

TOWN OF ELKTON
TOWN COUNCIL MEETING
April 15, 2024
6:00 p.m.

A Town Council meeting was held on April 15, 2024 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, Council Aaron Napotnik and Council Member Louis Heidel.

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

REGULAR COUNCIL MEETING

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

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

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Mayor Gooden recessed the regular council meeting in order to hold a joint public hearing.

JOINT PUBLIC HEARING

Special exception permit request by Lezipo Properties to allow short-term rentals at 120 West E. Street, Elkton

The following Town Council members and Elkton Planning Commissioners were present:

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

Planning Commission: Dan Talbot, Gene Kite, Wesley Walls, Donna Mowbray, Jennifer McDonald

There were no public comments.

Motions to adjourn public hearing (Planning Commission)

Commissioner Gene Kite moved, seconded by Commissioner Wesley Walls, and carried to adjourn the public hearing.

YEAS: G. Kite, W. Walls, D. Mowbray, J. McDonaldson, and D. Talbot

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Motion to adjourn (Town Council)

Council member Michael moved, seconded by Council member Heidel, and carried to adjourn the public hearing.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Mayor Gooden reconvened the Regular Council Meeting.

PUBLIC COMMENT

Wayne Printz, 336 W. Washington, spoke regarding FOIA transparency, utility rates, \$10 million loan for water, and electric rates.

CONSENT AGENDA

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

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

TOWN MANAGERS REPORT

Mr. Lunsford provided a final review of the proposed FY25 Budget. He highlighted the following:

- No tax increases
- \$1.50 base rate increase to in-town water user rates
- \$3.00 base rate increase to out-of-town water user rates
- \$1.00 increase per 1,000 gallons to water hauler rates
- No vehicles or heavy equipment purchased
- 3% increase for salaries
- Balanced budget

Chief of Police

No additional report.

Public Works

Mr. Hurt reported there was a requirement to inventory all service lines for copper and lead. The water meter inventory was completed. The recently installed road strips were designed to count traffic in certain areas of Town. Spring clean-up was ongoing. He noted that the Middle School Earth Day was set for April 18th and 19th from 8:30 a.m. – 2:30 p.m. The sidewalk construction was delayed two weeks; however when the project started, both phases would be done at the same time. The beams were set at the Elkton Downtown Marketplace and the trusses would be set soon.

Treasurer

Mrs. Curry had no additional business.

TOWN ATTORNEY REPORT

Town Attorney Callahan briefly reported on the blight/nuisance issues.

COMMITTEE REPORTS

Health & Safety Committee: Council member Heidel reported that the Police Assistance Pact would be voted on at the meeting.

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

Public Works Committee: Chairperson Workman briefly reported on the sidewalk project.

Parks and Recreation Committee: Chairperson Fulginiti reported on the recently held Easter Egg Hunt. She noted that new rental rates would go into effect in April.

Finance Committee: Chairperson Hensley reported no additional business.

UNFINISHED BUSINESS

Amend Town Elkton Code Section 158-18 Inoperable Vehicle Ordinance – First Reading

Mayor Gooden introduced the First Reading as presented:

158-18. Open storage of inoperable vehicles.

(1) It shall be unlawful for any person to keep for more than 10 days, except within a fully enclosed building or structure or otherwise shielded or screened from public view, on any property in the Town zoned for residential, commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in Section 46.2-100 of the Code of Virginia, which is inoperable.

(2) As used in this section, the term "inoperable motor vehicle" shall mean any motor vehicle which is not in operating condition; or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or for which there is no valid license plate or inspection sticker. Notwithstanding the foregoing, an antique motor vehicle (as defined by Section 46.2-100 of the Code of Virginia) is not required to have an inspection sticker if such vehicle is not used for general transportation and is only used (a) for participation in club activities, exhibits, tours, parades and similar events; and (b) on the public streets and highways of the commonwealth and municipalities for the purpose of testing their operation, obtaining repairs or maintenance and transportation to and from the activities set forth in subsection (2)(a) of this section. As used in this section, the term "shielded or screened" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located, and does not include covering the vehicle with a tarpaulin or other sheet of material.

(3) The provisions of this section shall not apply to a licensed business which, on June 26, 1970, was regularly engaged in the business as an automobile dealer, salvage yard or scrap processor.

(4) The owners of property zoned for residential, commercial or agricultural purposes, shall, within 10 days of notice to do so given in writing by the Town police department and mailed to the post office address shown for such owner in the Town tax records, remove therefrom any such inoperable motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. In the event such inoperable motor vehicles, trailers or semitrailers are not so removed after the 10-day notice set forth above, the Town may, through its own agents and/or employees, remove such vehicles, trailers or semitrailers. Any such vehicles, trailers or semitrailers removed by the Town after such notice may be disposed of by the Town after giving written notice to the registered owner of such vehicles, trailers or semitrailers. Such additional notice shall be sent by first class mail to the address of the owner of such vehicle shown on the records of the Department of Motor Vehicles. Such additional notice shall advise the owner that, unless the vehicle is claimed by the owner, and all costs of removal and/or storage is paid or reimbursed to the Town within 30 days, the same will be disposed of. All costs of any such removal, storage and/or disposal shall be chargeable to the owner of such vehicle or the owner of the premises upon which it was stored prior to removal. Such costs may be collected by the Town as taxes are collected. Every cost authorized hereunder with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed and such lien shall continue until actual payment of such costs has been paid to the Town.

(5) A violation of this section shall constitute a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period.

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[insert applicable cross references, if any]

State law reference — Authority for above section, Code of Virginia, § 15.2-904.

Recommendation by the Elkton Planning Commission to approve revising §110-610 B-1, §110-611 B-2 to list child-care center as a permitted use; §110-302 child-care center definition, and § 110-715 short-term rental code revision – Second Reading

Council member Hensley moved on a Second Reading, seconded by Council member Heidel, and carried accept the recommendation by the Elkton Planning Commission to approve revising §110-610 B-1, §110-611 B-2 to list child-care center as a permitted use; §110-302 child-care center definition, and § 110-715 short-term rental code revision as presented:

§110-610 B-1, §110-611 B-2 to list child-care center as a permitted use

§ 110-610 Downtown Business District B-1.

A. Intent of Downtown Business District B-1. Generally, this district covers that portion of the Town intended for the conduct of general business to which the public requires direct and frequent access in the downtown area. This includes such uses as retail stores, banks, theaters, business theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations.

B. Permitted uses. Within the Downtown Business District B-1 the following uses are permitted:

(34) Child-Care Center as provided in Article 111, §110-302

§110-302 child-care center definition

CHILD-CARE CENTER

Any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians during part of the day only, and meeting the licensing requirements of child-care centers of

§63.2-1700-VA code et. Seq. Of the Code of Virginia, as amended.

§ 110-715 short-term rental code

§ 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- 8026(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 AND maximum number of occupants shall be no more than (8) eight adults and (14) total occupants.

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

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

NEW BUSINESS

Lead Service Inventory

A brief discussion took place regarding the requirements for the inventory.

Resolution to Adopt Police Assistance Pact

Council member Heidel moved, seconded by Council member Fulginiti, and carried to adopt the Police Assistance Pact Resolution as presented:

A RESOLUTION TO ADOPT THE POLICE ASSISTANCE PACT

WHEREAS, from time to time, the Town of Elkton, Virginia (the "Town") requires assistance in providing police services at various events or in response to emergencies, and

WHEREAS, mutual police assistance can be valuable in other situations as well, serving to protect both the public and police officers, and

WHEREAS, the existing countywide mutual-assistance agreement is a useful but limited tool,

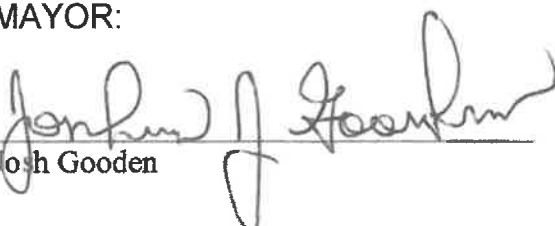
WHEREAS, the Town Council of the Town of Elkton, Virginia (the "Council") recommends the Town should enter into the proposed Police Assistance Pact attached as Exhibit A,

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Elkton, Virginia, that the Town Manager is authorized to enter into the attached Police Assistance Pact and is further authorized to make such modifications as he deems to be consistent with the purposes of this resolution.

This resolution shall take effect and be in force from and after the earlier date of the final passage hereof or passed this 15th day of April 2024.

ATTEST:

MAYOR:


Josh Gooden

Denise Monger

Denise Monger, Clerk

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

MAYORS BUSINESS

Mayor Gooden spoke briefly regarding a possible grand opening date of late July for the Elkton Downtown Marketplace. He and Vice-Mayor Workman would be making a presentation to students at the Elkton Elementary School regarding the marketplace.

CLOSED SESSION

Council member Fulginiti moved, seconded by Council member Michael, and carried that Council go from Regular Session into 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."

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

OPEN SESSION/MOTION TO CERTIFY CLOSED MEETING

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Motion to Adjourn

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

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

NAYS: None

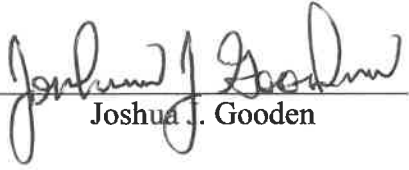
VOTE: (6 – 0 voice vote) Motion carried

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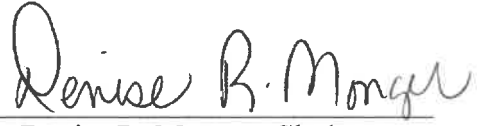
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Mayor:


Joshua J. Gooden

Recorder:


Denise R. Monger, Clerk