

Mount Jackson  
Town Council Regular Meeting  
February 9, 2021

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Regular Meeting

The regular meeting of the Mount Jackson Town Council was held February 9, 2021 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, and Whitney Miller attended electronically through Zoom. Councilmember Bonnie Good was absent.

Also, in attendance, Neil Showalter, Town Manager; Jeff Sterner, Police Chief; and Debbie Stover, Town Clerk. Mario Rosso, Finance Director and Jay Neal, Town Attorney, attended electronically through Zoom. Karen Costie and one other visitor were present. Kevin Estep from Cornerstone Technology was present to video record the meeting.

Agenda Additions/Deletions/Changes: None

Hear from Visitors:

Karen Costie, representative for the Mount Jackson Hometown Partnership, stated they have approximately 30 applications for military banners, and will place the first order. She asked if the bracket rods have been ordered, and Mr. Showalter stated they have been manufactured, and are ready to assemble and install. Ms. Costie stated the hope is to have the flags displayed by Memorial Day, and that Mount Jackson is only the 4<sup>th</sup> town in Virginia to participate in this program. Ms. Costie stated they are not planning to have the Chili Cook Off in March, but would like have an event in April, a Battle of the Bands, unless Council has objections. Ms. Costie stated Second Sundays music will begin in May and run through September. Councilmember Miller asked if the Military Banner Program is advertised on the MJHP Facebook page, and Ms. Costie stated it is, as well as the marquee sign, and in the newsletter. Ms. Miller asked the Town Clerk to advertise on the Town's Facebook page as well. Ms. Miller asked if there is a way to ensure duplicate banners are not ordered for the same person, and Ms. Costie stated that will be monitored and only one flag per person will be allowed. Ms. Miller asked for the dimensions of the military banners so she can research ideas for other flags, and Ms. Costie stated they are 2'x4'. Councilmember Andrick asked the time period the flags will be displayed, and Ms. Costie stated they will be put up prior to Memorial Day and Veterans Day, and taken down at the Town's discretion. Mr. Andrick asked how many flags can be displayed in Town, and Ms. Costie stated 80 brackets have been ordered, and four flags can be displayed per pole. Ms. Showalter stated the brackets will only be put on Town owned lamp posts, not on utility poles.

Remarks & Recommendations from the Mayor: None

Remarks from Councilmembers:

Councilmember Shepherd stated there have been two recent meetings with the group organizing the Rails to Trails project in Shenandoah County. There is a feasibility study ongoing by the Department of Conservation and Recreation at the state level which should be complete in September. Currently, there is outreach to landowners who own property adjacent to the rail line, to keep them informed on the project and allow them the opportunity to ask questions and be heard. Mr. Shepherd stated it will be an important element for the Town to soon adopt a resolution supporting Rails to Trails. Mr. Shepherd referenced other trails, such as the High Bridge Trail in Farmville, the Creeper Trail in Abington and the Old Dominion Trail in Northern Virginia, all of which bring in many tourists, and he believes Rails to Trails to be a great opportunity, and will pass on any information to the Council as he receives it.

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Presentations: None

Chief of Police Report: None

Town Manager Report:

Mr. Showalter stated the Town is still attempting to resolve an easement issue regarding the north end sidewalks with shopping center management. The counter proposals have been investigated at length with VDOT, and found not to be acceptable. The shopping center management has been asked to prepare another proposal, or to agree to what has already been approved by VDOT. Councilmember Andrick asked if that section of sidewalk could be bypassed for now, and Mr. Showalter stated VDOT most likely would not allow the project to be broken up in that manner. Councilmember Shepherd stated this is the 13<sup>th</sup> year since the project began, and asked legal counsel to prepare a memo regarding eminent domain to understand more regarding that topic, and Mr. Neal stated he would do so. Mr. Showalter added VDOT states there are two other options available; 1) to take ownership of the property and record the deed, or 2) to secure a permanent easement for the property, which does not change ownership, but will allow access for future maintenance.

Committee Reports:

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

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

3. Personnel Committee Chairperson, Roger Rudy stated a recently hired individual in the Public Works Department has resigned out of concern of having to operate some of the larger Town vehicles. Mr. Rudy stated Neil and Randy will be reviewing the applications of the candidates who were previously interviewed for that position, and hope to make a decision by tomorrow.

4. Public Safety Committee Chairperson, Judy Fultz reported January Police Department calls were 926, up 6 from December. There were 5 criminal offenses, 2 closed and 3 under investigation. They conducted 757 extra patrols/property checks, and located 5 open doors/windows. The January Fire and Rescue Department reported 101 total responses, 70 EMS/31 Fire, the total number of Mount Jackson calls were 29, and 26 volunteers took calls.

5. Public Services Committee Chairperson, Bonnie Good was absent.

6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated the family of Hope Emph contacted the Town regarding a memorial. She reached out to a vendor, and has included an example in the Council packet. There are a few material options, such as aluminum, polished aluminum, and bronze, and they offer a variety of colors as well. Ms. Miller stated the committee's recommendation would be a small plaque on one of the benches under the gazebo in Mayor's Park. Councilmember Andrick stated he is not in favor of this memorial for Ms. Emph, his concern being this could set a precedent for others with this request. Mr. Neal replied not necessarily, but the Town would have to have a clear and rational explanation to deny a future request. Councilmember Miller stated the family is paying for this, and if another family requested a memorial of this nature, the Town should honor that as well.

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Ms. Miller stated if Council would not want to place a memorial in Mayor's Park, she would ask the Lion's Club if the memorial could be displayed somewhere in the park. She feels honoring Hope is important to a lot of citizens of the Town. Councilmember Rudy stated a list of criteria could be helpful as a guideline for potential requests for memorialization in the future. He stated he is in favor of a memorial for Ms. Emph, but feels some guidelines may help to avoid any potential problems. Mayor Pifer stated Council has adopted resolutions in the past honoring individuals who passed away, and he feels a memorial for Ms. Emph is comparable and should be honored. Ms. Miller will research the matter, and ask other Towns if they have had similar requests. Ms. Miller asked Mayor Pifer to let the family know the Town Council is continuing to research and striving to honor this request.

Consent Agenda: Approval – Minutes of January 12, 2021 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

5 AYES, 1 ABSENT, motion carried

Old Business: None

New Business:

1. Directive to Apply for Transportation Alternatives Set-Aside Funds.

Mr. Showalter stated he included a memo in the Council packet regarding a directive to apply for the transportation alternatives set-aside funds to complete a section of sidewalk on the south end of Town, from Triplett Tech to the bridge that will be replaced by VDOT. Mr. Showalter stated he was contacted by VDOT recently asking him to write a letter that would outline the Town's desire to build sidewalks to that bridge, because they may have an opportunity to include sidewalks in the design and funding of the bridge. Mr. Showalter stated in August 2019, the Town learned the sidewalks had been eliminated from the design, and immediately passed a resolution imploring VDOT to add sidewalks back into the design, and subsequently later that year, applied for grant set-aside funds to help to build the sidewalks. VDOT seems to agree it would be helpful to put sidewalks in the bridge design, and asks we renew our commitment to constructing sidewalks from Triplett Tech to the bridge. VDOT needs a letter as soon as possible, as tangible proof of our commitment. Mr. Showalter stated staff is asking for a motion to direct the Town Manager to engage Pennoni to assist in the preparation of the preliminary application to be submitted this summer to the state for transportation alternatives set-aside funds to construct a sidewalk from the current termination near Triplett Tech up to the planned replacement bridge. Mr. Showalter stated Councilmember Andrick asked if the County would need to be involved since the property beyond Triplett Tech to the bridge is out of Town. Mr. Showalter stated a Pennoni representative advised since the new bridge will be east of the current bridge, it is unclear how Route 11 will be redirected, and therefore it is possible the entire sidewalk will be within the VDOT right-of-way.

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Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE directing staff, in conjunction with Pennoni Associates, to reconfirm the Town's commitment to building sidewalks to the new bridge when constructed.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz

Councilmember Miller

Councilmember Andrick  
Councilmember Shepherd  
Councilmember Rudy

Councilmember Good

4 AYES, 2 ABSENT, motion carried

2. Ordinance O-01-2021 – An Ordinance to Amend Chapter 54, Article VI – of the Code of the Town of Mount Jackson - Motel Tax for Transients. Introduction and Set for Public Hearing on March 9, 2021 at 7:00 PM.

Mr. Showalter stated homestays and apartments dedicated to short term rentals are growing in popularity, and in the interest of fairness regarding motel tax, an amendment to the Town Code in the form of Ordinance O-01-2021 has been proposed, and requires advertising and a public hearing.

Councilmember Shepherd MOVED, seconded by Councilmember Foltz to APPROVE setting a public hearing for Ordinance O-01-2021 for March 9, 2021 at 7 PM to incorporate short-term Air BnB style rentals be subjected to motel tax.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz

Councilmember Miller

Councilmember Andrick  
Councilmember Shepherd  
Councilmember Rudy

Councilmember Good

4 AYES, 2 ABSENT, motion carried

3. Spot Blight Abatement and Appointment of Advisory Committee

Mr. Showalter stated Section 22-88 of the Town code gives the Town a tool to investigate properties to determine if they are blighted, as defined by the ordinance. Mr. Showalter summarized in his memo, the Town Manager is asked to make a determination as to whether or not the property is blighted, and employ the services of an advisory committee, which is appointed by the Town Council, to help him make that determination. If the Town Manager determines a spot blight condition exists, a letter is sent to the owner of the property and a copy sent to lienholders, to be made aware the landowner is given 30 days to present a written spot blight abatement plan. The plan is then evaluated as to its sufficiency and timing and whether it is aggressive enough to abate the spot blight. The plan is subsequently approved or not in consultation with this committee. Mr. Showalter stated he has asked a few individuals to participate in this committee and has one affirmative response.

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Mr. Neal stated the code is very straightforward, in that the committee determines if the property is blighted, informs the owner(s) providing a letter explaining the poor conditions, and gives them 30 days to submit a plan and timeline. If the owner would not adhere to the plan, the code provides that the Town can go in and do repairs to make the structure safe, and can record a lien against the property for that cost. Mr. Neal stated the question is how the Town would get its money back. Under Virginia code when a lien for the cost of the abatement is recorded, it is treated like a tax lien, so that if the property was foreclosed upon or sold, there are many liens the Town would have priority over. However, the Town would not have priority over perfected security interest, and there is a first deed of trust on this property. It originally sold for \$120,000, and there was a \$100,000 secured note that does not give specific details other than payable in 2024. Mr. Neal stated if the Town would make repairs and get a lien on the property and there is a foreclosure, the Town would be behind that first lien of \$100,000 plus whatever interest is accrued. Mr. Neal stated he could attempt to reach out to the note holder to see what the status is and try and reach an inter-creditor agreement, where the Town would agree to pay for repairs, but would be first to get reimbursed if there is a foreclosure. Councilmember Andrick asked if the committee could go inside the dwelling to evaluate, because he has seen a structural beam lying outside the property. Mr. Neal said the statute does not address that specifically, but if necessary, he could file a petition for a court order allowing the Town to go upon the property, as it would be hard to evaluate it otherwise.

Councilmember Andrick MOVED, seconded by Councilmember Shepherd to APPROVE the Appointment of an Advisory Committee to Evaluate for Spot Blight Abatement.

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

4 AYES, 1 ABSENT, 1 ABSTAIN, motion carried

Mayor Pifer asked if Council had any concerns or objections to the Battle of the Bands event the Hometown Partnership would like to sponsor in April, and there were none.

Mr. Neal added the spot blight abatement ordinance is somewhat involved, and if the Town would decide to do repairs to the property, an ordinance would be required, with advertising and a public hearing. Mayor Pifer stated he would not be in favor of doing any repairs to the property. Mr. Andrick asked if it was determined this property, although historic, was no longer structurally sound or worth repairing, what other options the Town would have. Mr. Neal stated the code states the Town has the power to hold, clear, repair, manage, or dispose of such property for purposes consistent with this section.

Motion made by Councilmember Shepherd, seconded by Councilmember Fultz, to adjourn the meeting at 7:50 PM.

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Debbie A. Stover, Clerk

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Donald "Donnie" I. Pifer, Mayor