Public Hearing
July 14, 2009
6:00 p.m.

A Joint Public Hearing was held in the Council Chambers at the Elkton Area Community Center located at 20593 Blue & Gold Drive, Elkton, regarding the Town's proposed vacation and transfer of a portion of an alley known as Lucas Lane to Arthur G. and Wanda U. Lohman at 614 N. Stuart Avenue, Elkton, Virginia, tax map nos. 131B2-(1)-B 34 L6A, 131B2-(1)-B 34 L4 and 131B2-(1)-B 34 L14. The portion of the alley to be vacated is 30 feet wide and begins at the northern end of the blacktop on Lucas Lane and continues 180 feet north to North Street.

The Public Hearing was held at 6:00 p.m. on July 14, 2009. Mayor Larry A. Bompiani presided. The following Council members, staff, and Planning Commission Members were present:

PRESENT	ABSENT
M. Dearing, Vice Mayor	P. Workman, Council Member
M. Isom, Council Member	
D. Kite, Council Member	
R. Snow, Council Member	
H. Armbruster, Council Member	
L. Bompiani, Mayor	

PRESENT	ABSENT
Reid A. Wodicka, Town Manager	James A. Morris, Chief of Police
Lauri A. N. Sigler, Town Attorney	Timmy Turner, Public Works Director
Clairen Sipe, Town Treasurer	
Allison Morris, EACC Administrator	
Diane Johnson, Recreation Director	
Denise R. Monger, Clerk of Council	

PRESENT	ABSENT
Dan Talbot, Chair	Madelyn Dixon, Member
Victor Corbo, Member	
Cole McGregor, Member	
Cathy Morrison, Member	
Margaretta Isom, Council Representative	
Charlotte Shifflett, Secretary	

PUBLIC HEARING

Mayor Bompiani called the meeting to order and the Clerk was asked to call the roll.

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

Town Manager Reid Wodicka stated that the purpose for the public hearing was to receive comments regarding the closure of an alley of approximately 180 feet from the existing cul-de-sac and alley known as Lucas Lane.

Mary K Hutton, 515 Chestnut Avenue, Elkton, asked the following questions: 1) Did the Town hire a surveyor to determine the metes and bounds? 2) Is the Town giving away a plot or parcel of land owned by the Town? 3) Was the "gifting" idea from a Town employee or an elected official? 4) Were any bids taken on the spare property?

Mrs. Hutton briefly spoke regarding "pocket parks" and noted that she would be willing to contribute to such a cause, if feasible. She noted that the Town was not charging any money for the property.

Vice Mayor Dearing stated that during the previous Town Manager's tenure, a house was built on Lucas Lane. Therefore, the need for a water and sewer line on North Street arose. He noted that an easement was given to the Town by the Lohman's to use in the back of their property for that purpose and in return a letter was provided to the Lohman's, from Mr. Donachy (former Town Manager), stating that two properties would be swapped, more or less.

Town Attorney Sigler stated that the consideration for the Town was an easement for utilities through the Lohman's property. She noted that a survey would be forthcoming and that a deed would need to be recorded. She noted that a recommendation was needed regarding the matter from the Planning Commission.

Vice Mayor Dearing stated he would not support transferring the property if a cul-de-sac situation would be created which would not allow certain property owners access to their property.

Town Attorney Sigler briefly explained via a map slide presentation the exact property area of discussion. She noted that the area was approximately 180 feet long and 20 feet wide.

Mrs. Lohman stated they were not receiving anything "free" as previously stated. She noted that they had saved the Town money by allowing the Town to go through their lot instead of around their property. (*Inaudible*)

Mrs. Hemmes, Elkton, inquired as to the exact location of the property and the status of the fence in that area. (*Inaudible*)

Council member Snow, speaking as a property owner, noted the following: 1) The Town Manager did not have authority to make an offer to close the alley. 2) The Town could pay the Lohman's for the easement and not close the alley. 3) Council's in the past had hesitated to give property away.

Council member Snow stated that he did not support the closure of any alleys in Town. He noted that unless there would be a compelling reason to close an alley, all should remain open. He noted that if Council decided not to close the alley, the Lohman's should be paid the fair market value for the easement the Town obtained across their property.

A brief discussion took place if a Town ordinance existed regarding alley closures or if the State Code were the pertinent authority.

Vice Mayor Dearing stated that the Town Manager, at that time, had indicated by his signature on the letter that the Lohman's would receive 20 feet of property on the right side. He noted that the Lohman's had tried for five years to resolve the matter with the Town.

Council member Snow stated there were separate lots between the Lohman's and the house at the corner lot. He noted that he owned two lots there. He noted that he had been told by VDOT that he could not access North Avenue from his property. He noted that if the alley were closed, he would have no access to the parcels he owned. He noted that his property was zoned B-1. Chair Dan Talbot disagreed and stated that the properties were zoned B-2.

A brief discussion took place regarding the Town's current zoning map and how Council member Snow's properties were zoned.

Mr. Lohman's comments were *inaudible*.

Further discussion took place regarding the exact location of the alley closure. It was determined that the alley would be closed less the northern corner which would remain open to allow other property owners access to their property.

Mr. Talbot stated that the triangular property referenced above was zoned B-2 and the other lots were zoned R-4.

Town Attorney Sigler stated that the Fire Marshall and Chief of Police had reviewed the alley closure for safety concerns. She noted that both agreed that the closure would not interfere with any safety or access issues.

Town Attorney Sigler stated that a recommendation was needed on the matter from the Planning Commission.

Mayor Bompiani asked the Lohman's if they understood the area that would be closed according to the discussions that had taken place. Mr. Lohman's response was *inaudible*.

Mayor Bompiani asked the Hemmes' if they understood the area to be closed and had any issues regarding the change. Mrs. Hemmes responded that they understood and had no additional concerns regarding the issue.

As there was no additional business, **Council member Snow moved, seconded by Vice Mayor Dearing, and carried to adjourn the public hearing.**

YEAS: M. Dearing, M. Isom, H. Armbruster, D. Kite and R. Snow

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor: Larry A. Bompiani
Larry A. Bompiani

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

APPENDIX A

DAILY NEWS-RECORD

STATE OF VIRGINIA
CITY/COUNTY OF ROCKINGHAM

Subscribed and sworn to before me in the jurisdiction aforesaid this 10th day of July, 2009 by

Sharon L. Posey

Betty L. Hinkle

Betty L. Hinkle - Notary Public
My commision expires 6/30/10
Notary Registration Number: 167581

Certificate of Publication

TOWN OF ELKTON

THIS IS TO CERTIFY that the attached advertisement of:

07/14 COUNCIL & PLANNING

PO#: 18471

appeared in the DAILY NEWS-RECORD on the following dates:

07/03/2009 07/10/2009

At 16.45 per inch, ~~line.~~ Cost $230.30

DUPLICATE by Sharon L. Posey

NOTICE OF JOINT PUBLIC HEARING TOWN COUNCIL AND PLANNING COMMISSION
FOR THE TOWN OF ELKTON
TUESDAY, JULY 14, 2009 at 6:00 p.m.

A Joint Public Hearing will be held in the Council Chambers at the Elkton Area Community Center located at 20593 Blue & Gold Drive, Elkton, at which persons affected may appear and be heard on the Town of Elkton's proposed vacation and transfer of a portion of an alley known as Lucas Lane to Arthur G. and Wanda U. Lohman at 614 N. Stuart Avenue, Elkton, Virginia, tax map nos. 131B2-(1)-B 34 L6A, 131B2-(1)-B 34 L4 and 131B2-(1)-B 34 L14. The portion of the alley to be vacated is 30 feet wide and begins at the northern end of the blacktop on Lucas Lane and continues 180 feet north to North Street.

Copies of maps and a drawing regarding the proposed vacation may be obtained in the Elkton Zoning Administrator's Office located at 173 West Spotswood Avenue in Elkton.

The Council Committee Meeting will begin immediately following the Public Hearing.

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