

Mount Jackson
Town Council Regular Meeting
September 10, 2024

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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 proposed exchange of real estate owned by the Town of Mount Jackson. The real estate under consideration to be exchanged includes Inactive Well #4 owned by the Town of Mount Jackson, 0.23 acres, identified as tax map parcel 092-A-018C and approx. 11.5 acres of riverfront property owned by Rouge River Farms Inc., identified as tax map parcel 092-A-018.

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 7:01 PM in the Council Chambers at 5901 Main Street. Roll call was taken with Councilmembers Al Asbury, Evelyn Burner, Bonnie Good, Todd Holtzman, and Rod Shepherd in attendance. Councilmember Judy Fultz was absent. Also in attendance were Olivia Hilton, Town Manager; Greg Beam, Assistant Town Manager; Jennifer Frye, HR Manager; Barbara Riggleman, Town Clerk; Keith Cowart, Police Chief; Officers Stephanie Fullingim and Logan Baker; and Jay Neal, Town Attorney. Visitors included Joanne Poplar and Gail Carten with the Daughters of the American Revolution, Karen Costie, Harold & Lucia Pull, and James & Carolyn Miller.

Moment of Silence in Remembrance of 9/11 & Prayer: Karen Costie offered the invocation.

Agenda Additions/Deletions/Changes: Addition of Rezoning Case RZ-01-2024 and Special Use Permit SU-03-2024.

Hear from Visitors: None.

Opening Remarks from Mayor: Mayor Pifer had no remarks.

Presentations: None.

Chief of Police Report: Chief Cowart reported for the month of August 2024, there were 725 calls for service; year to date total 5,894. Mutual aid/warrant services were 39 and there were no warrants served for other agencies. There was a report of a DUI, closed by arrest; 1 report of larceny, turned over to State Gaming Commission; 1 weapon offense, closed by arrest; a report of narcotics as found property, unable to identify a person, closed due to lack of evidence/suspects; there was also a headstone from Floyd County that was turned in. Still making arrangements for the family to retrieve. This was not a headstone that was taken from a gravesite; the grave marker in the cemetery was placed by the family. The one in MJPD's possession has unknown whereabouts; it was found at the flea market off Caverns Road. Chief Cowart stated that this is not uncommon; this was about the 3rd one they've seen in the last 10 years. Sgt. Johnson should be back from medical leave on September 13. Chief Cowart introduced Officer Stephanie Fullingim, who comes from the Shenandoah County Sheriff's Office. She has a couple years of experience and has been released to solo patrol on night shift. Officer Logan Baker also comes from SCSO, has a year or two of experience, and will be released to solo patrol this weekend. The addition of these 2 officers puts the MJPD at fully staffed, probably the only agency within about 3 counties that is fully staffed. The Valor Awards Ceremony will be September 12 and MJPD has 2 nominations – Investigator Christina Whorton for Officer of the Year and Officer James Penwell for a Certificate of Valor. Upcoming Events are a Trunk or Treat at Shenandoah Caverns on October 10 and the DEA Drug Take Back Initiative on October 26 at 2 locations – MJPD and the Mount Jackson Pharmacy. Ms. Burner thanked the PD for their recent efforts. Mayor Pifer welcomed the new officers.

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Town Manager Report: Ms. Hilton congratulated Joey Blankenship on 4 years, Preston Lutz and Dakota Stroop on 1 year, and Eli Proctor on his 6 year anniversary with the Town. Kyle Jones was recently hired as Operator Trainee for Public Utilities. With these 3 new additions, it is nice to be fully staffed. Ms. Hilton shared an article in the VTC Virginia Town & City magazine that Mr. Beam found on the Meems Covered Bridge in their article on the bridges of Virginia. Ms. Hilton welcomed Jay Neal to the council meeting.

Committee Reports:

1. Finance Committee - Chairperson Rod Shepherd reported that the auditors have been reviewing the last fiscal year and will be preparing their audit. They generally had good comments to make. A deeper audit has been required lately due to Staff successfully receiving a number of grants. Grants and awards over \$750,000 require additional work for the auditors to document. The audit will be presented at a later date, perhaps in November or December, with Saidee Begoon attending via Zoom.
2. Ordinance Committee - Chairperson Evelyn Burner had no report.
3. Personnel Committee - Chairperson Todd Holtzman had no report.
4. Public Services Committee - Chairperson Bonnie Good had no report.
5. Public Properties Committee - Chairperson Judy Fultz was absent.
6. Public Safety Committee - Chairperson Al Asbury gave the August 2024 Mount Jackson Fire Report: 24 total calls in August; 9 calls in town, 15 in the County – 2 fire alarms, 3 structure fires, 5 motor vehicle crashes, 2 vehicle fires, 4 outside fires, 1 outside hazmat, 2 inside hazmat, 1 wires down, 3 EMS assists, and 1 smoke/odor investigation. Of the calls that were run, 10 calls were staffed with Career personnel, 6 calls were staffed with Volunteer personnel, and 8 were staffed with a combination. The August 2024 EMS Report was not available at this time. Mr. Asbury made a request for Council to donate 100 gallons of tractor fuel for the 2 area farmers, Billy Tusing and Alvin Henry, for 5 years starting next year. The procedure for making a request was discussed, and Mayor Pifer asked the Finance Committee to look into the request. Mr. Shepherd clarified that this was a proposal to disperse Town funds to a private individual. The Finance Committee will have a proposal for the October council meeting.

Ms. Hilton requested to add an addition to the Public Safety Report; Mayor Pifer granted permission. Ms. Hilton stated that the smoke/odor investigation may or may not have been at the Town Office and it was recommended by the Fire Chief to install a knox box. Ms. Frye stated that Investigator Whorton called for the Fire Department to investigate the odor and a small propane leak was found. In that discussion, it was suggested that the Town install a knox box to enable emergency services to gain access to the building without having to wait for staff or the PD. Discussion ensued on a knox box and how it operates. Pricing will be around \$400. A council vote was not required, but Council recommended the purchase and installation of a knox box.

Consent Agenda:

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

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

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ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

OLD BUSINESS:

Su-01-2024: Request to Permit a Single Family Home within the B-2 District, 5967 King Street – Tabled from August 13, 2024.

Mr. Holtzman inquired that if the use is changed to commercial on the 1st floor and residential on the 2nd floor, then it would be a by-right use and there would no longer be a need for action. Ms. Hilton answered affirmatively. The only reason a special use permit was required was because the original use was solely residential and not a mixed-use space.

Ms. Good inquired if the ordinances for housing would still apply. Ms. Hilton stated that it would still go through the administrative zoning process, it just wouldn't need a council vote or special use permit process. Ms. Good stated that she felt this should have been done prior to Council voting on it. Mr. Holtzman stated that it was, which was why it was before Council, and asked if a vote could be done at this meeting. Ms. Good stated that none of the information has been presented. Ms. Hilton answered that basically the applicant was revoking the special use permit because he wouldn't need it if he would do commercial use on the 1st floor. Council was only voting on a purely residential use, which was outlined previously. If the applicant reverses his application, it will take the Old Business item off the table. Ms. Good stated that she still felt the residential ordinances should apply. Ms. Hilton stated that it is a B-2 zoned property, so it is a mixed-use space. Ms. Good reiterated that in order for there to be housing on the 2nd floor, which is residential, she felt that the R-1 ordinances should apply as well. Ms. Hilton stated that it is not zoned R-1, it is B-2. The minimum site requirements have been removed in B-2, so setbacks do not apply. Ms. Burner stated that there are a lot of properties in town with apartments on the upper levels. Mr. Neal stated that if the application is for a special use permit for residential on the bottom level, and the owner then decides he will have commercial on the bottom and residential on top, which is a by-right, then the owner can simply withdraw his application for the permit because he doesn't need it. Discussion ensued on ordinances and zoning requirements.

Mr. Holtzman stated that as the owner and applicant, he did not feel commercial use would be viable for the space and felt that it would sit empty, but he would change his intended use to commercial on the first floor and build a 2nd story for residential. Ms. Hilton stated that if the building was empty for an entire year, she would rent it and start a business. Not pave the lot was discussed with Mr. Holtzman stating that it is already gravel, so he was fine with it remaining so. He stated he was counting on the Town to help with businesses coming to the space. Ms. Hilton stated that she wanted it on record that she thanked Mr. Holtzman, because as we create more commercial spaces downtown, there is more room for growth and development.

NEW BUSINESS:

1. Resolution R-07-2024 – Request For Constitution Week

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Mayor Pifer read the resolution in its entirety aloud.

Councilmember Burner MOVED, seconded by Councilmember Good, to APPROVE Resolution R-07-2024, designating September 17-23 as Constitution Week.

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

Ms. Hilton inquired if the members of the Daughters of the American Revolution present wanted to say anything. Ms. Poplar requested a photo op after the meeting and thanked Council for approving the resolution.

2. Library Proposal –Eligible for Action

Ms. Hilton stated that she would still recommend Council move forward with voting to allow the Town to make the library a Town department, recognizing that it may not be the best long-term solution, and that Staff is working with the County and the remaining board member of the library to see how best to make a private partnership. Ms. Miller has resigned as of last week as a board member and the library manager, so their board is currently not in compliance and the remaining board member is deciding their options. Ms. Hilton stated that Staff wanted to be respectful of their wishes in this transitional period, with the thought that it may still be best to be a town department. Mr. Beam stated that this was a great opportunity for collaborations with volunteers and with the county staff, moving forward as everyone cares about the library and wants it to be a community asset. Ms. Good stated that a decision may be premature until the other things are worked out. Ms. Hilton stated that she felt if Council did not vote for this, it could take away some of what the Town could offer during discussions. It would be good if Council could offer some form of support.

Mayor Pifer inquired if the motion would be to continue to support the proposal. Ms. Hilton answered that within the budget, Council approved \$10,000 that could go to paying a staff member or as a library contribution. The proposal would be to reconfirm Council’s financial support of funding a position with the possibility that it would be within a Town department.

Councilmember Burner MOVED, seconded by Councilmember Shepherd, to APPROVE the proposal for the Town of Mount Jackson: To support the transition of the Mount Jackson Library into a permanent fixture with the daily operations and department structure. The library serves as a cornerstone of the community with great potential for more programming, operating hours, and refreshed services. In addition, the library can support our tourism efforts by including a gift shop space, serving as a welcome center, and engaging with visitors in our Certified Virginia Tourist Information Center. An excerpt from the 2017 Comprehensive Plan: “the funding of a part-time library manager, and the recruitment of additional library volunteers”. The Mount Jackson Library will continue to be a part of the Shenandoah County Library System; have access to the county-wide collection of books, materials, and staff training; receive a minimum direct financial contribution from the county library foundation of \$5,000 annually; and receive direct support for high-speed internet, downloadable materials, staff training, book purchases and office supplies (average of \$10,000 annually). The Mount Jackson Library

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would gain a supported part-time community library manager; consistent open hours of at least 20 hours per week; direct staff support, serving as a pipe line to the Town Manager and a liaison to the Director of the Shenandoah County Library System; becoming the first of the county library system to be linked directly to a locality; and ongoing financial support in the range of \$10,000-15,000 annually.

Ms. Good expressed her concerns for adding another dimension to what the Town has to do, because it sounded like that was what the Town was asking for – that the Town would be managing the library as well as the county. Ms. Burner stated that this would be a joint venture, and it was needed as the library is seldom open. Mr. Shepherd stated that the Town could try it for a year, making any adjustments needed, and if it doesn't work out, it doesn't have to continue. Having some structure is needed.

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. Rouge River Farm Acreage Acquisition/Exchange for Well #4 –Eligible for Action

Ms. Hilton shared some photos with Council and visitors. Staff has been working with Rouge River Farms to exchange Well #4, located on their farm, and retain emergency access to the well. The well has not been used for about 3-4 years as the nitrates are not at a good level for human consumption. There are many other wells that the Town has in the community. Well #4 cannot function when Well #7, our workhorse, is active, so many things would need to go wrong in order for the Town to need the use of the well, but Staff wanted to retain emergency access just in case. Ms. Hilton stated that Mr. Blankenship is looking at Well #6, which hasn't been used since it was created in the '90s she believes, testing the well to see if it is a viable well. If Council votes in favor of this agenda item, Staff will move forward with applying for a \$200,00 river access grant. Ms. Hilton stated that there will be a review in October to see if there is a better pedestrian access vs. canoe/kayak access. This will be about a 3 year process. Discussion ensued on sidewalks and connectivity.

Ms. Hilton stated that she believed closing could happen quickly. Mr. Neal stated that deeds have been prepared and the docket was prepared. It is an exact exchange, so the Town will pay to record the Town's deed, Rouge River will record its deed, and that would be it for expenses. There is no money changing hands, just recording fees. Ms. Good asked for clarification that the Town would retain emergency access to the well and asked if there were any conditions for that access. Mr. Neal stated that he would be drafting it and his intention was to word it so that there will probably have to be a declaration of emergency, in which event the Town would have access to the well, with the condition that once the emergency has ended, the Town would disconnect access and restore the well to its previous condition. Connection/disconnection was discussed, as well as the farmer's benefit for owning the well.

Mayor Pifer inquired if any of the visitors had any questions. Mr. Pull inquired into the boundaries for public access. Ms. Hilton stated that there would be markings and Staff would be looking into grants for planting evergreens for landscaping. Mr. Pull stated his concerns for people using the park access to gain access up and down the river along the shoreline as none of that land is being maintained for public access. Mrs. Pull stated concerns for liability. Ms. Hilton stated that VDOT is replacing the Red Banks Bridge and the County is looking

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at revamping where people get in/out of the river now, so ideally there would be a clear entrance and exit and no one would be on the Pull's property. Mr. Pull stated that there is a culvert under Red Banks Road and inquired if VDOT was looking into this because it is near the park. Ms. Hilton answered that she did not know. Mr. Pull stated that with storms, the water flow will go thru the park, down into the culvert, and then out into the river. Ms. Pull stated that noticed with Hurricane Debby that some of the rocks supporting the culvert were washed out, leading to concerns for the safety and structural integrity of the road in the future without additional maintenance. Ms. Pull stated that some of the residential children travel thru the culvert to the river. Ms. Hilton stated that Randy Lonas, Director of Public Works, was aware of the project and she would put this on his radar. Mr. Pull stated that they are excited to have the park as a neighbor.

Councilmember Holtzman MOVED, seconded by Councilmember Burner, to APPROVE the Rouge River Farm Acreage Acquisition/Exchange for Well #4.

Mr. Shepherd inquired if the agreement would include access up to the reservoir wells. Mr. Neal stated that this was a question that he also has as the contract stated the Town would have access, but he needed to know more details into what access would be needed. Ms. Hilton stated that she would propose this to Mr. Lonas as well and also any needed easements. Mr. Shepherd counseled that the easement be ratified. Ms. Hilton stated that the original draft read, "the Town shall be allowed to reserve or be granted such easements as reasonably necessary to access Wells 2A, 7, and 4, and the mountain tank and the reservoir." Mr. Neal stated that he would contact Mr. Lonas and double check that.

Mr. Asbury inquired if Well 4 was producing water. Ms. Hilton stated that the water produced is non potable; it doesn't balance the nitrates well enough to be used as part of the public water system.

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. RZ-01-2024: Request to Rezone 6091 Main Street from I-1 to B-1 – Introduction and Set for Public Hearing on October 7, 2024 at 5:30 PM with the Planning Commission

Councilmember Shepherd MOVED, seconded by Councilmember Burner, to SET a Joint Public Hearing for RZ-01-2024 on October 7, 2024 at 5:30 PM with the Planning Commission.

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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5. SU-03-2024: Serioplast Special Use Permit – Introduction and Set for Public Hearing on October 7, 2024 at 5:30 PM with the Planning Commission

Councilmember Shepherd MOVED, seconded by Councilmember Holtzman, to SET a Joint Public Hearing for SU-03-2024 on October 7, 2024 at 5:30 PM with the Planning Commission.

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

Closing Remarks by Council Members. Mayor: Mayor Pifer thanked the visitors present for attending the meeting.

Motion made by Councilmember Shepherd, seconded by Councilmember Asbury, to adjourn the meeting at 7:57 PM. All members present signified approval by saying AYE; meeting was adjourned.

Barbara Riggelman, Clerk

Donald "Donnie" I. Pifer, Mayor