REGULAR
COUNCIL MEETING
February 19, 1990

The regular meeting of the Elkton Town Council was held February 19, 1990 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: J. R. Correa Jr., B. B. Holt, H. W. Leap, L. C. Life and R. L. Snow. Dale Davenport, Attorney, Norma Leap, Clerk and Gerald Monger, Superintendent were also present.

Mr. Richard Fields, Jr. and Mr. Bob Smith, a commercial real estate broker from Charlottesville, were present regarding Mr. Fields property outside town which they are trying to have rezoned. They have presented their request to the Rockingham County Planning Commission and the Commission has recommended that the request be denied as they have not made provisions for sanitary sewer. They have appeared before the Town Planning Commission requesting permission to hook into the town's water and sanitary sewer system. They are requesting the town council's permission to hook into their water and sewer system.

Mr. Monger reported that the Town Planning Commission was in favor of allowing Mr. Fields to hook onto the town system.

Mr. William Helsley and Mr. Bob Tolsma were present regarding the old Seven-Eleven building which they own. The building is for sale and is presently under contract to Rockingham Publishing Company. There is an old sewer line which goes under this building, the Picklesimer building and services several homes in that area. There does not appear to be any record of the town ever accepting ownership of the line even though they have maintained it. The prospective buyer is concerned about the line and possible maintenance in the future. Mr. Helsley asked if the town would consider formally accepting the line and agree that in the future, if any major repairs are needed, the town would consider running a new line along the easement that they are willing to grant the town. Other solutions to the problem were discussed.

Council was in agreement that they do not want to accept ownership of this line but are willing to work with Mr. Helsley and Mr. Tolsma to help them resolve the problem. Mayor Dean suggested that Mr. Davenport get with Mr. Helsley to work out something that will satisfy the buyer and enable them to proceed with the sale of their building.

Mr. Tim Hulings, Chairman of the Rockingham County Board of Supervisors, was present to discuss and answer questions on some matters affecting the Town of Elkton. He reported that the supervisors have toured the trash site in Elkton. No official vote has been taken but the majority felt lack of space was one of the big problems at this site. They have asked the county engineer to give them a rough preliminary sketch of ideas to expand the site. Misuse of the site was discussed and the county has made arrangements for Sunday pickup. The town has offered to help police the area.

Mr. Hulings stated that the county is going to begin charging the town's for trash taken to the landfill. They are having landfill problems and feel a charge is necessary. They are working on a method to charge county residents also.

Mr. Hulings reported on a letter sent by the Elkton Planning Commission to the Board of Supervisors regarding the Shifflett request to rezone land located just outside town from Business to R-3. The Rockingham County Planning Commission has asked that the rezoning request be approved. The Elkton Planning Commission has given very good reasons why the area should not be rezoned. Mr. Hulings stated he does not know how the council feels about this, but the Board of Supervisors has made no decision as yet. He suggested the town make their views known to the Board of Supervisors.

Mr. Hulings reported that at 4:00 P.M. next Monday there will be a meeting with the County Recreation Director and the representative on the County Recreation Commission from the Elkton area. They will be discussing how town recreation is funded in regards to county recreation and if the town is getting their fair share. He suggested a representative from the Town Recreation Commission attend this meeting.

Mr. Hulings reported that the County Environmental Issues Committee will meet Thursday evening at 7:30 P.M. at the Spotswood High School to discuss recycling. Citizen input will be appreciated.

Mr. Hulings stated that it is his understanding that the Central Shenandoah Planning Commission is working on a joint plan for the town's and county regarding meeting the mandates on solid waste.

Councilman Correa asked what the rationale is behind going as far west as possible with water and not coming east where there would be more benefit. Mr. Hulings stated that due to the limited funds available services are usually expanded first where it is more economically feasible.

Councilman Snow asked if there is any possibility of redistricting in the county which might then give the people on the east side more representation on the Board of Supervisors. Mr. Hulings stated he has no way of knowing what will happen in the future. It will depend on growth and other factors.

Councilman Leap commented on the request by Mr. Fields for water and sewer services. He pointed out that when the lines were put in through the Kite property, larger pipes were installed to accommodate growth in that area. The town has made a request to the Kite's to maintain an easement through the property but has not heard anything from the request. Councilman Leap stated he feels council should try to work with Mr. Fields as long as there would not be any cost to the town. Councilman Leap also stated that he feels the lines should be sufficient to possibly service the other houses in that area. The town may have to pay for the additional size of a larger line but this could be decided at a later date.

Councilman H. W. Leap moved, seconded by Councilman B. B. Holt to work with Mr. Fields in providing water and sewer to his subdivision along the regular working guidelines of the town's water and sewer systems and at no expense to the town according to the policies set forth by the town. The vote was carried with Councilman Correa abstaining.

Councilman Leap stated that council needs to be aware that there are about four or five situations in town similar to that at the Seven-Eleven property. There has been a precedent set on all of these lines as they have been treated as town lines in the past. The Water and Sewer Committee will meet to discuss these problems and come back with recommendations.

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

Mayor Dean stated that rates for the budget are needed so the budget procedure can get under way.

Councilwoman Life asked if the people who damaged the street signs have been caught. Mayor Dean stated that they have not apprehended anyone as yet.

Mr. Monger reported that the pavers will be in tomorrow to start the paving.

Councilman Snow asked if the sign in front of the Tastee Freez has been fixed. Mr. Monger stated he did not know but he would check into this.

Councilman Leap asked what the status is on the drainage project on E. Spotswood Avenue. Mr. Monger stated he is still working on the grades to determine what will be done first.

Councilman R. L. Snow moved, seconded by Councilman H. W. Leap to approve on Second Reading to donate $2000.00 to the Elkton Area United Services. The vote was recorded as follows:

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

Councilman Holt reported that the Planning Commission has always felt that as soon as they completed the new zoning ordinances they would start working on the annexation feasibility study. Mr. Strider of the CSPC feels they should work on the comprehensive plan first. Councilman Holt stated that Gerald and he feel the annexation study should come first. The Elkton Planning Commission had no strong feelings either way. Councilman Holt stated they need some direction from council so they can start negotiations to get these plans started. After some discussion, council stated they feel we should do both plans at the same time and that we should try to have the same person or firm do both.

Councilman B. B. Holt presented the following First Reading on zoning permit fees:

Suggested Fees For Consideration

802.02 Application for zoning permit.
802.02-1 Contents
802.02-2 Fee
802.02-3 Approval by Zoning Administrator.
802.02-4 Refusal by Zoning Administrator.

NOTE: A zoning permit would require about one and one half hours in the office and usually two trips to the location. First trip for inspection of the lot and the second trip to measure setback, side and rear yard after structure is completed.

SUGGESTED FEES:

(A) $25.00 (This fee would be for any type permit, accessory building, porch, etc.)

(B) $25.00 per dwelling unit on all residential plus engineering costs if needed. Example: For a single family dwelling, fee would be $50.00; For a two family dwelling, fee would be $75.00.
(C) $300.00 plus $25.00 per acre plus engineering costs for business and industrial.
(D) Revisions: $25.00 plus engineering costs.
(E) Resubmittals: $25.00 plus engineering costs.

802.03 Application for special exception permit.
(1) Application submitted to Zoning Administrator.
(2) Application referred to governing body by Zoning Administrator for a public hearing.
802.03-1 Contents.
802.03-2 Fee
802.03-3 Council sends application to commission for report. Commission has 60 days.
802.03-4 Council acts after notice and public hearing, within 60 days from the date of public hearing.
802.03-5 Concerns to be addressed by the governing body.
802.03-6 Conditions and concerns as may be required by the governing body.
802.03-7 Zoning Administrator to issue permit if approved.
802.03-8 Governing body to notify applicant in writing. within 30 days if disapproved.
802.03-9 If disapproved, action for same special exception on same parcel of land may not be initiated for 12 months.
802.03-10 Use must be put into effect 6 months after date permit is issued, unless otherwise specified.
802.03-11 Instructions if permit is expired.

NOTE: A special exception permit would require about 3 hours in the office and at least two trips to the location. First trip for inspection of the lot and the second trip to measure setback, side and rear yard after structure is completed. Other trips may be necessary to check on special exceptions. Advertisements and public hearing are also required.

SUGGESTED FEES: $100.00

NOTE: Bed & Breakfast and Home Occupation would be covered under special exception per permit.

802.04 Application procedures for ordinance or map admendment.
802.04-1 Contents. To Zoning Administrator. Fee if not initiated by commission or town council.
802.04-2 Commission shall consider after notice and public hearing. Commission to present to town council with recommendations within 60 days of the first meeting of the commission.
802.04-3 Town council shall consider after notice and public hearing, within 30 days from the date of the public hearing. Joint public hearing may be held.
802.04-4 Petition for an amendment may be withdrawn. Written notice to Zoning Administrator required.
802.04-5 12 month period before same petition may be initiated.

NOTE: Joint public hearing required. Office time.

SUGGESTED FEES: $150.00 plus $20.00 per acre on all except commercial and industrial. $200.00 plus $50.00 per acre on commercial and industrial.

807.00 Application for variances.
807.01 Application to Zoning Administrator. Showing contents. Zoning Administrator sends to Secretary of Board, and also to the commission. Commission may send a recommendation to the board within 30 days or appear as a party at the hearing.
807.02 Notice and public hearing. Board shall decide within 30 days from the date of such hearing.
807.03 Same parcel may not be heard on more often than 12 months without approval from the board.
807.04 Petition for a hearing may be withdrawn prior to action by written notice to the Secretary of the Board.
807.05 Fee.

NOTE: Public hearing required. Members on board paid. Office time. In some cases attorney used.

SUGGESTED FEES: $300.00

808.08 Appeal: Fee: $300.00
907.00 Plat required-approval before sale.
907.01 Preliminary sketch. Subdivider may submit to the administrator. Administrator may mark changes and submit to commission. Commission or administrator to notify developer of changes required.
907.01-1 Contents.

SUGGESTED FEE: $100.00
(Includes residential, multifamily, commercial, industrial, and institutional.)

907.02 Preliminary Plat. Present to administrator.
907.02-1 Contents
907.02-2 Contents
907.02-3 Contents
907.02-4 Contents
907.02-5 Contents
907.02-6 Contents
907.02-7 Contents
907.02-8 Contents
907.02-9 Contents
907.02-10 Procedure. Discussed by Planning Commission, agent and developer. Subdivider advised within 45 days in writing on additional data, public improvements and bond.
907.02-11 No guarantee.
907.02-12 Six months limit. Final plat to be filed within 6 months to the administrator, unless an extension of time is filed in writing by the developer and granted by the administrator.

NOTE: May be wise to use a consultant engineer at this point if needed.

SUGGESTED FEE: For all districts $75.00 plus $5.00 per lot plus engineering costs. (Costs to be for use of a consultant engineer to review plans, who would bill for each plan. We would charge the applicant for the specific cost of the engineering review.)

908.00 Final Plat
908.01-1T09 Contents
909.00 to -7 Consideration of final plat.

SUGGESTED FEE: $100.00 plus $20.00 per lot plus engineering costs.

SUGGESTED FEE: Commercial, industrial & Institutional: $300.00 plus $25.00 per acre plus engineering costs.

SUGGESTED FEE: Multifamily, excluding planned unit development; $400.00 plus $10.00 per unit plus engineering costs.

910.00 Lot line revisions and vacations.
910.01 Procedure: Meet Section 908 (Final Plat). Planning Commission to review and make recommendations to town council. Council to follow Section 909.00.

NOTE: Requires public hearing. (May be joint)

SUGGESTED FEES: $100.00 plus $5.00 per lot involved plus engineering costs.

911.00 Lot line revisions and vacations. Vacation of a plat.

SUGGESTED FEES: $150.00

Fees related to planned unit development.

SUGGESTED FEES: $500.00 plus $10.00 per dwelling unit plus engineering costs.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried that council support the Elkton Planning Commission's position and recommend that this area not be rezoned from Commercial to R-3.

Mayor Dean stated that Councilman Correa has asked to be taken off as Chairman of the Personnel Committee.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried that Councilman Correa no longer be assigned the Chairmanship of the Personnel Committee.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap and carried to allow the Mayor to sign the option and deed with the Virginia Department of Transportation to sale land for the stop light at Shenandoah and Stuart Avenue.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life that in accordance with the Code of Va., Sec. 2-1-344(1) council go into Executive Session to discuss the performance of a former employee and possible litigation. The vote was recorded as follows:

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

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

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