

**TOWN OF ELKTON
REGULAR COUNCIL MEETING
MARCH 20, 2023
6:00 p.m.**

A Town Council meeting was held on Monday, March 20, 2023 at 6:00 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 Phillip Workman II, Council Member Jan Hensley, Council Member Virginia Fulginiti, Council Member Rachel Michael, and Council Member Aaron Napotnik.

Also Present: Town Manager Greg Lunsford, Town Attorney Nathan H. Miller, Chief of Police Dave Harris, Public Works Director Gaither Hurt, Economic & Community Development Director Delores Hammer, Town Treasurer Donna Curry, and Clerk of Council Denise Monger.

REGULAR COUNCIL MEETING

Mayor Gooden opened the meeting and the clerk was asked to call roll.

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

AMENDMENT AND ADOPTION OF AGENDA

Council member Hensley requested an agenda amendment to include a motion regarding short-term rentals. Mayor Gooden asked to include a possible appointment to the Town Council vacancy after closed session.

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

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

AWARDS AND PRESENTATIONS

Citizen Award of Valor: The Elkton Police Department, led by Corporal Ryan Insana, presented the Citizen Award of Valor to Garrett Taylor for his bravery and courage in assisting officers during the arrest of a combative criminal.

Pure Shenandoah, LLC: Owner, Abner Johnson, updated Council on the status of the business and new endeavors taking place. He noted Pure Shenandoah had forty new products, retailed at over two hundred locations, and was responsible for ninety-percent of all hemp in the Commonwealth of Virginia. He thanked the Mayor and Council for their support.

PUBLIC HEARING

Boundary Line Adjustment Public Hearing

A public hearing was held at approximately 6:00 p.m., at the Elkton Area Community Center, located at 20593 Blue & Gold Drive, Elkton, Virginia, regarding the proposed agreement to change the boundary line between the Town and Rockingham County, Virginia, on the western corporate limits and the north-western side of Spotswood Trail (U.S. Route 33) and just south-west of the Town of Elkton, consisting of 175.595 acres, more or less. The following comments were made:

Mr. Lunsford read some general information regarding the potential boundary line adjustment between the Town and the County. There were sixty-three (63) total properties to be annexed which included fifty-three (53) residential, ten (10) commercial, and two short-term

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rentals. He noted there were already forty-six out of Town utility hook-ups that included twenty (20) water and sewer, twenty-four (24) water only, and one (1) sewer; pre-approved hook-ups totaled three (3).

Andy ^{Ba}Verone, 14399 Spotswood Trail, Elkton, stated that he was lied to when he inquired as to the reason Town employees were walking around on his property as he was not told about a boundary line adjustment. He was already connected to the Town for water and sewer. He inquired about a "grandfather clause" for livestock.

Roxanna Gooden, 509 Tannery Lane, Elkton, spoke regarding the walking track and her personal weight loss. She appreciated a place such as the Town's community center. She was partly responsible for having the arrow traffic lights changed at the Food Lion intersection due to safety concerns.

Mary Brothers, 102 McKinley Road, Elkton, stated that eight-nine percent (89%) of the landowners in Monger Hill had signed a petition that opposed their annexation into the Town. She noted that the Town had not fulfilled past annexation obligations such as sidewalks and street lights. Many citizens that lived in the subdivision were on social security and some were disabled. She noted that the added taxes and possible connection fees would be a serious financial burden.

Wayne Printz, 336 West Washington, Elkton, complimented some of the new Council for making transparency a high priority. He questioned why the boundary line adjustment was held until after the election. He noted the Town would spend millions on Monger Hill, spend more for police, and use the REPO fund for the expenses. He did not support the proposal.

Anna Sullivan, 485 Florist Road, Elkton, stated that her property was self-sustaining with water and sewer. She requested that Council omit page seven (7) from the proposal. Her main concern was the intersection traffic on Route 33 and Spotswood Trail which was not being managed safely. If the proposal was approved, Florist Road would be expanded causing additional traffic concerns.

Randell Snow, 121 Clover Lane, Elkton, questioned where the annexation originated from. He noted that no one could answer that question. He noted that nobody knew what the financial implications for the project would be either.

Tim Knight, was opposed to the boundary line proposal. He and several other business owners had installed the water and sewer lines in that area around 1995. He noted there would be no benefit for them to be in Town. He questioned who would compensate them for the money spent fifty years ago.

With no additional comments, the public hearing was adjourned.

PUBLIC COMMENT

Wayne Printz, 336 West Washington, Elkton, inquired as to when the County would hold their public hearing regarding the boundary line adjustment.

Sean Gorman, 252 Kensington, Elkton, spoke regarding his request for a special exception permit for a short-term rental. He requested the same opportunities be offered to him as other citizens of the Town. He noted that the Elkton Planning Commission had not been fair and equitable to him when considering his request. His short-term rental had more space all around the property than others that had applied, his plan was concise, and had a vetted property manager for the rental. He encouraged Council to approve it.

Randell Snow, 121 Clover Lane, Elkton, stated it was a bad idea to rezone property from R-8 to C-1 which removed buildable lots from the Town that could have provided revenue. He questioned how Council would find more revenue in the new budget when the debt service would increase from \$492,000 to \$849,000 not including the drinking water project. He predicted that none of the current officials would be re-elected.

CONSENT AGENDA

Council member Hensley moved, seconded by Council member Fulginiti, and carried to approve the consent agenda as presented.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

STAFF REPORTS

Town Manager

Mr. Lunsford thanked Treasurer Curry and all of the Department Heads for their work on the proposed budget. He noted that a review of the Town's personal property and liability insurance renewals was taking place. He was pleased with the activity in the police department. He noted that economic development and public works department were very busy. He noted that Glo Fiber should start installations this summer.

Director of Public Works

Mr. Hurt reported that the architects were scheduled to meet with Council at the retreat to discuss their proposals for the police department relocation project. He noted that spring clean-up and bulk pick-up fees would be reviewed. He briefly discussed a walking path to the Riverside restrooms and shelter, "Welcome to Elkton" signs, decorative street sign program, WWTP tour scheduled for April 20 – 21, greenway/river access trail at the boat landing, walkway at old A Street to connect the Farmer's Market project, trash can racks at Stonewall park, and Old Spotswood Trail pedestrian path.

Town Attorney

Mr. Miller reported that a section in the Town Code under 110-802 required an amendment. He would research the issues brought forward by the Planning Commission regarding short-term rentals and the proposed motion to limit short-term rentals. He noted that a public hearing was required under the Va. Code for the proposed lease agreement with SS Farms. His office would also review the baseball field lease agreement and the Town's employee handbook's definition of a full-time employee. The Town was involved in the lawsuit brought by Elkmont in a dispute with the County regarding tax assessments. He noted that Wayne Printz had dismissed the lawsuit he filed against the Town of Elkton regarding the recently held special election.

Chief of Police

Chief Harris reported that all was well in his department. He had no additional business.

Director of Economic & Community Development

Mrs. Hammer reported no additional business.

Town Treasurer

Mrs. Curry reported no additional business.

Vice-Mayor Workman inquired if her report in the packet contained financial information regarding the recent lawsuit filed by Mr. Printz. Treasurer Curry responded that she could gather that information for Council.

Vice-Mayor Workman stated that it was his understanding that the Town can re-coup charges for printing and staff time when responding to Freedom of Information Act requests. He noted that the Town could not charge for legal reviews by the Town Attorney of documents when responding to requests. It was determined that Treasurer Curry would include information

regarding FOIA charges and money spent on the non-suited lawsuit in her financial report for next month.

COMMITTEE REPORTS

Community Center & Recreation Committee

Chairperson Fulginiti reported that the Town's Easter Egg Hunt would take place at Stonewall Memorial Park on Saturday, April 8, 2023 at 9:00 a.m. There would be 1,000 eggs for each age group. Any volunteers would need to be at the location by 7:00 a.m.

Finance Committee

Chairperson Michael reported that a committee meeting would be held next week.

Personnel & Policy Committee

Council member Hensley reported that she recently took a Town tour with staff and attended recent commission meetings.

Public Utilities

Chairperson Workman reported that the drinking water issue was being addressed. He noted that the storm water issue downtown was being worked on.

Special Projects & Economic Development

Chairperson Napotnik reported that three (3) new businesses were opening in Town.

UNFINISHED BUSINESS

Recommendation by the Elkton Planning Commission to approve a request for a special exception permit from Seth & Laura Stace for short-term rentals at 101 Tamarack Lane, Elkton

Vice-Mayor Workman moved, seconded by Council member Napotnik, and carried to accept the recommendation by the Elkton Planning Commission to approve the request for a special exception permit from Laura & Seth Stace for a short-term rental at 101 Tamarack Lane, Elkton.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Recommendation by the Elkton Planning Commission to deny a request for a special exception permit from Sean Gorman for short-term rentals at 252 Kensington Drive, Elkton

Mayor Gooden stated that Town Attorney Miller had asked Council to table the matter until he had time to research several issues regarding several older recorded plats. He noted that the sixty (60) days Council had to take action on the matter did not expire until after the next scheduled Council meeting. The Council could address the matter at their next meeting.

Council member Hensley moved, seconded by Vice-Mayor Workman, and carried to table the special exception request.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Recommendation by the Elkton Planning Commission to approve a request for a special exception permit from Tiffany Shepherd for short-term rentals at 101 Hill Avenue, Elkton

Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to accept the recommendation by the Elkton Planning Commission to approve a request for a special exception permit from Tiffany Shepherd for short-term rentals at 101 Hill Avenue, Elkton.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Recommendation by the Elkton Planning Commission to approve the request from Rockingham County to rezone 3.049 +/- acres located at 20871 Blue & Gold Drive, Elkton from R-8 to B-2

Council member Michael moved, seconded by Council member Hensley, and carried to accept the recommendation by the Elkton Planning Commission to approve the request from Rockingham County to rezone 3.049 +/- acres located at 20871 Blue & Gold Drive, Elkton, from R-8 to B-2.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Recommendation by the Elkton Planning Commission to approve the request from the Town of Elkton to rezone 113 +/- acres located at Blue & Gold Drive, Elkton, from R-8 to C-1 and rezone 3.351 +/- acres located on 20913, 20939, and 20995 Blue & Gold Drive, Elkton, from R-8 to B-2

Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to accept the recommendation by the Elkton Planning Commission to approve the request from the Town of Elkton to rezone 113 +/- acres located at Blue & Gold Drive, Elkton, from R-8 to C-1 and rezone 3.351 +/- acres located on 20913, 20939, and 20995 Blue & Gold Drive, Elkton from R-8 to B-2.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

NEW BUSINESS

Schedule time for April 3, 2023 retreat

Council member Michael moved, seconded by Council member Hensley, and carried to schedule the time for the April 3, 2023 retreat for 4:30 p.m.

It was noted that the architects regarding the police department relocation project would be in attendance to make presentations.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mowing contract from Augusta Lawn Care Services

Mrs. Hammer stated Augusta Lawn Care Services had maintained the Cemetery for the past three years. She noted the price had increased \$3,300 from last year due to the extra weed-eating around the new fence.

Council member Fulginiti moved, seconded by Council member Michael, and carried to accept the recommendation by the Elkton Cemetery Commission to approve the mowing contract from Augusta Lawn Care Services.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

VDH Loan Request

Mr. Lunsford stated the item was just a placeholder as the Town was preapproved for \$1 million at well below the market rate. He noted that VDH wanted to know if they were to hold the funds for the Town. He recommended that Council approve the preliminary request.

Council member Michael moved, seconded by Council member Napotnik, and carried to approve the loan request as presented.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Schedule a public hearing pursuant to Va. Code Section 15.3-1800 to lease 18 +/- acres of Town owned property, located in Rockingham County for agriculture purposes

Council member Fulginiti moved, seconded by Council member Michael, and carried to schedule a public hearing for the proposed lease for April 3, 2023 at 4:30 p.m.

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

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Temporary freeze on short-term rental applications

Council member Hensley moved, seconded by Council member Fulginiti, and carried to place a temporary freeze on accepting new short-term rental applications effective March 21, 2023 pending review and recommendations by the Planning Commission to the Council relating to the maximum number of units allowed throughout the Town and any other proposed changes to the short-term rental code. The freeze would expire following the Town Council's vote on any proposed changes, but no later than Tuesday, June 20, 2023.

YEAS: J. Hensley, V. Fulginiti, P. Workman, II, and A. Napotnik

NAYS: R. Michael

VOTE: (4 – 1 roll call) Motion carried

Town Attorney Miller stated he need to review the Va. Code regarding the above motion.

MAYOR'S BUSINESS

Mayor Gooden thanked everyone for attending the ribbon cutting and a special thanks to Mrs. Hammer for arranging the event.

CLOSED SESSION

Vice-Mayor Workman moved, seconded by Council member Napotnik, and carried that council go from Regular Session in to Closed Session 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" and 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, P. Workman, II, R. Michael, and A. Napotnik

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

OPEN SESSION/MOTION TO CERTIFY CLOSED MEETING

Council member Fulginiti moved, seconded by Vice-Mayor Workman, 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, P. Workman, II, R. Michael, and A. Napotnik

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Motion to appoint Town Council member

Council member Hensley moved, seconded by Council member Michael, and carried to appoint Louis Heidel to the vacant Town Council seat which expired on December 31, 2024.
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YEAS: J. Hensley, V. Fulginiti, P. Workman, II, R. Michael, and A. Napotnik

NAYS: None

VOTE: (5 – 0 roll call) Motion carried


Motion to Adjourn

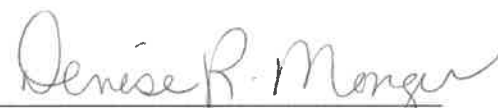
Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to adjourn the meeting.

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

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

Mayor: 
Joshua J. Gooden

Recorder: 
Denise R. Monger, Clerk