Work Retreat/Session
September 29, 2009

PRESENT
M. Dearing
M. Isom
P. Workman
R. Snow
H. Armbruster
L. Bompiani
D. Kite (arrived at 10:00 a.m.)

STAFF
Reid A. Wodicka
Lauri A. N. Sigler
Denise R. Monger

PLANNING COMMISSION
Dan Talbot (arrived 9:00 a.m.)

The following items and issues were discussed:

(A copy of the agenda is appended to these minutes and marked as "Appendix A".)

- Rezoning from business to residential / downzoning (B-1 to residential) could be an issue / property values could decrease
- Review of penalty sections of Town Code needed
- Delinquent meals tax / warrants sworn out for business owners arrest for multiple misdemeanor and felony embezzlement counts
- Another Town restaurant to be reviewed for delinquent taxes / warrants could be issued
- Treasurer has procedures to follow to collect meals tax debt / letters must be sent by the Treasurer to establish debt / procedures discussed
- Noise ordinance / standards needed
- Blacksburg's noise ordinance to serve as working template / 2 readings and public hearing needed for adoption
- Daylight savings time should be listed as a provision in noise ordinance
- Survey for Lohman alley / pass ordinance to vacate lot lines / deed to be recorded
- Change lot 2 to leave open end at North Avenue for access
- R-8 zoning in Elkwood / road frontage needed if easements requested in R-8 / water lines to run parallel to roads / roads could be dedicated to the Town or could establish a separate Public Use District (P-1) for governmental use
- Park could be rezoned P-1
- Height of buildings limited to keep "small-town atmosphere"
- Proposed boundary line adjustment with Rockingham County are as follows: Downey Knolls property, section of property behind Woodbridge Subdivision, portion of Dr. Downey's property on the south side of Route 33 and Pete Bonavita's property where the storage buildings were located on the east side of Town
- Tentative agreement with Rockingham County to allow the boundary line adjustment to take place for the Downey Knolls property. No agreement on portion of real estate across from that property (triangle). Also, allowed would be the property located behind Woodbridge but not the property with the storage buildings. It was noted that County wanted to retain the "triangle" and did not consider that property to be contiguous real estate
- Housing development behind the new schools
- Would like to see "triangle" brought into the Town / County's position that if "triangle' given to the Town it would open remainder of that area to new development
- Comprehensive Plan for the Town shows that area as a growth area
- Joe Paxton & Mike Breeden need to present proposal to Rockingham County Board of Supervisors
- Mike Breeden to assist Pete Bonavita by contacting property owners regarding the storage buildings and try to resolve the matter
- County would want to remove property from the Town's growth area if boundary line adjustment were approved / Monger Hill mentioned as possible area that County would keep

- Town's Comprehensive Plan should be reviewed before any additional meetings and/or negotiations with County take place
- Pentecostal Hill project and cost discussed
- Annexation Agreement obligations on Mt Pleasant Road
- <5 Minute Break>
- Dan Talbot stated the Town's B-2 zoning ordinance which was revised to state that residential property could not be built in a business district and that people could not reside on the first floor of a structure in a business district / ordinance was passed without proper notification / 1-2 years later Town re-passed ordinance with proper notification and appropriate hearings
- By B-2 ordinance passing, issue created for homeowners / can't get mortgages due to obsolete use / B-2 ordinance should be reviewed
- Federal guidelines have changed regarding allowances in flood zones and flood ways
- Several areas in Town zoned business that are mainly residential and should be reviewed / Water Street, Wirt Avenue and Business 33 West
- More flexibility needed for zoning / mixed uses a possibility / public hearings needed to change code
- If landowner not happy with downzoning, Town would need to prove a *prima facia* case / burden on Town to prove why beneficial
- Letters were mailed out to residents regarding the zoning ordinance change / need to gauge public opinion and be informed of any issues with landowners
- Many new developments approve mixed use zoning / transitional zoning
- Town has had limited success enforcing zoning ordinances
- "Smart growth" used to reestablish small Town atmosphere
- Dr. Swallow would like the area where her property is located to be changed to a residential zone instead of business / special zoning permits would be needed for nursing homes if that zoning area would be changed
- Mr. Hensley's requested an R-2 parcel be rezoned to R-4 which would enable him to split lot into 2 parcels and build 2 houses
- Map of pocket park distributed / BB&T to donate land to the Town
- Blackwell Engineering performed services for free
- Merck & Co., Miller Coors and Shenandoah Valley Pure Water Forum have all assisted with the creation of the pocket park / rainforest a possibility
- Brush needs to be cut down behind Texaco Station
- Pocket Park to be great value to the Town aesthetically
- Mike Breeden assisted with clearing the land for the pocket park project
- Mr. Lucci not happy with stumps being allowed to re-grow
- Council to decide if they will continue to support Mr. Koogler's Elkland Senior Apartment project / Mr. Koogler would need additional Town incentives in order to have a better opportunity to get approved for the tax credits in this region
- Tax credits given out were mainly to family affordable housing and not senior affordable housing
- Town could lay out roads and sell a certain number of acres of the Kite property
- A time limit should be established when contracts are signed to eliminate open-ended dates for projects not progressing
- Mr. Koogler's project did not receive approval for tax credits
- Proposals to be submitted for Kite property by local brokers
- Senior facility still needed to provide housing in Town for senior residents
- General consensus of Council to discontinue support for the Koogler project / release forms may be needed
- Could re-establish Park Authority to manage potential Town project of opening a section of the Kite property to sell a certain amount of acres
- Retreat / workshop needed for just the Kite property
- Town could assist with majority of laying out roads for the project
- Brief discussion regarding capacity of wastewater treatment plant

- Settlement Agreement with Mr. McDaniel's does not contain a time restriction
- Proposal for the title of ordinances to be read instead of entire text / any Council member could request entire reading
- Draft Capital Improvements Plan provided to Council for review
- Paving / upgrade of roads discussed
- Additional meetings needed for the Kite property and review of Capital Improvement Plan
- <5 Minute Break>

Closed Session

Council member Kite moved, to go into closed session under Virginia Code 2.2-3711-A.1 for personnel and under Virginia Code 2.2-3711-A.3 for the discussion or consideration of the acquisition of real property. Council member Snow duly seconded the motion.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow
NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Council member Kite moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certified that only public business matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.2 of the Code of Virginia were heard, discussed, or considered. Council member Snow duly seconded the motion.

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite, P. Workman and R. Snow
NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

- Picnic for Town employees / October 23, 2009 at 12:00 p.m.
- VML conference 10/18 – 10/19 in Roanoke, Virginia
- Charge for leaf pick-up

As there was no further business, the meeting was adjourned.

Mayor:_____
Larry A. Bompiani

Recorder: Denise R. Monger
Denise R. Monger, Clerk

APPENDIX A

TOWN OF ELKTON
TOWN COUNCIL WORK SESSION / RETREAT
SEPTEMBER 29, 2009
8:00 a.m. – 12:00 p.m.

The Town of Elkton will be holding a Town Council Work Session / Retreat on Tuesday, September 29, 2009 from 8:00 a.m.-12:00 p.m. at Merck's Cooley House, Conference Center, located at 1704 George Merck Lane, Elkton, Virginia, to discuss various matters and issues regarding the Town. A closed session will be held if needed. All residents are welcome to attend.

Directions: from the plant, drive north on Rt. 340 approximately 1/2 mile to first right hand turn onto South Branch Rd. Continue 1/2 mile to R.M. Cooley Conference Center sign on right. Follow to parking lot. George Merck Lane access is restricted to deliveries and handicapped parking only.