

Mount Jackson
Public Hearing and Town Council Regular Meeting

March 10, 2020

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Public Hearing

To receive comments regarding the possible sale of real estate owned by the Town of Mount Jackson. The real estate under consideration to be sold includes the following:

Parcel A – located within the Town of Mount Jackson, identified as tax map parcel 91A1-A-128, known previously as 5735 Main Street, containing .269 acres, zoned R-1.

Parcel B – located within the Town of Mount Jackson, identified as tax map parcel 91-03-002, located on the west side of Industrial Park Road, containing 10.848 acres, zoned I-1.

Mr. Paxton stated Parcel A is a vacant lot currently zoned R-1 which cannot be developed unless it is re-zoned to R-2. Parcel B is zoned I-1 and may be developed. He stated the Town has received offers on both parcels.

Councilmember Good asked if one of the adjacent properties to Parcel A is zoned R-2. Mr. Paxton stated yes, the property to the north was re-zoned by Council within the last 18 months.

There were no public comments.

Vice-Mayor Shepherd closed the public hearing.

Regular Meeting

The regular meeting of the Mount Jackson Town Council was held March 10, 2020, following the public hearing, at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with the following in attendance; Vice-Mayor Rod Shepherd; Councilmembers Judy Fultz, Whitney Miller, Dennis Andrick, Roger Rudy, and Bonnie Good. Also, in attendance, Neil Showalter, Town Manager; Joseph S. Paxton, Consultant; Matt Akers, Town Attorney; Debbie Stover, Town Clerk; and Jeff Sterner, Police Chief. Others in attendance were John Boor, Jim Hines, and Max Thornberry with NVD. Mayor Pifer was absent.

Agenda Additions/Deletions/Changes:

1. Deletion of Item #3 under Old Business, Exoneration/Abatement of Delinquent Property Taxes, was removed from tonight's agenda in order for staff to gather more information.
2. Addition of Item #3 under New Business, discussion of SUP 20-02, proposed revised conditions from applicant.
3. Change the motion for a closed session to add a 2nd reason permitting consultation with legal counsel.

Councilmember Fultz MOVED, seconded by Councilmember Rudy to APPROVE these three changes to tonight's agenda.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			

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Councilmember Shepherd
Councilmember Rudy
Councilmember Good
6 AYES, motion carried

Hear from Visitors: None

Remarks & Recommendations from the Mayor: Vice-Mayor Shepherd stated as the presiding officer, he will not make any motions or seconds. He stated the Turkey & Oyster Dinner last Saturday was excellent. He stated staff has appointed Debbie Stover as the official contact with the Shenandoah County Chamber of Commerce, communicating town events, etc. Vice-Mayor Shepherd stated this was prompted by the Shenandoah County Guide, which was in the newspaper recently. He stated this guide had a 14-year-old picture of the Town's water tower, and there was also a reference to the Bowman Shannon Cultural Arts Center, which closed in 2017. Vice-Mayor Shepherd complimented Ordinance Committee Chairman Andrick, and Committee member Good on the long, successful zoning ordinance revision meeting last week.

Remarks from Councilmembers: None

Presentations: None

Chief of Police Report: None

Town Attorney Report: None

Town Manager Report: Mr. Showalter gave an update on the sidewalks. He stated Karl Schaeffer with Pennoni, the Town's consultant, dropped off with the Town the third, and what he claims, final complete set of drawings this past Friday. He also hand delivered a set to VDOT. Mr. Schaeffer has also responded to a request from VDOT to specifically address VDT's list of comments from the previous review. Mr. Paxton stated he spoke with Tim Rhodes from VDOT today, and he said he hopes to have the plan review finished this week. Mr. Showalter stated Mr. Schaeffer feels the Town may be ready to go to bid the beginning of April, finish the bidding process the end of April, and then begin construction, which will take 3-5 months during the summer. Mr. Showalter said staff is keeping an eye on how much these improvements will cost, and has asked Pennoni for an updated cost estimate. The latest estimate is \$683,000. The Town is asking Pennoni determine what they think the revised plan might cost because the amount approved for federal reimbursement is \$541,000, and the remainder must be paid by the Town. It will be important information since staff has a budget to introduce next month. Mr. Schaeffer promised the estimate this week.

Mr. Showalter referred to a letter of commendation in the Council packet, from Donna Kinsey, the Criminal Justice Instructor with Triplett Tech School. She thanked Chief Sterner and Sergeant Cowart for their Taser demonstration, which also was covered in an article in the newspaper. Mr. Showalter stated the Town's Police Department does an exceptional job behind the scenes, keeping the Town safe. He stated the Chief is a pleasure to work with and leads a good department.

Mr. Showalter referred to a budget memo in the Council packet, which is a proposed process on approaching the budget this year. Mr. Showalter pointed out the March 31-April 2 activity includes committee chairpersons communicating with staff anticipated capital projects in their area of oversight. Mr. Showalter stated roughly

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90% of the questions staff receives from the Council during the budget relates to capital-type expenditures. He encouraged councilmembers to let staff know by April 1, if they have something they'd like to see in the budget, and he would help develop a cost if needed.

Mr. Showalter stated a zoning ordinance review work session was held by the Ordinance Committee last week. He stated staff recommends holding a joint work session with the Planning Commission and Town Council to go through the suggested changes that were made by the Ordinance Committee. Mr. Showalter stated it is a complex ordinance the Council will be asked to vote on. Mr. Paxton stated he has asked Berkley Group to have the final document ready for Planning Commission and Town Council 10 days before the meeting. This meeting will provide an overview, before the public hearing, which staff recommends having on May 4. It was decided the joint work session will be held Tuesday, April 7 at 6 PM in the council chambers.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated Town staff received a copy of the Federal Tax Form 990 for the Mount Jackson Rescue and Fire Department. This form is required to be filed annually by non-profit civic organizations to identify donations, salaries, etc. Upon receipt of this form, the Town made their annual contribution to the Rescue and Fire Department last week. Mr. Shepherd included in the Council packet an itemized list from Rescue and Fire Department highlighting some of their upcoming expenses for the next few years, including turn out gear, hoses, and a half-million-dollar fire truck. He stated this list is not a request for the Town pay for these items, it is for information only, and the Department is anticipating some grant opportunities.
2. Ordinance Committee Chairperson, Dennis Andrick had nothing to report.
3. Personnel Committee Chairperson, Roger Rudy stated the Town's new Finance Director started today.
4. Public Safety Committee Chairperson, Judy Fultz reported February Police Department calls were 840, up 56 from January. There were 10 criminal offenses, 6 cleared by arrest, 2 closed, and 2 under investigation. They conducted 573 extra patrols and property checks, and 22 foot patrols, and found 1 open door/window. She did not have the report from Rescue and Fire.
5. Public Services Committee Chairperson, Bonnie Good stated the Town still has a few water leaks, but hopefully with the weather improving it will allow staff the opportunity to fix these problems.
6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated the new playground equipment is complete, and there has been a lot of positive feedback and activity at the park. Ms. Miller stated town staff fixed the diving boards, and she will meet with the town clerk soon regarding the upcoming pool season. She stated March 28 is opening day for Little League, and there will be lots of traffic around Gospel and Wunder Streets.

Consent Agenda: Approval – Minutes of February 11, 2020 Public Hearing and Regular Meeting.

Councilmember Fultz MOVED, seconded by Councilmember Andrick to APPROVE the Consent Agenda consisting of the Approval-Minutes of February 11, 2020 Public Hearing and Regular Meeting.

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ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

Old Business:

1. Special Use Permit SUP 20-03 Shenandoah County Public Schools (Sun Tribe Solar – operator) for a small-scale solar energy facility located at 6375 Main Street, Mount Jackson (Triplett Tech School) as an accessory use to a school in accordance with Section 66-62(b)(4) of the Mount Jackson Town Code. – Eligible for Action.

Councilmember Andrick MOVED, seconded by Councilmember Rudy to APPROVE Special Use Permit SUP 20-03. Mr. Paxton asked that if the Council member making motion concurred, the motion include the following; “The Town Council concurs with the Planning Commission’s recommendation, and concurs that the proposed use is consistent with the provisions of the R-2 district, and consistent with the Comprehensive Plan, as it incorporates environmental conservation as a means to support growth of the town and supports the Town’s vision of promoting environmental responsibility and encouraging educational opportunities by helping to reduce the long term operating costs at the school.”

Councilmember Andrick MOVED, seconded by Councilmember Miller to amend the first motion, adding the above statement, and to APPROVE Special Use Permit SUP 20-03.

Mr. Paxton stated also included in tonight’s Council packet is an article regarding the pollinator-smart solar certification. This program is to be implemented as part of this project.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

2. Ordinance O-03-2020 to change the time for regular meetings of Council pursuant to Section 10 of the Charter for the Town of Mount Jackson and Section 2-31 – Time and place for regular meetings of the Mount Jackson Code of Ordinances, to be at 7 PM on the second Tuesday of each month. – Eligible for Action.

Councilmember Good MOVED, seconded by Councilmember Rudy to APPROVE Ordinance O-03-2020.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			

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Councilmember Shepherd
Councilmember Rudy
Councilmember Good
6 AYES, motion carried

New Business:

1. Special Use Permit SUP 20-02 discussion on proposed revised conditions from the applicant, Nate Beall.

Mr. Paxton distributed to councilmembers a copy of an email from the applicant. He stated Mr. Beall is asking Council to consider amending the conditions for the tabled special use permit related to the parking requirements in section 66-433(b)(4). The rationale for the request is his attempt to better address stormwater run-off issues in this area. Mr. Paxton stated Mr. Beall is proposing to use pea gravel instead of asphalt, and to install a 200 square foot rain garden, which will help to slow down water run-off. Mr. Paxton stated staff feels the proposal is a good compromise. He confirmed with the Town Attorney that Council, if so inclined, can approve this modification in the conditions rather than requiring a variance consideration by the Board of Zoning Appeals. He stated because this is a SUP, special conditions can be set on a case-by-case basis.

Councilmember Good asked if an engineer advised the applicant on the specific size needed for the rain garden to work appropriately. Mr. Paxton stated his experience with stormwater issues is they are very expensive to fix, especially in this pre-existing case, which results from many years of development. He stated staff feels with Mr. Beall's resources, this is a good-faith attempt to address this property's part of the issue.

Councilmember Miller asked if the Town has enough experience to say this is a reasonable option. Mr. Paxton stated it should improve the drainage situation, but will not solve it. Councilmember Miller added the property was purchased as is, and the fact it may expensive to pave, is not enough a reason to make an accommodation. Mr. Paxton stated expense is not a reason to allow this SUP condition, and Mr. Beall is aware of that. Mr.

Paxton stated the blanket requirement for asphalt as the alternative for parking under certain conditions is being evaluated in the zoning ordinance, because asphalt may not be something to promote especially in a historic district. Councilmember Rudy stated his concern is how long-lasting the pea gravel will be, given the amount of water that moves through that area, and does the applicant understand he needs to keep it maintained, not just put the gravel down one time. Mr. Paxton stated a condition could be added requiring the gravel to be maintained, similar to the condition on the SUP for the Holtzman auto/truck sales lot.

Councilmember Good stated her concern is the term "rain garden" is not just a word for the applicant. She stated rain gardens have specific developmental characteristics, the applicant needs to adhere to. Mr. Paxton the applicant is working with someone who has installed them previously. Vice-Mayor Shepherd stated he encourages staff to monitor this project as it develops, making sure the rain garden is performing as it should.

Councilmember Andrick MOVED, seconded by Councilmember Good to remove SUP 20-02 from the table and APPROVE SUP 20-02 with the following conditions:

1. Applicant shall comply with all building and other applicable regulations.

2. Applicant shall grade the access drive and parking area, and apply a sufficient level of brown pea gravel in lieu of asphalt as the all-weather surface, which will more closely reflect the historic value and character of the B-1 District. The parking area shall include an approximately 200 sq. ft. rain garden constructed to current standards to assist in minimizing the impact of the increased velocity of water crossing the property. For the term of the permit, applicant shall maintain the brown pea gravel base at a level sufficient to protect the integrity and quality of the historic area.

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3. Applicant shall provide a minimum of 2 parking spaces per dwelling unit in the rear of the facility. The location and size of the parking area shall be consistent with the site plan attached to the permit with the graveled area to be extended along the access way to Main Street, as shown.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

At 7:45 PM Councilmember Miller read, seconded by Councilmember Fultz; “Mr. Mayor, I move that the Council for the Town of Mount Jackson convene a closed session under Virginia Freedom of Information Act state code section 2.2-3711(A)(3) for the discussion or consideration of the disposal of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and 2.2-3711(A)(8) for consultation with legal counsel retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel.”

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

At 8:19 PM, on motion by Councilmember Good, seconded by Councilmember Andrick, Council returned to open session.

Councilmember Miller made the following motion; “Mr. Vice Mayor, I hereby move that the Council of the Town of Mount Jackson hereby certifies, by roll call vote, that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Council of the Town of Mount Jackson.”; seconded by Councilmember Fultz.

Vote: Councilmember Fultz -	I So Certify
Councilmember Miller -	I So Certify
Councilmember Andrick -	I So Certify
Councilmember Rudy -	I So Certify
Councilmember Good -	I So Certify
Vice-Mayor Shepherd -	I So Certify

6 AYES, 1 ABSENT, motion carried

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Vice-Mayor Shepherd asked if any member of Council would like to make a motion on the matters discussed in closed session.

Councilmember Andrick MOVED, seconded by Councilmember Good that the Town accept the offer from Route 11 Chips, LLC, to purchase the parcel owned by the Town and identified as tax map parcel 91-3-2, located on the west side of Industrial Park Road, containing 10.848 acres for the price of \$41,000 per acre, and further that the Town Attorney be directed to prepare the necessary documents to complete this transaction on behalf of the Town and that the Mayor and Town Manager be authorized to execute all necessary documents to complete this transaction.

Vice-Mayor Shepherd advised Council he would abstain from the discussion and vote.

Vice-Mayor Shepherd asked staff to briefly explain the transaction. Mr. Paxton advised that the Town had been in discussion with Route 11 Chips since early in 2019 regarding this parcel. The company is interested in acquiring the land to allow it to plan for the future growth of the business.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
		Councilmember Shepherd	
Councilmember Rudy			
Councilmember Good			
5 AYES, 1 ABSTAIN, motion carried			

Councilmember Miller MOVED, seconded by Councilmember Rudy that the Town accept the offer from Todd Holtzman to purchase the parcel owned by the Town and identified as tax map parcel 91A1-A-128, previously known as 5735 Main Street, containing .269 acres for the price of \$17,000, and further that the Town Attorney be directed to prepare the necessary documents to complete this transaction on behalf of the Town and that the Mayor and Town Manager be authorized to execute all necessary documents to complete this transaction.

Councilmember Andrick advised he would abstain from the discussion and vote.

Vice-Mayor Shepherd asked staff to briefly explain the transaction. Mr. Paxton advised that the Town had been in discussion with Mr. Holtzman since 2015 regarding this parcel. Mr. Holtzman recently acquired the parcel adjacent to the south of this parcel and already owns the parcel to the north of this parcel. He has no current plans to develop this parcel.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
		Councilmember Andrick	
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
5 AYES, 1 ABSTAIN, motion carried			

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Motion made by Councilmember Andrick, seconded by Councilmember Rudy to adjourn the meeting at 8:25 PM.

Debbie A. Stover, Clerk

Rodney Shepherd, Vice-Mayor