Town of Elkton
Emergency Council Meeting
April 6, 2020
7:00 p.m.

An Emergency Council Meeting of the Elkton Town Council was held on April 6, 2020 at 7:00 p.m., in the Elkton Area Community Center with Mayor Joshua J. Gooden presiding. The meeting was shown electronically via Zoom.

Present: Mayor Joshua J. Gooden, Vice-Mayor Randell Snow, Council Member Heidi Zander, Council Member Louis Heidel, Council Member Jay Dean, and Council Member Steve America.

Absent: Council Member Margaretta Isom

Also Present: Town Manager Greg Lunsford, and Town Attorney Nathan H. Miller

Present Electronically: Chief of Police David Harris, Public Works Director Troy Shifflett, Project Director Gaither Hurt, EACC Administrator Howard L. Taylor, II, Recreation Director Diane Johnson, Community Development Director Delores Hammer, Town Treasurer Clairen Sipe, and Clerk of Council Denise Monger.

CALL TO ORDER

Mayor Gooden called the meeting to order.

AGENDA

Vice Mayor Snow moved, seconded by Council member Dean, and carried to accept the agenda as presented.

YEAS: H. Zander, L. Heidel, R. Snow, J. Dean, and S. America

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

CITIZEN COMMENTS

Due to the threat of transmission of the COVID-19 Virus and in recognition of a Governor's Order, citizens were asked not to appear in person at the April 6, 2020 meeting.

Wayne Printz, 336 West Washington, submitted a statement for the record via email as follows:

"Mayor, Council, Mr Town Manager, Mr Town Attorney. I realize this is a very difficult situation.

1. I would like for everyone in charge of this situation to consider alternatives to having any more public meetings even if it is for just a few of you , why , in my opinion the is a limited understanding of possible ways of transmission . There are at least three of the leaders of the town which are in "High Risk " regarding age and previous health issues.

2 You have some of you meeting today which are from locations that allegedly have cases of the virus and the is no sure way of ensuring what contact everyone attending has had with other business associates , family and extended family. Also there is no way of knowing if the virus could be transmitted from a brief cases , paperwork or clothing etc.

3. This is also a financial disaster first and foremost the citizens and secondly the town. I would request for the council to cancel all unnecessary ,non critical projects except the waste treatment plant. The town's income will be devastated as will the citizens as I am sure you'all have thought about . Meals tax, utilities, will be in my opinion the most significantly impacted unless this extends into real estate and personal prop. Tax time. This will be hundreds of thousands of dollars.

4. As I am sure the topic of utilities have come up regarding turning our citizens off for non payment . Please do the best you can. Be safe thank you."

RESOLUTION DECLARING A LOCAL EMERGENCY EXISTS IN THE TOWN OF ELKTON, VIRGINIA

Council member America moved, seconded by Council member Zander, and carried to accept the resolution declaring a local emergency exists in the Town of Elkton, Virginia, as presented. (A copy of the executed Resolution is attached as Appendix A.)

YEAS: H. Zander, L. Heidel, R. Snow, J. Dean, and S. America

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

CONSIDERATION OF AN ORDINANCE ASSURING CONTINUITY IN THE GOVERNMENT OF ELKTON, VIRGINIA DURING THE COVID-19 PANDEMIC

Council member Dean moved, seconded by Council member Heidel, and carried to approve the emergency uncodified ordinance to establish methods to assure continuity for the Town of Elkton government and conduct of Town Council meetings during the Novel Coronavirus Disease 2019 (COVID-19) emergency.

AN EMERGENCY UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO ASSURE CONTINUITY FOR THE TOWN OF ELKTON GOVERNMENT AND CONDUCT OF TOWN COUNCIL MEETINGS DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY

AN EMERGENCY UNCODIFIED ORDINANCE to establish methods to assure continuity in the Town of Elkton's government and conduct of the Town Council meetings during the COVID-19 Emergency, as authorized by Virginia Code §§ 15.2-1413 and-1427.

RECITALS:

1. That the following uncodified ordinance is hereby adopted:

WHEREAS, the Town Council of Elkton, Virginia considers the safety and welfare of the residents of the Town to be of utmost importance; and

WHEREAS, the President of the United States has declared a national state of emergency to exist throughout the country as a result of the spread of the COVID-19 disease; and

WHEREAS, the Governor of Virginia has declared a state of emergency to exist throughout the Commonwealth of Virginia as a result of the spread of the COVID-19 disease; and

WHEREAS, the Governor of Virginia and the State Health Commissioner have jointly declared a public health emergency to exist throughout the Commonwealth of Virginia as a result of the spread of the COVID-19 disease; and

WHEREAS, on March 15, 2020, Governor Northam announced a ban on all gatherings of one hundred or more people statewide and encouraged that no more than ten people gather. The CDC recommends a ban on gatherings of fifty people or more,

and restaurants, gyms, theatres and similar non-essential businesses in Virginia have been closed; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, due to the spread of the COVID-19 disease, Elkton is facing a disaster and a condition of extreme peril to the lives and safety of the residents and visitors of the Town; and

WHEREAS, as a result of this disaster and extreme peril, this Ordinance Assuring Continuity in the Government of Elkton, Virginia is necessary to permit the full powers of the government to deal effectively with the condition of the disaster and peril; and

WHEREAS, allowing the Town to limit in-person attendance will allow our constituents to protect themselves and one another, while maintaining informed and active citizenship and will let the Town operate in an efficient and safe manner while the Town mitigates the effects of this public health crisis and disaster, and

WHEREAS, Code of Virginia Sections 15.2-1413 and -1427 provides that any locality by emergency ordinances which may be adopted without prior notice provided a method to assure continuity in its government; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of this Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF ELKTON, VIRGINIA AS FOLLOWS:

1. A disaster exists in Elkton, Virginia.

2. The Recitals above are adopted and incorporated herein.

3. The infectious nature of COVID-19 may very soon make it unsafe to assemble a quorum of this Council in a single location, or to assemble members of the public in a single location, making it difficult or impossible for this Council and the Town's other boards and committees to conduct meetings in accordance with normal practices and procedures.

4. In accordance with Sections 15.2-1413 and -1427 of the Code of Virginia, 1950, as amended, notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure continuity of government during the pendency of the emergency and disaster created by COVID-19.

   a. That any process, procedure, or matter which requires the physical presence of the public in a building that the Town Manager or Mayor, has declared or in the future declares to be closed to the public is hereby suspended.

   b. Meetings of the Council and other Town boards and committees may be held through electronic communication means without a quorum of

members physically present in a single location, provided that notice of such meetings is still given in accordance with applicable laws.

c. Such meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of the Council, or other board or committee members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.

d. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received, via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body and made a part of the record of such meeting.

3. The Mayor or Town Manager, either of whom may act, are hereby authorized to take any other actions that are reasonable and necessary to effectuate the terms of this Ordinance.

4. This Ordinance shall be enforced for no more than sixty days unless re-adopted following public notice as provided in Code of Virginia 15.2-1413, and in any event shall expire six months after the disaster. Normal governmental authority and procedures shall resume upon the expiration of this Ordinance.

Ordained this 6th Day of April, 2020.

YEAS: H. Zander, L. Heidel, R. Snow, J. Dean, and S. America

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

NEW BUSINESS

a. Timeline of Events regarding COVID-19:

3/7/2020 - 3/9/20	Virginia confirmed first cases of Coronavirus.
3/11/2020	UVA moved to on-line classes.
3/13/2020 – 3/15/20	Total cases increased by 13.
3/12/2020	Virginia declared State of Emergency.
3/13/2020	President Trump declared National Emergency.
3/13/2020	Governor Northam suspends all K-12 schools for a minimum of two weeks.
3/14/2020	Virginia Department of Health (VDH) reported 41 positive cases; first death announced.
3/14/2020	Rockingham County declared State of Emergency.
3/15/2020	VDH reported 45 cases.
3/16/2020	VDH reported 51 cases.
3/17/2020	Elkton Area Community Center closed until March 30; Town Council meeting canceled.
3/17/2020	Town administrative staff to work remotely from home.

3/17/2020	Governor Northam issued order allowing law enforcement to enforce ban on gatherings of more than 10 people in public spaces.
3/17/2020	Town of Elkton declared State of Emergency.
3/19/2020	Virginia reported first case in a minor, a child under age of 10 in Gloucester County.
3/19/2020	Virginia officials requested law enforcement to avoid arrests while possible; judges and magistrates to consider alternatives to incarceration.
3/20/2020	Governor Northam activated the Virginia National Guard. 114 cases reported with 20 hospitalizations.
3/23/2020	Governor Northam ordered all public schools to be closed for the rest of the current school year. Certain types of businesses such as bowling alleys, gyms, and theaters, would also be closed.
3/25/2020	Governor Northam and the State Health Commissioner issued a public health emergency order that prohibited inpatient and outpatient surgical procedures that required the use of personal protective equipment (PPE).
3/30/2020	Governor Northam issued a Stay-at-Home Order effective until June 10, 2020 unless amended or rescinded by further executive order.
4/2/2020	President Donald Trump approved Virginia's disaster declaration Thursday which ordered federal assistance to supplement the Commonwealth, tribal and local recovery efforts in the areas affected by COVID-19. The declaration retroactively applied to areas affected since January 20.
4/3/2020	VDH reported 2,012 cases with 46 deaths.

b. Closings and Cancellations regarding COVID-19

Mr. Lunsford briefly discussed various closings and cancellations. He noted that local government, EACC and parks were all closed as of March 19, 2020 due to the COVID-19 pandemic. He noted that all meetings and events at the EACC were in the process of being cancelled; May meetings could possibly be cancelled also.

c. Discussion regarding EACC Members Pre-paid Dues

Mr. Lunsford stated that EACC prepaid dues would be credited for the time the facility was shuttered.

d. Revenue Discussion regarding Rentals at EACC
Mr. Lunsford estimated a $12,775 revenue loss per month from no room rentals, rent from Brian Mayes Karate, gymnastics and additional rentals. He noted a $31,900 loss of revenue for the EACC until June 1 if the COVID-19 closures would continue until that time. He noted the Town would apply for reimbursement for the lost revenue from the State's emergency services fund.

e. Utility Payments, Disconnections and Late Fees

Mr. Lunsford stated that March fees would be waived. He noted the Town was due $15,000 for disconnect fees as of the date of the meeting due to non-payment by customers.

<u>Waive Utility Fees</u>

Council member America moved, seconded by Council member Zander, and carried waive utility fees as presented.

YEAS: H. Zander, L. Heidel, R. Snow, J. Dean, and S. America

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

f. Meals Tax

Mr. Lunsford stated a possible revenue loss of $40,000. He noted that restaurants were losing 70% of their business due to restrictions from the COVID-19 pandemic. He was unsure of any future losses but would be review the figures and advise Council accordingly. He noted a total loss of revenue was estimated at $141,000.

g. Informational Resources for Town Residents

Mr. Lunsford stated there were informative resources and information available on the Town's website to assist Town residents and businesses.

h. Spring Clean Up (May 11, 2020)

Mr. Lunsford recommended that the Spring Clean-up be rescheduled due to the threat of the COVID-19 virus.

i. Summer Sewer Program (Sign-ups April 1 through April 30)

Mr. Lunsford stated that the summer sewer program was available. Usage would be based on the month of April for the billing months of May, June, and July. It was noted that a disclaimer should be on the bills that the April usage could be higher due to the COVID-19 pandemic. General consensus by Council was to approve the program with a disclaimer; no formal action taken.

j. Change Business License Due Date

Mr. Lunsford stated there were inquiries regarding the business license date being extended. He noted the due date was usually June 1 of each year. It was noted there would be an extensive amount of additional administrative work if the date changed. Town Attorney Miller would review the Town Code. The issue would be addressed at a future meeting.

UNFINISHED BUSINESS

Ground Serve Contract for $31,875 for Elk Run Cemetery

Council member America moved, seconded by Council member Dean, and carried to accept the contract for Ground Serve for $31,975 for Elk Run Cemetery subsequent to Town Attorney approval.

Mr. Miller was asked by Council to review the contract for a start and end date.

YEAS: H. Zander, L. Heidel, R. Snow, J. Dean, and S. America

NAYS: None

VOTE: (5 – 0 roll call) Motion carried

First Class Lawn Care Contract for $1,214.16 for Baseball Field

Council member America moved, seconded by Vice Mayor Snow, to accept the contract from First Class Lawn Care for $1,214.16 for the baseball field.

YEAS: R. Snow, and S. America

NAYS: H. Zander, L. Heidel, and J. Dean

VOTE: (2 – 3 roll call) Motion failed

TOWN MANAGER'S REPORT

Mr. Lunsford stated the Town staff had been incredible. He noted everyone had remained clam, professional and there were no complaints about any of the extraordinary circumstances surrounding their day to day responsibilities. He noted the Town was still providing services and he was pleased.

TOWN ATTORNEY REPORT

Mr. Miller stated the 2019 Charter Amendment would become effective July 1, 2020. He noted the deed for the dance studio property had been prepared. He noted there was confusing legislation regarding the COVID-19 pandemic. His office was working hard to provide advice to the Town as best he could under the circumstances.

TOWN COUNCIL COMMENTS

Economic & Community Development (S. America)

Council member America reported no additional business.

Water & Sewer (J. Dean)

Council member Dean reported no additional business.

Streets & Sidewalks (H. Zander)

Council member Zander inquired about masks for employees.

Personnel (L. Heidel)

Council member Heidel reported no additional business.

Finance (R. Snow)

Vice-Mayor Snow reported maintenance issues at EACC.

MAYOR'S BUSINESS

Mayor Gooden stated additional information was forthcoming regarding the Jennings House.

CLOSED SESSION

Council member Dean moved to go into closed session under Virginia Code Section 2.2-3711.A.1 personnel. Duly seconded by Council member America.

YEAS: H. Zander, L. Heidel, R. Snow, J. Dean, and S. America

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

No additional information was available for the meeting.

Mayor: Joshua J. Gooden
Joshua J. Gooden

Recorder: Denise R. Monger
Denise R. Monger, Clerk

RESOLUTION DECLARING A LOCAL EMERGENCY EXISTS
IN THE TOWN OF ELKTON, VIRGINIA

WHEREAS, the TOWN COUNCIL of THE TOWN OF ELKTON, VIRGINIA, does hereby find as follows:

1. That due to the outbreak of COVID-19, recognized around the world as a pandemic, THE TOWN OF ELKTON, is facing a condition of extreme peril to the lives health, safety and property of the residents of THE TOWN OF ELKTON, VIRGINIA;

2. That as a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril.

NOW, THEREFORE, BE IT RESOLVED by the TOWN COUNCIL of THE TOWN OF ELKTON, VIRGINIA, that effective March 16, 2020, a local emergency now exists throughout ELKTON, VIRGINIA; and

IT IS FURTHER RESOLVED AND ORDERED that during the existence of this emergency the powers, functions, and duties of the Town Manager and functions of THE TOWN OF ELKTON, VIRGINIA, shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of THE TOWN OF ELKTON in order to mitigate the effects of said emergency.

Joshua Gooden, Mayor

Randall Snow
Vice-Mayor

Jay Dean

Margaretta Isom

Steve America

Heidi Zander

Louis Heidel

Attest:

Gregory Lunsford, Town Manager

Dated: March 16, 2020