

Mount Jackson
Town Council Regular Meeting

July 12, 2022

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Regular Meeting

Vice-Mayor Shepherd 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 Whitney Miller, Judy Fultz, Bonnie Good, and Roger Rudy in attendance. Mayor Donnie Pifer and Councilmembers Dennis Andrick were absent. Also, in attendance, Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; Keith Cowart, Police Chief; and Debbie Allen, Town Clerk. Visitors were Kelly Stauff and Nick Harpold with NVD.

Agenda Additions/Deletions/Changes: Mr. Showalter added New Business Item #3 for the consideration of Resolution R-04-2022.

Councilmember Fultz MOVED, seconded by Councilmember Rudy to APPROVE the Addition of New Business Item #3 for the consideration of Resolution R-04-2022.

ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

Hear from Visitors: Kelly Stauff from the Mount Jackson Fire and Rescue thanked the Council for its recent assistance in their most successful fund drive ever. They had 116 calls last month, 80 were emergency medical service and 36 were fire related. 35% of those responses included volunteer members. They had a crew that was purely volunteer five times on the ambulance and six times on the fire truck, but career staff was mixed in as well. The total calls in Mount Jackson was 30, and 86 in the County. 78% of calls had advanced life support capabilities. The event center had two head people retire, who were valuable with respect to scheduling, ordering and cooking. At this point they will do fundraisers will not be able to cater meals until they find additional support. Ms. Good suggested it be announced in the newsletter to help fill the positions.

Remarks & Recommendations from the Mayor: Vice-Mayor Shepherd stated he received a message from the Mayor and they are doing ok. He advised everyone to look at the covered bridge mural on the side of the old Nostalgia Mart which is a beautiful piece of art. He stated it is two weeks away from the Shenandoah Valley Music Festival, with four concerts scheduled in July. He stated the Town's matching donations and regular annual donation went out to Fire and Rescue before the end of the fiscal year.

Remarks from Councilmembers: None

Presentations: None

Chief of Police Report: Chief Cowart stated National Night Out is August 2nd from 5-8 PM held on the library side of the Town Hall in Mayor's Park, and they will close Depot Street. There will be food, bounce houses, a band, raffle for a free bicycle, and tables with different organizations to pass out their information. The Rotary Club will help with food, and Fire and Rescue and the National Guard will be there with their obstacle course. There have been up to approximately 500 in attendance regularly.

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There were 1090 police department calls in June, and 816 extra patrols/property checks/construction checks. There was a report of a hit/run, closed leads exhausted; 2 narcotics violations that resulted in multiple charges; 2 false identification reports with the same person and two different law enforcement officers; 4 larceny reports with 3 cases active and 1 closed leads exhausted; 1 report of fraud that the police department is trying to get a Pennsylvania agency to help with. There were 28 mutual aid calls and 5 open doors/windows in 5 locations. Chief Cowart stated he is thankful for the officers who are putting the hours in and covering the Town. Regarding the hiring process for the night shift officer, one individual was interested but he got a better offer closer to home for Page County. Other events coming up besides National Night Out is the Conicville carnival/parade on July 22 and three weekends after to be on alert if needed. Chief Cowart gave the ordinance report in Mr. Andrick's absence, that as of today, there are several active cases that were given notice and are working on it, and some have not been able to come into compliance. He has talked to Town Attorney Jay Neal to see what the next steps are to proceed, but Officer Young is doing a great job on this.

Town Manager Report: Mr. Showalter in early July there was a request for additional information from Jeff Lineberry who is shepherding the project at VDOT. Staff provided the information to him and last Thursday he sent an email saying "Thank you for the quick reply to the updated information request; I will let you know as soon as I have final approval from Richmond in order for you to proceed with the project".

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated the Town's fiscal year ended on June 30 and Mario has been busy gathering up all the numbers to reflect what happened last year.
2. Ordinance Committee Chairperson, Dennis Andrick was absent.
3. Personnel Committee Chairperson, Roger Rudy stated in addition to the open night time officer position discussed earlier, the position at the water plant has been filled by Eric Schmidt, who begins work tomorrow. This leaves open positions with Public Works to fill Preston's spot, and the Clerk of Council. We still have applications for these two spots and are evaluating those and anticipate more applications before beginning interviews.
4. Public Safety Committee Chairperson, Judy Fultz had no report.
5. Public Services Committee Chairperson, Bonnie Good had no report.
6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated the committee met last week to discuss using the old chamber office as a free library since the library has a surplus of books and looking for a spot to put them for free or for an exchange program. Ms. Miller also suggested the possibility of combining it with a food pantry. The committee consensus was the Town Hall did not necessarily fall under the purview of public properties, that Town staff oversees that and is currently using the space. The committee discussed the possibility of a bookshelf outside of the library for free books, or like some localities such as Edinburg and New Market, have little "houses" outside for free books or canned goods, which may also be a neat aesthetic in the Mayor's Park or under the awning where the book return location is. She discussed with Brandi Freed how to procure and install it, possibly with the Boy Scouts help. She does encourage the Town staff to be open to other uses of that space that could benefit and serve the community. Ms. Miller stated the pool is busy with some good lifeguards this year, and has been a very positive experience this summer.

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Consent Agenda: Approval – Minutes of June 14, 2022 Regular Meeting
 Approval – Minutes of July 1, 2022 Annual Organizational Meeting

Councilmember Rudy 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			
Councilmember Good			
5 AYES, 1 ABSENT, motion carried			

Old Business:

1. Discussion of Proposed Ordinance O-02-2022 – Tabled from May 10, 2022 Meeting.

Mr. Showalter stated in May staff began to look at the bylaws of the Planning Commission and in practice have had five members including the Chairman, but the Town ordinance calls for seven members. Staff is looking to reconcile those two by either changing the ordinance or the makeup of the Planning Commission. As part of that discussion in May there were pros and cons but the discussion ended with staff consulting with the Town Attorney regarding what the risk was by continuing to operate with five when the code says seven. Mr. Showalter stated a version of that question was asked the Town Attorney to opine on and his email is included here tonight. He pointed to the last paragraph where Mr. Neal suggests the town ordinance be amended if it wants to keep it at five in order to reflect the practice, and staff is asking Council to consider Ordinance O-02-2022 that was introduced in May. The ordinance itself only makes three word changes, changing the word seven to five in two places and defining the quorum as three instead of four members.

Vice-Mayor Shepherd asked how many members other towns use. Mr. Moore stated Woodstock and New Market have seven, but in doing a general survey, they are all odd numbered. Mr. Shepherd asked if Councilmembers think the number of people on the Planning Commission is a lack of interest by the community or are we not asking. Ms. Good stated it has only been 4-5 years that there have not been seven members. She personally thinks it is very important to have more than five to have a variety of opinions, especially when only one of the current five we have is trained, Jim Hines. She is thankful the bylaws are rewritten to indicate any new person joining the Commission will have to take the training, and thinks current members should be required to take the training before they can be reappointed to the Commission. She stated it is such a broad field, with so much to learn and there would be better decision-making from the Commission if trained. Mr. Rudy stated he agrees with the logic of getting broader perspectives with more people but his memory is for years there has been a struggle trying to find people to serve. His concern is that if Council decided on seven, along with the requirement of mandatory training, would it make some people think twice about it. Ms. Miller stated Strasburg has five, Edinburg has six, and Middletown has four. She is on board with seven, but the Town has not been able to get more. She agrees with the training, but the training is a lot and could be a deterrent. In terms of different types of training, maybe VML can send someone here to explain the basics.

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Ms. Good stated having six people until a seventh is acquired would be fine also, because they are not the decision makers. She understands the concern with training, but they have one year to complete it, and can get feedback from other members who have taken it to alleviate any stress. Vice-Mayor Shepherd stated he feels the Council tends to want to have seven members on the Planning Commission, and he shares that view. Five is not the end of the world because Council is the deciding factor, the Commission is a consultant, not law makers. He asked staff if they thought they could put a letter as part of the newsletter indicating the Town would like more members for the Planning Commission and will train, to see if there is interest in the community. He stated he can not tell if there is no interest, or people don't know they can be on the Planning Commission. Mr. Moore stated that would be doable, and Rotary Clubs, etc., could make announcements too. He to put everyone's mind at ease when it comes to the training, there are no tests, no wrong answers, only two days of lectures, weekly reading assignments, and open book brief questions. He stated Jim Hines was impressed with and enjoyed the training, and in the fall there will be zoom sessions at home. The Northern Shenandoah Planning Commission could also have a person come in to train, and he has been giving the Planning Commission articles that he has found on line, with fascinating tidbits. The bylaws state training is required within 18 months, giving them time to get their feet wet.

Mr. Moore stated also he learned Council has gone through FOIA/COIA training every two years, and he feels this training would be good for the Commission also. A VML representative told him since this law was first adopted it has only changed twice, which was this year. He stated the Planning Commission will take the FOIA/COIA training on July 25 here in the council chambers, 6:30 to 8:00. A VML representative will come here and do a PowerPoint presentation, and Timberville representatives will be here to take the training as well.

Vice-Mayor Shepherd stated his feeling is staff wants to try to do some recruiting to find more members, and asked staff if they could put something in our newsletter. Mr. Showalter stated the Mayor has the biggest part of the newsletter, and was enlisted to help for the Fire and Rescue fund drive, so staff will ask for his help here as well.

Councilmember Good MOVED, seconded by Councilmember Fultz to TABLE Ordinance O-02-2022 for nine months to pursue active recruitment via the newsletter, Facebook, Rotary Club, etc.

ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

New Business:

1. Special Use Permit SU-22-01 – Request to Permit Temporary Outside Storage at 5836 Main Street – Introduction and Set for Public Hearing – August 9, 2022 at 7:00 PM.

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Mr. Moore stated this special use permit is a request for temporary outdoor storage within the required side yard. The property is identified as 5836 Main Street, zoned B-1 (Central Business District), designated on the Town's comprehensive plan and future land use map as commercial use. The zoning ordinance does specify under Article IV Community Design and Standards / Section 66-40 Standards for specific uses / (e) Commercial Uses / (13) Outdoor storage:

- A. Outdoor storage of goods or materials shall not be permitted in any front of side yard areas, and,
- B. In rear yards, outdoor storage shall be allowed only when fully screened from residential and business zoned properties.

This request calls for temporary outdoor storage for materials and supplies to be placed along the main building south side wall, approximately 6 feet from the wall and screen with a 6 foot long and 6 foot tall solid fence. It will also have screening for the residential property to the south, which already has a chain link fence, adding plastic privacy slats. Ms. Miller asked if the applicant specified the color of those slats. Mr. Moore stated that was not covered, but they normally are green. Mr. Moore stated there is roughly a 4-foot drop from the parking lot to the neighbor's property to the south, so when standing at the residential property grade the 4-foot embankment plus 4-foot fence will screen it pretty well. He stated the rear yard is completely undeveloped with no access as well as buildings on the right side blocking accessibility. The storage will consist of pallets pushed up against the side wall, single file, because they still need access to the receiving area for shipments. Mr. Moore stated staff recommendation is although not a permitted design standard within the B-1 Zoning District, staff feels that the SUP request appears to represent good planning practices due to the temporary nature, with limited impacts of the activity and reuse of a developed property. Special use permits may be issued upon a recommendation by the Commission when it is found that the proposed use will not affect adversely the health and safety of persons residing or working in the neighborhood. The proposed use will not be detrimental to the public welfare or property values or the improvements of the neighborhood. The proposed use will not conflict with the policies and principals of the Town's comprehensive plan and adequate public services. Staff recommends that the temporary use be subject to the conditions which shall be deemed necessary to carry out the intent of this chapter; 1) screening required prior to the temporary use; and, 2) limit use to no more than 24 months at which time the screening materials shall be removed and the use shall cease.

Ms. Good asked if they are planning to stay there permanently or move to a different location. Mr. Moore stated the intention is if possible to find a larger place. Mr. Showalter stated the applicant will be present at the next meeting to answer specific questions.

Councilmember Good MOVED, seconded by Councilmember Rudy to APPROVE Setting a Public Hearing for Special Use Permit SU-22-01 for August 9, 2022.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz
Councilmember Miller

Councilmember Andrick

Councilmember Shepherd
Councilmember Rudy
Councilmember Good

5 AYES, 1 ABSENT, motion carried

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2. Appointment of Floodplain Administrator – Staff Recommendation – Erick Moore.

Councilmember Good MOVED, seconded by Councilmember Rudy to APPROVE the Appointment of Erick Moore as Floodplain Administrator.

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 ABSENT, motion carried

3. Resolution R-04-2022 Congratulation Holtzman Oil Corporation on its 50th Anniversary and Holtzman Propane on its 25th Anniversary.

Councilmember Good MOVED, seconded by Councilmember Fultz to APPROVE Resolution R-04-2022 to be presented to them on Saturday, July 16.

Ms. Good asked the resolution be modified slightly to remove the duplication under the last “Whereas” section. Mr. Moore stated he make that correct, and have this bronzed as was the resolution for Shenandoah Caverns, for the Mayor to present on Saturday.

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 ABSENT, motion carried

Motion made by Councilmember Good to adjourn the meeting at 8:01 PM.

Deborah “Debbie” L. Allen, Clerk

Rodney Shepherd, Vice-Mayor