

Mount Jackson
Town Council Regular Meeting
December 13, 2022

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Regular Meeting

Mayor Pifer called the regular meeting of the Mount Jackson Town Council to order at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with Councilmembers Rod Shepherd, Whitney Miller, Judy Fultz, Roger Rudy, and Evelyn Burner in attendance. Councilmember Bonnie Good was absent. Also, in attendance, Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; Keith Cowart, Police Chief; and Barbara Riggleman, Town Clerk. Visitors included Judi Wakeman, Brenda Foley, Brandi Freed, Todd Holtzman, and Christian Winkler, President of ARCOLA Towers. Jonathan Yates, Esq. with Hellman & Yates, PA in Charleston, SC attended electronically via Zoom, along with Marc Marzullo with Entrex, John Clark, and Mohammed Alsamna with T-Mobile. Eric Green with Cornerstone Technology Solutions, Inc. was present to provide Zoom service.

Agenda Additions/Deletions/Changes: Councilmember Shepherd asked for the addition of Item #6 under New Business to discuss the Rails-to-Trails Project.

Hear from Visitors: None

Opening Remarks from the Mayor: Mayor Pifer thanked the Hometown Partnership for the fantastic job done for the Tree Lighting Ceremony. He has received a lot of positive comments about it. Mayor Pifer also thanked Chief Cowart for keeping traffic flowing well. He stated that everyone did a great job.

Presentations: Mayor Pifer, on behalf of the Town Council, presented a plate to Councilmember Rudy, thanking him for his years of service, which were from 2014-2022. Mr. Rudy expressed his appreciation to the citizens of the town for giving him the opportunity to serve on the Council; he has learned a lot and he hopes he has contributed something to the town, which he loves very dearly; and he will miss the cooperation and congeniality found among the council members. Mayor Pifer stated that Mr. Rudy will be missed as well and he is always eligible to return in the future.

Chief of Police Report: Chief Cowart stated for the month of November, there were 1556 calls for service; year to date total being 13,335 calls. There were several arrests and construction checks. There was a report of counterfeiting which was closed by arrest; one report of larceny which was closed by arrest. There was a fire alarm that was reported to the department as being stolen or lost. It has been tracked down and is in Georgia somewhere. The delivery company lost it and that was the last known location. The ATF has discussed this with the department and they will do some investigating. There were two reports of shoplifting; both closed by arrest. There was a death/report of suicide in the community, case inactive waiting for final report from Medical Examiner. There were 18 mutual aid calls/warrant services and 4 open doors in 4 different locations. There was a Community Safety Talk with Shen-Paco which was well received. It has been a pretty easy month.

Town Manager Report: Mr. Showalter reported that the bid opening for the Wastewater Treatment Plant EQ Basin Project will be Friday, December 16, 2022 at 2:00 PM. This is estimated to be in the \$3.3 million range. On November 16, 2022 there were representatives from 13 different general and subcontractors present at the pre-bid meeting, so Staff is hoping that will mean there will be multiple bids to select from, but that won't be known until Friday. Mr. Showalter reported that tonight's agenda includes an authorization for him to sign the application necessary to seek a grant and loan from the USDA's Rural Development Authority. He has completed all the forms but has held off signing until the resolution is considered and hopefully passed. If it is passed, Mr. Showalter stated he will submit these as early as tomorrow and get some indication on the Town's permit financing.

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Mr. Showalter reported that the sidewalks continue to be worked on. Crews completed sidewalk, curb, and guttering today on the sidewalks from Hardee's down to the Xylem/Post Office complex. They will stop there and will next begin down on the Avondale end of the project and work back towards the section that was just completed. Mr. Showalter stated that they have cleared many trees from the fence line and done some grading. They were able to keep several of the nicest, taller trees which were sitting back from the road and Mr. Showalter stated that he believed it will look very nice down thru this neighborhood when the project is finished. Mr. Showalter reported that the crews will keep pouring as long as weather permits.

Mr. Showalter reported he has received council suggestions and citizen calls regarding parts of Town that need additional street lights. Places that have been mentioned are Nelson Street, Craig Street, and Jackson Street. Mr. Showalter reported that Council may wish to make it a Capital Expenditure priority in the coming year or two to improve street lighting in these and other areas that may be identified. Regular street lights like these involve Dominion to engineer and propose a price to the Town.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd reported that our CPA firm has been busy with end-of-year projects so there is no audit to present. Hopefully this will be able to be presented at the January meeting.
2. Ordinance Committee Chairperson, Evelyn Burner had no report.
3. Personnel Committee Chairperson, Roger Rudy had no report.
4. Public Safety Committee Chairperson, Judy Fultz had no report.
5. Public Services Committee Chairperson, Bonnie Good was absent.
6. Public Properties & Facilities Committee Chairperson, Whitney Miller reported that she is working with the graphic designer that designed the flags we had in the spring who has come up with two more designs. She will get more flags ordered to extend thru town so there will be more colors on the poles.

Consent Agenda: Approval – Minutes of November 9, 2022 Regular Meeting and December 5, 2022 Special meeting.

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

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			
			Councilmember Good

5 AYES, 1 ABSENT, motion carried

Old Business: None

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New Business:

1. SU-22-02: South End Convenience Special Use

Mr. Moore reported that this is a request of Bader Al-Omair on behalf of B&B Capital Group for a special use permit to operate a convenience store and provide retail fuel service at 6141 S. Main Street, zoned Highway Business (B-2) District. There was a previous use at this location of a convenience store, fuel sales, and a restaurant in the past. Existing structure is 2,530 sq. ft. and the property itself is 0.606 acre. To the north is single-family dwellings; to the west is Smoot Trailer Park; to the south is both a single-family dwelling and a commercial business; to the east is Rt. 11; and to the other side is a currently inactive manufacturing property. The subject property is within the 100 Year Floodplain. Mr. Moore presented several pictures of the property. The owner has expressed a desire to eventually rent out the existing restaurant section of the store. There are two new entrances to the property which were required by VDOT. There is an empty structure behind the building, which the owner has expressed plans to use as storage.

The Zoning District Statement of Intent of the B-2 Business District is to accommodate general business areas; highway-oriented commercial, fast-food, wholesale, and similar uses; greater volume of traffic; uses not within centralized shopping areas; recognizes demand for commercial land variety uses; and ensures site compatibility with small town character, charm, and history. In relationship to the Comprehensive Plan, the project reviews are to guide future town growth, physical, and economic development; promote health, safety, convenience, order, prosperity, and general welfare; apply Design Guidelines and Master Plans for growth; and scenic, historic, and Virginia roads merit special attention limiting adjacent development impacts with buffers/vegetative preservation. Mr. Moore stated that a site plan, once this is approved, will be provided and reviewed for compliance. There will be designated parking spaces, soft landscaping, and some type of traffic-calming device between the convenience store and the gun shop next door due to traffic from the trailer park between those two structures. Project reviews also promote appropriate and economic development south of town, enhance employment opportunities, encourage efficient use of land to enhance property values and tax base, implement economic development policies and plans adopted by the Town Council, and ensure site compatibility with small town character, charm, and history. Mr. Moore stated that the owner doesn't plan any additions to the building; the footprint should not change at all.

Mr. Moore stated that the fuel pumps and canopy are within the Special Flood Hazard Area (SFHA) AE Zone, however the actual structure is not. Based on the Floodplain Administrator's review, no hydrological or hydraulic analyses will be required. Mr. Moore showed the Town of Mount Jackson Zoning Map and Future Land Use Map in regards to the subject property, and an aerial layout of the property. A Joint Public Hearing was held on December 5, 2022 in which the Planning Commission recommended approval of SU-22-02 with conditions. Staff recommendation is that the SUP, with appropriate conditions, appears to represent good planning practices due to the reuse of an existing developed site and limited impacts to adjacent properties. The request is compliant with the goals and objectives of the 2017 Comprehensive Plan. The following conditions have been approved by the Planning Commission: 1 – Outdoor retail uses such as ice or vending machines, fuel, or propane exchange tanks, etc. shall be limited to the rear wall of the building, not to extend more than 5' from the building and screened with a minimum 6' tall fence; 2 – no traffic shall circulate between the store and the rear accessory structure; 3 – traffic calming devices such as speed bumps or barricades to prohibit through traffic shall be placed from the south end of the building toward the left property line to assist in redirecting mobile home traffic, to slow traffic through an area with no access easement and to protect customers traversing the site; and 4 – Corridor District Guidelines such as building

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color, signage, landscaping, etc. are to blend with the character of the corridor entrance into the Mount Jackson Historic District, to take into account consideration of the residential neighborhood, and such proposal to be reviewed by staff for appropriateness with a completed Sign Application.

Ms. Miller asked for clarification as to which wall of the structure would be the rear wall. Mr. Moore stated that the rear wall is the back of the building, facing the mobile home park. Ms. Miller stated that if the applicant wanted to sell ice, a customer would have to buy the ice and then walk to the back of the building to get the ice. Mr. Moore stated that would be correct; this is actually in the Town's Zoning Ordinance. There are two different types of uses; one is considered outdoor storage and the other is called outdoor retail. Outdoor retail is short and seasonal, like Christmas trees, whereas ice and vending machines and things of that nature are a permanent feature, not temporary, and they are to be towards the back. Ms. Miller asked whether the applicant is aware of this condition. Mr. Moore stated affirmatively, that this has been discussed and the applicant is aware. Mr. Moore then read a list of proposed motions to approve or deny the SUP.

Councilmember Burner MOVED, seconded by Councilmember Fultz to APPROVE SU-22-02 as recommended by the Planning Commission with the above mentioned conditions because the use is consistent with good planning and zoning practices and is in conformity with the Comprehensive Plan. Further the use will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			
			Councilmember Good

5 AYES, 1 ABSENT, motion carried

2. SA-22-01: ARCOLA Towers Substantial Accord

Mr. Moore reported that a Joint Public Hearing was held on December 5, 2022 in which the Planning Commission determined that SA-22-01 was in Substantial Accord. State law provides that the Council may either accept the Planning Commission's determination, overrule the Planning Commission's determination, or refer the matter back to the Planning Commission for an additional public hearing and consideration. The Zoning Ordinance permits communications towers with the approval of a Special Use Permit in a Limited Industrial (I-1) Zoning District. In a companion case, the applicant is seeking approval of an SUP (Case SU-22-03) with exceptions to Zoning Ordinance standards, to permit the 195' tall communications tower. Mr. Moore stated that if Council decided to "refer the matter back to the Planning Commission for an additional public hearing and consideration" or "defer until additional information or conditions are provided" there are 83 days available for this action to occur. Staff suggestion is that the character and extent of the proposed utility is also a consideration for the substantial accord determination. The Plan recognizes the importance of natural and historic resources and encourages protection for economic and tourism growth. The Plan further recognizes future benefits of the Rails-to-Trails project and mitigating development impacts. The proposed height and design of the tower, as well as the other measures/standards to mitigate the tower's impact should be considered when evaluating the tower's compliance with the Plan. The proposed height and design of the

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tower, as well as other measures/standards to mitigate the tower's impact such as with site buffering, limiting tower height, and appropriate tower colonization should be considered when evaluating the tower's compliance with the Plan. Although partially compliant with the Comprehensive Plan, Staff suggests that the companion SUP may address concerns through conditions, such as the maximum tower height and camouflaging the tower with appropriate color.

Mr. Moore stated that the Substantial Accord Determination is to permit a public utility facility consisting of a 195' tall wireless communications tower in a Limited Industrial (I-1) Zoning District. Affirmative determination is required prior to locating a public utility facility (VA Code §15.2-2232). The general or approximate location, character, and extent of such facility is substantially in accord with the Town's Comprehensive Plan.

Councilmember Shepherd MOVED, seconded by Councilmember Burner to APPROVE SA-22-01: ARCOLA Tower Substantial Accord.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			
			Councilmember Good

5 AYES, 1 ABSENT, motion carried

3. SU-22-03: ARCOLA Towers Special Use Permit

Councilmember Shepherd MOVED, seconded by Councilmember Burner to APPROVE SU-22-03: ARCOLA Towers Special Use Permit.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			
			Councilmember Good

5 AYES, 1 ABSENT, motion carried

4. Tap Fees Waiver Request

Mr. Showalter reported that he expected Kent Burch to be present tonight. In Mr. Burch's absence, Mr. Showalter addressed an email he received from Mr. Burch, requesting a waiver of tap fees for a planned house to be erected next to (south of) the campground on Industrial Park Road. Mr. Burch has reported to Staff that he feels like he has earned a tap fee waiver because there are several sewer and water mains on his family's farm property that he believes are a nuisance and a safety hazard as well as the fact that the Town uses his gates, which he mentions in his email. Mr. Burch also provided pictures, which Mr. Showalter shared with Council in their packet of information along with Mr. Burch's email, of the manholes sticking up from the

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ground that Mr. Burch states he has to mow around and occasionally bumps with his equipment. Mr. Showalter stated that he has met with Mr. Burch several times; Randy Lonas has gone with Mr. Showalter and met with him several times at his property. Mr. Showalter stated that due to the low-lying nature of the land there, Mr. Burch has a complicated connection; he will need to pump sewer affluent from the home to meet up with the Town's main and he will need to bring water from the backside of the campground to his property, so he will incur some significant cost in getting to the Town's mains. Mr. Showalter stated that Mr. Burch was strongly suggesting that Council waive his tap fees. Mr. Showalter stated that in his 14 years with the Town, the Town hasn't waived tap fees before, and the tap fees are set by Ordinance. Mr. Showalter stated that he felt this needed to be a decision made by the people who approve the Ordinances and not by Staff.

Mr. Shepherd stated he would encourage Council to refer this request to the Public Services Committee to give a more thorough review on this, particularly in how discounting tap fees would affect the Town's bond that they have issued for water and sewer funds.

Motion made by Councilmember Shepherd, seconded by Councilmember Fultz, to REFER the Tap Fee Waiver Request to the Public Services Committee, for them to have a recommendation for Council at the January 10, 2023 meeting.

Mr. Rudy questioned if, upon referral to the Public Services Committee, the fee waived would be the entire \$15,000, which seems substantial. Mayor Pifer stated that he believed this could be determined by the committee if they wanted to waive any amount. Mr. Showalter stated that Staff had explored that option with Mr. Burch, but Mr. Burch insisted he wanted the total amount waived. Mr. Rudy stated that he recognized the accommodations made by Mr. Burch for the Town to access his property, the result this has had on his property, and his maintenance of this property; this should be considered in negotiations. Mr. Shepherd stated the need to review the Town's bond documents for Town water and sewer loans; there is some discussion in there about fees and fee waivers. Mr. Showalter stated that he knows for a fact that the Town is not allowed to give away water, and tap fees could possibly fall under that; he stated he would double back and check on that. Ms. Miller stated that the pictures showed terrible conditions; the Town should make an effort to clean this up. She stated she understands it is the Town's right to be on the property, but it is his property. Mr. Showalter stated that Randy felt he could do some grading to improve these conditions; this work was inherited from the County when the Town annexed in the early 2000's and has been let go, but Randy did say that he felt like he could do some things to improve conditions and was planning to do so regardless of this request's outcome. Mayor Pifer inquired as to whether there is currently a pump station there. Mr. Showalter answered affirmatively, but he could not state the exact location without schematics. Mayor Pifer asked if it was town property where the pump station is located. Mr. Showalter stated that it is not; the Town has a utility easement that allows the Town to operate it.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			

Councilmember Good

5 AYES, 1 ABSENT, motion carried

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5. Resolution R-07-22: USDA Financing Application

Councilmember Fultz MOVED, seconded by Councilmember Rudy to APPROVE Resolution R-07-22.

ROLL CALL VOTE:

AYE	NAY	ABSTAIN	ABSENT
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			

Councilmember Good

5 AYES, 1 ABSENT, motion carried

Mr. Showalter asked the Town Clerk for a clean copy of the Resolution to be printed tonight, so it could be signed and attested to. Mr. Showalter stated he could get this included in the application package tomorrow as RDA wants to see the signed resolution.

6. Rails-to-Trails Project Meeting

Mr. Shepherd stated that the committee that is working on the Rails-to-Trails project would like to have some public meetings and hearings to further discuss this project and get community input. They would like to use the Council Chambers and have requested a meeting date of February 7, 2023 with a snow date of February 15, 2023. Mr. Shepherd stated that this is basically a public meeting; it's not a Council meeting. It is a meeting put on by the Shenandoah Alliance and the organizers of the Rails-to-Trails project. Mr. Shepherd stated that they would essentially like to have zoom abilities so people at home could watch their presentation, along with images, maps, diagrams, and a question and answer time at the end of the presentation. Mr. Shepherd stated that this was not an endorsement of the Rails-to-Trails project, it is just allowing them to use the room.

Councilman Shepherd MOVED, seconded by Councilmember Burner to APPROVE the Rails-to-Trails project using Council Chambers for a public meeting on Tuesday, February 7, 2023, snow date of Wednesday, February 15, 2023.

Mayor Pifer questioned if there would be opportunity for public input at this meeting. Mr. Shepherd answered affirmatively that he believes this to be the plan. Mr. Shepherd stated that hopefully if the meeting is on zoom, people will be able to email questions, a procedure followed before in Council meetings. Mr. Shepherd introduced Eric Green and mentioned that often the meeting was done as a live presentation on YouTube, which often in itself made it difficult for conversations, so a recommendation would be to consider the YouTube Channel as a conduit for the broadcast. This would also be recorded so people could see it at a later date. Ms. Miller mentioned a zoom where people can only watch, with a separate Q&A section where people could ask questions which could then be answered, this could be an option. Zoom can also be recorded and saved. Mr. Showalter stated that the Town doesn't own zoom software, so this option could be problematic but it is a good way of holding meetings. Mr. Shepherd stated that the Alliance may have zoom software. Mr. Showalter stated that this would be something to check into. Mr. Shepherd asked Mr. Green to send him an email, to which Mr. Shepherd could then link Mr. Green to the Alliance to discuss these options.

Mr. Shepherd stated the need to start getting information out to the public about this project. All rail trail projects that he has studied around the country have been a positive impact.

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ROLL CALL VOTE:

AYE	NAY	ABSTAIN	ABSENT
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			
			Councilmember Good

5 AYES, 1 ABSENT, motion carried

Closing Remarks by Council Members, Mayor: Ms. Burner mentioned that she has seen a lot of kids walking along Dutch Lane over the Moose Lodge hill, one almost getting hit by a vehicle. It is a blind hill for vehicle travel; you can't see on the other side. She inquired into sidewalks or something that can be done to help this situation. Ms. Burner stated that one of her neighbors was concerned about Wunder Street with kids walking in the road to get to the park, not having a sidewalk. She stated these may be items to look into. Mayor Pifer inquired into whether Avondale, another subdivision, has sidewalks. Mr. Showalter answered that they do not. Mayor Pifer inquired into what would need to be done to study this and come up with a solution. Mr. Showalter stated the need to see who owns what and what kind of VDOT right-of-way exists. Ms. Burner stated her concern for both pedestrian and vehicle safety. Mr. Showalter stated that VDOT would probably require installation of curb and gutter, then a safety margin of 4 ft., and then the sidewalk and he is not sure about landowner acceptance of an easement that would cut 10 ft. off their front yard, or maybe more depending on how curb and gutter would need to go. Mr. Showalter stated that it could be looked into, he believes sidewalks are a safety must, but it is not as easy as just laying a strip of concrete down like you would a front sidewalk at your house, for example.

Mayor Pifer commented on the beauty of Mount Jackson. He stated that he has received a lot of comments; someone even said that Mount Jackson sparkles. With the Christmas lights, the Tree Lighting Ceremony, it has really brought our town out to the front and he is proud of that. He expressed his appreciation to everyone involved. Mr. Showalter stated that the Public Works guys really put a lot of effort into decorating and they take pride in it. Ms. Fultz stated she heard the comment that Mount Jackson is the prettiest little town in the county. Mayor Pifer stated that he has heard the same.

Motion made by Councilmember Burner, seconded by Councilmember Fultz, to adjourn the meeting at 7:45 PM.

Barbara M. "Barbie" Riggleman, Clerk

Donald "Donnie" I. Pifer, Mayor