Regular Council Meeting
June 15, 2020
7:00 p.m.

The regular meeting of the Elkton Town Council was held on June 15, 2020 at 7:00 p.m., at 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 Margaretta Isom, Council Member Heidi Zander, Council Member Louis Heidel, Council Member Jay Dean, and Council Member Steve America.

Also Present: Town Manager Greg Lunsford, and Town Attorney J. Burns Earle, III.

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

REGULAR COUNCIL MEETING

Mayor Gooden called the meeting to order. Council member Dean gave the Invocation. All present were asked to join in the Pledge of Allegiance.

CITIZEN COMMENTS, QUESTIONS, REQUESTS, AND PRESENTATIONS

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 June 15, 2020 meeting.

Wayne Printz, 336 Washington, Elkton, submitted comments via email which were attached as Appendix A and B.

CONSENT AGENDA

Vice-Mayor Snow moved, seconded by Council member Isom, and carried to approve the Consent Agenda.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Mr. Lunsford stated that the Public Safety Committee recommended hiring Aaron Dean and Laronn Wharwood for two public safety officer positions in accordance with needs from the COVID-19 pandemic.

STAFF REPORT'S

Mr. Lunsford presented the Staff Reports since employees were attending electronically via Zoom.

a. Town Manager

i. COVID-19 Update

Phase 2 began on June 5, 2020. Two Town employees had been quarantined due to COVID-19 protocol. No utility disconnects allowed due to a state mandate. Meals tax had increased. A schedule for the opening of the EACC was forthcoming.

ii. Jennings House Project Update

Interior demolition almost completed. There were issues with some of the walls and floors. Footers would be poured the next day for the addition. A construction meeting was also scheduled.

iii. Public Safety

Report provided in the packet.

Youth – Black Lives Matter Protest

Mr. Lunsford stated that a permit request was submitted for a Youth – Black Lives Matter Protest. The original permit scheduled the protest for the same night as the Council meeting, but was rescheduled to Wednesday, June 17, 2020. The original permit applicant removed his name from the application and a new permit was submitted by Robert & Mary Dredger.

Town Attorney Earle was asked if the Town could deny the permit. He responded that the Town could deny the permit to protect the citizens if Council felt the event would create unsafe conditions.

Council member America stated that it would be wrong to approve the permit due to threats and safety issues.

Council member Isom noted the Town Code stated "A permit shall not be issued if the activity proposed would cause undue inconvenience or annoyance to the Town people or would present a safety hazard."

Mayor Gooden inquired as to the requirements under the Governor's Order regarding "meeting/gatherings" while under the threat of the COVID-19 pandemic and if the Town would remain in compliance if the event was held.

It was noted that all speakers would be students.

AMEND AGENDA

Council member America moved, seconded by Vice-Mayor Snow, and carried to add a special event application to be discussed in closed session under legal advice.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

iv. Public Works

DEQ approved project documentation submitted by the Town. The Town's Public Works Department damaged the riverbank by mowing the wrong area which included newly planted trees and plants. Town not sure if grant funds would cover the cost to replant the area which had to be done.

v. Special Projects

Greenway project was briefly discussed.

vi. Community Development

Six Cemetery spaces sold. Currently surveying downtown vacant businesses.

vii. Elkton Area Community Center

Virginia entered into Phase II under the Governor's Order. Center restricted to 30% capacity. Town reviewing additional requirements such as checking temperatures, safe distancing 10 ft. apart, and cleaning requirements.

Town tentatively opening under Phase III and following additional restrictions. Masks would be required in the center unless the individual has a medical condition.

Meetings

Vice-Mayor Snow moved, seconded by Council member America, and carried (inaudible) June... July...

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

viii. Parks & Recreation

Three quotes received for the dog park. Playgrounds were reopened as well as some of the shelters. Restrooms remain closed due to COVID-19 cleaning requirements.

ix. Treasury

Report was provided in the packet.

b. Town Attorney

Town Attorney Earle briefly reported on the bond requirements for the Jennings House/Town Hall.

COMMITTEE REPORTS

Streets & Sidewalks (H. Zander)

Council member Zander reported the Final Sidewalk Report had been prepared.

Public Health, Safety & Ordinances and Planning Commission (M. Isom)

Council member Isom reported the Planning Commission meeting was canceled. She noted the second reading of the budget would take place at the current meeting.

Water & Sewer (J. Dean)

Council member Dean reported the Town would receive $3,636,000 in grant funds from DEQ.

Personnel (L. Heidel)

Council member Heidel reported no additional business (Inaudible).

Finance (R. Snow)

Vice-Mayor Snow reported no additional business.

Economic and Community Development & Cemetery (S. America)

Council member America reported the Cemetery Committee cancelled their meeting. He encouraged Council to meet with the commission to discuss outstanding issues.

UNFINISHED BUSINESS

Second Reading of an Ordinance Proposing a Budget for the Town of Elkton for the Fiscal Year Beginning July 1, 2020 and Ending June 30, 2021

Vice-Mayor Snow moved, seconded by Council member Dean, and carried to approve the Second Reading of an ordinance proposing a budget for the Town of Elkton for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

NEW BUSINESS

Recommendation by Cemetery Advisory Commission to Set Niche Fees

Council member America moved, seconded by Vice-Mayor Snow, and carried to approve the recommendation by the Cemetery Advisory Commission to set niche fees at $1,200 for each niche with one opening and closing. Each niche will hold two cremains. If a second set of cremains were added, there would be an additional fee of $200.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Meet Two New Police Officer Candidates with Recommendation for Hire

Council member Isom moved, seconded by Council member Dean, and carried to meet two police officer candidates with recommendation for hire.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Discuss Allowing a Church to Rent Space at EACC for Sunday Services (6 or 12 Month Lease)

This matter was briefly discussed regarding health issues under Phase II restrictions. A lease agreement would be prepared and reviewed.

Fidelity Engineering Corporation Quote for Wastewater Treatment Generator

Council member Dean moved, seconded by Council member America, and carried to approve the purchase of a Fidelity Engineering Corporation $3,860.24 Quote for a wastewater treatment plant generator.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

Ditch Line Around 101 Maple Leaf Lane

Staff would meet with Mr. Philips to discuss possibly hydro seeding the area instead of installing concrete. No action taken.

Sewer Connection for John Jones at 525 Florist Road

Council member Dean moved, seconded by Council member Isom, and carried to approve a sewer connection for John Jones at 525 Florist Road. It was noted the connection would be at the rear of his property.

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

NAYS: None

VOTE: (6 – 0 roll call) Motion carried

MAYOR'S BUSINESS

Mayor Gooden reported that many citizens had stated their appreciation for a Town newsletter. He commended intern Gabby Dean for her hard work on the newsletter and the informative articles she had written. He asked that public works look at the sidewalk area at Rockingham Cooperative which was in need of repair.

CLOSED SESSION

Council member Dean moved to go into closed session under Virginia Code Section 2.2-3711A.1 for personnel issues and under Virginia code Section 22-3711.A.7 Legal Advice. Duly seconded by Council member America.

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

NAYS: None

VOTE: (6 – 0 voice vote) Motion carried

With no additional business the meeting was adjourned.

Mayor: Joshua J. Gooden
Joshua J. Gooden

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

APPENDIX A

Mr. Town Manager , Council, Staff

According to the town code any "precession parade or demonstration must be approved by the council or their designee. As far as I know there has been no designee appointed or voted on. The code also states that " a permit shall not be issued if the activity proposed would cause undue inconvenience or annoyance to the Town people or would present a safety hazard. The Chief of police must also approve this situation and there must be a form submitted and approved.

"To be clear I am not taking a position. Our elected officials should make this decision"

None of this has occurred to my knowledge but there are clear indications on Facebook that there will be a protest down at the Stonewall memorial park and a parade through various streets In the town. As a concerned citizen I request that the council vote on this serious responsibility. The town's people voted for the Mayor and the town council to make these type of very serious decisions. This is not the town attorney's decision , nor the town manager's or an employee's decision.

Also I find it ironic and a double standard that some town official are concerned with non resident's freedom of speech but this administration specifically changed the charter to restrict public speaking time at a council meeting from five minutes to three minutes. Also I have requested to speak electronically at the council meetings for the last numbers of months and was denied. Contractors were allowed to speak and employees were allowed to speak electronically but citizens were not allowed. This was also at a time the was a very important uninformed vote on borrowing 1.5 million dollar with interest for the Jennings house impacting our citizens negatively.

I am formally requesting for the Elkton citizens first amendment rights of freedom of speech to be implemented electronically or by physical attendance at the council meetings starting immediately. And for a vote to take place on the issues this demonstration and parade at today's council meeting.

Thank you former Mayor Printz

APPENDIX B

12:13 AM Sun Jun 14 37%
ecode360.com
Questions about eCode360? Municipal users Join us daily between 12pm and 1pm EDT to get answers and other tips!
Home Help Enter search term...
Table of Contents
Charter
Code
New Laws (8)
Index

§ 125-25 Permits required for parades, processions and demonstrations.

DEMONSTRATION

A group of three or more persons assembled together and acting in concert to then and there call attention of the public to their opposition to, support of or position with respect to any political, social or other controversial subject.

PARADE

Any parade, march or other procession of six or more persons for the purpose of calling attention of the public thereto.

B. No funeral or other procession, parade, or demonstration, excepting the forces of the United States Armed Services, the military forces of this state, and the forces of the Police and Fire Departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the Town Council or other officer designated by the Council and such other regulations as are enacted by the Town which may apply. Any person desiring to sponsor, organize, direct or lead a parade, procession or demonstration upon any street or sidewalk or upon or in any public place within the Town shall file an application for a permit with the Town on an official form created by the Town and shall provide the Town with all of the requested information. All applications shall be submitted at least 48 hours prior to the requested parade, procession or demonstration. A permit shall not be issued if the activity proposed would cause undue inconvenience or annoyance to the Town people or would present a safety hazard.

Download on the App Store GET IT ON Google Play Purchase a code
By using eCode360 you agree to be legally bound by the Terms of Use. If you do not agree to the Terms of Use, please do not use eCode360.