REGULAR
COUNCIL MEETING
November 12, 1979

The regular meeting of the Elkton Town Council was held November 12, 1979 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. R. Dean, S. P. H. Flick, H. D. Flory, B. B. Holt, L. C. Life and C. A. Schumacher. Charles Lawhorne, Chief of Police, Norma Leap, Clerk, Gerald Monger, Superintendent and Bruce Wiles, Attorney were also present.

The meeting was opened with the pledge to the flag.

Councilwoman L. C. Life moved, seconded by Councilman R. R. Dean and carried to approve the minutes of the regular meeting October 8, 1979.

Councilman Holt reported that awhile back he had reported on State funds which will be distributed to law enforcement systems in the State. They feel the formula for distribution is not fair to the towns. Councilman Holt and Chief Lawhorne have made a short presentation stating our feelings to the Criminal Justice Advisory Committee through the Planning District Commission and as a result will prepare a resolution going out of CJAC, then to the Planning District Commission and if all goes well then on to the State Department of Justice and also to the appropriate State Legislators to make the correction so that funds can be distributed to the towns on the basis of need rather than population. They are planning to appear before the Virginia Municipal League Legislative Committee sometime in December to make a presentation to them and solicit their backing.

AAD025

Councilman Holt reported that copies of the proposed Comprehensive Plan have been distributed to the council and they have had the opportunity to look at them. The Planning Commission Chairman could not be at this meeting and asked Councilman Holt to present the plan. Councilman Holt ask if council members had any questions or recommendations. He pointed out that the plan was so constructed to leave latitude so changes can be made by the town. It was prepared so that the plan can be flexible enough to give guidance but at the same time not restrict them from what they feel is best for the town. He pointed out that the plan is for guidance only, the Zoning Ordinance is still the ultimate authority and takes precedence over the Comprehensive Plan. If council acts on the plan tonight it will go to the County Planning Commission and then on to the Board of Supervisors.

Councilwoman Life asked if this would require one or two votes and was told it would require only one vote. Councilman Schumacher suggested waiting awhile until Coor's makes their decision but Councilman Holt pointed out that action must be taken within 90 days after the Public Hearing and tonight would be the deadline. If action isn't taken tonight, the whole procedure will have to be started again. Several council members felt they did not fully comprehend the plan and would rather have had more time to study it.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to approve and adopt the proposed Comprehensive Plan. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- nay	C. Schumacher	- yea

Councilman Flory reported that we received five bids on the wastewater treatment plant and the low bidder was Aaron J. Conner General Contractor Inc. of P. O. Box 6068, Roanoke, Virginia.

Councilman H. D. Flory moved, seconded by Councilman B. B. Holt to approve the following resolution:

RESOLUTION

WHEREAS, the Elkton Town Council advertised and accepted separate sealed bids for the construction of a 400,000 gallon per day concrete extended aeration plant, with control building and appurtenant piping, roads, and plant site work, and

WHEREAS, a bid opening was held Wednesday, October 31, 1979 at 2:00 P.M. and

WHEREAS, the Town of Elkton received five bids on the above project

BE IT RESOLVED that the Elkton Town Council hereby tenatively awards the contract on the wastewater treatment plant to the low bidder, Aaron J. Conner General Contractor Inc., Post Office Box 6068, Roanoke, Virginia 24017, the bid amount being $1,155,269.00, provided they meet the requirements of the Town of Elkton, EPA, Arthur Beard Engineers and Farmer's Home Administration.

The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- yea	C. Schumacher	- yea

Councilman Flory reported he does not have any further information at this point on bonds or funds from FmHA. He has talked with Arthur Beard on this and feels they will be working on the problem and get something going.

Councilman Schumacher reported that his committee has met and discussed some routine matters. He reported that Mr. Monger has hired Bill Comer as Town Electrician on a probationary period. Everything seems to be going along pretty well. The town employees were commended on the excellent job they did during the recent storm.

Councilman Flick stated he had nothing to report as the Maintenance Department has been too busy with other things. He had checked into the possibility of repairing a sidewalk without digging up the whole thing and is on the track of something but has not received any literature as yet.

Councilman Holt asked what the status is on the town signs. Mr. Monger reported he has not taken down the old ones yet due to pressure of other work.

Councilwoman Life reported that she has located someone that might be interested in bidding on sidewalks in the Spring and has some other names which they might contact.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to approve on Second Reading the following ordinance establishing procedures for the issuance of permits to retail merchants for conducting special "Going Out of Business" sales:

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE ISSUANCE OF PERMITS TO RETAIL MERCHANTS FOR CONDUCTING SPECIAL "GOING OUT OF BUSINESS" SALES

WHEREAS, Section 18.2-224 of the Code of Virginia, 1950, as amended, requires every county, town and city to issue permits to retail merchants who have made application to conduct special "going out of business" sales, and to inspect the advertisement and conducting of such sale to insure that it is being advertised and conducted in conformity with the required permit; and

WHEREAS, said Section 18.2-224 authorizes each county, town and city to charge a fee for the issuance of such special sale permit not to exceed fifteen dollars for each permit;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, that the Code of the Town of Elkton, Virginia, be, and the same hereby is, amended to add the following section to Chapter 15:

Sec. 15- . Issuance of permits for special "going out of business' sales.

The Treasurer of the Town of Elkton, in accordance with the provisions of Section 18.2-224 of the Code of

had not moved to Elkton in twenty months and would like for him to answer to the citizens. Chief Lawhorne stated he had not been able to find a place. Councilwoman Life read from an article in the Valley Banner dated March 16, 1978 in which Councilman Holt was quoted as saying that "Chief Lawhorne is currently in the process of finding a buyer for his present Waynesboro house. He plans to move to the Elkton area soon. Living far from the town is not desireable and it is not acceptable". Councilman Holt said he felt this would be important if Councilwoman Life could show any instance when the Chief did a less than satisfactory job simply because he did not live in the Town of Elkton. Councilwoman Life asked how many officers do we have living in town now. Councilman Holt asked what difference it makes if the Chief lives in town or not. Councilwoman Life stated that if it were so desirable in March of 1978, why isn't it desirable now. Councilman Holt stated he could not and this council could not asked a man to make a significant financial sacrifice. He stated he knew that the Chief has been actively trying to find a place to live in the Elkton area and it is not the easiest thing in the world. Councilman Flory stated he felt the Chief is doing a fine job and until he shows ineptness to this community and this council, if he can fly a jet in from New York and get the job done it was fine with him. Councilwoman Life stated she has not questioned the Chief's ability; what she was doing is relaying complaints and questions she has received.

Councilwoman L. C. Life moved, seconded by Councilman H. D. Flory and carried to go into Executive Session to discuss complaints made pertaining to the performance of certain police officers.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to go from Executive Session back into Regular Session. The vote was recorded as follows:

R. Dean	- yea	L. Life	- yea
S. Flick	- yea	C. Schumacher	- yea
B. Holt	- yea		

Councilman Dean presented the finance report for October 1979 and it was approved as presented.

Councilman Dean reported he had talked with Mr. Donnie Davis regarding the painting of the fire hall. They were in agreement with just painting the walls and leaving the ceiling until it can be lowered, but they were anxious to know when the town will be able to lower the ceiling. Councilman Dean suggested possibly considering it next year in the budget as nothing is set up in this years budget except the money appropriated for repairs to town property. It was suggested that we try to get the low bidder on painting the fire hall to contract the job on time and materials.

Councilman R. R. Dean moved, seconded by Councilman B. B. Holt to hire Billy Hilbert, the low bidder, to paint the walls of the fire hall, not to exceed $1,250.00, including the paint. The vote was recorded as follows:

R. Dean	- yea	L. Life	- yea
S. Flick	- yea	C. Schumacher	- yea
B. Holt	- yea		

Councilman Dean reported that the shelves for the library have been started and should be in in about two weeks.

Councilman Dean presented the following bids on insurance for the town:

R. Loring Cover Insurance Agency Inc.	$10,451.00
Hensley's Insurance Agency	$10,648.00

Councilman S. P. H. Flick moved, seconded by Councilman B. B. Holt to accept the low bid of $10,451.00 from R. Loring Cover Insurance Agency Inc. for insurance. The vote was recorded as follows:

R. Dean	- yea	L. Life	- yea
S. Flick	- yea	C. Schumacher	- yea
B. Holt	- yea		

There will be a Purposed Use Hearing on the revenue sharing monies in the amount of $17,520.00 for Entitlement Period 11 in the council chambers November 27, 1979 at 7:30 P.M. Entitlement Period 11 covers October 1, 1979 through

had not moved to Elkton in twenty months and would like for him to answer to the citizens. Chief Lawhorne stated he had not been able to find a place. Councilwoman Life read from an article in the Valley Banner dated March 16, 1978 in which Councilman Holt was quoted as saying that "Chief Lawhorne is currently in the process of finding a buyer for his present Waynesboro house. He plans to move to the Elkton area soon. Living far from the town is not desireable and it is not acceptable". Councilman Holt said he felt this would be important if Councilwoman Life could show any instance when the Chief did a less than satisfactory job simply because he did not live in the Town of Elkton. Councilwoman Life asked how many officers do we have living in town now. Councilman Holt asked what difference it makes if the Chief lives in town or not. Councilwoman Life stated that if it were so desirable in March of 1978, why isn't it desirable now. Councilman Holt stated he could not and this council could not asked a man to make a significant financial sacrifice. He stated he knew that the Chief has been actively trying to find a place to live in the Elkton area and it is not the easiest thing in the world. Councilman Flory stated he felt the Chief is doing a fine job and until he shows ineptness to this community and this council, if he can fly a jet in from New York and get the job done it was fine with him. Councilwoman Life stated she has not questioned the Chief's ability; what she was doing is relaying complaints and questions she has received.

Councilwoman L. C. Life moved, seconded by Councilman H. D. Flory and carried to go into Executive Session to discuss complaints made pertaining to the performance of certain police officers.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt to go from Executive Session back into Regular Session. The vote was recorded as follows:

R. Dean	- yea	L. Life	- yea
S. Flick	- yea	C. Schumacher	- yea
B. Holt	- yea		

Councilman Dean presented the finance report for October 1979 and it was approved as presented.

Councilman Dean reported he had talked with Mr. Donnie Davis regarding the painting of the fire hall. They were in agreement with just painting the walls and leaving the ceiling until it can be lowered, but they were anxious to know when the town will be able to lower the ceiling. Councilman Dean suggested possibly considering it next year in the budget as nothing is set up in this years budget except the money appropriated for repairs to town property. It was suggested that we try to get the low bidder on painting the fire hall to contract the job on time and materials.

Councilman R. R. Dean moved, seconded by Councilman B. B. Holt to hire Billy Hilbert, the low bidder, to paint the walls of the fire hall, not to exceed $1,250.00, including the paint. The vote was recorded as follows:

R. Dean	- yea	L. Life	- yea
S. Flick	- yea	C. Schumacher	- yea
B. Holt	- yea		

Councilman Dean reported that the shelves for the library have been started and should be in in about two weeks.

Councilman Dean presented the following bids on insurance for the town:

R. Loring Cover Insurance Agency Inc.	$10,451.00
Hensley's Insurance Agency	$10,648.00

Councilman S. P. H. Flick moved, seconded by Councilman B. B. Holt to accept the low bid of $10,451.00 from R. Loring Cover Insurance Agency Inc. for insurance. The vote was recorded as follows:

R. Dean	- yea	L. Life	- yea
S. Flick	- yea	C. Schumacher	- yea
B. Holt	- yea		

There will be a Purposed Use Hearing on the revenue sharing monies in the amount of $17,520.00 for Entitlement Period 11 in the council chambers November 27, 1979 at 7:30 P.M. Entitlement Period 11 covers October 1, 1979 through

September 30, 1980.

Mrs. Leap reported that the town Christmas party will be held at the Bethel Church, December 6th. at 6:30 P.M.

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

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

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

AAD025