

**TOWN OF ELKTON**  
**ELKTON TOWN COUNCIL MEETING**  
**February 21, 2023**  
**6:00 p.m.**

A Town Council meeting was held on Tuesday, February 21, 2023 at 6:00 p.m. at 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 Rachel Michael, and Council Member Aaron Napotnik.

**Absent:** Council Member Steve America.

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

**REGULAR COUNCIL MEETING**

Mayor Gooden called the meeting to order and the Deputy 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**

**Vice-Mayor Workman moved, seconded by Council member Hensley, and carried to approve the adoption of the agenda as presented.**

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

**NAYS: None**

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

The meeting was recessed in order to hold joint public hearings.

The regular council meeting was reconvened by Mayor Gooden at the conclusion of the hearings.

**CITIZEN COMMENTS, QUESTIONS, REQUESTS, AND PRESENTATIONS**

Wayne Printz, 336 W. Washington Avenue, Elkton, Virginia, thanked Treasurer Curry for being courteous enough to explain the fossil fuel adjustment. He noted there were water issues where some people had been charged for 330/340 thousand gallons of water. They had reduced the sewer but the water bill was still owed. He thought Council needed to review that and they should not have to pay for it. He spoke regarding meetings during the last four or five months and noted he sometimes saw utter chaos. He spoke regarding his dear friend, Troy Eppard, and quoted biblical scripture.

Randall Snow, 121 Clover Lane, Elkton, Virginia, stated he didn't realize citizens had to stick to the agenda. He requested Council revisit that because there was no other opportunity to speak with Council about something not on the agenda. He requested that certain reports be available at meetings.

**CONSENT AGENDA**

**Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to approve the consent agenda as presented.**

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

**NAYS: None**

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

**TOWN ATTORNEY REPORT**

Town Attorney Miller reported that the boundary line adjustment process was ongoing. He stated the final plats and agreement had been delivered to the county attorney for review. The Town needed to hold a public hearing first since it affected the Town more than the county. He requested Council make a motion to set the hearing for March 20, 2023.

**Council member Fulginiti moved, seconded by Council member Michael, and carried to approve scheduling a Public Hearing for the boundary line adjustment on March 20, 2023 at 6:00 p.m.**

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

**NAYS: None**

**VOTE: (5 – 0 roll call) Motion carried**

Town Attorney Miller stated that the petition challenging the Town's election had been non-suited which meant it was dropped. He received notification last week and signed the order agreeing to the non-suit.

He stated that Countryside Market had two violations of their special exception permit. They were sent a formal notice and copies of pictures that showed the violations. The matter was still ongoing and would be monitored. The next step would be another written notice, a \$2,500 fine and then revocation of their permit.

He stated that Elkmont Manor had challenged their assessment by the County. It was an ongoing process that the Commissioner of Revenue was overseeing. The Town did not need to take any action, unless the owners prevailed, then a refund might need to be issued.

Mr. Miller introduced council to Attorney Michael Helm, one of his partners. He noted that due to scheduling issues, Mr. Helm may attend more meetings.

**STAFF REPORT**

Mayor Gooden welcomed Mr. Lunsford back.

Mr. Lunsford stated it was great to be back in Elkton. He thanked Council, staff, leadership team, and community for such a warm welcome back. He noted some things were going to be addressed right away, such as the FY24 budget, drinking water infrastructure, wrapping up the wastewater treatment facility and getting that online, and managing the ARPA fund projects.

**UNFINISHED BUSINESS**

**Resolution to amend and restate the Cemetery supervision**

**Council member Michael moved, seconded by Council member Fulginiti, and carried to approve the Resolution to amend and restate the Cemetery supervision.**

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

**NAYS: None**

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

**NEW BUSINESS**

**Reappoint Planning Commissioners**

**Council member Fulginiti moved, seconded by Vice Mayor Workman, and carried to approve the reappointment of Planning Commissioners, Jennifer McDonald, Wes Walls and Dorenda Flick to each a four year term running January 31, 2023 – January 31, 2027.**

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

**NAYS: None**

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

Committee Business and Appointments

**Council member Hensley moved, seconded by Council member Michael, and carried to approve the committee business and appointments.**

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

**NAYS: None**

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

Adopting New Committees

**Vice-Mayor Workman moved, seconded by Council member Fulginiti, and carried to approve the new committee restructuring.**

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

**NAYS: None**

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

**COMMITTEE REPORTS**

Community Center and Recreation Committee: Chairperson Fulginiti reported no additional business.

Finance Committee: Chairperson Michael reported on the upcoming finance committee meeting.

Policy/Personnel Committee: Chairperson Hensley stated she was looking forward to working with everyone. She would like to work on transparency and ways to make the community better informed. She was honored to be a part of the most diverse Council the Town had ever seen.

Public Health & Safety Committee: Chairperson America was absent. Chief Harris noted that there public safety meeting had not been held in a long time. It was determined the next meeting would be held on March 28<sup>th</sup> at 5:30 p.m.

Vice-Mayor Workman suggested the Town review ways to be prepared for train incidents.

Mr. Lunsford spoke on the monthly calls for the police department. He stated it was a great improvement, showing more activity and better tracking.

Public Utility Committee: Chairperson Workman reported that he had been working with Mr. Hurt and had a meeting scheduled for next week.

Special Projects & Economic Development Committee: Chairperson Napotnik noted there was a meeting scheduled for next week.

**MAYORS BUSINESS**

Mayor Gooden mentioned he was fortunate enough to go with Jan and Officer Kyle on a ride along this past week and stated it is definitely a worthwhile opportunity for any council member or resident. Mayor Gooden noted that yesterday they met with the engineer at the Farmers Market to finalize figures so the project could go to bid. He noted the Town had received a pledge from the Elkton Progressive Improvement Committee of \$75,000 for the construction of the project.

**CLOSED SESSION**

Council member Fulginiti moved, seconded by Council member Michael, that Council go from Regular Session into Closed Session under the following exemptions:

- 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, 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 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, and A. Napotnik

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

**ADJOURNMENT**

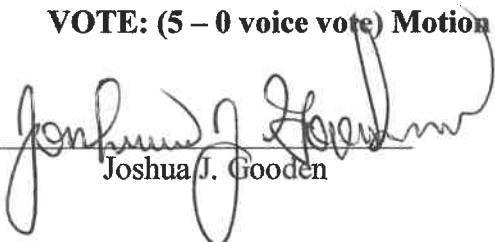
With no additional business Council member Napotnik moved, seconded by Vice Mayor Workman, and carried to adjourn the meeting.

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

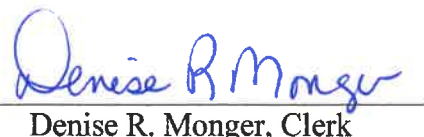
NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor:

  
Joshua J. Gooden

Recorder:

  
Denise R. Monger, Clerk