

Mount Jackson
Public Hearing and Town Council Regular Meeting
May 14, 2019

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Public Hearing – 7:30 PM

The mayor opened the floor to town manager Kevin Fauber and finance chairman Rod Shepherd to speak on Ordinance O-01-2019 below:

Ordinance O -01-2019 Adopting Budgets for the General Fund, Utilities Funds, Capital Projects and Equipment Replacement Funds; Establishing Real and Personal Tax Rates, Establishing Compensation Amount/Rates, Setting Fees for Water, Sewer, Refuse Services, Auto License Tax and Other Fees, Charges, Penalties, and Taxes and Establishing Annual and Specific Appropriations for Fiscal Year 2020.

Mr. Shepherd yielded to town staff to speak on this. Mr. Fauber recapped the proposed budget for FY2020, showing the General Fund total of \$2,261,600, the Enterprise Fund total of \$2,212,200, the Capital Projects Fund total of \$1,467,200, and the Equipment Replacement Fund total of \$147,300. Mr. Fauber stated this detailed report was handed out at the last Town Council Meeting, and there was a Finance Committee meeting this evening prior to the public hearing, to answer questions on some line items. He stated there is a minimal increase in water and sewer charges, and no tax increases. He stated the budget has been properly advertised with a public hearing, and he opened the floor to the citizens present for any discussion. There were no questions or comments from the citizens.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to CLOSE this public hearing at 7:35 pm.

Regular Town Council Meeting following Public Hearing

The regular meeting of the Town of Mount Jackson Town Council was held Tuesday, May 14, 2019, immediately following the public hearing, in the council chambers at 5901 Main Street. Roll call was taken with the following in attendance; Mayor Bucky Miller; Councilmembers Judy Fultz, Dennis Andrick, Donnie Pifer, Rod Shepherd, Roger Rudy, and Bonnie Good. Also, in attendance, Kevin Fauber, Town Manager; Neil Showalter, Finance Director; Matthew Akers, Town Attorney; Jeff Sterner, Police Chief; Keith Cowart, Police Sergeant; Christina Whorton, Police Officer; and Debbie Stover, Town Clerk. Visitors in attendance were Don Shirley, Ronnie Zerkel, Jim Hines, Jack Frady, Alex Bridges; NVD, Jamie Dodson, Bowman Andros; Eric Gottshall, Greenway Engineering; and Jamie MacLean, Greenway Engineering.

Agenda Additions/Deletions/Changes: None

Hear from Visitors:

1. Ronnie Zerkel spoke that on April 19 his attorney sent a letter to the town zoning administrator and town attorney addressing his concerns at his property on Daniel Gray Drive. Mr. Zerkel asked the response be to him, rather than his attorney, because of the expense. He asked town attorney Matt Akers when he could expect a response, to which Mr. Akers replied the town code allows 90 days, from the letter date specifically in this case, for a zoning determination. Mr. Zerkel said the sediment pond is still undermining his property. He stated the property is dropping further each month due to run off from the berm from the parking lot that was elevated in excess of four feet from its original lay of the land. He stated the driveway continues to be flooded, and washed down into the river towards his 10 acres in the bottom land. He stated the bottom land is also sinking, and that there are small ponds on the right and left of the 10 acre field that were not there two years ago. He stated he granted an easement, about ¼ mile with four manholes, across his property to the town 6-8 years ago for sewer improvements. He said he was told the property would be

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kept in the same condition it was found in, if not better. He stated at every manhole the ground has sunk, is eroding and cutting ditches in the field where it leads straight into the river. Mr. Zerkel stated the guy that he leases the land to is complaining he lost over ¼ acre last year because of flood waters. Mr. Zerkel stated he went to the river this evening to put some brush along the edge of the river bank to try and keep it from eroding, and without 4-wheel drive, would have gotten stuck. He stated he was told that the town was no longer going to mow the right-of-way, and he has to mow our land. He questions if the town going to bill him to mow the grass at the business location south of town, then is he to bill the town for mowing our right-of-way? Mr. Zerkel reiterated the screening has not been done over the HVAC system or the dock facing the house, and he has new video from last week showing the run off onto his property. He stated there are two councilmen present at the meeting tonight, who walk the property frequently and can validate his concerns. Mayor Miller asked Kevin Fauber to keep working on this to get it resolved.

Remarks & Recommendations from the Mayor: The mayor thanked the Hometown Partnership committee for working on town events. He referenced the new Coffee and Cars on Saturdays, and the Easter Egg Roll last month sponsored and held at the Mt. Jackson Moose. He stated he's proud to see other organizations working together to bring people into the town.

Remarks from Councilmembers:

1. Rod Shepherd spoke he attended a Rails to Trails meeting Friday in Broadway, with the group that's exploring the idea of converting rail line from Strasburg to Broadway to a bicycle/hiking trail. He stated it is gathering energy and representatives from Rockingham County and Shenandoah Valley Bicycle Coalition were present. He stated JMU is facilitating some of it and probably in about 6 weeks an economic impact study will be released.

Presentations: None

Chief of Police Report: Chief Jeff Sterner introduced Police Officer Christina Whorton who is a new hire, and comes from the Sheriff's Office and Strasburg PD with 18 years of experience.

Town Manger Report: Kevin Fauber reminded everyone of the Town and County Dinner meeting is on May 29 in Woodstock. He advised everyone to let Debbie Stover know as RSVP is needed by May 20. He stated this Friday Karl Schaeffer and himself will attend a meeting at the Staunton district office to go over the 2nd phase of the sidewalk project with VDOT personnel. Kevin said this is the kick-off meeting so they'll have a lot of their major players, drainage personnel, construction personnel, etc. and that he'll know more after that meeting as far as timelines and such. He stated also that the well/water plant project has made great progress over the last month.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd said they just had a public hearing on the budget prior to this meeting.
2. Ordinance Committee Chairperson, Dennis Andrick reported Officer Bert Young removed 12 inoperable vehicles.
3. Personnel Committee Chairperson, Roger Rudy, had nothing to report.

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4. Public Safety Committee Chairperson, Judy Fultz, reported the April Police Department calls were 477, down 38 from March. There were 5 criminal offenses, 3 closed, 1 active, and 1 turned over to another agency. There were 3 open doors/windows at 2 different locations. Ms. Fultz reported March Rescue and Fire Department report had a total of 79 responses (54 EMS and 25 Fire) with 85% of the calls covered by volunteers. The April report had a total of 75 responses (48 EMS and 27 Fire) with 85% of the calls covered by volunteers. She said the Rescue and Fire Department will be having a steak dinner on June 15 from 4-7 and to contact one of the members to get a ticket.

5. Public Services Committee Chairperson, Bonnie Good asked Kevin Fauber to bring everyone up to speed on the trash/recycling issue. Mr. Fauber spoke our town, and the towns of Strasburg, Woodstock, New Market and Stephens City, received a notice about 2 weeks ago stating our current trash provider American Disposal Services (ADS) was bought out by another company and it was corporate's decision not to honor the next 1 year contract term running from July 1, 2019 through June 30, 2020. Kevin stated we received notice Friday from ADS that they are working with a couple trash providers in an effort to possibly take over the contract. ADS had previously said June 26 was their last collection day but if they cannot work out something with the other private contractors they will continue to provide trash pick-up service for now. Ms. Good said she is going to call a workshop at the end of May, probably May 30, to discuss recycling and the possibility of replacing the water meters in customer's homes.

6. Public Properties & Facilities Committee Chairperson, Donnie Pifer, had nothing to report.

Consent Agenda

1. Approval – Minutes of April 9, 2019 Regular Meeting.

Councilmember Pifer MOVED, seconded by Councilmember Good to APPROVE the Consent Agenda consisting of the Approval-Minutes of April 9, 2019 Regular Meeting.

ROLL CALL VOTE:

AYE	NAY	ABSENT
Councilmember Fultz		
“ Andrick		
“ Pifer		
“ Shepherd		
“ Rudy		
“ Good		

6 AYES, motion carried

Old Business: None

New Business:

1. As there were no representatives from the French Brothers present, Kevin Fauber spoke on the rezoning application request noted below:

French Brothers, LLC, Tax Map 080 04 002A, Tracts A & B totaling 18.214 acres, Conditional Rezoning Application from B-3 to B-2, keeping B-3 Parking Requirements per Section 66-233 and B-3 front yard setbacks requirements per Section 66-230(a). Introduction and Set Joint Public Hearing Date – June 3, 2019.

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Mr. Fauber said included in the council packets is the application, plats, and a small sketch plan of the proposed Hardees. This property is on the northeast side of the shopping center, and the access drive will be off to the left as you are going into the shopping center. He stated this was presented at the Planning Commission meeting last Monday, and they approved the joint public hearing on June 3, 2019 at 7pm.

Councilmember Andrick MOVED, seconded by Councilmember Pifer to APPROVE the Public Hearing for June 3, 2019 at 7pm for the rezoning request above.

ROLL CALL VOTE:

AYE	NAY	ABSENT
Councilmember Fultz		
“ Andrick		
“ Pifer		
“ Shepherd		
“ Rudy		
“ Good		

6 AYES, motion carried

2. Mr. Fauber stated the next new item is in regards to the special use permit application request below:

Bowman Andros Products, LLC, 10119 Old Valley Pike, Special Use Permit Application, New Construction of a Food Processing Plant, Parcel 81-A61, Current Zoning is I-1. Introduction and Set Joint Public Hearing Date – June 3, 2019.

Mr. Fauber stated this was presented to the Planning Commission last Monday evening as well, and we do have representatives here from Bowman Andros and Greenway Engineering to answer any questions. Jamie MacLean from Greenway Engineering spoke referencing a site plan and printouts from the presentation last week that are included in the packets. She said the site is boarded by I-81 to the NW, Hawkins Rd. to the NE, Route 11 and an unused railroad right-of-way to the SE, and W. Avondale Rd. to the SW. The packet includes some elevations from AWB Architects to show what it's going to look like. Ms. MacLean stated they did look at the zoning map, and are requesting no changes, staying with the I-1 limited industrial district regulations, and that the future land use is in compliance Mt. Jackson's Comprehensive Plan. She stated the expansion will include some cold storage, a proposed walkway going from the existing parking lot to the new proposed office, and a new storm water detention facility. The whole parcel is about 47 acres and construction will be done in a 3 phase approach. Plant 3 of the existing factory will be going offline, but Bowman Andros is retaining those employees for the new expansion. Bowman Andros is undergoing a market evaluation to determine how many additional employees they may need for this new phase of production. The site will be served by Bowman's private water and wastewater collection system which goes to the lagoon across Route 11 before going to the town's water treatment plant. The water and wastewater volumes have been studied and should remain the same with the new expansion and old Plant 3 going offline. There is existing vegetation but they are proposing a fence buffer as well due to R-1's on the other side. She believes this project meets the intent of what's described in the I-1 zoning ordinance and town code 66-499 which lays out considerations for a special use permit. Mr. Andrick asked Jamie Dodson from Bowman Andros if they would be retaining the two houses there. Per Mr. Dodson, yes the first house is currently used for office space, housing research and development employees and a procurement team. Those employees will relocate into the new structure once it's done, but they don't know at the time what the house will then be used for, nor the one adjacent to it.

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Councilmember Andrick MOVED, seconded by Councilmember Pifer to APPROVE the Public Hearing for June 3, 2019 at 7pm for the special use permit request above.

ROLL CALL VOTE:

AYE

NAY

ABSENT

Councilmember Fultz

“ Andrick

“ Pifer

“ Shepherd

“ Rudy

“ Good

6 AYES, motion carried

Councilmember Pifer made a motion to adjourn the meeting at 8:00PM.

Clerk

Mayor