

Mount Jackson
Public Hearing and Town Council Regular Meeting

February 11, 2020

-1-

Public Hearing

1. Ordinance O-01-2020 – To amend and reordain Chapter 62, Division 2, Wastewater discharge; Sewer Use setting forth uniform requirements for dischargers of pollutants from nondomestic sources into the Town’s wastewater collection and treatment system.

Mr. Paxton stated DEQ required this section of Town code to be updated. Rob Magnum explained the changes at the last council meeting. Mr. Paxton stated some of the terminology changed, and primarily impacts one business, Bowman Andros. Mr. Showalter added this update gives the Town the ability to change the thresholds for contaminants by resolution of Council, since the ordinance refers to a schedule, rather than listing the table in detail in the Town code.

There were no public comments.

2. Ordinance O-02-2020 – To amend and reordain Chapter 58, Division 2, Timed Parking, Sections 58-62- and 58-64, the purpose of which is to increase the fines and extend the time period allowed for the payment of such fines for violations under this division.

Mr. Showalter stated this code revision is to provide for a progressive increase in the fines for parking, and to lengthen the amount of time for payment of the fine.

There were no public comments.

Mayor Pifer closed the public hearing.

Regular Meeting

The regular meeting of the Mount Jackson Town Council was held February 11, 2020, following the public hearing, at 7:30 PM in the council chambers at 5901 Main Street. Roll call was taken with the following in attendance; Mayor Donnie Pifer; Councilmembers Judy Fultz, Whitney Miller, Dennis Andrick, Rod Shepherd, 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 Susie Porter, Candi LoPresti, Nathan and son Nate Beall, Joyce Shirley, Bill Holtzman, Dale Painter, Alex Bridges with NVD, and 1 other visitor.

Agenda Additions/Deletions/Changes: Mr. Showalter requested that Item #5 under New Business, Exoneration/Abatement of Delinquent Property Taxes, be moved to next month’s meeting on March 10, 2020.

Hear from Visitors:

1. Bill Holtzman spoke on the three signs grandfathered at the location of the new Hardees Restaurant site. He stated he “jumped the gun” and moved Holtzman’s sign onto his property, near the railroad tracks, where the medical facility is located. Mr. Holtzman stated he feels placing the other two original signs (Bryce Mountain and Widow Kipps), plus a few new ones (Randy’s Hardware, Nelson Theater, and the new Brewery), at this location, will be beneficial to direct traffic through Mount Jackson. He asked staff to consider looking at zoning regulations, to possibly accommodate his request.

Mount Jackson
Public Hearing and Town Council Regular Meeting
February 11, 2020

-2-

2. Nate Beall spoke on his recently-purchased property at 5996 Main Street. He stated in an effort to help fix the water run-off problem, he proposes installing a 15' x 30' raingarden along the back fence. Mr. Beall stated he has received an estimate for paving the alleyway and parking lot, which is 3300 square feet, totaling \$15,000. He stated this amount is not in his budget, and hopes council will consider allowing him to use gravel, instead of pavement. Councilmember Andrick asked, depending on his financial situation, if he may eventually be able to pave this, and Mr. Beall answered yes. Mr. Holtzman suggested another option could be to obtain grinded millings from asphalt pavement work and rolling it on the surface, which produces a surface similar to blacktop. Councilmember Miller asked if the Town code states it has to be paved, or could it be any type of hard surface. Mr. Paxton stated the code as it is written now, specifically says pavement is required for three or more dwellings. Mr. Paxton stated as council evaluates the rewrite of the zoning ordinance, this may be something they want to consider. He stated in some areas of town there are topographic issues with flooding, and by requiring asphalt, it speeds the water movement across the property and further exasperate erosion. Mr. Paxton suggested council table the special use permit when it is considered later in the meeting, to allow staff to examine some possible solutions.

Remarks & Recommendations from the Mayor: Mayor Pifer stated Mount Jackson Fire and Rescue invited him and councilmembers to its awards banquet on February 1. He had the honor of installing the new officers for the coming year, and he appreciates all they do.

Remarks from Councilmembers:

Councilmember Shepherd stated February is historian month, and tomorrow at 2:00 at the Lincoln family cemetery in Rockingham County, Dr. Phil Stone, who was the former president of Bridgewater College will be speaking, and the Lincoln homestead property may be open for a tour as well. Mr. Shepherd stated Dr. Stone was on the Virginia Commonwealth Transportation Board, when Joe Williams was mayor, which was instrumental in the Mount Jackson Town Hall and Visitor's Center being funded.

Councilmember Miller asked to add Item #7 under new business, to consider changing the town council meeting time from 7:30 to 7:00, to be consistent with the Planning Commission meeting time, so there is some consistency for public hearings, and to prevent confusion over meeting times.

Presentations: None

Chief of Police Report: None

Town Attorney Report: None

Town Manager Report: Mr. Showalter stated Monday, February 17 is Presidents Day, and the town office will be closed in observance of the state holiday.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated the auditors will be here late March.
2. Ordinance Committee Chairperson, Dennis Andrick had nothing to report.

Mount Jackson
Public Hearing and Town Council Regular Meeting

February 11, 2020

-3-

3. Personnel Committee Chairperson, Roger Rudy spoke on two things. A community service application is in the meeting packet, and he'll speak on that later under new business. Secondly, regarding the search for a Finance Director, there were 18 responses. The personnel committee met and identified 5 applicants to interview two days next week; Tuesday, February 18 and Thursday, February 20. Mr. Rudy stated the 5 applicants were contacted, one asked to be removed from consideration, three have been scheduled for Tuesday evening, and staff is waiting to hear from the last one.

4. Public Safety Committee Chairperson, Judy Fultz reported January Police Department calls were 784, down 48 from December. There were 7 criminal offenses, 6 cleared by arrest, 1 closed with restitution accepted. They conducted 580 extra patrols and property checks, and 22 foot patrols. Mr. Painter presented the Fire and Rescue report. For year 2019, there were 960 responses, 648 were EMS related and 312 were fire related. Of the total calls, 77% were answered by volunteers, and the remaining answered by a combination of career staff volunteers or totally career staff. 51% of those calls had advanced life support capability. 25 people took calls, and 52% of the call volume was within the town of Mount Jackson. In year 2019, fire responses rose from 288 to 312, while EMS responses declined from 660 to 648. The total responses are not indicative of what the dispatch report would show. Mr. Painter stated they actually had over 1300 calls for service, some called off because another agency was able to respond quicker, and some were false calls or a fire alarms. The event center hosted 56 events, which included serving 5145 people, and expending over 3000 man hours. In January 2020, there were 79 responses, 61 EMS, and 18 Fire. 75% calls were answered by volunteers, 45% had advanced life care capability, 20 volunteers answered calls, and 48% were in the town of Mount Jackson. Mr. Painter also stated they are having a major fundraiser on February 29, beginning at noon.

5. Public Services Committee Chairperson, Bonnie Good had nothing to report.

6. Public Properties & Facilities Committee Chairperson, Whitney Miller had nothing to report.

Consent Agenda: Approval – Minutes of January 13, 2020 Special Meeting; Minutes of January 14, 2020 Regular Meeting; and Minutes of January 30, 2020 Special Meeting.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE the Consent Agenda consisting of the Approval-Minutes of January 13, 2020 Special Meeting; Minutes of January 14, 2020 Regular Meeting; and Minutes of January 30, 2020 Special Meeting.

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. Ordinance O-01-2020 to amend and reordain Chapter 62, Division 2, Wastewater discharge; Sewer Use setting forth uniform requirements for dischargers of pollutants from nondomestic sources into the Town's wastewater collection and treatment system. – Eligible for Action.

Mount Jackson
Public Hearing and Town Council Regular Meeting
February 11, 2020
-4-

Councilmember Good asked for clarity on the wording “nondomestic sources”. Mr. Paxton stated this section of the ordinance is nondomestic because the flow goes into the Town’s wastewater treatment plant. This specific ordinance is dealing with the requirement by businesses to pretreat the waste before it gets to the Town’s wastewater treatment plant.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE Ordinance O-01-2020.

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. Ordinance O-02-2020 to amend and reordain Chapter 58, Division 2; Timed Parking, Sections 58-62 and 58-64, the purpose of which is to increase the fines and extend the time period allowed for the payment of such fines for violations under this division. – Eligible for Action.

Councilmember Good asked for clarity on the wording “upon conviction” and if that means it goes to court, or convicted by the police department. Chief Sterner responded violations are issued by the officer and the summons would require the person to go before the general district court, the same as occurs with a speeding ticket.

Councilmember Rudy MOVED, seconded by Councilmember Fultz to APPROVE Ordinance O-02-2020.

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			

3. Special Use Permit SUP20-01 requested by 5337 Main Street, LLC, PO Box 8, Mount Jackson, VA 22842-0008 for a private auto and truck sales lot limited to 6 vehicles located on the south side of Conicville Boulevard (Route 703) approximately 500’ west of Main Street (US Route 11), Zoned B-2. Tax Map #80-(A)-1494. Property Address: 221 Conicville Boulevard. – Eligible for Action.

Mr. Paxton provided the Council copies of a site plan diagram by Mr. Holtzman. He stated there will be a 15’ setback from Conicville Boulevard to the parking area, and within that setback the proposed sidewalks will be built. The parking area will be 90’ x 40’, and the graveled area will tie into the driveway that leads back to Main Street. Mr. Paxton stated here will be two trees in the 15’ landscape buffer.

Mount Jackson
Public Hearing and Town Council Regular Meeting
February 11, 2020
-5-

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE Special Use Permit SUP20-01, 5337 Main Street, LLC for auto/truck sales lot located at 221 Conicville Boulevard, Mount Jackson, subject to the following conditions:

1. Lot shall be used for the sale of company-owned vehicles only.
2. No more than 6 vehicles for sale are permitted on the lot at any one time.
3. No sales office or staff will be permitted on the site.
4. Egress and ingress to the lot shall be limited to existing entrance on Conicville Boulevard.
5. The area used for parking for vehicles (approximately 90' x 40'), along with the access way to the current entrance on Conicville Blvd., shall be graveled and maintained sufficient to prevent the transfer of dirt and debris from the lot to the state-maintained road. Side yard setback shall be at least 15' in accordance with Section 66-21A(a).
6. A 15' landscape buffer will be established between the street and the parking area. Landscaping shall be provided in accordance with the streetscape requirements stipulated in 66-211(b).

Councilmember Miller asked if there is the potential for the two trees to be damaged during the sidewalk installation. Mr. Paxton stated the trees will be further back, almost 15' from the road. Councilmember Rudy asked how the trees will be placed along the property line, and Mr. Paxton stated most likely near the railroad right-of-way, and near the driveway entrance, but not in front of the vehicles.

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			

4. Special Use Permit SUP20-02 Randall K and Donna M Newman, 12342 Port Republic Road, Grottoes, VA for conversion of a commercial use to residential use on property located at 5992-5996 Main Street, Mount Jackson, zoned B-1. Tax Map #91A1-(A)-242. – Eligible for Action.

Mr. Paxton advised the Bealls' brought a parking diagram tonight, but based on earlier discussion, staff recommends this special use permit be tabled to allow staff to work with the applicant and the town attorney to determine if the parking requirements can be modified to provide some conditions that the Town can apply consistently to these types of uses, and to allow the Town to address stormwater issues.

Councilmember Andrick MOVED, seconded by Councilmember Shepherd to TABLE Special Use Permit SUP20-02.

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			

Mount Jackson
Public Hearing and Town Council Regular Meeting
February 11, 2020
-6-

Councilmember Good
6 AYES, motion carried

New Business:

1. Special Use Permit SUP20-03 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. Consideration on 1st reading and call for joint public hearing with Planning Commission on March 2, 2020 at 7:00 PM.

Mr. Paxton stated this special use permit is for the Sun Tribe Solar project to be located on the Triplett Tech School property. The Planning Commission at its meeting last week called for a joint public hearing with Council on Monday, March 2 at 7 PM, and would ask Council to concur, accepting SUP20-03 on first reading and calling for the joint public hearing as requested. Mr. Showalter noted that Mr. Stephen, from Sun Tribe Solar, will make a presentation on the project at the public hearing.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to accept SUP 20-03 on first reading, concurring with the Planning Commission to set Joint Public Hearing for March 2, 2020, 7:00 PM.

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. Curbside Trash Service Proposals for three years ending April 30, 2023 – Eligible for Action.

Mr. Showalter stated the temporary contract with Long Enterprises expires April 30, 2020. The Town requested proposals to seek a long-term solution for curbside trash. Staff received three responses; one firm indicated they were not going to enter a proposal, and the other two bid on a per-household basis, which was summarized in the memo in tonight’s packet. Mr. Showalter stated the incumbent, Long Enterprises, submitted the low-bid, and has established a good working reputation in the short time since it took over the service, being very responsive and taking care of any issues that arose. The two proposals submitted are as follows:

Per Customer:	<u>Long Enterprises</u>	<u>Waste Management</u>
First Year	\$9.60/month	\$11.95/month
Second Year	\$10.10/month	\$11.95/month
Third Year	\$10.60/month	\$11.95/month

Mr. Showalter noted that the Town also requested curbside recycling proposals, but no proposals were received. He further noted that it is his understanding that no town in the County will have curbside recycling beginning July 1, 2020. He advised that the town managers in the County, with help from Shenandoah County staff, are working to try to find a solution. The Northern Shenandoah Valley Regional Commission is also working to develop a solution as part of the regional waste plan required by the state. Staff recommends the

Mount Jackson
Public Hearing and Town Council Regular Meeting
February 11, 2020
-7-

Town award the trash collection contract to Long Enterprises effective May 1, 2020 for the period ending April 30, 2023.

Councilmember Fultz MOVED, seconded by Councilmember Good to APPROVE Curbside Trash Service with Long Enterprises for three years ending April 30, 2023, and authorized the Town Manager to sign the contract on behalf of the Town.

Councilmember Miller asked if the County is currently recycling, and if there is an option to have containers placed back on King Street. Mr. Showalter stated the County has large bulk recycling units, but it must be sorted by the residents prior to disposal. Mr. Showalter added the containers on King Street were removed by the County because persons had put inappropriate materials in the containers (i.e. a deer carcass). Mr. Showalter stated staff could approach the County about putting them back if Council desires. Mayor Pifer noted that if the containers are placed at that site the Town will likely have to fence the area. Mayor Pifer asked what happens to the recycled material placed in the county dumpsters. Mr. Showalter stated the County collects it and sends it in large quantities to off-site recycling locations. Mr. Paxton added there are a few recycled materials where there is a market, however, there is no market for glass, and only somewhat of a market for number 2 plastic. Mr. Showalter reminded Council that when the Town adopted recycling in 2015, the Council agreed to add to curbside service at no additional charge for residents, which hopefully helps offset any resident disappointment of not offering it at this time.

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			

3. Consulting Engineers Confirmation of Services – Eligible for Action.

Mr. Showalter referred to the memo in the council packet. Pennoni has provided a quote to the Town to extend the contract for engineering services, for the design and contract management services for the north end sidewalks. The contract states their costs are not to exceed \$30,000 for design, and \$45,000 for bidding services and construction supervision. Mr. Showalter stated this is an extension of the existing sidewalk project and engineering services contract. The proposal is consistent with the fee structure approved by the Town in 2013 for this work. Pennoni was awarded the contract in 2013 after a competitive proposal process. Staff recommended approval of the amendment to the engineering services contract with Pennoni as provided.

Councilmember Andrick MOVED, seconded by Councilmember Fultz to APPROVE amending the contract with Pennoni to provide engineering and construction management services for the next phase of the sidewalk project.

ROLL CALL VOTE:

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

Mount Jackson
Public Hearing and Town Council Regular Meeting
February 11, 2020
-8-

Councilmember Andrick

Councilmember Shepherd

Councilmember Rudy

Councilmember Good

5 AYES, 1 NAY, motion carried

4. Appointment of Union Church and Cemetery Trustee – Eligible for Action.

Councilmember Shepherd stated Neil Fadely, the previous trustee, will be stepping down after 12 years. He referred to a letter in the packet from Saint Andrews Church, nominating Captain James Poplar as the church’s representative for Trustee to the Union Church and Cemetery.

Mr. Poplar stated he is honored to be in Shenandoah Valley, knows a lot about its history, and lives in the Jacob Homestead. He also managed the Navy shipbuilding budget for approximately 15 years in excess of 15 billion dollars every 5 years. He served the US Navy for 30 years as a surface warfare officer, and commanded a number of squadron ships.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE the recommendation to the Shenandoah County Circuit Court for the appointment of James Poplar as Trustee of Union Church and Cemetery.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz

Councilmember Miller

Councilmember Andrick

Councilmember Shepherd

Councilmember Rudy

Councilmember Good

6 AYES, motion carried

5. Exoneration/Abatement of Delinquent Property Taxes – Eligible for Action.

Mr. Showalter requested that the matter be delayed until the March council meeting.

6. Adoption of Community Service Application – Eligible for Action

Councilmember Rudy stated the Council previously discussed the importance of attracting additional community members to serve on the Planning Commission, BZA, and EDA, and the Committee felt an application process will help persons interested to apply, and Council in its evaluation process. The application is recommended to be posted on the Town’s website. Mr. Rudy stated staff drafted a form, which was reviewed by the Personnel Committee and Mr. Paxton and that draft is before the Council tonight. He stated the Committee felt that the descriptions were very thorough. He noted that there is an important requirement added for persons appointed to the Planning Commission and Board of Zoning Appeals, that those persons would be required, within the first year of appointment, to obtain state training to help better equip them for the job.

Councilmember Rudy MOVED, seconded by Councilmember Good to APPROVE Adoption of the Community Service Application.

Mount Jackson
Public Hearing and Town Council Regular Meeting
February 11, 2020
-9-

Councilmember Good stated it should be added to the form, that the cost of the training would be paid by the Town. Also, while she's unsure of the BZA and EDA, the Planning Commissioner must be a Mount Jackson town resident, and feels that terminology should be added for each group as well. Mr. Paxton stated he believes the BZA member must be a Town property owner, but staff will research this. Councilmember Shepherd added this should be a fillable PDF form as well.

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			

7. Change the time for monthly Town Council meetings from 7:30 PM to 7:00 PM.

Councilmember Miller MOVED, seconded by Councilmember Good to APPROVE changing the time for monthly Town Council meetings from 7:30 PM to 7:00 PM beginning with the March meeting.

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			

Mr. Showalter stated staff will research the logistics on advertising this time change, and determine if it can begin with the March 2020 meeting.

At 8:43 PM Councilmember Andrick read the motion, seconded by Councilmember Rudy, that "the Council of the Town of Mount Jackson convene a closed session under Virginia Freedom of Information Act under state code section 2.2-3711(A)(3) for the discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body."

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			

Mount Jackson
Public Hearing and Town Council Regular Meeting
February 11, 2020
-10-

Visitor Susie Porter asked for an update regarding clean-up at the Mill, directly across from her property. Mr. Showalter asked Chief Sterner to update Ms. Porter outside of the council chamber, as the council has already entered closed session.

At 9:05 PM Councilmember Fultz MOVED, seconded by Councilmember Andrick to return to open meeting.

Councilmember Andrick read “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.”

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

7 AYES, motion carried

Chief Sterner provided Council with a brief update on the clean-up of the Mill Property. Mr. Showalter noted that staff has been working closely with the landowner over the last several months but that as soon as progress is noted that further junk and debris is seen on the property. He advised Council that progress is being made on several other similar issues in the Town.

Motion made by Councilmember Andrick, seconded by Councilmember Fultz to adjourn the meeting at 9:12 PM.

Debbie A. Stover, Clerk

Donald I. “Donnie” Pifer, Mayor