PUBLIC HEARING
May 13, 1980

A joint Public Hearing was held Tuesday, May 13, 1980 at 7:00 P.M. in the Council Chambers by the Elkton Planning Commission and the Elkton Town Council.

Mayor Charles Dean presided over the meeting.

The Mayor stated that the purpose of the meeting was to allow the public to express their views on the proposed amendment to Section A-2 Residence Districts of the Town Zoning Ordinance to permit "Homes for Adults".

Ruth Pritchett stated that they would like to know if the area is rezoned what will be allowed.

Councilman Holt, the council's member on the Planning Commission, was asked to explain to Miss Pritchett what a "Home for Adults" is. Mr. Holt explained that a "Home for Adults" is a relatively new concept and was created to fill a blank space in the levels of care. It is to take care of people who may not have any place else to go, who need some sort of care, but do not need the level of care you find in a nursing home. The State of Virginia considers a "Home for Adults" as a viable and considerably less expensive alternative to a nursing home. If a person is not ambulatory, they cannot be put into a "Home for Adults".

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Councilman Holt further explained that in regards to the proposed ordinance, there were a large number of questions in the Planning Commission. There were objections to the concept of having "Homes for Adults" in residential areas or in town unless they were sure that they were well selected and properly supervised. "Homes for Adults" are licensed by the State Welfare Department and before they are licensed they are throughly inspected to see that they meet the requirements for fire protection, the quality and quantity of foods, hygenic situations in the building, amount of space in the building, etc. The Welfare Department inspects approximately twice a year to see if the homes are continuing to meet the standards set and if not, the regional official has the authority to close the operation down immediately.

The Planning Commission was concerned about whether or not these homes might be properly supervised so the commission felt most strongly that if the zoning ordinance was to be modified to permit "Homes for Adults" in A-2 Residential then there must be a separate ordinance requiring that each application for "Homes for Adults" be approved by the council. There would be no such thing as a person automatically being able to establish a "Home for Adults" in Elkton without specific approval of the council. Councilman Holt read the proposed ordinance. Councilman Holt stated he did want to clear up any apprehension some people might have regarding the Old Truck Stop on Route 340. That is not a licensed "Home for Adults". The Welfare Department had worked with those people trying to set up the operation, but they could not meet the requirements.

Mr. Harry M. Reid, Jr. of 610 W. Spotswood Trail asked if there would be mental patients or anything like this put in this home.

Councilman Holt pointed out that this public hearing is not for the purpose of discussing any particular application but is to discuss an amendment to the zoning ordinance which would permit "Homes for Adults" in certain areas in town. In answer to Mr. Reid's question, however, Councilman Holt stated that so far as mental patients per se are concerned, he would say no, but so far as people who have been in Western State is concerned, yes, that is quite possible. In fact the existing "Home for Adults" in this town has people who have been in Western State. The concept on this is that about three or four years ago the people of Western State estimated that between 25% to a third of the people in Western State were there not because they needed that sort of care but because they had no place else to go. The move the State is trying to make is to deinstitutionalize these people who did not need psychiatric care nor restraint but have no place else to go. So there may be people who have been in Western State but they are not released unless it is felt it is safe to let them go out.

Miss Ruth Pritchett of 529 W. Spotswood Trail pointed out that she lives alone and she has never objected to the nursing home as a nursing home, but if they are going to bring mental patients in, she is concerned and there are others in the area concerned also. Mrs. Juanita Stanley of 634 Gibbons Avenue expressed the same concern regarding mental patients as did Mr. Harry M. Reid, Jr.

Councilman Flick stated he felt council was not competent to pass on people's mental qualifications. Western State is going to say if they are fit to be turned loose or not. It is not Council's decision.

Mrs. Freda Tschiniak, the person who has made the request for a "Home for Adults", stated that the request she made was for a home for citizens of this specific town or having families in this town that have their elderly people that would like to remain in this town rather than go to maybe an institution outside the town, a nursing home, if it is not needed. She stated that she has never made a petition to take anyone from Western State as this has not been her burden and is not her intention. Her burden has been for the elderly here in Elkton and has been for the past two years.

Geneva Baugher of 111 Virginia Avenue stated that her aunt was a guest at Mrs. Tschiniak's for over a year. She is now in Camelot as she requires more care. Mrs. Baugher stated she visited in this home probably as often as anyone in this town and Mrs. Tschiniak runs a fine home. She couldn't have asked for her aunt, mother or anyone to have been in a finer place. Mrs. Baugher sees a great need for this and would like to go on record as being in favor of Mrs. Tschiniaks request.

Miss Pritchett stated that Mrs. Tschiniak had come to her and told her she had heard Miss Pritchett was against her request and Miss Pritchett had told her that as a nursing home she was not. Miss Pritchett had heard that Mrs. Tschiniak plans to take welfare patients and those from Western State and this she is opposed to. Miss Pritchett stated she has visited Mrs. Tschiniaks home often and cannot think of a better place where these people can get better care. The thing she is afraid of is if the welfare recommends mental patients she will be required to take them. Mayor Dean stated Mrs. Tschiniak would not be required to take anyone she does not wish to take.

Mr. Vernon Shifflett of 336 E. Rockingham Street stated that he lives across from Mrs. Tschiniaks present home and he is proud to have them as neighbors. He has been in her home on several occasions and those adult people are really loved and cared for. He went on record as supporting Mrs. Tschiniak in her request.

Councilman Holt again stressed that the purpose of this meeting is merely to consider the amendment to the zoning ordinance not Mrs. Tschiniak's request. What the council is to decide is are they going to allow "Homes for Adults" in the A-2 District. If they choose to do so then each specific request will be considered individually and adjoining property owners in the area affected will be notified by certified mail, as well as the general public through the papers, and given the opportunity to state their views at a hearing.

Mr. B. W. Gooden stated that the Planning Commission had discussed the council having the right to refuse the relicensing of any "Home for Adults" if they proved to be undesirable.

Councilman Holt stated that he had asked Mr. Wiles about this and this is a one time permit, however, the business license modifications that the town has does make provisions for an annual business license.

Mr. Wiles felt the town would not have the right to inspect these homes but the State does require license which are renewable annually and makes periodic inspections of these homes.

Mr. Holt stated that he talked with the Welfare Department and it is his understanding they inspect twice a year. He also asked if the town had some problems, some complaints or apprehensions about the way the homes were being conducted, what could we do and they said all we would have to do is complain to the regional man in Verona. They would make a quick inspection to see if things are being done as they should and if not, he has the right to close the home down immediately.

Mr. Gooden stated he feels the town should have the right to close the home down or not renew their business license at the end of each year. The homes could change management and not be operating correctly.

Mr. Wiles reported that the town could not arbitrarily refuse to renew a Business License just because they did not like the way it was being operated, and as far as supervision, he felt the State was more qualified to do this.

Councilman Holt stated that he felt the State people are capable of doing a pretty decent job along the lines of supervision but that if we felt they were not and got no response from the Regional Office, we could go on to the State Office and higher if necessary.

Joey O'Byrne asked why the council finds it necessary to set up such an organization within the town limits.

Mayor Dean stated that there has been a request to set up a "Home for Adults" and council has to consider it.

Mr. O'Byrne further questioned the fact that the council could not guarantee any qualifications on the mental status of the persons who will be in the home and Mayor Dean stated council could not, only that they will be approved by the Welfare Department. Mr. O'Byrne said he could see why the people would be alarmed if they cannot be guaranteed what kind of people will be in this home.

Councilman Flory asked that if under the new Comprehensive Plan are "Homes for Adults" allowed in A-2 and Councilman Holt said that this is not considered under the Comprehensive Plan. The plan does not go into such detail and this is why the town is in the process of revising the Zoning Ordinance to implement the Comprehensive Plan and set up such detail as this.

Councilman Flory further questioned that if Mrs. Tschiniak is granted a permit to operate a "Home for Adults" in A-2 as this is a Special Use Permit, the town should have the authority, if they set a time limit on the permit (possibly two years) to renew or deny the permit after the time limit is up. He further stated he did not like authority delegated by the State.

Mr. Wiles stated he felt that the answer would be no to this second question. He further stated that the other side of this would be that the operation of the home would go to a lot of expense and would not be inclined to do this if they are limited to a permit for only a year or two.

Councilman Flory stated he felt Mrs. Tschiniak runs a fine operation at present on Rockingham Street and if she runs the same type operation at the new location the town would have no problem, but his question still is who has authority and can't see that if this council has authority to issue a special use permit that they wouldn't have some kind of control.

Mr. Wiles stated that the town certainly has the authority to pose conditions on any use permit that it issues and if those conditions are violated then the special use permit is terminated. But this would be something of a permanent nature. But when you get close to the area where you are trying to impose a condition that conflicts or overlaps with what the State Inspector or Welfare Department is doing then you have another problem. The consensus is that the town can establish some conditions and the person would have to agree to these conditions before a special use permit was granted.

Miss Pritchett, Mrs. Stanley and Mr. Reid all agreed that the neighbors and people living in that area would be glad to have a nursing home if Mrs. Tschiniak has the same type of people that she has in her home on Rockingham Street.

Councilman Flory suggested that since these are the people concerned that someone in that area should be selected by their group as a delegate who has the ability to be able to discuss with council what they feel is fair for mandates, and what Mrs. Tschiniak feels is fair for mandates. Then if the mandates are not adhered to, there should be some method of recourse.

Councilman Holt asked if these mandates would have to be reasonably consistent or could they vary from one applicant to the other. Also, would the proposed ordinance have to be modified to include these mandates.

Mr. Wiles stated that the conditions could vary from one applicant to the other and the ordinance would not need modification.

Mayor Dean declared the public hearing adjourned.

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

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

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