SPECIAL
COUNCIL MEETING
September 28, 1992

A special meeting of the Elkton Town Council was held Monday, September 28, 1992 in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: F. A. Bennett, M. B. Fuller, W. E. Printz, R. L. Snow and T. R. Whitfield. Councilman R. C. Davis was absent. Betty H. Engle, Assistant Clerk and Gerald Monger, Town Superintendent were also present.

Councilwoman Fuller moved, seconded by Councilman Whitfield to approve on Second Reading to appropriate $4,000.00 for purchase of computer equipment. The vote was recorded as follows:

Ayes: Bennett, Fuller, Printz, Snow and Whitfield

Councilman Snow moved, seconded by Councilman Bennett to approve on Second Reading a request for $15,203.16 from VMEA #1 for two generators which would be the town's portion of the installation. The vote was recorded as follows:

Ayes: Bennett, Fuller, Printz, Snow and Whitfield

Benny King presented to council the recommendation of the Planning Commission to accept the lot line revisions of Lots 21 and 22 in Elkwood as presented by Morris & Newman, Surveyors. He also passed out copies of these lots showing the revisions as requested by Mr. Raymond Gooden.

Joe Correa a resident of Elkwood spoke in opposition to accepting the proposal of changing the property lines. He stated that in the future we will have to use this as a guide line to the development of land. He further stated that if someone should decide to put up a fence that the inconsistencies in lot lines would not enhance their appearance using wood fences as an example. Mr. Correa stated that his objection is that everyone who has to use these ordinances and regulations, and if the sole purpose to drawing that line the way it is to accommodate additional province four feet to satisfy the requirements, then that is a poor reason to approve this request.

Councilman Snow stated that he was going to ask a question even though it would not change his vote. He wanted to know why the line could not be straight. Mr. Monger said it had to be voted on as presented and if there is a change, it had to go before the Board of Zoning Appeals for a variance.

Councilman Bennett moved, seconded by Councilman Snow to accept the Planning Commissions proposal.

The following statements preceded the voting.

Councilman Bennett said that he did not feel that we were setting a precedent and he thinks each case that comes before the Planning Commission, Zoning Appeals or this Council should be based on its own merits. If there is enough substance to that request, we should vote our conscience accordingly. He stated that these lots as he perceives them to have been conforming as they were originally mapped out, so now in asking for a lot line revision, is that asking anymore than when they were sold originally.

Councilman Whitfield explained the reason for his vote. He thinks Mr. Gooden and Mr. Bonavita, Realtor, who had spoken on behalf of Mr. Gooden had tried very hard to give council what they needed to approve the request. However, in this instance he does not feel that council as lay people should be called upon to make a legal rendering. He stated that since they did not have the luxury of having the attorney present, he would have to go with his interpretation, and according to 904-02 and 904-03 that what they are doing is illegal. The vote was recorded as follows:

Ayes: Bennett and Snow

Nays: Fuller, Printz and Whitfield

Councilman Bennett said that he chastised council on its inaction on zoning. He has voted his conscience and thinks this is the third time that the Planning Commission has brought back a request and council has turned them down each time. Councilman Bennett stated that it appears that council is not working together collectively or either the Planning Commission is bringing back bad requests for council to vote or council is just casting their advice to the side. He feels council needs to strongly consider their actions in the future and work with the commission toward a better goal and one of the things would be to pass zoning that council can work with.

Councilwoman Fuller explained her vote and asked that it be recorded. She stated that this was the first time council had actually seen this proposal. She would like to speak on the fact that this council is being cautious and trying to be conscientious. It is not a question of not wanting to work with the Planning Commission. It's a question of trying to make the best decision that we each as individuals can for the future of the town.

As there was no further business, the meeting adjourned.

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

RECORDER: Betty H. Engle
Betty H. Engle, Asst. Clerk