

Mount Jackson
Town Council Regular Meeting
August 13, 2019

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Regular Meeting

The regular meeting of the Mount Jackson Town Council was held August 13, 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 Andrlick, Rod Shepherd, Roger Rudy, and Bonnie Good. Also, in attendance, Kevin Fauber, Town Manager; Neil Showalter, Finance Director; Matt Akers, Town Attorney; Keith Cowart, Police Sergeant; and Debbie Stover, Town Clerk. Visitors in attendance were Ronnie Zerkel, Micki Zerkel, Candy LoPresti, Marilyn Peck, Wayne & Toni Dinges, Billy Ryan, Gene Mobley, Jim Hines, and Max Thornberry with NVD.

Agenda Additions/Deletions/Changes: None

Hear from Visitors:

1. Billy Ryan asked the council if Mount Jackson could have some type of event to recognize Bill Holtzman in some way, since he's done so much for the town and one of our biggest business owners. Mr. Ryan said we had some something for Danny Proctor several years ago. Mayor Pifer asked Kevin Fauber to find out what we did for Mr. Proctor and the council would revisit this topic at the meeting next month.
2. Ronnie Zerkel asked the council if anything has been decided in regards to his objections over the last year and a half. Mayor Pifer stated he received a copy of the zoning determination letter that was sent to the Zerkels, and his interpretation of the letter is that everything is in compliance. Ronnie said all codes are still in violation (i.e. dumpster, landscaping, lagoon, berm, no fence, etc.). Mr. Fauber stated we addressed all the issues that Mr. Zerkel's attorney referenced in his letter, and we issued a zoning determination letter in response to that, and the Zerkels can appeal through the BZA within 30 days if they choose to do so. Bonnie Good said she questioned the council a few weeks ago on whether the Ordinance Committee was going to meet on this, and was told the committee is waiting to see if Mr. Zerkel was going to appeal. Mr. Zerkel replied after he received the letter he came into the town office to ask about the appeal process, and was originally told to apply for a variance, which he didn't understand. Mr. Fauber responded we realized that was not the correct route, and developed an appeal form which we sent to Mr. Zerkel afterwards. Mr. Zerkel asked if the 30 day appeal deadline applied to the first or second letter to which Matt Akers responded if he had a question about the appeal procedure to consult with his legal counsel.
3. Micki Zerkel spoke about the dumpster and loading dock and that the code states they are to be screened from public view, and feels that should be immediately, not in 15 years when the trees grow fully. She stated this whole situation is a result of Mr. Fauber approving the site plan in January 2017 erroneously. She asked why a resident has to study the town codes, that the zoning administrator should know them. Ms. Zerkel provided an example of an adequate buffer zone being at Dollar General which has a board fence, trees, etc. She stated there's been no buffer fence between her home and the business for a year and a half, which subjects her to constant noise of units cutting on and off and trucks coming in and out. She stated her argument is with the zoning administrator, not Wayne Dinges, who works for Mr. Galati, and feels they should not have to fight the town for a year and a half to get this resolved.
4. Wayne Dinges stated they've been trying to get this fence installed for a while now. He felt the location on the driveway side of the berm from the variance that was granted, was not logical to begin with. He met with his engineer, the county and the DEQ, and was told he could not be put there, therefore it will be put where the DEQ had approved originally, which is on top of the berm. Mr. Dinges said as far as landscaping he's been told it is all compliant, and after the fence is installed in it will block the view from the other side.

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To his knowledge the fence is all that remains incomplete at this time, and he just received his pricing today. Bonnie Good spoke to the Zerkels that they need to understand it takes time for the trees to grow to full size for coverage. Mr. Zerkel said a fence needs to be put up until the trees grow fully, and Micki added she feels those trees aren't going to cover the loading dock from the street regardless.

5. Marilyn Peck from 244 Tisinger Street spoke on the street repaving project and referred to a letter from Susie Porter. She stated Ms. Porter lives at 6959 Main Street in the log house and is unhappy with the work done, as well as other people in town. She said Ms. Porter went to the Edinburg VDOT office and talked to the supervisor, and asked why Edinburg and Woodstock roads look so much better than Mount Jackson's. The response from VDOT was that people had a choice, and Edinburg and Woodstock got an allotment but Mount Jackson didn't, and she'd like to know why. Kevin Fauber stated towns over 3500 in population size are required to maintain their own streets, they can select their own contractors, and VDOT gives them money to do that. Ms. Peck said Jeff the construction manager told her when they were done with the roads they would come back clean up, but all they did was blow debris onto the sidewalks. She personally swept from Tisinger Street to Wunder Street, and saw Whitney Miller's husband on Broad Street with a blower as well. Whitney stated her guess from a state purchasing side is VDOT put it out to bid, went low bid, so we got a subpar contractor. She stated as a town there's not much we can do about that, but we can request VDOT file a formal complaint against a vendor which will then be registered with the state and can keep them from bidding on future projects. Mr. Fauber stated he has contacted Edinburg VDOT himself, referencing construction manager Jeff Umstead and resident administrator Ed Carter as his contacts. Bonnie Good gave some details in Avondale Acres stating today there was a machine picking up the excess gravel that had been tossed onto driveways and yards, however it was sloppy tar work and grass is growing through the slurry. Rod Shepherd stated in addition to each constituent going to VDOT individually, that the town should send a letter to VDOT to represent the town as a whole on our dissatisfaction with the project. Whitney Miller said for future projects we should be proactive and research selected vendors.

Remarks & Recommendations from the Mayor: Mayor Pifer thanked the Hometown Partnership for the 2nd Sunday Music Festivals.

Remarks from Councilmembers: Whitney Miller said the Police Department National Night Out was a success.

Chief of Police Report: Sergeant Cowart stated Chief Sterner had shoulder surgery today and it went well but it will be a while before he gets back to work.

Town Manager Report: None

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated staff is getting ready for auditors to begin wrapping up last fiscal year.
2. Ordinance Committee Chairperson, Dennis Andrick had nothing to report.
3. Personnel Committee Chairperson, Roger Rudy had nothing to report.

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4. Public Safety Committee Chairperson, Judy Fultz, reported July Police Department calls were 928, up 195 from June. There were 10 criminal offenses, 6 were cleared by arrest, 3 closed, and 1 is under investigation. They found 2 open doors/windows at 2 different locations. They conducted 639 property checks and 32 foot patrols. Ms. Fultz stated there should be a Fire and Rescue Department report next month.

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

6. Public Properties & Facilities Committee Chairperson, Whitney Miller spoke she met with the pool manager Amanda and they discussed wants, needs, and expectations but overall things went pretty well this summer. As of now the pool is closed during the week and only open on weekends until the holiday. She stated both diving boards are broken, and per Kevin the town staff will repair them over the winter. Ms. Miller said the pool staff were very professional this year and an improvement from prior years. She also met with the vendor they used in the past on playground equipment, and he looked at the last remaining old equipment beside the shelter, and is going to provide pricing and information for a somewhat larger structure to fill in that area. They also talked about more shade structures or seating and potentially some ideas for the walking path. The Mount Jackson/New Market Little League had a golf tournament this past Saturday and Whitney thanked the town for sponsoring a hole, and said it was a great turnout.

Consent Agenda

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

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

ROLL CALL VOTE:

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

6 AYES, motion carried

Old Business: None

New Business:

1. Ordinance O-02-2019 Fire Lanes/Fire Apparatus Access Roads – Introduction/Set Public Hearing for September 10, 2019, 7:30 PM.

Kevin Fauber stated the police department drafted up information and distributed it to the Ordinance Committee which will allow the police department to enforce some of the fire codes and set forth some penalties pertaining to fire lanes, such as obstructing fire hydrants and parking within 20 feet of an intersection that’s indicated by signage or yellow paint on the curb. Mr. Fauber stated our code requires that the ordinance go to a public hearing prior to approval so consider this an introduction of the ordinance and set a public hearing prior to the next council meeting on September 10.

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Councilmember Andrick MOVED, seconded by Councilmember Fultz to APPROVE the introduction/setting of a public hearing for September 10 for 0-02-2019.

ROLL CALL VOTE:

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

6 AYES, motion carried

2. Additional Engineering Services – Pennoni Associates – Phase 2 Sidewalk Project.

Kevin Fauber spoke this is for the next phase of the sidewalk project on Conicville Boulevard and north from Food Lion Shopping Center to Avondale Street. This is the engineering portion by Pennoni, and much of the work has already been done as far as the design. He stated the cost is based on an hourly rate not to exceed \$25,000. This money will be reimbursed back to the town and somewhat of a housekeeping item, but he would still like to get town council approval.

Councilmember Rudy MOVED, seconded by Councilmember Shepherd to APPROVE the additional engineering services by Pennoni Associates on Phase 2 of the sidewalk project.

ROLL CALL VOTE:

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

6 AYES, motion carried

3. Resolution R-02-2019 and Discussion of Steel Bridge Replacement Project, Route 11 over the N. Fork Shenandoah River.

Rodney Shepherd stated he went to the VDOT public hearing on August 1, where there was a long discussion with the engineers. He said Mayor Koontz and staff spoke with VDOT about 5-6 years ago about having a nicer bridge built to replace the current iron bridge, as it's the gateway into Mount Jackson. Mr. Shepherd stated a shortcoming he sees on the VDOT plan is there is no sidewalk, but it does have wider shoulders. Mr. Shepherd also encouraged discussion for a boat/kayak launch as well, and said town staff knows of some avenues to go through from previous experience in Strasburg. Dennis Andrick asked if that would require them to buy more land. Mr. Shepherd responded possibly, and that the plans he looked at shows a gap between the old bridge and new bridge which could potentially provide good access to the river. Billy Ryan asked where the new bridge will be constructed, and Rod answered according to the VDOT presentation, they are constructing a whole new bridge downstream from the current iron bridge, and the iron bridge will stay in place and will be fully functional until the new bridge done, then it will be torn down. He stated upon completion Route 11 will make a slight curve downstream to meet the bridge on both sides of the river. Bonnie Good asked if this Resolution should include some type of lighting on the

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bridge as well. Rod said the drawing done years ago did have lighting and could be in future discussions. He stated the deadline for commentary was August 10, but VDOT said they will accept this Resolution and add it to the record and give it full consideration.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE passing Resolution 02-2019.

ROLL CALL VOTE:

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

6 AYES, motion carried

Councilmember Shepherd MOVED to ADJOURN the meeting at 8:13 PM.

Clerk

Mayor