

Mount Jackson
Town Council Work Session
January 23, 2024

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Work Session

Vice Mayor Shepherd called the Work Session of the Mount Jackson Town Council to order at 6:00 PM in the Council Chambers at 5901 Main Street. Roll call was taken with Councilmembers Al Asbury, Judy Fultz, and Bonnie Good in attendance. Mayor Pifer and Councilmembers Evelyn Burner and Todd Holtzman were absent. Also in attendance were Olivia Hilton, Town Manager; Keith Cowart, Police Chief; and Barbara Riggelman, Town Clerk. Karen Costie was a visitor.

Agenda Additions/Deletions/Changes: None

New Business (For Discussion Only – Not Eligible For Action): **Ordinance Discussion**

Ms. Hilton stated that the Ordinance Committee had met several times over the past few months regarding some ordinances that could be improved or better reflect the goals of the Town Council. Chief Cowart and Ms. Hilton have been looking into state regulations and how they match up with Town Code, what can be done legally, and the next step is consulting with Jay Neal, Town Attorney. Ms. Hilton referred to a handout with some ordinances listed to get feedback and recommendations. Some items would need no change, they were just listed to address some concerns. A public hearing will be needed if there will be any changes to the ordinances, should Council decide to move forward, so this process will be a couple months in duration.

1. Modular/Tiny Home SUP

Currently, tiny homes are not allowed by town code, so there are none in town. Ms. Hilton stated that the hope of the Ordinance Committee would be that rather than not be permitted, it be moved to a Special Use Permit. This would give citizens another housing option vs. ground-up construction. By having them as SUP vs. by right, it would allow Council to have some say on the process. Discussion ensued on modular and tiny homes, subdivisions, and accessory dwellings. Mr. Shepherd encouraged Ms. Hilton to look into what some other communities have done and discuss this with the Town Attorney. Ms. Good stated that there are guidelines in the ordinances regarding how much space an individual is allowed on their property to place anything on; these should be kept in mind and if something will fit on a piece of property.

2. Proposed Water Cutoff for Meals Tax (Notice after 30 days).

Chief Cowart reported that there is one current case that is ongoing and going to trial. In the other case, the individual paid the taxes they were charged for prior to the court date; court did not prosecute. They do have other outstanding meals taxes, so they will be served again and there will be another court date. Given their history, they will probably pay beforehand and it will be nolle prosequi again, but at least action will be taken and the taxes paid. In the current case, court date is not until March 1st, but the individual will be served with another round of papers and there will be a second court date for that as well. Chief Cowart stated that knowing the court, they may combine the cases as he will be issuing those summons in the next week.

Staff recommendation – to enforce meals tax submission, the Town may utilize water cutoffs as a consequence. Businesses will have until the last day of the following month (March 31 – February meals tax submitted) to pay. Following that date, they will receive a 5-day notice before water cutoff.

Ms. Fultz stated that meals taxes are collected by businesses from their customers, so this is in fact stealing. Chief Cowart stated an addition to this would be a water cutoff if a business did not have their business license. Chief Cowart referred to a handout given to Council with a proposed amendment to Town Code Sec. 18-27. – Doing business etc., without required license prohibited – to add that “*any person found in violation of*

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this section shall be notified by the Town Manager or designee via personal service or by registered or certified mail, return receipt requested, to the last known address of said party. Failure to obtain a license in accordance with all applicable sections of this town code after 15 days of notice shall have their water supply cut off until a current license is properly obtained and all delinquent taxes and penalties paid in full. Any person or business that fails to obtain the required license 3 times within a 5-year period shall be guilty of a Class 1 misdemeanor.”

Councilmembers present agreed with proceeding with this recommendation.

3. Randy’s Sidewalk Displays

Ms. Hilton stated that displays were allowed at the business’ former location, which was zoned Industrial. Since the location has moved to downtown, any outdoor displays were denied by the previous planning and zoning administrator. Ms. Hilton stated that no Town Code change is necessary at this point; Staff recommendation is that outdoor displays may be permitted and it is recommended to connect with Randy’s to reconsider their request. Discussion ensued on sidewalk displays and if this should be as an SUP or by right.

4. RVs

Ms. Hilton stated that no Town Code change is necessary; this item is to address a concern. Town Code Sec. 66-40 states that “a recreational vehicle may not be used as an accessory dwelling.” Chief Cowart stated that there are other factors in the works regarding the subject of the discussion; he is waiting to see how those play out, which would make the process easier.

5. Car Wash & Laundromat

Ms. Hilton stated that this issue arose from citizen concerns regarding the current state of the laundromat and car wash, both properties of Mr. Ashley. Currently, laundromats are considered personal services; a change could be to list laundromats separately from other services. The health department does not inspect or regulate laundromats and there is not a lot that the Town can enforce with them. The only piece the Town can enforce is the external trash. For both car washes and laundromats, the Town may need to consider a cleanliness/stagnant water policy for enforcement. Ms. Good inquired into the machinery at the car wash not working correctly. Chief Cowart stated that with coin slot operations, which this is considered, businesses can write their own rules and regulations to help themselves. He stated that he has been to the State Police regarding the car dealerships and has been told it is the same with them as well.

Chief Cowart inquired if there an avenue for denying business licenses due to amount of complaints and “seeable” conditions from street view. Vice Mayor Shepherd advised Staff to look into this avenue with the Town Attorney. Ms. Good stated that the health department could be consulted regarding the potential safety hazards with the standing water issue. Chief Cowart stated that Mr. Ashley has placed blame on the Town for the drainage issue, with the piping not being fixed correctly.

5. Grass

Ms. Hilton stated that Staff recommendation is to create a community input form for those who want to submit concerns, which would help keep a record of complaints. This could easily be put on the website. Chief Cowart stated that the grass ordinance is enforceable and Town Code sets the penalties and fees for civil violations. Discussion ensued on grass ordinances and fees and pollinator gardens. Chief Cowart stated that pollinator gardens would fall under landscaping and there are sections in the Code to refer to on this.

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6. Sec. 22-28. – Commission of certain acts deemed nuisances

Ms. Hilton stated that this was mostly for Council reference. She called attention to #4. “All ponds or pools of stagnant water, and all foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, public place or lot to the injury of annoyance of the public.” This could refer back to the laundromat issue.

7. Vape Shops & Gaming Machines

Ms. Hilton stated that there is nothing in Town Code regarding either of these issues. Staff recommendation would be to add a curfew from 10:00 PM to 6:00 AM on gaming machines, should they become legalized again. Ms. Hilton stated that there is nothing in Town Code prohibiting vape shops within town limits. Discussion ensued on vape shops. Consensus was to look into routes to prohibit this type of establishment, looking into other localities and how they word this.

Chief Cowart stated that gaming machines were legal for a time, many stores had them, and then the machines were considered illegal. Stores kept the machines in place during the legal proceedings. There was an injunction put in place which allowed them to be opened back up. This injunction has been lifted and gaming machines are now illegal again. However, during this time, there were mass reports of shoplifting and stealing. Discussion ensued on additional taxing on gaming machines.

8. Sec. 22-48. – Open storage of inoperative vehicles on residential, commercial, and agricultural property

Chief Cowart recommended adding wording to Sec. 22-48c to read “Giving notice to the owner, occupant, or person in charge of the property by *personal service, registered or certified mail, return receipt requested, to the last known address of said party, or by posting for a period of 15 days shall be deemed the legal notice required under this section.*” This would apply to both junk and inoperable vehicles. Chief Cowart discussed violations and penalties allowed under current Town Code. With current wording, it is a gamble on when the party received their mail, if they received their mail; recommended wording would state a period of 15 days for legal notices. Chief Cowart also recommended formatting to this same section for ease of reading; this would not change the actual wording as currently stated. The additional wording would require a public hearing and subsequent action by Council to adopt, the formatting change would not.

Vice Mayor Shepherd suggested Staff add these ordinance items to the February 13, 2024 Council Meeting in order to set a public hearing for the March 12, 2024 Council Meeting.

Karen Costie inquired if there was an ordinance requiring residents to clean their sidewalks. Ms. Hilton stated that she has had discussion with Public Works regarding better snow removal. It is the business owner’s responsibility to clear snow from sidewalks on their property. There have been complaints regarding the walkways in the park not being cleared, so this will be an added discussion with Public Works.

Motion made by Councilmember Good, seconded by Councilmember Fultz, to adjourn the session at 6:54 PM.