

Mount Jackson
Town Council Regular Meeting
January 14, 2020

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Regular Meeting

The regular meeting of the Mount Jackson Town Council was held January 14, 2020 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, Rod Shepherd, Roger Rudy, and Bonnie Good. Councilmember Dennis Andrick was absent. Also, in attendance, Neil Showalter, Town Manager; Joseph S. Paxton, Consultant; Matt Akers, Town Attorney; and Jeff Sterner, Police Chief. Others in attendance were Candi LoPresti, Sonny Fultz, Rob Mangrum, and Alex Bridges with NVD.

Agenda Additions/Deletions/Changes: Town Manager Neil Showalter stated there will be an addition under New Business for the introduction, and to set a public hearing, for Ordinance O-02-2020.

Hear from Visitors:

1. Candi LoPresti spoke on behalf of the Shenandoah Valley Cultural Heritage Historical Holiday Homes Tour, thanking the Town of Mount Jackson for helping to set up, sell tickets and answer questions for this event. She thanked Search Home, Curtain Call Café, and Mount Jackson Hometown Partnership for advertising and selling tickets, and thanked the homeowners who opened their homes for this event. Ms. LoPresti stated Search Home was one of the homes on the tour, and many people said they didn't know it even existed, and were glad to tour it and find out more about it. Ms. LoPresti shared some visitor comments such as Mount Jackson being a quaint town, with the best decorations in the county, and that it was nice to have the Mayor greet people coming into the Visitors Center before going on the tour. The Historical Homes Tour profited over \$3,000 for this 2-day event, so was able to donate to the Search Home and Union Church, \$1,557.60 each.

2. Sonny Fultz spoke on what he observed at the meeting last evening. He was amazed at the number of people, who are not residents or voters in the Town of Mount Jackson, who spoke on the sanctuary resolution. Mr. Fultz stated there was a great oratorical from a gentleman from Bryce Mountain, but he didn't realize we'd annexed in Bryce Mountain, or that Chief Sterner could go to Bryce Mountain and confiscate guns. He stated also the Strasburg councilmember who spoke, should not have been instructing this Board on what to do. His question to Mayor Pifer is why non-residents were allowed to speak. Mayor Pifer responded anyone could potentially have a gun violation driving through the Town of Mount Jackson, whether they are a resident or not, so could be affected by this resolution, and therefore had a right to speak. Mayor Pifer referenced the public hearing a few years back on the Megasite, where non-residents were also allowed to speak. Councilmember Miller stated she felt the Council could not dictate who speaks, based on their first amendment right.

Remarks & Recommendations from the Mayor: Mayor Pifer thanked Chief Sterner and staff for the police department presence at last night's meeting.

Remarks from Councilmembers: Councilmember Good stated she understands the concern regarding allowing non-residents to speak at public hearings, but she feels in order to dictate that, the Town would have to advertise the public hearing as only for the citizens of Mount Jackson. She also feels it is not a friendly approach to not allow non-residents to speak, as they may work in town or have relatives in town, and therefore have an interest in the town. She added similarly when updating the Comprehensive Plan, surveys were sent to surrounding areas as well, not just town residents, as they are part of the overall community.

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Presentations: None

Chief of Police Report: None

Town Manager Report: Mr. Showalter stated the town's New Year's Day water leak problem continues, that public works staff is still finding small leaks, and have curtailed the water loss, but do not feel they have found the main issue. They have checked the lines behind Sheetz, as well as performing some nighttime testing around the Food Lion shopping center, and found no leaks of any significance. Mr. Showalter stated staff has discovered a few leaks within town and crews have been working on repairing those, coming in at night to minimize disruption to citizens and businesses.

Mr. Showalter also noted that the project to extend a line from Well 4 to the new water treatment plant is approximately $\frac{3}{4}$ done, and about to go through Massanutten Park, and hopefully this work will be complete by next month. Finally, he reminded the Council the office will be closed on Friday, Lee-Jackson Day, and the following Monday, Martin Luther King, Jr. Day, which are both Virginia state holidays.

Mayor Pifer thanked Councilmember Good for her work on New Year's Day to answer the phones at the office in case residents had a water issue, and also for monitoring the water levels of some of the wells. Mr. Showalter thanked both Councilmember Good and Mayor Pifer for being here on several occasions to receive updates from Gale and Randy on the situation as well.

Town Attorney Report: None

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated the auditors will be here the latter part of February.
2. Ordinance Committee Chairperson, Dennis Andrick was absent.
3. Personnel Committee Chairperson, Roger Rudy spoke on two things. First, the search for a new Finance Director has been advertised locally in three papers, the Northern Virginia Daily, the Daily News Record and the Winchester Star. The ad has also been posted on VML's website, VEC's website, and they are networking with the Town's audit team and a company from Harrisonburg. He stated responses have been few, and asked councilmembers to encourage those they feel suitable for the job, to apply. Councilmember Miller proposed using Indeed.com, which staff will look into. Secondly, Councilmember Rudy stated previously this Council discussed the concept of an application process for citizens interested on serving on the Town's Planning Commission, Economic Development Authority, or Board of Zoning Appeals. He stated staff has created a draft form, which he has shared with members of the Personnel Committee to review, to be able to attract and identify ones best suited to these positions.
4. Public Safety Committee Chairperson, Judy Fultz, reported December Police Department calls were 832, up 101 from November. There were 6 criminal offenses, 2 cleared by arrest, 2 closed/unfounded, 1 under investigation, and 1 the victim declined to prosecute. They conducted 644 extra patrols and property checks, and 22 foot patrols. She had no report from Rescue and Fire.

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5. Public Services Committee Chairperson, Bonnie Good, spoke more on the on-going water issue. She stated recently two water lines were replaced within two weeks, and now we have multiple smaller leaks, most of which have occurred since the new plant was put on line, adding more pressure to the existing lines. Ms. Good stated some lines are 100 years old, and the Council may need to discuss upgrading them soon.

6. Public Properties & Facilities Committee Chairperson, Whitney Miller, spoke about the playground equipment project, which is not quite finished. Mr. Showalter added the wood carpet, and some of the border has been ordered, and it's almost complete. Councilmember Miller stated the project was not completed before Christmas as intended, which was disappointing with kids out of school and nice weather. Ms. Miller also informed the Council on a correction in the quote. The grant did not cover the seating, so a bench and umbrella was removed from the quote, and hopefully can be installed next summer.

Consent Agenda: Approval – Minutes of December 10, 2019 Regular Meeting and Minutes of December 20, 2019 Special Meeting.

Councilmember Shepherd MOVED, seconded by Councilmember Fultz to APPROVE the Consent Agenda consisting of the Approval-Minutes of December 10, 2019 Regular Meeting and Minutes of December 20, 2019 Special Meeting.

ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

Old Business: None

New Business:

1. Ordinance O-01-2020 – Ordinance to Amend Chapter 62 Utilities, Division 2, Section 62-71 thru Section 62-82 of the Code of the Town of Mount Jackson Pertaining to Wastewater Discharge – Introduction/Set Public Hearing for February 11, 2020, 7:30 PM.

Rob Mangrum, the Town's consulting engineer for water and wastewater, spoke on this ordinance, which pertains to pre-treatment regulations. Mr. Mangrum stated the regional office of the Department of Environmental Quality requested changes to the ordinance. He stated he has worked with many municipalities and counties in the valley, and most have had similar requests recently from the DEQ. These updates are not changing the authority, mission or scope of the ordinance, only standardizing some language. He stated Mr. Paxton painstakingly worked on rewording and restructuring the town code, based on the standardized requirements from DEQ. Mr. Mangrum stated Mount Jackson currently only has only one significant industrial user, Bowman Andros, and through the wastewater permit, is required by DEQ to monitor them, as an added protection to the town's wastewater plant. He stated the town has also worked with non-significant industrial users, such as Route 11 Chips, focusing on oil and grease issues. Mr. Mangrum stated the town is allowed to develop its own limits in the permits it issues to industrial users. Mr. Paxton added the previous ordinance hard-coded its limits, therefore requiring a public hearing for any changes, but now the code references a

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schedule prepared by the consulting engineer, and approved by the town manager. Therefore, any new industry relocating to Mount Jackson would not require a public hearing to set new limits, only a revision to that schedule. Mr. Paxton stated the other issue needing clarification was instantaneous limits, which is a sudden instance of contamination. Mr. Paxton stated each year the town manager is required to submit a certification, with specifics on any violations or non-violations.

Councilmember Good asked in regards to Section 62-72, if these discharge standards are for everybody, or just significant users, and are there penalties for those who abuse them. Mr. Mangrum stated penalties could be imposed on any user, significant or non-significant. Mr. Paxton stated penalties are on pages 40-42, and can be civil or criminal, and could potentially escalate to the DEQ or EPA. Ms. Good asked if the town monitored grease traps for non-significant industrial users, such as Italian Touch, and could potentially penalize them. Mr. Showalter stated the Town doesn't routinely monitor this, but has on occasion had to follow up on suspicious issues, such as a sewer clog or unusual look to what they see in plant.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE to Set Public Hearing for February 11, 2020, 7:30 PM on Ordinance O-01-2020.

ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

2. Special Use Permit Request (SUP 20-01) – Randall Newman – 12342 Port Republic Road, Grottoes for a conversion of a commercial use to residential use on property located at 5992-5996 Main Street, Mount Jackson, zoned B-1. Tax Map #91A1-(A)-242. – Introduction/Set Joint Public Hearing for February 3, 2020, 7:00 PM. The conditions are:

1. Applicant shall comply with all building and other applicable regulations.
2. Applicant shall provide a paved access drive and parking area.
3. Applicant shall provide two parking spaces per dwelling unit in the rear of the facility.

Mr. Paxton stated Randy Newman previously operated his surveying business in this house, but is selling the property to Nathan Beall IV. This request is to convert the first floor back to residential use, as it's currently in mixed use. There are two apartments upstairs, and there will be one, possibly two, downstairs. The ordinance requires 3 parking spaces per unit, which will require paving the access road and parking area behind the house. There will be 2 parking spaces for each unit behind the property, as 1 parking space for each unit is available along Main Street. Mayor Pifer asked if the driveway between the buildings is part of the Newman property. Mr. Paxton stated Mr. Newman advised that the line runs down the center of the driveway, so is owned by both adjoining property owners. Mr. Fultz asked if it is a deeded right-of-way. Mr. Paxton stated there is probably no specific deeded right-of-way language, but simply shared by the two landowners with a verbal agreement. Mr. Shepherd asked staff to look into permeable pavement, as there have been problems with water running off that property into neighbor's yards. Mr. Paxton stated it is less than an acre, so doesn't fall under stormwater regulations, but staff can look into this before the public hearing.

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Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE to Set Joint Public Hearing for February 3, 2020, 7:00 PM on Special Use Permit SUP 20-01.

ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

3. Special Use Permit Request (SUP 20-02) – 5337 Main Street, LLC, PO Box 8, Mount Jackson for a private auto and truck sales lot limited to 6 vehicles located on the south side of Conicville Boulevard (Route 703) approximately 500’ west of Main Street (US Route 11), zoned B-2. Tax Map #80-(A)-1494. Property Address: 221 Conicville Boulevard - Introduction/Set Joint Public Hearing for February 3, 2020, 7:00 PM. The conditions are:

1. Lot shall be used for the sale of only company-owned vehicles.
2. Sales will be limited to no more than 6 vehicles at any one time.
3. No sales office will be permitted on the site.
4. Egress/Ingress to the lot limited to existing entrance.
5. The area used for parking for vehicles shall be graveled sufficient to prevent the transfer of dirt and debris from the lot to the state-maintained road.

Mr. Paxton stated this came to staff as a citizen complaint, at the time, of four Holtzman Oil company-owned vehicles parked on the property. The ordinance allows for auto/truck sales envisioning it to be a retail business lot, but not a private lot. In discussions with Mr. Holtzman, he has no plans for a business sales lot, but would like to continue to park a few company-owned vehicles there to be sold as they circulate them out. Mr. Holtzman agreed to request a special use permit for a private auto/truck sales lot with the conditions listed above. Mr. Paxton stated he contacted VDOT, who has no issues with the town allowing this special use permit, as long as they are held to the conditions.

Councilmember Rudy asked if a condition can be added to improve the lot in terms of curb appeal. Mr. Paxton stated the goal in working with Mr. Holtzman, was to make keep it as simple as possible until they decide how they are going to develop the property in the future. Councilmember Good stated also there is no time limit constraint for this use, and it has been 3 years. Mr. Paxton stated a time limit could be added, but since the proposed use is less than fully utilized, since it is a prime location for commercial development, he doesn’t anticipate this use continuing for an extended period of time. Mr. Paxton stated Mr. Holtzman is preparing to improve their property on the other side of the road first, which will go through site plan development and the review process, and once that is complete, he suspects they will turn their attention to this property. Councilmember Good stated Mr. Holtzman should make some decisions because sidewalks, curb and guttering are being added soon. Councilmember Miller stated she remembers an issue years ago when Mr. Holtzman sold vehicles in town, but 6 vehicles at this particular location isn’t a problem for her.

Councilmember Shepherd MOVED, seconded by Councilmember Miller to APPROVE to Set Joint Public Hearing for February 3, 2020, 7:00 PM on Special Use Permit SUP 20-02.

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ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

4. Ordinance O-02-2020 – Ordinance to Amend and Reordain Chapter 58, Division 2 – Timed Parking, Sections 58-62 and 58-64 of the Code of the Town of Mount Jackson to Increase the Fine and Extend the Time Period Allowed for the Payment of Such Fines for Violations Under this Division – Introduction/Set Public Hearing for February 11, 2020, 7:30 PM.

Mr. Paxton stated Chief Sterner found another code section that needed to be updated, similar to the recent ordinance passed on fire lane penalties. In working with the town attorney, these new penalties are within state law, and updated as such: 1) the fine for the first offense would be \$25 instead of \$5; 2) the time to pay a fine would be 30 days instead of 24 hours; and, 3) if the fine is not paid within 30 days the offender can be served a summons and fined no more than \$200.

Councilmember Shepherd MOVED, seconded by Councilmember Miller to APPROVE to Set Public Hearing for February 11, 2020, 7:30 PM on Ordinance O-02-2020.

ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

Motion made by Councilmember Shepherd to adjourn the meeting at 8:34 PM.

Debbie A. Stover, Clerk

Donald I. "Donnie" Pifer, Mayor