

# **TOWN OF ELKTON**



**VIRGINIA**

## **Elkton Town Council**

Elkton Area Community Center  
20593 Blue and Gold Drive - Elkton, VA 22827  
October 16, 2023 – 6:00 p.m.

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*Unless otherwise indicated or unless relocated by the Council, agenda items will be taken in order. The Council reserves the right to remove, add, and/or relocate agenda items as necessary. Public Hearings will begin promptly at the advertised time.*

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1. **CALL TO ORDER – ROLL CALL**
  - a. Invocation
  - b. Pledge of Allegiance
2. **ADOPTION OF AGENDA**
3. **PUBLIC COMMENT** (Please see “Rules for Citizen Comments at Council Meetings”)
4. **CONSENT AGENDA**
  - a. Minutes
5. **TOWN MANAGER’S REPORT**
  - a. Staff reports
6. **TOWN ATTORNEY’S REPORT**
7. **COMMITTEE REPORTS**
8. **UNFINISHED BUSINESS**
  - a. Recommend Contractor for Downtown Marketplace
9. **NEW BUSINESS**
  - a. Planning Commission recommendation to hold a joint public hearing with the Elkton Town Council on a request from Ronald and Teresa Younger for the issuance of a special exception permit for short-term rentals at 504 4<sup>th</sup> Street, Elkton
  - b. Quotes for fencing along property line between Elkton Downtown Marketplace and dentist office
  - c. Reinvestment of Infinex Funds (REPO Account)
  - d. Proposed procurement policy
  - e. Request to change credit card companies



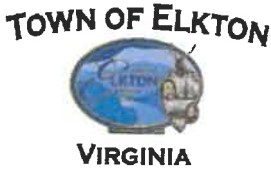
## 10. MAYOR'S BUSINESS

### 11. CLOSED SESSION

- a. Pursuant to Virginia Code § 2.2-3711.A.7 for, "Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."
- b. 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."
- c. Pursuant to Virginia Code § 2.2-3711.A.3 for, "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body."

### 12. ADJOURNMENT





## Staff Report/Recommendation

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Adoption of Agenda

**BACKGROUND:** Council may add items to the agenda.

**ACTION REQUESTED:**

Information Only	<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Reports	<input type="checkbox"/>
Action Item	<input checked="" type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Closed Session	<input type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☐ No Financial Impact ☒  
Amount: N/A  
Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

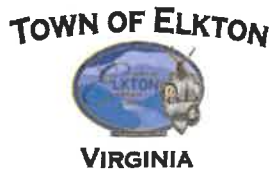
**STAFF RECOMMENDATION:** That Council adopt the Agenda as presented.

**APPROVAL:**

  
Greg Lunsford, Town Manager

**ATTACHMENTS:** None

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



**Staff Report/Recommendation**

**REQUESTING DEPARTMENT:** Town Manager Greg Lunsford

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Consent Agenda

**BACKGROUND:** N/A

**ACTION REQUESTED:**

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☐ No Financial Impact ☒  
Amount: N/A  
Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** That Council approve the Consent Agenda as presented.

**APPROVAL:**

  
\_\_\_\_\_  
Greg Lunsford, Town Manager

**ATTACHMENTS:** Draft minutes for meetings held on: 8/7/23, 8/21/23, 9/5/23, and 9/18.23.

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.

**TOWN OF ELKTON  
TOWN COUNCIL COMMUNITY MEETING  
AUGUST 7, 2023  
5:30 p.m.**

The Elkton Town Community Meeting was held on August 7, 2023 at 5:30 p.m. on the front lawn of the Town Hall, located at 173 W. Spotswood Avenue, Elkton, Virginia, with Mayor Joshua J. Gooden presiding.

**Present:** Mayor Joshua J. Gooden, Vice-Mayor Phillip Workman, II, Council Member Jan Hensley, Council Member Virginia Fulginiti, Council Member Louis Heidel, and Council Member Aaron Napotnik.

**Absent:** Council Member Rachel Michael (excused).

**Also Present:** Town Manager Greg Lunsford, Town Attorney Quinton Callahan, Public Works Director Gaither Hurt, Community Development Director Delores Hammer, and Clerk of Council Denise Monger.

Mayor Gooden opened the meeting.

**CLOSED SESSION**

Council member Fulginiti moved, seconded by Vice-Mayor Workman, and carried that council go from Regular Session in to Closed Session pursuant Virginia Code § 2.2-3711.A.7 and Virginia Code § 2.2-3711.A.1 as follows:

- a. Pursuant to Virginia Code § 2.2-3711.A.7 for, "Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."
- b. 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:** J. Hensley, V. Fulginiti, R. Workman, A. Napotnik, and L. Heidel

**NAYS: None**

**VOTE: (5 – 0 voice vote) Motion carried**

The Mayor and Council left the meeting area and convened into closed session in the conference room of the Town Hall. Upon conclusion of the closed session, Mayor, Council and staff returned to the front lawn of the Town Hall and following motion was presented:

**OPEN SESSION/MOTION TO CERTIFY CLOSED MEETING**

**Vice-Mayor Workman moved, seconded Council member Napotnik, 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: J. Hensley, V. Fulginiti, R. Workman, A. Napotnik, and L. Heidel**

**NAYS: None**

**VOTE: (5 – 0 voice vote) Motion carried**

**ADOPTION OF AGENDA**

**Vice-Mayor Workman moved, seconded by Council member Heidel, and carried to adopt the agenda as amended to add two personnel hires and to remove the recommendation by the Elkton Planning Commission to hold a joint public hearing on a special exception request by Tucker Wood for a short-term rental at 133 North Street, Elkton, VA.**

**YEAS: J. Hensley, V. Fulginiti, P. Workman, L. Heidel and A. Napotnik**

**NAYS: None**

**VOTE: (5 – 0 voice vote) Motion carried**

**NEW BUSINESS**

**Planning Commission recommendation to schedule a joint public hearing with the Elkton Town Council on a request from Kai Li for the issuance of a special exception permit for a short-term rental at 17140 Mt. Pleasant Road, Elkton, Virginia**

Mrs. Hammer stated that the hearing would take place on August 21, 2023 at 6:00 p.m.



**Council member Heidel moved, seconded by Council member Hensley, and carried accept the Planning Commission's recommendation to schedule a joint public hearing for August 21, 2023 at 6:00 p.m. with the Elkton Town Council on a request from Kai Li for the issuance of a special exception permit for a short-term rental at 17140 Mt. Pleasant Road, Elkton, Virginia.**

**YEAS: J. Hensley, V. Fulginiti, P. Workman, L. Heidel and A. Napotnik**

**NAYS: None**

**VOTE: (5 – 0 voice vote) Motion carried**

**Appoint Elkton Chief of Police**

**Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to appoint Mike King as the Chief of Police for the Town of Elkton.**

**YEAS: J. Hensley, V. Fulginiti, P. Workman, L. Heidel and A. Napotnik**

**NAYS: None**

**VOTE: (5 – 0 voice vote) Motion carried**

**Appoint Interim Sergeant**

**Council member Fulginiti moved, seconded by Council member Napotnik, and carried to appoint Ryan Insana as Interim Sergeant for the Elkton Police Department.**

**YEAS: J. Hensley, V. Fulginiti, P. Workman, L. Heidel and A. Napotnik**

**NAYS: None**

**VOTE: (5 – 0 voice vote) Motion carried**

**The following items were discussed:**

- a. Overview of the downtown marketplace
- b. Donations
- c. Grant money
- d. Sign to be erected showing donation dollars
- e. Cost of downtown marketplace
- f. Notices to Valley Trail, if free

**TOWN MANAGER'S REPORT**

**Mr. Lunsford reported the following:**

- a. In-ground holding tank / drinking water / loans / grant money
- b. Engineer designing drinking water project which could go to bid in eight months
- c. Storm water project on Spotswood Avenue / possibility of project going to bid in six months
- d. Police department relocation project / working with architects / possible bid out in three to four months / cannot relocate until Rockingham County has finished their emergency center on Blue & Gold Drive

Mr. Hurt gave an overview of the sidewalk projects.

Mayor Gooden briefly discussed some citizens receiving a letter from the Department of Historic Resources regarding the downtown historic district nomination. A public informational meeting would be held on August 21, 2023. A previous meeting had been held last spring.

Chief King briefly discussed department vacancies and potential promotions.

Council member Fulginiti encouraged citizens visit the community center to see what a wonderful job Jessie Beasley had done reorganizing the facility. She noted that Mrs. Beasley's ability to post events on social media was a huge benefit to the Town. A discussion took place regarding a chili cook-off and Touch-a-Truck event.

Town attorney Callahan briefly spoke regarding nuisance areas and the framework he was working on to assist the Town.

Mrs. Hammer stated that interviews would take place on August 21, 2023 for the planning commission vacancy. An alternate Board of Zoning Appeals vacancy needed to be filled.

All attendees at the event were encouraged to speak individually to Town officials after the meeting adjourned.

#### Motion to Adjourn

**Vice-Mayor Workman moved, seconded by Council member Napotnik, and carried to adjourn the meeting.**

**YEAS: J. Hensley, V. Fulginiti, P. Workman, R. Michael and A. Napotnik**

**NAYS: None**

**VOTE: (5 – 0 voice vote) Motion carried**

**TOWN OF ELKTON  
ELKTON TOWN COUNCIL MEETING  
AUGUST 21, 2023**

A Town Council meeting was held on August 21, 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 Louis Heidel, Council Member Rachel Michael, and Council Member Aaron Napotnik.

**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, EACC Director Jessy Beasley, 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 REVISED AGENDA**

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

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

**JOINT PUBLIC HEARING**

**Request from Kai Li for the issuance of a special exception permit for a short-term rental at 17140 Mt. Pleasant Road, Elkton, Virginia**

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

Dr. Li briefly spoke regarding certain aspects of his rental property. He loved Elkton and looked forward to spending time in the area.

There were no other speakers.

**Commission Kite moved, seconded by Commissioner McDonald and carried to close the joint public hearing.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

The joint public hearing was closed.

## PRESENTATION

### Glo Fiber Presentation

Mr. Stuart French gave a power point presentation for Glo Fiber. He noted that Shentel had been in telecommunications for over 119 years and was now focused on delivering broadband, CATV, phone and wireless service to rural markets. A franchise TV agreement would need to be approved by Council in September.

## PUBLIC HEARING

Sell a portion of a public road to the adjunct land owner via boundary line adjustment, consisting of 0.095 acres, more or less, identified as tax map no. 131 (A) 34, on Mt. Pleasant Road, Elkton, Virginia

Wayne Printz, 336 W. Washington, Elkton, asked that documentation be available for hearings. He noted that most of the Town property being sold was located in a flood zone. He believed the Town changed the zoning in certain areas to avoid a planned unit development in the area; run-off would cause problems. Mayor Gooden responded that any property would be required to obtain a land disturbance permit. Council member Michael noted that the resolution to be approved by Council was in the packet and had been made available to the public.

## PUBLIC INFORMATION HEARING

Hosted by staff of the Department of Historic Resources to present and explain the nomination process and results of the historic district designation, to hear public comment, and answer questions

The information hearing was conducted by Aubrey Von Lindern, Architectural Historian / Certified Local Government Program Manager for the Virginia Department of Historic Resources. She discussed the proposal which had been recommended and was eligible for the Virginia Landmarks and National Registers. The proposal would be presented to the State Review Board and the Board of Historic Resources on September 21, 2023. A copy of the proposal was available on-line. The following citizens spoke at the hearing:

Margaretta Isom (property owner in the district)  
Wayne Printz (adjacent to the district)  
Esther Nizer (community member, candidate for House of Delegates)  
Joshua Gooden (property owner in the district)  
Jan Hensley (adjacent to the district)

## PUBLIC COMMENT

Wayne Printz, 336 W. Washington, spoke regarding out-of-town billing and survey flags.

### CONSENT AGENDA

**Council member Fulginiti moved, seconded by Council member Michael, and carried to approve the Consent Agenda as amended.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

### TOWN MANAGER'S REPORT

Mr. Lunsford reported that the Town was still under a drought watch with Rockingham County being one of the only counties still under a watch. If a drought warning was issued the Town could mandate water restrictions. He briefly discussed the completed wastewater treatment plant and the start of five other capital projects.

Mr. Lunsford stated that Rockingham County had reviewed the site plan for the downtown marketplace and made suggestions which had been addressed by the engineer. He noted that bids for the project would be advertised as required. The staff reports were included in the packet.

#### Staff Reports

No additional reports.

### TOWN ATTORNEY

Mr. Callahan introduced Katherine Mann, an associate attorney who worked on some of the Town's projects. He noted that they recently had the opportunity to tour the Town with Mr. Lunsford, Mr. Hurt, Chief King, and Mrs. Hammer. They viewed some properties in Town that could be deemed unsafe. They also viewed personal property that could be considered "rubbish" and issues with vehicles. Also, there was an issue with parking in utility right of way making it difficult for the public works department to perform their duties. They were in the process of creating new laws for the Council and Planning Commission to review. He had items to discuss with Council in closed session.

### COMMITTEE REPORTS

Public Health & Safety Committee: Chairperson Heidel reported the committee looked forward to working with the new Chief.

Special Projects and Economic Development Committee: Chairperson Napotnik reported that the car show would be held on September 16, 2023 along with Touch-a-Truck. The committee would be discussing ideas for fundraising for the downtown marketplace.

Finance Committee: Chairperson Michael reported that a common theme discussed under public comments was the Town's financial welfare. She noted that Davenport Financial had partnered

with the Town to review the Town's financial welfare. They would compare the Town to other like districts, review the debt profile and investments, and ensure the Town had a healthy financial stance.

Public Utilities: Chairperson Workman reported on a new sidewalk and noted that paving would be done in September.

Parks and Recreation Committee: Chairperson Fulginiti reported on the excellent job Jessy Beasley had done as the new administrator. She briefly noted some future activities at the center.

Policy/Personnel Committee: Chairperson Hensley reported that one of the first issues addressed at their meeting was transparency. She noted that many documents, events, and announcements were on the Town's website and other items were available under FOIA. She noted that Council wanted to reach out to citizens and held the first community meeting on the front lawn of the Town hall. There were twenty-five to thirty people at the event. Many items were discussed and citizens were allowed to speak individually to Council members on a more personal level.

Council member Hensley addressed the increased cost to taxpayers for the nearly twenty-year delay in building both the Town's wastewater treatment plant and the drinking water project. Had these projects been undertaken when the Town received estimates for them in 2005 - rather than delaying - it would have saved our taxpayers over \$16 million dollars. While it placed a burden on all of us, it is our lowest income residents who are penalized the most. They are the ones who bear a disproportionate share of their income. Failure to act on our critical water project will further burden all residents.

### UNFINISHED BUSINESS

Real estate sales contract between Town of Elkton and Marty Pavlik to purchase a lot on Mt. Pleasant Road, Elkton

**Vice-Mayor Workman moved, seconded by Council member Hensley, and carried to approve real estate contract between the Town of Elkton and Marty Pavlik to purchase a lot on Mt. Pleasant Road.**

Mayor Gooden noted that a copy of the contract was included in the packet and the public hearing was held in early 2022.

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

**NAYS: None**

**VOTE: (6 – 0 roll call) Motion carried**

### NEW BUSINESS

2023 Records Management Policy

**Council member Heidel moved, seconded by Council member Napotnik, and carried to adopt the 2023 Records Management Policy as follows:**

**TOWN OF ELKTON  
RECORDS MANAGEMENT POLICY  
2023**

**Statement of Intent**

This policy establishes the general responsibilities for management, retention, and disposition of TOWN records as mandated by the Virginia Public Records Act (VPRA), Code of Virginia § 42.1-76–§ 42.1-91. This policy applies to all employees (including part-time and per diem) and authorized agents of the TOWN and its affiliates.

The TOWN is committed to effectively managing its records, regardless of media type, by adhering to best practices and following a systematic and logical plan developed by the organizational units that maintain the records. The successful implementation and ongoing effectiveness of this policy is dependent on the cooperation of each organizational unit to ensure that permanent records are preserved and nonpermanent records are destroyed in a timely and orderly manner.

The policy will provide guidance for achieving the following objectives:

1. Comply with the Virginia Public Records Act (VPRA), Code of Virginia § 42.1-76–§ 42.1-91, which governs the creation, maintenance, and disposition of public records
2. Develop and implement procedures, guidelines, systems, and business practices that facilitate the creation, backup, preservation, filing, storage, and disposal of records of all formats
3. Create a network of personnel throughout the TOWN trained to manage records of all types
4. Reduce risks associated with unintended disclosure of sensitive information
5. Protect essential and historical information about the TOWN

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- VII. Destruction of Public Records
- VIII. Storage, Retrieval, and Disaster Recovery
- IX. Legal Matters, Audits, and Investigations
- X. Data Privacy

DRAFT



## **I. Responsibilities Under the Virginia Public Records Act (VPRA)**

### **Records Management Program**

The TOWN will implement a sound records management program in accordance with the Virginia Public Records Act (VPRA) § 42.1-76 et seq. An effective records management program will implement Library of Virginia–approved records retention and disposition schedules, document destruction of scheduled records, train employees, and create and disseminate records management procedures.

### **Designated Records Officer**

The TOWN will designate at least one records officer to oversee the TOWN’S records management program in accordance with the Virginia Public Records Act (VPRA) § 42.1-85. The designated records officer(s) will serve as a liaison(s) to the Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction of obsolete records.

The TOWN will identify the person or persons who will serve as records officer(s) by submitting the Records Officer Designation and Responsibilities Form (RM-25) to the Library of Virginia.

### **Delivery of Records to Successor**

At the end of a records custodian’s term of office, appointment, or employment, all records should be turned over to his/her successor. In the event that the TOWN ceases to exist and there is no successor, all records should be transferred to the Library of Virginia per the Code of Virginia § 42.1-88.

## **II. Public Records**

### **Public Records**

Public records are those that document the transaction of business by the TOWN. The format in which the information is presented, as well as the medium on which the information is contained, have no bearing on the determination of whether the record is a public record. (Code of Virginia § 42.1-77)

### **Non-records**

Public records shall not include materials made or acquired and kept solely for reference or exhibition purposes, copies of records kept only for convenience or reference, and stocks of publications. These are considered “non-records.” (Code of Virginia § 42.1-77)

### **Copy of Record**

The “copy of record” shall be construed to mean the “official” copy of a particular public record, with no regard as to whether it is an original, copy, or reformatted version. All work units within the TOWN shall work with the designated records officer to establish in writing the ownership of and responsibility for copies of record.

### **Confidential Records**

Public records that are restricted from disclosure by statute, court order, or legally adopted rules and regulations are considered confidential. TOWN records that are deemed confidential are still considered to be public records even though they are not publicly available. TOWN records management procedures will contain references to all applicable regulations and statutes affecting TOWN records.

## **III. Roles and Responsibilities**

### **Town Council**

The ELKTON TOWN COUNCIL is responsible for establishing and approving the TOWN records management program and identifying to the Library of Virginia the person(s) to serve as the designated records officer(s).

### **Department Heads**

The heads of departments are responsible for ensuring that procedures and programs within their areas of responsibility meet the requirements of the TOWN’S records management program relative to record identification, generation, control, maintenance, processing, storage, and disposition.

### **Town-designated Records Officer**

The designated records officer is responsible for the development, implementation, and ongoing coordination of the records management program to meet regulatory requirements.

Responsibilities of the records officer include:

- Developing procedures to implement the TOWN’S records management program in coordination with the Library of Virginia
- Providing training in records management procedures and practices, including the use of appropriate forms

- Implementing systems to meet program requirements for completeness, legibility, reproducibility, retrievability, distribution, control, security, storage, and disposition of records, regardless of format or media type
- Advising staff members on where to access and how to use Library of Virginia–approved retention schedules
- Coordinating staff in the surveying of records
- Ensuring that essential, archival, and permanent records are identified, properly maintained, protected, and accessible for the length of time cited in an applicable retention schedule
- Maintaining contact and connections with TOWN records coordinators

### **Records Coordinators**

Records coordinators are responsible for assisting in the design, implementation, and management of the TOWN records management program by serving as liaisons between their respective work units and the TOWN’S designated records officer. One may be appointed by department heads, if needed.

Responsibilities of a records coordinator include:

- Being familiar with the TOWN’S internal records management policy
- Developing the unit’s records management procedures and practices, consistent with this policy
- Educating staff within the organizational unit in understanding sound record management practices
- Restricting access to confidential records and information
- Coordinating the destruction of records with the records officer as provided in the applicable procedures

## **IV. Records Retention and Disposition Schedules**

Records retention and disposition schedules are created and maintained by the Library of Virginia. Retention schedules are approved sets of clearly identified, related records series that dictate the length of time a series must be kept and its required disposition.

All TOWN records must be managed in accordance with the most current Library of Virginia–approved records retention and disposition schedules.

If a new category of records is created, and no applicable series is found on an existing retention schedule, then the TOWN’s designated records officer must contact the TOWN’s assigned records analyst at the Library of Virginia so that the records may be scheduled.

## V. Electronic Records

The TOWN will manage its electronically stored information (ESI) consistent with the Library of Virginia–approved records retention and disposition schedules and any legal obligations that may apply. The retention schedules govern retention of electronic records in the same manner as paper records. Content, not format, drives records retention.

The destruction of electronic records must be documented through submission of the Certificate of Records Destruction (RM-3 Form). (See section VII of this policy.)

## VI. Disposition of Public Records

There are two options for public records disposition: permanent retention or destruction. Use the records retention and disposition schedules to determine whether a series is permanent or when it should be destroyed.

### **Permanent Records**

A public record is considered permanent when it has been determined to have “continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law.” (Code of Virginia § 42.1-77)

Permanent records held by the TOWN are identified on a Library of Virginia–approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth. The retention schedules will identify whether a record must be maintained by the TOWN or may be offered to the Archives at the Library of Virginia. Permanent records of the TOWN cannot be given away, sold, or loaned to any outside person, organization, or business entity.

TOWN staff or work units in possession of permanent records that may be offered to the Library of Virginia must contact the TOWN designated records officer when the records are no longer active. The records officer will contact the Library to begin the transfer process.

### **Non-permanent Records**

All TOWN records that have not been deemed permanent must eventually be destroyed. The records retention and disposition schedules identify when a set of records has reached the end of its usefulness. A retention schedule may also state whether records must be destroyed in a certain manner. Retention schedules constitute a legal timeline for the destruction of

records from which the TOWN must not deviate unless in the midst of a legal hold. (See section IX of this policy.)

### **Destruction of Public Records**

All records destruction performed by the TOWN must be done in accordance with written procedures and documented on a Certificate of Records Destruction (RM-3 Form). The RM-3 Form is required when destroying public records, in all formats, that are deemed copies of record. The original RM-3 Form must be submitted to the Library of Virginia. The TOWN must retain a copy of the RM-3 Form for three (3) years.

TOWN records must be destroyed in the manner identified by the appropriate series on a general or specific records retention and disposition schedule. All TOWN records must be destroyed once the applicable retention period has expired. No records may be maintained past the end of their stated retention unless involved in current litigation, investigation, or audit. (Code of Virginia § 42.1-86.1)

TOWN records may not be destroyed because of lack of space or funding for storage. Do not report the destruction of materials that are not public records, such as copies, personal items, and reference materials on an RM-3 Form.

### **Non-confidential Destruction**

Acceptable methods of destruction for non-confidential TOWN records include trash, recycling, or deletion of electronic records. Destruction must be done in a timely manner, construed by the Library of Virginia to be one (1) year from retention expiration.

### **Confidential Destruction**

Acceptable methods of destruction for confidential TOWN records include cross-cut shredding, pulping, incinerating, physical destruction of electronic storage media, "wiping" of electronic records with appropriate software, and degaussing of magnetic material. Destruction of confidential records containing personally identifying information must be done within six (6) months of retention expiration. (Code of Virginia § 42.1-86.1)

### **Non-record Destruction**

The destruction of non-record material, confidential or otherwise, will not be reported to the Library of Virginia. If necessary, the destruction of non-records can be recorded by the TOWN for internal purposes.

## **VII. Storage, Retrieval, and Disaster Recovery**

### **Storage**

All TOWN records shall be maintained in such a way that they are identifiable and accessible for the entirety of their assigned retention period.

All TOWN records must be stored in areas with consistent temperatures and humidity levels. Ideal conditions are a temperature maintained in the 65–70° range and humidity maintained at 40% +/- 5%.

All TOWN records must be:

- Protected from fire by the installation of smoke detectors, water sprinklers, and fire extinguishers
- Free of vermin and insects
- Far from water pipes

If records are of a confidential nature, they should be stored in a secure area that is locked and has controlled access for select personnel only. Strict procedures must be in place for retrieval, use, and re-filing of confidential records. Access to confidential records in electronic formats will be limited by assigning appropriate log-in credentials.

### **Retrieval**

All work units must have procedures in place for the retrieval of records, their use, and re-filing.

### **Disaster Recovery**

The TOWN will have in place a Records Emergency Action Plan (REAP) that clearly communicates the procedures for records recovery in the event of a natural disaster, fire, or other catastrophic event affecting the TOWN.

## **VIII. Legal Matters, Audits, and Investigations**

Any TOWN record that is relevant to pending or anticipated action, i.e., litigation, claim, audit, agency charge, investigation, or enforcement action, shall be retained until final resolution of the matter. In these circumstances, the work unit involved with the ongoing action will notify all other relevant organizational units and work with staff to identify and retain any records (including electronic records) and other information that could be relevant to the matter. This will include a directive that the relevant work unit's normal document destruction procedures be suspended temporarily.

TOWN employees who become aware that an action, investigation, or legal proceeding has commenced or is anticipated against their department or work unit must promptly notify the manager of the affected organizational unit, as well as the town-designated records officer, so that all records with potential relevance to the investigation or legal proceeding can be retained as necessary. After matter is closed, records should be maintained according to appropriate records series retention and disposition.

#### **IX. Data Privacy**

All records created and maintained by the TOWN that contain personal or other confidential information must be kept in accordance with the Government Data Collection and Dissemination Practices Act, Code of Virginia § 2.2-3800 et seq. (See section VIII of this policy for information on the storage of and access to confidential records).

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

**NAYS: None**

**VOTE: (6 – 0 roll call) Motion carried**

#### **Records officer designation**

**Council member Heidel moved, seconded by Council member Michael, and carried to designate Denise Monger as the Town's records officer.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

**Resolution to sell a portion of a public road to the adjunct land owner via boundary line adjustment, consisting of 0.095 acres, more or less, identified as tax map no. 131 (A) 34, on Mt. Pleasant Road, Elkton, Virginia**

**Vice-Mayor Workman moved, seconded by Council member Napotnik, and carried adopt the resolution as presented:**

### **TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA**

#### **RESOLUTION**

**WHEREAS**, the Town of Elkton owns a public road known as Charlotte's Way, which is a 50' lane connecting Route 623, also known as Mt. Pleasant Road, to the parcel identified as TM 131 (A) 34, among the tax records of the County of Rockingham, Virginia, which parcel is also owned by the Town of Elkton; and

**WHEREAS**, the Town of Elkton desires to sell a portion of the public road known as Charlotte's Way to the adjunct land owner of Lot 9 for the amount of \$11,140.20, which conveyance is to be made through a boundary line adjustment pursuant to the Town of Elkton ordinances §§ 110-908, 110-909, and 110-910. Said conveyance shall be made to Superior Siding & Home Improvement, Inc., the record owner of the parcel identified as Lot 9, Tax Map No. 131-A-9 ("Superior"), by deed recorded among the land records of the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 5287, Page 566; and

**WHEREAS**, the portion of Charlotte's Way to be conveyed to Superior consists of 0.095 acres, more or less, and is shown on a boundary line adjustment survey entitled "Boundary Line Adjustment Survey of Lot 9 and Charlotte's Way, Elk Run Subdivision, Section 1" created by Randall K. Newman, L. S., dated July 12, 2023 (the "Plat"); and

**WHEREAS**, the new acreage of Lot 9 shall be 0.268 acres, more or less, following the boundary line adjustment as shown on the Plat; and

**WHEREAS**, the Elkton Planning Commission recommended at their June 5, 2023 meeting, that the Town sell a portion of Charlotte's Way to Superior as described above; and

**WHEREAS**, the Town of Elkton has determined it is in the Town's best interest to authorize the sale of a portion of Charlotte's Way to Superior as described above; and

**WHEREAS**, the Town of Elkton has reviewed a proposed deed prepared by the Town Attorney to be recorded with the Plat for the purpose of conveying a portion of Charlotte's Way to Superior as described above;

**NOW THEREFORE, BE IT RESOLVED**, the Elkton Town Council approves the sale of a portion of Charlotte's Way as shown on the Plat through a boundary line adjustment pursuant to the Town of Elkton ordinances §§ 110-908, 110-909, and 110-910, for the amount of \$11,140.20. The Town further approves the deed prepared by the Town Attorney which shall be recorded with the Plat. The Town Attorney shall prepare any other appropriate closing documents, including, but not limited to: memorandum of sale terms, settlement statement, and owner's affidavits.

The undersigned Clerk of the Town Council of the Town of Elkton, Virginia, certifies that the foregoing constitutes a true, complete and correct copy of the Resolution adopted at a meeting of the Town Council of the Town of Elkton, Virginia, held on August 21, 2023, and has not been revoked, rescinded, or repealed.

---

Clerk, Town Council, Town of Elkton,  
Virginia

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**



## **MAYORS BUSINESS**

Mayor Gooden stated that he had the honor to present to the Elkton Lion's Club about the downtown historic district. He thanked Neighborhood Watch for the National Night Out event they recently hosted. He noted that the community meeting was a highlight for him from the last ten years.

## **CLOSED SESSION**

Council member Fulginiti moved, seconded by Council member Hensley, and carried that council go from Regular Session in to Closed Session pursuant Virginia Code § 2.2-3711.A.7 and Virginia Code § 2.2-3711.A.1 as follows:

- a. Pursuant to Virginia Code § 2.2-3711.A.7 for, "Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."
- b. 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: J. Hensley, V. Fulginiti, R. Workman, 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 Michael, 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: J. Hensley, V. Fulginiti, R. Workman, R. Michael, A. Napotnik, and L. Heidel**

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

Appoint Sergeant to Police Department

**Council member Napotnik moved, seconded by Council member Hensley, and carried to appoint Ryan Insana to Sergeant for the Elkton Police Department.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

Appoint Corporal to Police Department

**Council member Michael moved, seconded by Council member Heidel, and carried to appoint Chuck Roberts to Corporal for the Elkton Police Department.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

Hire Police Officer

**Council member Fulginiti moved, seconded by Vice-Mayor Workman, and carried to hire Aaron Meek to the Elkton Police Department.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

Motion to Adjourn

**Vice-Mayor Workman moved, seconded by Council member Napotnik, and carried to adjourn the meeting.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

With no additional business, the meeting was adjourned at 8:07 p.m.

**TOWN OF ELKTON**  
**ELKTON TOWN COUNCIL WORK SESSION**  
**September 5, 2023**  
**5:30 p.m.**

The Elkton Town Council Work Session was held on September 5, 2023 at 5:30 p.m. in the Council Chambers of the Elkton Area Community Center, located at 20593 Blue and 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 Louis Heidel, Council Member Rachel Michael, and Council Aaron Napotnik.

**Also Present:** Town Manager Greg Lunsford, Chief of Police Mike King, Public Works Director Gaither Hurt, Community Development Director Delores Hammer, Community Center Director Jessy Beasley, Treasurer Donna Curry, and Deputy Clerk of Council Kim Shifflett.

**COUNCIL WORK SESSION**

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

**ADOPTION OF AGENDA**

**Vice-Mayor Workman moved, seconded by Council member Michael, and carried to adopt the agenda as presented.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

**TOWN MANAGER'S REPORT**

Mr. Lunsford reported on the drought conditions. Due to the lack of substantial rain and above average temperatures, the well pumps were running almost twenty-four hours a day. The reservoir had dropped eight foot over the past thirty days. He noted that the Town could be forced to shut down the Newtown Road water hauling station by the end of the week.

Mr. Hurt reported his department was scheduled to hang the Veteran banners which would be placed parallel with the road this year due to brackets being damaged by large trucks.

Chief King introduced newly hired police officer Aaron Meek. He was previously employed with the University of Virginia Police Department.

Mrs. Hammer received a great response to the upcoming car show in September. She noted a gentleman from Pennsylvania staying at Massanutten Resort would be attending with his 1917 Ford.

Mrs. Beasley reported that the center had received many emails regarding the new parks and recreation programs and activities. She was working to get the winter basketball league started.

### **COMMITTEE REPORTS**

**Public Utilities:** Chairperson Workman stated that the Town would soon be accepting bids for the Pavilion and storm water project. He questioned if the charging stations were metered and set-up to charge a fee if the Town decided to. Mr. Hurt responded that the software had already been installed.

**Finance Committee:** Chairperson Michael noted that Glo Fiber was coming on Friday to install services at her residence which would save her approximately \$100.

**Parks and Recreation Committee:** Chairperson Fulginiti reported that the 9/11 Ceremony would take place at 10:00 a.m. in Stonewall Park.

**Policy/Personnel Committee:** Council member Hensley welcomed Officer Aaron Meek.

### **UNFINISHED BUSINESS**

**Recommendation by the Elkton Planning Commission to appoint Dean Tills to fill the unexpired term for Roy Gene Davis from September 5, 2023 to May 1, 2025**

**Council member Hensley moved, seconded by Council member Heidel, and carried to approve the recommendation from the Elkton Planning Commission to appoint Dean Tills to fill the unexpired term for Roy Gene Davis.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

### **NEW BUSINESS**

**2023 Special Olympics Proclamation**

**Council member Michael moved, seconded by Council member Fulginiti, and carried to approve the 2023 Special Olympics Proclamation.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

**Constitution Proclamation**

Delores Lackovitch, Daughters of the American Revolution, Shenandoah River Chapter, spoke on the importance of the Constitution and the week to honor the document was September 17 – 23, 2023. She noted it was the 236<sup>th</sup> anniversary of the Constitution.

**Vice-Mayor Workman moved, seconded by Council member Hensley, and carried to approve the Constitution Proclamation.**

### **CONSTITUTION PROCLAMATION 2023**

**WHEREAS**, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

**WHEREAS**, at the culmination of months of deliberation, debate and compromise, on September 17, 2023, marks the 236<sup>th</sup> anniversary of the signing of the Constitution of the United States of America was signed; and

**WHEREAS**, through all its changes over the years, the Constitution's foundation has endured and adapted; and it is the supreme law of our land; and

**WHEREAS**, Constitution Week is celebrated each year from September 17<sup>th</sup> through September 23<sup>rd</sup>; and

**WHEREAS**, the adoption of the Constitution and the independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated during Constitution Week.

**NOW, THEREFORE**, I, Joshua J. Gooden, Mayor of the Town of Elkton, do hereby proclaim September 17 through September 23, 2023, as Constitution Week. I encourage governmental leaders, as well as leaders of civic, social and educational organizations to reflect on the importance of active citizenship, recognize the enduring strength of our Constitution, and reaffirm our commitment to the rights and obligations of citizenship in this great Nation.

**FURTHERMORE**, I urge all citizens of Elkton to reflect during this week on the many benefits of our Federal Constitution and the responsibilities and privileges of American citizenship.

**ADOPTED** this 5th day of September, 2023.

Signed: \_\_\_\_\_  
Joshua J. Gooden, Mayor  
Town of Elkton

Attest:

\_\_\_\_\_  
Denise R. Monger, Clerk

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

Recommendation by the Elkton Planning Commission to approve the special exception permit request by Kai Li for a short-term rental at 17140 Mt. Pleasant Road, Elkton

**Council member Heidel moved, seconded by Council member Napotnik, and carried to approve the special exception permit request by Kai Li for a short-term rental at 17140 Mt. Pleasant Road, Elkton.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

**MOTION TO ADJOURN**

**Council member Michael moved, seconded by Council member Fulginiti, and carried to adjourn the meeting.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

**TOWN OF ELKTON  
ELKTON TOWN COUNCIL MEETING  
SEPTEMBER 18, 2023**

The regular meeting of the Elkton Town Council was held on September 18, 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 Louis Heidel, Council Member Rachel Michael, and Council Member Aaron Napotnik.

**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, EACC Director Jessy Beasley, 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 Heidel moved, seconded by Council member Nesselrodt, and carried to adopt the agenda as presented.**

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

**NAYS: None**

**VOTE: (6 – 0 roll call) Motion carried**

**PUBLIC COMMENT**

Andy Verone, no address for the record, addressed Council regarding water rates.

Wayne Printz, 336 W. Washington, addressed Council regarding meetings and zoning.

**CONSENT AGENDA**

Items on the consent agenda were moved to the October meeting.

**TOWN MANAGER'S REPORT**

Mr. Lunsford reported on the successful car show event held on Saturday. There was a grand opening scheduled for the new wastewater treatment plant on September 19, 2023. The Town was still under a drought warning.

### Staff Reports

Mrs. Hammer thanked everyone for their support for the car show. She had received positive feedback for the event.

Treasurer Curry reported that Brown Edwards was scheduled to start the FY23 audit in January. She noted a new pay system was in the process of being installed. There was a new budget platform for the upcoming budget.

### TOWN ATTORNEY

Mr. Callahan reported on the boundary line adjustment petition would be filed in court. He requested to speak with Council in closed session regarding possible litigation.

### COMMITTEE REPORTS

Public Health & Safety Committee: Chairperson Heidel reported that final drawings for the new police station had been reviewed.

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

Finance Committee: Chairperson Michael reported no additional business.

Public Utilities: Chairperson Workman reported on the grand opening at the wastewater treatment plant.

Parks and Recreation Committee: Chairperson Fulginiti reported that the 9/11 ceremony went well. Mrs. Beasley read a list of events for the center.

Policy/Personnel Committee: Chairperson Hensley reported no additional business.

### UNFINISHED BUSINESS

#### Glo Fiber TV Franchise Agreement

The matter would be discussed at a future meeting since the Town had not received a copy of the agreement for review.

### NEW BUSINESS

#### Purchase service weapon

**Council member Heidel moved, seconded by Council member Hensley, and carried to approve the following motion:**

#### PURCHASE OF SERVICE WEAPON

Upon the retirement of Chief of Police, David Harris, who was a sworn law-enforcement officer with over 10 years of state service, and pursuant to Virginia Code Section 59.1-148.3 E, the Elkton Town Council allow Chief Harris to purchase his service handgun, a Glock Model 22



with serial number BMHT707, for the purchase price of \$1.

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

### **MAYORS BUSINESS**

Mayor Gooden stated that a model of the downtown farmer's market would be available for view by the public at Ace Hardware on September 25, 2023. The wastewater treatment plant ribbon cutting was scheduled for September 19, 2023 at 2:00 p.m. The Virginia Board of Historic Resources and State Review Board would meet on September 21, 2023 to discuss the Town of Elkton's historic district request and nomination.

### **CLOSED SESSION**

**Council member Fulginiti moved, seconded by Council member Hensley, and carried that council go from Regular Session in to Closed Session pursuant Virginia Code § 2.2-3711.A.7 for, "Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

### **OPEN SESSION/MOTION TO CERTIFY CLOSED MEETING**

**\_\_\_\_\_ moved, seconded Council member \_\_\_\_\_, 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: J. Hensley, V. Fulginiti, R. Workman, R. Michael, A. Napotnik, and L. Heidel**

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

Motion to Adjourn

**Vice-Mayor Workman moved, seconded by Council member Napotnik, and carried to adjourn the meeting.**

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

**NAYS: None**

**VOTE: (6 – 0 voice vote) Motion carried**

With no additional business, the meeting was adjourned at 8:07 p.



## Staff Report/Recommendation

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Town Manager's Report

**BACKGROUND:** Report to be presented verbally by Mr. Lunsford.

**ACTION REQUESTED:**

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input checked="" type="checkbox"/>
Action Item <input type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☐ No Financial Impact ☒  
 Amount: N/A  
 Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** N/A

**APPROVAL:**    
 \_\_\_\_\_  
 Greg Lunsford, Town Manager

**ATTACHMENTS:** Staff reports

## CONSOLIDATED MONTHLY RUNS REPORT

SEPTEMBER 2023

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### Law Enforcement Agencies

HPD.....	8078
RCSO.....	2986
Bridgewater.....	831
Broadway.....	570
Dayton .....	582
Elkton.....	607
Grottoes.....	1175
Timberville.....	1523
 TOTAL.....	 16,352

# TOWN OF ELKTON POLICE REPORT 2023

ARREST/CHARGES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD
ASSAULT & BATTERY	2	3	0	2	0	0	0	0	0				
CURFEW VIOLATIONS	0	0	0	0	0	0	0	0	0				
DRIVING UNDER THE INFLUENCE	1	0	0	1	0	0	0	0	1				
DRINKING IN PUBLIC/PUBLIC INTOXICATION	1	0	0	2	1	2	1	0	1				
DRUGS (POSSESSION & DISTRIBUTION)	7	1	1	2	1	1	0	0	0				
LOITERING	0	0	0	0	0	0	0	0	0				
PARKING TICKETS	0	0	0	0	0	0	2	0	1				
RECKLESS DRIVING	3	2	0	1	1	0	1	0	1				
SEAT BELT/CHILD RESTRAINT VIOL.	0	0	0	0	0	0	1	0	0				
SPEEDING	18	10	9	5	2	1	6	4	0				
MISCELLANEOUS	24	38	22	47	11	17	13	32	20				
ADULT ARRESTS	51	54	29	59	15	20	24	36	23				
JUVENILE ARRESTS	5	0	3	1	1	1	0	0	1				

## POLICE OFFICERS RESPONDED TO THE FOLLOWING COMPLAINTS

BUSINESS/RESIDENTIAL ALARMS	18	9	15	14	14	9	8	14	14				
DOMESTIC SITUATIONS	4	2	4	3	2	5	6	1	3				
DISORDERLY	6	8	12	13	8	2	7	5	9				
LARCENY COMPLAINTS	6	4	2	1	3	6	2	3	5				
TRAFFIC CRASHES	4	6	5	5	7	4	2	4	3				
TRAFFIC STOPS	65	58	49	37	35	18	29	29	28				
VANDALISM/PROPERTY DAMAGE	2	3	0	3	2	3	1	2	5				
ASSIST OTHER DEPT (POLICE/FIRE/RESCUE)	2	4	5	5	4	0	4	5	3				
MISCELLANEOUS	1015	1143	1245	764	664	629	685	569	537				
TOTAL	1122	1237	1337	845	739	676	744	632	607				

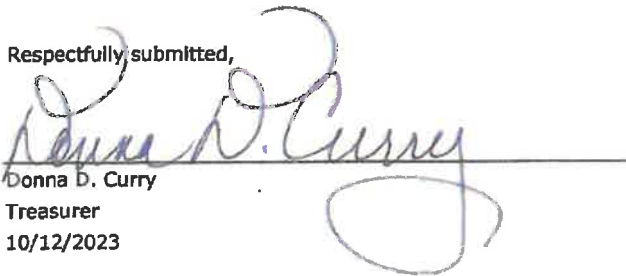
MIKE KING  
CHIEF OF POLICE

**TOWN OF ELKTON  
TREASURER'S REPORT  
For Month Ending September 30, 2023**

**FIRST BANK OPERATING ACCOUNT**

<b>BEGINNING BALANCE</b>			\$	<b>4,916,573.78</b>
<b>DEPOSITS</b>			\$	720,192.25
Interest earned			\$	21,939.48
<b>EXPENDITURES</b>			\$	(698,095.58)
Bank Service Charge			\$	-
<b>ENDING BALANCE</b>			\$	<b>4,960,609.93</b>
Outstanding Checks			\$	<b>(102,598.98)</b>
ARPA FUNDING (deposited 6/29/2021)		\$	1,505,955.00	
Expended		\$	(681,010.00)	
Proposed Projects		\$	(1,350,000.00)	
Drinking Water Project		\$	(980,900.00)	
ARPA FUNDING (deposited 7/22/2022)		\$	1,505,955.00	
(these funds are included in the Operating total)		\$	-	
<b>ADDITIONAL ACCOUNTS</b>				
INFINEX ACCOUNT (REPO)	9/30/2023	\$	472,352.65	\$ 472,352.65
Bank of America	5/31/2023	\$	-	\$ -
(transferred funds to First Bank \$354,456.87 and closed the account to avoid additional fees)				
<b>SWEEP Accounts</b>				
F & M Bank	9/19/2023	\$	250,020.55	\$ 250,020.55
F & M Bank	9/30/2023	\$	12,690.56	\$ 12,690.56
United Bank	9/30/2023	\$	333,421.54	\$ 333,421.54
United Bank	9/30/2023	\$	450,667.55	\$ 450,667.55
United Bank	9/30/2023	\$	5,000.00	\$ 5,000.00
		\$	1,051,800.20	\$ 1,421,553.87
<b>TOTAL FUNDS</b>			\$	<b>6,382,163.80</b>

Respectfully submitted,

  
Donna D. Curry  
Treasurer  
10/12/2023

## YEAR TO DATE SNAPSHOT OF SELECTED REVENUE TOTALS

### MEALS TAX

<b>Budget</b>		<b>YTD</b>	
\$	1,265,000.00	\$	322,102.95

### CIGARETTE TAX

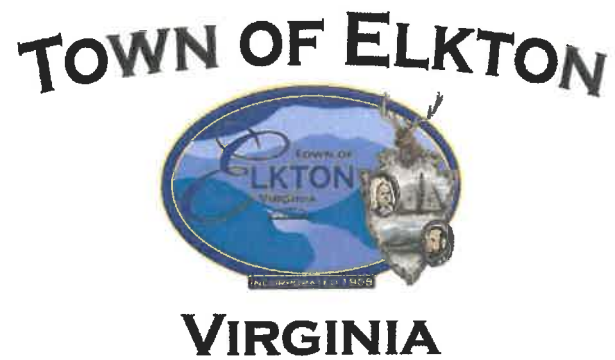
<b>Budget</b>		<b>YTD</b>	
\$	66,000.00	\$	15,400.00

### REAL ESTATE TAXES

<b>Budget</b>		<b>YTD</b>	
\$	371,643.00	\$	1,936.14
\$	19,490.00	\$	5,423.69 (delinquent)

### PERSONAL PROPERTY TAXES

<b>Budget</b>		<b>YTD</b>	
\$	247,501.00	\$	31,819.08
\$	12,076.00	\$	5,115.39 (delinquent)



## Public Works Work Order Report for September 2023

Cemetery	7
Electric	15
Garbage	3
Gen.Govt	12
Recreation	10
Sewer	1
Streets	23
Water	13
Total	84

**173 W. SPOTSWOOD AVENUE | ELKTON, VIRGINIA 22827**  
**ELKTONVA.GOV**



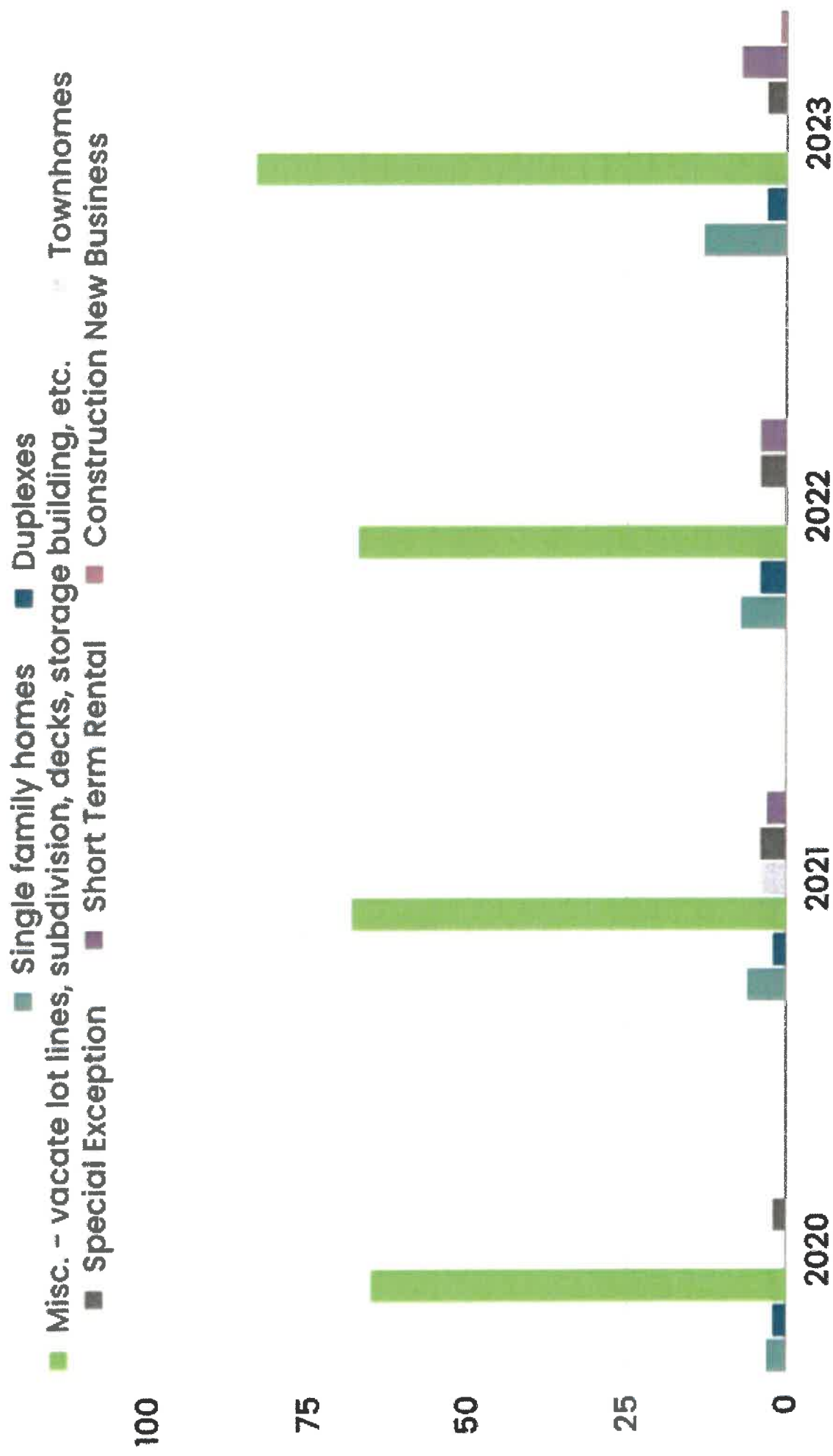
#	Date issue:	Caller:	St #	Address	Ph:	Project	Comp	Date comp:	Initial
3662	8/29/2023	cemetary		elk run cemetary		grave for vergie baugher	x	9/1/23	gf-bb-th
3664	9/1/2023	cemetary		elk run cemetary		grave for james meadows	x	9/6/2023	kb-bb-th
3671	9/11/2023	cemetary		elk run cemetary		cremation for philip offenbacher	x	9/15/23	kb-bb-th
3696	9/18/2023	cemetary		elk run cemetary		grave for wanda baker	x	9/20/2023	kb-bb-th
3697	9/18/2023	cemetary		elk run cemetary		grave for ronald dearing	x	9/21/2023	kb-bb-th
3712	9/20/2023	cemetary		elk run cemetary		spray ground nest for yellow jackets	x	9/20/2023	bs-rh
3720	09/19/23	cemetary		elk run cemetary		cremation for barbara horn	x	9/25/2023	kb-bb-th
3660	9/1/2023	electric		willow oaks		power line damaged-install temp line	x	9/1/23	crew
3661	9/2/2023	electric	183	west spotswood ave		power outage	x	9/2/23	sh-kb
3666	9/6/2023	electric		willow oaks		help dominion locate underground fault	x	9/6/2023	sh-rl
3674	9/14/2023	electric		harrisonburg		pick up line truck from shop	x	9/14/2023	jb-rl-sh
3675	9/14/2023	electric	208	north stuart		service upgrade	x	9/14/2023	jb-rl-sh
3684	9/12/2023	electric		4th street		cut trees back from power lines	x	9/12/23	jb-rl-sh
3687	9/11/2023	electric	208	north stuart		install temp power	x	9/11/23	jb-rl-sh
3703	9/19/2023	electric		mt plesant road		install new pole-transformer for new homes	x	9/20/2023	jb-rl-sh
3717	09/22/23	electric	434	west spotswood trail		connect paid street light	x	9/22/2023	jb-rl-sh
3718	9/22/2023	electric		shop		repair line truck fittings	x	9/22/2023	jb-rl-sh
3719	9/22/2023	electric	260	shenandoah ave		replace electric meter	x	9/26/2023	jb-rl-sh
3781	9/25/2023	electric		willow oaks		install new service to replace temp service	x	9/26/2023	jb-rl-sh
3782	9/27/2023	electric		shop		get electrical trucks tested-inspected	x	9/27/2023	jb-rl-sh
3784	9/27/2023	electric	17080	mt plesant road		install new service	x	9/28/2023	jb-rl-sh
3787	9/28/2023	electric	17080	mt plesant road		set and program new meter	x	9/28/2023	jb-rl-sh
3655	09/01/23	garbage	210	quail run drive		bulk pick up	x	9/1/23	bb-gf
3726	9/25/2023	garbage	301	virginia ave		bulk pick up	x	9/26/2023	kb-bb-th
3727	09/26/23	garbage	209	lee ave		bulk pick up	x	9/26/23	kb-bb-th
3657	9/1/2023	gen.govt		dance studio		repair window	x	9/1/23	sh-rl
3676	9/14/2023	gen.govt		eacc		weedat-trim bushes-spray weeds	x	9/14/2023	lb-gf
3690	9/11/2023	gen.govt		town hall		hang veteran banners	x	9/11/23	lb-gf
3692	9/11/2023	gen.govt		town		disconnects	x	9/11/23	kb-bb-th
3706	9/21/2023	gen.govt		town hall		hang banners on basketball courts	x	9/21/23	lb-gf
3707	9/21/2023	gen.govt		eacc		several odd jobs	x	9/22/23	kb-bb-th
3709	9/21/2023	gen.govt		eacc		repair toilet seats	x	9/21/2023	bs-rh
3722	9/25/2023	gen.govt		town		radio read meters	x	9/25/23	lb-gf

3725	9/25/2023	gen.govt			town		fire extinguisher inspections/inventory	x	9/25/2023	bs-rh
3729	9/26/2023	gen.govt			town		meter re-checks	x	9/26/23	lb-gf
3783	9/27/2023	gen.govt			town		read town and demand meters	x	9/27/2023	lb-gf
3788	9/28/2023	gen.govt			town hall		clean up-decorate for fall	x	9/29/23	lb-gf
3677	9/14/2023	recreation			stonewall park		trim bushes	x	9/14/23	lb-gf
3678	9/13/2023	recreation			boat landing		paint over graffiti	x	9/13/2023	lb-gf
3682	9/12/2023	recreation			stonewall park		repair rest room doors	x	9/12/2023	bs-rh
3686	9/12/2023	recreation			riverside park		remove swing	x	9/12/23	jb-rl-sh
3689	9/11/2023	recreation			riverside park		spray ground nest for yellow jackets	x	9/11/23	bs-rh
3691	9/11/2023	recreation			stonewall park		set-up and clean up 9/11 event	x	9/11/2023	kb-lb-gf-bb-th
3693	9/12/2023	recreation			stonewall park		trim bushes	x	9/12/2023	lb-gf
3711	9/20/2023	recreation			stonewall park		tighten up all bolts on playground	x	9/20/2023	bs-rh
3713	9/19/2023	recreation			riverside park		spray ground nest for yellow jackets	x	9/19/2023	bs-rh
3786	9/27/2023	recreation			stonewall park		repair memorial wall-loose blocks	x	9/27/23	bs-rh
3716	9/22/2023	sewer	E.Lam	106	lee ave		sewer back up	x	9/22/2023	kb-bb-th
3656	9/1/2023	streets			elkwood well		remove fallen tree	x	9/1/23	gf-bb-th
3658	9/1/2023	streets		200	block lee ave alley		gravel potholes in alley	x	9/1/23	gf-bb-th
3659	9/1/2023	streets			town		install car show banners	x	9/1/23	sh-rl
3665	9/5/2023	streets			town		hang veteran banners	x	9/5/2023	crew
3667	09/06/23	streets			mt pleasant road		clear brush along the road	x	9/8/2023	kb-bb-th
3672	9/7/2023	streets			town		hang veteran banners	x	9/8/23	sh-lb-rl-gf
3679	9/12/2023	streets			terrace ave		repair pedestrain crossing sign	x	9/12/2023	bs-rh
3680	9/12/2023	streets			bear lithia spring		clean up fallen tree	x	9/12/2023	bs-rh
3681	9/12/2023	streets			willow oaks		repair street sign	x	9/12/2023	bs-rh
3685	9/12/2023	streets			bear lithia spring		cut down dead tree	x	9/12/23	jb-rl-sh
3688	09/11/23	streets	C.Slagell		bear lithia spring		remove dead tree limb from road	x	9/11/2023	jb-rl-sh
3694	9/12/2023	streets			town hall		trim bushes	x	9/12/2023	lb-gf
3695	9/12/2023	streets			town		hang veteran banners	x	9/12/2023	jb-lb-gf-sh-rl
3698	9/18/2023	streets			town		clean up from car show event	x	9/18/2023	crew
3699	9/18/2023	streets			shop		shop clean up	x	9/18/23	crew
3700	9/18/2023	streets			shop		safety meetings	x	9/18/23	crew
3701	9/19/2023	streets			downey knolls		install new signs for new street	x	9/19/23	kb-bb-th
3702	9/19/2023	streets			5th st-west spotswood		repair bent street sign	x	9/19/23	kb-bb-th
3705	9/21/2023	streets			mt pleasant road		clear tree line for new water line install	x	9/22/23	kb-bb-th

[illegible]

# TOWN OF ELKTON ZONING PERMITS -

## YTD FEE'S COLLECTED \$11,780



10-340-0100 PERMITS - 10-340-0100 PERMITS

GL Account	AType	Date	Description1	Debit	Credit	Batch	FName
GL Account: 10-340-0100 PERMITS							
FName: Fiscal Period - 2023							
10-340-0100 P R		01/04/2023	MISC PAYMENT	\$0.00	\$25.00	53386	Fiscal Period - 2023
10-340-0100 P R		01/04/2023	MISC PAYMENT	\$0.00	\$25.00	53385	Fiscal Period - 2023
10-340-0100 P R		01/18/2023	MISC PAYMENT	\$0.00	\$50.00	53603	Fiscal Period - 2023
10-340-0100 P R		01/23/2023	MISC PAYMENT	\$0.00	\$25.00	53641	Fiscal Period - 2023
10-340-0100 P R		01/25/2023	MISC PAYMENT	\$0.00	\$50.00	54107	Fiscal Period - 2023
10-340-0100 P R		01/26/2023	MISC PAYMENT	\$0.00	\$25.00	54188	Fiscal Period - 2023
10-340-0100 P R		01/27/2023	MISC PAYMENT	\$0.00	\$25.00	54266	Fiscal Period - 2023
10-340-0100 P R		01/27/2023	MISC PAYMENT	\$0.00	\$100.00	54245	Fiscal Period - 2023
10-340-0100 P R		01/30/2023	MISC PAYMENT	\$0.00	\$50.00	54274	Fiscal Period - 2023
10-340-0100 P R		02/01/2023	MISC PAYMENT	\$0.00	\$25.00	54560	Fiscal Period - 2023
10-340-0100 P R		02/01/2023	MISC PAYMENT	\$0.00	\$100.00	54559	Fiscal Period - 2023
10-340-0100 P R		02/02/2023	MISC PAYMENT	\$0.00	\$25.00	54573	Fiscal Period - 2023
10-340-0100 P R		02/07/2023	MISC PAYMENT	\$0.00	\$25.00	54668	Fiscal Period - 2023
10-340-0100 P R		02/21/2023	MISC PAYMENT	\$0.00	\$50.00	54931	Fiscal Period - 2023
10-340-0100 P R		03/06/2023	MISC PAYMENT	\$0.00	\$25.00	55029	Fiscal Period - 2023
10-340-0100 P R		03/10/2023	MISC PAYMENT	\$0.00	\$25.00	55097	Fiscal Period - 2023
10-340-0100 P R		03/20/2023	MISC PAYMENT	\$0.00	\$25.00	55154	Fiscal Period - 2023
10-340-0100 P R		03/22/2023	MISC PAYMENT	\$0.00	\$75.00	55168	Fiscal Period - 2023
10-340-0100 P R		03/23/2023	MISC PAYMENT	\$0.00	\$100.00	55170	Fiscal Period - 2023
10-340-0100 P R		03/27/2023	MISC PAYMENT	\$0.00	\$25.00	55182	Fiscal Period - 2023
10-340-0100 P R		04/14/2023	MISC PAYMENT	\$0.00	\$25.00	55340	Fiscal Period - 2023
10-340-0100 P R		04/17/2023	MISC PAYMENT	\$0.00	\$25.00	55353	Fiscal Period - 2023
10-340-0100 P R		04/18/2023	MISC PAYMENT	\$0.00	\$500.00	55393	Fiscal Period - 2023
10-340-0100 P R		04/21/2023	MISC PAYMENT	\$0.00	\$150.00	55459	Fiscal Period - 2023
10-340-0100 P R		04/26/2023	Pole Rental Correctio	\$0.00	\$7,125.00	76757	Fiscal Period - 2023
10-340-0100 P R		05/01/2023	MISC PAYMENT	\$0.00	\$25.00	55521	Fiscal Period - 2023
10-340-0100 P R		05/02/2023	MISC PAYMENT	\$0.00	\$25.00	55536	Fiscal Period - 2023
10-340-0100 P R		05/05/2023	MISC PAYMENT	\$0.00	\$50.00	65583	Fiscal Period - 2023
10-340-0100 P R		05/08/2023	MISC PAYMENT	\$0.00	\$50.00	65651	Fiscal Period - 2023
10-340-0100 P R		05/11/2023	MISC PAYMENT	\$0.00	\$125.00	65704	Fiscal Period - 2023

Southern Software FMS GL Account History

Date: 10/2/2023 9:15 AM

10-340-0100 PERMITS - 10-340-0100 PERMITS

GL Account	AType	Date	Description1	Debit	Credit	Batch	FName
10-340-0100 P R		05/23/2023	MISC PAYMENT	\$0.00	\$135.00	65810	Fiscal Period - 2023
10-340-0100 P R		05/23/2023	MISC PAYMENT	\$0.00	\$200.00	65808	Fiscal Period - 2023
10-340-0100 P R		05/24/2023	MISC PAYMENT	\$0.00	\$25.00	65815	Fiscal Period - 2023
10-340-0100 P R		05/30/2023	MISC PAYMENT	\$0.00	\$25.00	65832	Fiscal Period - 2023
10-340-0100 P R		05/30/2023	MISC PAYMENT	\$0.00	\$50.00	65832	Fiscal Period - 2023
10-340-0100 P R		05/31/2023	MISC PAYMENT	\$0.00	\$25.00	65870	Fiscal Period - 2023
10-340-0100 P R		06/01/2023	MISC PAYMENT	\$0.00	\$25.00	65884	Fiscal Period - 2023
10-340-0100 P R		06/06/2023	MISC PAYMENT	\$0.00	\$25.00	65970	Fiscal Period - 2023
10-340-0100 P R		06/09/2023	MISC PAYMENT	\$0.00	\$25.00	66074	Fiscal Period - 2023
10-340-0100 P R		06/09/2023	MISC PAYMENT	\$0.00	\$25.00	66074	Fiscal Period - 2023
10-340-0100 P R		06/12/2023	MISC PAYMENT	\$0.00	\$25.00	66077	Fiscal Period - 2023
10-340-0100 P R		06/12/2023	MISC PAYMENT	\$0.00	\$100.00	66081	Fiscal Period - 2023
10-340-0100 P R		06/13/2023	MISC PAYMENT	\$0.00	\$25.00	66082	Fiscal Period - 2023
10-340-0100 P R		06/16/2023	MISC PAYMENT	\$0.00	\$25.00	66115	Fiscal Period - 2023
10-340-0100 P R		06/16/2023	MISC PAYMENT	\$0.00	\$50.00	66115	Fiscal Period - 2023
10-340-0100 P R		06/20/2023	MISC PAYMENT	\$0.00	\$25.00	66127	Fiscal Period - 2023
10-340-0100 P R		06/27/2023	MISC PAYMENT	\$0.00	\$20.00	66180	Fiscal Period - 2023
10-340-0100 P R		06/27/2023	MISC PAYMENT	\$0.00	\$25.00	66180	Fiscal Period - 2023
10-340-0100 P R		06/27/2023	MISC PAYMENT	\$0.00	\$100.00	66179	Fiscal Period - 2023
10-340-0100 P R		06/27/2023	MISC PAYMENT	\$25.00	\$0.00	66180	Fiscal Period - 2023
10-340-0100 P R		06/28/2023	MISC PAYMENT	\$0.00	\$100.00	66208	Fiscal Period - 2023
				\$25.00	\$10,030.00		

FName: Fiscal Period 2024

10-340-0100 P R		07/07/2023	MISC PAYMENT	\$0.00	\$25.00	66341	Fiscal Period 2024
10-340-0100 P R		07/10/2023	MISC PAYMENT	\$0.00	\$25.00	66366	Fiscal Period 2024
10-340-0100 P R		07/17/2023	MISC PAYMENT	\$0.00	\$50.00	66425	Fiscal Period 2024
10-340-0100 P R		07/17/2023	MISC PAYMENT	\$0.00	\$50.00	66425	Fiscal Period 2024
10-340-0100 P R		07/17/2023	MISC PAYMENT	\$50.00	\$0.00	66425	Fiscal Period 2024
10-340-0100 P R		07/20/2023	MISC PAYMENT	\$0.00	\$300.00	66451	Fiscal Period 2024
10-340-0100 P R		07/21/2023	MISC PAYMENT	\$0.00	\$100.00	66456	Fiscal Period 2024
10-340-0100 P R		07/24/2023	MISC PAYMENT	\$0.00	\$25.00	66455	Fiscal Period 2024

10-340-0100 PERMITS - 10-340-0100 PERMITS

GL Account	AType	Date	Description1	Debit	Credit	Batch	FPName
10-340-0100 P R		07/26/2023	MISC PAYMENT	\$0.00	\$25.00		66475 Fiscal Period 2024
10-340-0100 P R		08/03/2023	MISC PAYMENT	\$0.00	\$100.00		66521 Fiscal Period 2024
10-340-0100 P R		08/03/2023	MISC PAYMENT	\$0.00	\$25.00		66521 Fiscal Period 2024
10-340-0100 P R		08/15/2023	MISC PAYMENT	\$0.00	\$25.00		76595 Fiscal Period 2024
10-340-0100 P R		08/18/2023	MISC PAYMENT	\$0.00	\$25.00		76605 Fiscal Period 2024
10-340-0100 P R		08/18/2023	MISC PAYMENT	\$0.00	\$25.00		76609 Fiscal Period 2024
10-340-0100 P R		08/18/2023	MISC PAYMENT	\$0.00	\$25.00		76609 Fiscal Period 2024
10-340-0100 P R		08/18/2023	MISC PAYMENT	\$0.00	\$100.00		76609 Fiscal Period 2024
10-340-0100 P R		08/21/2023	MISC PAYMENT	\$0.00	\$25.00		76618 Fiscal Period 2024
10-340-0100 P R		08/22/2023	MISC PAYMENT	\$0.00	\$50.00		76627 Fiscal Period 2024
10-340-0100 P R		08/23/2023	MISC PAYMENT	\$0.00	\$25.00		76626 Fiscal Period 2024
10-340-0100 P R		08/24/2023	MISC PAYMENT	\$0.00	\$25.00		76639 Fiscal Period 2024
10-340-0100 P R		08/24/2023	MISC PAYMENT	\$0.00	\$25.00		76639 Fiscal Period 2024
10-340-0100 P R		08/25/2023	MISC PAYMENT	\$0.00	\$100.00		76644 Fiscal Period 2024
10-340-0100 P R		08/28/2023	MISC PAYMENT	\$0.00	\$150.00		76648 Fiscal Period 2024
10-340-0100 P R		08/29/2023	MISC PAYMENT	\$0.00	\$25.00		76657 Fiscal Period 2024
10-340-0100 P R		08/30/2023	MISC PAYMENT	\$0.00	\$100.00		76656 Fiscal Period 2024
10-340-0100 P R		09/06/2023	MISC PAYMENT	\$0.00	\$25.00		76706 Fiscal Period 2024
10-340-0100 P R		09/07/2023	MISC PAYMENT	\$0.00	\$50.00		76745 Fiscal Period 2024
10-340-0100 P R		09/07/2023	MISC PAYMENT	\$0.00	\$25.00		76745 Fiscal Period 2024
10-340-0100 P R		09/07/2023	MISC PAYMENT	\$0.00	\$25.00		76745 Fiscal Period 2024
10-340-0100 P R		09/07/2023	MISC PAYMENT	\$0.00	\$100.00		76745 Fiscal Period 2024
10-340-0100 P R		09/15/2023	MISC PAYMENT	\$0.00	\$25.00		76802 Fiscal Period 2024
10-340-0100 P R		09/25/2023	MISC PAYMENT	\$0.00	\$25.00		76842 Fiscal Period 2024
10-340-0100 P R		09/26/2023	MISC PAYMENT	\$0.00	\$25.00		76851 Fiscal Period 2024
				\$50.00	\$1,750.00		
				\$75.00	\$11,780.00		
				\$75.00	\$11,780.00		

**ELK RUN CEMETERY REPORT**  
**TRANSACTIONS**  
**September 2023**

<b>LOTS SOLD.....</b>	<b>9</b>	<b>YTD = 35</b>
<b>INTERMENTS.....</b>	<b>10</b>	<b>YTD = 37</b>
<b>NICHE.....</b>	<b>1</b>	<b>YTD = 1</b>
<b>CREMATIONS.....</b>	<b>3</b>	<b>YTD = 7</b>
<b>Space Contract.....</b>	<b>1</b>	<b>YTD =4</b>
<b>Niche Contract.....</b>	<b>0</b>	<b>YTD=0</b>

<b>Interments this month</b>	<b>Lot Sales</b>	<b>Opening/Closing</b>
Vergie Baugher		\$750
James Meadows		\$750
Philip Offenbacker		\$300
Wanda Baker		\$750
Ronald Dearing		\$750
Barbara Horn		\$300
	<b>Sales/Contracts</b>	
Jeff Shifflett	Contract payment	\$125
Debra Comer	Niche payment	\$200
Phillip Lowery	1 space	\$1000
Diane Dean	2 spaces	\$3000
Walthey Hensley	Contract payment	\$150

**Total: \$8,075**

• **Cemetery Commission Members**

*Chairperson: Lee Dearing*

*Vice Chair: Mark Hensley*

*Dwight "Gene" Kite*

*Billie Jo Dofflemyer*

*Sue Armbruster*

*Michelle Dean*

*Mark Stevanus*

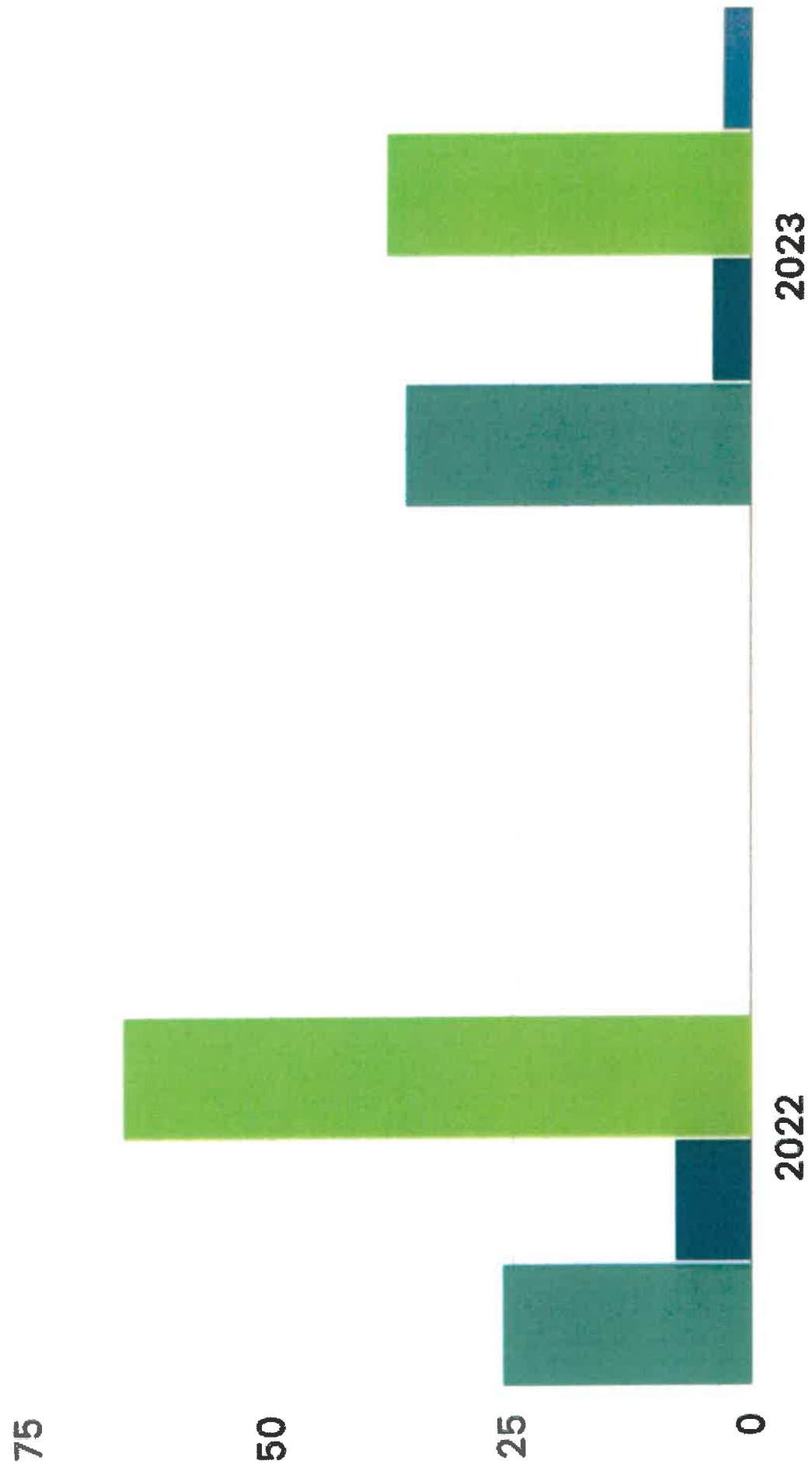
Submitted by: Delores Hammer – Director of Community Development



# ELK RUN CEMETERY

## YTD FEE'S COLLECTED \$71,925

■ Lot Sales ■ Niche Sales ■ Opening/Closing ■ Plaque



Misc Code	Credit Acct	Debit Acct	Full Name	Trans Date	Comment	Amount	Void
Code Desc: CEMETERY FENCE DONATIONS							
CEMFENCEDON	52-300-0260	52-101-0400	ANGELA SMITH	7/10/2023		\$200.00	\$0.00
CEMFENCEDON	52-300-0260	52-101-0400	BILLIE JO DOFFLEM	7/10/2023		\$200.00	\$0.00
CEMFENCEDON	52-300-0260	52-101-0400	TOP GUN AUTO BOD	7/18/2023		\$200.00	\$0.00
						\$600.00	\$0.00
Code Desc: OPEN/CLOSE FEE - CEM							
OPEN/CLOSE	52-300-0400	52-101-0400	AIMEE TEMPLETON	4/14/2023	LARRY BAUGHER	\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	ELENOR HARRISON	3/28/2023		\$300.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	DIXIE MOWBRAY	3/31/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	DONNIE MOWBRAY	3/27/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	RUTH DINGES	4/11/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	MELINDA DOFFLEMY	4/11/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	JAMES DEAN	5/24/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	JANET ROACH	5/22/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	MARY SHIFFLETT KY	5/22/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	WILLIAMS SELLERS	1/19/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	MARY DUNBAR	1/4/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	FREDRICK MILLER	3/9/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	VIVIAN SEAL	3/13/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	KYGER FUNERAL HO	3/17/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	CHARLES BREEDEN	3/17/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	KYGER FUNERAL HO	3/17/2023		\$300.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	ABBIE COMER	2/13/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	JEREMY MCINTURFF	2/23/2023		\$300.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	JANET JENKINS	2/23/2023		\$300.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	KYGER FUNERAL HO	7/31/2023	GERALDINE PARROT	\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	NANCY DORSETT	7/12/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	LEO LAWSON	7/17/2023		\$100.00	\$0.00

Transaction Date from 1/1/2023 - 10/1/2023 Miscellaneous Transaction Code Report

Date: 10/2/2023 9:09 AM

Misc Code	Credit Acct	Debit Acct	Full Name	Trans Date	Comment	Amount	Void
OPEN/CLOSE	52-300-0400	52-101-0400	PEGGY DEAN	6/5/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	MARSHALL SHIFFLE	6/14/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	KENNETH MORRIS	6/14/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	KYGER FUNERAL HO	6/9/2023	CHARLES HITT SR	\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	EUGENE SHIFFLETT	6/28/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	MARGERY KITE	6/26/2023		\$300.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	LEO LAWSON	7/3/2023		\$100.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	BARBARA HORN	9/20/2023		\$300.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	WILMA BAKER	9/20/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	RONALD DEARING	9/20/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	PHILLIP OFFENBACK	9/12/2023		\$300.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	VIRGIE BAUGHER	8/29/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	JAMES MEADOWS	9/7/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	PHYLLIS LOWERY	8/28/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	RICKY LUCAS	8/28/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	CARL DOVEL	8/14/2023		\$750.00	\$0.00
OPEN/CLOSE	52-300-0400	52-101-0400	EUGENIA SULLIVAN	8/14/2023		\$750.00	\$0.00
Code Desc: SALE OF LOTS ELK RUN CEMETERY						\$24,800.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	FREDRICK SHMIDT	3/14/2023		\$3,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	ALLEN MEADOWS	3/2/2023		\$1,300.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	JEFF & BRENDA SHI	3/1/2023		\$250.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	DEBBIE SHIFFLETT	1/13/2023		\$8,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	LARRY EPPARD	1/13/2023		\$1,500.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	RUTHANNE KIBLER	1/4/2023		\$1,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	MARLA MCCAULEY	1/31/2023		\$2,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	DANNY HENSLEY	1/26/2023		\$150.00	\$0.00

Transaction Date from 1/1/2023 - 10/1/2023 Miscellaneous Transaction Code Report

Date: 10/2/2023 9:09 AM

Misc Code	Credit Acct	Debit Acct	Full Name	Trans Date	Comment	Amount	Void
LOTSALES	52-300-0000	52-101-0400	ADAM LAM	4/20/2023		\$3,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	JEFFREY SHIFFLETT	4/20/2023		\$250.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	DON SHIFFLETT	4/18/2023		\$1,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	JEFF SHIFFLETT	5/11/2023		\$250.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	LISA MORRIS	5/2/2023		\$2,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	SANDRA CAMPBELL	4/24/2023		\$2,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	ELVA SHIFFLETT	8/8/2023		\$5,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	JEFF SHIFFLETT	8/8/2023		\$250.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	JEFF SHIFFLETT	9/5/2023	CONTRACT	\$125.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	PHYLLIS LOWERY	8/22/2023		\$1,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	PHILLIP LOWERY	9/13/2023		\$1,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	WALTHEY HENSLEY	9/28/2023		\$150.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	SANDRA DEAN DON	9/28/2023		\$3,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	REBEL PHELPS	7/6/2023	CONTRACT PAYMEN	\$500.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	JEFF SHIFFLETT	7/14/2023		\$250.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	RICHARD MILLER	6/20/2023		\$6,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	ELVA CATHERINE SHI	6/26/2023		\$1,000.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	WALTHEY HENSLEY	5/31/2023		\$200.00	\$0.00
LOTSALES	52-300-0000	52-101-0400	JEFF SHIFFLETT	6/15/2023		\$250.00	\$0.00
Code Desc: SALE OF NICHE						\$44,425.00	\$0.00
NICHE	52-301-0000	52-101-0400	DEBRA COMER	6/5/2023		\$100.00	\$0.00
NICHE	52-301-0000	52-101-0400	DEBRA COMER	9/7/2023		\$200.00	\$0.00
NICHE	52-301-0000	52-101-0400	DORIS ACCTON	2/21/2023		\$1,200.00	\$0.00
NICHE	52-301-0000	52-101-0400	DEBORAH COMER	1/10/2023		\$100.00	\$0.00
NICHE	52-301-0000	52-101-0400	DEBRA COMER	4/6/2023		\$200.00	\$0.00
NICHE	52-301-0000	52-101-0400	RONNIE MORRIS	5/15/2023		\$275.00	\$0.00

Transaction Date from 1/1/2023 - 10/1/2023 Miscellaneous Transaction Code Report

Date: 10/2/2023 9:09 AM

Misc Code	Credit Acct	Debit Acct	Full Name	Trans Date	Comment	Amount	Void
NICHE	52-301-0000	52-101-0400	DEBBIE MORRIS	5/9/2023		\$25.00	\$0.00
						\$2,100.00	\$0.00
						\$71,925.00	\$0.00

# Administrative Report September 2023

## Elkton Area Community Center/Stonewall District

### Monthly Center Programs

Strong Figure Bootcamp / Elkton Fitness: Monday-Saturday

Pilates: Tuesday/Thursday

Pound Class: Monday

Latin Fitness Dancing: Wednesday

StrengthenUpbeat Cardio Dance: Thursday

Next Level Karate / Instructional: Monday-Friday

Town Residents:

County Residents: 13

Non Residents: 11

Daily Book Sign In Count: 1

**164**

Family:

Youth: 0

Adult: 4

Senior: 14

12

Total New Members:

**30**

Total \$ Monthly Membership (Adult, Family, Senior & Youth): (Month)

**\$3,213.00**

Room Rentals Including Deposits

\$3,098.00

Shelter Rental Fees Collected:

\$660.00

Monthly Donations:

\$194.00

Credit Card Transaction Fees Collected:  
Computer Copy Fees Collected:

\$222.00  
\$15.60  
**\$4,189.60**

**Monthly Total:**

## September Water Hauling Report

<u>July 2022-June 2023</u>		<u>Revenue</u>
July	837,377.00	5,986.31
August	888,570.00	6,445.32
September	818,569.00	5,955.66
October	832,144.00	6,050.27
November	723,466.00	5,289.36
December	724,205.00	5,299.56
January	665,506.00	4,888.69
February	551,263.00	4,093.86
March	639,340.00	4,710.40
April	720,553.00	5,283.92
May	998,779.00	7,241.72
June	1,077,155.00	7,790.19
YTD:	9,476,927.00	69,035.26

<u>July 2023-June 2024</u>		<u>Revenue</u>
July	996,911.00	8,046.47
August	1,058,680.00	8,547.12
September	1,089,659.00	10,346.28
October		
November		
December		
January		
February		
March		
April		
May		
June		
YTD:	3,145,250.00	26,939.87





**Staff Report/Recommendation**

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Town Attorney's Report

**BACKGROUND:** Report to be presented verbally by the town attorney.

**ACTION REQUESTED:**

Information Only	<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Reports	<input checked="" type="checkbox"/>
Action Item	<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Closed Session	<input type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☐ No Financial Impact ☒  
Amount: N/A  
Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** N/A

**APPROVAL:**   
Greg Lunsford, Town Manager

**ATTACHMENTS:** None



## Staff Report/Recommendation

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Committee Reports

**BACKGROUND:** Reports to be presented verbally by committee chairs.

**ACTION REQUESTED:**

Information Only ☐      Discussion ☐      Reports ☒  
 Action Item ☐      Public Hearing ☐      Closed Session ☐

**FINANCIAL IMPACT:**

Budgeted:    YES ☐                      NO ☐                      No Financial Impact ☒  
 Amount: N/A  
 Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** N/A

**APPROVAL:**   
 \_\_\_\_\_  
 Greg Lunsford, Town Manager

**ATTACHMENTS:** None

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



**Staff Report/Recommendation**

**REQUESTING DEPARTMENT:** Town Manager Greg Lunsford

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Recommend contractor for downtown marketplace

**BACKGROUND:** Town manager to discuss with Council at the meeting.

**ACTION REQUESTED:**

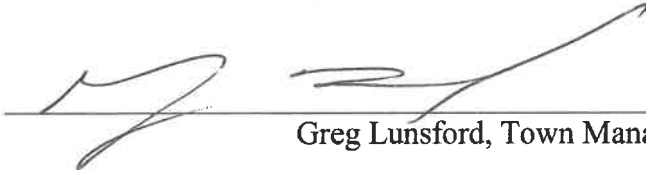
Information Only	<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Reports	<input type="checkbox"/>
Action Item	<input checked="" type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Closed Session	<input type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☐ No Financial Impact ☐  
Amount: N/A  
Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** N/A

**APPROVAL:**   
Greg Lunsford, Town Manager

**ATTACHMENTS:** None



## Staff Report/Recommendation

**REQUESTING DEPARTMENT:** Community Development

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Schedule a joint public hearing with the Elkton Planning Commission to receive comments on a request from Ronald and Teresa Younger at 504 4<sup>th</sup> Street for issuance of Special Exception Permit for a Short Term Rental.

**BACKGROUND:** On October 3, 2023 the Elkton Planning Commission voted 5-1 with one abstain to recommend a joint public hearing with Town Council to receive comments on a request from Ronald and Teresa Younger for the issuance of Special Exception Permit §110-603 C (9) Short Term Rental in compliance with code §110-715 Short-term rentals.

**ACTION REQUESTED:**

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Report <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input checked="" type="checkbox"/>	Closed Session <input type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted: YES <input type="checkbox"/>	NO <input type="checkbox"/>	No Financial Impact <input checked="" type="checkbox"/>
Amount:		Positive Financial Impact <input type="checkbox"/>

*If fund expenditure or positive revenue generation is expected, the amount and the line item name/number must be stated. If required funds for an expenditure are not available in the appropriate line item but they are available in a different line item within the department, you must state from which line item name/number you propose to transfer the funds.*

**STAFF RECOMMENDATION:**

**TOWN MANAGER APPROVAL:**

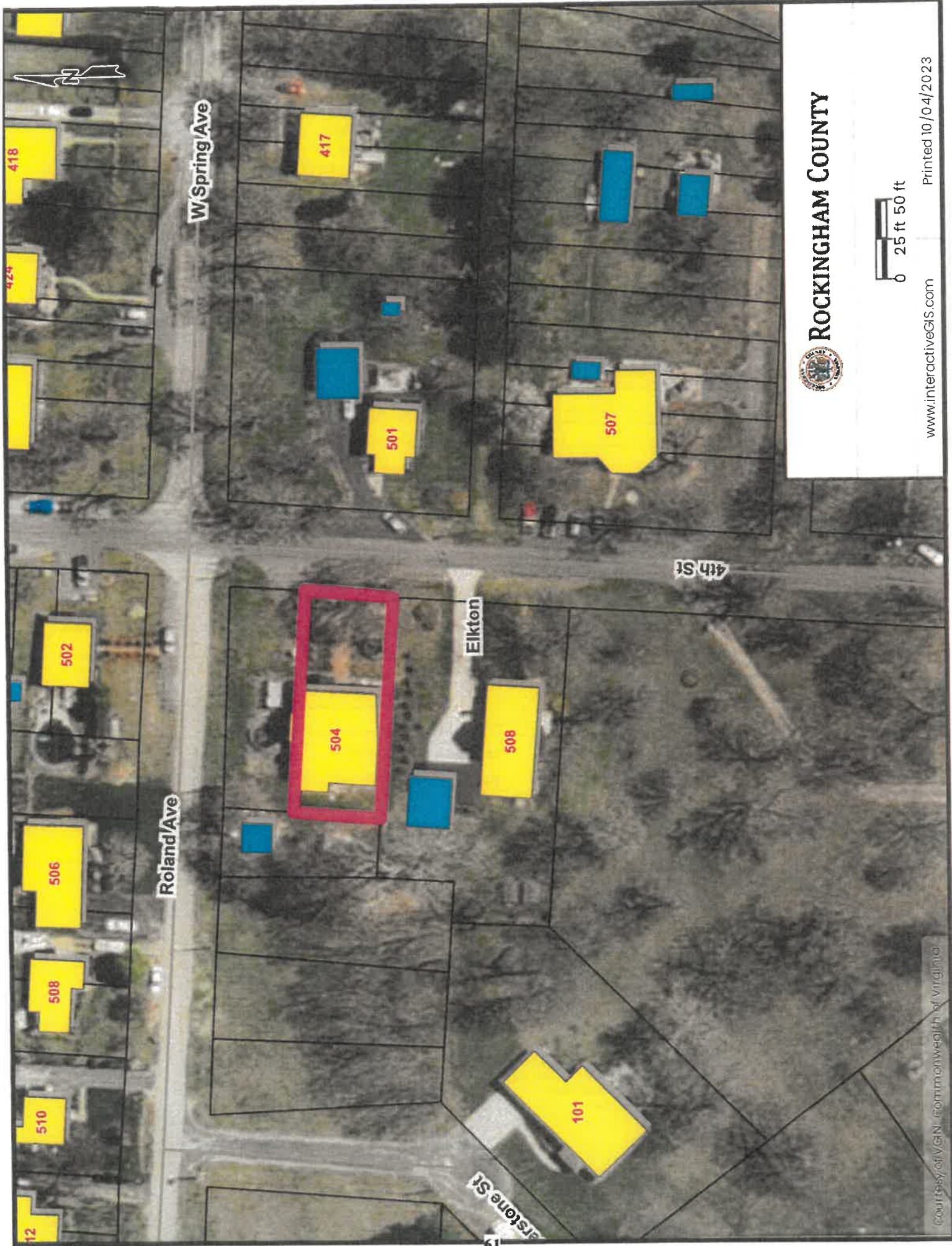
  
 \_\_\_\_\_  
 Greg Lunsford

**ATTACHMENTS:**

1. GIS Plat of location
2. §110-715, §110-603
3. Application
4. Evacuation Plan

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.





# **TOWN OF ELKTON ZONING PERMIT FOR BUSINESS**

ZP 2023-095  
This permit shall be posted in a conspicuous place

Application is hereby made for a Zoning Permit and Certificate of Zoning Compliance in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances, which are hereby agreed to by the undersigned and which shall be deemed a condition entering into the exercise of this permit.

## **Property owner**

Name Ronald and Teresa Younger Phone Number 8049828027 / 8043005890  
Address 1602 Princeton Rd City Richmond State VA Zip 23227

## **Applicant**

Builder ☐ Builder VA License \_\_\_\_\_ Exp date \_\_\_\_\_  
Name \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Business Owner ☒ Owner Business License \_\_\_\_\_ Exp date \_\_\_\_\_  
Name Ronald and Teresa Younger Phone Number \_\_\_\_\_  
Address 1601 Willow Lawn Dr, Ste 304, Unit 1164 City Richmond State VA Zip 23230

## **Property Information**

Tax Map/Parcel Number 131B3-2-B27-7 Zoning Z2  
Address 504 4th Street, Elkton VA 22827  
Existing Structures (Number & Type) A single family home  
Water supply source? ☒ Municipal ☒ Private Well ☐ Cistern ☐ Sewage disposal source? ☒ Municipal ☒ Septic Tank ☐  
Is public water and sewer available? ☐ Yes ☐ No

## **Type of Permit Requested Check all that apply!**

☐ Addition  
☐ Commercial / Industrial Structure  
Specify \_\_\_\_\_  
☐ Sign  
☐ Accessory Bldg. Size \_\_\_\_\_

☐ Other  
Specify \_\_\_\_\_  
☐ re-roof  
☒ Special Exception Permit  
specify Short Term Rental

For the above: Provide an Official Plat map including location on property where buildings/additions will be located also show locations of present buildings. Provide an elevation of building (front and one side).

Please provide brief description of this project:

Please print or type all information

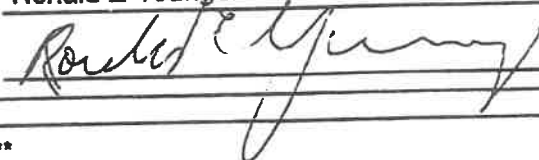
This project is to make a renovated property available for short and mid-term visitors to Elkton and the surrounding areas

I Certify that

- I have the authority to make the foregoing application, that the information given is correct, including any attached plans or drawings and that all construction will conform with all applicable State, County and Town Laws, ordinances and regulations with regard to zoning, health and building. **FAILURE TO DO SO will automatically render this permit invalid**
- Two copies of a plot plan or (a signage plan for signs) must be submitted with this application.
- Construction requires a building permit issued by the Rockingham County Building Officials.
- I agree to give advanced notification to the Town when footer inspection is to be performed by County Inspectors
- I agree to give advanced notification to the Town when a final inspection is to be performed by County Inspectors
- A separate application must be made for Water & Sewer connections.
- All contractors must register with the Town prior to commencing work.
- I agree to repair any damages to sidewalks, streets, and utilities caused during construction.
- I agree to pay an inspection deposit and notify the Zoning Administrator within (10) days of completion of the work for an inspection and issuance of a Certificate Of Zoning compliance.
- Failure to do so may result in the forfeiture of the deposit, which in no way relieves me of any obligation to comply with all Town requirements.
- Land may not be used or occupied, and buildings structurally altered or erected be used or changed in use until the Certificate of Zoning Compliance is issued.

Date 08/22/2023Print Name Ronald E Younger

Signature


**\*\* FOR TOWN USE ONLY \*\***

Lot and Zoning verification performed

sig \_\_\_\_\_

date \_\_\_\_\_

Is Parcel in the flood plain?

☐ Yes ☒ No

Refer to Planning Commission

☒ Yes ☐ No Approved ☐ Yes ☐ No sig \_\_\_\_\_ date \_\_\_\_\_

Refer to Town Council

☒ Yes ☐ No Approved ☐ Yes ☐ No sig \_\_\_\_\_ date \_\_\_\_\_

Public Hearing Required

☒ Yes ☐ No

Public Hearing date: \_\_\_\_\_

Requires Advertisement

☒ Yes ☐ No

 First Advertisement \_\_\_\_\_  
 Second Advertisement \_\_\_\_\_

 Date \_\_\_\_\_  
 Date \_\_\_\_\_

Zoning Administrator

☐ Approved

Fee paid \_\_\_\_\_

☐ Disapproved

☐ Approved with conditions (See Attachments).

Signature (Zoning Administrator) \_\_\_\_\_

Date \_\_\_\_\_

## **§ 110-603 Low-Density Residential District R-2.**

**A.** Purpose of Low-Density Residential District R-2. This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life. To these ends, development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

**B.** Permitted uses. Within the Low-Density Residential District R-2 the following uses are permitted:

**(1)** Single-family detached dwellings.

**(2)** Public utilities.

**(3)** Public water and sewage facilities.

**(4)** Public service or storage buildings.

**(5)** Modular homes.

[Added 3-25-1991]

**(6)** Accessory apartment, subject to the provisions of § **110-716**.

[Added 1-28-2020]

**C.** Special exceptions. When, after review of an application and hearing thereon, in accordance with Article **VIII** herein, the following uses may be permitted by special exception permit:

[Amended 3-25-1991]

**(1)** Schools.

**(2)** Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot.

**(3)** Public parks, playgrounds, recreational facilities, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet from any residential lot.

**(4)** Child-care centers and family day-care homes. The main structure shall not be located closer than 50 feet from any residential lot.

**(5)** Bed-and-breakfast facilities, limited.

**(6)** Cemeteries.

**(7)** (Reserved)<sup>13</sup>



[1] *Editor's Note: Former Subsection C(7), home occupations, which immediately followed, was redesignated as an accessory use 4-18-2005. See now Subsection D(10).*

(8) Other uses of the same general character as those listed above and deemed appropriate by the Planning Commission and in accordance with Article VIII.

(9) Short-term rental.

[Added 9-17-2018]

D. Accessory uses. Where a lot is devoted to a permitted principle use, customary accessory uses and structures are authorized, including but not limited to the following:

[Amended 11-18-1991]

(1) Living quarters of persons principally employed on the premises.

(2) Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.

(3) Temporary buildings or office trailers for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work.

(4) Signs as provided for in Article VII.

(5) Parking as provided for in Article VII.

(6) Private parking garage.

(7) Shelter for house pets.

(8) Private swimming pool.

(9) Satellite antenna.

(10) Home occupations in accordance with § 110-705.

[Added 4-18-2005]

E. Lot regulations.

(1) Main building:

(a) Minimum lot size:

[1] 12,500 square feet with public water and sewer.

[2] 21,000 square feet with other facilities.

[3] For certain R-2 lots with frontage at the setback line of 50 feet or more but less than 100 feet, see the exception contained in § 110-708B(1)(b).

(b) Setback: 25 feet.

(c) Frontage at setback: 100 feet.

(d) Side yard:

[1] One side: 10 feet.

[2] Two sides: 20 feet.

**[3]** Add 15 feet for corner lots.

**[4]** Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same blocks and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the existing side yards on the developed lots, plus 15 extra feet for corner lots.

[Amended 11-18-2013]

**(e)** Rear yard: 25 feet.

**(f)** Maximum height: 35 feet.

**[1]** The height limit for dwellings may be increased up to a maximum of 45 feet and up to three stories, provided that each side yard is 20 feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.

**[2]** A public or semipublic building, such as a school, church, or library, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

**[3]** Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antenna and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

**[4]** For buildings over 45 feet in height, approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

**(2)** Accessory Buildings and uses: 10 feet from main building.

**(a)** Side yard: 5 feet.

**(b)** Add 15 feet for corner lots.

**(c)** Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the average of the existing side yards on the existing developed lots.

**(d)** Rear yard: 5 feet.

**(e)** Height: 35 feet. Accessory buildings over one story in height shall be at least 10 feet from any lot line. All accessory buildings shall not exceed the main building in height.

**F.** See § **110-701**, Area regulations.

**G.** See § **110-708**, Nonconforming uses.

## § 110-715 **Short-term rentals.**

[Added 9-17-2018]

All short-term rentals shall be subject to the following conditions, which conditions shall be approved by the Zoning Administrator, in the Zoning Administrator's sole discretion, and which conditions the Zoning Administrator shall have the authority to enforce, in addition to any other enforcement mechanism in this Code:

**A.** The owner(s) of any dwelling shall apply for a Town of Elkton business license pursuant to the terms of Chapter **148**, Taxation, of the Town Code, prior to using the dwelling as a short-term rental.

**B.** Prior to using the dwelling as a short-term rental, the owner(s) shall obtain a special exception permit pursuant to the terms of Article **VIII** herein. Owner(s) shall not be required to submit a site plan as detailed in § **110-802B(1)**; however, owner(s) shall provide any documentation requested by the Zoning Administrator detailing the proposed use of the property, including, but not limited to, the area(s) or rooms of the property to be utilized for short-term rental and the emergency evacuation plan detailed in Subsection **G** below.

**C.** Prior to using the dwelling as a short-term rental, a property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and approval by the Zoning Administrator. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to Town staff, public safety officials and, if applicable, the HOA/POA of the subdivision. The plan must be provided as part of the rental contract.

**D.** Maximum number of occupants shall be no more than two individuals over the age of 12 per bedroom.

**E.** Parking for the short-term rental shall be located in driveways or other designated and approved parking areas. Parking of vehicles is prohibited in or along all rights-of-way.

**F.** Upon application for a business license, the Rockingham County Building Official may do a life safety inspection of the short-term rental.

**G.** The owner(s) of the short-term rental shall post in a conspicuous place an emergency evacuation plan for the dwelling and the neighborhood. The owner shall provide a copy of the proposed plan to the Town at the time of

application for a permit, which plan must be approved by the Town prior to issuance of the permit.

**H.** The owner(s) of the short-term rental property shall be obligated to pay lodging taxes on the short-term rental as more particularly detailed in Chapter **148**, Article **VI**, of the Town Code.

**I.** Failure to comply with these supplemental regulations will result in violation of the Town of Elkton Zoning Ordinance.

**J.** Pursuant to Code of Virginia, § 15.2-983, as amended from time to time, all owners of short-term rental properties, except those individuals listed in Code of Virginia, § 15.2-983.B.2, shall be required to register annually the use of the property as a short-term rental with the Zoning Administrator. Such application shall be filed no later than January 31 of each year. The application shall be on a form prescribed by the Zoning Administrator. The owner(s) shall be required to provide the complete name of the owner(s) and the address of each property in the locality offered for short-term rental by the owner and such other information as the Zoning Administrator may require. The Town shall collect a registration fee from the property owner(s) at the time of each annual registration in the amount of \$100 per year. Notwithstanding any other provision of this Code, failure to comply with this Subsection **J** will result in a \$500 penalty per property per violation. Until such time that the owner(s) pays the penalty and registers such property, the owner(s) may not continue to offer such property for short-term rental. Upon repeated violations of this registry requirement as it relates to a specific property, an owner(s) may be prohibited from registering and offering that property for short-term rental. In addition, any owner(s) required to register a short-term rental property may be prohibited from offering a specific property for short-term rental in the Town upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

**(1)** An application shall be accompanied by two copies of an acceptable site plan drawn in accordance with applicable provisions of this § **110-802** of this chapter, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: the dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); watercourses, fences, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.

**(2)** An application for a special exception permit for a special exception shall be accompanied by payment of a fee as set forth in Article **X** to help defray the cost of publicizing and conducting the public hearing.

**(3)** The application shall be sent to the Commission for review and recommendation, and said Commission shall have 60 days within which to submit a report. If the Commission fails to submit a report within a sixty-day period, it shall be deemed to have approved the proposed special exception.

**(4)** The governing body shall consider the proposed special exception after notice and public hearing in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed special exception within 60 days from the date of the public hearing.

**(5)** In evaluating the proposed special exception, the governing body shall address the following concerns:

**(a)** The effect of the proposed special exception, on existing and projected traffic volumes in the neighborhood.

**(b)** The current and future need for the proposed use in the Town of Elkton.

**(c)** The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values.

**(d)** Compatibility with surrounding uses.

**(e)** The consistency with the intent of this chapter and the Comprehensive Plan, the public interest, and all other provisions of law and ordinances of the Town of Elkton.

**(f)** The proximity of dwellings, churches, schools, parks, or other places of public gathering.

[Added 1-19-2006]

**(g)** The probable effect of the proposed use on the peace and enjoyment of people in their homes.

[Added 1-19-2006]

**(h)** The preservation of cultural and historical landmarks and trees.

[Added 1-19-2006]

(i) The probable effect of noise and glare upon the uses of surrounding properties.

[Added 1-19-2006]

(j) The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods.

[Added 1-19-2006]

(6) In approving a proposed special exception, the governing body may impose such conditions and requirements as are necessary to protect the public interest. The governing body may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfillment of any and all conditions and requirements imposed by the governing body.

(7) If the governing body approves the application for a zoning permit for a proposed special exception, the Zoning Administrator shall issue a special exception permit, indicating the restricted nature of the use.

(8) If the governing body disapproves the application for a zoning permit for a proposed special exception, the governing body shall inform the applicant of the decision in writing within 30 days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one copy of the site plan and one copy of the refusal, and shall keep them as a public record.

(9) A property owner, or his or her agent, shall not initiate action for a special exception permit relating to the same special exception affecting the same parcel of land more often than once every 12 months.

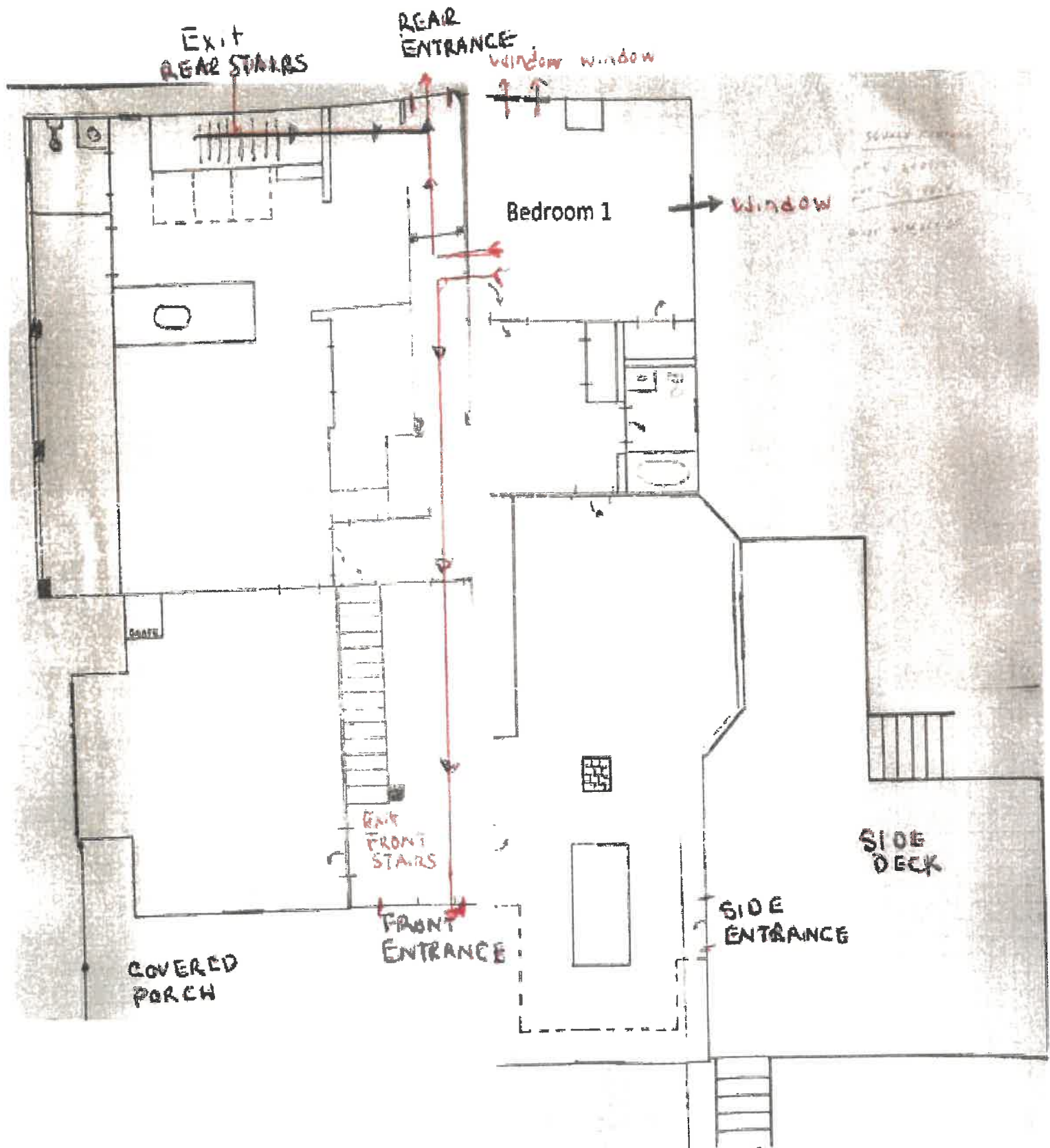
(10) A use allowed by a special exception permit must be put into effect six months after the date the permit is issued, unless otherwise provided in the permit itself.

(11) A special exception permit which has expired pursuant to Subsection **C(10)** above may be granted by the Town Council upon written request. Such renewal does not require a public hearing unless the original conditions in the permit are changed, but notice of the renewal shall be shown on the agenda of the Town Council.

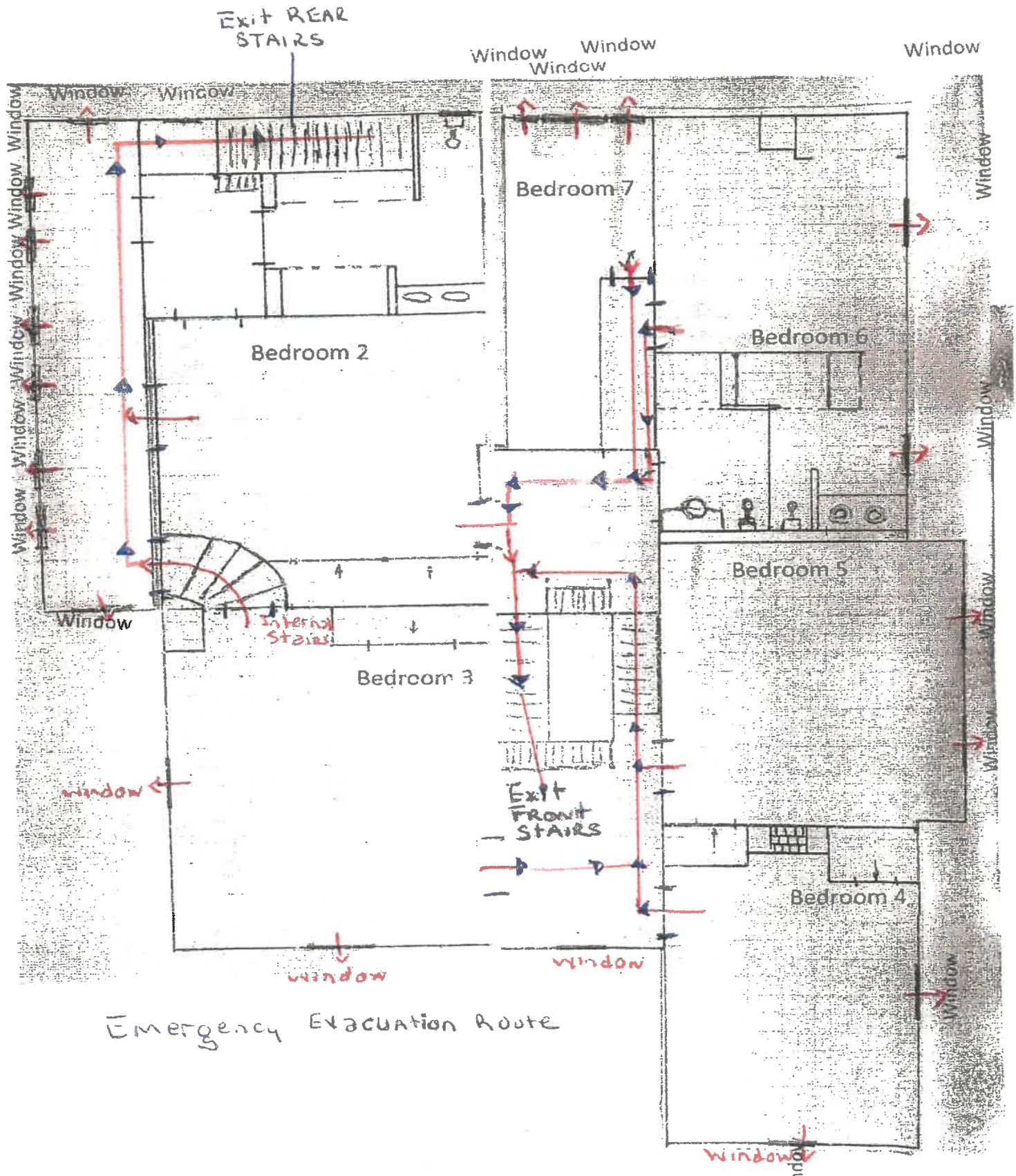
***Exhibit C - River's Edge Retreat  
Emergency Evacuation Plan***



504 4<sup>th</sup> Street, Elkton VA 22827 (River's Edge Retreat  
Emergency Evacuation Plan / Floor Plan



504 4<sup>th</sup> Street, Elkton VA 22827 (River's Edge Retreat)  
Emergency Evacuation Plan / Floor Plan



Emergency Evacuation Route



Item # 96

**Staff Report/Recommendation**

**REQUESTING DEPARTMENT:** Public Works

**MEETING DATE:** October 2<sup>nd</sup> 2023

**SUBJECT/TOPIC:** Fence along property line between Marketplace and dentist office.

**BACKGROUND:** Some concerns were raised about the Marketplace project and all the Town events in that area would bring unwanted traffic and pedestrians to the private property beside there. Visitors and attendees to the Town events would not be aware of that area being two separate properties. During the Committee meetings we had discussed installing a black metal fence that mirrors the fence at Elk Run Cemetery.

**ACTION REQUESTED:**

Information Only ☐ Discussion ☒ Report ☐  
Action Item ☒ Public Hearing ☐ Closed Session ☐

**FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☒ No Financial Impact ☐  
Amount: General Fund Positive Financial Impact ☐  
Budget Line Item:

*If fund expenditure or positive revenue generation is expected, the amount and the line item name/number must be stated. If required funds for an expenditure are not available in the appropriate line item but they are available in a different line item within the department, you must state from which line item name/number you propose to transfer the funds.*

**STAFF RECOMMENDATION:**

**TOWN MANAGER APPROVAL:**

  
Greg Lunsford

**ATTACHMENTS:** Fence rendering and the three estimates

1.

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date.  
All pertinent information MUST be attached in order for this item to be placed on the agenda.

**Original Copy. If accepting  
proposal, please sign and  
mail back with a deposit  
check in the amount of  
\$5,200.00.  
Thank you!**

*L. & O. Fence L.L.C.*

1584 Hankey Mountain HWY  
Churchville, VA 24421  
Cell 820-0824

Web [www.LOFence.com](http://www.LOFence.com)

*Proposal*

To: **Town of Elkton**

Name: Gaither Hurt

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (540) 578-0563 Fax \_\_\_\_\_

Date: Sept 5, 2023

This proposal expires if not  
accepted within 14 days.  
of the above date.

- L. & O. Fence will install 302' of 4' 3 rail spear top black aluminum fence.
- L. & O. Fence will dig holes and concrete all post.
- L. & O. Fence will furnish all labor and materials to complete project.

There will be an additional charge if ROCK DRILLING EQUIPMENT is needed.

L. & O. Fence L. L.C. is NOT responsible for any unidentified underground utilities of ANY TYPE that are not identified by Miss Utility or the Property Owner. Property Owner is responsible for knowing the property boundaries.

There will be an additional charge for hand dug holes, due to utilities.

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of (\$ 9,250.71.)  
Nine thousand two Hundred and fifty and 71/100 Dollars  
(\$9,250.71.)

The entire amount to be paid within 10 days after completion

**Payment not received in full by the 10<sup>th</sup> day will result in a  
penalty charge of 15%. Less the \$ 5,200.00 down payment  
received.**

Page 1 of 2

- **There will be a \$ 50.00 service charge on returned checks.**
- **Any changes will affect remaining balance of this contract price.**

Any alterations from the above specifications involving extra cost of materials or labor will only be executed upon written orders for the same, and will become an extra charge over the sum mentioned in this contract. All Agreements must be made in writing.



**Dutch Way, LLC**  
 27 White Picket Trail  
 Mt. Crawford, VA 22841

# Quote

Phone: (540) 564-1322  
 Fax: (540) 432-1715

Customer No.: TOWNOFELKTO  
 Quote No.: 37844

Quote To: **Town of Elkton**  
 173 W. Spotswood Ave.  
 C/O Gaither Hurt  
 Elkton, VA 22827

(540) 578-0563

Date		Ship Via		F.O.B.		Terms	
08/31/2023				Origin		25% Prepaid/Balance-completion	
Purchase Order Number			Sales Person			Expires	
			James Shank			09/30/2023	
Quantity			Item Number	Description	Unit Price	Amount	
Required	Shipped	B.O.					
50				48"h.Spear Top, 3 Rail Fence Black, per 6' section	109.46	5473.00	
48			ALUFENCE48P	Post w/cap Black 48" high fence, Line	32.26	1548.48	
1			ALUFENCE48P	Post w/cap Black 48" high fence, Corner	32.26	32.26	
2			ALUFENCE48P	Post w/cap Black 48" high fence, End	32.26	64.52	
1.000				Installation of fence, incl. concrete in every post hole	3000.00	3000.00	
Quote subtotal						10118.26	
Sales tax @ 5.30000%						377.27	
Quote total						10495.53	

**Cash/Check total**  
**\$10,120.75**

Please read and sign the enclosed agreement.

Please remit signed copy with deposit.

Restocking Fee 15%. ALL returns to be inspected.

NO refunds on custom orders.

Premier Vinyl LLC  
223 Old River Road  
Bridgewater, VA 22812



# Estimate

Premier Vinyl EAST LLC  
58 Business Park Drive  
Ruckersville, VA 22968

Date	Estimate #
9/18/2023	34334

Town of Elkton  
20593 Blue & Gold Drive  
Elkton VA 22827  
540-298-1951

Check us out at  
[www.premiervinyl.net](http://www.premiervinyl.net)

Rep	Project	P.O. Number
TR	black alum	Farmers Market

Qty	Item	Description	Price	Total
51	Aluminum Fencing	#0131, SATIN BLACK, 48" HEIGHT	121.00	6,171.00T
52	Aluminum Fencing	6' Section	34.00	1,768.00T
52	Aluminum Fencing	2" Post	4.26	221.52T
52	Aluminum Fencing	2" Flat Cap		8,160.52
	5% discount	local government discount	-5.00%	-408.03
104	Sakrete	concrete for posts - 80lb	8.78	913.12T
300	installation (F)	professional installation	9.00	2,700.00
<p>*We will call Miss Utility - Customer responsible for private utilities            *Customer to locate property lines and obtain HOA/Municipal approvals            *Rock removal is not included, if necessary            *Fence to be installed approximately 2" above grade</p>				

Thank you for your business!

**Subtotal** \$11,365.61

**Sales Tax (5.3%)** \$459.28

**Total** \$11,824.89

We agree to provide the quantities and materials listed above. Please check estimate to ensure accuracy!

To accept this estimate, sign and return via email or fax. Estimate is valid for 7 days.

We accept Visa, MasterCard, Discover, and American Express. Non-swiped credit card transactions will be charged a 2% fee.

Bridgewater Phone #	Ruckersville Phone #	E-mail
540.828.4437	434.465.6540	office@premiervinyl.net

Signature: \_\_\_\_\_

## Terms and Conditions

Dutch Way, LLC requires a 25% deposit to begin the job.

The owner will supply a location for the excess dirt unless otherwise stated. Dutch Way, LLC will use a skid loader to dig postholes unless otherwise indicated. Fences will follow the contour of the land. Property owner is responsible for all surveys of property lines and placement of fence. Dutch Way, LLC will not assume any liability disputes due to error of surveyor or property owner. Dutch Way, LLC will contact Miss Utility and wait until clearance has been authorized to begin the job. Dutch Way, LLC will not be held responsible for utilities that Miss Utility missed marking or utilities of which Miss Utility was unaware. Excessive rock, concrete, root and utilities will incur additional charges. Any ill effects to a fence due to dirt settlement will not be the responsibility of Dutch Way, LLC.

All material is guaranteed to be as specified. Actual footage will be billed upon completion. Vinyl fence jobs are installed in 2 stages. Posts are set first, then sections are installed 5 – 7 business days later. Aluminum fence is installed complete, except caps and gates. Caps & gates will be installed 5 – 7 business days later. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate. All agreements are contingent upon weather, accidents, or delays beyond our control. Owner shall carry necessary Homeowner's insurance. Homeowners Association approval on style of fence will be the responsibility of the customer. Our workers are fully covered by Workers' Compensation Insurance. We recommend that you mow away from your fence. Dutch Way, LLC will not be responsible for damages done by rocks, sticks or other objects.

Full payment is due upon completion. There will be a \$25.00 charge for any check returned. In the event an attorney or outside collection agency is hired to collect any amounts owed, the owner agrees to pay all court costs plus attorney's fees or collection fees of 20% of the amount turned over for collection.

Please cut along the dotted line, retain the top portion for your records.

-----  
Please return the lower section to Dutch Way along with your deposit.

QUOTE # \_\_\_\_\_

I understand that the quote is based on estimated materials and I will be billed for the actual quantity of materials used. I have read and agree to the terms and conditions listed above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Dutch Way, LLC does not accept liability in the event that a Dutch Way, LLC employee assists in the location of any boundary markers.

\_\_\_\_\_  
Initials

### FOR OFFICE USE ONLY

Customer \_\_\_\_\_

Salesman \_\_\_\_\_

Date issued \_\_\_\_\_

Date received \_\_\_\_\_



## Staff Report/Recommendation

**REQUESTING DEPARTMENT:** Treasurer's Office

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Reinvestment of Infinex Funds (REPO Account)

**BACKGROUND:** The Town currently has a brokerage account at Infinex Investments, Inc. through F&M Bank with a total value of \$471,684.21. The oldest statement available in the Treasurer's Office is dated July 2015, which records a yield .01% interest (\$3.74 for that month). To date, no funds have been expended from this account. The only activity is the accrual of interest at an APY of 0.55% monthly (averaging \$222) with an estimated annual earnings of \$2,319.08.

I contacted Jackie Hensley, VP Banking Center Manager at First Bank in Elkton, concerning the possibility of transferring these funds from Infinex to First Bank and inquired as what interest rate they could offer. She stated that the Town could move the funds to an interest bearing checking account and earn 5.4%, which is exactly the same rate as the general operating fund is currently earning. According to my calculations, this account could earn \$26,131 in one (1) year. That is over 10 times in one (1) year versus what it is estimated to earn this year.

This information was presented to the Finance Committee at its meeting on September 26, 2023. The Committee unanimously recommended that this be presented to Council for action.

I am happy to answer any questions that you may have.

### **ACTION REQUESTED:**

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

### **FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☐ No Financial Impact ☐  
 Amount: N/A  
 Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** Authorize the Treasurer to withdrawal funds from Infinex Investments, Inc. totaling \$471,684.21 and deposit into an interest bearing checking account at First Bank in Elkton with an accruing interest rate of 5.4%.



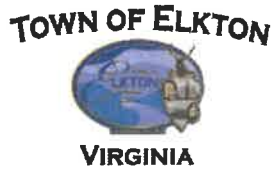
**APPROVAL:**



Greg Lunsford, Town Manager

**ATTACHMENTS:** None

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



## Staff Report/Recommendation

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Proposed procurement policy

**BACKGROUND:** Town manager to discuss with Council.

**ACTION REQUESTED:**

Information Only <input type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☐ No Financial Impact ☒  
 Amount: N/A  
 Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** N/A

**APPROVAL:**   
 \_\_\_\_\_  
 Greg Lunsford, Town Manager

**ATTACHMENTS:** Procurement spending authority procedures and proposed Procurement Policy revisions dated October 16, 2023

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.

## Procurement Spending Authority Procedures

### Non-Contracted Goods/Services

Thresholds	Procedures
\$4,999 or less	<p><b>Department Director Level</b></p> <ul style="list-style-type: none"> <li>Department heads may authorize expenditures <u>within the department's budget</u> provided such expenditures do not exceed \$4,999</li> <li>Department ensures price reasonableness</li> <li>PO's are not required unless requested by a vendor</li> </ul>
\$5,000 - \$29,999	<p><b>Town Manager Level</b></p> <ul style="list-style-type: none"> <li>Department obtains a minimum of three (3) price comparisons (email or fax)</li> <li>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</li> </ul>
Unbudgeted \$29,999 or less	<p><b>Town Manager Level</b></p> <ul style="list-style-type: none"> <li>Department obtains a minimum of three (3) price comparisons (email or fax)</li> <li>Documentation is submitted to the Town Manager for review and approval.</li> </ul>
Unbudgeted \$30,000 or greater	<p><b>Requires Council Action</b></p> <ul style="list-style-type: none"> <li>Department submits a purchase request to the Town Manager with three (3) formal quotes/proposals for consideration by Council.</li> </ul>
\$30,000+ - Solicitations for Professional Services (architects/engineers)	<p><b>Requires Council Action</b></p> <ul style="list-style-type: none"> <li>Department submits a purchase request to the Town Manager with three (3) formal quotes/proposals for consideration by Council</li> <li>Town Manager's Office issues Invitation for Bid (IFB) (competitive sealed bidding) or Request for Proposal (RFP) – (competitive negotiation)</li> <li>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</li> </ul>
\$30,000+ - Solicitations for Good and Services	<p><b>Requires Council Action</b></p> <ul style="list-style-type: none"> <li>Department submits a purchase request to the Town Manager with three (3) formal quotes/proposals for consideration by Council</li> <li>Town Manager's Office issues Invitation for Bid (IFB) (competitive sealed bidding) or Request for Proposal (RFP) – (competitive negotiation)</li> <li>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</li> </ul>
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"> <li><b>Requires Town Manager approval for any emergency purchase over \$5,000</b> <ul style="list-style-type: none"> <li>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.</li> </ul> </li> <li><b>Requires Town Manager approval for any emergency purchase with a total cost of \$30,000 or greater</b> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>The Town Manager shall notify the Town Council of all emergency procurements valued at \$30,000 or greater.</li> </ul> </li> </ul>
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"> <li><b>Requires Town Manager action for any sole source purchase</b> <ul style="list-style-type: none"> <li>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</li> <li>Only the Town Manager and the Treasurer, in consultation with the Town Attorney, can determine if a sole source determination is appropriate</li> <li>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</li> </ul> </li> </ul>



# Town of Elkton

Proposed Procurement Policy Revisions

October 16, 2023

# Town of Elkton – Signed purchasing order required §31-1

## Current Policy

- No purchases for or on behalf of the Town shall be made unless an order is drawn upon a purchasing form, in duplicate, with one copy given to the Town Treasurer. The Treasurer shall not pay any bill unless he or she has one of the copies of the purchasing order properly signed by the department head and approved for final payment by the Town Manager or his/her designated representative.

## Proposed Policy Revisions

- The Procurement Policy applies to all purchases of goods and services through contracts, agreements, quotes, or purchase orders by the Town of Elkton. Competition should be sought to the maximum feasible degree in every situation.
- Departments are encouraged to work closely with the Treasurer's Office when sourcing goods and services.
- The Treasurer shall assist departments in obtaining the necessary bids, quotes, proposals, and contract documents.
- Departments shall provide the Treasurer's Office with any pertinent information that will assist in the procurement, including acceptable technical specifications.

## Town of Elkton – Purchases through Town or from Town's stock §31-2

### Current Policy

- No electrical supplies or any other supplies or any tools may be purchased through the Town or from the Town's stock by any person.

### Proposed Policy Revisions

- No proposed change.

# Town of Elkton – Virginia Procurement Act §31-3

## Current Policy

- The Town of Elkton hereby adopts the policies and procedures, mutatis mutandis (*all necessary changes having been made*) of the Virginia Procurement Act, §2.2-4300 through §2.2-4377 of the Code of Virginia (1950), and amendments thereto.

## Proposed Policy Revisions

- No proposed change.

# Town of Elkton – Spending Limits/Procedures §31-4

## Current Policy

- Department heads may authorize expenditures within the department's budget, provided such expenditures do not exceed \$5,000.

## Proposed Policy Revisions

- \$0 - \$4,999: Department heads may authorize expenditures within the department's budget provided such expenditures do not exceed \$4,999. No Purchase Order necessary; however, the Department ensures price reasonableness. *(POs are not required unless requested by a vendor.)*



# Town of Elkton – Spending Limits/Procedures §31-4

## Current Policy

- The Council must approve expenditures over \$5,000 unless there is an emergency associated with the Town's services to its residents.

## Proposed Policy Revisions

- \$5,000 - \$29,999: requires price comparisons from at least three (3) vendors and approval of the Town Manager. Documentation is submitted to the Treasurer's Office and a purchase order is issued to the vendor.
- \$30,000+: Town Council approval (extract of the official minutes), purchase order and formal solicitations for professional services (basically architects and engineers).
- \$30,000+: Town Council approval (extract of the official minutes), purchase order and formal solicitations for goods and services.

# Town of Elkton – Spending Limits/Procedures §31-4

## Current Policy

- In the event of such an emergency, the Chair of the appropriate council committee may approve such expenditures, and the Council shall be notified of such emergency at its next scheduled meeting
- The Council must approve any further needed expenditures associated with the emergency.

## Proposed Policy Revisions

- During an emergency, a Purchase Order or contract may be awarded by the Town Manager without competitive bidding or competitive negotiation. However, it shall be made with as much competition as practicable.
- A written justification establishing the basis for the emergency and for the selection of the chosen vendor must be submitted by the department to the Town Manager prior to the purchase.
- For purchases with a total cost of \$30,000 or greater, 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.

# Town of Elkton – Exceptions to requirement for competitive procurement §31-5

## Current Policy

- The Town may enter into contracts without competition for the purchase of goods or services which are performed or produced by bona fide nonprofit organizations.

## Proposed Policy Revisions

- No proposed change.

## Town of Elkton – Exceptions to requirement for competitive procurement §31-5

### Current Policy

- The Town may enter into contracts for legal services, expert witnesses, and other services associated with litigation or regulatory proceedings without competitive sealed bidding or competitive negotiation.

### Proposed Policy Revisions

- No proposed change.

## Town of Elkton – Exceptions to requirement for competitive procurement §31-5

### Current Policy

- The Town may enter into contracts for special police work without competitive sealed bidding or competitive negotiation.

### Proposed Policy Revisions

- No proposed change.

# Town of Elkton – Exceptions to requirement for competitive procurement §31-5

## Current Policy

- The Town may award single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed \$100,000, or not expected to exceed \$60,000 for professional services, without competitive sealed bids or competitive negotiation under the procedures detailed in §31-6.
- Professional services shall mean work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering.

## Proposed Policy Revisions

- Formal solicitation procedures will be utilized for all professional service purchases of \$30,000 or greater; and any other goods or services of \$30,000 or greater.  
*Professional Service is work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, or professional engineering.*
- Town Council shall approve professional services valued at \$30,000 or greater and all other goods and services valued at \$30,000 or greater.
- The value of a purchase is defined as the total possible amount permitted under the contract. For example, if a contract is for one (1) year at \$30,000 with four (4) possible one (1) year renewals priced at \$10,000 a year, the overall purchase amount for purposes of the procurement policy would be valued at \$70,000.

# Town of Elkton – Exceptions to requirement for competitive procurement §31-5

## Current Policy

- In case of emergency, a contract may be awarded without competitive bidding or competitive negotiation; however, such procurement shall be made with such competition as practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The Town shall issue a written notice stating that the contract is being awarded on an emergency basis, and identify that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services central electronic procurement website or other appropriate website for 10 days. Emergency purchases must be approved by the Town Manager or his designee.

## Proposed Policy Revisions

- During an emergency, a Purchase Order or contract may be awarded by the Town Manager without competitive bidding or competitive negotiation. However, it shall be made with as much competition as practicable.
- A written justification establishing the basis for the emergency and for the selection of the chosen vendor must be submitted by the department to the Town Manager prior to the purchase.
- For purchases with a total cost of \$30,000 or greater, 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.

# Town of Elkton – Exceptions to requirement for competitive procurement §31-5

## Current Policy

- The Town may enter into contracts with state public bodies without competitive sealed bidding or competitive negotiation.

## Proposed Policy Revisions

If purchasing goods or services from an approved contract, no quotes are required. (example: County, State, other locality contracts, Certain Federal Government GSA Schedules and approved National Cooperatives)



# Town of Elkton – Exceptions to requirement for competitive procurement §31-5

## Current Policy

- The Town may purchase goods or services that are produced or performed by persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired or employment services organizations that offer transitional or supported employment services serving individuals with disabilities, without competitive sealed bidding or competitive negotiation.

## Proposed Policy Revisions

- No change proposed.

# Town of Elkton – Sole Source Procurement §31-6

## Current Policy

- Upon determination, in writing, that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination.
- The Town shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded.
- The notice shall be posted on the Department of General Services central electronic procurement website or other appropriate website for 10 days. Sole source purchases must be approved by the Town Manager or his designee.

## Proposed Policy Revisions

- 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.

# Town of Elkton – Small Purchases §31-6

## Current Policy

- Certain single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed \$100,000, or not expected to exceed \$60,000 for professional services, can be let without competitive sealed bids or competitive negotiation.

## Proposed Policy Revisions

- All purchases valued under \$4,999 shall be procured for **best value and price.**
- All purchases valued at \$5,000 and greater **require** a Purchase Order.

*A Purchase Order authorizes the purchase of goods or services. It is often the only contract document between the vendor and the Town. It must be carefully worded and accurately prepared to reduce errors and eliminate misunderstanding by both the Town personnel and the vendor.*

- Purchases valued from \$5,000 - \$29,999 require a minimum of three (3) price comparisons by email or fax. Documentation shall be submitted to the Treasurer's Office for the issuance of a purchase order. *(All documentation shall be maintained in the Treasurer's Office for auditing purposes.)*

# Town of Elkton – Small Purchases §31-6

## Current Policy

- \$1,000 or less: Delegated to the departmental level. No competition is required. This level may be purchased by the use of the Town's credit card or by a purchase order.
- \$1,000.01 to \$5,000: Requires at least 3 attempted telephone, catalog or electronic or written quotes to be obtained by the department. Quotes should be forwarded to the Town Manager's office along with a request for a purchase order.
- \$5,000.01 to \$30,000: Requires at least 3 attempted electronic or written quotes to be obtained by the department. Quotes should be forwarded to the Town Manager's office along with a request for a purchase order. The Mayor's and Town Manager's signatures are required.
- \$30,000.01 to \$100,000 (other than professional services) and \$30,000.01 to \$60,000 professional services: Requires at least 4 attempted written quotations.
- The Town Manager's office will issue the quotes based upon the requisition submitted to our office. Please forward specifications/ descriptions with your request. Mayor and Town Manager signatures required.

## Proposed Policy Revisions

- All purchases valued at \$4,999 and under shall be procured for **best value and price** based on price comparisons from three (3) vendors.
- All purchases valued at \$5,000 and greater **require** price comparisons from three (3) vendors and a purchase order.  
*A Purchase Order authorizes the purchase of goods or services. It is often the only contract document between the vendor and the Town. It must be carefully worded and accurately prepared to reduce errors and eliminate misunderstanding by both the Town personnel and the vendor.*
- Purchases valued from \$5,000 - \$29,999 require a minimum of three (3) price comparisons by email or fax. Documentation shall be submitted to the Treasurer's Office for the issuance of a purchase order. *(All documentation shall be maintained in the Treasurer's Office for auditing purposes.)*

# Town of Elkton – Large Purchases §31-7

## Current Policy

- Contracts for professional services over \$60,000.01 and for other than professional services over \$100,000.01 shall be procured as follows:

## Proposed Policy Revisions

- Formal solicitation procedures will be utilized for all professional service purchases of \$30,000 or greater; and any other goods or services of \$30,000 or greater.  
*Professional Service is work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, or professional engineering.*
- Town Council shall approve professional services valued at \$30,000 or greater and all other goods and services valued at \$30,000 or greater.
- The value of a purchase is defined as the total possible amount permitted under the contract. For example, if a contract is for one (1) year at \$30,000 with four (4) possible one (1) year renewals priced at \$10,000 a year, the overall purchase amount for purposes of the procurement policy would be valued at \$70,000.

# Town of Elkton – Large Purchases §31-7

## Current Policy

- \$60,000.01 and over for professional services: Requires competitive negotiation in accordance with Virginia Code § 2.2-4302.2. The Town Manager's Office will issue a formal request for proposal. Public notice shall be posted on the Department of General Services' central electronic procurement website and may be advertised in local newspapers, in the Town's discretion. Requisitions, including all specifications or scope of work, should be sent to the Town Manager's Office. Estimated preparation time is 10 to 15 days. The Mayor's and Town Manager's signatures are required.
- \$100,000.01 and over for other than professional services: Requires competitive sealed bidding or competitive negotiation in accordance with Virginia Code § 2.2-4303. The Town Manager's office will issue a formal invitation to bid or request for proposal and advertise in the local newspapers. Public notice shall be posted on the Department of General Services' central electronic procurement website and may be advertised in local newspapers, in the Town's discretion. Requisitions, including all specifications or scope of work, should be sent to the Town Manager's Office. Estimated preparation time is 10 to 15 days. The Mayor's and Town Manager's signatures are required.

## Proposed Policy Revisions

- Formal solicitation procedures will be utilized for all professional service purchases of \$30,000 or greater; and any other goods or services of \$30,000 or greater.  
*Professional Service is work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, or professional engineering.*
- Town Council shall approve professional services valued at \$30,000 or greater and all other goods and services valued at \$30,000 or greater.
- The value of a purchase is defined as the total possible amount permitted under the contract. For example, if a contract is for one (1) year at \$30,000 with four (4) possible one (1) year renewals priced at \$10,000 a year, the overall purchase amount for purposes of the procurement policy would be valued at \$70,000.

# Town of Elkton – Proposed Addition: Unbudgeted Expenditures

## Current Policy

### Proposed Policy Revisions

- Unbudgeted expenditures of under \$30,000 must be approved by the Town Manager.
- Anything \$30,000 or greater must be approved by Town Council.

# Town of Elkton – Proposed Addition: Competition Not Required

## Current Policy

### Proposed Policy Revisions

Competition is NOT required for goods and services listed below:

Dues and subscriptions; registration/training fees for conferences/seminars; advertising and legal notices; contracts for legal services; contracts for employment; or purchases, telephone, electric or other utility services.



# Town of Elkton – Proposed Addition: Order Splitting

## Current Policy

## Proposed Policy Revisions

The intentional splitting of purchase requirements into smaller quantities with the intent of spreading the purchase order over a period of days, weeks or months in order to circumvent the competitive bidding process is prohibited.



## Staff Report/Recommendation

**REQUESTING DEPARTMENT:** Treasurer's Office

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Request to Change Credit Card Companies

**BACKGROUND:** The Town currently has a credit card account through United Bank, which has been in existence for a number of years. Unfortunately, we have experienced issues recently with this account and feel the need to seek services elsewhere.

I have contacted Jackie Hensley, VP Banking Center Manager, with First Bank in Elkton. They can provide the type of service that we are seeking which will better meet the needs of the Town. For your convenience, I have attached a copy of the required resolution that Council will need to adopt in order to establish a credit card account at First Bank.

Please be advised that the credit card account is paid in full each month; therefore, no interest charges will be applied to an unpaid balance. We are requesting a \$20,000 credit limit. Only purchases approved by the Town Manager may be charged to the credit card. When not in use, the credit card is locked in the Treasurer's Office.

I am happy to answer any questions that you may have.

**ACTION REQUESTED:**

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted: YES ☐ NO ☐ No Financial Impact ☐  
 Amount: N/A  
 Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** Authorize the Treasurer to close the credit card account at United Bank and establish a new credit card account with First Bank

**APPROVAL:**   
Greg Lunsford, Town Manager

**ATTACHMENTS:**

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



## Staff Report/Recommendation

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** October 16, 2023

**SUBJECT/TOPIC:** Closed Session pursuant to Virginia Code § 2.2-3711.A.7, § 2.2-3711.A.1, and § 2.2-3711.A.3.

**BACKGROUND:** N/A

**ACTION REQUESTED:**

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input checked="" type="checkbox"/>

**FINANCIAL IMPACT:**

Budgeted:   YES ☐                      NO ☐                      No Financial Impact ☐  
 Amount: N/A  
 Budget Line Item: N/A

*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."*

**STAFF RECOMMENDATION:** That Council go into a Closed Session pursuant to the following:

- a. Pursuant to Virginia Code § 2.2-3711.A.7 for, "Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."
- b. 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."

**TOWN OF ELKTON**



**VIRGINIA**

**Staff Report/Recommendation**

- c. Pursuant to Virginia Code § 2.2-3711.A.3 for, "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body."

**APPROVAL:**

  
\_\_\_\_\_  
Greg Lunsford, Town Manager

**ATTACHMENTS:** None

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.

