

Mount Jackson
Town Council Regular Meeting
December 8, 2020

-1-

Regular Meeting

The regular meeting of the Mount Jackson Town Council was held December 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 Rod Shepherd and Roger Rudy. Councilmembers Judy Fultz, Dennis Andrick, Whitney Miller, and Bonnie Good attended electronically through Zoom.

Also, in attendance, Neil Showalter, Town Manager; Jeff Sterner, Police Chief; and Debbie Stover, Town Clerk. Mario Rosso, Finance Director and Darla Orr, zoning consultant from The Berkley Group attended electronically through Zoom. Visitor Robert Frye was present. Dave Moore and Kevin Estep from Cornerstone Technology were present to video record the meeting.

Agenda Additions/Deletions/Changes: None

Hear from Visitors:

1. Robert Frye stated he was present tonight to discuss the Union Church trustees. His parents attended Union Church in the late 1940's, and the congregation had been meeting there since the late 1800's. Mr. Frye stated the congregation survived up until the 1950's, when the latest trustees were appointed, George Wolfe and Mr. Smoot. There have been some trustees' deaths, his congregation was recently approached about nominating a new trustee. Mr. Frye stated in May 2019, the consistory asked if he would be that nominee and he agreed. He presented documentation at that time, and would like to know what the status is. Mayor Pifer stated the Town Manager will research this and get back with him.

Remarks & Recommendations from the Mayor: Mayor Pifer thanked Michelle Lonas and Jennifer Hackenbracht for the holiday decorations in the Main Street flower barrels. He stated staff had a nice celebration in Gale Netz's honor, who is retiring at the end of the year, for his 45 years of employment.

Remarks from Councilmembers: None

Presentations: None

Chief of Police Report: None

Town Manager Report: Mr. Showalter stated Mr. Robert Luce met with him today and will be resigning his position as the Town's representative on the Shenandoah County Tourism Council. Mr. Luce recommended a replacement for consideration, however Mr. Showalter has not spoken with that individual yet. Mr. Showalter stated the Public Works department has completed putting up all holiday decorations, in anticipation of the Tree Lighting Ceremony on December 12 at 6 PM. Mr. Showalter stated there will be a BZA public hearing and meeting on Monday, December 14 at 7 PM for a variance request submitted by Bowman Andros Products, for two towers to store sugar as part of their manufacturing process.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated he will speak under New Business.
2. Ordinance Committee Chairperson, Dennis Andrick had no report.
3. Personnel Committee Chairperson, Roger Rudy had no report

Mount Jackson
Town Council Regular Meeting
December 8, 2020

-2-

4. Public Safety Committee Chairperson, Judy Fultz reported November Police Department calls were 846, up 1 from October. There were 5 criminal offenses, 1 cleared by arrest and 4 under investigation. They conducted 649 extra patrols/property checks, and 32 foot patrols. The Fire and Rescue Department reported 81 total responses, 58 EMS/23 Fire; 50 of the EMS calls were responded to by units capable of advanced life support; the total number of Mount Jackson calls were 26; and 62 of the total responses included volunteer crews.

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

6. Public Properties & Facilities Committee Chairperson, Whitney Miller had no report.

Consent Agenda: Approval – Minutes of November 10, 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. Special Use Permit Application (SUP 20-06) – French Brothers, LLC and Boddie-Noell Enterprises, Inc. – Hardees Restaurant Freestanding Sign.

Darla Orr stated there was a public hearing on this special use permit last night, relative to the proposed free standing sign for Hardees Restaurant. The property is at the corner of Main Street and the entrance road to the shopping center, on a 1.04 acre portion of the property known as 5412 Main Street. The applicants were here in October with a prior special use permit application, which included exceptions to allow taller wall mounted signs as well as a larger and taller free standing sign. Ms. Orr stated the Council at their meeting October 13 approved the exceptions relative to the wall mounted signs, but not the free standing sign. Mr. Showalter consequently reached out to the applicants and they have submitted a modified proposal. Hardees received zoning approval and started planning and development in 2018. On page 3 of the staff report is a chart outlining a comparison between the current ordinance vs. the previous ordinance.

The applicants are asking for an exception of 49.5 square feet to the total sign area, which under the current zoning ordinance limits that to 100 square feet along the shopping center road. The previous ordinance had no limitation. As far as the free standing sign, the previous ordinance allowed 100 square feet per side and 30 feet tall, and the current ordinance allows 25 square feet per side and 20 feet tall. The applicants are proposing a one sided sign of 124.75 square feet and 30 feet tall, which is approximately 40 square feet less than their original proposal in October. Ms. Orr stated the attachment to the application shows the proposed sign, with a note clarifying the rear of the sign will be opaque, black panel with no graphics or text.

Mount Jackson
Town Council Regular Meeting
December 8, 2020

-3-

The applicants state the subject property varies in elevation of other food services along Conicville Boulevard and reduces the visibility of travelers. This creates a hardship unique to the property, therefore staff recommends approval of this request, subject to two conditions on page 5. The conditions identify the exceptions relative to the total sign area as well as the height and area of the free standing sign, and the second condition requires them to install signage exactly as they have shown on the plans that accompany their application.

Ms. Good asked why this project has been ongoing since 2018, as Mr. Holtzman stated last night. Mayor Pifer stated he believes there have been some architectural issues, as Mr. Holtzman mentioned, like screening for the rooftop air conditioning unit. Mr. Showalter stated as Zoning Administrator the Town approved the site plan in July, other than the signage package, in less than 6 months. In addition to the air conditioning screening, others items included routing of the sewer pipe, soil control, etc. The signage has been the hold up since July. Mr. Showalter added the Planning Commission did recommend approval of SUP 20-06 with conditions on page 5, by a 5-0 vote last night.

Mr. Andrick stated he has spoken with many people in Town who are in approval of Hardees Restaurant, and he feels the applicants have worked with the Town reach an acceptable arrangement, and therefore he endorses it.

Councilmember Rudy MOVED, seconded by Councilmember Good to APPROVE the SUP 20-06, including the following conditions:

1. With the approval of this request, the following exceptions to sign regulations shall be granted. All other signs shall comply with the Zoning Ordinance and as approved with Case SUP 20-05 which allowed a height exception for wall mounted signs:

A. Total Sign Area – A 49.75 square feet exception to the permitted 100 square feet of total sign area permitted along the entrance road to the shopping center.

B. Freestanding Identification Sign – i) a 99.75 square feet exception to the 25 square feet of sign area for the one (1) freestanding identification sign along the entrance road to the shopping center; ii) a 10 feet exception to the 20 feet height limitation for the one (1) freestanding identification sign along the entrance road to the shopping center.

2. The freestanding identification sign shall be located and designed as shown on the plan entitled Hardees, as prepared by Allen Industries, and last revised October 29, 2020.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz
Councilmember Miller
Councilmember Andrick
Councilmember Shepherd
Councilmember Rudy
Councilmember Good
6 AYES, motion carried

Mount Jackson
Town Council Regular Meeting
December 8, 2020

-4-

2. Utility Rate Increases Set for January 1, 2021.

Mr. Shepherd stated there is a memo in the Councilmember packets regarding continuing the hold on utility rate increases until July 1, 2021, instead of raising the rates on January 1, 2021, due to the COVID-19 emergency.

Councilmember Shepherd MOVED, seconded by Councilmember Fultz to APPROVE deferring the utility rate increase until July 1, 2021.

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 7:23 PM.

Debbie A. Stover, Clerk

Donald "Donnie" I. Pifer, Mayor