

Mount Jackson  
Town Council Regular Meeting  
September 13, 2022

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Regular Meeting

Mayor Pifer called the regular meeting of the Mount Jackson Town Council to order at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with Councilmembers Rod Shepherd, Whitney Miller, Judy Fultz, Bonnie Good, Dennis Andrick, and Roger Rudy in attendance. Also, in attendance, Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; Jay Neal, Town Attorney; Keith Cowart, Police Chief; Officer S.E. Campbell; Barbara Riggelman, Town Clerk; and Debbie Allen, Assistant Treasurer. Visitors included Brenda Foley, Robert Whitehurst, Joe and Becky Beckenstrater, Jonathan Day, and Jim Hines.

Agenda Additions/Deletions/Changes: Mr. Showalter had an addition for a updated report pertaining to the protection of the Meems Bottom Covered Bridge, with a small presentation by Mr. Moore. Mr. Showalter also had an addition in response to an email he received regarding a resolution of R-06-2022 pertaining to a grant application being submitted by Tyler Hinkle, Shenandoah County Planner.

Hear from Visitors: None

Remarks & Recommendations from the Mayor: None

Remarks from Councilmembers: None

Presentations: None

Chief of Police Report: Chief Cowart introduced the Town's newest officer, Sarah E. Campbell, having 19 year's of experience with the Harrisonburg Police Department. Officer Campbell was welcomed by the Council members. Chief Cowart stated there were 1153 police department calls in August; year to date total being 9731. There were 3 criminal charges and 3 traffic summons. In the Criminal Offenses Report, there were 2 reports of domestic assault, both were closed by arrest, multiple charges on each; 2 reports of vandalism that were closed, leads were exhausted; 1 report of counterfeiting during the Yard Crawl, which was a problem up and down Rt. 11 from what he understands with other agencies reporting similar instances of the individuals attempting to pass counterfeit \$20 bills to unknowing members of the community . There were 4 reports of larceny, one was closed, 3 are still active; 1 active report of fraud; 1 active report for shoplifting; 1 hit-and-run which is still active. There were 18 mutual aids with other agencies and 0 open door/windows. Chief Cowart expressed his thanks to the officers for continuing to provide for the community. There is an upcoming event, an Neighborhood Watch Meeting on September 22 at 6:00 PM in the Council Chambers. A Narcotics K9 Unit will be coming from Broadway to do a demonstration, discuss their job duties and requirements, and how laws have changed since marijuana has been decriminalized. There will be a DEA Drug Take Back Event on October 29 at two locations, one at the Town Hall and the other at Mt. Jackson Drug Store. The pharmacy sees a lot of traffic with unused/expired medications. Chief Cowart is exploring the possibility of making this a year-long venture with them with a drop-box. Tomorrow morning, September 14<sup>th</sup> at around 6:00 AM, the police radios will switch over to the new system; by all accounts, this seems like it will be an easy operation. Sunday, September 18 there will be a Suicide Prevention Fair to be put on by Response and FYI at several locations in the tri-county area. Chief Cowart spoke briefly about this event, a portion of which will be in New Market.

Town Manager Report: Mr. Showalter reported that a couple weeks ago, as he had notified the Town Council by email, he had contact with 3-4 persons that live in the area of the existing solar farm, commenting on the plant growth at the farm, both inside and outside the fence. Mr. Showalter then visited the property and subsequently contacted the ownership of the property, who immediately responded back to explain what

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extensive maintenance and trimming measures they were willing to undertake. Those emails were forwarded to the Town Council. Mr. Showalter states that he revisited the property this afternoon and found the property's appearance to be markedly improved from a maintenance standpoint. In driving along both Georgetown Road and Turkey Knob Road, he saw grass trimmed on both sides of the security fence; all of the growth under and between the panels was trimmed to the ground, he saw, in no instance, was it still standing. He reports that the numerous pine trees planted there are all healthy, none are dying or dead, and the grass around the trees has been trimmed to a length equivalent to the rest of the grounds. Mr. Showalter reports that this has been a noticeable response by the ownership and invites the Council to view the property themselves.

Mr. Showalter brought forth Resolution R-05-2022 on the sidewalk project, which will allow him to sign the Construction Contract with GB Foltz Contracting Inc. The VDOT land use permit was applied for today. Mr. Showalter contacted Adam Foltz today, inquiring into a start date, which Mr. Foltz will give to Neil very soon.

The Town Pool has closed for the season. Final numbers show total admissions receipts were \$15,770, which represents a 7.5% increase in the usage of the pool from last year. There were almost 3,300 swimmers for an average of about 44 for each of the 75 open sessions; 12 dates during the summer were rained out, averaging about 1 per week. Approximately 25 group, family, and individual pool passes were sold, which are not necessarily included in the attendance numbers, and could bring the average to well over 50-60 swimmers each day.

There have been some sidewalks in need of repair on Bridge Street and Orkney Drive. Those will be fixed in the very near future; Ozark Concrete has been engaged to replace most of the sidewalk on the north side of Bridge Street almost down to the cul-de-sac. There was some sidewalk removed from Orkney Drive that needs to be replaced; Mr. Showalter and Mr. Lonas from Public Works are meeting with the owner on Thursday, September 15 to discuss how to best replace the sidewalk. Mr. Showalter reported on the satisfactory soffit repairs to the Town Hall. Mr. Lonas found a contractor that was able to do the job for less than 20% of what the larger firm first contacted had quoted; a nearly \$100,000 job ended up costing less than \$5,000.

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 had no report.
4. Public Safety Committee Chairperson, Judy Fultz presented the fire and rescue report. The total responses in August were 77 (67 EMS and 10 Fire); 30% of the total EMS responses included volunteer members on the apparatus; 60% of the total Fire responses included volunteer members on the apparatus; 75% of EMS calls responded to by a unit capable of advanced life support care. The total number of volunteer members taking calls was 13, total number of calls in Mount Jackson was 25, and total number of calls in the county was 52. The EMS license inspection took place the end of August, which passed with flying colors. There is a new county-wide radio system scheduled to go live on September 14, 2022.
5. Public Services Committee Chairperson, Bonnie Good had no report.

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

Consent Agenda: Approval – Minutes of August 9, 2022 Public Hearing and Regular Meeting

Councilmember Fultz 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			
6 AYES, motion carried			

Old Business: None

New Business:

1. Appointment of Town Clerk

Mr. Showalter reported that the Town Clerk position had come open when the current Town Clerk, Debbie Allen was promoted to Assistant Treasurer, where she is doing a great job. The Personnel Committee and Mr. Showalter interviewed candidates, selecting from those candidates Barbara Riggelman to fill the Town Clerk position; she accepted and has been working for the Town for 3 weeks now, learning the office functions and now the responsibilities of the Town Clerk, for which she was most importantly chosen. The Staff recommends Barbara Riggelman be appointed to the Office of Clerk of Council, as defined in Section 2-83 of the Town Code, effective immediately, in addition to her other staff duties.

Councilmember Rudy MOVED, seconded by Councilmember Fultz to APPROVE the Appointment of Barbara Riggelman as Town Clerk, effective September 13, 2022.

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			

2. Resolution R-05-2022 – Resolution Empowering Town Manager to Execute Documents for the Project Mount Jackson Sidewalks Improvements Phase 2.

This item of new business was previously discussed under the Town Manager’s Report.

Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE Resolution R-05-2022.

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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. Amendment #1 to Ordinance O-01-2022, Section 3: Fees and Rates, Planning and Zoning Fees – Introduction and Set for Public Hearing – October 11, 2022 at 7:00 PM

Mr. Showalter stated that he and Mr. Moore have been working on the improvement of their professionalism of the Land Use Zoning Administration in the office. A few years ago, the zoning code was modernized. The Town then hired its first full-time Planning & Development Director, Mr. Moore. Now, the Staff wants to recommend to the Council a series of user fees that are on par with what other localities are doing to help recoup some of the ever-increasing costs of zoning and land use administration. This process has gotten far more complicated than it was previously. The users who apply for these permits reap the economic benefit of the Town issuing these permits, some of which have hundreds, if not thousands of dollars in time and professional fees in them, and it is to the point where Staff believes the general tax payers should not have to absorb all of the costs of these zoning fees and permits. The user of the permit, who will benefit from the permit, should be the one responsible for the cost.

The proposal is to amend the Fee Schedule that is in the Budget Ordinance that is passed each year, a small area devoted to planning and zoning fees. Mr. Moore showed a presentation for a revision to a small section that is going to be in the form of an ordinance, which Staff is recommending to set for a public hearing on October 11, 2022. A review of fiscal budget years 2005-2022 indicates that the Planning and Zoning Fees have been amended twice. The 2005-2006 budget added four new items: Re-zoning Application-Over 1 Acre, Site Plan Review-Minor, Site Plan Review-Major, and Proffer Model Reimburse. The 2012-2022 budget only added 1 new Planning and Zoning item and 2 fee increases. Mr. Moore presented a comparison of Planning and Zoning Fee Schedules of towns within the county – Mount Jackson, New Market, Edinburg, Woodstock, and Strasburg – showing each town’s current fees as compared to the Town’s current fees. Other towns have stayed up with the pace of inflation over the last 20 years. Ms. Good asked for clarification on the Rezoning Fees for Strasburg in comparison with Mount Jackson. Strasburg is listed as \$1500 + \$50 per unit; the Town’s current fee is shown as \$200 and \$300. Ms. Miller stated that the Town’s rezoning is \$200 under 1 acre, \$300 + \$50 over 1 acre. Mr. Moore confirmed these fees as correct. If there is an application for rezoning and the land is 1 acre or less, the fee is \$200; for larger areas to be rezoned, there is the fee for \$300, plus \$50 for every acre over the first 2 acres. Mr. Moore presented a comparison of the Town’s current fees and a proposed revision and expansion to the Planning and Zoning Fees, to cover the expanded types of submissions that Staff is seeing, or expects to see under the current zoning code.

Ms. Good asked for the reason for the removal of the \$75 fee for Penalty for Construction Before Obtaining Zoning Permit (\$75). Mr. Moore stated that starting a project without proper permits can be a legal offense incurring larger court fees against the offender. The Town’s consultant advised that this would be a better option for the Town. Mr. Showalter stated that during his tenure as Town Manager and formerly as Finance Director, he doesn’t remember ever having to assess this issue. Staff’s consensus was that since this fee wasn’t being used, to remove it from the Fee Schedule; should the issue arise in the future, it could become a legal

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matter. Mr. Moore stated that the Revised Planning and Zoning Fee Schedule was presented to the Planning Commission at their meeting last night, September 12, and the Commission gave their support. Mayor Pifer inquired as to whether Town Council was having a joint public hearing with the Planning Commission on this issue. Mr. Showalter stated that this is an ordinance amendment, solely in the purview of the Town Council; the Planning Commission will not participate in the decision. A public hearing is needed because this is an ordinance amendment, the meeting of which can be held prior to the regularly scheduled Town Council Meeting on October 11.

Councilmember Good MOVED, seconded by Councilmember Rudy to APPROVE Setting a Public Hearing for Amendment #1 to Ordinance O-01-2022, Section 3 on October 11, 2022.

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			

4. Update to Protection of Meems Bottom Covered Bridge

Mr. Moore stated that at the August Town Council meeting, Ms. Good brought up the issue of VDOT signage around the Meems Bottom Covered Bridge. Even though the bridge is in the County, the Town benefits greatly from this attraction. Mr. Moore visited the area and took a series of photographs, which he presented to the Council, showing each interchange, the directional path for correct truck travel vs. incorrect truck travel which would impact the bridge, the VDOT signage at each interchange, and the location at the interchange of each particular sign. In the photographs, Mr. Moore pointed out that there are no warning signs at the intersection of Caverns Road and Route 11/Old Valley Pike to warn of restricted travel thru the bridge. He also stated that at the intersection of Route 11/Old Valley Pike and Wissler Road, there are no signs from Route 11/Old Valley Pike restricting truck travel on Wissler Road. Mr. Moore's photographs showed that the only truck restrictions on Wissler Road before motorists come to the bridge are a weight restriction sign, a height/width restriction sign, a height restriction barrier with hanging bollards, and then another height/weight restriction sign before the entrance to the bridge. Restricted trucks attempting to enter the bridge continues to be an issue. Mr. Moore showed a photograph from the intersection of Wissler Road and Industrial Park Road showing that there are height/weight restriction signs at each part of the intersection as well as another height restriction barrier with hanging bollards after motorists turn east onto Wissler Road, located before the I-81 overpass.

Ms. Miller stated that when motorists are traveling south on Industrial Park Road, at the intersection with Wissler Road, there was sign that is supposed to say I-81 with a directional arrow directing motorists to continue south thru the intersection to reach I-81. Ms. Miller reports that the I-81 portion of the sign is missing; there is just an arrow on that sign, nothing showing truck traffic the correct direction of travel for I-81. Mrs. Good asked if the Town could create a sign. Mr. Moore stated that this would be in VDOT right-of-way so the Town would need to work with them, but there is a definite need for better signage.

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Mr. Moore stated he hasn't spoken to the VDOT residency, to which Ms. Miller stated she thought the Town had been in multiple conversations with them. Mr. Showalter clarified that the Town had been in talks with them about protection devices for the bridge, but the signage is apparently a bigger contributing issue that is negating these protection devices. VDOT has their own signage rules and regulations which the Town is nearly powerless to affect, but the Town does need to talk with them about the inadequacy of the current signage. Ms. Miller inquired as to whether the Town has made any progress into a better height restriction barrier than the hanging bollards.

Ms. Good stated that this presentation that Mr. Moore gave would be a good presentation to take to VDOT to address these signage issues. Ms. Miller inquired as to whether VDOT makes the signage in the town and county or if that is contracted out. Mr. Showalter responded that he believes the interstate signs are contracted out, but VDOT handles the rest. Ms. Miller stated that she feels this has been an on-going issue and that the Town is not utilizing everything at their disposal; she feels that the County would also have a vested interest in this issue, obviously there are citizens who could carry some weight, and there are plenty of Council members who have voiced concerns; something needs to be done before the bridge is destroyed. Mayor Pifer thanked Mr. Moore for his presentation.

Motion made by Councilmember Shepherd, seconded by Councilmember Good, to APPROVE Erick Moore, Planning and Development Director, to approach Ed Carter at VDOT regarding 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			

5. Resolution R-06-2022 Supporting Dupont-Waynesboro Grant Application for Landing

Mr. Showalter received word yesterday that Tyler Hinkle was moving forward with a grant application, which he and David Brotman had approached the Council about in September of 2020. The idea being of possibly developing a landing and other aspects of using the Route 11 approaches to the old iron bridge that is currently about to be replaced; building something with money that would be supplied by a grant from Dupont as a means of reparation for mercury that was dumped in the river from Waynesboro to Front Royal. At that time, Mr. Brotman and Mr. Hinkle both made presentations and the Council voted to support a grant application. The vote was not unanimous but did pass. Much of this item was worked thru at that time, but now the grant application is requiring a resolution from the Town indicating sponsorship. This would not guarantee that the Town will be doing this, if it would be a route the Town would take, it is just a communication to the grant trustees that do the evaluations that the Town of Mount Jackson is serious about developing this unusable but valuable resource and access point to the river.

Mr. Andrick asked if the bridge is actually in town limits, his understanding being that the Town limits end before the bridge. Mr. Showalter answered that if you think of Route 11 as a vertical axis and the river as a horizontal axis, the town limits go to Route 11 and the river on the northeast side; the northwest side, southeast side, and southwest side are not in town. Mr. Andrick asked if this proposed bridge access would be

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going on the side not in town limits. Mr. Showalter stated that it is his understanding that the new bridge will be constructed to the east of the existing bridge, so those coordinates would not change, but it is true that the property is in the VDOT right-of-way; that does not preclude the Town from developing it into a landing area. GIS maps confirm that only the northeast corner is in the Town Proper.

Mr. Shepherd stated that he would like to make a motion that the Council vote to reapprove this resolution, essentially the same one voted on two years ago, to allow Mr. Hinkle to apply for the grant. Mr. Shepherd stated Council delayed this two years ago as the time schedule for the bridge replacement was uncertain. The grant has a time limit from when money has been received for it to be spent. Council wasn't certain what was going to happen with the bridge so it was, in a sense, tabled these past two years. Now that the bridge is active, and the grant application deadline is approaching, Mr. Shepherd feels Council needs to reiterate what was decided two years ago. Mr. Shepherd commended Mr. Andrick for keeping an eye on this issue; he feels Mr. Andrick will add value to this discussion.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE Resolution R-06-2022.

ROLL CALL VOTE:

AYE	NAY	ABSTAIN	ABSENT
Councilmember Fultz			
Councilmember Miller			
	Councilmember Andrick		
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			

5 AYES, 1 NAY, motion carried

Mr. Beckenstrater asked for a copy of the paper that Mr. Showalter shared for the proposed landing. Mr. Showalter provided Mr. Beckenstrater with a copy, stating that it is just a preliminary sketch; it is a very rough draft of what is being proposed. Mr. Shepherd stated that Council does want the public's input into this discussion as it continues; tonight's action was just to state that Mount Jackson approves this concept to be put into the grant application; there is no way of knowing what will actually happen with the grant. Mr. Whitehurst asked whether public hearings on this item would be made in the future, to which Mr. Shepherd responded that yes, public hearings would be required. Mr. Day stated the problem he saw was that this is not in the town, that what is being proposed to be done is not even on the town side, so how can Council make a resolution to approve something that is not even in Town jurisdiction? Mr. Day stated that when he talked to VDOT, if land is in their right-of-way, they do not give it up; when VDOT asked them, as landowners, to grant them an easement to build this bridge, it was clarified to them that there was no boat ramp, there is nothing in the plans, that Mr. Hinkle lied to the Town two years and said that it was. Mr. Day stated that VDOT told him there never was, it was not on their radar, there was no concept, nothing. He reiterated he was guaranteed that there was not to be a boat access. Mr. Day stated they, the landowners, would not sign to give VDOT permission to take their land so they could put their new easements up, in order for them to put the new bridge up. Mr. Shepherd replied that Council has had numerous active discussions with VDOT about the potential of installing a boat access ramp on this area; VDOT has been on top of this for a couple years now, so he is not sure where the communication problem is. Mr. Beckenstrater stated that within the last two years was when they sold the land to VDOT, when they had the discussion with VDOT where it was understood that they, the landowners, did not want a boat ramp there. Mr. Shepherd stated that he is unaware of any discussions Mr. Beckenstrater had with VDOT. Ms. Good stated that if the grant is not approved, the issue will be resolved. Mr. Day responded that the Council backing it is like the grant trustees saying everyone is behind

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it when they aren't; they need their approval - the landowners on both sides; it shouldn't be approved by the Town when it's not in the town. Mr. Shepherd stated that he understands the concerns; this is a very lucrative partnership, Council doesn't know if the grant will even be approved. Neighboring jurisdictions adjacent to a project such as this are asked to voice their opinion, which Council just did. Mr. Day stated that they, as landowners, never had a say in the matter. He questioned why, if the grant trustees have asked adjoining property owners for their approval, haven't they, the landowners been asked. Mr. Shepherd responded that he understood and this issue will still go thru public hearings; it is not a done deal, it is still in the early, preliminary stages of potentially happening. Mr. Shepherd stated that he shared Mr. Day's concerns, which Mr. Day had shared with him previously, and he wanted to make sure some solution would be reached. Mr. Shepherd stated that Mr. Andrick had also raised some good concerns; those concerns need to be addressed and solved as part of this project.

Mr. Shepherd asked if Staff had any items for action following the closed session. Mr. Showalter responded that he did not.

Motion made by Councilmember Shepherd, seconded by Councilmember Good, that the Council of the Town of Mount Jackson convene a closed session under Virginia Freedom of Information Act, state code §2.2-3711(A)(4) in order to discuss matters of business to protect the privacy of the individuals unrelated to public business.

ROLL CALL VOTE:

AYE	NAY	ABSTAIN	ABSENT
Councilmember Fultz			
Councilmember Miller			
Councilmember Andrick			
Councilmember Shepherd			
Councilmember Rudy			
Councilmember Good			
6 AYES, motion carried			

Motion made by Council Member Shepherd, seconded by Councilmember Rudy, to return to the open meeting at 8:38 PM.

The Council of the Town of Mount Jackson hereby certifies, by roll call vote, that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council of the Town of Mount Jackson.

VOTE:

Councilmember Fultz	I So Certify
Councilmember Miller	I So Certify
Councilmember Andrick	I So Certify
Councilmember Shepherd	I So Certify
Councilmember Rudy	I So Certify
Councilmember Good	I So Certify
Mayor Pifer	I So Certify
7 AYES, 0 NAYS, 0 ABSENT	



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Motion made by Councilmember Shepherd, seconded by Councilmember Fultz, to adjourn the meeting at 8:40 PM.

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Barbara M. "Barbie" Riggleman, Clerk

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Donald "Donnie" I. Pifer, Mayor