

**TOWN OF ELKTON
ELKTON TOWN COUNCIL MEETING
JANUARY 18, 2024
(Continued from January 16, 2024)**

Due to inclement weather, the Elkton Town Council meeting and public hearing scheduled for January 16, 2024 was continued to Thursday, January 18, 2024 at 6:00 p.m. The meeting was held at the Elkton Area Community Center, located at 20593 Blue & Gold Drive, Elkton, Virginia, with Mayor Joshua J. Gooden presiding.

Present: Mayor Joshua J. Gooden, Vice-Mayor Rick Workman, Council Member Jan Hensley, Council Member Virginia Fulginiti, Council Member Rachel Michael, Council Member 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, Town Treasurer Donna Curry, and Clerk of Council Denise Monger.

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.

AMENDED ADOPTION OF AGENDA

Council member Fulginiti moved, seconded by Vice-Mayor Workman, and carried to adopt the agenda with an amendment to table item 11c which was to vote on the sale of Town property located on Mt. Pleasant Road known as tax map no. 131 (14) L-8.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

PUBLIC HEARING – PROPOSED FRANCHISE FOR CABLE TELEVISION SYSTEM

Mayor Gooden opened the public hearing for Council to consider an ordinance granting a franchise of up to fifteen (15) years for the operation of a cable television system within the Town, and the right to install, use, maintain, and replace such system in Town streets and similar spaces. The franchise was requested by Shenandoah Cable Television, LLC, (Glo Fiber) under Va. Code 15.2-2101, in which any party may make a written bid on a franchise. The bids were opened in accordance with the specifications in the public notification.

There were no speakers.

Vice-Mayor Workman moved, seconded by Council member Michael, and carried to close the public hearing.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

PRESENTATIONS

Central Shenandoah Planning District Commission grant application for Elkton Downtown Marketplace

Zach Beard, AICP, from the Central Shenandoah Planning District Commission, spoke regarding a grant application to be submitted to the Virginia Outdoors Foundation Preservation Trust Fund. The goal was to increase access to outdoor space. He noted that in order to have a better chance at receiving the grant, the Town should consider adding a few features to the Elkton Downtown Marketplace which would attract people for recreational purposes. With limited space, he suggested a tree ID walk, a pollinator habitat and/or the outdoor musical instruments. The

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Town could add one or two of the items on a small scale which would not require much space. The grant averaged about \$150,000.

WW Associates Update on Water and Sewer Projects

Herb White, WW Associates, spoke via conference call to update Council on the Town's water and sewer projects as follows:

Water Project

Submitted the Preliminary Engineering Report and Environmental Report to the USDA in October 2023 for review and comment. Received comments from the USDA in December 2023, which focused primarily on environmental issues. He was currently revising the report based on those comments and anticipated a resubmittal to the USDA by the end of January. He had recently prepared a fee proposal for the Town's consideration to "early start" the water tank project design.

Wastewater Project

Phase 1 of the Sewer Rehabilitation project was complete. Phase 2 of the Sewer Rehabilitation project was designed and ready for construction. That project would use residual USDA funds from the WWTP project. The WWTP was substantially completed and was complying with the DEQ VPDES discharge permit. The punch list and warranty items were currently ongoing. The WWTP lab improvements were recently awarded to MEB using residual USDA funds. A WWTP influent grinder system was being considered using the same funds.

PUBLIC COMMENT

Roxanna Gooden, 540 E. Rockingham, Elkton, spoke about the recent survey sent out regarding the community center.

Martha Monger, no address for the record, spoke regarding the future of the community center and noted her support for Council's decision.

Wayne Printz, 336 W. Washington, spoke regarding community center issues and the remodeling of Town Hall.

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

TOWN MANAGER'S REPORT

Mr. Lunsford reported on the hard work that Mr. Hurt and his department provided during the recent winter weather. The auditors were at Town Hall to begin the audit. He met with Town Attorney Callahan to address numerous legal issues.

STAFF REPORTS

Chief of Police: Chief King reported the speed limit had changed at the dump site in both directions. A brief discussion took place regarding his year-end report included in the packet.

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Director of Public Works: Mr. Hurt briefly highlighted some portions of his year-end report. He noted seventeen new electric service connections, thirty-three new water service connections and 30 new sewer service connections. Lelan Siler, the Town's wastewater treatment plant operator was named Operator of the Year.

Economic Development Director: Mrs. Hammer reported that there were twenty-one more permits issued this year as opposed to last year.

Town Treasurer: Mrs. Curry reported that the auditors were pleased with the changes implemented by the Town. The report should be ready in about a month. She noted that the Town had started to see delinquent taxes be collected from state refunds. The interest on earnings had increased.

Town Attorney: Mr. Callahan reported he was working on several issues for Council including blight properties and inoperable vehicles.

COMMITTEE REPORTS

Public Health & Safety Committee: Chairperson Heidel reported no additional business.

Special Projects and Economic Development Committee: Chairperson Napotnik reported on upcoming events. He noted that the Christmas tree lighting and Ole Town Christmas would be held on the same day this year.

Finance Committee: Chairperson Michael thanked Treasurer Curry and her team for their hard work. She encouraged everyone to be a part of the center and become a member.

Public Utilities: Chairperson Workman reported that Lantz Construction would start to put fencing up at the pavilion area.

Parks and Recreation Committee: Chairperson Fulginiti reported that the Town had 354 surveys returned. She noted that the main focus was what the Town citizens wanted.

Policy/Personnel Committee: Chairperson Hensley reported that in December the Council had approved giving \$100 to eligible citizens for elderly tax relief. She noted that interviews were forthcoming for a Parks and Recreation Director.

UNFINISHED BUSINESS

Cable Franchise Agreement between the Town of Elkton and Shenandoah Cable Television, LLC

Council member Michael moved, seconded by Council member Napotnik, and carried to approve the cable franchise agreement between the Town of Elkton and Shenandoah Cable Television, LLC.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Contract between Town of Elkton and Lantz Construction for the Elkton Downtown Marketplace

Vice-Mayor Workman moved, seconded by Council member Heidel, and carried to approve the contract between the Town of Elkton and Lantz Construction for the Elkton Downtown Marketplace.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Donations for the Elkton Downtown Marketplace

Vice-Mayor Workman encouraged donations to the Elkton Downtown Marketplace project. Citizens with donations came forward and gave them to Treasurer Curry. It was noted that almost \$200,000 had been received for the Elkton Downtown Marketplace project.

NEW BUSINESS

Recommendation by the Elkton Planning Commission to amend the Planning Commission By-laws

Council member Heidel moved, seconded by Council member Michael, and carried to accept the recommendation by the Elkton Planning Commission to amend the Planning Commission By-laws.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Recommendation by the Elkton Planning Commission to hold a joint public hearing with the Elkton Town Council to amend §110-610 B-1 and §110-611 B-2 to list child-care center as a permitted use in B-1 and B-2 zones

Council member Napotnik moved, seconded by Vice-Mayor Workman, and carried accept the recommendation by the Elkton Planning Commission to hold a joint public hearing with the Elkton Town Council to amend §110-610 B-1 and §110-611 B-2 to list child-care center as a permitted use in B-1 and B-2 zones.

It was determined the public hearing would be held on February 20, 2024 at 6:00 p.m.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Sale of Town property located on Mt. Pleasant Road known as tax map no. 131 (14) L-8

This matter was tabled.

Resolution in Support of the Town of Elkton Virginia Outdoors Foundation Preservation Trust Fund Application for Public Access and Recreation Amenities

Vice-Mayor Workman moved, seconded by Council member Hensley, and carried to adopt the Resolution as follows:

**Resolution in Support of the Town of Elkton
Virginia Outdoors Foundation Preservation Trust Fund Application
for Public Access and Recreation Amenities**

Whereas, the Town of Elkton intends to submit an application to the Virginia Outdoors Foundation (VOF) for Preservation Trust Fund – Public Access funds; and

Whereas, the Town is pursuing public access and recreation projects that align with the intent, goals, and objectives of the Town’s Comprehensive Plan and input received from residents, and is addressing the need for improving outdoor and community gathering spaces to enhance the overall quality of life of residents and visitors; and

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Whereas, the Town intends to develop the vacant, two-acre Town-held property adjacent to the Town Hall in downtown Elkton with public access, outdoor recreation, and community space projects to protect and enhance the open space and tree and vegetation cover qualities of the site.

Now, Therefore, Be It Resolved, the Town, which holds the property of interest, intends to retain and dedicate the property in perpetuity as open-space land in accordance with the VOF Preservation Fund requirements under the Open Space Land Act (Virginia Code §§ 10.1-1700 to 10.1-1705).

Be It Further Resolved that the Town intends to apply the following deed restrictions to the Town-held property: a right of public access; no division; the allowance of only public-use structures and impervious surface limits; and no conversion/diversion from open-space use unless in compliance with the Open-Space Land Act.

Adopted this 18th day of January 2024, by the Town Council of the Town of Elkton, Virginia.

Motion by Vice-Mayor Rick Workman to approve the resolution. Seconded by Councilwoman Jan Hensley.

Vote: Motion passed (6-0 voice vote)

Attest By: _____
Joshua Gooden, Mayor Town of Elkton

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 stated that there was good attendance at the ground-breaking for the new pavilion. He noted that in response to some false comments earlier, there would be no steps to enter the new police department. The Jennings House renovation did not cost \$1.2 million, but was approximately \$955,000.

CLOSED SESSION

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

- a. Pursuant to Virginia Code § 2.2-3711.A.7 for, "Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."**
- b. Pursuant to Virginia Code § 2.2-3711.A.1 for, "Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body."**
- c. Pursuant to Virginia Code § 2.2-3711.A.3 for, "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an**

open meeting would adversely affect the bargaining position or negotiating strategy of the public body."

YEAS: 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 Heidel, 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

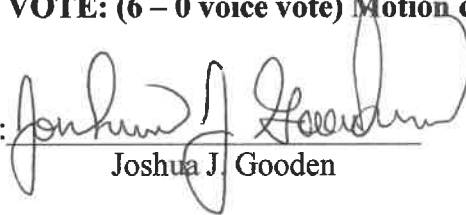
Motion to Adjourn

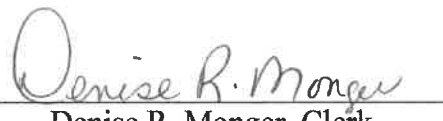
Council member Hensley moved, seconded by Council member Fulginiti, and carried to adjourn the meeting.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

Mayor: 
Joshua J. Gooden

Recorder: 
Denise R. Monger, Clerk