

Mount Jackson
Town Council Regular Meeting

July 9, 2019

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Regular Meeting

The regular meeting of the Mount Jackson Town Council was held Tuesday, July 9, 2019 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, and Bonnie Good. Councilmember Roger Rudy was absent. Also, in attendance, Kevin Fauber, Town Manager; Neil Showalter, Finance Director; Matt Akers, Town Attorney; Jeff Sterner, Police Chief; Keith Cowart, Police Sergeant; and Debbie Stover, Town Clerk. Visitors in attendance were Ronnie Zerkel, Candy LoPresti, John Boor, Tyler Hinkle, Neil Fadely, Marcia Brownfield, and Max Thornberry with NVD.

Agenda Additions/Deletions/Changes: None

Hear from Visitors:

1. Ronnie Zerkel from 4457 Supinlick Ridge Road and property owner at 124 Daniel Gray Drive spoke on the on-going issues at his Daniel Gray property, and asked when this was going to be resolved. Mayor Pifer asked him if anything had been done to fix any of the issues and Mr. Zerkel replied, not satisfactorily. Mr. Zerkel stated the dumpster was moved but it's still not fenced, and trees were planted, but that the parking lot and landscaping issues are what's causing his water problems. He stated the entire length of his driveway down to the cornfield now has deep ruts filled with rocks. He has talked to all 3 of the last 40-year property lessees', and none had ever seen this kind of water damage there. Mr. Zerkel stated the berm is dumping water and undermining his property, and that if the pond had been put outside the 20' boundary he doesn't think it would have been a problem. He said the contractor recently mowed the berm, and the mower has to cross onto his property 6-10', and he passed around a picture showing the tracks through his yard. The Mayor asked Mr. Fauber if he had anything to add, and Kevin stated that since the last meeting shrubbery was planted and the dumpster was moved out of public view. Mr. Zerkel argued the dumpster still violates code because it's not supposed to be within 50' of a residence, and its 30' from an apartment house. Mayor Pifer asked Mr. Zerkel what his number one issue was and he replied the lagoon within his 20' boundary. Mr. Zerkel addressed Mr. Akers asking why his attorney was called, and Mr. Akers replied his attorney asked for a zoning determination, and the time to respond is about to expire so he will get an answer soon. Mr. Zerkel stated he released his attorney, and Mr. Akers asked him to provide a letter in writing to that effect, so he can respond directly to him in that case. Mr. Zerkel said he will not negotiate on the lagoon, and Mr. Akers responded the town has asked him to try and resolve this issue, and all options are on the table to make sure they comply with Virginia law, town code and common sense. Mr. Zerkel next spoke on the town's easement across his property which includes 4 manholes. He stated up until he made his complaints, the town hauled dirt, filled holes, and brush hogged, but now that has stopped. Kevin spoke he didn't direct anyone to stop maintaining it, and that the town mows easements approximately 1-2 times per year. Mr. Zerkel read aloud material stating the law is fairly clear on who is responsible for maintaining an easement, and the easement holder has the duty to maintain it. Mayor Pifer said if the town is responsible for that, we will take care of it.

2. John Boor from Horseshoe Circle in Woodstock gave an update on the Mount Jackson Hometown Partnership. He stated they went fully non-profit so they are now a public charity and can hold fundraisers for the community. He stated December will be one year since the partnership began, and they will hold open elections for the board at that time. He stated they had a successful chili cook-off and Easter egg roll, and the next goal is to partner up with Belle Grove Plantation and New Market Battlefield Foundation, and put on a formal dinner party in the next month or so, a meet and greet for the committees and board of

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directors. With these partnerships they hope to raise more money for Little Leagues, Scouts, and the Union Church to name a few. They hope to work with the Mt. Jackson Police Department on their National Night Out. Mr. Boor mentioned the Rinard family will perform this Sunday at Mayors Park, and they will be serving food and drinks from 5-8 PM. The Apple Harvest Festival is underway and they've already received some vendor applications. He said they'd like to bring back Halloween for the children at that same time and possibly pair up with Joe Proctor, with dress-up categories and judges. He stated Candy LoPresti has been working with Suzanne Montgomery on the Holiday Homes Tour we are hosting this year, and we have 7 homes on the list. He added the partnership will be picking out a needy family for a giving tree as well.

3. Tyler Hinkle spoke the MJHP is also looking to put together a small Summer Fest Saturday July 27, to follow the Beach Boys performance which is at Bryce on Friday, July 26. Also, he and Mr. Boor are working with the Chamber on an opportunity for the town to generate some revenue off of the Yard Crawl in August.

Remarks & Recommendations from the Mayor: Mayor Pifer welcomed Whitney Miller back to the Town Council, and asked everyone to keep Councilmember Roger Rudy in their prayers due to a loss in his family.

Remarks from Councilmembers: Bonnie Good spoke in regards to the issues Mr. Zerker has been having, and asked if it is appropriate for the Ordinance Committee to get together with the town attorney and town manager to validate if there are code violations and identify how to fix them. She stated if there are ordinances that are not clear and can be misunderstood to let the committee know because they are in the process of rewriting some of the ordinances. Mr. Akers responded once the formal zoning determination request is complete, the report can be given to the Ordinance Committee to make recommendations on any changes. Ms. Good also personally thanked John Boor and the Partnership for their enthusiastic dedication to the growth of the town.

Presentations: None

Chief of Police Report: None

Town Manager Report: Mr. Fauber stated the new well will start up probably the end of July or beginning of August, and is about 1 month ahead of completion schedule. He stated there is nothing new on the next phase of the sidewalk project other than the engineers are continuing to work on the final design to present to VDOT for their approval. He added the message board has been installed we are learning all its features and capabilities.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated it's a brand new fiscal year and everything is moving along.

2. Ordinance Committee Chairperson, Dennis Andrick spoke he will have Kevin add the information regarding the Fire Lanes/Fire Apparatus Access Roads for next month.

3. Personnel Committee Chairperson, Roger Rudy, was absent.

4. Public Safety Committee Chairperson, Judy Fultz, reported June Police Department calls were 733, up 155 from May, mostly due to self-generated calls. Chief Sterner elaborated that in the past officers would not log in a property check, but with the new computers that were installed in all patrol cars, now officers do log in all property checks, which will drive up the number of calls for the next few months. Mr. Sterner

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said this helps him narrow the window of time a criminal act may have occurred, whereas before he had to go by the officer's word. Ms. Fultz continued there were 8 criminal offenses, 6 were closed by arrest, 1 was unfounded and the leads were exhausted on 1. They found 8 open doors/windows at 6 different locations. They conducted 433 extra patrol and property checks. Ms. Fultz did not have the Fire and Rescue Department report.

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

1. Approval – Minutes of June 11, 2019 Regular Meeting and July 1, 2019 Organizational Meeting.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE the Consent Agenda consisting of the Approval-Minutes of June 11, 2019 Regular Meeting and July 1, 2019 Organizational Meeting.

ROLL CALL VOTE:

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

5 AYES, motion carried

Old Business: None

New Business: Union Church Roof Repair

Rod Shepherd spoke two trustees were present to answer any questions on the roof repair project. He also commended Mr. Andrick for his expertise having 40+ years of historic restoration and damaged property repair from his insurance career. He stated Union Church doesn't have a lot of money or revenue but it's a significant community landmark and the town should help in any way it can.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE granting \$25,000 to the Union Church for roof restoration.

Mr. Andrick stated that in the new estimate coming, there will be an addition that states any rotten wood will be replaced on a time and material basis. He said on the back right-hand side there is an issue, as well as around the chimney. Mr. Andrick added the town will need to help with the removal of the bell for restoration purposes.

Neil Fadely spoke they were initially undecided on how to handle the chimney. He stated there are significant leaks around the chimney. The chimney has been cleaned twice due to leaves, and it is so old and narrow it cannot be lined so their options were to rebuild it or remove it. Mr. Fadely said the church paid about \$1500 in heating oil last year, so they've opted to go with a heat pump and remove the chimney. Largent will take the chimney down to just below the roofline and cap it for about \$150 in materials. He

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secured Mike Foley to strip the old paint, prime it, and paint the exterior. He stated they had an industrial grade dehumidifier installed in the basement for moisture for some time now, but it was discovered recently the sump pump hadn't been working. He stated apparently during renovations in the 80's they built a new cinder block wall on the inside so there was a void between the outside wall and inside wall and the drain line had been dumping water into that void. Plumber Steve Williams has fixed everything for materials cost only, and donated his time.

Ms. Good asked Mr. Shepherd where the funding for this project will come from. Mr. Shepherd said it's been carried over in the budget for the last 2 years so the money is available. He added it's not local citizen tax dollars directly they are using, but rather a large percentage from motel tax.

ROLL CALL VOTE:

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

5 AYES, motion carried

Councilmember Shepherd MOVED, seconded by Councilmember Good to ADJOURN the meeting at 8:10 PM.

Clerk

Mayor