

**TOWN OF ELKTON
TOWN COUNCIL MEETING
NOVEMBER 20, 2023**

The regular meeting of the Elkton Town Council was held on November 20, 2023, at 6:00 p.m. at the Elkton Area Community Center, located at 20593 Blue & Gold Drive, Elkton, Virginia, with Mayor Joshua J. Gooden presiding.

Present: Mayor Joshua J. Gooden, Vice-Mayor Rick Workman, Council Member Jan Hensley, Council Member Virginia Fulginiti, Council Member Rachel Michael, Council Member Aaron Napotnik, and Council Member Louis Heidel.

Also Present: Town Manager Greg Lunsford, Town Attorney Quinton Callahan, Chief of Police Mike King, Public Works Director Gaither Hurt, Community Development Director Delores Hammer, Town Treasurer Donna Curry, and Clerk of Council Denise Monger.

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

Council Member Fulginiti gave the Invocation. All present were asked to join in the Pledge of Allegiance.

ADOPTION OF AGENDA

Council member Fulginiti moved, seconded by Council member Heidel, and carried to adopt the agenda as presented.

YEAS: R. Workman, J. Hensley, V. Fulginiti, R. Michael, A. Napotnik, and L. Heidel

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

PUBLIC HEARINGS

Special exception permit request by Ronald and Teresa Younger for short-term rentals at 504 4th Street, Elkton, VA

In addition to the Mayor and Council, the following Planning Commissioners were present for the joint public hearing: Dan Talbot, Gene Kite, Dorenda Flick, Donna Mowbray, Jennifer McDonald, and Wesley Walls.

There were no other speakers.

Chairman Talbot stated that several letters were received from neighbors on 4th Street. He noted the major concern was the number of people that would be allowed to stay in the rental, traffic, and change in the nature of the neighborhood.

Mayor Gooden asked if there was a way to limit the number of people allowed in the rental. Town Attorney Callahan responded that the application could be approved or denied, but there was not a way that Council could amend it.

It was determined that the house did have seven bedrooms as defined by real estate standards with a maximum occupancy of fourteen people and a three night minimum rental. A building inspection had taken place to confirm the updates to the home. Town leash laws and a local contact person for the rental were also discussed.

Mr. Younger was present and briefly spoke regarding the modifications made to the home, his awareness of local laws, and the contact person listed on his application.

Recommendation by the Elkton Planning Commission to rezone properties within the new boundary line adjustment located on the north-western side of Spotswood Trail (U.S. Route 33) just south-west of the Town of Elkton, Stonewall District, Rockingham County, Virginia, consisting of three parcels: (1) 26.710 acres to Conservation District C-1, (2) 25.026 acres to Single-Family Residential District R-3, and (3) 85.808 acres to General Business District B-2

Wayne Printz, stated he was unhappy with the boundary line adjustment. In his opinion, the BLA was more about helping individuals than helping the Town. He noted that transparency was needed to let the Town know what was going on. He inquired if it had been decided what the zoning would be for all of the different locations. Chairman Talbot responded that the recommendations were made in the public notice.

Mr. Printz stated that the rezoning was a big deal and suggested that a meeting take place with the citizens to provide the information to them. He briefly spoke regarding the Town's debt.

Mayor Gooden stated there was a discussion with a property owner regarding a possible A-1 zoning as opposed to a B-2 zoning.

Andy Barone, had requested that his property be zoned A-1 and not B-2 since the B-2 zoning would not allow someone to purchase his property for residential purposes nor get a loan from a bank for that purpose. He and his wife planned to attend the Planning Commission meeting to discuss the matter in more detail. He noted they had spent over \$100,000 to remodel a barn into an Airbnb which would be a detriment to them with the proposed zoning.

There was a brief discussion regarding the property being "grandfathered." Town Attorney Callahan clarified that under a non-conforming use, if the rezoning were initiated by the governing body, then the owner was allowed to continue with the non-conforming use as long as they used it within a twenty-four month period. However, if an owner initiated the rezoning, then usually any entitlements would be lost to that property because the owner had volunteered to move into a new zoning district. He noted that Mr. Barone's rezoning was government initiated, but he had requested that his property be rezoned to B-2 which allowed short-term rentals; animals would not be allowed. Chairman Talbot responded that Mr. Barone would be allowed to keep animals as long as that use did not lapse for more than twenty-four months. Town Attorney Callahan stated that was correct.

Commissioner Kite moved, seconded by Commissioner Walls and carried to close their joint public hearing.

YEAS: D. Talbot, G. Kite, D. Flick, W. Walls, and J. McDonald

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to close their public hearing.

YEAS: R. Workman, J. Hensley, V. Fulginiti, R. Michael, A. Napotnik, and L. Heidel

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

PUBLIC COMMENT

Wayne Printz, 336 W. Washington, spoke regarding oversight for spending, praised Jessy Beasley for her work at the EACC, and sewer capacity.

CONSENT AGENDA

Council member Michael moved, seconded by Council member Napotnik, and carried to approve the consent agenda as amended.

YEAS: R. Workman, J. Hensley, V. Fulginiti, R. Michael, A. Napotnik, and L. Heidel

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

TOWN MANAGER'S REPORT

Mr. Lunsford reported on a very nice Veterans Day event. He briefly discussed the upcoming holiday events. A water rate study should be completed in February. A meeting was scheduled with the Town's VRSA representative to discuss insurance renewals. The Town staff reports were provided in the packet.

STAFF REPORTS

Chief of Police: Chief King reported that the department was busy working on criminal cases and following up on leads. The two new vehicles were fully operational. He thanked Council members Hensley and Heidel for assistance with candidate interviews.

Director of Public Works: Mr. Hurt reported on the pre-bid meeting that was held regarding the Elkton Downtown Marketplace. The department was in the process of decorating for the upcoming Christmas festivities. The Town was still under a drought warning.

Town Treasurer: Mrs. Curry reported that the transfer of the REPO account would be completed tomorrow. The audit process would begin in January. She briefly spoke about the credit card policy.

Town Attorney: Mr. Callahan briefly discussed Town Code Section 110-802 (6) which stated that the governing body may impose conditions and requirements necessary to protect the public interest. He suggested the Planning Commission include such conditions and requirements with their recommendation regarding the short-term rental. He noted that the Boundary Line Agreement had been endorsed by the Rockingham County Circuit Court. Blight and nuisance letters were being prepared to address issues in Town.

COMMITTEE REPORTS

Public Health & Safety Committee: Chairperson Heidel reported no additional business.

Special Projects and Economic Development Committee: Chairperson Napotnik reported no additional business.

Finance Committee: Chairperson Michael reported that the Town had added extra layers of checks and balances to its finances.

Public Utilities: Chairperson Workman reported no additional business.

Parks and Recreation Committee: Chairperson Fulginiti reported that the EACC had some transitions and staffing changes. She noted that Jessy Beasley had resigned. The Council would not entertain rumors or speculation as to any personnel matters. She noted that the center was a "Community Center" and was open to everyone. There was no central core of members that ran the center. A code of conduct was in place to be adhered to. The Town Manager appointed an interim director to oversee the daily activities. She asked that everyone be respectful and considerate.

Policy/Personnel Committee: Chairperson Hensley praised staff for the Veterans Day program. She thanked Chief King for the success of his department and including Council in the hiring process. She spoke fondly of Mrs. Beasley and her work with the Town.

UNFINISHED BUSINESS

Procurement policy – Second reading

Council member Hensley moved, seconded by Council member Michael, and carried to adopt the procurement policy as presented:

Procurement Spending
Authority Procedures
Non-Contracted

| Goods/Services | |
|--|--|
| Thresholds | Procedures |
| \$4,999 or less | <p style="background-color: #d9ead3; margin: 0;">Department Director Level</p> <ul style="list-style-type: none"> Department heads may authorize expenditures <u>within the department's budget</u> provided such expenditures do not exceed \$4,999 Department ensures price reasonableness PO's are not required unless requested by a vendor |
| \$5,000 - \$29,999 | <p style="background-color: #d9ead3; margin: 0;">Town Manager Level</p> <ul style="list-style-type: none"> Department obtains a minimum of three (3) price comparisons (email or fax) Documentation is submitted to the Town Manager for review and approval. Once approved, a purchase order is issued to the vendor by the Treasurer's Office |
| Unbudgeted \$29,999 or less | <p style="background-color: #d9ead3; margin: 0;">Town Manager Level</p> <ul style="list-style-type: none"> Department obtains a minimum of three (3) price comparisons (email or fax) Documentation is submitted to the Town Manager for review and approval |
| Unbudgeted \$30,000 or greater | <ul style="list-style-type: none"> Requires Council Action Department submits a purchase request to the Town Manager with three (3) formal quotes/proposals for consideration by Council |
| \$30,000+ - Solicitations for Professional Services (architects/engineers) | <ul style="list-style-type: none"> Requires Council Action Department submits a purchase request to the Town Manager with three (3) formal quotes/proposals for consideration by Council Town Manger's Office issues Invitation for Bid (IFB) (competitive sealed bidding) or Request for Proposal (RFP) – (competitive negotiation) Once approved by Council, an excerpt of the minutes and copies of the quotes/proposals are submitted to the Treasurer for issuance of the PO/Contract signed by the Town Manager |
| \$30,000+ - Solicitations for Good and Services | <ul style="list-style-type: none"> Requires Council Action Department submits a purchase request to the Town Manager with three (3) formal quotes/proposals for consideration by Council Town Manger's Office issues Invitation for Bid (IFB) (competitive sealed bidding) or Request for Proposal (RFP) – (competitive negotiation) Once approved by Council, an excerpt of the minutes and copies of the quotes/proposals are submitted to the Treasurer for issuance of the PO/Contract signed by the Town Manager |
| Emergency Purchases | <p>An emergency is when a situation exists as a threat to public health, welfare or safety or when unforeseen circumstances cause disruption of an essential service.</p> <ul style="list-style-type: none"> Requires Town Manager approval for any emergency purchase over \$1,000 Department submits a written justification to the Town Manager establishing the basis for the emergency and for the selection of the chosen vendor prior to the purchase Requires Town Manager approval for any emergency purchase with a total cost of \$30,000 or greater Department submits a written justification to the Town Manager establishing the basis for the emergency and for the selection of the chosen vendor prior to the purchase A written notice stating that the purchase is being awarded or has been awarded on an emergency basis, shall be publicly posted for ten (10) calendar days The Town Manager shall notify the Town Council of all emergency procurements valued at \$30,000 or greater |
| Sole Source Purchases | <p>A sole source purchase exists when there is only one source practicably available for that which is to be procured.</p> <ul style="list-style-type: none"> Requires Town Manager action for any sole source purchase Upon a determination in writing that there is only one (1) source practicably available, a contract may be negotiated to that source without competitive sealed bidding or competitive negotiations Only the Town Manager and the Treasurer, in consultation with the Town Attorney, can determine if a sole source determination is appropriate A public notice shall be posted for purchases valued at \$50,000 or greater in a designated public area on the day the public body awards or announces its decision to award the contract, whichever occurs first |

YEAS: R. Workman, J. Hensley, V. Fulginiti, R. Michael, A. Napotnik, and L. Heidel

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

NEW BUSINESS

Elkton Progressive Improvement Committee Donation to the Police Department

Billie Jo Dofflemyer, President of EPIC, spoke briefly regarding the \$5,000 donation from EPIC to the Elkton Police Department.

MAYORS BUSINESS

Mayor Gooden commented on the outstanding Veterans Day program. He stated that the Town had received approval for the proposed National Historic District. State and federal tax credits were available to homeowners in the district home improvements.

CLOSED SESSION

Council member Hensley moved, seconded by Council member Heidel, and carried that council go from Regular Session in to Closed Session pursuant to Virginia Code § 2.2-3711.A.1 for, "Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body."

YEAS: R. Workman, J. Hensley, V. Fulginiti, R. Michael, A. Napotnik, and L. Heidel

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

OPEN SESSION/MOTION TO CERTIFY CLOSED MEETING

Vice-Mayor Workman moved, seconded Council member Heidel, that Council go from Closed Session back into Regular Session and Council certify pursuant to Virginia Code § 2.2-3712(D), that to the best of each member's knowledge, as recognized by each Council member's knowledge, as recognized by each Council member's affirmative vote, that only such business matters lawfully exempted from Open Meeting requirements under Virginia Code § 2.2-3711, as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of the Town Council.

YEAS: R. Workman, J. Hensley, V. Fulginiti, R. Michael, A. Napotnik, and L. Heidel

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Adjourn

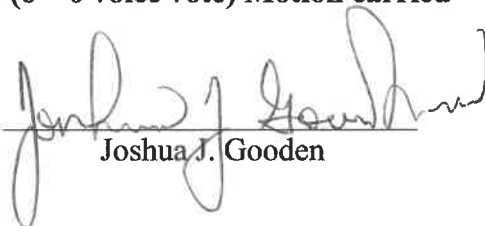
Council member Heidel moved, seconded by Council member Napotnik, and carried to adjourn the meeting.

YEAS: R. Workman, J. Hensley, V. Fulginiti, R. Michael, A. Napotnik, and L. Heidel

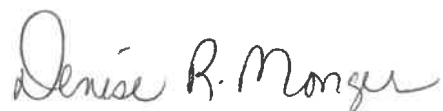
NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Mayor:


Joshua J. Gooden

Recorder:


Denise R. Monger, Clerk