

Mount Jackson  
Town Council Regular Meeting

October 13, 2020

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Regular Meeting

The regular meeting of the Mount Jackson Town Council was held October 13, 2020 at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with the following in attendance; Mayor Donnie Pifer; Councilmembers Judy Fultz, Rod Shepherd, Roger Rudy, and Bonnie Good. Councilmembers Whitney Miller, and Dennis Andrick, attended electronically through Zoom.

Also, in attendance, Mario Rosso, Finance Director; and Debbie Stover, Town Clerk. Neil Showalter, Town Manager; and Darla Orr, Consultant from Berkley Group, attended electronically through Zoom. There were no visitors. Dave Moore from Cornerstone Technology was present to video record the meeting.

Public Hearing

Public comment regarding the adoption of:

1. Ordinance O-08-2020 - An Ordinance to Amend Chapter 58, Article I, of the Code of the Town of Mount Jackson, Virginia - Adoption of State Law

There were no public comments. Mayor Pifer closed the public hearing.

Agenda Additions/Deletions/Changes: None

Hear from Visitors: None

Remarks & Recommendations from the Mayor: None

Remarks from Councilmembers: Councilmember Miller stated her house is on the market, but she will continue to live in Mount Jackson, and serve on the Council.

Presentations: None

Chief of Police Report: None

Town Manager Report: None

Hear from Visitors: None

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd asked Councilmembers to review the 2019 audit, which will be on the agenda for the November meeting. He stated Mr. Rosso has provided a 3-page report that includes the general fund budget vs. actual, enterprise fund budget vs. actual, and swimming pool revenue vs. expenses for three prior summers. Mr. Shepherd stated the swimming pool is not a profitable enterprise for the Town, nor are street lights or sidewalks, but is an equivalent public service. Mr. Shepherd stated the general fund and enterprise fund reports will be provided quarterly, and tonight's reports represent quarter one of the current fiscal year.

Mr. Rosso stated the general fund revenues, in particular the tax revenues, have not been billed yet. The local taxes, such as sales tax, meals tax, hotel tax, and cigarette tax, are adequate considering the loss of sales from COVID. Mr. Rosso stated expenses are at approximately 25% or less, with a few exceptions such as annual fees for maintenance contracts that are paid up front. Mr. Rosso stated sanitation revenue is slightly low vs. expenses, but customer rates will be adjusted in January 2021. Mr. Rosso stated this data is extracted directly from Southern Software, which he has summarized for Council.

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Mr. Shepherd stated the 990 tax report from Mount Jackson Fire and Rescue has been received, and staff will review it prior to issuing the yearly donation. Mr. Showalter stated the Town also received the \$15,000 fire aid to localities, to give the fire and rescue department as well. Mr. Shepherd asked if that amount is higher than years past. Mr. Showalter stated that amount has risen from \$9,000 to \$15,000 in the last 11 years.

Mr. Rosso stated the Town has received the Arts grant funds. Mr. Shepherd stated the Town makes a donation to the Shenandoah Valley Music Festival every year and the state of Virginia arts grant refunds half of that donation. Mr. Rosso stated the Town has also received its first CARES payment from Shenandoah County for the new video equipment, and have submitted reimbursement for all other outstanding expenses. Mr. Showalter stated he received confirmation this evening, that the remaining expenses have been approved and the Town should receive approximately \$150,000 within a few weeks.

2. Ordinance Committee Chairperson, Dennis Andrick had no report.

3. Personnel Committee Chairperson, Roger Rudy stated last week he spent some time with Joey Blankenship, the Town's new water plant director, who is settling in very well. Mr. Blankenship is working on familiarizing himself with the Town's equipment and data, and looking at possible ways to add to the efficiency of the use of that data, and personnel. Mr. Rudy stated Gale Netz's official retirement date is December 31, but has various leave accumulated, so will be in and out of the office and available for help until the end of the year. Mr. Rudy stated Kim Painter is retiring on October 22, and his position was advertised and generated two applicants. In addition, the Town has two applicants that were previously interviewed for the wastewater director position, that may be of interest. Mr. Rudy stated Johnny Raines has also announced his retirement for early December, and staff plans to offer this position to the second choice applicant for the wastewater director position.

4. Public Safety Committee Chairperson, Judy Fultz reported September Police Department calls were 863, down 84 from August. There were 12 criminal offenses, 2 cleared by arrest, 4 under investigation, 4 closed by leads exhausted, 1 closed unfounded, and 1 closed. They conducted 647 extra patrols/property checks, 34 foot patrols, and found 3 open doors/windows at 2 different locations. The Fire and Rescue Department reported 81 responses, 61 EMS/20 Fire, 49 of the total responses were from volunteers, 35 of the calls were responded to by units capable of advanced life support, and the total number of Mount Jackson calls were 44.

5. Public Services Committee Chairperson, Bonnie Good stated she is impressed with the Town's new employee, Mr. Blankenship. Also, there will be a Public Services committee meeting on October 15 at 2:00 PM to discuss the results of the Town's equalization study.

6. Public Properties & Facilities Committee Chairperson, Whitney Miller had no report.

Consent Agenda: Approval – Minutes of September 8, 2020 Regular Meeting and Minutes of October 5, 2020 Special Meeting and Joint Public Hearing.

Councilmember Good MOVED, seconded by Councilmember Fultz to APPROVE the Consent Agenda above.

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			

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Councilmember Good  
6 AYES, motion carried

Old Business:

1. Ordinance O-08-2020 – An Ordinance to Amend Chapter 58, Article I, of the Code of the Town of Mount Jackson, Virginia – Adoption of State Law.

Councilmember Andrick MOVED, seconded by Councilmember Rudy to APPROVE Ordinance O-08-2020.

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. Special Use Permit Application (SUP 20-05) – French Brothers, LLC and Boddie-Noell Enterprises, Inc. – Hardee’s Restaurant Sign Package – Eligible for Action.

Councilmember Andrick MOVED, seconded by Councilmember Fultz to APPROVE SUP 20-05 with the following conditions:

1. With the approval of this request, the following exceptions to sign regulations shall be granted. All other signs shall comply with the Zoning Ordinance.

A. Total Sign Area. An 89.5 square feet exception to the permitted 100 square feet of total sign area permitted along the entrance road to the shopping center.

B. Wall Mounted Signs. A 5 feet exception to the 15 feet height limitation to permit two (2) wall mounted signs.

C. Freestanding Identification Sign.

i. A 139.5 square feet exception to the 25 square feet sign area for the one (1) freestanding identification sign (including an electronic message board) along the entrance road to the shopping center.

ii. A 10 feet exception to the 20 feet height limitation for the one (1) freestanding identification sign (including an electronic message board) along the entrance road to the shopping center.

2. Signs shall be located and designed as shown on the plan entitled Hardees, as prepared by Allen Industries, and last revised August 7, 2020.

Ms. Good stated she feels the wall mounted signs could be kept within the 15’ height parameter, and still maintain the current façade. Mr. Andrick stated most wall mounted signs at these restaurants are standard in size. Ms. Good stated the purpose of the Town’s sign ordinances is to regulate the size, location, height, construction and appearance of all exterior signs, to protect public health, safety, convenience, and general

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welfare, to facilitate the creation of a convenient, attractive and harmonious community, and to protect property values and further the objectives of the comprehensive plan. Ms. Good stated staff examined the previous sign ordinances, to see if the applicant met regulations prior to when the new sign ordinances were adopted. The proposed total sign area is 164.5 square feet, which is greater than the original 100 square feet allowance, however the 30' height would have been compliant with the previous sign ordinances. She stated she disagrees with the applicants reasoning for the larger sign, and that the I-81 food sign would direct customers to Hardees. She feels the pictures are not necessarily accurate in their depiction of size compared to other nearby signs or the building. She personally recommends Council strike the free standing sign as a condition that is approved.

Mr. Andrick stated the Planning Commission voted not to recommend approval of Food Lion's special use permit for a larger sign, however Council passed it, and therefore it is not feasible to deny the request from Hardees. Ms. Good stated she feels the Planning Commission was correct in their evaluation. Ms. Miller stated she voted to approve Food Lion's special use permit, and her justification was there were special circumstances unique to that case. Ms. Miller added she appreciates Boddie-Noell making the back of the free standing sign black, which is a nice accommodation for nearby residents, but is conflicted with the overall size, and feels it is aggressive for Mount Jackson. She also agrees the architectural rendering is inaccurate and the applicant should provide a more professional, true-to-scale depiction. Ms. Miller stated interstate travelers would be directed to the restaurant by using Google Maps, Yelp, or Siri.

Mr. Rudy stated he agrees with Ms. Good and Ms. Miller. He stated Mr. Barnacascal estimated Hardees would attract customers from the interstate at 60%, and locally at 40%, but Mr. Rudy believes those percentages are reversed. He agrees the highway food sign for Hardees would be sufficient. He feels a 30' tall free standing sign will destroy the mountain views. Ms. Good added she feels a monument sign would be perfect for that area instead. Mr. Rudy stated he would be agreeable to deny the free standing sign condition, and approve the rest.

Mr. Shepherd stated he does not feel the Food Lion sign is germane to the Hardees sign. He approves the rest of the sign package but is concerned the free standing sign is too large in height and overall size. Mr. Shepherd stated he also is not confident the rendering supplied is entirely accurate in the distance between traffic lights and the size of the sign. He stated he is undecided on the 30' height, but is adamant 100 square feet per side requirement be upheld.

Mr. Andrick asked Mr. Showalter if this should be discussed with the Town attorney. Mr. Showalter stated he Councilmembers are welcome to consult with the attorney if they have specific questions. Mr. Andrick stated he would like to know the attorney's opinion on the Food Lion sign vs. the Hardees sign, and whether it set a precedent. Ms. Good stated Council's decision on the Food Lion sign, was based on an entirely different special use permit application with its own set of circumstances.

Mr. Rudy asked if approval for SUP 20-05 would have to be "all or nothing" in regards to the conditions. Mayor Pifer stated the current motion is for approval of the Special Use Permit with all the original conditions listed above, so Council should vote on that first.

Ms. Darla Orr stated she wanted to clarify a few issues. First, relative to the wall mounted sign on the left and front elevations, she and Mr. Showalter did speak to the applicant about reducing the height to 15'. She stated the response was, because the building design and the tower feature on both elevations, they could not meet that requirement. Ms. Orr stated given the fact the applicant already began engineering and design, staff felt it was reasonable to consider this exception. Secondly, relative to the Food Lion sign and whether or not that set

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a precedent, Councilmember Good is correct in that special use permits are on a case-by-case basis. Ms. Orr stated lastly, Council does have the authority to approve individual or all exceptions, or can impose its own conditions.

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		

1 AYE, 5 NAYS, motion denied

Councilmember Shepherd MOVED, seconded by Councilmember Rudy to APPROVE SUP 20-05, with the following conditions:

1. With the approval of this request, the following exceptions to sign regulations shall be granted. All other signs shall comply with the Zoning Ordinance.

A. Total Sign Area. An 89.5 square feet exception to the permitted 100 square feet of total sign area permitted along the entrance road to the shopping center.

B. Wall Mounted Signs. A 5 feet exception to the 15 feet height limitation to permit two (2) wall mounted signs.

C. Freestanding Identification Sign to be tabled for further discussion, and to waive any additional filing fees.

2. Signs, except for the free standing sign, shall be located and designed as shown on the plan entitled Hardees, as prepared by Allen Industries, and last revised August 7, 2020.

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

New Business:

1. Proposal to Use Pavers in Main Street Sidewalk Repair.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE Mr. Holtzman's offer to pay one-half of the increased cost, to replace a section of the sidewalk with pavers.

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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			

5 AYES, 1 ABSTAIN motion carried

Mayor Pifer stated his understanding is money has been set aside each year to install pavers the entire length of Town in stages. Mr. Shepherd stated there is money set aside each year for sidewalk reconstruction, but the prior decision was to put pavers in the Historic District only. He stated the section of sidewalk in question is slightly beyond that district, but resulted from efforts to repair a water leak.

Motion made by Councilmember Shepherd, seconded by Councilmember Good, to adjourn the meeting at 7:57 PM.

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Debbie A. Stover, Clerk

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Donald "Donnie" I. Pifer, Mayor