SPECIAL
COUNCIL MEETING
May 27, 1980

A special meeting of the Elkton Town Council was held May 27, 1980 at 7:30 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.

Councilman Holt presented a Deed of Easement between ShenElk and the Town of Elkton. What the town will be doing upon signing this document is accepting the water and sewer lines which are completed at ShenElk Plaza into the town's systems and accepting the necessary easements which are needed for utilities. Mr. Monger pointed out that it is spelled out in this deed that the developer will be responsible, according to the construction standards, for the maintenance of these lines for a period of one year after this is accepted. Mr. Wiles pointed out that what we are doing when we sign this document is essentially that ShenElk is granting all the easements the town has required and the town is accepting into their system the sewer lines which are all completed and the water lines that are completed at this time.

AAD025

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life that council direct the Mayor to execute this document on behalf of the town. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- not present at this time	C. Schumacher	- yea

Councilman R. R. Dean presented the First Reading on the budget for 1980-81.

BUDGET
1980 - 1981

EXPECTED REVENUE

Taxes, including penalty and interest	$ 42,000.
License - Business and Car	30,500.
Electric Charges and Penalty	640,000.
Water and Sewer Charges	101,350.
Refuse Collection	27,000.
Fines and Cost	14,000.
Water and Sewer Connections	4,000.
Telephone Utility Tax	16,000.
Street Light Rental	4,100.
Highway Upkeep Grant	56,760.
Sales Tax	15,000.
Va. A. B. C. Board	6,500.
Gasoline Tax Refund	1,200.
Miscellaneous	5,000.
Vepco Utility Tax	250.
Rolling Stock Tax	75.
T. V. Franchise	750.
Brush Grinding	1,000.
Sewer Clean-Out	720.
Teletype Operations	1,008.
Utilities Used by Sewer Plant	8,575.
	$975,788.
Less Debt Retirement	11,000.
Less Interest on Interim Financing	11,500.
	$953,288.

EXPECTED DISBURSEMENTS

General Government	$ 85,777.
Electric Department	568,624.
Water Department	34,069.

Sewer Department	65,079.
Garbage Department	28,945.
Street Department	56,760.
Public Safety	113,322.
	$952,576.

Mrs. Leap reported on a letter from FmHA giving a summary of current status of costs and funding on the town's wastewater sewer project. There has been several meetings with FmHA and we now have the figures down from over $100,000.00 to $13,389.00 possible additional funds needed by the town. FmHA is requesting a letter from the town as soon as possible stating the following:

1. That the Town will be able to provide the additional $13,289., if required, in addition to the $19,000. already set aside. (Mrs. Leap pointed out that $11,500. of this is already set up in the new budget.)

2. That the Town is planning to pay interest cost of $15,000. for the first two years of the loan out of revenues from the system.

3. That it is understood that the Town would also need to pay the additional $8,490. if for any reason EPA does not provide its share of the increased cost of the sludge truck.

Councilman B. B. Holt moved, seconded by Councilman R. R. Dean that council direct the Mayor to have a proper letter prepared embodying the stipulations as set forth in the letter from FmHA and further direct the Mayor to sign the letter unless, between now and the time he signs the letter, he runs into some consideration that makes him feel it is inadvisable to sign it. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- not present at this time	C. Schumacher	- yea

Councilman Holt stated that Mr. Wiles feels that a potential for litigation involving the town has arisen and he needs to brief the council members and discuss with them that potential for litigation.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to go into Executive Session for consultation with the town attorney on matters pertaining to potential litigation. The vote was recorded as follows:

R. Dean	- yea	B. Holt	- yea
S. Flick	- yea	L. Life	- yea
D. Flory	- not present at this time	C. Schumacher	- yea

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried to go from Executive Session back into Regular Session.

Councilman Holt reported that in response to some of the comments which were made at the public hearing and council meeting the town attorney has been trying to work out some phraseology in regards to the town exercising some control over "Homes for Adults". Councilman Holt presented the following First Reading on the modification of the original amendment to A-2 Residence Districts directed toward that objective:

AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF THE TOWN OF ELTKON,
VIRGINIA, TO PERMIT "HOMES FOR
ADULTS" IN A-2 RESIDENCE DISTRICTS

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT THE ZONING ORDINANCE OF THE TOWN OF ELKTON BE, AND THE SAME IS HEREBY AMENDED BY ADDING THE FOLLOWING SUBPARAGRAPH TO SECTION 5: "A-2 RESIDENCE DISTRICT USES":

(6) "Homes for Adults" with a specail permit obtained from the town council. "Homes for Adults" means any place, establishment, or institution, public or private, licensed

by the State Department of Welfare, including any day-care center for adults, operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled, except (a) a facility or portion of a facility licensed by the State Board of Health or the State Hospital Board, but including any portion of such facility not so licensed, and (b) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage. If the town council shall find that the use for which a special permit is sought will not (1) adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, (2) will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and (3) will be in harmony with the general intent and purposes of the Elkton Comprehensive Plan and the Zoning Ordinance of the Town of Elkton, with other permitted uses in this district, and with good zoning practices generally, it shall issue the special permit, provided that all other provisions of law and ordinance shall have been complied with. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this Ordinance, and shall be revocable on the order of the town council at any time on the failure of the owner or operator of the use covered by the permit to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions stipulated in the permit. The town council shall revoke a permit only after ten days advance written notification of intent to revoke the permit, affording the owner or operator of the use covered by the permit an opportunity to be heard before any action revoking such permit is taken. Applications for a special permit for "Homes for Adults" shall be in writing and accompanied by a fee of $25.00. No such permit will be granted until a hearing has been held at which persons affected may appear and state their views. Notice of such hearing shall be given by the town council by publication one time in a newspaper having general circulation in the town, not less than six days and not more than twenty-one days prior to the hearing, and by mailing of such notice by certified mail to each adjoining landowner.

Councilman Holt stated that our attorney advises council that it is the wisest course of action for council to take some kind of action in this area in order to give the town some control over "Homes for Adults". Mr. Wiles also has suggested that two conditions might be appropriate for each application. One, that if the license were to be revoked or not renewed by the State then the council would have the power to revoke its' own permit and two, if the operator fails to remove from the home any resident who becomes disturbed or unmanageable to the extent there is immediate danger to that residence or others, then the council could revoke the permit. There could be other conditions, but these two were felt to be important. The Town Attorney feels that this is a significant enough modification of the amendment which was read at the last meeting to require a second reading. Councilman Holt further commented that council was discussing only the ordinance modification, not talking about any specific application before council. If the ordinance is eventually passed, any specific application would be considered by the council and would be considered only after a public hearing on that particular application.

Mayor Dean stated he would like to take an informal vote on the new proposed amendment so those present would know how members of council will be voting unless something comes up to change their minds.

Councilman Flory asked if there would be anything wrong in injecting into the amendment that any reissuance of a permit by council would require another public hearing. Councilman Holt replied that there is no such thing as a reissuance of a permit after a certain period; once the permit is granted, it is granted until it is revoked. Councilman Flory stated what he was trying to say is, can the town issue a permit for two years, have another public hearing and if everything has been satisfactory, issue another permit which would be permanent. Mr. Wiles replied that these permits go with the land. They are for use of this particular property. They are not for an individual. If there is a condition council is concerned with and they can relate it to these purposes, it can be put in the permit, but he knew of no way you could simply provide that every two years, on call, you can reconsider a permit unless you have cause on the conditions.

AAD025

Mayor Dean asked for the informal vote and it was recorded as follows:

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

Council will have the Second Reading on this amendment June 9, 1980.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to go into Executive Session to discuss personnel.

Councilwoman L. C. Life moved, seconded by Councilman B. B. Holt and carried to go from Executive Session back into Regular Session.

As there was no further business, Councilwoman Life moved to adjourn.

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

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