

Mount Jackson
Town Council Regular Meeting
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Public Hearing

Mayor Pifer opened the public hearing at 7:00 PM in the council chambers at 5901 Main Street, to hear public comment regarding the following:

1. **Ordinance O-01-2024** – To amend and reordain Chapter 18, Division 1 – Generally, Section 18-27. – Doing business, etc. without required license prohibited
2. **Ordinance O-02-2024** – To amend and reordain Chapter 22, Division 2 – Junk on Residential, Business and Agricultural Premises, Section 22-48. – Open storage of inoperative vehicles on residential, commercial, and agricultural property. (c) Notice.
3. **Ordinance O-03-2024** – To amend and reordain Chapter 66, Article IV – Community Designs and Standards, Section 66-40. – Standards for specific uses. (e) *Commercial uses*.
4. **Ordinance O-04-2024** – To amend and reordain Chapter 54, Article VII – Cigarette Tax, Section 54-300. – Definitions, and Section 54-305. – Notice of intention by retail dealers
5. **Ordinance O-05-2024** – To amend and reordain Chapter 54, Article V – Meals Tax, Section 54-142. – Procedure when tax not reported or collected.
6. **Ordinance O-06-2024** – To amend and reordain Chapter 34 – Manufactured Homes and Trailers, Section 34-1. – Definitions.

There were no public comments and Mayor Pifer closed the public hearing.

Regular Meeting

Mayor Pifer called the regular meeting of the Mount Jackson Town Council to order at 7:03 PM in the Council Chambers at 5901 Main Street. Roll call was taken with Councilmembers Al Asbury, Judy Fultz, Bonnie Good, Todd Holtzman, and Rod Shepherd in attendance. Councilmember Evelyn Burner was absent. Also in attendance were Olivia Hilton, Town Manager; Greg Beam, Assistant Town Manager; Mario Rosso, Finance Director; Jennifer Frye, HR Manager; Barbara Riggleman, Town Clerk; and Keith Cowart, Police Chief. Visitors included Carolyn Foyle, Gerald Bohus, Pam Sperry, Seth Jones, Brenda Foley, Judi Wakeman, Kathy Rinard, Jim Hines, and Brent Johnson, reporter for the Northern Virginia Daily.

Prayer: Kathy Rinard, Brighter Days Bible Church, offered the invocation.

Agenda Additions/Deletions/Changes: None.

Hear from Visitors: Gerald Bohus stated that Councilmember Holtzman is doing a nice job on his properties, fixing them up and cleaning up the property. Mr. Bohus inquired if there could be anything done regarding speeding vehicles in Avondale Acres, possibly erecting more signs. Mr. Bohus also thanked Bill & Todd Holtzman for not having their trucks use engine brakes coming off I-81 to Rt. 11. He inquired if there could be signs erected to stop or limit the use of Jake brakes in town. Mr. Bohus added that he was glad to see the proposed ordinance changes; they are much needed. Mayor Pifer stated that he would ask the Ordinance Committee to look into the Jake brake and speeding issues. Mr. Bohus stated that he enjoys the sidewalks down to Avondale and inquired if there could be streetlights installed on that sidewalk. Ms. Hilton stated that Staff has reached out to VDOT for traffic calming measures and will touch back with them. Ms. Good inquired if the 45 mph speed sign could be moved from the first Avondale entrance. Chief Cowart stated that VDOT

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determines the speed limits. They can do studies and traffic counts, but it will take a while. Ms. Hilton stated that Staff can put in a request to VDOT. As a note, the speed limits have been lowered on the southern end of town from the bridge to Triplett Tech. Ms. Hilton stated that Staff is working on streetlights from Randy's Hardware to Bartolo's, so there are 7 more lights coming in, but encouraged Mr. Bohus to keep advocating. Mr. Holtzman stated that he has seen engine brake restriction signs in other localities. The area from I-81 to Rt. 11 is a short piece and an engine brake is not necessary; this could be looked into. Chief Cowart stated that this would have to be readdressed with VDOT as they consider it a safety feature and may not want to change anything. Ms. Good stated that this had been broached 6 years ago on Council and VDOT denied the request. Ms. Hilton stated she would look into it and hopefully have an update next month. Ms. Sperry added that Jake brakes are also used on Main Street at times, so this is also a concern.

Seth Jones spoke regarding proposed ordinance change O-02-24. Mr. Jones stated that the Constitution starts off with, "We the People" and that means any governing body that the hands of the citizens elect them, and whether or not those citizens are pleased. Mr. Jones stated that he understood the proposed changes and offered another wording for the changes. Mr. Jones stated that Council is present to discuss the rewording of an unnecessary ordinance when there are much more severe problems to face as a community.

Brenda Foley raised a complaint about dogs on Nelson Street. She stated she had to hire someone to walk her dog; her dog has been physically attacked and chased by these dogs. Ms. Foley stated she has reported these dogs to several people in town but has not called the County yet. Ms. Foley stated the dogs' owner has a fence around part of the property but it is broken down. One dog even came thru the gate. Ms. Hilton inquired into the address for the dogs' owner. Ms. Foley stated it was at the corner of Nelson Street at Clem's.

Opening Remarks from Mayor: Mayor Pifer welcome everyone present to the meeting.

Presentations: None.

Chief of Police Report: Chief Cowart reported for the month of February 2024, there were 743 calls for service; year to date total 1,303. Mutual aid/warrant services were 23 and 6 warrants served for other agencies. The cold cases have gone from 261 active cold cases to 20. Investigator Whorton and some of the other officers have put time into closing these cases with due diligence. Conversations with the new Commonwealth Attorney have effectively closed out many cases. The remaining 20 cold cases are ranging within the last 20 years. In February, there were 2 reports of larceny; 1 is active pending identification of suspect in video footage, other was closed due to lack of evidence and suspects. There was 1 shoplifting that was closed by arrest. Warrants were obtained on a sex offense. There is an adult abuse case that is pending further investigation and cooperation with adult protective services. There was 1 hit and run that has since the report was written been closed with charges pressed. Officer Beaver, the latest new hire, has been released from the field training program and is operating independently and successfully. Investigator Whorton and Officer Beaver attended a joint agency training in Woodstock on crime scene investigation. An agreement has been made with other agencies to start working and collaborating on monthly training courses to refresh the basics. Chief Cowart and Sgt. Johnson attended an FBI training at JMU on domestic terrorism and hate crimes. Chief Cowart attended a roundtable discussion at Harrisonburg Police Dept. on Real Time Communication Center, which will be in addition to the current dispatch, but regional. More information to come. The Night to Shine event held at Shenandoah Caverns was an awesome event. Chief Cowart encouraged others to volunteer. Upcoming events: Neighborhood Watch Meeting on March 21 in the Town Hall at 7 PM to discuss frauds and scams, Basic Handgun Safety Course on April 6, DEA Drug Take Back Initiative on April 27.

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Town Manager Report: Ms. Hilton reported that Staff met with LPDA/Kimly Horn Project Manager Jessica Mauzy to do an overview of the progress. Department of Wildlife Resources met with Staff for an update on the grant application. The current plan is the town parcel adjacent to the water treatment plant; possibly an alternative location depending on how talks go this week. Staff had a follow-up meeting to discuss costs for a Rouge River Farms project with a local farmer; those talks will determine the site to be used. She stated she anticipated submitting the Support to Partners DWR grant in June. This is not a 1:1 match, it is \$200,000 pure grant funding for a river access, no taxpayer dollars being used for the river access project. For the Small Business Development Community Business Launch, several potential vacant buildings have been identified, 3 local businesses have inquired about applying. Staff will find out in July if the grant is accepted. Olivia stated that Mr. Beam has been working on this grant.

Update on 160 Race Street – order of publication has completed the 60-day window, next step will be Jay Neal getting an approved order by Judge Black and we will plan to head towards demolition by mid-April. Following the demolition, Staff will place a lien on the property and move towards the tax sale. Shenandoah County unpaid taxes are paid first, then Town unpaid taxes, then demolition costs. A gentleman has shown interest in purchasing the parcel and utilizing the original stone for a small cottage; Staff is looking into this. He is open to a sign easement and paying back the cost of demo and liens. Orchard Street Housing Development – Staff has received a site plan submission from the Timmons Group thru DR Horton for a 121 single-family housing development that would extend off Jackson Street. They will be putting together detailed stormwater management plans to DEQ and contacting Norfolk Southern for road access over the railroad. Staff are analyzing the site plan with Karl Schaeffer. The Montvue stone wall project is back to work and a bronze plaque has been installed. Shannon Avenue to Triplett sidewalk project – replacing water valves and connecting current lines, pouring 4 entrances, and C&S Landscaping will then install brick pavers. Estimated completion is mid-May. Get Outdoors Virginia grant for a dog park on King Street (\$25,000) is due in July. USDA Wayfinding project grant (\$25,000) is due in the fall of 2024 to help with design planning.

The Women of Mount Jackson social media campaign has been a big hit. Mr. Beam has been working on this project. This can be found on the Town's Facebook page. The branding survey is live, with 30 submissions already received. This will be open from March to May. Ms. Hilton gave an overview of the branding process and community outreach.

Ms. Frye and Mr. Beam have completed their first month with the Town. Their one-month recaps were distributed to Council with the Town Manager Report. Three Staff members have applied to the Shenandoah County Chamber of Commerce's Leadership program – Ms. Frye, Mr. Beam, and Ms. Riggelman. This will be an 8-week program that will network with about 20 other emerging leaders in the County.

Ms. Hilton met with Jay Neal and Chief Cowart, looking into Town Code enforcement and how to connect civil matters to criminal matters for enforcement. This relates specifically to zoning as the State Code does not give authority to law enforcement for civil matters.

Hometown Partnership – the MJHP is now having monthly executive meetings; monthly organizational meetings will still be held the 2nd Thursday of each month, 10:00 AM at Coffee to Grow. Upcoming events in May will be the Big Band Bash on May 11, Memorial Day BBQ in partnership with the MJPD on May 26, and a Spud Squad Volunteer Group for TaterFest. Gazebo Gatherings and Open Markets will start in June. On June 11 the MJHP will host the ShenCo Chamber of Commerce's Business After Hours before the Council meeting.

Committee Reports:

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1. Finance Committee - Chairperson Rod Shepherd had no report.
2. Ordinance Committee - Chairperson Evelyn Burner was absent.
3. Personnel Committee - Chairperson Todd Holtzman had no report.
4. Public Safety Committee - Chairperson Al Asbury commended Chief Cowart and the Police Department, as well as Ms. Rigglesman, Staff, and Ms. Hilton for their hard work. Mr. Asbury gave the January 2024 Mount Jackson EMS Report. There were 82 total calls in January; 44 calls in town, 38 in the County. February 2024 EMS Report: 77 total calls in February; 39 calls in town, 38 in the County – 3 cardiac emergency, 5 difficulty breathing, 2 seizure, 3 cardiac arrest, 15 falls, 5 unresponsive, 1 overdose, 2 lift assist, 7 diabetic emergency, 18 general illness, 6 motor vehicle crashes, 2 altered mental, 1 traumatic injury, 1 standby, 3 public service, 1 investigation, 1 assist police dept., and 1 ALS request. February 2024 Fire Report: 22 total calls in February; 9 calls in town, 19 in the County – 1 fire alarm, 1 CO alarm, 2 structure fires, 5 motor vehicle crashes, 2 vehicle fires, 4 outside fires, 1 outside hazmat, 1 inside hazmat, 3 EMS assists, 1 standby, and 1 smoke/odor investigation. Thanks to everyone who attended the Ham & Oyster Dinner. We served a total of 503 persons and really appreciated everyone’s support.
5. Public Services Committee - Chairperson Bonnie Good had no report.
6. Public Properties Committee - Chairperson Judy Fultz had no report.

Consent Agenda:

1. **Approval** – Minutes of the February 13, 2024 Regular Meeting

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

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
5 AYES, 1 ABSENT, motion carried			

OLD BUSINESS:

Mount Jackson Community Library Proposal for Funding – Mr. Shepherd stated that he wanted to see if there was any strong support for or against the Town aiding the Library. He stated that he proposed to have Mario Rosso, Finance Director, look into ways that the Town could accommodate this request. This would be discussed more during budget season. Ms. Good stated that the Town has a nice library and more hours would be beneficial. Mayor Pifer inquired if this would be a full time or part time position. Mr. Shepherd referred to the proposal submitted in the February packet that was for a 20 hour/week position, annual amount not to exceed \$20,000/year, which would be \$5,000/quarter for a part-time manager at \$15-20/hour. Mayor Pifer inquired if any councilmembers present had any strong objections to this proposal; there were none.

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NEW BUSINESS:

1. Ordinance O-01-2024 – To amend and reordain Chapter 18, Division 1 – Generally, Section 18-27. – Doing business, etc. without required license prohibited – Eligible for Action

Mr. Holtzman requested Staff give a brief overview of each proposed ordinance change. Ms. Hilton reported this ordinance change states that if you fail to get a business license or pay your meals tax, then a water cutoff could be a potential enforcement for the Town. Right now, this option is only applicable for lack of utility payment.

Councilmember Holtzman MOVED, seconded by Councilmember Good, to APPROVE Ordinance O-01-2024.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			

5 AYES, 1 ABSENT, motion carried

2. Ordinance O-02-2024 – To amend and reordain Chapter 22, Division 2 – Junk on Residential, Business and Agricultural Premises, Section 22-48. – Open storage of inoperative vehicles on residential, commercial, and agricultural property. (c) *Notice*. – Eligible for Action

Ms. Hilton reported that the only real change would give the police department the ability to hand deliver or post the notice, rather than by certified mail only. It doesn't change the ordinance itself, just makes it easier to communicate from the police department.

Councilmember Holtzman MOVED, seconded by Councilmember Fultz, to APPROVE Ordinance O-02-2024.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			

5 AYES, 1 ABSENT, motion carried

3. Ordinance O-03-2024 – To amend and reordain Chapter 66, Article IV – Community Designs and Standards, Section 66-40. – Standards for specific uses. (e) *Commercial uses*. – Eligible for Action

Ms. Hilton reported that the biggest change with this ordinance was including convenience stores in that no more than 40% of sales can be generated from the sale of cigarettes in any form. This would limit if, for example, someone was wanting to open a vape business downtown. It also includes citizen complaints in relation to coin-operated machines on the premises. This came about from citizen complaints of the

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laundromat and car wash. This will allow that to be a factor on business license renewal. Mr. Holtzman inquired if a vape shop, which would have been by-right in certain places before, could still be approved but would need a special use permit. Ms. Hilton answered affirmatively and added that currently, vape shops are not listed by-right anywhere, so not even by special use permit though they could appeal to Council.

Councilmember Holtzman MOVED, seconded by Councilmember Good, to APPROVE Ordinance O-03-2024.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
5 AYES, 1 ABSENT, motion carried			

4. Ordinance O-04-2024 – To amend and reordain Chapter 54, Article VII – Cigarette Tax, Section 54-300. – Definitions, and Section 54-305. – Notice of intention by retail dealers – Eligible for Action

Ms. Hilton stated that this is in the same reference to vape shops as the previous proposed change, but this adds that the Town Council and Zoning Administrator reserve the right to deny any business license that relies heavily on the sale of cigarettes as their primary focus.

Councilmember Holtzman MOVED, seconded by Councilmember Fultz, to APPROVE Ordinance O-04-2024.

Ms. Good inquired why there are two ordinances for this subject, nearly word for word. Ms. Hilton answered that this would be an addition to retail merchants specifically. There are different portions of the Town Code where this is mentioned, so this covers both of them.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
5 AYES, 1 ABSENT, motion carried			

5. Ordinance O-05-2024 – To amend and reordain Chapter 54, Article V – Meals Tax, Section 54-142. – Procedure when tax not reported or collected. – Eligible for Action

Ms. Hilton stated that this ordinance refers to meals tax, not just business license, and it states that business owners will receive a five-day notice before water service ceases. This was added due to a state code change with water cut-offs from a 30-day notice to a 60-day notice when there is a failure in utility payments. With this one, specifically with meals tax, the Town is able to have a more strict enforcement period. Mr. Holtzman asked for clarification that it is 60 days now before the Town can shut off water for lack of payment. Ms. Hilton answered affirmatively.

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Councilmember Holtzman MOVED, seconded by Councilmember Fultz, to APPROVE Ordinance O-05-2024.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
5 AYES, 1 ABSENT, motion carried			

6. Ordinance O-06-2024 – To amend and reordain Chapter 34 – Manufactured Homes and Trailers, Section 34-1. – Definitions. – Eligible for Action

Ms. Hilton stated that this ordinance would outline the difference between manufactured, modular, and tiny homes. It states that with tiny and modular homes specifically, home permit applications are eligible for special use permits. They have not been allowed by-right or otherwise; this will allow for them by SUP process. These would require connections to town water and sewer. RV's are not dwellings.

Councilmember Good MOVED, seconded by Councilmember Holtzman, to APPROVE Ordinance O-06-2024.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
5 AYES, 1 ABSENT, motion carried			

7. Resolution R-01-2024: National Autism Awareness Month

Mayor Pifer stated that this resolution would declare April 2024 as National Autism Awareness Month. Mayor Pifer read the proposed resolution.

Councilmember Fultz MOVED, seconded by Councilmember Holtzman, to APPROVE Resolution R-01-2024: April 2024 as National Autism Awareness Month.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
5 AYES, 1 ABSENT, motion carried			

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Closing Remarks by Council Members, Mayor: Mr. Holtzman addressed Mr. Jones in his earlier comments. Mr. Holtzman stated that these changes to the Town Code come throughout the town government whenever things are needed and rules need to be changed. Mr. Holtzman assured Mr. Jones that his concerns were heard, and Council did listen to him. Mr. Holtzman stated he appreciated Mr. Jones' being present at the meeting, and while he may not have gotten the answer he was looking for, hopefully he feels better about Council's reasoning behind the decisions made, and considers running for council in the future.

Ms. Foley inquired if there is a limit to the number of outbuildings in the Town Code. Ms. Hilton stated that the limitation is based on the percentage of land, which she believed was 30% of the property. It is based on the square footage of the buildings; you can only cover a certain amount of your property.

Mayor Pifer requested a Hometown Partnership report before Council entered into a closed session. Ms. Wakeman stated that Ms. Hilton already covered most of the report. They are still working on Memorial Day weekend event plans. Ms. Wakeman thanked Council and Staff for their support. Mayor Pifer commended Mr. Beam for his work on the Women's History campaign. Mr. Beam stated that it has been interesting meeting with the women interviewed and hearing their stories, and it has been a great way to begin to learn about this community.

Mr. Shepherd inquired if Ms. Hilton anticipated any action after returning to Regular Session. Ms. Hilton answered negatively.

Motion made by Councilmember Shepherd, seconded by Councilmember Fultz, that the Council of the Town of Mount Jackson convene a closed session under Virginia Freedom of Information Act state code section 2.2-3711(A)(3) for the discussion or consideration of the lease or disposal of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The subject of the closed meeting was to discuss the acquisition of property for public use.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Asbury			Councilmember Burner
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
5 AYES, 1 ABSENT, motion carried			

Mayor Pifer adjourned the regular meeting at 8:00 PM to begin the closed session.

Motion made by Councilmember Shepherd, seconded by Councilmember Burner, to return to the open meeting at 8:58 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.

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VOTE:

Councilmember Asbury	I So Certify
Councilmember Fultz	I So Certify
Councilmember Good	I So Certify
Councilmember Holtzman	I So Certify
Councilmember Shepherd	I So Certify
Mayor Pifer	I So Certify

6 AYES, 0 NAYS, 1 ABSENT

Motion made by Councilmember Shepherd, seconded by Councilmember Good, to adjourn the meeting at 8:59 PM. All members present signified approval by saying AYE; meeting was adjourned.

Barbara Riggelman, Clerk

Donald "Donnie" I. Pifer, Mayor