

**TOWN OF ELKTON
TOWN COUNCIL WORK SESSION
February 6, 2023
5:30 p.m.**

The Elkton Town Council Work Session was held on February 6, 2023 at 5:30 p.m. in the Council Chambers of 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 Phillip Workman, II, Council Member Virginia Fulginiti, Council Member Rachel Michael, and Council Member Aaron Napotnik.

Absent: Council Member Steve America (excused).

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

ADOPTION OF AGENDA

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

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

STAFF AND COMMITTEE BUSINESS

Town staff reported no additional business.

The committee schedule was briefly discussed.

Motion to Approve Committee Schedule

Council member Fulginiti moved, seconded by Council member Michael, and carried approve the committee schedule as presented.

Committees meet bi-monthly on the last Tuesday of each month.

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Personnel Committee: Vice-Mayor Workman briefly spoke regarding a salary survey, interviews of Town Council candidates, and a review of the current personnel handbook. He noted that Mr. Lunsford officially started as manager on February 21, 2023. He noted that a new EACC Administrator needed to be hired and other issues addressed at the EACC; new Charter additions were forthcoming.

TOWN ATTORNEY REPORT

Town Attorney Miller stated that any Charter changes would need to be coordinated with the Virginia General Assembly for approval. He noted that revisions should be finished mid-year to send to Richmond for the next session in January. He worked on the Cemetery committee changes and code amendments to allow short-term rentals in B-1.

The Town was in the process of expanding its property boundaries. He noted that a boundary line adjustment meant that the Town and County agreed to the expansion and the plats Council had received would be the plats that would be used for the process. He noted the final plats were forthcoming. He would draft an agreement between the County and the Town and a public hearing would be held to hear comments from citizens.

Cemetery Committee Changes

No action taken.

UNFINISHED BUSINESS

Resolution for a procedure for excused absences from council meetings

Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to adopt the resolution for a procedure for excused absences from Council meetings as follows:

TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA

RESOLUTION

**PROCEDURE FOR EXCUSED ABSENCE
FROM
COUNCIL MEETINGS**

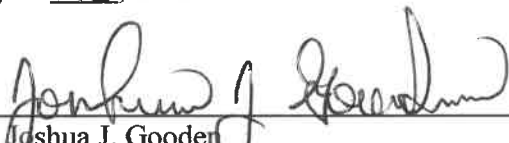
WHEREAS: Attending Council meetings by members is essential for an efficient and effective government; and

WHEREAS: The Town Council has determined that it is in the best interest of the Town to establish a Procedure for Excused Absences from attending Council Meetings.

NOW THEREFORE, The Procedure for Excused Absences is hereby Adopted:

- A. Before 4:30 PM on the day of a scheduled meeting (regular, work session, retreat, special meeting, reorganizational, but not including an emergency meeting) of the Town Council or on a day further in advance, a member that is unable to attend a scheduled meeting of the Town Council may contact the Mayor of the impending absence and whether the absence is due to a business, family, medical, or personal reason. If timely notice of the absence is received, the absence will be declared excused and entered in the minutes as such. If a member does not provide timely notice of the absence, they may provide notice as soon as possible thereafter to the Mayor and the Town Council may move to declare the absence excused at the next regularly scheduled meeting.
- B. If no notice is provided, the absence will remain classified as unexcused. If an absence is unexcused the council member shall forfeit their pro-rated compensation for the unexcused council meeting.
- C. The Town Council acknowledges that whether an absence is excused or unexcused, by itself, has no bearing on the potential removal from office of any member pursuant to the requirements contained in the Virginia Code.

GIVEN under my hand this 6th day of Feb, 2023.



Joshua J. Gooden
Mayor, Town of Elkton

Attest:

Denise R. Monger
Clerk of the Council

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Resolution to identify surplus items

Mr. Hurt gave a brief overview of the surplus items list.

Council member Michael moved, seconded by Council member Napotnik, and carried to adopt the resolution to identify surplus items as follows:

**TOWN OF ELKTON
RESOLUTION TO IDENTIFY SURPLUS ITEMS**

Whereas, § 15.2-951, Code of Virginia, provides broad authority for counties, cities and towns to acquire and dispose of personal property for the purpose of exercising their powers and duties; and

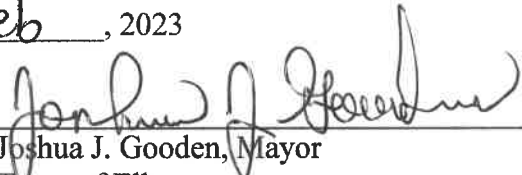
Whereas, the following personal property item owned by the Town of Elkton no longer serves any useful purpose.

NOW, THEREFORE, BE IT RESOLVED by the Elkton Town Council that the following items are hereby declared surplus property:

Husqvarna bagger mower, Ferris 61 inch cut mower, Ferris 52 inch cut mower, X-Mark Laser Z 48 inch cut mower, 2004 Chevrolet 2500 Truck, 2007 Chevrolet 2500 Truck, (2) Utility trailers, 2011 Ford Explorer, 2014 Ford Explorer, John Deere Gator Six Wheeler – diesel motor with dump bed, multiple street signs, Cemetery road signs, blue gym matts, and 8' Olson pool table.

AND BE IT RESOLVED that the Town Manager or his designated representative is authorized to proceed with disposal of the items described hereinabove in an appropriate and responsible manner.

ADOPTED on this 6th day of Feb, 2023


Joshua J. Gooden, Mayor
Town of Elkton

ATTEST:

Denise Monger, Clerk of Council
Town of Elkton

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Approve site plan work for downtown park/pavilion

Council member Michael moved, seconded by Council member Fulginiti, and carried to approve the site plan work for the downtown park/pavilion as presented.

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

NEW BUSINESS

Accept resignation from Troy Eppard from the Elkton Town Council

Council member Fulginiti moved, seconded by Vice-Mayor Workman, and carried to accept the resignation from Troy Eppard from the Elkton Town Council.

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Appointment to Town Council vacancy (if applicable, after closed session)

Motion presented after closed session.

Renew special exception permit pursuant to Town Code § 110-802 C (11) for a rear apartment at 196 W. Spotswood Avenue, Elkton

Vice-Mayor Workman moved, seconded by Council member Michael, and carried to renew the special exception permit pursuant to Town code § 110-802 C (11) for a rear apartment at 196 W. Spotswood Avenue, Elkton.

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Elkton Planning Commission recommendation to hold a three joint public hearings with the Elkton Town Council to receive comments on requests for the issuance of special exception permits for short-term rentals

Mrs. Hammer stated the Planning Commission had recommended joint public hearings be held for three special exception permits for short-term rentals. She noted that all documentation had been submitted as required.

Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to accept the Elkton Planning Commission's recommendation to hold joint public hearings on February 21, 2023 at 6:00 p.m. for the following special exception permit requests for short-term rentals:

Seth & Laura Stace – 101 Tamarack Lane, Elkton, VA.

Sean Gorman – 252 Kensington Drive, Elkton, VA.

Tiffany Shepherd - 101 Hill Avenue, Elkton, VA.

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Elkton Planning Commission recommendation to hold joint public hearings with the Elkton Town Council to receive comments on a request from Rockingham County to rezone real estate and a request from the Town of Elkton to rezone real estate located on Blue & Gold Drive, Elkton, Virginia

Mrs. Hammer stated there were two rezoning requests. She noted one of the requests was from Rockingham County to rezone property on Blue & Gold Drive from R-8 to B-2 to allow the County to build a fire house. The second rezoning request was from the Town of Elkton to rezone property on Blue & Gold Drive which encompassed the trails, from R-8 to C-1

to be placed in conservation. In addition, four properties on Blue & Gold Drive would be rezoned from R-8 to B-2 which included churches and the school. She noted the Planning Commission recommended public hearings on all the submitted rezoning requests.

Council member Fulginiti moved, seconded by Vice-Mayor Workman, and carried to accept the Elkton Planning Commission's recommendation to hold a joint public hearings on February 21, 2023 at 6:00 p.m. for the following rezoning requests:

Rockingham County – 3.049 +/- acres on Blue & Gold Drive (R-8 to B-2)

Town of Elkton – 113 +/- acres on Blue & Gold Drive (R-8 to C-1)

3.351 +/- acres on Blue & Gold Drive (R-8 to B-2)

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

MAYOR'S BUSINESS

Mayor Gooden stated that he and Vice-Mayor Workman had attended a meeting last week where discussions took place regarding artifacts that were in the former Welcome Center being transitioned over to the Town. He noted that a formal letter was forthcoming regarding the matter. He had been working with the Vice-Mayor and other citizens on a capital campaign project for the farmer's market and to make available sponsorship opportunities. Mr. J's would have their ribbon-cutting on February 8, 2023 at 1:00 p.m. He and Council member Michael attended a historic designation meeting and received some good information regarding the Town's downtown area.

CLOSED SESSION

Council member Michael moved, seconded by Council member Fulginiti, and carried that council go from Regular Session in to 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."
- 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."

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion approved

OPEN SESSION/MOTION TO CERTIFY CLOSED MEETING

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion approved

Approve Contract for Town Manager

Council member Fulginiti moved, seconded by Council member Michael, and carried approve the contract for Greg Lunsford.

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Appoint Elkton Town Council Member

Council member Fulginiti moved, seconded by Council member Michael, and carried to appoint Jan Hensley to the unexpired Council term ending December 31, 2024.

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

NAYS: None

VOTE: (4 – 0 voice vote) Motion carried

Motion to Adjourn

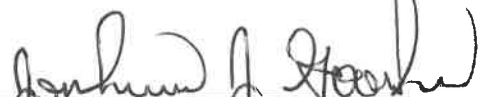
Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to adjourn the meeting.

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


NAYS: None

VOTE: (4 – 0 voice vote) Motion approved

Mayor:


Joshua J. Gooden

Recorder:


Denise R. Monger, Clerk