

# TOWN OF ELKTON



## VIRGINIA

### **Elkton Town Council Agenda**

Elkton Area Community Center

20593 Blue & Gold Drive - Elkton, VA 22827

April 15, 2024 – 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. JOINT PUBLIC HEARING
  - a. Special exception permit request by Lezipo Properties to allow short-term rentals at 120 West E. Street, Elkton
4. PUBLIC COMMENT (Please see “Rules for Citizen Comments at Council Meetings”)
5. CONSENT AGENDA
  - a. Minutes
6. TOWN MANAGER’S REPORT
  - a. Final review of FY25 Budget
  - b. Staff reports
7. TOWN ATTORNEY’S REPORT
  - a. Update on blight and nuisance issues
8. COMMITTEE REPORTS
9. UNFINISHED BUSINESS
  - a. Amend Town Elkton Code Section 158-18 Inoperable Vehicle Ordinance – First Reading
  - b. 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



10. NEW BUSINESS

- a. Lead service line inventory
- b. Resolution to Adopt Police Assistance Pact

11. MAYOR'S BUSINESS

12. 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."

13. ADJOURNMENT



**TOWN OF ELKTON**



**VIRGINIA**

**Staff Report/Recommendation**

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** April 15, 2024

**SUBJECT/TOPIC:** Adoption of Agenda

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

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

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

**ATTACHMENTS:** None



## Staff Report/Recommendation

**REQUESTED: Economic Development**

**MEETING DATE: April 15, 2024**

**SUBJECT/TOPIC:** A joint public hearing with the Elkton Planning Commission to receive comments on a request from Lezipo Properties at 120 West E. Street, Elkton for issuance of a Special Exception Permit for a Short-term rental.

### **BACKGROUND:**

### **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:  
Budget Line Item:

*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:**

**APPROVAL:**

  
Greg Lunsford, Town Manager

### **ATTACHMENTS:**

1. GIS Plat of location
2. Zoning Application
3. §110-604 Single Family Residential District R-3
4. Management Plan
5. Evacuation Plan
6. List of active short-term rentals with current percentage in R-3

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

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 Ruth Robertson, Lezipo Properties Phone Number 540 208 1530  
Address 101 Jackson Ave City Elkton State VA Zip 22827

**Applicant**

Builder ☐ Builder VA License ☐ Exp date ☐

Name  Phone Number

Address  City  State  Zip

Business Owner ☐ Owner Business License ☐ Exp date ☐

Name  Phone Number

Address  City  State  Zip

**Property Information**

Tax Map/Parcel Number 131 B1 (b) B 32: L4, L5, L3 Zoning

Address 120 West E Street, Elkton VA 22827

Existing Structures (Number & Type) Brick Building

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 in basement of Elkton Eyecare

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

Short term rental request for the basement of 120 West E Street. The rental will be available only Friday afternoon through Sunday evening as to not conflict with Elkton Eyecare business hours. A private side entrance on the West side of the building goes directly to the basement. No houses are immediate located to the West of this entrance. New egress windows in two basement room: also allows for safe emergency evacuation.

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

Dec 19, 2023

Print Name

Ruth Robertson

Signature

Ruth Robertson**\*\* 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 ☐ NoFirst Advertisement  
Second AdvertisementDate  
Date

Zoning Administrator

☐ Approved

Fee paid

☐ Disapproved☐ Approved with conditions (See Attachments).\$100.<sup>00</sup>

Signature (Zoning Administrator)

Date



# **The Hollow**

## **Short Term Rental Management Plan**

Location: Basement located under Elkton Eyecare, 120 West E Street, Elkton, VA 22827

Owner: Lezipo Properties

Managers: Lee Robertson 540-908-7763 or Ruth Robertson 540-208-1530

## **Management Plan**

### Overview:

The basement is available to rent for short-term stays Friday afternoons through Sunday evenings only. Two night reservation available. Renters will use Airbnb and VRBO platforms to rent The Hollow. Elkton Eyecare is not open during this time frame.

- 2 bedroom, 2 full bathroom rental for up to 4 adults, or up to 2 adults and 4 children
- Lease rental contract—will use the one that VRBO or Airbnb provides on their respective website
- Quiet hours from 10pm to 7am
- Local points of contacts for problems, complaints and renter questions: Lee Robertson or Ruth Robertson
- Private side-door entrance on the west side of the building has electric keypad lock for self-check in
- Ample parking is directly accessible to the private side-door for up to 3 vehicles
- Fees & registrations will be prompt and kept updated as required in the Short-term Rental Code

### Minimizing neighborhood impact:

Minimizing impact on neighboring properties: With a separate parking area for the basement entrance, nearby residential parking will not be impacted. The parking area for short-term renters is on North Terrace Avenue. The basement entrance is a private door, located on the West side of the building, leading directly to the basement. No houses are located by or adjacent to the West side of the building, creating a private location for this short-term rental and minimizing any neighborhood impact. Elkton Eyecare patients do not use this entrance.

### Renter Rules & Information:

- Two-night stay only: Check-in Friday at 2pm. Check-out Sunday 6pm.
- 2 bedroom, 2 full bathroom rental for 6 adults, or 2 adults and 4 children
- Two persons per bedroom, and two portable mattresses available to sleep on by the couch
- \$130 fee per night
- Quiet hours: 10pm to 7am
- Seven foot ceilings are located throughout, as this is a basement. Renters need to be physically able to walk down the stairwell immediately after entering the building. A handrail is in the stairwell, as well as grab bars in the bathrooms.
- No cleaning/maid service available during the stay
- No pets allowed, no exceptions (Violation will incur a penalty cleaning fee under VRBO or Airbnb guidelines)
- No smoking, vaping or any similar form allowed, no exceptions (Violation will incur a penalty cleaning fee under VRBO or Airbnb guidelines)

- No parties allowed
- Bedding and towels provided
- Basic soap, shampoo/conditioner, toilet paper, trash bags and dish/dishwasher cleaner provided
- Check-out process:
  - Load dirty dishes into dishwasher and start dishwasher
  - Remove all trash from inside bins and place bagged trash in outside trash bins
  - Strip sheets from beds and leave in the rooms
  - Turn thermostat to 65 Degrees
  - Thank you for staying & enjoy your drive home
- Parking permitted only in parking area on North Terrace Avenue--no more than 3 vehicles allowed
- Questions or help needed? Contact Ruth Robertson 540-208-1530 or Lee Robertson 540-908-7763
- In case of emergency evacuation, refer to Emergency Evacuation Map placed on the door at the bottom of the stairs
  - If needed call local Elkton Police Department: 540-298-9441
  - If needed call 911

**Property Care:**

Removal of garbage: Lee or Ruth Robertson or contracted hired cleaner

Managing unruly tenants: Lee or Ruth Robertson

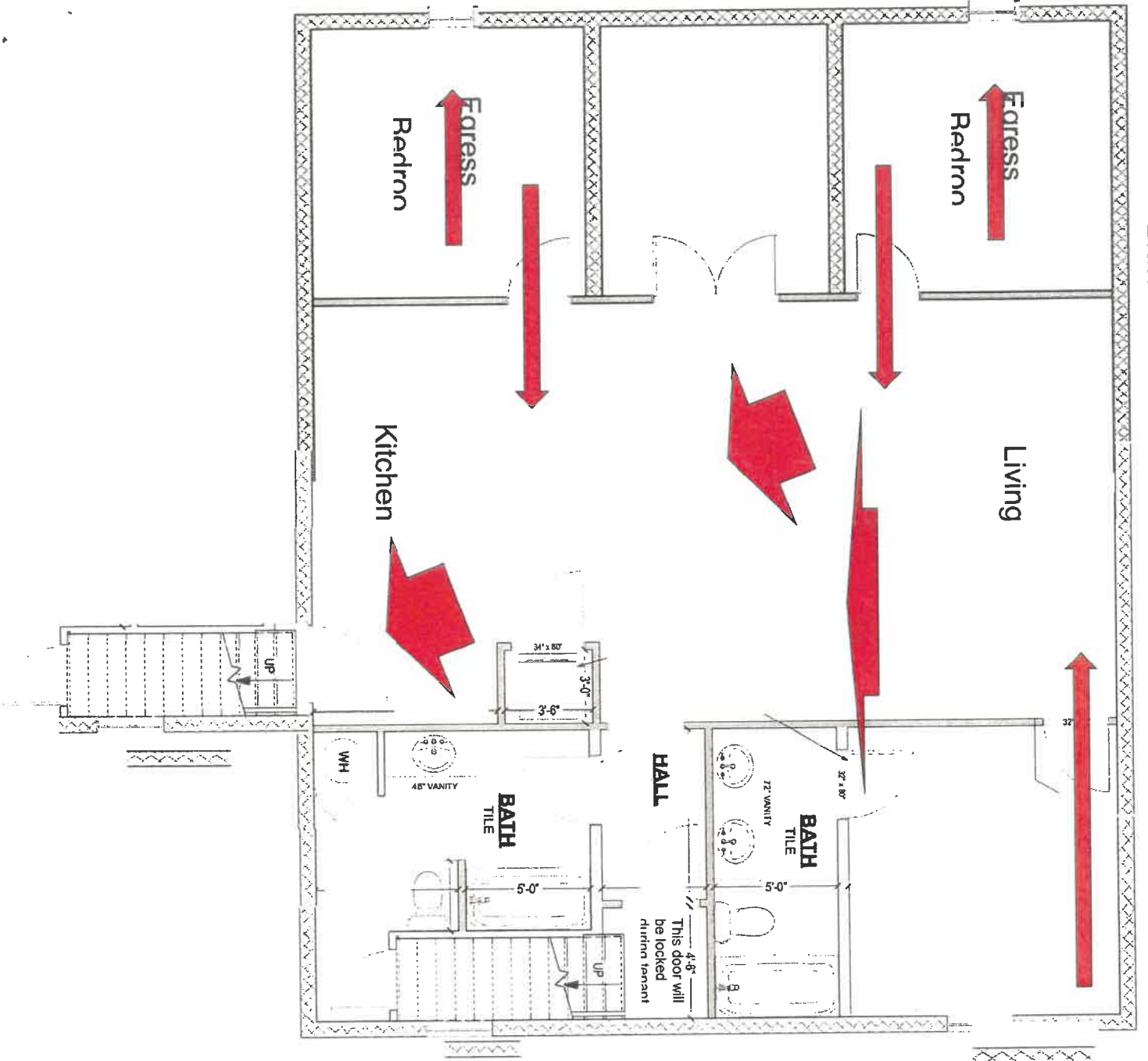
-Tenants breaking rental agreement will be asked to leave

Utility/Internet/Sewer management and issues: Lee or Ruth Robertson

Lawn care: Lee Robertson or contracted hired lawn care

Snow removal: Lee Robertson or contracted hired snow removal

# Evacuation Route





### § 110-604 **Single-Family Residential District R-3.**

**A.** Purpose of Single-Family Residential District R-3. The purpose of the R-3 Single-Family Residential District is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, concentrations of traffic, light, dust, odors, smoke, or other obnoxious influences.

**B.** Permitted uses. Within the Single-Family Residential District R-3 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, public 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)** Family care homes, foster homes, or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met.
- (6)** Bed-and-breakfast facilities, limited.

**(7)** Homes for adults.

**(8)** Commercial radio wave towers.

**(9)** Cemeteries.

**(10)** Professional offices.<sup>(u)</sup>

[Added 6-7-2021]

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

**(11)**

Other uses of the same general character as those listed have and deemed appropriate by the Planning Commission and in accordance with Article **VIII**.

**(12)** 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 shall 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]** 10,000 square feet with public water and sewer.

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

**[3]** Existing lots of 6,250 square feet or greater may be developed in the R-3 Residential Single-Family, R-4 Residential, and R-5 Residential Districts. All

subdivision of parcels into lots less than 6,250 square feet shall be prohibited in all districts, except for R-4 and R-5 Residential Districts. The R-1 and R-2 Districts will remain the same, but the R-3 Residential Single-Family District will require lot sizes of a minimum of 10,000 square feet.  
[Amended 6-17-1997]

**(b)** Setback: 25 feet.

**(c)** Frontage at setback: 50 feet.

**(d)** Side yard:

**[1]** One side: five feet.

**[2]** Two sides: 15 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 workers 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: five feet.

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

**[2]** 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.

**(b)** Rear yard: five feet.

**(c)** 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.



**AN ORDINANCE TO AMEND CHAPTER 110 (LAND DEVELOPMENT) OF THE  
CODE OF THE TOWN OF ELKTON, VIRGINIA**

**WHEREAS**, on December 28, 2000, the Town of Elkton previously adopted Chapter 110 (Land Development) of the Code of Elkton; and

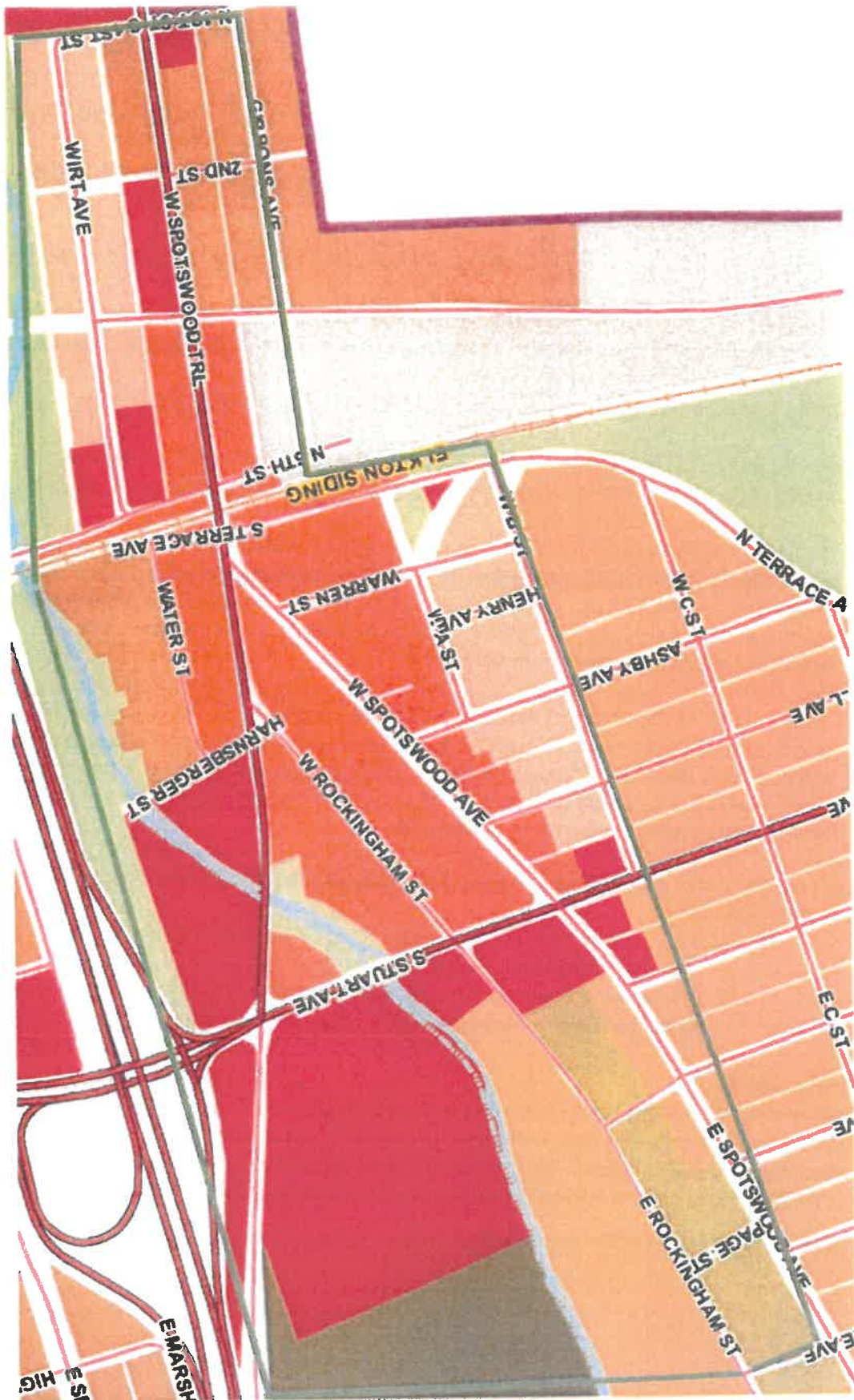
**WHEREAS**, the Town has determined it is in its best interest to amend and update this Chapter.

**BE IT ORDAINED** by the Town Council of Elkton, Virginia that Chapter 110 (Land Development) is hereby amended to as follows:

1. Chapter 110, § 110-603 Low-Density Residential District R-2 is hereby amended to read as follows:
  - (a) Amend: Section C(9) Special Exceptions, Short-Term rental provided that a minimum of 1 unit or a maximum of 4% of the dwellings in a contiguous zoning or adjacent dwellings be issued such permits.
2. Chapter 110, § 110-604 Single Family Residential District R-3 is hereby amended to read as follows:
  - (a) Amend: Section C(12) Special Exceptions, Short-Term rental provided that a minimum of 1 unit or a maximum 5% of the dwellings in a contiguous zoning or adjacent dwellings be issued such permits.
3. Chapter 110, § 110-605 Residential District R-4 is hereby amended to read as follows:
  - (a) Amend: Section C(11) Special Exceptions, Short-Term rental in single-family detached dwelling provided that a minimum of 1 unit or a maximum 6% of the dwellings in a contiguous zoning or adjacent dwellings be issued such permits. Short-term rentals are not allowed in multifamily dwellings, duplexes, townhouses, or apartments
4. Chapter 110, § 110-606 Residential District R-5 is hereby amended to read as follows:
  - (a) Amend: Section C(13) Special Exceptions, Short-Term rental in single-family detached dwelling provided that a minimum of 1 unit or a maximum 7% of the dwellings in a contiguous zoning or adjacent dwellings be issued such permits. Short-term rentals are not allowed in multifamily dwellings, duplexes, townhouses, or apartments
5. Chapter 110, § 110-715 Short Term Rentals is hereby amended to read as follows:
  - (a) Add: Section K,  
The following requirements shall be met for all short-term rentals:
    1. Age of renter must be 25 or older.
    2. No property owner may be issued greater than two (2) short term rental permits in the residential zonings of the Town.
  - (b) Add: Section L,  
There shall be no more than 25 Short term rental permits issued in the Town at any time. Fifteen (15) of such permits may be issued in the Tourism District. This area runs along Spotswood Trail/Ave. from First Street to Clarke Avenue. Then, North to Gibbons and B streets and South to the Highway 33.<sup>1</sup> Ten (10) of such permits may be issued outside of the Tourism District.

Ordinance to Amend Chapter 110 (Land Development) Page 1 of 3

<sup>1</sup> Editor's Note: A map of the Tourism District is Included as an Attachment 4.1 to this chapter.

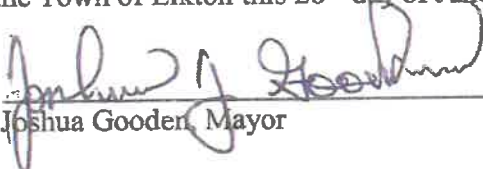


6. Chapter 110, § 110-302 Terms Defined amended to add the following definitions:

- (a) Contiguous Zoning – A group or cluster of adjoining lots within the Town Limits that are all zoned with the same zoning and that are bordered on all sides by lots zoned with a different zoning or the Town Limits.
- (b) Contiguous Zoning Short term rental Calculation -- A maximum number of short-term rentals allowed in an individual Contiguous Zoning using the following formula: = (% of short term rentals allowed based on zoning) ÷ (Total Single family dwellings in that individual Contiguous Zoning). Then rounded down to the nearest whole number but no less than 1.

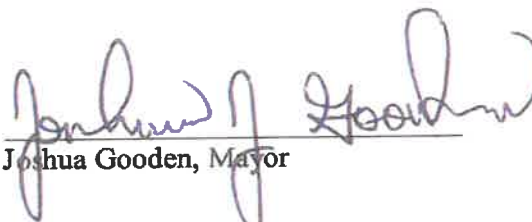
7. Except as modified herein, the Code of the Town of Elkton remains in full force and effect. This modification to the Code shall be effective immediately upon its adoption.

ADOPTED by the Town Council of the Town of Elkton this 26<sup>th</sup> day of June, 2023.

  
Joshua Gooden, Mayor

  
Denise Monger, Clerk of Council

Approved this 26<sup>th</sup> day of June, 2023.

  
Joshua Gooden, Mayor

## Short term rental:

1. Jenny Livelli – 114 N. Stuart Avenue – R-3
2. Jeff Duby – Spotswood Trail – B-1 – Tourism District
3. Three Gables – Water Street – R-4 – Tourism District
4. Young- 210 Lee Avenue – R-3
5. K. Shifflett/T. Shepherd – Hill Avenue – R-3
6. Sean Gorman – Woodbridge – R-2
7. Dr. Kai Li – Mt. Pleasant Road – R-4
8. Chad Pfrommer – 218 W. Spotswood B-1 Tourism District
9. Dr. Kai Li – Mt. Pleasant Road – R-4
10. Younger & Younger – 4<sup>th</sup> Street – R-2
11. Andrew and Emily Barone – 582 Mt. Hermon Rd. – R-2

Eight (8) approved of the ten (10) allowed outside of the Tourism District

Estimated two hundred forty-nine (249) homes in the R-3 contiguous zoning

Currently 3 short term rentals approved within that zone

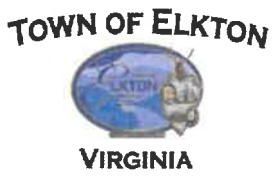
249 homes = 1.2%

Revised short-term rental code allows 5%

**JOINT PUBLIC HEARING  
TOWN COUNCIL FOR THE TOWN OF ELKTON  
AND ELKTON PLANNING COMMISSION  
APRIL 15, 2024**

**PLEASE TAKE NOTICE** That the Town Council of the Town of Elkton, Virginia, and Elkton Planning Commission, shall hold a joint public hearing on **April 15, 2024 at 6:00 p.m.** in the Council Chambers of the Elkton Area Community Center, located at 20593 Blue & Gold Drive, Elkton, Virginia, for public comments related to a special exception permit request by Lezipo Properties to allow short-term rentals at 120 West E. Street, Elkton, VA.

4/5, 4/12



**Staff Report/Recommendation**

**REQUESTING DEPARTMENT:** Town Manager Greg Lunsford

**MEETING DATE:** April 15, 2024

**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 of meetings.

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 WORK SESSION  
February 5, 2024  
5:30 p.m.**

The Elkton Town Council Work Session was held on February 5, 2024 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, Public Works Director Gaither Hurt, Community Development Director Delores Hammer, Treasurer Donna Curry, and Clerk of Council Denise Monger.

**COUNCIL WORK SESSION**

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

**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**

**PRESENTATION**

**Financial advisors Davenport & Company, LLC**

Davenport & Company, LLC, prepared a Comprehensive Financial Review of the Town's General Fund. Their observations, recommendations, and key takeaways were:

- 1) Town Council & staff have positioned the Town to achieve structural balance in FY 2024 and beyond;
- 2) Incorporating the \$1,000,000 owed to the Town from DEQ, the Town was approaching the recommended fund balance policy of the greater of \$2,000,000 or 50% of General Fund Revenues;
- 3) The Town should consider adopting prudent debt management policies to ensure continued compliance with industry best practices;
- 4) By acquiring a line(s) of credit and establishing a Capital Reserve Fund the Town might be able to sustainably fund its currently outlined Capital Projects generally within the existing dollars earmarked for debt service.
- 5) Dependent upon FY 2024 results, the Town should consider exploring revenue

enhancement options, if needed, to further solidify the General Fund, as well as the Enterprise Funds.

Davenport was currently working on a financial review of the Town's enterprise accounts and would present their findings at a future meeting.

## **TOWN MANAGER'S REPORT**

### **Update on infrastructure projects (Town Manager and Public Works Director)**

Mr. Lunsford presented Council with a capital projects list. He briefly discussed the following:

**Sewer plant:** The majority of the construction of the plant was completed. There was approximately \$2.5 million remaining from that project. The plan was to replace many of the Town's sanitary sewer lines and renovate the lab and office space at the plant. The funds must be spent on sewer expenses.

**Water:** In 2010, Town Council approved WW Associates to prepare a preliminary engineering report (PER) on the Town's water system. No work was done at that time after the report was prepared. In 2021, WW Associates revised the PER from 2010, however there was no action taken at that time either. In 2022, Council approved WW Associates to again update the PER. The packet contained a proposal to design the 1 million gallon water tank for \$165,000 and a proposal for engineering services for the well development for \$75,000.

**Next steps for drinking water project:** A copy of a checklist was included in the packet that was required to be completed which consisted of eighty-five requirements/steps. This provided a good overview for Council to see the amount of administrative work involved with the project. He noted that some steps took 30 – 120 days to be completed and there was no good way to speed up the processes when working with Federal agencies. WW Associates would provide proposals to design the wells to be drilled and for the drinking water pipe system.

**Storm water project on Spotswood Avenue:** The project was needed due to flooding in the downtown area. WW Associates had prepared the PER and a rendering. A proposal for the design would be prepared when Council moved forward on the project.

**Police Station:** Council authorized staff to move forward with Lineage Architecture to design the new police station on Terrace Avenue. The initial design was almost complete. A cost estimate was being prepared by Lineage and should be ready by the end of next week. Once the cost estimates were reviewed, a decision would need to be made as to when to start the project.

**Elkton Downtown Marketplace:** Lantz Construction had started the project. The project should be completed by mid to late summer. There were many aspects of the project to be discussed such as a farmer's market, schedules, who would manage it, hiring bands, etc...



There could be a need for separate finance meetings to discuss funding for projects. The drinking water project would cost approximately \$8 – 9 million. The Town was pre-approved for \$8.3 million in loans. The Town was informed by the USDA that there were no grants available from them for the project. A search for other grants would continue. Council would need to decide on which options to pay for the project. Several Federal agencies would be involved with the project and a study of current water rates would be a requirement for loan approval. A brief discussion took place if the project could be separated into three phases and bid separately. It was noted that each phase would require the same Federal agency approval. If handled separately, the project completion date would be delayed due to the additional paperwork and wait time for responses. It was recommended that the project be bid as a whole and reviewed to try and make reductions in costs as the project moved forward. The project was estimated to take two years to complete once funding was approved.

### **UNFINISHED BUSINESS**

#### **Engineering services fee proposal – water storage tank design phase services**

**Council member Hensley moved, seconded by Council member Michael, and carried that Council approve the two contracts from Herb White, WW Associates, for the water storage and water well and authorize the Town Manager to negotiate and proceed with the contract with whatever he negotiates.**

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

**NAYS: None**

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

#### **Fee Proposal for new well development**

Refer to the above motion.

#### **Rules for Elkton Downtown Marketplace – discussion**

The Town of Broadway and City of Harrisonburg provided copies of their current rules and policies for Council to review. A special projects committee could be formed to provide oversight.

### **NEW BUSINESS**

#### **Bear Lithia water hauler operation – discussion**

Council member Napotnik stated that a person was filling a commercial tank at Bear Lithia and transferred a chemical onto the line at the spring. When he filled his tank for the brewery at the spring the chemical contaminated his tank. He was concerned and noted a sign was needed at the spring. Mr. Hurt stated that it was a boring company that used the spring and transferred a polymer onto the line. A polymer was basically a water resistant lubricant for their drill heads. The company stated they would not use the spring in the future.

A suggestion was made to erect a sign with a fine if there was a contamination; however, it was unclear if there would be cameras installed or how the fines would be levied since the spring was unmonitored. Council was in agreement a sign was needed. The Town Attorney would be contacted regarding what verbiage to be used for the sign.

**MOTION TO ADJOURN**

**Council member Fulginiti 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**

**TOWN OF ELKTON  
TOWN COUNCIL SPECIAL MEETING  
FEBRUARY 8, 2024  
4:30 p.m.**

Mayor Joshua J. Gooden called a special meeting of the Elkton Town Council for February 8, 2024, at 4:30 p.m., to be held at the Town Hall, 173 W. Spotswood Avenue, Elkton, Virginia, for the following:

- a. Interviews with potential candidates for employment 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."
- b. Possible litigation 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."

**Present:** Mayor Joshua J. Gooden, Vice-Mayor Rick Workman, Council Member Jan Hensley, Council Member Rachel Michael, Council Member Aaron Napotnik, Council Member Louis Heidel, and Council Member Virginia Fulginiti (arrived at 5:43 p.m.).

**Also Present:** Town Manager Greg Lunsford, and Clerk of Council Denise Monger.

**CLOSED SESSION**

**Vice-Mayor Workman moved, seconded by Council member Napotnik, and carried that council go from Regular Session in to Closed Session the following:**

- a. Interviews with potential candidates for employment 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."
- b. Possible litigation 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, R. Michael, A. Napotnik, and L. Heidel**

**NAYS: None**

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

Vice-Mayor Workman was excused from the meeting at 5:24 p.m.

Council member Fulginiti arrived to the meeting at 5:43 p.m.

Council member Napotnik was excused from the meeting at 5:45 p.m.

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

**Council member Heidel moved, seconded by Council member Fuginiti, 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. Michael, and L. Heidel**

**NAYS: None**

**VOTE: (4 – 0 voice vote) Motion carried**

**MOTION TO ADJOURN**

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

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

**NAYS: None**

**VOTE: (4 – 0 voice vote) Motion carried**

**TOWN OF ELKTON**  
**ELKTON TOWN COUNCIL MEETING**  
**February 20, 2024**  
**6:00 p.m.**

A Town Council meeting was held on Tuesday, February 20, 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, Treasurer Donna Curry, Parks and Recreation Director Cristina Morrow 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 Michael, 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**

**JOINT PUBLIC HEARING**

In addition to the Mayor and Council, the following Planning Commissioners were present for the joint public hearing: Dan Talbot, Gene Kite, Wesley Walls, and Dean Tills.

There were no other speakers.

Chairperson Talbot read the following proposed amendments.

- 1) Child-care definition in §110-302 to correct the Code of Virginia, to 63.2-1700-VA code et. Seq.,
- 2) §110-715 Short term rentals to specify a limit on the number of occupants allowed to stay in a rental.
- 3) §110-610 B-1 and § 110-611 B-2 to list child-care as a permitted use in B-1 and B-2 zonings.

Maximum occupancy total was 14, which included 8 adults and no more than 2 adults per room.

**Council member Hensley moved, seconded by Council member Heidel, and carried to close their joint 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**

**Commissioner Gene Kite moved, seconded by Commissioner Dean Tills and carried to close their joint public hearing.**

**YEAS: G. Kite, W. Walls, D. Tills, and D. Talbot**

**NAYS: None**

**VOTE: (4 – 0 voice vote) Motion carried**

#### **CONSENT AGENDA**

**Council member Heidel moved, seconded by Council member Napotnik, 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**

#### **ELKTON RURITAN CLUB CHECK PRESENTATION**

Vice-Mayor Workman, Mr. Randall Snow, and Mr. Harry Armbruster presented a check for \$15,000 from the Elkton Ruritan Club to the Elkton Downtown Marketplace Pavilion project.

#### **PUBLIC COMMENT**

Wayne Printz, 336 W. Washington Avenue, spoke about the proposed well development, Glo Fiber, spending, and transparency.

#### **TOWN MANAGERS REPORT**

Mr. Lunsford stated that the staff reports were included in the packet. He welcomed Christina Morrow as the new Parks and Recreation Director. The first draft of the Comprehensive Plan was completed. Jordan and Courtney were working on a new Town website. There was a meeting with the Virginia Department of Health and Virginia Resource Authority to finalize the financing for the drinking water project.

Treasurer Curry spoke regarding delinquent taxes. The Town had collected all but \$1,100.00 in personal property taxes. She noted that her staff had worked very hard to collect money for the Town.

## **TOWN ATTORNEY REPORT**

Town Attorney Callahan spoke regarding the Rockingham Mobile Home Park outside of Town. He had completed all of the title work and the only easements were for the sanitary sewer line and water line. There was a provision for a utility easement. A list of unsafe properties had been sent to the Rockingham County building inspector. He had been working with Town staff on ordinances for inoperable vehicles, a revised floodplain ordinance to align with Rockingham County's ordinance, and an ordinance for unpaid real estate taxes. He noted a pending real estate contract for property located on Mt. Pleasant Road.

## **COMMITTEE REPORTS**

Policy/Personnel Committee: Chairperson Hensley welcomed Christina Morrow to her new position. She noted her enormous strengths in management which would be beneficial to the center.

Parks and Recreation Committee: Chairperson Fulginiti also welcomed Mrs. Morrow. She reported on the changes that come with new management and that Christina had the full support of Council. The Easter Egg Hunt was scheduled for March 30<sup>th</sup> at 11:00 a.m. There would be 4,000 eggs and 12 golden eggs with prizes. The Church of the Nazarene, Massanutten Regional Library, Mr. and Mrs. Easter Bunny, and MC Chris Michael would all be in attendance at the event.

Public Works Committee: Chairperson Workman reported on the progress of the Elkton Downtown Marketplace Pavilion project and the replacement of street signs. He noted the sidewalk project would begin in March. The potholes would be addressed when the asphalt plant opened in April. Spring Cleanup would take place in mid-April with information being placed on Facebook, the newsletter and on the Town's website.

Finance Committee: Chairperson Michael reported on the financial meeting with Davenport. They did an assessment on the Town's general fund and gave a good summary. The Town's existing debt profile and debt ratios were in line, if not better rated, than other highly rated Virginia Towns. They made recommendations on how to continue to keep the debt profile in a healthy state. Davenport was well-known and used by many municipalities in the area.

Special Projects and Economic Development Committee: Chairperson Napotnik reported on the opening of two new businesses: This and That Dealz, at 306 W. Spotswood Avenue, and Lisa's Hometown Grill, opening on March 1, 2024. The Town was still working with the Central Shenandoah Planning District Commission on potential grants for the pavilion.

Health & Safety Committee: Chairperson Heidel reported that he and Jan would be meeting with a potential applicant for a vacant position in the police department. There was a speed limit change on Spotswood coming into Town. A new digital sign for enforcement would be operational soon.

## **UNFINISHED BUSINESS**

New Fee Proposal for Well Development

Mr. Lunsford stated that Herb White from WW Associates contacted him with another option for the well development project. The Town could choose an hourly fee not to exceed \$75,000, or a flat rate fee of \$65,000.

**Council member Hensley moved, seconded by Council member Michael, and carried to approve the hourly fee not to exceed \$75,000 from WW Associates.**

**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**

#### **Award Contract for Phase 1 – Spotswood Ave. & Mt. Pleasant Road Intersection Sidewalk Improvement Project**

**Vice-Mayor Workman moved, seconded by Council member Heidel, and carried to approve the contract for Phase I of the Sidewalk Improvement Project.**

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

**NAYS: None**

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

#### **Contract to Sell Real Estate**

**Vice-Mayor Workman moved, seconded by Council member Napotnik, and carried to approve the sale of lot 8, Elk Run Subdivision for \$40,000.00.**

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

**NAYS: None**

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

### **MAYORS BUSINESS**

Mayor Gooden spoke briefly regarding Council transparency and addressed some of the inaccuracies circulating throughout Town.

### **CLOSED SESSION**

**Council member Michael moved, seconded by Council member Heidel seconded 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:** 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**

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:** 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 Napotnik, 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

**TOWN OF ELKTON  
COUNCIL WORK SESSION  
MARCH 4, 2023  
5:30 p.m.**

The Elkton Town Council Work Session was held on March 4, 2024 at 5:30 p.m. at Elkton Area United Service building, located at 15384 Old Spotswood Trail, 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 Aaron Napotnik, and Council Member Louis Heidel.

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

**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, Community Center Director Christina Morrow, Treasurer Donna Curry, and Clerk of Council Denise Monger.

**COUNCIL WORK SESSION**

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

**Plaque to Chasity Wegman**

The Mayor and Elkton Town Council presented a plaque to Chasity Wegman for her passion and commitment to the EACC.

**ADOPTION OF AGENDA**

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

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

**NAYS: None**

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

**UNFNISHED BUSINESS**

**WW Associates proposal for design of drinking water lines**

This item was moved to the March 18, 2024 agenda.

**Update on library and proposal for an outdoor story time space**

Mr. Zach Elder, Director of Massanutten Regional Library, spoke regarding the proposed update to the Elkton library. He briefly discussed the various programs offered at the library. The proposed outdoor story time garden would be adjacent to the library. The size would be

approximately 15 x 20 and made of brick or stone. No parking spaces would be lost. Mr. Elder noted there would be murals, artificial grass, steel bollards, and a possible sun shade included in the project.

## **NEW BUSINESS**

### **Recommendation to approve Lambert Cleaning for Elkton Area Community Center**

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

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

**NAYS: None**

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

## **PROJECTS UPDATE**

Mr. Lunsford briefly updated Council on the following:

- a. Drinking water project.
- b. Wastewater treatment plant upgrade completed; 2 million remaining to be spent on sanitary sewer lines throughout Town and to upgrade the office space and laboratory at the plant.
- c. Storm water project on Spotswood Avenue. The design for the project is being reviewed to determine how much would need to be bid and how much the Town could do in-house to save money.
- d. Cost estimates being obtained for the new police station on Terrace Avenue beside the public works shop. The current location is small and cramped when multiple officers are on duty to work events and special projects.
- e. Elkton Downtown Marketplace project moving forward.

### **Drinking water project**

Mr. Hurt stated that the Town was in the process of completing the 150 page waterworks operation plan. He noted that the project had been submitted to the Virginia Department of Health (VDH) and the Town was awaiting approval. The project had previously been submitted to the USDA; however, funding was unavailable. The Town would provide a project timeline upon the approval of funding and final approval of the submitted plans.

### **Central Shenandoah Planning District Commission**

The Town was partnering with the CSPDC on grant projects. Mrs. Hammer was working on a park grant. Another grant being worked on is for a tree scape buffer in between Old Spotswood Trail and the Town. CSPDC would advise what type of trees could be planted with a rendering or a design since that was a VDOT right-of-way.

## Comprehensive Plan

Mrs. Hammer stated that the Planning Commission had updated the Town's Comprehensive Plan. The commission might ask for a special meeting with Council to advise of the revisions to the plan. The CSPDC had updated all of the maps and five new maps were added to the plan.

## 24/25 BUDGET PREPARATION

Mr. Lunsford stated that budget preparations were underway. The Town had solidified the budget process. Each department followed the same process for submitting their budgets. He noted that in past years the budget was adopted in June, however this year the budget was scheduled to be approved by May. He presented the budget schedule as follows:

### **MARCH 4, 2024: Town Council Community Meeting/Budget Work Session**

- Pre-budget discussion and ARPA review

### **APRIL 1, 2024: Council Work Session:**

- Presentation of the Town Manager's recommended FY25 Budget

### **APRIL 15, 2024: Council Meeting**

- Council Final Review of FY25 Budget for advertisement

### **APRIL 16, 2024: Advertisement**

- Clerk of Council advertises proposed Utility Rate increases

### **APRIL 24, 2024: Advertisement**

- Clerk of Council advertises the proposed FY25 Budget and proposed Utility Rate increases (2<sup>nd</sup> time)

### **MAY 6, 2024: Council Work Session:**

- Public hearings for the proposed FY25 Budget and Utility Rate increases

### **MAY 20, 2024: Council Meeting**

- Town Council adopts and appropriates the FY25 Budget and approves the FY25 Utility Rate increases

Mr. Lunsford stated that he hoped to keep taxes and sewer at their current rates; however, water rates would be increased. The Virginia Department of Health required the Town to increase water rates due to the loans needed for the drinking water project.

Treasurer Curry stated that she and Mr. Lunsford intended to review a five – six year budget plan. She noted that funds would be set aside for infrastructure contingencies each year. Meetings would be scheduled soon with the Department Heads to review their budget requests. She briefly discussed earning interest on accounts and the Town's enrollment in the Virginia Debt Set Off program.

### Sidewalks

Mr. Hurt stated that he was meeting with contractors for a pre-construction walk through. They would walk the various areas in Town that needed to have work done. The project was approved in the current budget. All the street and sidewalk projects in Town were reimbursed through VDOT. Taxpayer or infrastructure funds were not used for those projects. Projects should begin within two weeks.

### Cemetery fence

Mr. Hurt stated that last week the fence at the Cemetery was vandalized. A contractor had been called to give an estimate for the work. In the meantime, someone had tried to straighten the fence which weakened the posts. The posts were metal and when bent back and forth become weak. The contractor would have to test each individual post for weakness which would be another cost to the Town in addition to the repair cost.

### Nuisance/blight list

Town Attorney Callahan presented Council with a nuisance/blight list as previously discussed. He noted that the code would need to be updated. Several notices and letters had been sent out to the owners. Rockingham County would need to inspect the properties and notify homeowners. He briefly discussed a legal case against the Town based on the County's tax assessments.

### Questions & Answers

Q: Could any engineering work be applied to any current projects? Could the Town purchase some materials for projects before prices increase?

A: Mr. Lunsford responded that a 2010 preliminary engineering report (PER) previously prepared for the Town had to be updated pursuant to USDA and VDH requirements. He noted that it would be great if the Town could buy materials now at current prices instead of later, but the Town had not secured funding for the project and would not want to buy items unless it had that assurance.

Q: What happens to the interest the Town is making on the bank accounts?

A: Treasurer Curry responded that Council needed to adopt a contingency policy to determine where the money would go instead of reserve. Currently, the money was gaining interest in the operating fund.

Q: There is \$2 million from the wastewater treatment plant that could be used for sewer lines, water lines, etc...?

A: Mr. Lunsford responded that the Town could use the money for sewer lines, but not for water projects.

Q: At First Street and Wirt Avenue, were there twenty houses being built there?

A. No truth to that.

**MOTION TO ADJOURN**

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

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

**NAYS: None**

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

**TOWN OF ELKTON**  
**ELKTON TOWN COUNCIL MEETING**  
**March 18, 2024**  
**6:00 p.m.**

A Town Council meeting was held on March 18, 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, and Council Member Louis Heidel.

**Absent:** Council Aaron Napotnik (excused).

**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, Treasurer Donna Curry, Parks and Recreation Director Cristina Morrow 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**

Mayor Gooden suggested the committee changes be voted on before the committee reports.

**Council member Hensley moved, seconded by Council member Michael, and carried to adopt the agenda as amended.**

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

**NAYS: None**

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

**PRESENTATION**

**FY23 Audit review by Brown Edwards**

Kristen Holland, Manager, spoke regarding the audit conducted by Brown Edwards & Company. Financial statements of the Town's governmental activities, the business-type activities, and each major fund for the year ended June 30, 2022 were audited. The Town received an unmodified "clean" opinion.

## **PUBLIC COMMENT**

There were no public comments.

## **TOWN MANAGERS REPORT**

Mr. Lunsford reported on the FY25 Budget preparations, drinking water project, Elkton Downtown Marketplace, and the sanitary sewer line project. He noted that Town staff and the Leadership Team were doing a great job and getting work done.

### **Public Works**

Mr. Hurt reported that the asphalt plants should be operational soon and the Town would begin to repair the potholes. A meeting with the VDOT inspector was scheduled for tomorrow. The ground covering for Stonewall Park would be delivered this week. All restrooms in the park areas would be opened soon. There were five crew members scheduled for OSHA classes. Spring clean-up would take place with a restriction of one load per household. The date of April 15 was proposed. Work continued on the Elkton Downtown Marketplace. Several discussions had taken place regarding the railing on the stage and whether the cable or tube railing would best suit. It was noted the tube railing was less expensive. After a brief discussion, Council decided on the tube railing.

### **EACC Director**

Mrs. Morrow reported that she continued to build the staff at the center. She was in the process of monitoring and addressing the security of the building, any liability issues in the kitchen areas, and marketing some programs.

### **Treasurer**

Mrs. Curry briefly discussed a bank error regarding the Town's interest on an account. She had spoken to them and they were working to rectify the issue.

## **TOWN ATTORNEY REPORT**

Town Attorney Callahan reported that he had filed an Answer regarding the Elkmont legal case.

## **COMMITTEE REPORTS**

**Council member Heidel moved, seconded by Council member Hensley, and carried change the committees as follows:**

Finance: Jan Hensley (Chair), Aaron Napotnik, Louis Heidel  
Policy & Personnel: Rachel Michael (Chair), Virginia Fulginiti, Jan Hensley  
Public Health, Safety, & Ordinances: Louis Heidel (Chair), Virginia Fulginiti, Rachel Michael

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

**NAYS: None**

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



Health & Safety Committee: Council member Heidel reported no additional business.

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

Public Works Committee: Chairperson Workman reported on the progress of the Elkton Downtown Marketplace.

Parks and Recreation Committee: Chairperson Fulginiti reported on the upcoming Easter Egg Hunt. She noted that volunteers were welcome to assist.

Finance Committee: Chairperson Hensley reported no additional business.

### **UNFINISHED BUSINESS**

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 – First Reading

**Council member Fulginiti moved on a First Reading to amend the Elkton Town Code ordinance §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.**

*The Town Council had inadvertently voted on the motion which was only a First Reading.*

### **Update on blight/nuisance properties**

Town Attorney Callahan updated Council on the blight-nuisance properties. He had drafted a new ordinance for inoperable vehicles.

### **Grant for Elkton Downtown Marketplace**

A brief discussion took place regarding a grant for the Elkton Downtown Marketplace.

### **Overview/steps for drinking water project**

Mr. Lunsford stated that the process for the drinking water project was complicated. He presented Council with documents that provided the VDH requirements, completed items, scheduled items, and what items had been paid for. He noted that engineering fees were a big part of projects such as the one for drinking water. On average, fees cost anywhere from 10 – 20% of the total project cost. The Town was at about 7% with WW Associates.

### **Engineering Services Fee Proposal – Water Distribution Improvements Design**

**Council member Fulginiti moved, seconded by Vice-Mayor Workman, and carried to approve the engineering services fee proposal for the water distribution improvements design.**

Mr. Lunsford noted that he had spoken with Herb White who had agreed to design the project at an hourly rate.

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

**NAYS: None**

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

**NEW BUSINESS**

Recommendation by the Elkton Planning Commission to schedule a joint public hearing to receive comments on a request for a special exception permit from Lezipo Properties for short-term rentals at 120 West E. Street, Elkton

**Council member Hensley moved, seconded by Council member Michael, and carried to accept the recommendation by the Elkton Planning Commission to schedule a joint public hearing to receive comments on a request for a special exception permit from Lezipo Properties for short-term rentals at 120 West E. Street, Elkton.**

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

**NAYS: None**

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

Recommendation by staff to rezone tax map no. 131-A-39, 94 Campground Lane, Elkton

**Vice-Mayor Workman moved, seconded by Council member Michael, and carried to accept the recommendation by staff to rezone tax map no. 131-A-39, 94 Campground Lane, Elkton.**

It was noted that was the location of the reservoir which was currently zoned for residential and not for service/utilities.

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

**NAYS: None**

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

Summer sewer program

**Vice-Mayor Workman moved, seconded by Council member Heidel, and carried to approve the summer sewer program as presented.**

Sign-ups would begin on April 1, 2024.

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

**NAYS: None**

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

Cemetery Advisory Commission election of officers

**Council member Heidel moved, seconded by Vice-Mayor Workman, and carried to approve the election of officers for the Cemetery Advisory Commission as follows:**

Chair: M. Lee Dearing

Vice-Chair: Mark Hensley

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

**NAYS: None**

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

Cemetery Advisory Commission reappointments

**Council member Michael moved, seconded by Vice-Mayor Workman, and carried to reappoint Mark Hensley, Billie Jo Dofflemyer, and Mark Stevanus for a term from April 17, 2024 to April 17, 2028.**

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

**NAYS: None**

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

First Class Lawn Care, LLC Service Agreement

**Council member Heidel moved, seconded by Council member Michael, and carried to approve the service agreement for First Class Lawn Care, LLC as presented.**

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

**NAYS: None**

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

Augusta Lawn Care Service Agreement

**Vice-Mayor Workman moved, seconded by Council member Hensley, and carried to approve the service agreement for Augusta Lawn Care Service Agreement.**

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

**NAYS: None**

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

Updated Fee proposal for EACC

Mayor Gooden stated that Council had received a copy of the updated fee proposal which streamlined the room and shelter rentals.

**Council member Fulginiti moved, seconded by Council member Heidel, and carried to approve the updated fee proposal for room and shelter rentals at the EACC as presented:**

### New Room Rental

\$50/hr. per room      Deposit \$150

\$60/hr. (Kitchen)      Deposit \$200

- All fees/deposits due at the time of booking
- Photo ID required
- 14 day notice of cancellation for refund

<u>Shelters</u>	<u>April – October</u>	<u>November – March</u>
EPIC	\$75	\$55
Riverside	\$75	\$55
Monger	\$100	\$80

- Park restrooms are closed November through March

### Employee Rentals

10% off total

Effective April 1, 2024

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

**NAYS: None**

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

### MAYORS BUSINESS

Mayor Gooden spoke briefly regarding a complaint he received about the inaccuracy of resident's water meter. He noted the gentleman appreciated Mr. Hurt and the public works department assisting him in finding that there was an issue on his side of the meter and not an issue with the meter itself.

A brief discussion took place regarding fertilizing the Blue Sox field as had been done in previous years.

### CLOSED SESSION

**Vice-Mayor Workman moved, seconded by Council member Fulginiti that Council go from Regular Session into Closed Session 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: R. Workman, J. Hensley, V. Fulginiti, R. Michael, and L. Heidel**

**NAYS: None**

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

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

**Council member Michael 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, and L. Heidel**

**NAYS: None**

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

**Motion to Adjourn**

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

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

**NAYS: None**

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



### Staff Report/Recommendation

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** April 15, 2024

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

- a. Final review of FY25 Budget
- b. Staff reports

**BACKGROUND:** Mr. Lunsford presented the FY25 Budget to Council at the budget retreat held on April 1, 2024. He will present a final review of the budget before the public notices are prepared for the public hearings.

**ACTION REQUESTED:**

Information Only <input type="checkbox"/>	Discussion <input checked="" 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:** Copy of FY25 Budget  
 Staff reports

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 POLICE REPORT 2024

ARREST/CHARGES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD
ASSAULT & BATTERY	1	0	0										1
CURFEW VIOLATIONS	0	0	0										0
DRIVING UNDER THE INFLUENCE	1	1	0										2
DRINKING IN PUBLIC/PUBLIC INTOXICATION	0	0	1										1
DRUGS (POSSESSION & DISTRIBUTION)	0	0	0										0
LOITERING	0	0	0										0
PARKING TICKETS	3	0	0										3
RECKLESS DRIVING	1	3	1										5
SEAT BELT/CHILD RESTRAINT VIOL.	0	0	0										0
SPEEDING	5	4	2										11
MISCELLANEOUS	8	19	22										49
ADULT ARRESTS	19	26	26										71
JUVENILE ARRESTS	0	1	0										1
POLICE OFFICERS RESPONDED TO THE FOLLOWING COMPLAINTS													
BUSINESS/RESIDENTIAL ALARMS	6	10	7										23
DOMESTIC SITUATIONS	2	3	2										7
DISORDERLY	4	7	4										15
LARCENY COMPLAINTS	1	2	5										8
TRAFFIC CRASHES	5	7	6										18
TRAFFIC STOPS	22	26	36										84
VANDALISM/PROPERTY DAMAGE	0	1	2										3
ASSIST OTHER DEPT (POLICE/FIRE/RESCUE)	4	3	1										8
MISCELLANEOUS	824	631	823										2278
TOTAL	868	690	886	0	0	0	0	0	0	0	0	0	2444

MIKE KING  
CHIEF OF POLICE

CONSOLIDATED MONTHLY RUNS REPORT  
MARCH 2024

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Law Enforcement Agencies

HPD.....	8439
RCSO.....	3220
Bridgewater.....	1001
Broadway.....	652
Dayton .....	778
Elkton.....	886
Grottoes.....	923
Timberville.....	1155
 TOTAL.....	 17,054



# TOWN OF ELKTON



## VIRGINIA

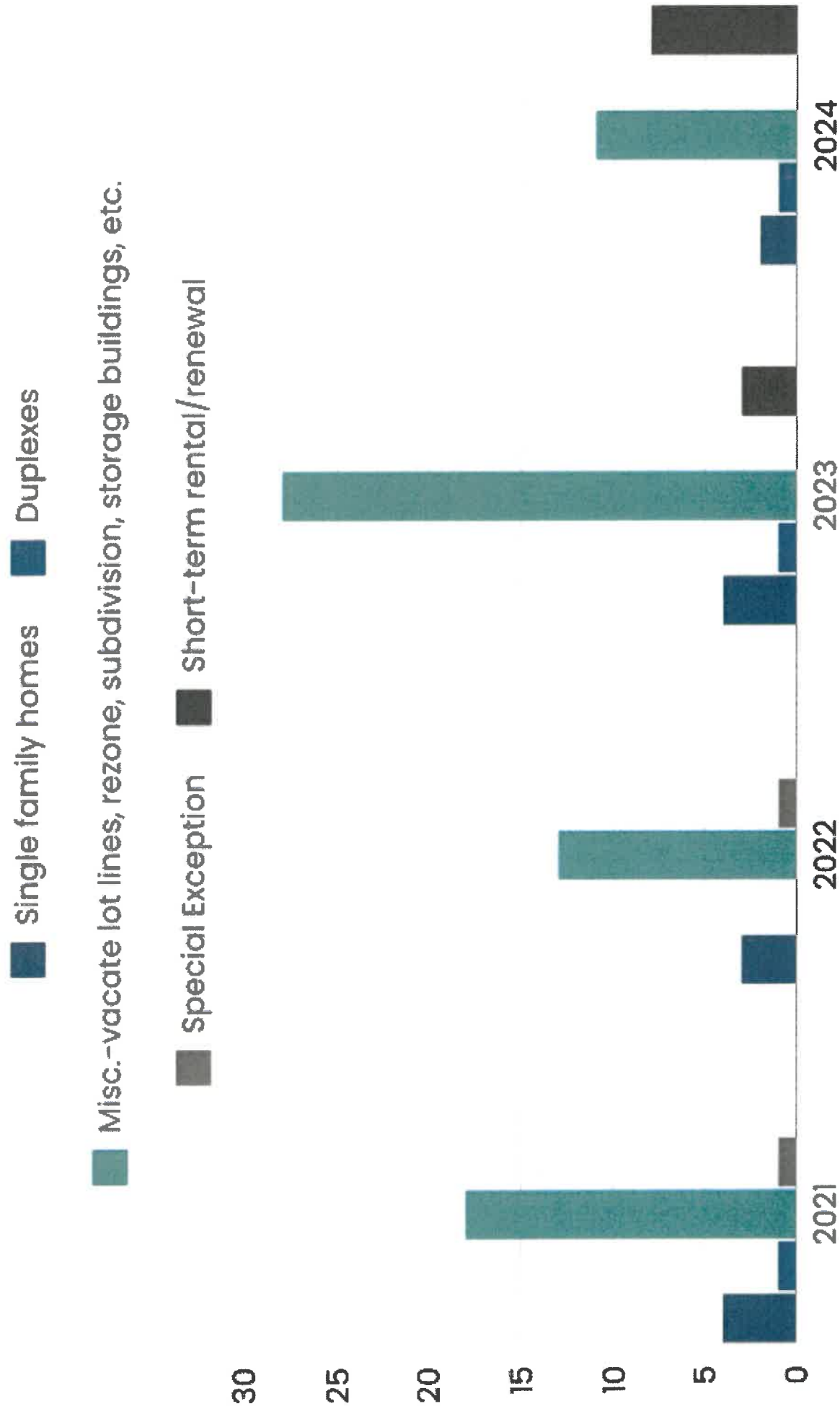
### Public Works Work Order Report for March 2024

Cemetery	14
Electric	12
Garbage	2
Gen.Govt	10
Recreation	5
Sewer	4
Streets	13
Water	5
Total	65

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

# TOWN OF ELKTON ZONING PERMITS -

Fee's Collected \$1,395



No	Zone	First	Last	St #	St Name	Description	Fee	Mo
2024-001	R	Michael	Dean	206	Lee Avenue	Fence	\$25	Jan
2024-002	B	Shepherd	Shifflett	101	Hill Avenue	STR renewal	\$100	Jan
2024-003	B	Kai	Li	17140	Mt. Pleasant Road	STR renewal	\$100	Jan
2024-004	B	Three Gables	LLC	220	Water Street	STR renewal	\$100	Jan
2024-005	B	Superior	Siding	17020	Mt. Pleasant Road	single family	\$50	Jan
2024-006	B	Town of	Elkton	158	W. Spotswood Ave.	Pavilion	\$0	Jan
2024-007	B	Sean	Gorman	252	Kensington	STR renewal	\$100	Jan
2024-008	B	Chad	Pfrommer	218	W. Spotswood Ave.	STR renewal	\$100	Jan
2024-009	B	Raegan	Smith	116	Lucas Lane	Alteration	\$25	Jan
2024-010	R	Gloria	Harnish	642	E. Spotswood	Alteration	\$25	Jan
2024-011	B	SDA	Church	20995	Blue & Gold Drive	Pavilion	\$25	Feb
2024-012	B	Jeff	Duby	224	W. Spotswood Ave.	STR renewal	\$100	Feb
2024-013	B	Andy & Emily	Barone	582	Mt. Hermon Road	STR renewal	\$0	Feb
2024-014	R	Elizabeth	Campbell	20939	Blue and Gold Drive	fence	\$25	Feb
2024-015	B	DHP	Enterprises	330	Shen Elk Plaza	Temp. banner	\$20	March
2024-016	R	Billy Joe	Jenkins	228	Kensington	garage	\$25	March
2024-017	B	Jenny	Livelli	114	N. Stuart Avenue	STR renewal	\$100	March
2027-018	B	Jeremy	Southerly	14781	Greenview Drive	single family	\$50	March
2024-019	R	Robert	Gooden	16950	E. Summit	subdivide	\$100	March
2024-020	B	Superior	Siding	305/307	Willow Oaks	Duplex	\$100	March
2024-021	B	Jolene	Flowers	315	W. Spotswood	sign	\$25	March
2024-022	B	WAWA		14825	Rockingham Pike	signs	\$200	March
2024-023								
2024-024								
2024-025								
2024-026								
2024-027								
2024-028								
2024-029								
2024-030								
2024-031								
2024-032								
2024-033								

**ELK RUN CEMETERY REPORT**  
**TRANSACTIONS**  
**March 2024**

<b>LOTS SOLD.....</b>	<b>6</b>	<b>YTD = 11</b>
<b>INTERMENTS.....</b>	<b>8</b>	<b>YTD = 16</b>
<b>NICHE.....</b>	<b>1</b>	<b>YTD = 1</b>
<b>CREMATIONS.....</b>	<b>3</b>	<b>YTD = 3</b>
<b>Space Contract.....</b>	<b>1</b>	<b>YTD = 1</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>
Wayne Allen Brown		\$750
Bonnie Sponaule		\$750
Louise Ferrell		\$750
Marie Frey		\$300
Shelley Mace		\$750
Norman Villalobos		\$300
Harold Moyers		\$750
Maxine Sellers		\$300
	<b>Sales/Contracts</b>	
Jeff Shifflett	Contract payment	\$125
Phil Spongaule	1 space	\$1000
Jay Bender	Contract payment	\$125
Jessica & Timothy Monger	2 spaces	\$3,000
Deborah Shifflett	Contract payment	\$200
Essie Lawson	O/C paid in full	\$100
Arnold Mace	1 space	\$1,500
Jacqlin Villalobos	1 space	\$1,500
Richard & Erika Eppard	1 space	\$1,500

**Total: \$13,700**

• **Cemetery Commission Members**

*Chairperson: Lee Dearing*

*Vice Chair: Mark Hensley*

*Dwight "Gene" Kite*

*Billie Jo Dofflemyer*

*Sue Armbruster*

*Michelle Dean*

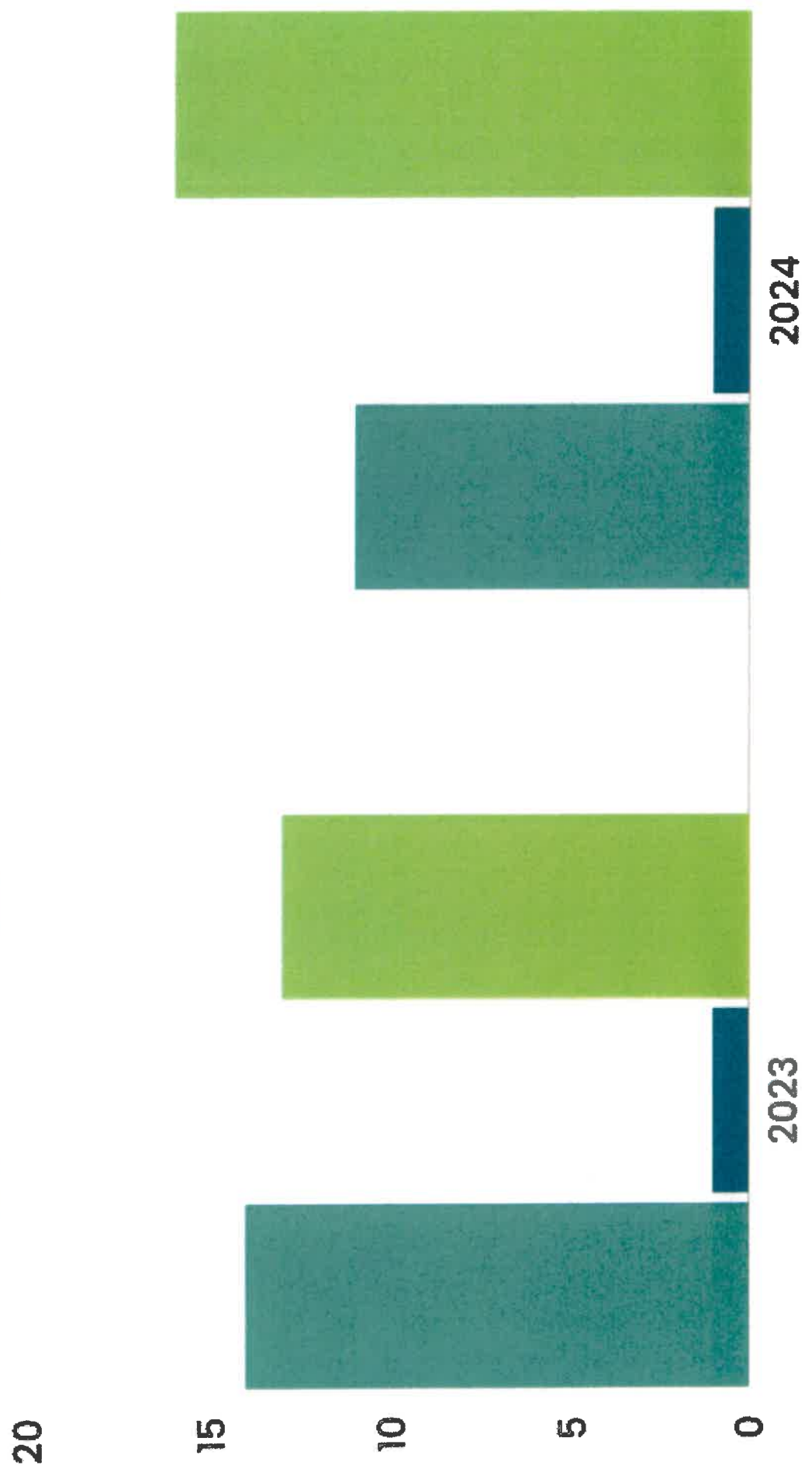
*Mark Stevanus*

Submitted by: Delores Hammer -- Director of Community Development

# ELK RUN CEMETERY

## YTD FEE'S COLLECTED \$25,675.00

■ Lot Sales
 ■ Niche Sales
 ■ Opening/Closing



## March 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	1,258,393.00	10,346.28
October	1,139,480.00	9,385.79
November	872,283.00	7,248.13
December	744,334.00	6,239.78
January	675,701.00	5,681.06
February	599,459.00	5,070.76
March	870,425.00	7,253.43
April		
May		
June		
YTD:	8,215,666.00	67,818.82

**TOWN OF ELKTON  
TREASURER'S REPORT  
For Month Ending March 31, 2024**

**FIRST BANK OPERATING ACCOUNT**

<b>BEGINNING BALANCE</b>			\$	4,971,213.44
<b>DEPOSITS</b>			\$	929,899.17
Interest earned			\$	23,463.55
*an interest accrual correction was made of \$21,140.04 for Feb.				
<b>EXPENDITURES</b>			\$	(624,870.64)
<b>ENDING BALANCE</b>			<b>\$</b>	<b>5,299,705.52</b>
Outstanding Checks			\$	(755,104.15)
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)	11/30/2023	\$	-	\$ -
(Wire transfer to First Bank completed on 11/22/2023 totaling \$472,801.18)				
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 1102	3/19/2024	\$	250,019.86	\$ 250,019.86
F & M Bank 0001	3/31/2024	\$	13,026.95	\$ 13,026.95
United Bank 1132	3/31/2024	\$	339,989.98	\$ 339,989.98
United Bank 8080	3/31/2024	\$	463,672.91	\$ 463,672.91
United Bank 9919	11/30/2023	\$	-	\$ -
(this account was closed and the funds were transferred to Acct. #8080)				
		\$	1,066,709.70	\$ 311,605.55
<b>TOTAL FUNDS</b>			<b>\$</b>	<b>5,611,311.07</b>

Respectfully submitted,



Donna D. Curry  
Treasurer  
4/11/2024

## YEAR TO DATE SNAPSHOT OF SELECTED REVENUE TOTALS

MEALS TAX		
<b>Budgeted:</b>		<b>\$1,265,000.00</b>
Month		Amount
July, 2023	\$	102,988.45
August, 2023	\$	105,953.84
September, 2023	\$	104,923.96
October, 2023	\$	101,622.31
November, 2023	\$	106,509.42
December, 2023	\$	94,525.81
January, 2024	\$	93,011.31
February, 2024	\$	92,963.31
March, 2024	\$	106,252.23
<b>YTD</b>	<b>\$</b>	<b>908,750.64</b>

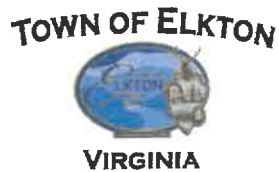
CIGARETTE TAX		
<b>Budgeted:</b>		<b>\$66,000.00</b>
Month		Amount
July, 2023	\$	12,000.00
September, 2023	\$	3,000.00
October, 2023	\$	6,400.00
November, 2023	\$	6,000.00
December, 2023	\$	9,000.00
February, 2024	\$	9,000.00
March, 2024	\$	3,000.00
<b>YTD</b>	<b>\$</b>	<b>48,400.00</b>

REAL ESTATE TAXES			
Budget		YTD	
\$	371,643.00	\$	311,295.67
\$	19,490.00	\$	9,370.47 (delinquent)

PERSONAL PROPERTY TAXES			
Budget		YTD	
\$	247,501.00	\$	169,911.06
\$	12,076.00	\$	12,076.00 (delinquent)

EARNED INTEREST YTD			
Budget		YTD	
\$	222,000.00	\$	205,730.53 First Bank
\$	742.60	\$	6,484.12 United Bank (8080)
\$	496.74	\$	7,411.82 United Bank (1132)





**Staff Report/Recommendation**

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** April 15, 2024

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

**BACKGROUND:** Town Attorney Callahan to present his report verbally and give an update on the Town's blight/nuisance issues.

**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

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:** April 15, 2024

**SUBJECT/TOPIC:** Committee Reports

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

**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

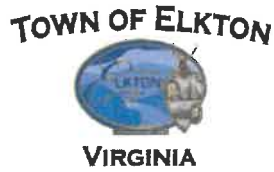
*If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to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

**STAFF RECOMMENDATION:** N/A

**APPROVAL:**   
Greg Lunsford, Town Manager

**ATTACHMENTS:** None

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:** April 15, 2024

**SUBJECT/TOPIC:** Amend Town Elkton Code Section 158-18 Inoperable Vehicle Ordinance – First Reading (no vote).

**BACKGROUND:** Town Attorney Callahan has updated Council on the status of the inoperable vehicles in Town and recommended the Town Code be revised to include the attached changes.

**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 move of a First Reading (no vote) as presented.

**APPROVAL:**   
Greg Lunsford, Town Manager

**ATTACHMENTS:** Revised Elkton Town Code Section 158-18 Inoperable Vehicle Ordinance.

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.

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.

**Commented [KM1]:** Staunton has this under "Public Peace, Morals and Welfare" so Elkton can put under "Peace and Good Order" if preferred. I used 158 because that is "Vehicles and Traffic".

(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.

**Commented [KM2]:** 15.2-904 (Virginia) says 60 days; Staunton had 90. I assume the Town would like the more restrictive language.

**Commented [KM3]:** Optional

(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.

**Commented [KM4]:** Alternatively, written notice from Town manager or manager's designee. Also compare timeline to Cape Charles, which is 30 days for removal. No timeline mandated by [15.2-904](#).

**Commented [KM5]:** Checking DMV info is not mandated by the Code; but is likely the easiest way to provide notice and determine an address for mailing, unless the Town prefers to use their records.

(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.

**Commented [KM6]:** This clause missing from Staunton's ordinance; mandated by 15.2-904(D).

**[insert applicable cross references, if any]**

State law reference – Authority for above section, Code of Virginia, § [15.2-904](#).



**Staff Report/Recommendation**

**REQUESTING DEPARTMENT:** Town Manager Greg Lunsford

**MEETING DATE:** April 15, 2024

**SUBJECT/TOPIC:** Second Reading to amend Elkton Town Code §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

**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 move on a Second Reading and adopt the revised ordinance as presented.

**APPROVAL:**   
Greg Lunsford, Town Manager

**ATTACHMENTS:** Revised ordinances

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.

**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.

## **§ 110-610 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:

**(1)** Department stores, variety stores, specialty shops, discount shops, and appliance stores.

**(2)** Bakeries.

**(3)** Laundries, dry cleaning shops, and clothes dyeing establishments.

**(4)** Living and/or sleeping quarters shall be a permitted use when constructed above the ground and basement floors. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any building.

[Amended 12-19-2005]

**(5)** Retail stores and shops.

**(6)** Theaters, assembly halls, playhouses and dinner theater.

**(7)** Hotels.

**(8)** Banks and loan and finance offices, including drive-in types.

**(9)** Churches and other places of worship, and church school buildings.

**(10)** Libraries.

**(11)** General hospitals.

**(12)** Special care hospitals.

**(13)** Funeral home and/or mortuary.

**(14)** Automobile service stations and public garages (with major repair under cover).

**(15)** Clubs and lodges.

**(16)** Automobile sales.

**(17)** Lumber and building supply (with storage under cover).

**(18)** Plumbing and electrical supply (with storage under cover).

**(19)** Carpentry, cabinet making, furniture refinishing, woodworking, electrical, plumbing, heating, welding sheet metal, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops, provided that any use shall be conducted within a completely enclosed



building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within 100 feet of any residential district.

**(20)** Public utilities.

**(21)** Public service and storage buildings.

**(22)** Restaurants, including dairy product stores and soda fountains, and drive-in restaurants.

**(23)** Newspaper offices and printing shops.

**(24)** Business and professional offices.

**(25)** Greenhouses.

**(26)** Police, fire, and rescue squad stations.

**(27)** Post offices.

**(28)** Bus stations and taxi stands.

**(29)** Radio and television broadcasting studios.

**(30)** Public buildings and properties of a cultural, administrative, or service type.

**(31)** Individual residential uses associated with a permitted use, such as the residence of an entrepreneur, but not including subdivisions and multifamily complexes.

**(32)** Parking garages and parking lots.

**(33)** Schools.

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

**(35)** Off-street parking as required by this chapter.

**(36)** Signs as provided in Article VII.

**(37)** Parking as provided in Article VII.

**(38)** Museums.

**(39)** Picture frame manufacturing and assembling.

**(40)** Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter 110 as of the date of the adoption of this subsection with lot regulations and accessory uses consistent with R-3 District standards, and there shall be no more than one single-family detached dwelling per lot.

[Added 1-18-2010]

**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:

**(1)** Wholesale and processing not objectionable because of dust, noise, or odors.



**(2)** Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement.

**(3)** Commercial radio wave towers.

**(4)** Satellite antenna.

**(5)** Television and radio transmitting antennas.

**(6)** Athletic fields, stadiums, and arenas.

**(7)** Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations.

**(8)** Circuses, carnivals, fairs, and sideshows.

**(9)** Drive-in theaters, provided that all parts of such drive-in shall be distant at least 200 feet from any residential district and provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than 200 feet from the established right-of-way of said street or highway.

**(10)** Livestock market and sales pavilions.

**(11)** Overnight recreational vehicle park.

**(12)** Shooting range or gallery.

**(13)** Wholesale business, storage or warehouse, provided that any such use shall be distant at least 50 feet from any residential district.

**(14)** Apartments in structures existing at the time of adoption of this chapter.

**(15)** Kennels and animal hospitals, provided that any structure or premises used for such purposes shall be located at least 200 feet from any residential district.

**(16)** Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least 200 feet from any residential lot.

**(17)** Auction houses.

[Added 12-18-2000]

**(18)** Telecommunications facilities.

[Added 12-18-2000]

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

**(20)** Ground floor rear apartment, provided the following requirements are met:

[Added 4-21-2014]

**(a)** The primary purpose of the ground floor remains the operation of a business.

(b) The living area cannot be seen from the area that the business is operated from.

(c) The living area does not exceed 50.0% of the ground floor.

(d) Only one such apartment can exist on the ground floor.

(e) The residential space and the commercial space must be continuous and integrated. No portion of the unit (residential or commercial) may be separately leased or sold.

(21) Structures that were originally designed to be residential in nature, existed before January 18, 2010, but did not meet the requirements for single-family dwellings at that time, may be permitted to be returned to single-family dwellings, provided that the following requirements are met:

[Added 8-17-2015]

(a) The structure is proven to be habitable.

(b) The structure meets R-3 District standards.

(c) The owner certifies that no more than one family will live in the dwelling.

(d) Two off-street parking spaces are provided.

(e) The use of this structure as a residence is not in conflict with existing businesses.

(22) Short-term rental, provided the property is a permitted use under § 110-610B(39).

[Added 9-17-2018]

D. Requirements for permitted uses in the Downtown Business District B-1. Final grading and site finishing are required on the parcel where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three feet within 50 feet of the intersection of two roads.

E. Accessory uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

(1) Living quarters in the main building of persons employed on the premises.

(2) Private parking garage.

(3) Temporary buildings and/or 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.

F. Lot regulations.

(1) Main building: N/A.

**(a)** For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Zoning Administrator shall require greater area as considered necessary by the Health Official.

**(b)** Setback: N/A.

**(c)** Frontage at setback: N/A.

**(d)** Side yard:

**[1]** One side: zero feet.

**[2]** Two sides: zero feet.

**[3]** Property located in a business district, which adjoins any residential district, or is separated from any residential district only by a public street or way, shall have a ten-foot side yard on the side or sides adjoining or adjacent to the residential district.

**(e)** Rear yard: zero 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: 0 feet from main building.

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

**(b)** Rear yard: zero feet.

**(c)** 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.

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

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

## **§ 110-611 General Business District B-2.**

**A.** Intent of General Business District B-2. 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, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations.

**B.** Permitted uses. Within the General Business District B-2 the following uses are permitted:

**(1)** Department stores, variety stores, specialty shops, discount shops, and appliance stores.

**(2)** Bakeries.

**(3)** Laundries, dry cleaning shops, and clothes dyeing establishments.

**(4)** Living and/or sleeping quarters shall be a permitted use when constructed above the ground and basement floors. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any building.

[Amended 12-19-2005]

**(5)** Retail stores and shops.

**(6)** Theaters, assembly halls, playhouses and dinner theaters.

**(7)** Hotels.

**(8)** Banks and loan and finance offices, including drive-in types.

**(9)** Churches and other places of worship, and church school buildings.

**(10)** Libraries.

**(11)** Child-Care Center as provided in Article III, §110-302

**(12)** General hospitals.

**(13)** Special care hospitals.

**(14)** Funeral home and/or mortuary.

**(15)** Automobile service stations and public garages (with major repair under cover).

**(16)** Clubs and lodges.

**(17)** Automobile sales.

**(18)** Lumber and building supply (with storage under cover).

**(19)** Plumbing and electrical supply (with storage under cover).

(20) Carpentry, cabinet making, furniture refinishing, woodworking, electrical, plumbing, heating, welding sheet metal, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops, provided that any use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within 100 feet of any residential district.

(21) Public utilities.

(22) Public service and storage buildings.

(23) Restaurants including dairy product stores and soda fountains, and drive-in restaurants.

(24) Newspaper offices and printing shops.

(25) Business and professional offices.

(26) Greenhouses.

(27) Police, fire, and rescue squad stations.

(28) Post offices.

(29) Bus stations and taxi stands.

(30) Radio and television broadcasting studios.

(31) Public buildings and properties of a cultural, administrative, or service type.

(32) Individual residential uses associated with a permitted use such as the residence of an entrepreneur, but not including subdivisions and multifamily complexes.

(33) Parking garages and parking lots.

(34) Business and vocational schools.

(35) Off-street parking as required by this chapter.

(36) Signs as provided in Article VII.

(37) Museums.

(38) Picture frame manufacturing and assembling.

(39) Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter 110 as of the date of the adoption of this subsection with lot regulations and accessory uses consistent with R-3 District standards, and there shall be no more than one single-family detached dwelling per lot.

[Added 1-18-2010]

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:

(1) Wholesale and processing not objectionable because of dust, noise, or odors.

(2) Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement.

(3) Satellite antennas.

(4) Athletic fields, stadiums, and arenas.

(5) Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations.

(6) Circuses, carnivals, fairs, and sideshows.

(7) Drive-in theaters, provided that all parts of such drive-in shall be distant at least 200 feet from any residential district and provided that the screen shall be located as not to be visible from adjacent streets or highways, and it shall be set back not less than 200 feet from the established right-of-way of said street or highway.

(8) Livestock market and sales pavilions.

(9) Overnight recreational vehicle park.

(10) Shooting range or gallery.

(11) Wholesale business, storage or warehouse provided that any such use shall be distant at least 50 feet from any residential district.

(12) Existing apartments in structures existing at the time of adoption of this chapter.

(13) Commercial kennels and animal hospitals, provided that any structure or premises used for such purposes shall be located at least 200 feet from any residential district.

(14) Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least 200 feet from any residential lot.

(15) Auction houses.

[Added 12-18-2000]

(16) Telecommunications facilities.

[Added 12-18-2000]

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

(18) Adult businesses.

[Added 1-19-2006]

**(19)** Structures that were originally designed to be residential in nature, existed before January 18, 2010, but did not meet the requirements for single-family dwellings at that time, may be permitted to be returned to single-family dwellings provided that the following requirements are met:

[Added 8-17-2015]

**(a)** The structure is proven to be habitable.

**(b)** The structure meets R-3 District standards.

**(c)** The owner certifies that no more than one family will live in the dwelling.

**(d)** Two off-street parking spaces are provided.

**(e)** The use of this structure as a residence is not in conflict with existing businesses.

**(20)** Short-term rental, provided the property is a permitted use under § **110-611B(38)**.

[Added 9-17-2018]

**(21)** Motel, motel court, motor hotel, lodge, or inn.

[Added 5-17-2021]

**D.** Requirements for permitted uses in the General Business District B-2. Final grading and site finishing are required on the parcel where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three feet within 50 feet of the intersection of two roads.

**E.** Accessory uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

**(1)** Living quarters in the main building of persons employed on the premises.

**(2)** Private parking garage.

**(3)** Temporary buildings and/or 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**.

**F.** Lot regulations.

**(1)** Main building: N/A.

**(a)** For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The

Zoning Administrator shall require greater area as considered necessary by the Health Official.

**(b)** Setback: 25 feet.

**(c)** Frontage at setback: 50 feet.

**(d)** Side yard, one or two sides: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.

[Amended 12-20-2004]

**(e)** Rear yard: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.

[Amended 12-20-2004]

**(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: zero feet from main building.

**(a)** Side yard and rear yard: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.

[Amended 12-20-2004]



**(b)** 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.

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

**H.** 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 **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

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.



**Staff Report/Recommendation**

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** April 15, 2024

**SUBJECT/TOPIC:** Lead and Copper Rule Compliance

**BACKGROUND:** Please see memorandum dated April 10, 2024

**ACTION REQUESTED:**

Information Only	<input checked="" type="checkbox"/>	Discussion	<input 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:** April 10, 2024 Memorandum – Lead Service Line Inventory  
Lead and Copper Rule Compliance

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.

## MEMORANDUM

Town of Elkton

To: Town Council

From: Gaither Hurt, Public Works Director

Subject: Lead Service Line Inventory

Date: April 10, 2024

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In 2021 the Environmental Protection Agency (EPA) released revisions to the Lead and Copper Rule. In accordance with this ruling, the EPA is requiring all water providers to identify and create an inventory of all water service lines within their distribution system. The goal of this program is to identify lead service lines that may still be in existence. The EPA has confirmed an October 16, 2024 deadline for this inventory to be completed, and since 2022, the Elkton Public Works Department has been diligently working towards this goal. We are pleased to report that our lead service line inventory is complete.

The EPA is also requiring that we identify the material of privately owned water services. This portion of the water line extends from back of the water meter of a private home or business where it eventually connects to private plumbing. The entire section of this line is commonly found on private property and therefore, the Town does not have adequate records to demonstrate what the pipe material is.

To continue working towards this goal, the Public Works Department will be partnering with 120 Water to engage with homeowners to identify and report privately owned service line materials. I will report on how this process will work at the April 15 Town Council Meeting.



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# Lead and Copper Rule Compliance

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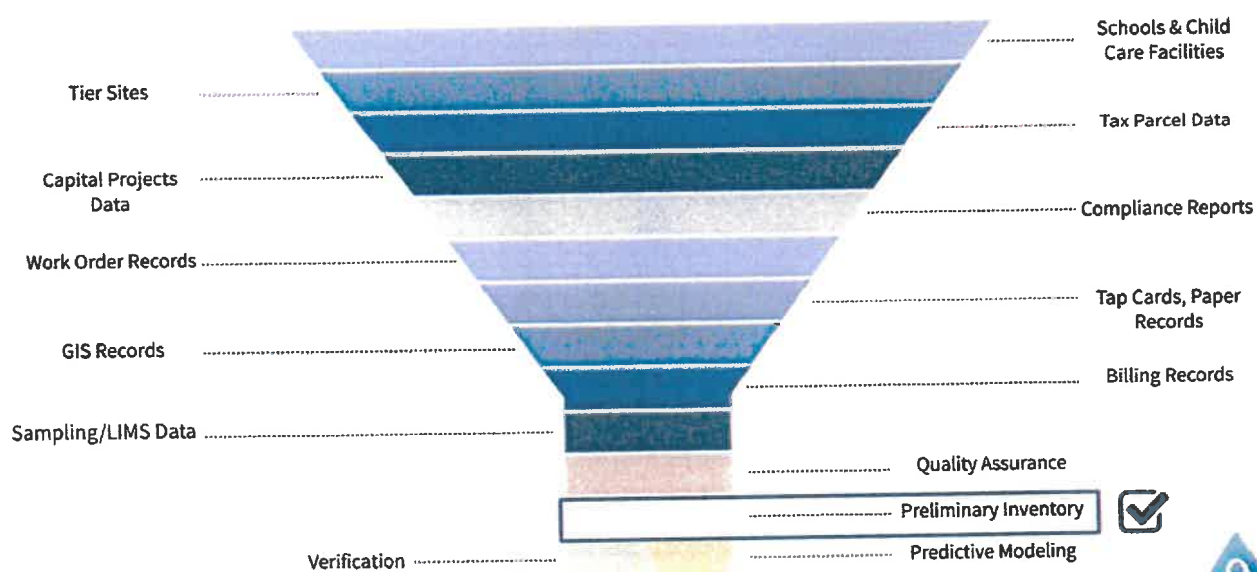
# Service Line Inventory

"Public Water Systems must develop a preliminary inventory of both **public and private** side service lines within 3 years of final rule publication, and use this preliminary inventory to **create a replacement plan** for known or possible lead service lines."



# Preliminary Inventory Development

Create your inventory, regardless of starting place





# Private-side Verification

Verify your *customer owned* inventory efficiently

## Lead check swabs | Customer survey postcards

- Easy to use with clear instructions
- Customers digitally submit results in minutes
- Data is automatically imported into the software



Verify

## Using Lead Check Swabs

Your local water utility is working hard to identify possible lead sources and we need your help!



### FOLLOW THESE THREE SIMPLE STEPS TO LOOK FOR

- STEP 1:** If available, use sandpaper to scrub the metal surface you want to test. Wipe the swab.
- STEP 2:** Crush the swab on the A and B marks (see Figure 1). Turn the swab tip side-down and several times (see Figure 2). Then gently squeeze until a yellow liquid comes to the surface.
- STEP 3:** Gently squeeze the tube while lightly rubbing the surface you are testing (see Figure 3). Rub for 30 seconds. Swabs must be used within two minutes.
- No Lead:** If the tip remains **YELLOW**, verify your negative results by squeezing a drop onto the test coloration card. (See Picture 1)
- Lead Present:** The tip will turn **PINK** or **RED** if lead is present. (See Picture 2)
- Lead Solder:** If you are testing leaded solder, the tip may turn **PINK** or **RED** but, and turn **PURPLE**. This is caused by the presence of tin.



**EXAMPLES:** Image 1 depicts a lead-free coppered bronze elbow. Image 2 depicts a lead on Lead Check Swabs confirmed expected results for lead plumbing components.

#### PLEASE KEEP IN MIND:

- Swabs cannot be used to test water but you can use them on toys or cans if you do not have solder to test.
  - Use one swab per surface and do not rub an individual swab on more than one metal.
- The letter contained in this kit will provide you with instructions and a link to report your findings.

### Survey:

Street Address, Apt # (if applicable), City, State, and Zip Code where sample will be collected:

Customer Name:

Primary Phone:

Email Address:

#### LOI Participation:

- ☐ Yes, I would like to participate in the Lead and Copper Program.
- ☐ No, Please take me off the list at this time.

#### Homeowner Type (Check one)

- ☐ Single Family Home
- ☐ Multi Family Home (ex. Duplex, Apartment Building)
- ☐ Other Buildings: Explain below:

#### Plumbing (Check all that apply)

- ☐ Lead pipe
- ☐ Copper pipe without Lead Solder
- ☐ Copper pipe with Lead Solder
- ☐ Galvanized pipe
- ☐ Plastic pipe
- ☐ Original Plumbing has not been replaced
- ☐ Other: Explain below:



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#### Test of Construction (Check one)

- ☐ If exact year is known, say
- ☐ After 1989
- ☐ July 1985 - December 19
- ☐ January 1983 - June 1984
- ☐ Before 1983
- ☐ Unknown

#### Is Home Water Treatment Device that is used?

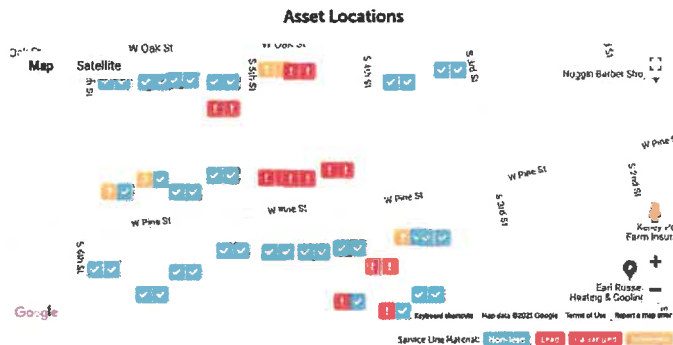
- ☐ None
- ☐ Water Softener
- ☐ Reverse Osmosis
- ☐ Whole House Filter
- ☐ Filter at sink faucet
- ☐ Other: Explain below:

Verify

# Public Transparency Dashboard

Build trust and stay compliant with ease

## Service Line Dashboard



Resources

### Showing 10 of 31 Assets

Address	Public / Private	Updated Date
151 Augusta Street, Pawnee, IN 62558	Non-Leak / Non-Leak	05/05/2021
25 Pennvue St., Pawnee, IN 62558	Non-Leak / Non-Leak	05/05/2021
1111 Service Drive, Pawnee, IN 62558	Leak / Leak	05/05/2021
300 High Ridge Court, Pawnee, IN 62558	Non-Leak / Non-Leak	05/05/2021
38 Edgefield Rd, Pawnee, IN 62558	Non-Leak / Non-Leak	05/05/2021
50 Lower River Dr., Pawnee, IN 62558	Non-Leak / Leak	05/05/2021
60 Ridge St., Pawnee, IN 62558	Non-Leak / Non-Leak	05/05/2021
84 N. Mechanic Road, Pawnee, IN 62558	Non-Leak / Non-Leak	05/05/2021
64 Trenton St, Pawnee, IN 62558	Leak / Leak	05/05/2021
657 S. Blackburn Ave., Pawnee, IN 62558	Leak / Leak	05/05/2021



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# Client Kick-off

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## Introductions - Who

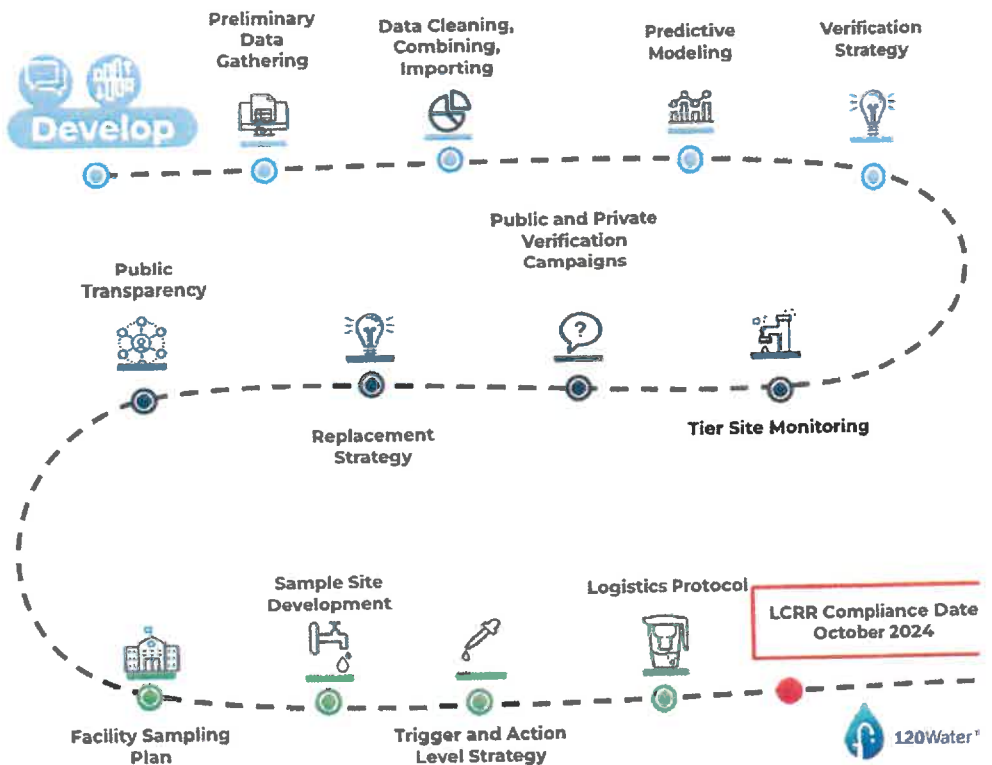
Roles & Responsibilities of Project Team

Team	Name	Role
120Water	Logan Turner	Sponsor
120Water	Bailee Stevens	Client Success
120Water	To Be Assigned	Program Consultant/ Manager
120Water	Brenden Klenke	Account Manager
Client	Gaither Hurt	Main POC

## Project Background - What

Project fit within broader strategy

- **Doing:** Develop LSLI Inventory
- **To Do:** Define road map for LCRR Compliance



## Project Timeline - Desktop Study

Investigate, Identify, Act

- **Historical Records Review**
  - **Water System Records**
    - Customer Billing Data
    - GIS Layer
    - Work Order Data
    - Lead and Copper Sample Sites
    - Capital Improvement Plans
  - **Construction/ Plumbing Codes**
  - **Inspection Records**
- **Data Transfer**
  - **Shared Templates**
  - **Secured Dropbox**

# Project Timeline - Data Cleaning and Analysis

Acknowledge, Organize, Clean & Join

## - Methodology Documentation

### Inventory Approach Part 1: Reviewing, Summarizing, and Cleaning Data

**Methodology Part 1 Summary:** Customer billing (CB) was read into R where various summary statistics were performed to determine duplicate observations, missing values, and other frequently occurring concerns in the data. Columns were also created for future geocoding and joining. The process involved reading the data into R, cleaning the data, summarizing the data, and then writing the data back to a CSV file. The process was repeated for the other datasets. There are 7,043 records active in customer billing.

#### Step by Step Methodology:

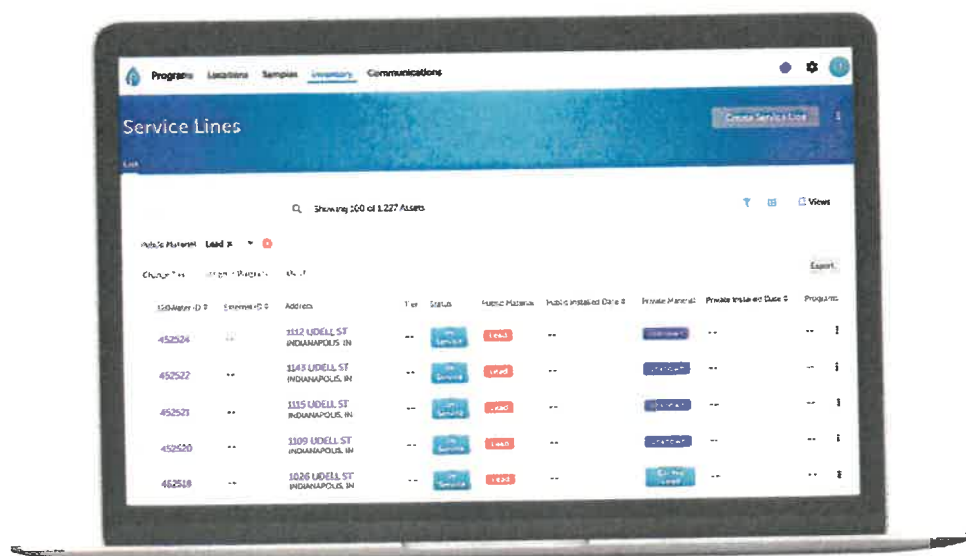
- 1) Set a working directory for the following:  
`setwd("C:/Users/col31/Desktop/120Water/LSU_Clients_CL/Westmont")`
- 2) Used `read.csv()` to read the data into R:  
`read.csv("JAYNE_AGNER_CUSTOMER_LISTING_FOR_120.csv")`
  - a) Used `clean_names` to clean the column headings. Ex: "Tax Parcel" becomes "tax\_parcel".
- 3) Utilized `CB_Original[duplicated(CB_Original[,column name]), ]` and `group_by(column name) %>% summarize(count = n()) %>% ungroup` to identify duplicates, missing values, and observations for each column. Identified duplicates, missing values, and observations.
- 4) In Excel, I created a new column called "unique\_id" and assigned a unique ID to each record. This was included to ensure all data is accounted for at the end of the process.

#### Step by Step Methodology:

- 5) Used `read.csv()` to read the data into R and named this `IL_ATTOM`.
  - a) Used `clean_names` to clean the column headings. Ex: "Tax Parcel" becomes "tax\_parcel".
- 6) Used the filter function to select ATTOM data by its FIPS code for the county mentioned in the methodology step 2 summary.
  - a) Code: `DuPage_ATTOM <- filter(ATTOM, situs_state_county_fips == 17043)`
- 7) Used `write.csv()` to write the data back to a CSV file:  
`write.csv(DuPage_ATTOM, "C:/Users/col31/Desktop/120Water/LSU_Clients_CL/Westmont_CL/02 - R/Data/DuPage_ATTOM.csv")`
- 8) In QGIS, I used the following tools to mitigate errors and increase the accuracy of the centroid coordinates: reproject layer and fix geometries.
  - a) The layer is called "Westmont Parcels Reprojected FG.shp".
- 9) Added the file "DuPage\_ATTOM.csv" as a delimited text layer and exported the file as a ESRI shapefile.

# 120Water Platform Updates Review

How to use this resource





## Next Steps

What to expect

- **Desktop Study Discussion**
  - Facilitated by 120Water Program Consultant
- **Platform Training**
  - Detailed instructions and practice of software use with CS team
- **Schedule Quarterly Business Review**
  - 90 day check-in with the whole team



**Staff Report/Recommendation**

**REQUESTED:** Chief Mike King

**MEETING DATE:** April 15, 2024

**SUBJECT/TOPIC:** Resolution to Adopt the Police Assistance Pact

**BACKGROUND:** Chief King to verbally discuss under his report.

**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 resolution as presented.

**APPROVAL:**   
Greg Lunsford, Town Manager

**ATTACHMENTS:** Resolution to Adopt the Police Assistance Pact  
Police Assistance Pact

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



## VIRGINIA

### 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:

\_\_\_\_\_  
Denise Monger, Clerk

\_\_\_\_\_  
Josh Gooden

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ELKTONVA.GOV

# TOWN OF ELKTON



## VIRGINIA

### CERTIFICATE OF VOTES

Record of the roll-call vote by the Town Council of the Town of Elkton, Virginia, on **A RESOLUTION TO ADOPT THE POLICE ASSISTANCE PACT** entitled, adopted by the Town Council of the Town of Elkton, Virginia, by a roll-call vote at a regular rescheduled meeting of the Town Council held on April 15th, 2024, at which a quorum was present and acting, and after a public hearing on the same date. The recorded roll-call vote of the Town Council was as follows:

#### Recordation of Council Votes:

Vice-Mayor Phillip "Rick" Workman  
Vote Cast: ☐ Yes ☐ No  
☐ Abstained from Vote

Council Member Virginia Fulginiti  
Vote Cast: ☐ Yes ☐ No  
☐ Abstained from Vote

Council Member Rachel Michael  
Vote Cast: ☐ Yes ☐ No  
☐ Abstained from Vote

Council Member Aaron Napotnik  
Vote Cast: ☐ Yes ☐ No  
☐ Abstained from Vote

Council Member Jan Hensley  
Vote Cast: ☐ Yes ☐ No  
☐ Abstained from Vote

Council Member Louis Heidel  
Vote Cast: ☐ Yes ☐ No  
☐ Abstained from Vote

Dated: \_\_\_\_\_

Denise Monger, Town Clerk,  
Town of Elkton, Virginia

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## POLICE ASSISTANCE PACT

***This Pact*** is made this 15<sup>th</sup> day of April, 2024, by the Town of Elkton, Virginia, a municipal corporation, and those other parties who have entered into this agreement under Section Seven below.

***Whereas***, Elkton's initial purpose in proposing this pact was to vest police powers in officers from participating jurisdictions in situations not adequately covered by the countywide mutual aid agreement (such as when the Rockingham Sheriff or City Police Chief do not create a "task force"),

***Now, therefore***, the parties agree as follows:

**§ 1. Definitions.** For purposes of this pact,

- (a) The "Requesting Jurisdiction" is the party which requests police assistance either
  - (i) explicitly or (ii) implicitly, whenever the Harrisonburg-Rockingham Emergency Communications Center dispatches an officer from another jurisdiction to act there.
- (b) The "Assisting Jurisdiction" is the party which provides – or has been requested to provide – police assistance under this pact.

**§ 2. Statutory Authority.** This pact is an agreement executed pursuant to Virginia Code § 15.2-1726.

**§ 3. Vesting of Officers.** Intergovernmental police service and assistance may be provided between the parties during those times of emergency and routine police work when mutual aid is deemed to best serve the interests of each party and its residents. Within the Requesting Jurisdiction, all police officers from the Assisting Jurisdiction shall have the same powers, rights, privileges, and immunities as officers from the Requesting Jurisdiction itself, including the right to make arrests.

**§ 4. Logistics.**

- (a) Each party authorizes its police chief (or officer commanding in the chief's absence) to direct equipment and police services to a Requesting Jurisdiction. However, nothing in this pact requires an Assisting Jurisdiction to provide any assistance requested. The provision of assistance is always voluntary.
- (b) Police officers from the Assisting Jurisdiction shall be commanded by appropriate authorities in the Requesting Jurisdiction; provided, however, that police officers shall always be subject to the authority of their superiors in the Assisting Jurisdiction.
- (c) An Assisting Jurisdiction may withdraw the aid at any time upon the direction of the Assisting Jurisdiction's police chief (or officer commanding in the chief's absence).
- (d) Cooperative police services shall be rendered without charge to the Requesting Jurisdiction during the normal conduct of police business, but an Assisting Jurisdiction may request remuneration for unusual or burdensome costs. In such

unusual cases, the parties agree to negotiate in good faith concerning remuneration.

- (e) From time to time, police chiefs of the parties may establish uniform rules and regulations for giving and receiving aid, such as regulations to be consistent with the provisions hereof.

**§ 5. Liability.**

- (a) Property Damage. The Requesting Jurisdiction shall be liable to the Assisting Jurisdiction for any equipment of the Assisting Jurisdiction which may be damaged or destroyed while rendering assistance.
- (b) Third Parties. To the extent allowed by law, the Requesting Jurisdiction shall indemnify the Assisting Jurisdiction against any liability incurred to third parties as a result of assistance provided under this pact. Each party agrees to carry a police liability insurance policy in the minimum amount of three million dollars insuring any Assisting Jurisdiction and its officer when rendering aid to the party.
- (c) Injuries to Officers. When acting under this pact, police officers are employees of their own employers acting within the scope of their employment. Accordingly, each party expects that its own workers' compensation policy will cover its employees even when they are providing assistance under this pact.

**§ 6. Absolutes.**

- (a) No Obligation. Absent an order from a police officer's superior in his own jurisdiction, nothing in this pact shall create an obligation for an officer to act in another jurisdiction.
- (b) Authority. Every police officer employed by a party to this pact shall have full police powers within the jurisdiction of every other signatory to this pact, though the parties expect their officers to provide assistance only protocols established by this pact or other applicable agreements.
- (c) Other Agreements. This pact shall expand upon previous mutual-aid agreements and shall not supersede or limit them in any way.
- (d) Withdrawal. Any party may withdraw from this pact through a resolution adopted by its governing body and communicated to all other parties.

**§ 7. Parties.** The parties to this pact are the Town of Elkton and any of the following jurisdictions as may have signed below or signed a counterpart within six months hereof: Town of Broadway, Virginia; Town of Dayton, Virginia; Town of Bridgewater, Virginia; Town of Grottoes, Virginia; Town of Mt. Crawford, Virginia; Town of New Market, Virginia; Town of Shenandoah, Virginia; Town of Timberville, Virginia.<sup>1</sup>

***Agreed***, as evidenced by the signatures below.

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<sup>1</sup>Some of the potential parties listed in this section are not served by Harrisonburg-Rockingham ECC, so it is unlikely that the ECC would dispatch officers from there or to there. Likewise, they are not included in the countywide agreement of July 10, 2013, but the other parties hereto see no reason to deny their participation here.

TOWN OF ELKTON

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF BROADWAY

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF DAYTON

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF BRIDGEWATER

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF GROTTUES

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF MT. CRAWFORD

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF NEW MARKET

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF SHENANDOAH

By: \_\_\_\_\_

Title: \_\_\_\_\_

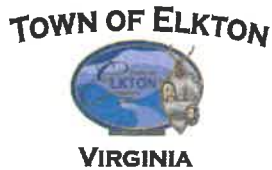
Date: \_\_\_\_\_

TOWN OF TIMBERVILLE

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**Staff Report/Recommendation**

**REQUESTED:** Town Manager Greg Lunsford

**MEETING DATE:** April 15, 2024

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

**BACKGROUND:** N/A

**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:** That Council go into a 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."

**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.