

Mount Jackson  
Town Council Regular Meeting  
May 11, 2021  
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Mayor Pifer opened the public hearing at 7:00 PM in the council chambers at 5901 Main Street.

Public Hearing

Public comment regarding the adoption of:

1. Resolution R-03-2021 Resolution of the Mayor and Council of the Town of Mount Jackson Amending FY 2021 Annual Budget.

Mr. Showalter stated this resolution is to amend the current year's budget for items that have changed since the budget was approved last June. The significant items include moving the receipt of the proceeds of the land sale at the industrial park to next year, since the Town has agreed to an extension with the purchaser. The Town should also be receiving the American Rescue Plan Act funds before the end of June, which is a significant number. Other smaller items include the usual ups and downs on certain expenditures.

There were no public comments.

2. Ordinance O-02-2021 Adopting Budgets for the General Fund, Utilities Funds, Capital Projects, and Equipment Replacement Funds; Establishing Real and Personal Tax Rates, Establishing Compensation Amounts/Rates, Setting Fees for Water, Sewer, Refuse Services, Auto License Tax, and Other Fees, Charges, Penalties, and Taxes, and Establishing Annual and Specific Appropriations for Fiscal Year 2022.

There were no public comments.

Mayor Pifer closed the public hearing.

Regular Meeting

The regular meeting of the Mount Jackson Town Council was called to order following the public hearing. Roll call was taken with Mayor Pifer, and Councilmembers Rod Shepherd, Judy Fultz, Bonnie Good, Whitney Miller, and Roger Rudy in attendance. Councilmember Dennis Andrick was absent.

Also, in attendance, Neil Showalter, Town Manager; Mario Rosso, Finance Director; Jeff Sterner, Police Chief; and Debbie Allen, Town Clerk. Darla Orr, the Town's zoning consultant from The Berkley Group, attended electronically through Zoom. Jim Hines, Khalil Khatib, 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: None

Remarks & Recommendations from the Mayor: None

Remarks from Councilmembers: Mr. Rudy commended the Hometown Partnership on the Battle of the Bands event. There was a good turn out and it set the stage for some nice events coming up. Ms. Good stated the military banners on Main Street look wonderful.

Presentations: None

Chief of Police Report: None

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Town Manager Report:

Mr. Showalter stated the pool will be open at the end of May. The Town will have a full compliment of lifeguards, with new management who have prior lifeguard experience with us, and staff is hoping for another good season. The pool will open Thursday, May 27 at 1:00, on the last day of school.

Mr. Showalter stated he was contacted by the group developing the solar farm, which will be starting up and going online within a week. Following the testing phase, they will work on the site planting, and mowing, and once in finished condition, he as Zoning Administrator, will do a final inspection for their adherence to the conditions of their zoning permit and site plan.

Mr. Showalter stated an email was sent to the Town general mailbox, from Jennifer Wampler of the Virginia Department of Conservation and Recreation. She would like to arrange a time to discuss how the Town might envision the Rails to Trails project, and "what role the Town could play in the maintenance and/or management of that trail". She asked about availability on June 8 or 9, and Mr. Showalter will try to arrange a meeting on June 9, that councilmembers may participate in, to satisfy her inquiry. Mr. Showalter stated the state is looking at allocating funds into the development of the plan or feasibility of this project, and some fact finding goes along with that. Mr. Showalter stated he would not poll Councilmembers tonight, but to email him if you would like to participate, or what your ideas may be. He stated he will also forward Ms. Wampler's email to the Council.

Ms. Miller asked if Ms. Wampler is part of the group in current discussions, and perhaps Mr. Showalter could email Dr. Hindman to confirm that. Mr. Showalter stated he believes her group obtained funding to take a look at the feasibility of this project. Mr. Shepherd confirmed that department is legitimate and doing the feasibility study. Ms. Good stated as a Town, there has not been a discussion on this, so we don't know how we can support this, and in what manner. Mr. Shepherd stated Council passed a supporting resolution two meetings ago, and there is no request for any funding at this time, until this feasibility study is conducted. Mr. Shepherd stated another element is Norfolk Southern has yet to determine exactly what they are going to do with this rail line from Broadway to Front Royal. The indications are they want to dispose of it, but the question is how. Mr. Showalter agreed the email is a little ahead of itself in terms of role in maintenance and management, but he'll get back in touch with her and confirm we would like the opportunity for input as Mount Jackson has four miles in this trail. Ms. Miller stated it would be good to meet with her so Mount Jackson can get involved and reiterate we are definitely onboard once we have more information. Mr. Rudy asked if Ms. Wampler's department is aware of the Town's supportive resolution, and Mr. Showalter stated he will provide a copy to her. Mr. Shepherd stated there are many different recipes used for bicycle trails in Virginia, and each jurisdiction does a little in maintenance with an overall foundation attending to the entire trail. The High Bridge Trail in Farmville is primarily a state park, so it is run by them. Mr. Shepherd stated he is anxious to hear what her questions Ms. Wampler may have.

Mayor Pifer recognized the new visitors to the meeting and asked if anyone would like to speak. An associate of Khalil Khalib stated in regards to the water and sewer tap fees, Mount Jackson's fees are twice as expensive as Woodstock's, and in comparison to other area pricing. He stated our Town fees are restricting their development capabilities. He stated for houses built on Truxton, a \$15,000 connection fee is about 7-8% of the total worth of the house. In Woodstock, the connection fee is about 2%, so they want to discuss the possibility of working with Mount Jackson on the fees, to be able to develop in the Town.

Mr. Showalter stated he would respond in writing to these gentlemen, and does have their information.

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Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated he will speak under New Business.
2. Ordinance Committee Chairperson, Dennis Andrick was absent.
3. Personnel Committee Chairperson, Roger Rudy had no report.
4. Public Safety Committee Chairperson, Judy Fultz reported April Police Department calls were 806, down 50 from March. There were 12 criminal offenses, 1 closed unfounded, 9 cleared by arrest, 1 under investigation, and 1 turned over to another agency. They conducted 608 extra patrols/property checks, 33 foot patrols, and located 3 open doors/windows at 3 different locations. There was no report from Mount Jackson Rescue and Fire.
5. Public Services Committee Chairperson, Bonnie Good had no report.
6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated she met with the playground equipment representative, who will get her pricing on a shade structure for the baseball side of the new park equipment, to put a picnic table.

Mayor Pifer stated he received a compliment recently on our Town Park, stating it was very nice.

Consent Agenda: Approval – Minutes of April 13, 2021 Regular Meeting.

Councilmember Shepherd MOVED, seconded by Councilmember Good 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. Ordinance O-03-2021 An Ordinance to Amend the Code of the Town of Mount Jackson, 2020, as Amended, by Amending and Reenacting Specific Subsections of Section 66-41 of the Zoning Ordinance Relative to Signs.
  - a. Introduction and Discussion
  - b. Set for Joint Public Hearing June 7, 2021 at 7:00 PM

Mr. Showalter stated this ordinance that would amend the code to adopt certain text amendments that staff has found to be beneficial in the administration of the Town code as it pertains to signs.

Ms. Orr stated the Town has had some recent permit requests, and from those staff analyzed the current sign regulations and determined minor text amendments were needed, the majority to clarify language conflicts and signage changes within shopping centers. A wall mounted sign under the current ordinance permits 25

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square feet maximum, which may not be large enough for tenants within a shopping center. Section 66-41(d) speaks to the prohibition of changeable copy signs except as allowed in the ordinance. Some clarity was needed to identify electronic message board signs per the standards in its definition, and should not be confused as prohibited as a changeable copy sign. There is an amendment to section 66-41(f), sign standards for B and I districts. Staff is proposing to clarify that there are certain sign permissions within the B district, adding a subsection 2 which would address signage for businesses within a shopping center. The proposal is 1.5 square feet of signage per linear feet of building frontage, and not limited to 25 square feet. The proposal also clarifies the maximum height would be the same and all other signage for the shopping center would be provided in accordance with the provisions of the chapter.

Ms. Orr stated Section 66-41(e) includes Table 4 for the B-1 district and 66-41(f) includes Table 5 for the B-2, B-3, I-1, and I-2 districts. There are no changes proposed to any of the sizes, or heights, only to clean up language. Staff is proposing to strike "per side" in Tables 4 and 5. The reason being that language is not necessary and creates some confusion, because 66-41(i) deals with calculating sign area. In the tables, the words "per side" are not needed, because there is a whole section regarding calculating sign size for multiple sided signs. Section 66-41(i) states whenever one sign contains information on both sides one side only shall be used in computing the surface area of the sign. Typically the sign sides are parallel to each other, but some may be able to be read on both sides. The proposed amended language clarifies if it is parallel and at an angle smaller than 90 degrees, then you only calculate 1 side. If the sign is opened up to greater than 90 degrees and you can see both sides, then you'd use both sides towards the overall area calculation.

Ms. Orr stated Section 66-41(m) deals with appeals of the zoning administrator decisions, if an exception to sign standards is being sought. The previous ordinance included a process by which a person would ask for a special use permit. The current ordinance modified that process to have those requests to go to the Board of Zoning Appeals, and staff would like to keep the former practice in place.

Mr. Shepherd stated regarding the allowance in Table 5, is 25 square feet the total, or allowed on both sides. Ms. Orr stated in Table 5, the allowance is 25 square feet maximum for a wall mounted sign permitted per street side frontage. Using Hardees' as an example, which is a corner stand alone building, the allowance to calculate signage is based on building frontage on both street sides. So the allowance would be 25 square feet on each side. The shopping center difference is that the signage is based on the tenant space frontage. The stand alone business provisions in Section 66-41(f), subsection 1, allows 2 square feet of signage per building side facing the street. Staff is proposing 1.5 square feet of signage for a shopping center because they are also allowed a free standing identification sign.

Mr. Shepherd stated also in Table 5 under free standing sign type, it states one per street frontage, limit 3 per lot, at 25 square feet. So, if a business wanted to put 3 signs up, would it allow 25 square feet per sign? Ms. Orr stated that allowance is within a business use that is not a shopping center; subsection 1 states shopping centers consisting of 5 or more businesses and a minimum of 200 feet of street frontage may have one additional free standing sign not greater than 150 square feet. Table 5 deals with an individual business vs. multiple businesses within a shopping center. Ms. Orr stated to answer the questions, yes, an individual business not within a shopping center would be allowed 3 signs. However, that also falls under the maximum allowable signage under subsection 1 of 66-41(f), stating in no case shall any business display greater than 100 square feet of signage per building width frontage.

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Ms. Good asked if the sign area in Table 5 is for each of the signs that are allowed, and Ms. Orr confirmed that. Ms. Good stated in Table 4, a temporary (free standing or wall only) sign, is not limited in the number of signs, and each free standing can be 8 square feet. Ms. Orr confirmed, and stated the definition of a temporary sign is in the zoning ordinance, which limits how long the sign can be displayed. Ms. Good asked why the number of signs is not limited, because allowing more than 1 could possibly congest the area. Ms. Orr stated that would be up for discussion, but due to the decision by the Supreme Court relative to free speech, temporary sign ordinances are left open to allow for a lot of circumstances.

Mr. Showalter stated for an example the Goodwill will open in two weeks, and have a temporary sign in their window, which is sparking some of these changes. The business felt a 25 square feet allowance was not enough, since they were renting a lot of space. Ms. Good asked if the height allowance is from ground level, or of the actual sign, and Ms. Orr stated it is from ground level up.

Councilmember Good MOVED, seconded by Councilmember Fultz to APPROVE Setting a Joint Public Hearing for Ordinance O-03-2021 for June 7, 2021 at 7:00 PM.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz  
Councilmember Miller

Councilmember Andrick

Councilmember Shepherd  
Councilmember Rudy  
Councilmember Good

5 AYES, 1 ABSENT, motion carried

2. Resolution R-03-2021 Resolution of the Mayor and Council of the Town of Mount Jackson Amending FY 2021 Annual Budget – Eligible for Action.

Mr. Shepherd stated since there is uncertainty around the American Rescue Plan money, and a few other items, he would like to table this resolution until the June council meeting, so staff may have more accurate numbers.

Councilmember Shepherd MOVED, seconded by Councilmember Fultz to TABLE Resolution R-03-2021 until the June 8, 2021 meeting.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz  
Councilmember Miller

Councilmember Andrick

Councilmember Shepherd  
Councilmember Rudy  
Councilmember Good

5 AYES, 1 ABSENT, motion carried

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3. Resolution R-04-2021 Resolution of the Mayor and Town Council of the Town of Mount Jackson Authorizing Town Manager to Execute Documents Pertaining to the Town’s Application for a USDA/RDA SEARCH (Special Evaluation Assistance for Rural Communities and Households) Grant – Eligible for Action.

Mr. Showalter stated this resolution deals with the possible construction of the equalization basin project at the wastewater plant. The public services committee entertained a meeting where Rob Mangrum presented some preliminary insights into the need for this basin to address some of the permit violations the Town experienced in 2015-2019. There were no violations in 2020, and 2021 is starting off well. Nevertheless, staff has been in talks with the DEQ about making these improvements as the way of addressing what could be viewed as a serious situation. Mr. Showalter stated last month staff contacted the Rural Development Authority, which is part of USDA, to help us take a look at how the Town might finance a project of approximately 1.6 million dollars. In that process, we were invited to apply for a \$30,000 SEARCH grant, to allow us to prepare a formal engineering and environmental report from which the Town Council could make a decision. Mr. Showalter stated he also discussed with the RDA representative, funding for this project, which is included in the memo as Note A. The funding rate and payback amount is not etched in stone, but an indication what the Town may expect should we need to borrow the money. First however, we need to conduct a study which follows the USDA/RDA guidelines and use that information to evaluate if the Town wants to move forward. Mr. Showalter stated the USDA would also use that same information to evaluate whether to fund this project. Because there would be no point in preparing this paperwork without performing the study, also included is a proposal in the amount of \$30,000 from Mangrum Consulting and Engineering, who has performed such studies before. There are two parts to this process; 1) USDA needs a resolution giving the town manager authority to sign paperwork to apply for the grant, and 2) engage Mangrum Consulting and Design to perform the study the USDA is requesting.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE Resolution R-04-2021.

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			

5 AYES, 1 ABSENT, motion carried

4. Consideration of Mangrum Consulting & Design Proposal to Prepare USDA Preliminary Engineering Report and Environment Report – Paid by Search Grant Funds – Eligible for Action.

Councilmember Good MOVED, seconded by Councilmember Fultz to APPROVE the Consideration of Mangrum Consulting & Design Proposal 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			

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Councilmember Good

5 AYES, 1 ABSENT, motion carried

Mayor Pifer stated Donna Kinsey, Criminal Justice Instructor at Triplett Tech, sent a very complimentary letter regarding Chief Sterner and Sergeant Cowart participating in the instruction of criminal justice patrol procedures. He congratulated them on another excellent job representing the Town.

Motion made by Councilmember Shepherd, seconded by Councilmember Fultz, to adjourn the meeting at 7:49 PM.

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Deborah "Debbie" L. Allen, Clerk

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Donald "Donnie" I. Pifer, Mayor