prior to the June 15, 1981, meeting. I submit that those members of the Council who did so acted in bad faith and illegally.

I have enclosed an itemized statement of my account and would respectfully request that it be submitted to your Financial Committee and to the Elkton Town Council for consideration of full payment, or in the alternative, I would be happy to sit down with your attorney to discuss a resolution of the payment of Mrs. Life's attorney's fees.

Best regards.

Sincerely yours,

Roger A. Ritchie"

Councilman Flick referred to the paragraph where Mr. Ritchie questions their faith and stated that the only person he talked about this with was Mrs. Life who called him the weekend prior to the meeting and asked Mr. Flick how he was going to vote and he told her. If this is bad faith then Mr. Flick stated he was guilty, but otherwise he was not, as he did not discuss it with anyone.

Councilman Davis stated he felt the first step would be for the attorneys to sit down and discuss this.

Mr. Davenport stated he felt there were two issues. One, if council wants to pay and two, if council has the authority to pay this. As Mr. Davenport had not been asked to look into this, he had not researched it, but would do so if council so desired and give an opinion as to whether he feels the town can legally pay Mrs. Life's attorney's fees.

Mr. Snow brought to council's attention a case in which council had considered paying the legal fees of an employee and found they could not legally do so. Mr. Davenport stated that Mr. Ritchie had discussed this with him. Mr. Ritchie drew a distinction between that case and this where he sees a possibility of litigation and felt perhaps it could be paid in settlement of litigation and suggested that was a sufficient grounds for distinction.

Councilwoman Life called Mr. Davenport's attention to Section 22 of the town code. She stated that the attorney hired by the council charged $1500.00. The way she understands Section 22, $500.00 can be spent without being allocated or going through council. The entire $1500.00 has been paid. Her question was two-fold. One, as the tax payors have paid for legal council and his opinions and information was not heeded, can council legally pay this as it seems like the tax payors are paying twice?

Councilman R. L. Snow moved, seconded by Councilman R. E. Davis to go into Executive Session to discuss the legal fees as it is a personal nature involving the council. The vote was recorded as follows:

Cook	-	yea	Hulings	-	nay
Davis	-	yea	Life	-	nay
Flick	-	yea	Snow	-	yea

Councilman V. L. Cook Jr. moved, seconded by Councilman R. E. Davis and carried to go from Executive Session back into Regular Session.

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

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

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

AAD025