REGULAR
COUNCIL MEETING
July 11, 1977

The regular meeting of the Elkton Town Council was held July 11, 1977 at 8:00 P.M. with the Mayor, Maurice W. Lough presiding. The following councilmen were present: Mr. R. R. Dean, Mr. H. D. Flory, Mr. B. B. Holt, Mr. H. W. Leap, and Mr. R. J. Lough. Mr. C. E. Dean was absent. Mr. Charles Hammer, Chief of Police, Mrs. Norma Leap, Clerk, Mr. Gerald Monger, Superintendent, and Mr. R. Bruce Wiles, Attorney were also present.

Mayor Lough opened the meeting with prayer.

As there were many present which were concerned with the Officer Helsley situation, Mr. B. B. Holt announced that an agreement had been reached between Officer Helsley, his attorney and council. Mr. Holt read the following statement which will be voted on by council in the business session.

> "The council is deeply concerned about some instances of Officer Helsley's performance of duty; however the council recognizes Officer Helsley's long service to the town and the instances when his performance has been excellent. Accordingly in conformance with the recommendation of the Public Safety Committee, the council has decided to continue Officer Helsley in his normal police officer duties as assigned by the Chief of Police."

Those present were still concerned as to whether Officer Helsley would receive fair treatment without harassment. Many wondered why the charges were brought against Officer Helsley and felt the council owed Officer Helsley and his family an apology. Council assured them that Officer Helsley would be treated the same as the other police officers.

Mr. R. B. Hutton presented signed petitions by residents, business people and interested persons of the town and surrounding area supporting Officer Helsley and requesting an apology and reinstatement to his position as policeman.

Mayor Lough ask council if anyone wished to make a motion regarding the citizens request for an apology to Officer Helsley and his family. As there was no response, Mayor Lough, speaking for himself, not council, apologized to Officer Helsley in the name of the Town of Elkton. He stated he felt Officer Helsley had been unjustly treated.

Council pointed out that they felt that as charges had been brought to the attention of the council, they had no other choice but to investigate. Mr. Randal Dean and Mr. Flory both agreed they had been wrong in not hearing Officer Helsley's side of the story. At that time they felt they were acting in the best interest of Officer Helsley. There was no intention of hurting Officer Helsley.

The following citizens spoke out against the police department, the way it is being run, the qualifications of those now in charge of this department, the Officer Helsley and Officer Cloonan situations, the bad publicity the town is receiving, statements in the paper which they felt were untrue, lack of communications within the town organization, and a desire for a State Police investigation of the entire police department; Mrs. Linda Life, Mrs. Shirley O"Bryne, Mr. and Mrs. Sam Gentry, Mr. and Mrs. R. B. Hutton, Mr. Carl Lee Smith, Mr. Wilson Gaynor, Mr. and Mrs. Larry Horne, Mr. H. L. Baugher and Mr. Ray Coverstone.

Mr. Hutton brought to council's attention that he felt the Police Department is being operated in a conflict of interest situation. He stated you have a Department Head hiring a member of his family. Mr. Wiles pointed out that anything involving a conflict of interest would be a matter for the Commonwealth Attorney. He also stated that $10,000.00 or less is not conflict of interest. Mr. Robert Lough reported that council hired Mrs. Hammer, not Chief Hammer. Mayor Lough said he would investigate the situation.

Mayor Lough stated that it is on record that he has begged council to let him be Mayor and assume his proper position regarding the police department and will not accept any responsibility for what goes on in the Police Department until council allows him this position.

The minutes of the Regular Meeting June 13, 1977 and the Special Meeting June 29, 1977 were approved as presented.

Mr. Holt reported that the flag raising ceremony on July fourth was quite successful thanks to the Garden Club, V.F.W. Auxiliary and Color Guard, Ruritans, Vice Mayor Flory and Ginny Miller of the Valley Banner.

Mr. Holt reported that they are trying to get a patrolman and dispatcher on the State on the job training program which will pay 25% of the salaries for five to six months. A new dispatcher has been hired in the Police Department.

Mr. Wayne Davis was present to see what progress has been made regarding additional space for the Fire Department.

Mr. Holt reported that the Public Safety Committee has met, are working on the problem and have some ideas they are checking out. Mr. Davis stated they wouldn't settle for anything less than room to store their equipment.

Mr. B. B. Holt moved, seconded by Mr. R. R. Dean to accept the following statement:

> "The council is deeply concerned about some instances of Officer Helsley's performance of duty; however the council recognizes Officer Helsley's long service to the town and the instances when his performance has been excellent. Accordingly in conformance with the recommendation of the Public Safety Committee, the council has decided to continue Officer Helsley in his normal police officer duties as assigned by the Chief of Police."

The vote was recorded as follows:

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

Mr. H. D. Flory reported that he has new purposed sewer rates which reflect a 45 to 47% increase.

Mr. Flory presented the First Reading to amend Section 32-29 to read as follows:

SECTION 32-29. RATES FOR SEWER SERVICE INSIDE & OUTSIDE THE TOWN

Meters shall be read and billed monthly.
The rates for sewer customers inside the town shall be as follows per month.

0 -	3,000 gallons	-	2.50 min.
0 -	5,000 "	@	.74 per thousand
0 -	10,000 "	@	.70 " "
0 -	20,000 "	@	.65 " "
0 -	30,000 "	@	.60 " "
0 -	40,000 "	@	.55 " "
0 -	50,000 "	@	.54 " "
0 -	60,000 "	@	.53 " "
0 -	70,000 "	@	.52 " "
0 -	80,000 "	@	.50 " "
0 -	90,000 "	@	.495 " "
0 -	100,000 "	@	.485 " "
0 -	150,000 "	@	.44 " "
0 -	200,000 "	@	.43 " "
0 -	250,000 "	@	.40 " "
0 -	300,000 "	@	.35 " "
0 -	350,000 "	@	.34 " "
0 -	400,000 "	@	.337 " "
0 -	450,000 "	@	.335 " "
0 -	500,000 "	@	.333 " "
0 -	550,000 "	@	.332 " "
0 -	600,000 "	@	.331 " "
0 -	650,000 "	@	.33 " "
0 -	700,000 "	@	.32 " "
0 -	750,000 "	@	.315 " "
0 -	800,000 "	@	.31 " "
0 -	850,000 "	@	.305 " "
0 -	900,000 "	@	.30 " "
0 -	950,000 "	@	.295 " "
0 -	1,000,000 "	@	.29 " "
Over	1,000,000	@	.285 " "

The rates for sewer customers outside the town shall be as follows per month.

All outside rates will be double the intown rates.

All bills are to be paid and are due by the 20th. of the following month.

Mr. Flory presented the First Reading to amend Section 32-37 to read as follows:

SECTION 32-27. CONNECTION CHARGES WITHIN THE TOWN

Before a connection to the town sewer system is made within the town, the applicant therefor shall pay to the town treasurer a connection fee of $500.00.

Before a connection to the town sewer system is made outside the town, the applicant therefor shall pay to the town treasurer a connection fee of $600.00.

Mr. Flory presented the First Reading to amend Section 32-10 to read as follows:

SECTION 32-10.

Before a connection to the water system is made within the town, the applicant therefor shall pay to the town treasurer a connection fee of $300.00. For a 3/4" connection.

Before a connection to the water system is made outside the town, the applicant therefor shall pay to the town treasurer a connection fee of $400.00 for a 3/4" connection.

This does not apply to existing houses in the annexed area of Liberty Heights and Hisey Heights if the connection is made when sewer is available by the Town of Elkton. At this time rates shall be:

$400.00 for sewer.
$200.00 for water.

The effective date of these changes will be July 1, 1977.

Mr. H. W. Leap reported that the fossil fuel charge for July will be $.01511 per kwh.

Mr. R. R. Dean moved, seconded by Mr. R. J. Lough to approve the Second Reading to amend Section 26-16, Item "c" of the Garbage Collection Ordinance to read as follows:

(c) Starting July 20, 1977 the following charge per month will be assessed for the collection and hauling of garbage, trash, etc.

Residences

A charge of $2.50 per month will be assessed each household.

Businesses

The businesses will be divided into three (3) catagories and charged as follows:

$5.00 small businesses generally having no more than 2 containers per week.

$10.00 medium businesses generally having more than 2 containers per week but requiring no more than 5 minutes per pick up.

$25.00 larger business generally requiring more than 5 minutes per pick up.

The vote was recorded as follows:

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

On motion of Randal R. Dean and seconded by Bill B. Holt, the following ordinance was adopted by a majority of all the members of the Elkton Town Council by roll call vote, ayes and nays being recorded as follows: Ayes - Mr. Randal R. Dean, Mr. H. Ditman Flory, Mr. Bill B. Holt, Mr. Henry W. Leap and Mr. Robert J. Lough.

BE IT ORDAINED by the Town Council of the Town of Elkton, Virginia, that on application of Welby C. Showalter, attorney for Anne L. Sigafoose, Stephen W. Sigafoose and Donna W. Sigafoose, and upon notice given as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, proof of which notice is attached to this ordinance, the hereinafter described portion of the plat of The Elkton Improvement Company, located in Elkton, Virginia, which plat is recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book No. 75, at page 602, be and the same is hereby vacated pursuant to Section 15.1-482, Subsection (b), of the Code of Virginia, 1950, as amended.

The part of the plat to be vacated is as follows:

Those particular portions or strips of land in the Town of Elkton, Virginia, being those particular portions of 4th. Street between the intersection of 4th. and O Streets and the Chesapeake Western Railway, as follows:

(a) Parcel "A" adjoining the lands of Anne L. Sigafoose on the west;

(b) Parcel "C" adjoining the lands of B. L. Worden on the east.

Parcel "B" is to be retained by the Town of Elkton for purposes of extending utility lines or for any other purpose which the Town of Elkton deems feasible.

A plat of the portions of The Elkton Improvement Company vacated by this ordinance, including the 20 foot strip designated as Parcel "B" retained by the Town of Elkton, is attached hereto and made a part hereof.

The Clerk of the Town Council of the Town of Elkton is hereby directed to deliver a copy of this ordinance signed by the Mayor and attested by the Clerk to the Clerk of the Circuit Court of Rockingham County, Virginia, for recordation.

The foregoing ordinance was adopted by the Town Council of the Town of Elkton on July 11, 1977.

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to approve the Finance Report for June. The vote was recorded as follows:

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

Mr. Robert Lough reported on a letter from Myers Ford asking that the town pay $55.00 interest expense on the new truck for the electric department. The truck arrived in April but the town didn't take it until July 1st. due to the fact that we had not received our Revenue Sharing money.

Mr. R. J. Lough moved, seconded by Mr. H. D. Flory that the town not pay the $55.00 request from Myers Ford. The vote was recorded as follows:

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

Mr. Robert Lough reported that he felt there was some confusion about the money allowed for salary increases. He recommended that the Step procedure not be used in all cases but leave the decision of percentage of increase to the department heads.

Mayor Lough ask Mr. Wiles to interpret the Personnel Manual's Performance Rating System. His questions were, (1) Who rates the Department Heads and who reviews the rating and (2) Who reviews the employee's ratings by the Department Heads?

Mr. Wiles stated that according to the Organizational Chart in the Personnel Manual the Department Heads would be rated by the Mayor and reviewed by the Council. The Mayor would act as reviewer in the case of the other employees.

Council ask the Personnel Committee to check with the Personnel Consultant regarding not following the pay scale.

Council discussed whether to accept Officer Cloonan's resignation or to discharge him. Mr. Wiles felt it would not be wise to discharge Officer Cloonan before his appearance in court.

Mr. R. J. Lough moved to discharge Officer Cloonan for conduct unbecoming a police officer. After further discussion, Mr. Lough withdrew his motion.

Mr. B. B. Holt moved, seconded by Mr. R. R. Dean to accept the resignation of Officer Cloonan effective June 28, 1977. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
D. Flory	- yea	H. Leap	- yea
		R. Lough	- nay, for reason Mr. Lough would rather see him discharged.

Mr. Wiles presented the following annual report:

Annual Report of Town Attorney -- Elkton, Virginia

For the Fiscal Year Ending June 30, 1977

I. Litigation Completed:

Annexation suit against Rockingham County--order granting annexation effective December 31, 1976, 12:00 p.m.

II. Litigation Pending:

None

III. Contracts Prepared or Reviewed by Town Attorney:

Contract with The Michie Company for revision of Elkton Town Code

Legal Services Agreement with U. S. Department of Agriculture, Farmers Home Administration with regard to loan for sewer treatment plant

Amendments to Engineering Contract with Arthur Beard and Associates for complaince with requirements of Environmental Protection Agency

IV. Ordinances Prepared by Town Attorney:

Subdivision Ordinance

Amendment to Zoning Ordinance to extend A-1 classification to annexed area

Ordinance to Provide for the Disposition of Unclaimed Bicycles

Ordinance Restricting the Keeping of Inoperative Vehicles on Residential or Commercial Property and Providing for the Removal of Such Vehicles

Ordinance for the Adoption by Reference of State Law Provisions Regulating Motor Vehicles and Traffic

Ordinance for the Regulation of Sewer Main Construction

Ordinance for the Regulation of Water Main Construction

Ordinance to Amend Section 32-40 of the Code of the Town of Elkton, Virginia: Reconnection of Water and Sewer Service

V. Miscellaneous:

Prepare petition for the appointment of Harold Leet to Board of Zoning Appeals

Assist in making application for Community Development Block Grant

Various formal and informal opinions

Review resolution granting permission to Bauce Cable Associated for transfer of cable TV franchise to Commonwealth Cablevision Corp. and extending time for completion

VI. Matters Pending:

Review Ordinance vacating portion of Fourth Street

Acquisition of land for sewer treatment plant expansion

VEPCO electric service contract

Revision to Elkton Town Charter

Mayor Lough reported on a letter from the U. S. Department of Agriculture regarding loans or grants for communities suffering from drought.

Mayor Lough named the following committee to come up with suggestions for a town flag:

Mrs. Hilda Black, Chairman
Mr. Wilson Gaynor
Mrs. Gerrie Brown
Mrs. Virginia Gentry
Mrs. Linda Stephens

Mr. R. J. Lough moved, seconded by Mr. R. R. Dean to place a float in the Field Day Parade in an amount not to exceed $150.00. The vote was recorded as follows:

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

Mr. R. J. Lough moved, seconded by Mr. B. B. Holt to grant the Shenandoah Soil and Water Conservation Service $100.00 for the fiscal year. The vote was recorded as follows:

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

Mr. Holt reported that it seems the Bicentennial Committee still have a couple thousand dollars in their account. Mayor Lough said he has ask Mr. Longley to make a report to the town. Mr. Leap said it was his understanding the money was to be used for signs.

As there was no further business, Mr. B. B. Holt moved, seconded by Mr. R. R. Dean to adjourn.

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

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