REGULAR
COUNCIL MEETING
September 9, 1976

The regular meeting of the Elkton Town Council was held Thursday, September 9, 1976 at 8:00 P.M. in the Council Chambers with the Mayor, Maurice W. Lough presiding. The following council members were present: Mr. C. E. Dean, Mr. H. D. Flory, Mr. B. B. Holt, Mr. H. W. Leap and Mr. R. J. Lough. Mr. R. R. Dean was absent. Mr. Charles Hammer, Chief of Police, Mrs. Norma Leap, Clerk and Mr. Gerald Monger, Superintendent and Mr. Bruce Wiles, Attorney were also present.

The meeting was opened with prayer.

Mr. H. D. Flory moved, seconded by Mr. R. J. Lough and carried to approve the minutes of the August 9, 1976 regular meeting.

Mr. Holt reported that his committee had met regarding the controversy on the stop signs at A Street and Terrace Avenue. The Resident Engineer for the State Highway Department and one of his co-workers met with the committee but they did not give the committee as much help as they would have liked to have. The major factor considered by the committee was safety. Three questions were considered. (1) Does the town have a traffic control problem in this area? No answer could be given to this question without a study. (2) What are the alternatives? The signs can be taken down or left as they are. The State will not accept speed breakers. Caution or Yield signs would not work. (3) What are the factors for or against? Against - inconvenience and irritation. For - slowing traffic and safety. The committee recommended that the stop sign going up Terrace Avenue be removed but the stop sign coming down Terrace remain. Mr. Holt also reported that the "No Thru Traffic" sign on the alley between Snyder's and the Maintenance Buildings are being replaced by signs indicating "Loading Zone - Thru Traffic May Be Delayed". A sign will also be placed on "B" Street and Terrace Avenue indicating "Stop Sign Ahead".

Mayor Lough questioned if the Engineers from the Highway Department were not ask about the removing of just one stop sign on Terrace as the Public Safety Committee recommended and they didn't recommend doing this. Mr. Holt stated he did not remember this. Chief Hammer also stated he did not remember this when questioned by the Mayor.

Mr. Henry Leap thanked the council for the flowers he received while in the hospital.

Council agreed that Bauce Cablevision's applying to the town for the right to attach to town poles will be considered as satisfying the clause in the contract which says they are to begin by October 1, 1976.

Mr. C. E. Dean moved, seconded by Mr. B. B. Holt to approve the Second Reading to amend Section 32-40 of the Town Code to read as follows:

Sec. 32-40. Reconnection of service after disconnection

(a) If the water service is disconnected on the application of a customer, a service connection charge of $5.00 shall be assessed for the reconnection of or turning on water service on the application of said customer, or on the application of a new customer.

(b) If the water service is disconnected for nonpayment of bills as stated in sections 32-42 and 32-43, the water service shall not be reconnected until after the person responsible for the payment of the bill has paid the same in full including penalties, and has paid, in addition to the bill, a reconnection charge of $5.00 for each meter.

The vote was recorded as follows:

C. Dean	-	yea	B. Holt	-	yea
D. Flory	-	yea	H. Leap	-	yea
			R. Lough	-	yea

Mr. H. D. Flory moved, seconded by Mr. C. E. Dean to approve the Second Reading to appropriate $1224.00 to install a six inch sewer line from Fourth Street down the alley between Marshall and Spring. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
D. Flory	- yea	H. Leap	- abstain
		R. Lough	- yea

Mr. Holt, representative from this area for safety, had been in a meeting with Mr. Osborne of the State Highway Department and had discussed the possibilities of a traffic light at the intersection of Rockingham Street and Stuart Avenue. If two councilmen or the Mayor would make a request the State will conduct a survey.

The council adopted the following resolution:

> WHEREAS, vehicular and pedestrian traffic at the intersection of Rockingham Street and Stuart Avenue in the Town of Elkton is heavy and increasing, and
>
> WHEREAS, the level of this traffic causes great inconvenience and delay to all those crossing this intersection, and
>
> WHEREAS, automobile accidents have occured at this intersection,
>
> THEREFORE, the Town Council of the Town of Elkton does resolve that in the interests of safety, efficiency and convenience a traffic signal is required and petition the Virginia Department of Highways and Transportation to approve installation of said traffic light.

Mr. R. J. Lough suggested that the records be checked for accidents occurring at this intersection at the Post Office and this knowledge be made available to the State when making our request.

Mr. H. D. Flory invited anyone who was interested to attend a meeting Thursday, September 16, 1976 at 2:00 P.M. with the consulting firm regarding grant money.

Mr. Flory reported that there will be a meeting September 21, 1976 at 10:00 A.M. with an official from the F.H.A. regarding preliminary grant application money for the sewerage treatment plant. There will also be a public meeting at 7:30 P.M. on the 21st. on Cross Connections and Backflow.

Mr. Flory reported that he had talked with Dr. Miller about the land the town needs to purchase for the sewerage treatment plant. Dr. Miller agreed to sale the land if the town would agree to the following:

1. The town take an option of $100.00 until 1978 for two acres of land at $5,000.00 an acre.
2. A chain link fence be installed by the town around the sewerage treatment plant.
3. The town maintain the fence for the life of the project.
4. Dr. Miller be given a right-of-way to have access to his land.

Mr. H. D. Flory moved, seconded by Mr. R. J. Lough to execute an option to purchase from Dr. Miller two acres of land at $5,000.00 an acre for the sewerage treatment plant, said option to run until January 1, 1978 at a cost of $100.00 which will be applicable to the purchase price. The town will place a chain link fence around the sewerage treatment plant, the town will maintain the fence for the life of the project and give Dr. Miller the requested right-of-way. The vote was recorded as follows:

C. Dean	- yea	B. Holt	- yea
D. Flory	- yea	H. Leap	- yea
		R. Lough	- yea

Mr. R. J. Lough moved, seconded by Mr. H. D. Flory and carried to assume the responsibility of $74.90 of the Junior Order's electric bill which was used for the Fireman's Carnival.

The audit reports were given to the council.

Mr. R. J. Lough read the following letter from Mr. Holleran:

"I recommend that the following policy statement be included in the Personnel Management Program.

> Department Heads will not normally be entitled to overtime pay. However, in those cases where a Department Head considers that due to a critical work situation he is entitled to paid overtime, he will obtain written approval from the Mayor.

My reasoning is that your Department Heads occupy Executive positions and are expected by the very nature of the position they hold to be available twenty-four hours a day if necessary. In both Industry and Government it is standard policy not to pay Executives for overtime work. I consider this to be a sound management practice and I strongly recommend that the Town Council adopt this policy."

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to approve the Personnel Position Program and to add the policy statement as suggested in Mr. Holleran's letter. The vote was recorded as follows:

C. Dean	-	yea	B. Holt	-	yea
D. Flory	-	yea	H. Leap	-	yea
			R. Lough	-	yea

Mayor Lough ask council to reinstate the words which were deleted from the Personnel Program at the last meeting. He stated that when you deny the Mayor a voice in hiring you are overriding the charter.

Mr. Flory said he was willing to cooperate and suggested it be worded "in the event that the Mayor and council do not agree on hiring a Department Head or Police Officer, the council vote would supersede the Mayor's vote". Mr. Holt stated he would be willing to go along up to a point. It was agreed that the Mayor should have a voice but not veto power.

Mr. H. D. Flory moved to place the following wording in the Personnel Policy: "in the event the Mayor and Council do not agree on the hiring of a Police Officer or Department Head, the will of the council prevails".

There was a discussion regarding definition of the word council. Does it include the Mayor or mean just councilmen?

Mr. Wilson Gaynor was given permission to speak and he stated he didn't understand what was going on. It was explained that the Town Charter does say that the police force shall be under the control of the Mayor for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the town but it gives the power or authority to hire to the town council.

Mr. Flory recended his motion as no agreement could be reached.

Mr. H. W. Leap stated he felt the conflict was in the Personnel Manual not the Charter.

Mayor Lough suggested Mr. G. W. Berry be appointed to the vacancy on the Planning Commission.

Mr. H. D. Flory moved, seconded by Mr. H. W. Leap and carried to appoint Mr. G. W. Berry as a member of the Elkton Planning Commission.

Mrs. Leap reported that the town has received a bill from Rockingham County for $2000.00 for planning services during fiscal year 1975-76. The council has approved $3750.00 as the town's share. The remaining $1750.00 will be billed upon completion of the Comprehensive Plan during the current fiscal year.

Mrs. Leap presented a letter from the District Court stating there has been a new change in Virginia law directing all District Courts to pay their money to the Circuit Court Clerk. He will then disburse payment to all towns and the City of Harrisonburg. The Circuit Court Clerk is authorized to take 5% of the monies for this service.

Mr. Flory pointed out that the auditors have said for the past several years that there should be some form of audit or report given to the town's from the

court so they know what they are receiving and for what cases. The Mayor and Mrs. Leap were ask to look into this.

The Virginia Municipal League Convention will be September 12-14 in Richmond, Virginia.

Mr. R. J. Lough moved to adjourn.

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

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