REGULAR
COUNCIL MEETING
December 21, 1987

The regular meeting of the Elkton Town Council was held December 21, 1987 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, B. B. Holt, H. W. Leap, H. A. Leet and L. C. Life. R. L. Snow was absent. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Mr. Ishmal Baugher, Chairman of the Planning Commission, thanked council for giving him the opportunity to take the Certified Planner's Course offered by Virginia Tech.

Councilwoman L. C. Life moved, seconded by Councilman H. A. Leet and carried to approve the minutes of the Regular Meeting November 16, 1987.

Mr. Monger presented a letter from Randall R. Dean requesting a permit, according to Article F, Section 9-3-62, of the Elkton Town Code, to place an office unit on his property, adjacent to Shenandoah Avenue. This will be used for a temporary office until new offices can be built. The property referred to is part of the property known as the Celdon Kite Plat, Land Map 115(2). The office will be located in the lot south of the Celdon Kite house, to the east of the barn, along the west side of Shenandoah Avenue. Mr. Dean stated he understood that the above mentioned office will have to meet the provisions of the building code along with requested permit. There was some discussion regarding a time limit on the permit.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried to approve Randall Dean's request to place a mobile home on the property in question for a period of one year from today, subject to renewal of the request when formally presented and approved by council.

Chief Pence answered questions on the monthly police report. He also stated that the Police Department had a wonderful time at the Christmas Dinner and thanked the people who had worked on this.

Mayor Dean questioned when the county will be going on the 911 System. Chief Pence stated he wasn't sure as he had not received any official notification.

Councilman B. B. Holt moved, seconded by Councilman H. A. Leet and carried to approve the Finance Report for the month of November.

Mrs. Leap reported that it will be after the first of the year before we meet with the auditors to review the audit report. She will notify council of the date.

Councilwoman Life asked if Commonwealth Cablevision has paid their pole rental. Mrs. Leap reported that they have.

Councilman Leap reported that Commonwealth Cablevisions complaints received for November only amounted to four. Councilman Leap and Councilwoman Life reported that they had not received any calls in the last month.

Councilwoman Life reported that the Streets and Sidewalks Committee met. She stated that the survey made on East Rockingham Street and East Spotswood Avenue is available for review. The committee has decided to hold off making any recommendations for a little while, especially until they find out what the State is going to do in the Newtown area. She reported that

there does not seem to be as much congestion as there had been coming down Rockingham Street to Stuart Avenue.

Councilman Holt presented a First Reading on the following proposed bed and breakfast ordinance:

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA, THAT SECTION TWO AND FOUR OF THE ZONING ORDINANCE OF ELKTON, VIRGINIA, BE AMENDED AS FOLLOWS:

Section 2. Definitions. Paragraph (2) shall be amended to read as follows:

"(2) BOARDING HOUSE. Any dwelling other than a hotel and a limited bed and breakfast facility where meals, or lodging and meals, for compensation are provided for five (5) or more persons."

Paragraph (3) shall be amended to read as follows:

"(3) LODGING HOUSE. Any dwelling other than a hotel and a limited bed and breakfast facility where lodging for compensation is provided for five (5) or more persons."

A new paragraph (27) shall be added to the existing section, to read as follows:

"(27) LIMITED BED AND BREAKFAST FACILITY. A limited bed and breakfast facility is a structure in which guests are provided with sleeping quarters for a fee. The proprietor shall reside in the facility. The structure must appear to be an ordinary dwelling and shall display no other than a single sign not larger in surface area than 432 square inches. Guests may be provided with morning meals only and may be lodged no more than ten (10) consecutive days. No more than four (4) sleeping rooms may be available for guests. No more than eight (8) guests shall be lodged at one time, except for minors in the company of adult guests. Off-street parking spaces shall be provided as follows:

a) Two for the proprietor;

b) One for each two (2) employees plus another if there is an odd number of employees;

c) One for each sleeping room."

Section 4. A-1 Residence Uses. A new paragraph (20) shall be added to the existing section, to read as follows:

"(20) LIMITED BED AND BREAKFAST FACILITY. The Town Council may grant a special use permit, upon reasonable conditions and terms it deems appropriate, if any, for the operation of such a facility, upon notice and public hearing. Notice of the application and the hearing shall be given by the Town Council in a newspaper of local circulation once a week for two weeks, and the second date of publishing shall be no less than six days nor more than twenty-one days prior to the hearing. Written notice of the application and the hearing shall be given by the Town Council to each adjacent property owner and owners of lots located directly across streets or alleys from the property for which the permit is sought. Notice shall specify the time and place at which persons affected may appear

and present their views. Applicants for each permit shall pay to the Town a uniform fee which shall be determined from time to time by resolution to the Town Council."

Councilman Holt pointed out that they did not specify the uniform fee in as much as if they had specified the uniform fee they would have to go to a Public Hearing every time they wanted to change it. When the amendment to the Zoning Ordinance is approved perhaps the fee can be established at that time. They will probably recommend $50.00. This proposed amendment will have to go to Public Hearing before action can be taken to approve it.

Councilman Holt presented an ordinance to provide for a modification of the existing subdivision ordinance. We do have a subdivision ordinance and have been covering similiar situations but the Town Attorney felt we need to clarify this particular situation where you are actually combining two lots into one. Also there is this and other things other than full subdivisions where there is some doubt as to the powers of the Planning Commission and with the Town Council on final approval. What we have done in the past on all of those items, subdivision and items less than full subdivision, we have left it to the Planning Commission to approve or disapprove and unless council acted by the next regular meeting then the thing stood; but council had the right to refuse, accept or modify if they wanted to. There is some doubt as to whether that would apply to this particular situation and to others, so by the time this comes to a final reading we will have some sort of modification to make it quite clear that any action, other than full subdivisions will require the same sort of action or inaction of the council.

Councilman Holt presented a First Reading on the following ordinance amending Section 6-2-3 of the Code of Ordinances of the Town of Elkton:

AN ORDINANCE AMENDING SECTION 6-2-3 OF THE CODE OF ORDINANCES OF THE TOWN OF ELKTON, VIRGINIA BY ADDING A NEW SUBSECTION PERMITTING THE COMBINATION OF EXISTING LOTS

Be it ordained by the Town Council of the Town of Elkton, Virginia:

That Section 6-2-3 of the Code of Ordinances is hereby amended to include a new subsection (33) d to read as follows:

d. The agent, after notice to the public and property owners as described in Section 15.1-431 of the Code of Virginia, may permit two or more existing lots to be combined into a lesser number of lots for the purpose of increasing acreage or square footage, provided that all resulting parcels meet the minimum lot size requirements set out in Article E of this chapter; and provided further that the division is not in conflict with the general meaning and purpose of this chapter and state and local zoning requirements.

Councilman Holt stated there will undoubtable be some further modifications of this section of the code to be sure that all final action rests with the council.

Councilman Holt stated he had one more thing from the standpoint of his responsibility of public health. He pointed out that he was going to suggest something requiring no action tonight, but he will move at the next council meeting that council adopt a procedure prohibiting smoking in council chambers during council meetings. He realizes this will create some problems for people on council, staff and those in attendance

but he feels the reasons are quite obvious and he could not in good conscience not do this.

Councilman Holt stated that Mr. Davenport has pointed out that this proposed amendment is an amendment to the subdivision ordinance and will require a Public Hearing and recommendation from the Planning Commission. Both of the amendments will be included in the same Public Hearing.

Mr. Davenport reported that Mr. Monger has brought to his attention that when Elkwood was plated they had a ten (10) foot wide pedestrian easement that went along the boundaries of two lots. One man ended up buying both of these lots and this easement goes through his yard. It was never opened or made into a sidewalk. It was apparently intended to let neighbors walk to a lake that was planned and never built. The owner is now asking that this be closed. It seems he is in the process of selling his house and feels this would make it more marketable. The procedure for closing streets and alleys does not include sidewalks and walkways but we do have in our charter a specific provision giving council the authority to close walkways. It does not have a detailed procedure like the state law does for closing roads or streets. Council could use whatever procedure they want as long as it is reasonable. Council could have viewers or could just have a Public Hearing and then close it without recommendation of viewers if council wants to do this. When a subdivision is plated like this, all roads that are dedicated and other easements go to the municipality so council has the authority to close the walkway by our charter. The only thing council would have to do is take action to terminate the right of the public to cross the owners yard.

Council decided to run this through the Planning Commission and include it in the Public Hearing to give the people in Elkwood the opportunity to express their views.

The Public Hearings will be set for January 11, 1988 at 7:00 P.M. The clerk was asked to try to set up a meeting with the auditors following the Public Hearing.

Councilman Leet stated that the Water and Sewer Committee met this month. He reported on the following items:

1. Section of Sewer Line Between Shenandoah Avenue and First Street: This piece of line was scanned by T.V. Mr. Monger has spent several hours looking at the film trying to see if he can figure out more about the line. He has found that there are no laterals on the line except at the manholes. This would make it possibly an easy prospect of slip lining. Mr. Monger is checking into what the cost would be. It should be much less than having to replace the line if it can be done. The line was cleaned and got quite a lot of gravel out of it, not enough to really cause this trouble, but there does not appear from the film to have many roots in the line, nor did it appear to have many roots when cleaning. It does appear that there very likely could be a fair amount of inflow into the line and some damage, possibly nothing that slip lining wouldn't take care of if we should try to go that route. This project is held up at this point getting more information on slip lining and the cost. They have found out the line is a ten inch line.

2. Water Line: The town has their water line completely done except under the railroad. That is still being held up due to an insurance problem and we are waiting on a reply from the railroad. We think perhaps the railroad will agree to the amount of insurance that the town has. We have found out the town can't get what we want. We are also looking into the possibility of contractors who have enough insurance doing the job if the railroad won't accept what the Town has.

3. Fluoridation: At the present time we are all done. The engineer and the State Health Department has looked at the set up and it looks like it is alright. We have to have a demonstration run which will be done by the State Health Department so we are waiting for them to come in to do this.

As there was no further business, the meeting adjourned.

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

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