REGULAR
COUNCIL MEETING
October 30, 1989

The regular meeting of the Elkton Town Council was held October 30, 1989 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: B. B. Holt, R. B. Hutton, H. W. Leap, L. C. Life and R. L. Snow. Dale Davenport, Attorney, Norma Leap, Clerk and Warren Pence, Chief of Police were also present.

Mrs. Frances Camden was present on behalf of the Elkton Area United Services. She reported that they have increased their services and now sponsor nine different projects. Since 1984 they have been receiving help from the United Way and some through their FEMA Program. They are requesting the town consider including them in the town budget next year for financial aid.

Mayor Dean stated this request will be passed on to the Finance Committee.

Mr. Herbert Baugher asked if the questions raised at the last meeting on the new zoning ordinances have been addressed and, if so, what was the outcome. He had two questions, one regarding the restriction in R-2 to 100 foot frontage, which he did not feel was quite fair and the second was the coloring of Wirt Avenue from R-5 to B-1. Mayor Dean stated they have had two meetings since the meeting Mr. Baugher referred to and have a proposal to be brought up during the business session regarding the R-2 restriction. Councilman Holt pointed out that he thinks the coloring was wrong on the Wirt Avenue portion and all the area that should have been included in B-1 was not.

Mr. Baugher spoke in favor of the Elkton Area United Services.

Mr. Wayne Printz asked that if before the zoning is changed, a person wanted to do something that is acceptable under the current zoning, would there be a denial if there is a request at this time.

Mayor Dean stated there would not be a denial.

Councilwoman L. C. Life moved, seconded by Councilman R. B. Hutton and carried to approve the minutes of the Public Hearing September 18, 1989 and the Regular Meeting September 18, 1989 as presented.

Councilman Holt reported that there was a concern regarding the R-2 restriction for people who have an isolated 50 foot lot and would find themselves with no reasonable use for that property. Councilman Holt, Mr. Davenport and Mr. Strider worked on this to try to work out something to address that situation so that no one would be without reasonable usage of their property simply because of rezoning. Councilman Holt read the following suggested change:

> Section 708.01-1, add at the beginning of that Section, "Except as set forth in Section 708.01-2 with respect to lots in a Low Density Residential District R-2, [i] f".
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> Add a new Section 708.01-2, as follows:
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> "Except as otherwise provided hereafter, the owner of a lot in a Low Density Residential District R-2 which has lot frontage at the set-back line of at least fifty (50) but less than one hundred (100) feet, and which is not contiguous to one or more other lots owned by the same person such that the combined lot frontage at the set-back line is equal to or more than

one hundred (100) feet, may apply for a Special Exception permit in accordance with Article 8 herein, to use such lot as a building site, provided that yard dimensions and requirements other than those applying to area, width of the lot or side yard shall conform to the regulation for such district. Such a lot which at the time of enactment of this Ordinance is contiguous to one or more other lots owned by the same person such that the combined lot frontage at the set-back line is equal to or more than one hundred (100) feet, may not be used as a building site unless the interior lot lines are revised by combining such lot with one or more contiguous lots, so that such lot complies with all yard dimensions and requirements. The restriction in the foregoing sentence applies whether or not such lot is subsequently owned by a person who does not also own one or more contiguous lots."

Mr. Baugher stated this would not help his situation.

Mayor Dean explained to Mr. Louis Johnson that they had received his letter and that this change would not help his situation. There is a possibility of a variance but no guarantee.

Mayor Dean presented the following letter from Margaret E. Fuller:

"It has come to the attention of our neighborhood that some of you do not support the zoning committee's recommendation for one hundred foot frontage for all new residences. I would like to express my concern over this matter.

The majority of those living in this neighborhood did sign the petition to support the one hundred foot frontage proposal. Most feel that this area would suffer from overcrowding and congestion if many houses on small lots were built over here. This area is one of the few old neighborhoods remaining in Elkton that has not become too crowded and lost its charm, and we would like to preserve it. Although there are presently residences in this neighborhood that sit on property of less than one hundred foot frontage, I would like to point out to you that this is not a good argument for allowing more of them in the future. If we had had better planning and more zoning restrictions in the past, such things could have been and should have been avoided.

As a concerned citizen of Elkton, I am not speaking only from the point of view of someone who lives in this area. I think it would be in the best interest of the town to pass the proposed zoning ordinance in order to preserve one of its own oldest neighborhoods. Therefore, at the next council meeting, I, and the majority of those who live here, hope that you all will support the zoning committee's recommendation. Thank you for your time and consideration in this matter."

Councilman Holt stated there was also concern about parking in the old business area, the B-1 District. It would be patently unfair to require the same sort of off street parking that you would for a newly developed area. Section 703.01 would be amended to read:

"<u>Parking Space Requirement for Certain Districts</u>. In all districts except Downtown Business District B-1, there shall be provided . . .".

Essentially what this is saying is that off street parking requirements in that B-1 area do not apply. There would also be other slight modifications.

Councilman Holt stated that there was one other thing. The gentleman who owns the old Elkton Mill had inquired about the possibility of putting in businesses, professional offices, etc. Although this might not be ideal, it should be permissable. In order to do this a modification has to be made in the purpose paragraph of the light industry zone so this could be considered as a special exception under light industry.

Mr. Davenport stated that under Chart there needs to be a Footnote L and on the next page you need to add Footnote L.

Mayor Dean stated he thinks there is one other change to R-5 which would make the side yards the same as R-3 and R-4, five foot instead of ten foot.

Councilman Holt stated that it was the consensus of the council that Stuart Avenue would revert to R-3 starting at "B" Street going up to Shenandoah Avenue except for the triangle which has always been business.

Councilman B. B. Holt moved that this be considered the First Reading on the zoning ordinances with the stated changes.

Council was in agreement that the new zoning ordinances would go into effect November 21, 1989 after the Second Reading.

Councilman Leap, Councilman Snow and Councilman Hutton all indicated that Mrs. Fuller called them stating she is in favor of 100 foot frontages. Councilman Snow pointed out that Mrs. Fuller had stated that if it came to a choice she would rather see town houses in that area before allowing houses to be built on fifty foot frontages. Councilman Snow stated he did not see anything wrong with town houses in that area and could understand Mr. Baugher's concern. Councilman Hutton stated he had told Mrs. Fuller that he did not think the people who have these fifty foot lots are being treated fairly and that he has a seventy-five foot lot on Jackson Avenue where other lots there are fifty foot. Mrs. Fuller indicated to him that if it comes down to negotiations, she would be willing to settle for seventy-five foot frontages.

Councilman Holt reported on the annual Virginia Municipal League annual meeting. He felt it was one of the better meetings. There was a good session on the new Freedom of Information Act and there is a video tape available which has been ordered. He also stated that we can't let our guard down. VML has to reflect the views of different towns and cities. In their legislative program, in regards to water, what they are saying is that if a locality can't come to an agreement on selling some of its water to another area, then it could be commanded to do so without giving permission. There would be compensation of course. Councilman Holt said that in the general session, it was made quite clear, that even though there is continued effort to make the language in the legislative program even stronger, the people opposed are not going to live with it and will fight it.

Councilman Holt reported on the Rockingham Municipal League meeting. There was a discussion on the new solid waste disposal. The State has twenty months to come up with a plan for solid waste disposal. The towns and the Planning District Commission decided that they should start working with the County to see what can be worked out on a unified plan.

Councilman Snow reported that the Recreation Commission recommends the appointment of Mr. Tim Comer as Recreation Coordinator.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt and carried to hire Tim Comer as Recreation Coordinator.

Chief Pence presented the police report for the month of September. He also reported that the paper work for the grant to obtain the new radio system has been submitted. Chief Pence stated that the State has revised it qualification regulations. They are now required to qualify every six months rather than a year so the officers will be undergoing fire arms qualifications again this week.

Councilwoman Life asked if we had any damage at all down in the park from the walkers. Chief Pence stated that we did not.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for September.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried to accept the annual Audit Report.

Mayor Dean asked the Finance Committee to look into the auditor's recommendation to consider establishing a cafeteria plan (IRC 125 plan) which would allow employees to pay for additional health care coverage with before tax pay.

Councilman R. L. Snow moved, seconded by Councilwoman L. C. Life and carried to eliminate the intra-fund accounts.

Councilman Snow recommended that council vigorously pursue becoming part of the VML Insurance Program. Mr. Davenport was asked to check into this.

Mayor Dean reported that the Virginia Municipal Electric Association No. 1 sent us a memo. The original cost of the generating system in Manassas was $4,200,000.00. The final actual cost is $4,808,000.00. This is $608,000.00 more than they anticipated. What this involves is that we can pay for it up front or we can keep on paying the same rate we are paying now to Vepco and over a period of four to five months we will have paid the additional cost. Then we will go back on the VMEA #1 rate at that time. The total additional cost to the town will be $9,534.08. Mayor Dean suggested we let it be taken out of our billing for the next few months.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried to continue on paying the same basic rate each month until we pay off the cost overrun on the generating project.

Councilwoman Life reported that the Streets & Sidewalks Committee had met with Mr. Osborne and she did send a letter to Mr. Robert Moore, District Engineer of the Virginia Department of Transportation, asking for a written commitment on the traffic light on Shenandoah Avenue and North Stuart Avenue. She has received an answer advising that the project is proceeding through the design phase with anticipated construction advertisement in April of 1990. Generally actual construction will begin within three months of the advertisement. As the design becomes complete, Mr. Morris said they would be happy to present these plans to the council at an informational meeting, if council so desires.

Councilwoman Life reported that she had been given a letter from Mr. Mack Jones from down at ShenElk Shopping Center expressing their concern for the traffic light and she has responded to his letter.

Mayor Dean stated council needs to decide if a Public Hearing is needed on the proposed alterations down at the stop light. It was decided to wait until council sees the new proposals before determining if a Public Hearing is needed.

Councilman H. W. Leap moved, seconded by Councilman B. B. Holt and carried to designate Gerald K. Monger as the representative to the Virginia Rural Water Association.

Councilwoman Life asked where we stand on the underground tanks. Mayor Dean stated he will get in touch with Bobby Turner on this tomorrow.

Councilman B. B. Holt moved, seconded by Councilman R. B. Hutton that in accordance with the Code of Virginia Section 2.1-344(1) council go into Executive Session for the purpose of discussing and considering the performance of two town employees and filling the vacany on the town council. The vote was recorded as follows:

Holt	-	yea	Life	-	yea
Hutton	-	yea	Snow	-	yea
Leap	-	yea			

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

Councilman B. B. Holt moved that each member, to the best of his knowledge, certify that only public business matters lawfully exempted from open meeting requirements under Chapter 21 of Title 2.1 of the Code of Virginia and 2) that only those public business matters identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting by the committee. The following council members did so certify:

Holt	-	yea	Life	-	yea
Hutton	-	yea	Snow	-	yea
Leap	-	yea			

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried to accept the resignation of Roy E. Davis as council member effective October 16, 1989.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried that Joseph R. Correa Jr. be appointed to fill the unexpired term of Roy E. Davis.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life that in accordance with the Code of Virginia Sec. 2.1-344(1), council go into Executive Session for the purpose of discussing and considering the performance of two town employees. The vote was recorded as follows:

Holt	-	yea	Life	-	yea
Hutton	-	yea	Snow	-	yea
Leap	-	yea			

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

Councilman B. B. Holt moved that each member, to the best of his knowledge, certify that only public business matters lawfully exempted from open meeting requirements under Chapter 21 of Title 2.1 of the Code of Virginia and 2) that only those public business matters identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting by the committee. The following council members did so certify:

Correa	-	yea	Leap	-	yea
Holt	-	yea	Life	-	yea
Hutton	-	yea	Snow	-	yea

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