

Mount Jackson
Town Council Regular Meeting
September 8, 2020

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Regular Meeting

The regular meeting of the Mount Jackson Town Council was held September 8, 2020 at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with the following in attendance; Mayor Donnie Pifer; Councilmembers Judy Fultz, Rod Shepherd, Roger Rudy, and Bonnie Good. Councilmembers Whitney Miller, and Dennis Andrick, attended electronically through Zoom.

Also, in attendance, Neil Showalter, Town Manager; Jeff Sterner, Police Chief; and Debbie Stover, Town Clerk. Jay Neal, Town Attorney; Tyler Hinkle, Shenandoah County Planner; and David Brotman, Friends of the North Fork, attended electronically through Zoom. Visitors included Charlie Moore, Joe Beckenstrater, and Jonathan Day.

Dave Moore from Cornerstone Technology was present to video record the meeting.

Agenda Additions/Deletions/Changes: None

Remarks & Recommendations from the Mayor: None

Remarks from Councilmembers: None

Presentations: None

Chief of Police Report: Chief Sterner stated Investigator Devin Caplinger was injured last Sunday in a horse accident. Her ankle is broken in three places and she will have surgery. She will not be able to return to full duty for a significant amount of time, but hopes to return to light duty soon.

Town Manager Report:

Mr. Showalter stated yesterday was the end of the pool season and though it was abbreviated, was a successful year in that there were no safety incidents reported. During that time, there were 1379 paying patrons in the 32 days it operated. He thanked Savannah Miller, Amanda Nesselrodt and their pool staff, who faced many obstacles with the COVID-19 emergency.

Mr. Showalter stated the Town will be receiving its full Virginia Department of Fire Programs Aid To Localities grant of \$15,000, which will immediately be remitted to the Mount Jackson Rescue and Fire Department. He stated that is the largest grant amount the Town has ever received.

Mr. Showalter stated in April the Council authorized a sewer influent equalization engineering study at the sewer plant to examine the Town's ability to process the wastewater within its permitted limits. That study is complete and was submitted to the Town and forwarded to DEQ. As a follow up, the Public Services Committee will meet on October 15 with wastewater engineer, Rob Mangrum, who will review his report in detail, and present his recommendations on how the Town might approach possibly adding an equalization basin to our sewage process.

The Town has received a request from Bowman Andros for a variance to the height restriction of 45 feet in the district zone where its new factory will be built. Andros would like to build a bulk storage silo that has a design height of 72 feet, as part of the manufacturing plant. They have rendered some drawings and plans regarding how they intend to do that, and that matter will be advertised, the adjoining property owners will be notified, and the BZA will hold a public hearing on that variance request.

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Mr. Showalter stated the Finance Director indicates the Town should have the on-line payment option available in October. Our citizens can use this option to pay their water and sewer bills monthly, as well as their annual property and real estate taxes. The Town staff is looking forward to having this option, particularly with the ongoing COVID pandemic, to reduce traffic in the front office.

Mr. Showalter deferred to Councilmember Shepherd to speak on the audit. Mr. Shepherd stated auditors were recently in house reviewing the previous two fiscal years, with a goal to have a report at the October or November Council meeting. Mr. Showalter stated the audit director has offered to present the audit summary at that Council meeting. The Councilmembers agreed to review the audit before making that decision.

Ms. Good stated she was surprised to see the bulk silo addition request, and questioned why Andros did not submit that in the original proposal. Mr. Showalter stated it may be an equipment or process requirement they were unaware of when they filed the original site plan.

Mr. Andrick asked what the silo would hold, that normally it would be a grain product. Mr. Showalter stated the variance indicates a "bulk product", but did not have the application in front of him. He stated he would email the application to Mr. Andrick.

Hear from Visitors:

1. Joe Beckenstrater stated he was present tonight in regards to the Canoe Landing Grant Request. He asked if anyone had seen all the trash at the river site this past year. He stated there are three bags of open trash there currently, and had pictures available to show Councilmembers. He has put up "Posted" signs, but most of the time people still walk down to the river, onto his property, and leave trash. He asked if there would be trash receptacles and portable toilets installed at the new canoe landing. Mr. Beckenstrater stated he was told by Friends of North Fork they did not want to put trash receptacles there, due to having to empty them. He has talked to the game wardens, who've said when they are called to the location, they are there 3-4 hours handling problems. He stated the mower runs over the trash and aluminum, throwing it into his field, and their magnets won't pick up aluminum. Therefore, when they chop hay, they end up feeding that product to their cattle and lose a few. Mr. Beckenstrater stated he read on the Friends of the North Fork page, a park ranger said there is 50-100 bags of trash a weekend in Woodstock. He feels the canoe landing is not a good idea, and the Town should spend their money in town limits, such as the Farmer's Market. He also stated the police department would have to spend more time patrolling and enforcing rules in that area, which takes them out of the town limits.

2. Jonathan Day stated the covered bridge and steel bridge are both on his property and trash has been a major issue for years, as well as trespassing on his land and driving through his crops. He stated it is also a safety issue as people are constantly in the road. They are throwing large sticks into his soybeans and he has to pick them up before hitting them with his harvester. They also use the bathroom on his property. He feels by putting in these ramps, these problems will be multiplied. He also has to continually call the game warden, and people tear down his "No Trespassing" signs. He stated he cannot put cables up, because occasionally large trucks need to turn around there.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd had no report.

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2. Ordinance Committee Chairperson, Dennis Andrick had no report.

3. Personnel Committee Chairperson, Roger Rudy stated Joey Blankenship will begin employment Monday, September 14, as the Town's new Director of Wastewater Operations. He will work approximately 3 ½ months with Gale Netz, who will be retiring at the end of the year. Mr. Blankenship will also participate in the interviews of two candidates who are being considered for the replacement of another employee at the water treatment plant, expected to retire in October. Those interviews should occur at the end of September or beginning of October.

4. Public Safety Committee Chairperson, Judy Fultz reported August Police Department calls were 947, up 149 from July. There were 12 criminal offenses, 6 cleared by arrest, 4 closed by leads exhausted, 1 cleared by investigation, and 1 closed by the victim declined prosecution. They conducted 733 extra patrols/property checks, 54 foot patrols, and found 2 open doors/windows. There was no report from the Fire and Rescue Department.

5. Public Services Committee Chairperson, Bonnie Good had no report.

6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated the Public Properties Committee met with Randy and Preston last Thursday, to discuss several items to be accomplished before next summer. One of her main goals is to focus on Mayors Park, such as tree trimming, weeding, and making the benches more user-friendly. If anyone is interested in a list of items discussed, please let her know.

Consent Agenda: Approval – Minutes of August 11, 2020 Regular Meeting

Councilmember Shepherd MOVED, seconded by Councilmember Fultz to APPROVE the Consent Agenda above.

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			
6 AYES, motion carried			

Old Business: None

New Business:

1. Canoe Landing Grant Request. Presentation by David Brotman (Friends of the North Fork) and Tyler Hinkle (Shenandoah County Planner).

Mr. Shepherd stated a new canoe landing to access the river at the steel bridge is an exciting opportunity for Shenandoah County Tourism. The unique element regarding this is VDOT will already be on site with their equipment building a new bridge, so the Town can get this landing built at a large discount. These types of canoe landings cost up to \$250,000 in other parts of the state. VDOT will be building a ramp to access the river for construction of the new bridge, and has assured the Town this ramp would stay in place and support stairs and railing for new canoe landing. He thanked Mr. Beckenstrater and Mr. Day for speaking tonight, because their input is invaluable, and where there is a problem, there is usually a solution.

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Mr. Shepherd stated he has seen trash at the river location, but not to that extent. He stated if the landing site is built, collaborative efforts would be needed between the police department and Friends of the North Fork, to address that issue. A grant request does have a public hearing element for the entire community to be heard. Mr. Shepherd introduced David Brotman with Friends of the North Fork, and Tyler Hinkle, planner with Shenandoah County. Mr. Shepherd referred to a 4-page background document from Friends of the North Fork, and a drawing that shows current conditions of the bridge, and what the proposed improvements would be.

Mr. Brotman, Executive Director of Friends of the North Fork, thanked everyone for welcoming him tonight. He stated it is appreciated and important that Mr. Beckenstrater and Mr. Day spoke tonight because their concerns are important in this process. He stated it is clear, with or without these improvements, the river is a public resource, and people are doing what they can to access it, which is creating some problems. He feels this project would begin to address these problems in a clean and formalized way, such as who is taking care of what and when. He clarified Friends of the North Fork are not against having trash receptacles, they would just have to find people who can attend to them as often as needed, which will largely be determined by the public. He said Friends of the North Fork can commit to at least once a month clean-up, possibly more. Mr. Brotman stated due to COVID, non-profits such as Friends of the North Fork, are finding more opportunities, as more demands are put on the service they provide. They have hired a volunteer coordinator, the first in 32 years, and have been expanding their clean-up activities. Friends of the North Fork is happy to be a facilitator reaching out to the Garden Club and other organizations, and perhaps the Town citizens as well, which might help with clean-up.

Mr. Hinkle shared slides during his presentation. He stated VDOT will be replacing the steel bridge near Triplett Tech. Engagement sessions began last August, aiming to get the bid out and start the project in April of 2021. This process involves disturbing a lot of the river banks, as well as constructing a new pier in the middle of the river. This landing project would typically be very costly, however this is an ideal situation because VDOT would partner and oversee it, to their standards. Mr. Hinkle stated the grant itself is a result of a settlement case a few years ago with DuPont in Waynesboro where chemicals were released in the South Fork rivers. Funds from the settlement were made available to be used as a continuous grant until they run out to help support clean-up of the river as well as improving recreational access to the river. The proposed grant request is for the maximum amount of \$100,000, and localities can apply for this each year to be used for numerous improvements. Mr. Hinkle stated the grant would be used specifically for improving the site at the steel bridge, but also at river accesses at Red Banks and the covered bridge. The current river access conditions are not safe or ideal, and include many cars parked on the side of the road, and people wading down steep hills to get to the river. A more cost-effective and environmentally friendly approach would be log steps, packed with dirt or gravel, that allow water to still flow through them. In talks with state parks, it is a safer option for stair construction, because concrete steps can be washed away underneath. Mr. Hinkle's slides included pictures of lumber ramp examples to access the river with canoes and tubes, as well as a walking access for those who fish. Another slide compared what the bridge looks like now, to after the new bridge is installed with a sidewalk, which helps tie the Town and Triplett Tech to the site. The next step would be a letter of support from the Town. Mr. Hinkle stated they hope to have sessions with the neighbors and other members of the community in the next several months, to talk about existing problems. In discussions previously with Mr. Beckenstrater and Mr. Day, the major concerns are trash and parking, and patrol cars being able to monitor these sites easily.

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Mr. Brotman stated the formalization of the layout and landscape is part of the solution, and by adding trash receptacles and possibly lighting to address safety, it will hopefully generate more respect of the area. There is a gentleman on the North Fork outside Strasburg, whose land is between the road and river, and a natural place to access the river. He had people using that on a regular basis without permission, so he put up a chain and "No Trespassing" sign, and to call a phone number given. Anyone who called, is given permission as long as they leave their license plate information with him and approximate departure time, which has worked well for him for 8-12 years. Mr. Brotman stated people who have been granted that respect generally keep the property clean. It will not be perfect, but it should be more manageable from a safety standpoint and invite people to treat the site well and reduce erosion that creates problems for fish. It will provide a good basis for tackling further problems that will continue as people will push limits, but with improved structures, it can be managed better.

Mr. Andrick stated most weekends from May to September people can be found on both sides of the road, accessing the river area for picnics, more so then from canoeing or boating. He has asked people at the covered bridge where they are getting out, which is typically Red Banks, not the steel bridge. They are walking their canoes/kayaks from the covered bridge down to the turn in the river because there is normally not enough water to float. Mr. Andrick stated the boaters are not the people putting trash down there, it is the people picnicking, so putting the ramp in will exaggerate the problem. Mr. Andrick stated his wife is the owner of half of Mount Airey, and was told no one would ask her for access to that property. However at a recent meeting she was asked about leasing some of her property. Mr. Brotman stated he was at the meeting, and it may be a misunderstanding, but he is not in a position to bargain the lease of land, but he did ask about easements as a possibility to move forward with the project.

Mr. Beckenstrater asked who would be paying for the sidewalk that will be built from Triplett Tech down to the river, because it is not Town land. Mr. Hinkle stated the state is paying for the sidewalk. Mr. Beckenstrater also stated in regards to possible lighting, there is no electric on that side of the bridge, and would be costly to add.

Mr. Day stated one thing not being addressed is parking at the covered bridge, which is only designed for approximately five cars. His father donated that land to the Town for people to visit the historical bridge; it was not intended for recreational access to the river. That road is very narrow and VDOT only owns four feet at the edge of the asphalt. The parking area fills up quickly, and people then park in the grass and fields on both sides of the road. Mr. Day stated he does not have a problem with the occasional fisherman and canoers, but the parking situation needs to be addressed if opening this area up to more public access. Ms. Good asked Mr. Day if his understanding is a boat ramp will be built at the covered bridge. He stated he was told one was being built there as well. Mr. Brotman said the intention at the covered bridge is only to improve river access with effective stairs to help reduce erosion. Improvements at Route 11 steel bridge is likely to contribute to additional use at Meems Bottom and Red Banks, and that does need to be addressed. Mr. Brotman stated they support producers and do not want to hurt their livelihood in any way. Mr. Andrick stated 90% of the time there is not enough water for canoe access therefore a canoe landing is not ideal. Mr. Brotman said they can pull the records from flow gauges at Mount Jackson, Strasburg, and New Market to review. Mr. Hinkle stated the grant proposal is also very flexible by including all three sites, and the total funds can be redistributed where specific improvements are needed.

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Mr. Shepherd thanked everyone and especially Mr. Beckenstrater and Mr. Day for coming to express their concerns, which is clearly a problem. He stated developing this site as a canoe landing with a little bit of police surveillance and perhaps more adequate fencing to keep people from straying onto other properties could help. Mr. Shepherd recommended the Councilmembers collaborate with Friends of the North Fork, and apply for the DuPont grant for the construction of the canoe landing ramp at the site of the old iron bridge, and two adjacent projects at Red Banks and the covered bridge. He asks the Town endorse this grant request, with Friends of the North Fork and Tyler Hinkle handling most of the work involved.

Councilmember Shepherd MOVED, seconded by Councilmember Miller to APPROVE the Canoe Landing Grant Request.

Mr. Andrick asked if the Council passes this motion, does it necessarily mean the boat ramp will be installed. Mr. Shepherd stated should the grant be approved, the end goal would be to install the ramp, but agrees things are in deplorable shape at the river now, and feels more structure around the canoe landing would possibly address some of these problems to everybody's satisfaction. Mr. Hinkle stated the grant request would be worded in a way to emphasize the funds are not tied to any specific improvements. For example, if a feasibility study would show a canoe landing is not viable, improvements can be made in other areas. Mr. Andrick asked who would make the decision as to where the grant funds would be redirected. Mr. Brotman stated it could be spread out between those three sites, but couldn't be used for purposes beyond the scope in the grant request. Mr. Brotman stated the goal of the grant is to improve the health of rivers that were severely hindered by mercury that was released from the DuPont plant, damaging the ecology of the south rivers.

Mr. Rudy stated his primary takeaway from this presentation and comments by the adjacent landowners is that regardless of the end result, something needs to be done in these areas regarding the use and abuse of the sites, in terms of trash, human waste, trespassing, etc. He was not aware the problem existed to the extent it does, and the Town needs to address these issues. Mr. Rudy stated the proposed grant allocation of funds for each of the three areas lists maintenance at approximately \$100/year, which appears to be a low estimate, so he is glad to hear there is flexibility in this grant to move monies to maintain these areas.

Mr. Brotman stated with regard to the long term solutions for the problems with the Day's and Beckenstrater's, in his assessment it would be difficult to police, because fences wouldn't necessarily keep people out. But the river is public property, and how it is accessed is where the problem lies. He feels the canoe landing gives us a chance to improve quality of life locally, improve access to something people want and are going to do, and very much improve the ability to manage these problems. He stated Friends of the North Fork may reach out to Triplett Tech, because of their emphasis in their environmental ecology program, to have students and signage at the site, which would generate more community respect.

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 NAY, motion carried

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2. Ordinance O-08-2020 to Amend Chapter 58, Article I, of the Code of the Town of Mount Jackson, Virginia – Adoption of State Law. Introduction and Set for Public Hearing October 13, 2020 at 7:00 PM.

Mr. Showalter stated periodically the Town Council has been called upon to endorse the Code of Virginia, so that the Town’s police officers have authority to write tickets and enforce the laws of Virginia within the Town limits. He asked the Town Attorney to review the language in the Town code, Chapter 58, Section I to see if it is sufficient or should be updated to reflect changes within the last several years. The Town Attorney suggested that the Town update the language as set forth in Ordinance O-08-2020. This is a permanent adoption of the State code and will no longer have to be updated periodically.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE the Introduction and Set for Public Hearing, Ordinance O-08-2020, for October 13, 2020 at 7:00 PM.

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			

6 AYES, motion carried

3. Appointment of Acting Town Manager in Absence or Disability of Town Manager.

Mr. Showalter stated in the memo he sent to the Council, Section 2-98 suggests an Acting Town Manager be appointed in case of the absence or disability of the person holding that office. He could not find in previous meeting minutes, where anyone was appointed. Staff is recommending the Council appoint Police Chief, Jeff Sterner, to be the Acting Town Manager in the absence or disability of the Town Manager. This appointment will expire upon the end of Mr. Sterners’ employment from the Town, or upon the appointment by Council of another person.

Councilmember Andrick MOVED, seconded by Councilmember Fultz to APPROVE the appointment of Police Chief Jeff Sterner as Acting Town Manager in the Absence or Disability of Town Manager.

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			

6 AYES, motion carried

Mayor Pifer thanked Mr. Sterner for assuming this role.

4. Special Use Permit Application (SUP 20-05) – French Brothers, LLC and Boddie-Noell Enterprises, Inc. – Hardees Restaurant Sign Package. Introduction and Set for Joint Public Hearing October 5, 2020 at 7:00 PM.

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Mr. Showalter stated he would give a brief introduction tonight, and recommend Council set this for joint public hearing with the Planning Commission next month. He referred to the special use permit application in the Council packets, by Boddie-Noell, the franchise operator for the proposed Hardees Restaurant to be built on the corner of the shopping center entrance and Route 11. The application has been thoroughly reviewed by himself, and the Town's current advisor on land-use matters, Darla Orr of the Berkley Group. The finer points of the application are summarized on page two in the packet information. There is a table comparing items such as total sign area, some of the individual signs, what the ordinance allows vs. what Boddie-Noell is proposing in their special use permit application. Some are within the limits and some are not; specifically, the most important features include 1) two wall-mounted signs that are 20 feet tall, rather than the 15 feet current allowance; 2) a larger and taller freestanding sign of 164.5 square feet vs. the permitted 25 square feet on each side; and 3) total signage on the shopping center entrance road side of the building exceeds the 100 square foot limit vs. the proposed 189.5 square foot total. Mr. Showalter stated staff has invited Mr. Reggie Barnacastle, Boddie-Noell's representative, to attend the public hearing the Planning Commission has already set for October 5, and asks the Council set their public hearing for the same night.

Councilmember Good MOVED, seconded by Councilmember Fultz to APPROVE the Introduction and Set for Joint Public Hearing, Special Use Permit (SUP 20-05), for October 5, 2020 at 7:00 PM.

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			
6 AYES, motion carried			

Motion made by Councilmember Shepherd, seconded by Councilmember Fultz, to adjourn the meeting at 8:16 PM.

Debbie A. Stover, Clerk

Donald "Donnie" I. Pifer, Mayor