

Mount Jackson  
Special Town Council Meeting  
January 30, 2020

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Special Meeting

A special meeting of the Mount Jackson Town Council was held January 30, 2020 at 6:00 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, Neil Showalter, Town Manager; Joseph S. Paxton, Consultant; Debbie Stover, Town Clerk; and Jeff Sterner, Police Chief. Visitor Jim Hines was in attendance.

Agenda Additions/Deletions/Changes: None

New Business:

1. Special Use Permit Request (SUP20-01) – Randall Newman – 5996 Main Street – to convert mixed use facility to residential use.
2. Special Use Permit Request (SUP20-02) – 5337 Main Street, LLC – 221 Conicville Road – to establish private auto sales lot limited to six vehicles.

Mayor Pifer asked Mr. Paxton if he would like to address the Council. Mr. Paxton stated that he had asked to speak to the Council concerning the subject of the evening's work session. He stated he discussed the issue with the town attorney and wanted to make sure that Council members understood that a work session is essentially the same as regular meeting of council. There can be a decision made by Council that no official action will be taken at a meeting, but work sessions per se do not prohibit the Council from acting on matters before it, unless it is expressly provided in the action calling the meeting.

Regarding the special use permits on tonight's agenda, he cautioned the councilmembers that having a discussion before the public hearing, can lead to a public perception that Council has already come to an opinion or conclusion, before hearing comments from the public. Mr. Paxton stated if a governing body member has a question or concern leading up to the public hearing, such matters should be brought to staff to research and answer. He stated it is the role of the Planning Commission to provide recommendations on land use issues; that is, to make sure the proposal is consistent with the zoning ordinance and the comprehensive plan. Mr. Paxton stated once the Planning Commission makes its recommendation to Town Council, if councilmembers still have questions or concerns, at that point it would be the appropriate time to have a work session; however, it is also appropriate to have such discussion during the regular council meeting. Mr. Paxton stated in his past experience, work sessions with governing bodies were used for larger, possibly more complex topics, such as the current rewrite of the zoning ordinance, strategic planning, and some time budgets, items that would take too long to have a thorough discussion during a regular meeting. Councilmember Andrick asked Mr. Paxton if he suggests the Council not hold this meeting tonight. Mr. Paxton recommended, moving forward, if a councilperson has a question or concern regarding a matter to come before Council contact the town manager first to allow staff to research and provide information to address the concern. He noted that it is critical that such information be sent to all councilmembers.

Councilmember Good MOVED, seconded by Councilmember Andrick to postpone this meeting until after the public hearing on February 3, 2020.

Mayor Pifer stated his understanding is after the joint public hearing, if the Planning Commission makes a recommendation, it would be eligible for action at the following Town Council meeting, and therefore a work session would need to be held between the two meetings. Mr. Paxton replied after the public hearing, the

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Planning Commission's regular meeting will follow, and they may or may not develop their recommendation at that time. However, once it goes to Town Council, it's more than appropriate for councilmembers to address any questions or concerns at their regular meeting of council. Mr. Showalter stated an agenda item can be eligible for action, but doesn't require action that same night; it can be tabled, or have no motion leaving it on the table until the next meeting. Mr. Paxton stated the Council has no specific time period to act on an agenda item.

Ms. Good stated in the past she was criticized for bringing up concerns during regular meetings, without giving prior knowledge to the other councilmembers. Mr. Paxton agreed it is good practice for councilmembers to share concerns to staff and all council members before bringing up issues in a public meeting.

Councilmember Miller asked if there are any FOIA email concerns with notifying all members. Mr. Paxton stated it is okay to send an email to all councilmembers but it is important not to reply to all or use other such forms of electronic communication that engage more than one other councilmember at a time. On a related matter, he strongly recommended each member obtain a town email, to help eliminate the use of personal emails that can be subject to FOIA requests. Mr. Paxton stated members can sign onto a town email address, which remains on the town server, and doesn't interfere with their personal computers. Mr. Showalter stated Kevin Estep with Cornerstone can set this up on personal councilmember devices if requested.

On the question to delay a work session until after the public hearing on February 3, 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 Good, seconded by Councilmember Fultz to adjourn the meeting at 6:20 PM.

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Debbie A. Stover, Clerk

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Donald I. "Donnie" Pifer, Mayor