Joint Public Hearing
January 21, 2008

A Joint Public Hearing of the Elkton Town Council and the Elkton Planning Commission was held to receive comments regarding a request to issue a Special Exception Permit for a Bed and Breakfast to Richard Mondale and Mary-Liz Humphries at 111 Ashby Avenue, Elkton, Virginia. The Public Hearing was held at 6:30 P.M. on January 21, 2008, in the Elkton Area Community Center. Mayor Wayne E. Printz presided. The following Council members and Commission members were present:

PRESENT
M. Dearing
M. Isom
D. Kite
M. O'Neill
S. Sigafoose

ABSENT
T. Pence

PRESENT
D. Talbot
H. Armbruster
M. Dixon
C. Morrison

ABSENT
J. Reed
T. Pence (Council Representative)

Town Attorney Lauri A. N. Sigler, Town Superintendent/Zoning Administrator Marty Shifflett, Treasurer Clairen Sipe, EACC Administrator Allison Morris, EACC Secretary Dianne Johnson and Clerk of Council Denise R. Monger were also present.

Mayor Printz introduced and welcomed Kate Prahlad as a new reporter at the Daily News Record.

Mayor Printz noted the hearing had been properly advertised.

The Public Hearing was opened.

Hazel Crider, Elkwood, queried why a public hearing was being held when federal and state regulations require a 1000 ft. distance between lodging facilities and schools. She noted the site was inappropriate and raised concern for the safety of the Town's children. She questioned the screening process for potential guests if a bed and breakfast would be allowed to operate in the vicinity. Mrs. Crider noted that most of the guests would not be from this area which could create additional safety issues. Therefore, Mrs. Crider stated that due to the location and for safety reasons she would not support the bed and breakfast and stated the permit should not be granted.

Bobbie Ray Monger, 680 Steven Conrad Road, was opposed to the Bed and Breakfast for the above-referenced reasons and some additional issues. She has family in that particular neighborhood in which the Bed and Breakfast would be located and feels this type of business would make the neighborhood unsafe. She noted police officers often search school zones for predators and if a lodging facility was located in that vicinity a predator could monitor children more easily. She noted of no safe process in which to screen individuals that would lodge in the Bed and Breakfast. She was opposed to any type of "spot zoning" in the Town or any type of plan to allow businesses to operate in a residential area. She stated that safety should be a priority for the Town's children.

Superintendent Shifflett stated that two letters had been submitted in reference to the Bed and Breakfast matter. The first letter was from Elkton Elementary School which stated:

"Dear Mayor Printz, Council Members and Planning Commission Members:

As principal of Elkton Elementary School and as a representative of Rockingham County Public Schools, I appreciate receiving your recent letter about the proposed Bed and Breakfast establishment near our school. We believe the Town will, as with all such requests, consider it carefully before advocating a change in use of this property and carefully consider any potential impact on our school. We, of course, always want to be mindful of being protective of our students and staff and simply ask the Town of Elkton to evaluate any possibility for third parties, whose background is unfamiliar, to be drawn so close to the end of the school neighborhood.

Thank you for your consideration in this matter and for your continued support. Sincerely, Edward J. Powell, Principal."

Superintendent Shifflett stated the second letter he had was from Chief of Police James A. Morris which read as follows:

"The Elkton Police Department strongly believes that no hotel, motel, and/or bed breakfast should be permitted to operate within 1000 feet of any primary school, to include daycare facilities, secondary schools, and/or high schools. In today's society, we have any overwhelming problem with sexual predators invading our children's lives, either by physical or non-physical contact, and we feel it necessary to make the stated recommendation.

We, as a community, still maintain the small town atmosphere. We want our children to feel safe in our schools, at the playground and when walking home. By allowing a safe house, such as a bed and breakfast for predators, within 1000 feet will take this feeling away and in a way none of us will forget.

Sexual predators frequent these establishments [hotels, motels, and bed and breakfasts] because there are no mandatory checks for an overnight stay or a short term stay, which allows them to slip through the system to continue potentially lurking and preying on our children. They have full rein to do their ungodly acts.

Our judicial system places a distance restriction on convicted sex offenders, that they may not reside or work within 1000 feet of a these schools. However, it is the opinion of the Elkton Police Department that the distance should be farther.

Without this distance restriction in our Town, we give an open invitation for a child sexual predator to observe our children from a close proximity without bells and whistles alarming us that they are even there.

We, the Elkton Police Department, work hard to prevent crimes in our neighborhood, and feel it is essential to have any adopted ordinance in our Town placing such restrictions on the operating locations of hotels, motels and bed and breakfasts."

Superintendent Shifflett stated that three inspections were required of a bed and breakfast by the health department, fire marshal and a private home inspection company. He noted that all inspections had been completed and were approved.

Mary-Liz Humphries, 111 Ashby Avenue, Elkton, spoke regarding her request for a bed and breakfast. She noted her ideal situation would be one in which her home would be used more as a "guest home" for guests of relatives or neighbors who may need lodging over holidays or special occasions. However, after hearing many of the views

presented at the hearing, she withdrew her request for a Special Exception Permit for a Bed and Breakfast at her residence. She stated it was never her intention to risk the safety of any children or provide any type of environment which would not be seen in a positive manner.

Mrs. Humphries spoke regarding certain situations which should be addressed regarding her neighborhood. She encouraged everyone to be better neighbors.

Mayor Printz called for additional comments. No other comments were made.

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

YEAS: M. Dearing, M. Isom, M. O'Neill, D. Kite, and S. Sigafoose

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

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