

Mount Jackson  
Town Council Regular Meeting  
November 9, 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, Bonnie Good, Roger Rudy, and Evelyn Burner in attendance. 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, and Karen Estep representing the Mount Jackson Hometown Partnership, Philip Johnson, Brandi Freed, and Todd Holtzman. Jonathan Yates, Esq. and Kristen Stelzer with Hellman & Yates, PA in Charleston, SC attended electronically via Zoom. Eric Green with Cornerstone Technology Solutions, Inc. was present to provide Zoom service.

Agenda Additions/Deletions/Changes: None

Hear from Visitors: Judi Wakeman, Brenda Foley, and Karen Estep spoke representing the Mount Jackson Hometown Partnership. Ms. Wakeman stated that they are working to reorganize the Partnership and put Mount Jackson on the map. Ms. Foley stated that their calendar has been shortened due to lack of participation and help with events. She is getting together area event calendars to help eliminate coinciding with neighboring area events and perhaps get more vendors. She stated that any help that can be given would be appreciated. Ms. Wakeman stated the need for more space for larger events. She stated the need for a PR person to help with their Facebook page and getting better marketing for events. Ms. Estep stated that it would be nice if the Town was more involved and could help promote them somehow. She stated that they are a little group that does good things, but they could do even greater things with some support. Mayor Pifer stated that he understood the need for a PR person. Ms. Wakeman stated the need for better communication between the Partnership and the Town, that the Partnership could email Staff with information on events to help with phone calls and questions from the public. She stated they are looking to improve communication. Ms. Burner stated that there is a communications class at Mountain View High School taught by Jeff Burner and suggested calling Mike Dorman and Mr. Burner to get the students involved. The students do newsletters and other things, so getting them involved may be a benefit. Ms. Foley stated that there is a Hometown Partnership meeting in December to organize for the Tree Lighting Ceremony and spoke about some things planned for that. Mayor Pifer thanked the group and stated that they would see what they could do to help.

Philip Johnson spoke representing the New Beginnings UCOGWW Church located at 131 Triplett Road, using the cafeteria at the former Triplett school. He stated that they would like to invite everyone to their church and that if they could be of any service to please let them know. Mayor Pifer inquired as to whether Mr. Johnson was the pastor. Mr. Johnson stated that their pastor is Lamont Preston of Martinsville, VA and he drives up here every Sunday with no salary. Mr. Johnson stated that they were first located at Mt. Clifton Methodist Church and grew large enough to need a new facility. Mr. Johnson stated that the church sells lunches every Friday, with free delivery within town, from 11 AM to 3 PM. He invited everyone to come see them.

Opening Remarks from the Mayor: Mayor Pifer welcome Ms. Good back. He stated the elections went well. Mayor Pifer thanked the Hometown Partnership for everything they do.

Presentations: None

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Chief of Police Report: Chief Cowart stated for the month of October, there were 1221 calls for service; year to date total being 12,179. There were several arrests brought in. There were 5 reports of counterfeiting; they were closed by arrest, multiple charges. The Secret Service was brought in to this; it did not meet their threshold so it was turned back to the police department. There were 2 reports of sex offenses/assault, closed unfounded. There were 2 reports of larceny; 1 active and 1 inactive. A report of a DUI, closed by arrest. There was one report of fraud, closed, leads exhausted. There was a trespassing in Truxton Court. This is still active but found property was firearms, narcotics, and fictitious identification. All of that has been collected and taken off the streets; as mentioned, the case is still active, trying to identify persons involved. There was one report of vandalism; closed, lack of evidence or suspects. Chief Cowart expressed appreciation to Officers Campbell, Young, and Caplinger for the counterfeiting cases. A search warrant was executed in Bryce, recovering a computer, printer, and materials being used. This was in cooperation with the County due to it being their jurisdiction. The larceny case from September at Ashley's Carwash was solved by Officer Johnson with charges made and that is going thru the courts as well. Chief Cowart stated that in the trespassing case he mentioned earlier with the firearms and narcotics, Officer Wharton was instrumental in getting this covered and taken care of. The Town's officers are doing the work that was asked of them. The Concealed Handgun Safety Class had 9 attending of the 12 that signed up. There were 16 pounds of medications collected at the DEA Drug Takeback event vs. 9 pounds at the previous event. The Mount Jackson Pharmacy has agreed to have a permanent drop box year-round to collect unused medications; no liquids or syringes. All officers will be receiving Revive/Narcan training on November 29, 2022. Chief Cowart offered congratulations to all newly and reelected members of council.

Town Manager Report: Mr. Showalter stated that property tax bills were mailed Friday, November 4, 2022. The town billed \$832,000 of property taxes. This was the first year that Debbie Allen acted as Assistant Treasurer spearheading the billing, and Mr. Showalter stated that she did an excellent job. Susan Maziarz provided assistance with her experience as well. Mr. Showalter commended them on a job well done. The Town is now back to full staffing with all positions filled.

Mr. Showalter reported that Randy's Do-It-Best has their permanent signs up. Mr. Moore worked with Randy's staff to get maximum signage with maximum visibility. Mr. Showalter stated that they turned out great and look really nice.

Mr. Showalter reported that the sidewalks near Sheetz at the north end of town have begun construction. A lot of concrete has already been poured, but some plans have been disrupted with the incoming weather forecast. On Monday, work will begin on the sidewalks near the Old Triplett School pouring curb and gutter and preparing for pavers on Tuesday. Sidewalks from Triplett down to the new bridge – Mr. Showalter has signed all agreements with VDOT to have them supervise the construction of those when the bridge is completed. Cost of \$227,000 project is to be 80% paid with federal funds; the Town's portion will be \$45,400, assuming all the costs come in at what Mr. Showalter believes to be an accurate budget.

The EQ Basin Project, the \$3 million improvement at the wastewater treatment plant, is now out for bid. There will be a bidder's meeting at the wastewater plant on Wednesday, November 16, 2022. Bids close on December 16, 2022. Mr. Showalter reported that Staff is still working on funding right now; Mario Rosso sent in a package of updated information and Staff expects to receive a formal application from Rural Development any day now. He stated that they are sort of the leader right now in terms of where the Town will get the financing for this project.

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Mr. Showalter reported that the Hometown Partnership will be having a Veterans Day Celebration on Friday, November 11 at 5:00 PM at the Fire/Rescue Building. There will also be a Christmas Tree Lighting on December 10, 2022.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd reported that there might be an audit presentation ready for the December Council meeting. Since there are new council members, plans are to do a video conference with the auditor, if it is ready at that time.
2. Ordinance Committee Chairperson – Mayor Pifer stated that the former chairperson resigned and this will need to be reorganized so this may become the responsibility of Councilman Burner.
3. Personnel Committee Chairperson, Roger Rudy reported that the Town is fully staffed; no report.
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 had no report.

Consent Agenda: Approval – Minutes of October 11, 2022 Regular Meeting

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

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>

Old Business: None

New Business:

1. SA-22-01: ARCOLA Tower Substantial Accord Determination – Introduction and Set for Public Hearing.

Mr. Moore introduced Mr. Jonathan Yates, representing ARCOLA Tower, attending via Zoom. Mr. Yates expressed appreciation to Mr. Showalter and Mr. Moore for their assistance. Mr. Moore reported that this business item is a request to schedule a joint public hearing for December 5, 2022.

Councilmember Shepherd MOVED, seconded by Councilmember Good to set a Joint Public Hearing with the Planning Commission on December 5, 2022 at 7:00 PM for SA-22-01: ARCOLA Tower Substantial Accord Determination.

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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			
6 AYES, motion carried			

2. SU-22-03: ARCOLA Tower Special Use Permit – Introduction and Set for Public Hearing.

Mr. Moore stated that the tower request introduction tonight is just that - a general idea of where it is, what it is, etc. Again, Mr. Yates, who is representing ARCOLA Tower, was available to answer questions as needed. Mr. Moore gave a presentation showing the general location of the proposed communication tower. The subject parcel is an open field located at the corner of Industrial Park Road and Business Park Lane. Mr. Moore showed slides indicating undeveloped properties in the area, within Shenandoah County, that are proposed future growth areas. Mr. Moore showed contour lines of the property and photos of the property looking towards its bordering properties, including Shen Paco and Valley Ice. Slides also included zoning and future land use maps from the 2017 Comprehensive Plan. Ms. Good inquired as to whether the entire area is subject or just the parcel where the tower is proposed. Mr. Moore answered that just the one parcel indicated is the subject; the other parcel is owned by Valley Ice. The vacant parcel is the subject property. Mr. Moore gave a site drawing of the property showing boundaries and a proposed access road to the proposed tower and compound, and a more detailed example of the profile with the configuration being proposed. Mr. Shepherd asked how tall the tower would be, to which Mr. Yates responded it would be 195' with a 2' lightning rod. Mr. Shepherd asked if the tower would be lit at night. Mr. Yates answered that that is one of the keys to the height in question. The FAA determines whether you must illuminate for air navigation; generally in the United States, under 200' you do not have to illuminate, so that is why a 195' height, or anything under 200' is very important. Ms. Burner reported from the Planning Commission Meeting earlier this week that there will be space on the tower for other carriers. Mr. Yates stated that this has initially been designed for T-Mobile, but space is provided on the tower and ground space is designed for 3 additional broadband carriers. Mr. Moore reported that the standards and conditions are in the Zoning Ordinance under Telecommunication, should anyone want to view that, Section 66-46, Utilities and Facilities, under (e). Mr. Moore stated that more details will be available at the joint public hearing, including a sketch site plan that will be part of the conditions prior to construction, along with the Substantial Accord.

Councilmember Shepherd MOVED, seconded by Councilmember Good to set a Joint Public Hearing with the Planning Commission on December 5, 2022 at 7:00 PM for SU-22-03: ARCOLA Tower 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			
6 AYES, motion carried			

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3. SU-22-02: South End Convenience Special Use Permit – Introduction and Set for Public Hearing.

Mr. Moore stated that this is B&B Capital Group's application for a special use permit for 6141 South Main Street and gave a presentation showing the property, its boundaries, and the uses bordering it. This project site is in the 100-Year Flood Plain, but Mr. Moore stated that, as the Flood Plain Manager for the Town, he has reviewed it and there are no substantial additions or improvements being done, so they are not required to do any mitigation or other actions. Mr. Moore showed a section of the store which was once used as a restaurant. The applicant has stated that there is some interest in renting the restaurant in the future, and should that happen, Mr. Moore stated that this would be a by-right use. Mr. Moore showed a picture of the front of the store looking south, showing both entrances. He stated it was a requirement of VDOT that islands be installed on the property creating two separate entrances. The applicant has done that, as well as compacting gravel in preparation to re-asphalt the property. The picture showed where the preexisting gas tanks are located on the property and Mr. Moore stated that these are good as they are. At the rear of the property, there is a structure that was once a single-family home, but for the last 7 years it has been vacant and has been deemed abandoned. Mr. Moore reported that he checked with Staff earlier and was told there was a sewage issue 7 years ago and it has remained unused since. By not only Town definition, but also by State, if any nonconforming use, which this structure was, is unused for more than 2 years, it becomes an abandoned structure. The owner has stated that he will use this as storage as part of the store operation. Mr. Moore showed a zoning and land use map from the Comprehensive Plan of 2017 and a detailed survey of the property.

Mr. Moore wanted to bring attention to the fact that the mobile home park adjacent to the property has no access easement to Route 11. It has been used for years thru the parking lot by the tenants, as well as thru the gun shop property. Mr. Moore showed a survey for the mobile home and the 25' easement for the trailer park to connect with Center Street and then on to Route 11. Mr. Moore wanted to mention this due to the potential for pedestrian/traffic issues in this area. Mr. Moore and Mr. Bader have agreed, as a part of the site plan approval, there will be speed-calming measures, whether speed bumps, rumble strips, etc. The owner of the mobile home park is not very keen on this plan, but it is a health, safety, and welfare issue so it will be part of the approval of the site plan to have these measures in there. All of this is subject to the owner's decision to allow access thru his property. The mobile home park owner may be at the joint public hearing, which is her right to do, and may mention this. Mr. Moore wanted Council to be fully aware that there is no easement thru either Mr. Bader's property or the gun store property. Mr. Bader provided Mr. Moore with a copy of the deed for his property and there is no access easement granted. Ms. Burner asked, if the property owner decides to deny access thru his property, would the road that the mobile home owner would need to install need to be paved or gravel. Mr. Moore answered that it would need to be an improved surface, meaning they would need approval from VDOT for the entrance from the property onto Center Street, be the correct width, which there is enough width there per the zoning ordinance, and the road would need to be some type of dust-free, hard, weather-proof access, such as concrete, asphalt, etc.

Councilmember Shepherd MOVED, seconded by Councilmember Burner to set a Joint Public Hearing with the Planning Commission on December 5, 2022 at 7:00 PM for SU-22-02 South End Convenience Special Use Permit.

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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			
6 AYES, motion carried			

4. Refund of Prepaid Tap Fees to Triplett Heights.

Mr. Showalter reported when the Old Triplett School property was sold by the Town to several investment entities controlled by Mr. Holtzman, an additional \$240,000 was received by the Town as “prepaid tap fees” on 16 proposed residential units planned for the property in 2018. This plan is no longer viable and these planned taps will no longer apply. Mr. Holtzman has asked if these fees could be refunded. The Town has refunded developer prepaid tap fees before when building plans did not pan out. Due to the size of the transaction, Staff recommends that the Council approve the refund of these unearned fees. Mr. Shepherd asked, just to be clear, that this will be \$240,000 in tap fees refunded, to which Mr. Showalter responded affirmatively. Mr. Showalter added that this money never was taken into the budget, was never taken in as income, and is not part of the water and sewer fund balance. It has been carried on the balance sheet as unearned revenue, which is in effect a liability. It is carried there until it is earned, but it will not be earned, so it can be refunded back. Mr. Shepherd inquired into the check writing schedule, to which Mr. Showalter answered that they are written almost every Friday.

Motion made by Councilmember Good, seconded by Councilmember Fultz, to Refund \$240,000 in Prepaid Tap Fees to Triplett Heights.

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			
6 AYES, motion carried			

5. Request by Valley Ice to Drill Well in Town.

Mr. Showalter reported that Town Code Section 62-35 permits a business to drill their own well for their own use with the permission of the Town Council. This business currently purchases about \$98,000 of water from the Town each year. Mr. Holtzman of Valley Ice is seeking Town Council’s permission to drill a well on the Valley Ice property to supply water for making ice. Ms. Good inquired into conditions for this approval. Mr. Showalter stated that Staff has prepared conditions to the approval should the Council agree to permit the well, one being to have effective elimination of cross-connections in the water supply; this is a must in any situation where there is a public water supply. There needs to be an effective means to measure wastewater gallons introduced to the wastewater system; right now it is minimal and it should continue to be minimal

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unless there are plumbing changes at the property. Permission should be granted for the purposes of Valley Ice only and not to have it resold or reused or given to someone else in town, just for their own use. Lastly, if the well is not constructed and placed in operation in five years, Council's permission will be revoked. Ms. Good asked if the connection for the water would be within 300' of the building, as mentioned in the Town Code. Mr. Showalter clarified that Valley Ice has town water currently, so they do have a connection within 300', what that section of the Town Code refers to is places not being required to connect to the water system if there isn't a main connection within 300'. Mr. Showalter doesn't feel this is applicable in this instance. Ms. Miller stated that Town Code, in part (a) states it is unlawful to install a well within 300' if there is a public water main within 300'. Mr. Showalter stated that part (b) lists exceptions, one being that the Town can permit it. Mr. Shepherd stated that there is precedent for this; the Town has had a long relationship with Bowman Andros using their own wells. They have come to the Town's assistance before, as the Town has come to their assistance. Mr. Shepherd questioned the wording in the third condition, that any transfer from the well to anyone else is forbidden without exception, is this wording a little strong. Mr. Showalter stated that Council may change wording as they like. Mr. Shepherd stated that he doubted there would ever be a need for it, but he would hate to shut a door in case of some kind of emergency. Mr. Holtzman stated that it would be easy to open that exclusion to the Town only, then if the Town should have an emergent need and Valley Ice is successful with the well, they would be willing to share the backup. Mr. Showalter offered a rewording of "any use or transfer of any water from the well to anyone else, by sale or otherwise is forbidden except to the Town of Mount Jackson".

Councilmember Shepherd MOVED, seconded by Councilmember Fultz to grant permission to drill one water well at either Valley Ice location at Map Number 091-A-051G or Map Number 091-A-051C, located within the Town Limits, subject to the following conditions:

1. Valley Ice will, at its expense, install such piping and equipment necessary to provide effective elimination of cross connection to the Mount Jackson Public Water System as required by Town Code §62-35(b)(4) in a manner satisfactory to the Town Manager.
2. An effective means to measure wastewater gallons introduced by Valley Ice to the Mount Jackson Public Wastewater Treatment Plant shall be maintained to the satisfaction of the Town Manager at all times.
3. The well shall be used only by Valley Ice for purposes necessary to the production of an ice manufacturing facility. Any use or transfer of any water for the well to anyone else, by sale or otherwise, is forbidden except to the Town of Mount Jackson.
4. If Valley Ice does not complete and place a water well into production within five years of the date of approval of this motion, this permission is rescinded and must be renewed by another vote of the Town Council.

ROLL CALL VOTE:

AYE	NAY	ABSTAIN	ABSENT
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

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5. Installation of Street Lamps on a Section of Main Street.

Mr. Showalter stated that Council recently approved the replacement of sidewalk along the east side of Main Street from the Old Triplett School almost to the Mill. Randy Lonas has suggested that this may be a good time, while the sidewalk is dug up, to extend the old-style street lamps to that section of the sidewalk. While the sidewalk is dug up, cost would be minimal, basically just the cost of the lamps and electrical supplies. Mr. Lonas has reported that the approximate cost would be \$18,220, of which two-thirds of this is the cost of the street lights themselves. This installation would skip a section of Main Street from Shannon Avenue to the Old Triplett building at this time, but there is no power to that side of the road at this time anyway. There are not enough funds in the budget for powering that section, but there are enough funds for this project. Staff recommends authorizing installation while we can take advantage of the current situation. Ms. Miller asked if Council would need to reapprove if the budget expense increases. Mr. Showalter stated that the motion could include the condition that if the expense is more than \$20,000 that the project be revisited, but because the bulk of the cost is in the actual light fixtures, an expense that can be researched, Mr. Showalter feels confident in this cost estimate. Mr. Holtzman asked if the lights are on the sidewalk or on property, to which Mr. Showalter responded that they are on a pad on the sidewalk. Mayor Pifer stated that the rest of the street lights are on the sidewalk. Mr. Holtzman stated that he is happy to cooperate in any way he can, as he still controls the Old Triplett School property until the YMCA comes; there may be opportunity for another light at the top between the driveway in the rear and the parking area if that's not already in the plans, if there is anything he can do to help with that. Mr. Shepherd stated that he learned from the VML Conference that our current light fixtures shine light up into the sky, which is becoming an issue. Modern light fixtures look like what the Town has, but they project light down into the street and sidewalks. He would like the Town to explore light fixtures that are compatible to what the Town currently has, appearance-wise, but with the different light pattern. Mr. Showalter commented that this may also save electricity.

Councilman Burner MOVED, seconded by Councilmember Good to APPROVE the installation of Street Lamps on a Section of Main Street with the condition that if expenses exceed \$25,000 that the project be readdressed with the Town Council.

ROLL CALL VOTE:

AYE	NAY	ABSTAIN	ABSENT
Councilmember Fultz			
Councilmember Miller			
Councilmember Burner			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

Closing Remarks by Council Members, Mayor: Mayor Pifer informed the Hometown Partnership that he would appoint a committee to work alongside with Mr. Moore. He stated that he would talk to Council and determine the best members to partner with the Partnership. Mr. Shepherd stated that it was a great Halloween in Mount Jackson this year. Mayor Pifer stated that the library did an excellent job, as did the police department. He also reported that he, Ms. Miller, and Mr. Shepherd attended the Town & County Dinner in October. It was a good kickoff to this event. Mount Jackson will be hosting this event at some point in the future.



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Motion made by Councilmember Fultz, seconded by Councilmember Good to adjourn the meeting at 8:08 PM.

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Barbara M. "Barbie" Riggleman, Clerk

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Donald "Donnie" I. Pifer, Mayor