

Mount Jackson  
Public Hearing and Town Council Regular Meeting  
December 10, 2019

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Public Hearing

Ordinance O-03-19 – Repealing Ordinance O-02-19 and Re-Enacting as Ordinance O-03-19 – Fire Lanes/Fire Apparatus Access Roads. Mr. Showalter stated this new ordinance adds more structure, section numbers, etc., to the previously passed ordinance.

Ordinance O-04-19 – Amend and Reordain Chapter 66 Zoning, Section 66-62(b)(4) pertaining to the uses permitted by special use permit in an R2 zone by adding Small Scale Solar Energy Facility as accessory use to a School. Mr. Showalter stated staff determined the Town’s code needed to be amended to allow this type of solar energy usage after reviewing information regarding the recent Triplett Tech announcement.

Ordinance O-06-19 – Amend and Reordain Chapter 22 Environment, Section 22-48 by adding paragraph (h) to establish specific penalties for violations related to the storage of inoperable vehicles. Mr. Showalter stated this ordinance is intended to impose additional penalties for the police department to use in administering the inoperative vehicle code.

There were no public comments. Mayor Pifer closed the public hearing.

Regular Meeting

The regular meeting of the Mount Jackson Town Council was held December 10, 2019, following the public hearing, 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, Dennis Andrick, Rod Shepherd, Roger Rudy, and Bonnie Good. Councilmember Whitney Miller was absent. Also, in attendance, Neil Showalter, Town Manager; Joseph S. Paxton, Consultant; Matt Akers, Town Attorney; Debbie Stover, Town Clerk; Jeff Sterner, Police Chief; and Keith Cowart, Police Sergeant. Others in attendance were Karen Costie, John Boor, Dale Painter, Melissa Topey with NVD, and Tony Stephan with Sun Tribe Solar.

Agenda Additions/Deletions/Changes:

1. Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE the addition of item number 6 under new business to discuss the need for a public hearing, per VDOT’s requirements, regarding the new sidewalks from Triplett Tech south to the new bridge.

ROLL CALL VOTE:

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

5 AYES, motion carried

2. Councilmember Andrick MOVED, seconded by Councilmember Rudy to APPROVE the addition of item number 7 under new business to discuss the town passing a resolution to become a second amendment sanctuary.

ROLL CALL VOTE:

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

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Councilmember Miller

“ Andrick  
“ Shepherd  
“ Rudy  
“ Good

5 AYES, motion carried

3. Mr. Showalter stated the need to add a closed session to discuss a real estate matter, with no announcement expected afterwards.

Hear from Visitors:

1. Karen Costie spoke on two things. First, on December 2 she discovered a water leak in front of her house. She called the town office and within 20 minutes public works arrived and worked all afternoon fixing the problem. As they were finishing up she asked if they could clean up the mud, and was told they planned to return the next day with equipment to take care of this. She explained her neighbor was having a party that night and guests would need to park where there was mud, so public works staff stayed beyond normal working hours cleaning it up immediately. Ms. Costie wanted it noted on public record her appreciation for this thorough and prompt service. Secondly, Candi LoPresti asked her to speak tonight on the Holiday Homes Tour this weekend. Ticket sales have been slow so they encourage everyone to spread the word, and asked if members of the council could stop in the Visitor's Center where tickets are being sold, to make an appearance and welcome guests.

2. John Boor stated the Christmas Parade is this Saturday, December 14 at 3:30 PM with approximately 20+ entries, and the Stonewall Jackson cheerleaders will lead the parade. Santa Clause will spend an hour before the parade at the Curtain Call Café, and an hour after the parade at the town hall visitor's center. Mr. Boor stated himself as well as visitors in his shop, are positively commenting on how beautiful the town is decorated this year. Mr. Boor stated he's been getting more involved with county tourism, and Jenna French and Brenda Black provided him with some flyers showing maps of the county and the individual towns, with points of interest. He asked councilmembers to take a look at the map to add more points of interest for our town, as there are currently only two, before his next county tourism meeting Tuesday, December 17. He also feels we should start thinking about a town bicentennial celebration, which will occur in 2026. Lastly, he stated the Hometown Partnership celebrated its one year anniversary this month, and is pleased with its success and happy to be working with the town.

Remarks & Recommendations from the Mayor: None

Remarks from Councilmembers: Councilmember Good stated discussions are underway regarding upgrading to electronic water meters, with one bid in and hopefully another one to arrive this week.

Presentations: None

Chief of Police Report: None

Town Manager Report: Mr. Showalter referred to #3 on the report in the town council packet. The amended VRA Loan and Grant that was approved last month will be closing next Wednesday. Mayor Pifer, the clerk and he will need to sign documents. The group decided to schedule the signing for Monday, December 16 at 1:00 PM. Mr. Showalter stated staff has been working on a system for improving site plan reviews by developing a checklist and work aid that will help give some formality and structure to the review process. He stated the town has to take the lead to advocate for the applicants to make sure the process moves along quickly and

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correctly. Mr. Showalter advised that the EDA held a meeting last month and appointed Debbie Stover as Secretary, and he in his role as Finance Director was appointed as Treasurer, and will meet tomorrow for the purposes of electing a current year chairman and vice-chairman, considering approval of both an updated term sheet for potential borrowers, and a façade enhancement grant program. Mr. Showalter stated the town office will be closed December 24-25, and January 1. Mr. Paxton added in regards to the EDA, the town has a unique opportunity with the revolving loan and enhancement program to attract new businesses and staff will work with the EDA to formulate a marketing strategy to reenergize this.

Town Attorney Report: None

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated due to recent changes in our staff, the audit presentation that usually occurs in December, will be in January or February in time for budget season in April.
2. Ordinance Committee Chairperson, Dennis Andrick had nothing to report.
3. Personnel Committee Chairperson, Roger Rudy stated advertisements appeared in two local papers for the Finance Director position, and staff is also networking with our audit firm, and an accounting firm in Harrisonburg to help with this search.
4. Public Safety Committee Chairperson, Judy Fultz, reported November Police Department calls were 731, down 13 from October. There were 8 criminal offenses, 3 under investigation, 3 cleared by arrest, and 2 closed due to leads were exhausted. They conducted 550 extra patrols and property checks, and 21 foot patrols. Mr. Painter gave the Fire and Rescue report, stating in November there were 78 responses, 54 EMS and 24 Fire, with 65% were answered by volunteers and 37% of the EMS calls were capable of providing advanced life support. The average transport distance was 10.2 miles, with 24 people taking calls and 51% of the calls were in the town of Mount Jackson. The event center hosted 5 events, with 18 volunteers and 205 hours. On December 21, Santa Clause will ride on a fire truck through the streets in town for the 2<sup>nd</sup> year in a row, and the Breakfast with Santa event served 362 people.
5. Public Services Committee Chairperson, Bonnie Good had nothing to report.
6. Public Properties & Facilities Committee Chairperson, Whitney Miller was absent.

Consent Agenda: Approval – Minutes of November 12, 2019 Public Hearing and Regular Meeting.

Councilmember Good MOVED, seconded by Councilmember Fultz to APPROVE the Consent Agenda consisting of the Approval-Minutes of November 12, 2019 Public Hearing and Regular Meeting.

ROLL CALL VOTE:

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

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“ Good  
5 AYES, motion carried

Old Business: None

New Business:

1. Ordinance O-03-19- Repealing Ordinance O-02-19 and Re-Enacting as Ordinance O-03-19 – Fire Lanes / Fire Apparatus Access Roads – Eligible for Action.

Councilmember Andrick MOVED, seconded by Councilmember Good to APPROVE Ordinance O-03-19.

ROLL CALL VOTE:

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

5 AYES, motion carried

2. Ordinance O-04-19- Amend and Reordain Chapter 66 Zoning, Section 66-62(b)(4) pertaining to the uses permitted by special use permit in an R2 zone by adding Small Scale Solar Energy Facility as accessory use to a School – Eligible for Action.

Councilmember Good asked if this amendment should be allowed for other types of businesses besides schools. Mr. Paxton responded schools are the only type of “businesses” permitted in R2 zones, and the town code already allows this type of small scale solar energy facility use in I2 and A1 zones.

Councilmember Fultz MOVED, seconded by Councilmember Rudy to APPROVE Ordinance O-04-19.

ROLL CALL VOTE:

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

5 AYES, motion carried

3. Ordinance O-06-19- Amend and Reordain Chapter 22 Environment, Section 22-48 by adding paragraph (h) to establish specific penalties for violations related to the storage of inoperable vehicles – Eligible for Action.

Councilmember Andrick MOVED, seconded by Councilmember Fultz to APPROVE Ordinance O-06-19.

ROLL CALL VOTE:

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

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“ Rudy  
“ Good

5 AYES, motion carried

4. Construction of Equipment Storage Structure

Mr. Showalter referred to a memo with attachments in the council packet regarding an emergency, urgent need to house some of the new emergency equipment recently purchased (generator/pump/etc.). Staff noted that the need for this facility is more urgent than enclosing the structure that houses the dump truck at the end of the sewer plant (money was set aside for that work). He stated the proposal tonight is to seek approval to issue a purchase order to Kennedy Konstruction for \$65,807 to build an enclosed and heated pole shed for this purpose, which would also take some storage relief off other maintenance areas. Town staff received two competitive bids for this work.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE the award of the emergency bid for \$65,807 from Kennedy Konstruction for the equipment storage structure at the Town’s Red Banks property to protect the emergency equipment.

ROLL CALL VOTE:

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

5 AYES, motion carried

5. Approval of Zoning Administrator waiver of 7-day requirement for submission of Bowman Andros – New Factory final site plan for approval by the Planning Commission on December 2, 2019.

Mr. Showalter referenced a memo in the council packet pertaining to Bowman Andros submitting the final site plan for the new plant. The previous preliminary plan didn’t include information required by some of the other regulators (VDOT and Shenandoah County), which prevented Bowman Andros from getting building permits. According to the town code, site plans are required to be submitted seven (7) days in advance of the Planning Commission meeting. This time period is to provide sufficient time for staff to review the plans and seek input from the other agencies. Much of that review was done at a joint meeting held in late November. Greenway Engineering worked diligently to provide a final site plan drawing within the required schedule, but due to the latest of the joint meeting and timing with the Thanksgiving holiday, it was not submitted to meet the 7-day requirement in the zoning code. The Planning Commission concurred with the Zoning Administrator’s decision to waive the 7-day requirement and approved the final site plan, subject to VDOT’s comments.

Councilmember Andrick MOVED, seconded by Councilmember Fultz to APPROVE the Zoning Administrator’s decision to waive the 7-day requirement for submission of the site plan prior to approval for Bowman Andros.

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ROLL CALL VOTE:

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

5 AYES, motion carried

6. Mr. Showalter referred to item 1 of the town manager report regarding VDOT’s requirement for a public hearing to consider Resolution R-03-19 regarding Commonwealth Transportation Board’s project for the south main street sidewalks. He stated that Steve Damron with VDOT advised that the next regular meeting on January 14 is too close to the Commonwealth Transportation Board’s meeting on January 15 to get the documentation included in the final packet. Mr. Showalter recommended having the public hearing on or before January 7. Mr. Paxton added there is no advertising notice requirement for this project, so this hearing can be held as soon as possible. Councilmember Shepherd asked if this public hearing could also include discussion on Phase II of the north end sidewalk project. Mr. Showalter said Karl Schaeffer has received VDOT comments and is meeting with staff tomorrow. Mr. Paxton stated if Mr. Schaeffer advises that a public hearing is required, staff will add that item to the public hearing.

Councilmember Shepherd MOVED, seconded by Councilmember Rudy to APPROVE setting a public hearing and special meeting for Friday, December 20 at 3 PM to discuss the south end sidewalk project needed to approve R-03-19, and possible discussion on north end sidewalk project as well.

ROLL CALL VOTE:

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

5 AYES, motion carried

7. Councilmember Andrick asked if the town should have a resolution similar to the county to become a second amendment sanctuary. Town attorney Matt Akers said the town is a separate entity from the county and would be free to adopt their own resolution. Ms. Good asked what authority the resolution would have, and Mr. Akers stated it could at least be a political statement regarding the town’s official position. Mayor Pifer asked Chief Sterner’s opinion who stated his position on this matter is directed by the council’s action, but personally he favors of the resolution.

Councilmember Andrick MOVED, seconded by Councilmember Rudy to APPROVE setting a public hearing January 13 at 7:00 PM to discuss establishing a resolution to become a second amendment sanctuary.

ROLL CALL VOTE:

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

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“ Rudy  
Councilmember Good

4 AYES, 1 NAY, motion carried

8. MOTION by Councilmember Rudy, seconded by Councilmember Good, stating that the Council for the Town of Mount Jackson convene a closed session under Virginia Freedom of Information Act state code section 2.2-3711(A)(3) for the discussion or consideration of the lease or disposal of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

ROLL CALL VOTE:

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

5 AYES, motion carried

The meeting returned to open session with at 8:50 PM with Mayor Pifer stating the Council of the Town of Mount Jackson hereby certifies, by roll call vote, that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Council of the Town of Mount Jackson.

Vote:

Councilmember Fultz -	I So Certify
Councilmember Andrick -	I So Certify
Councilmember Shepherd -	I So Certify
Councilmember Rudy -	I So Certify
Councilmember Good -	I So Certify
Mayor Pifer -	I So Certify

6 AYES, 0 NAYS, 1 ABSENT, motion carried

Motion made by Councilmember Andrick to adjourn the meeting at 8:56 PM.

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Debbie A. Stover, Clerk

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Donald I. “Donnie” Pifer, Mayor