**Joint Public Hearing**
**November 19, 2001**
**6:00 P.M.**

The Elkton Town Council and the Elkton Planning Commission held a Joint Public Hearing on November 19, 2001 at 6:00 P.M., in the Council Chambers with Mayor M. Lee Dearing presiding. The roll call was as follows:

PRESENT

J. T. Dean
C. H. Murphy
M. S. O'Neill
T. Pence
W. E. Printz
L. Sigafoose

Attorneys J. Burns Earle and Lauri Sigler, Chairman Thomas Weyrick, Elkton Planning Commission, Commissioner Daniel Talbot, Elkton Planning Commission, Raymond Clary, Town Administrator, Todd McCoy, Director of Public Works/Zoning Administrator, and Richard Carey, Clerk of Council, were also present.

Mayor Dearing stated the purpose of the meeting was a petition to the Elkton Town Council by Waterfront Properties, LLC to operate under Special Exception an adult care residence located at 102 North Stuart Avenue, Elkton. This property is shown on Rockingham County tax map 131B1, Block 29, Lots 7, 8, 9 and 9 ½.

Mayor Dearing stated public comments would be received but Council would not make a decision at this meeting because there is no agreement between the Town Council and Waterfront Properties regarding the conditions of a Special Use Permit. At a later date, the attorneys representing Waterfront Properties and the Town of Elkton will present a document to Council, which will be reviewed for specifications acceptable to Council. Council will have sixty days to act on this issue.

Mr. McCoy stated the Public Hearing notices were published for two weeks in the Daily News-Record and one week in The Valley Banner and all adjoining property owners were notified by certified mail.

**CITIZENS COMMENTS**

Mildred Shifflett

Mrs. Shifflett of 112 West Spotswood Avenue stated she lives one block from Our Shenandoah Home and she sees the older residents walking by her house. One gentleman in a wheelchair "whizzes" by her house, followed 15 or 20 minutes by a staff member of Our Shenandoah Home looking for him. She has no confidence that conditions will improve at Our Shenandoah Home with some of the staff from Victorian Haven still employed there.

Bertha Williams

Mrs. Williams of 219 West Washington Street, who owns a rental property across the street from Our Shenandoah Home, reported to Council that last year she spent approximately $500.00 repairing sewer problems she attributed to the assisted living facility. Mayor Dearing responded that Our Shenandoah Home has a new sewer line and her problem was probably old terra cotta pipes. Mayor Dearing asked Todd McCoy to film that line.

Councilwoman Murphy: "Mr. Crawford, or whoever will be the spokesperson for your group tonight, I have one question. When we initially sat down with you and Ms. Hendricks and talked about who was going to be the manager at this facility, I believe we were told that Ms.

Hendricks would be in charge and Ms. Donna King-Smith would remain at Timberville. What concerned me about that was, after that agreement or after that discussion, an article came out in the Daily News-Record the following day stating that Donna King-Smith would be the managing operator of this facility. Was there a change, or did we misunderstand that, or what exactly is the arrangement up there?"

Mr. James Crawford answered that Donna King-Smith's position is as overseer administrator and one of four partners. It has taken two people to get Our Shenandoah Home up to specifications and he had high praise for the efforts of Christina Hendricks and Donna King-Smith to bring the facility up to State Code in such a short time. Eventually, Donna King-Smith will not be involved at Our Shenandoah Home on a daily basis. Councilwoman Murphy asked if Ms. Hendricks was an owner and Mr. Crawford responded, "Not at this time. I will say that all our administrators we plan to put in a program where they will actually become an owner and have a vested interest in the project. It just makes them operate that much more efficiently."

Mr. Crawford stated that of 22 pages of violations at Our Shenandoah Home, the only one left in non-compliance is the hot water heater in the kitchen, which he hopes to totally renovate by February, March, or April and he will replace the heater at that time. That is acceptable to the Health Department. Only four staff members from Victorian Haven are employed at Our Shenandoah Home.

Councilman O'Neill, at a meeting on September 19, 2001, specifically asked who were the owners/investors in Waterfront Properties, LLC and remembered Mr. Crawford stating himself and two other gentlemen. He asked if Mrs. King-Smith was an investor at that time. Mr. Crawford said yes and he recalled also telling Council at that meeting that the administrator, who was not present, was also an investor. They were keeping Mrs. King-Smith out of the loop at that time because of the unfavorable history between her and Wayne Weaver. Donna King-Smith is not a financial investor. She is the operating executive director, but she is still an owner. Mr. Crawford told Councilman O'Neill that Council had met the three gentlemen who were the financial investors, but Donna King-Smith is an equal partner who serves as the operating executive director. Ms. Hendricks reports to Mrs. Donna King-Smith.

Councilwoman Murphy questioned Mr. Crawford regarding the sale and consequent property transfer of Victorian Haven. Waterfront Properties purchased three parcels for a little over $882,000 from Kenneth Wayne Weaver and two parcels from WWRentals for $742,000. She asked if those two parcels included the house and if all the parcels constituted a single deal. Mr Crawford answered he was not exactly sure. There are different lots and he did not know why they weren't all inclusive. He stated the house was part of the WWRentals and his lender financed the whole as a package loan. Mayor Dearing suggested the division could have come about due to Mr. Weaver's divorce. Councilwoman Murphy asked what is planned for the house. Mr. Crawford stated it would be a rental property and there are no plans for expansion at this time, at least for several years.

Councilman Printz referred back to Councilman O'Neill's statement regarding the role of Donna King-Smith. He believed the question was stated clearly and Mrs. King-Smith is a concern of his as an owner who was not present at the meeting on September 19, 2001.

Councilman O'Neill read from the resident agreement for Our Shenandoah Home. In part, it states "...provides structured housing service for adults with mental disabilities and chronic and acute medical diagnoses." He believed that contradicted some of the conditions which were discussed with Waterfront Properties. He expressed concern with the freedom of these same residents to enter and exit the facility. He believed that was not an improvement over existing conditions.

Ms. Hendricks stated they follow state guidelines in this area. After 9:00 P.M., all doors are locked and the alarm is activated. Mr. Hendricks explained the WanderGuard system, which Waterfront Properties hopes to install in the near future. Level one, the resident wears a band

which signals staff that an Alzheimer patient is near a door. Level two is an actual lockdown of the facility, if the patient gets too close to a door.

Councilman O'Neill stated he was adamant about maintaining the residential integrity of the area. He feared the facility was moving in the direction of a nursing home instead of the assisted living facility he would support. He maintained the residents must be compatible to the neighborhood and pose no threat to the area or the Town. Mr. Crawford was in complete agreement and stated only residents who needed assistance with daily living would reside in Our Shenandoah Home. Some residents who did not meet the criteria have already been relocated. An evaluation is made before a new resident is accepted. Ms. Hendricks stated case workers visit the facility based on the level of care of a resident.

Hazel Crider was still unclear about the role of Donna King-Smith. Is the facility licensed by the state? Is it skilled health care or assisted living? Is there a dementia unit. How are residents evaluated? Does the facility have full time Certified Nursing Assistants (CNA's), a Licensed Practical Nurse (LPN), and a Registered Nurse (RN) around the clock?

Ms. Hendricks responded Our Shenandoah Home is not a skilled care facility, it is assisted living. The LPN is required to be at the facility 40 hours per week and on-call 24/7, 365 days a year. Our Shenandoah Home employs CNS's as well as NA's.

Mayor Dearing ascertained that staff meets state guidelines to qualify under Special Use requirements.

Ms. Hendricks stated the case workers evaluate the patients yearly. The staff LPN uses the same evaluation form used by social workers called a Uniform Assessment Instrument (UAI). This evaluation is used to relocate residents whose level of care exceeds the guidelines for assisted living. Under assisted living, an LPN is not required to be on-site 24 hours a day.

Commissioner Dan Talbot, Elkton Planning Commission, asked if Our Shenandoah Home had been state reviewed and what was the result. Ms. Hendricks stated the facility was reviewed and found to be in compliance. He wanted to know at what level an Alzheimer patient would be moved from the facility. Ms. Hendricks stated the staff LPN in consultation with any state representative would make that determination.

Mayor Dearing sent this issue to the Planning Commission for a recommendation.

As there were no further comments, the Joint Public Hearing was adjourned.

**MAYOR:** M. Lee Dearing
**M. Lee Dearing, Mayor**

**RECORDER:** Richard D. Carey
**Richard D. Carey, Clerk**