

Mount Jackson  
Town Council Public Hearing and Regular Meeting

May 9, 2023

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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-01-23 – 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 2024
2. R-02-23 – USDA Bond Resolution
3. R-03-23 – Interim Financing Loan/Note

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 7:04 PM in the council chambers at 5901 Main Street. Roll call was taken with Councilmembers Rod Shepherd, Evelyn Burner, Bonnie Good, and Todd Holtzman in attendance. Councilmembers Judy Fultz and Brandi Freed were absent. Also in attendance, Neil Showalter, Town Manager; Mario Rosso, Finance Director; Keith Cowart, Police Chief; and Barbara Riggleman, Town Clerk. Visitors were Suzanne Ross, Brenda Foley, Judi Wakeman, and Mary Franklin.

Agenda Additions/Deletions/Changes: None

Hear from Visitors: Ms. Ross stated her concern about the junked-up porches in town; people have been notified to clean up, but haven't and she inquired if anything can be done about this. Ms. Ross also spoke about the amount of cars on some properties. Mayor Pifer asked Chief Cowart if he has already served notices on some of these. Chief Cowart responded affirmatively and stated that the process is once a notice is served, a certain amount of time must be given to comply, then after this time has expired, if still not cleaned up, a summons will be issued. A summons doesn't guarantee that it will be fixed overnight, it puts it in front of a judge to make it mandatory; this process can take several months before any activity is done. In the past, this has fallen to the side due to calls and other priorities, but Chief Cowart stated they will be making this more of a focus. Mr. Holtzman stated that this is just for cars; the Town can't make citizens clean up their front porches. Mr. Showalter stated that primarily State Law dictates this; the Town can have a mowing ordinance, but can't enforce someone cleaning up their property. Mr. Showalter stated that he shared Ms. Ross' disappointment in this matter. Ms. Ross stated that her sidewalk needs some repair. The new meter has been installed, but that is the only decent piece of cement there. Mr. Showalter inquired into Ms. Ross' address to pass on to Public Works. Ms. Ross responded it is 239 Tisinger Street, on the corner of Broad and Tisinger. Ms. Ross stated that vehicles travel too fast on Broad Street and should be addressed. Chief Cowart stated that this can definitely be looked into. Ms. Ross added that some vehicles are very loud. Ms. Ross stated that on her water bill, she must pay a minimum amount even if she doesn't use this amount, and the sewer rates are listed, but she uses less and this doesn't seem right. Mr. Showalter stated that a minimum of 2,000 gallons per household is charged, which is the lowest rate of any town in the county. There is a cost to maintain the water distribution and metering to supply water, but the Town does try to keep this amount to a minimum. Ms. Ross stated that gravel that is spread in the winter is a hazard in some places, right in front of the stop signs, and

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inquired if anything can be done about cleaning this up. Mr. Showalter stated that the Town does have a sweeper truck, which cleans Main Street periodically, but doesn't get to the side streets as often. Mr. Showalter asked if there is a problem there right now. Ms. Ross stated that she did not know of any problems that have occurred, but it is a potential safety hazard. Mr. Showalter agreed and stated that it doesn't look good either; he urged Ms. Ross to call him if she sees areas that need to be cleaned up and would have Public Works clean them up. Ms. Ross stated that the Town does a fine job with Large Trash Pickup. Her other concern was why the Council doesn't start meetings with a prayer. Mayor Pifer stated that he would not have a problem with that, but he will see how Council feels about this. Ms. Good asked Ms. Ross if she uses any water outside for plants and gardening. Ms. Ross stated that she does from time to time as needed. Ms. Good stated that this would probably not be a significant amount, to which Ms. Ross responded probably not. Ms. Good stated that most water comes in thru the sinks and bathrooms and goes back out into the drainage to the treatment plant. Ms. Good recommended a garden meter if Ms. Ross uses a lot of water outside. Ms. Ross stated that she had one but the other one died. Ms. Good responded that she can always get a new one.

Opening Remarks From Mayor: Mayor Pifer stated that the Big Band Bash was a real success. The Hometown Partnership did a lot of hard work, there was a really good crowd, and it was a really nice day.

Presentations: None

Chief of Police Report: Chief Cowart reported for the month of April, there were 1,111 calls for service; year to date total being 3,833. There was a drunk in public arrest; 2 reports of driving under the influence that were closed by arrest; 1 weapon offense; a couple of sexual offenses that were closed by arrest, one needing further investigation; 1 larceny that was unfounded, leads exhausted; a vandalism that is inactive, not sure if it happened in town or in the county; and a report of contributing to delinquency that was closed, referred to CPS. Under notes of interest, May 9-15 is National Police Week. Officers from all over the world will gather at the National Law Enforcement Memorial in Washington, DC to honor the fallen officers. The Mount Jackson officers continue to do a great job. They are heavily involved in the process of hiring a new officer that will fit in with our program. The last new hire was a good fit, so the officers are hunting for just one more person to complete our round table of teamwork and comradery. Mayor Pifer stated his appreciation.

Town Manager Report: Mr. Showalter reported that on the sidewalk project, all crossings across Rt. 11 have been completed for the time being. GB Foltz should be starting on the north side of Conicville Blvd on some features that go on the north side down toward the stoplight as soon as the weather cooperates. There will be a stoplight subcontractor coming in who will affect the traffic at the stoplight at some point. Mr. Showalter doesn't expect them here before Memorial Day; there is no start date from them, but this will be something that will affect traffic as well. One of the positions Staff has been recruiting for is a Utilities Director, and Staff has hired Riese Painter who started yesterday. Mr. Painter spent 9 years in maintenance with the National Park Service at Shenandoah National Park, and most recently spent 12 years at the Shenandoah River State Park, serving as Senior Maintenance Park Ranger. Mr. Painter already holds his Class 4 Water and Class 4 Wastewater Virginia Operators Licenses and will immediately begin training to achieve his Class 2 Wastewater so that he can run both Water and Wastewater plants in Joey Blankenship's absence. Staff is happy to get this position filled as they thought they would have to settle for a trainee.

Committee Reports:

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

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- 2. Ordinance Committee Chairperson, Evelyn Burner had no report.
- 3. Personnel Committee Chairperson, Todd Holtzman had no report.
- 4. Public Safety Committee Chairperson, Judy Fultz was absent.
- 5. Public Services Committee Chairperson Bonnie Good had no report.
- 6. Public Properties Committee Chairperson Brandi Freed was absent.

Consent Agenda: Approval – Minutes of April 11, 2023 Regular Meeting & May 1, 2023 Special Meeting

Councilmember Shepherd MOVED, seconded by Councilmember Burner to APPROVE the Consent Agenda items above.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Burner			Councilmember Freed Councilmember Fultz
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
4 AYES, 2 ABSENT, motion carried			

Old Business: None

New Business:

- 1. SU-23-01: May May’s Day Care & Preschool, LLC Special Use Permit – Eligible for Action

Mr. Shepherd stated that Ms. Franklin is seeking to open a day care at 5250 & 5252 Main Street. The day care will provide services from up to 23 children ages 6-weeks through 5-years, Monday-Friday from 7:00 AM to 5:00 PM with 5-6 employees. The Planning Commission met on May 1, 2023 and voted to recommend to Council to approve SU-23-01 with the Conditions in Attachment A. Staff has talked with Ms. Franklin, who is agreeable to these conditions. Ms. Franklin asked to make one correction – Mr. Moore had previously listed 23 children; this should read 23 to 26 children, as she hasn’t yet received her Occupancy Permit from the County. Mr. Showalter asked Council to change Condition #2 from a maximum of 23 children to a maximum to 26.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE SU-23-01: May May’s Day Care & Preschool, LLC Special Use Permit with imposition of Conditions in Attachment A.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Burner			Councilmember Freed Councilmember Fultz
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
4 AYES, 2 ABSENT, motion carried			

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2. R-02-23: USDA Bond Resolution – Eligible for Action

Mr. Showalter stated that there was a public hearing on this Bond Resolution earlier this evening as required by the Virginia Public Finance Act. The USDA, who runs the Rural Utility Service (RUS), has their own set of requirements that they want Council to approve, and the Town’s Bond Attorney has summarized those into a long memo along with exhibits. This will put into place the long-term financing for the Equalization Basin Project that has been previously approved and contracted by this Council. Staff has received a favorable rate on the bond at 2.25% for the 4-year payback. The Town does not have to borrow the full amount and Staff doesn’t expect to borrow the full amount because Staff expects to use a good amount of ARPA funds to go into the project. Mr. Holtzman inquired how the Town can secure such a low interest rate. Mr. Showalter stated that the USDA views Mount Jackson as a opportunity zone, based on the per capita or per household income, and the Mount Jackson zip code is recognized by the federal government as lower in the scheme and therefore more worthy of assistance, in this case, lower cost, and so Staff was able to get this commitment from some very helpful people in the USDA Office in Harrisonburg.

Councilmember Good **MOVED**, seconded by Councilmember Shepherd to **ADOPT** Resolution R-02-03 authorizing the issuance by the Town of an aggregate not to exceed \$4,733,000 Revenue Bond to the Rural Utilities Service, an Agency of the United States Department of Agriculture.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Burner			Councilmember Freed Councilmember Fultz
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
Mayor Pifer			

5 AYES, 2 ABSENT, motion carried

3. Interim Financing Loan/Note Status Update

Mr. Showalter stated that Council held a public hearing earlier this evening as required by the Virginia Public Finance Act to issue a short-term note, not to exceed 3 years, in order to finance the construction of the Equalization Basin Project. The USDA will not do construction loans, they write one check and finance that amount. The common practice is to seek interim financing from approved lenders. Staff sent nearly 30 inquiries and have come down to 2 banks that they are now negotiating with to get the best possible financing arrangements for the Town. One of the banks that appears to be the leader needed to go back to their credit committee to get the approval of the amount asked for. Staff hoped to have that for this meeting but it is not available. The bond attorney has assured Mr. Showalter that even if Council acts on it next month at the regular meeting, all the conditions and offerings of the responders would still be in effect. Mr. Showalter stated he does not anticipate needing a special meeting just vote on that interim financing. At the June 13, 2023 meeting, there should be a recommendation for Council to vote on. Mr. Shepherd requested Mayor Pifer to acknowledge that paperwork is not quite complete yet and will be forwarded to the June Council meeting as an agenda item.

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4. Rezoning Case RZ-23-01: 1133 Wissler Road – Introduction and Set for Public Hearing

Mr. Showalter stated that he had given Council a copy of the application, including a survey of the plot. The address is 1133 Wissler Road, located just past the railroad track. Mr. Showalter stated that the current zoning designation of the 2 parcels has been A-1 since they were annexed into the town many years ago. The A-1 was carried over when the property was used by Bowman Fruit Products as part of their operation. The property has not been into play for several years and the applicant would like to improve chances by changing the zoning designation from the A-1 district to the I-1 district. The I-1 district would permit by-right and by special use permit more business used than the A-1 would. Mr. Showalter stated the reasoning there is easy to understand. The property is bordered by the Norfolk Southern Railroad to the east with a major electrical substation across from that. To the north, Day Enterprises operates an agricultural operation. To the western side of the property is land owned by the Shenandoah County Industrial Development Authority, mostly an access road to some other properties there. The southern length is bordered by the Echostar Broadcasting Holding dish farm. The IDA property and the Echostar property are in Shenandoah County and are M-1 General Industrial, so those neighbors are already Industrial. Mr. Showalter stated that he attached the GIS map to included paperwork and the applicant was present to answer any questions. Staff recommends at this time setting a joint public hearing with the Planning Commission for June 5, 2023 at 7:00 PM.

Councilmember Shepherd MOVED, seconded by Councilmember Good to SET a Joint Public Hearing with the Planning Commission for Rezoning Case RZ-23-01 for June 5, 2023 at 7:00 PM.

ROLL CALL VOTE:

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

3 AYES, 1 ABSTAIN, 2 ABSENT, motion carried

5. Telecommunications System Update

Mr. Rosso reported that the telephone system in Town Hall and the Wastewater Treatment Plant is failing; it is an older system based on older technology. Currently the hard drive is failing on it, so certain features of our system don't work. Sometimes whole department's phone systems go out. The police department was without phones for a couple of days. Cornerstone attempted to repair the system; it requires parts that are no longer available; the system is not supported by the manufacturer any longer. They have suggested going to a Voice Over Internet Protocol (VOIP) system. Staff has gotten quotes from 2 different companies, one being Shentel and one being Nextiva. Both use similar equipment and hardware, and either system will be a significant cost savings over what is being used currently, as internet lines are cheaper than analog lines. The Town will need to keep a few analog lines for alarm systems and the elevator, but Staff can eliminate all the others. With Shentel, the Town can keep the current phone numbers; with Nextiva, the Town can not and would need to get all new phone numbers. Mr. Rosso stated that both systems do have work arounds in case the internet goes out or there is a power outage, so the Town will not be without phones. Comparing the two quotes side by side, which was included in the Council packet, Shentel is the preferred supplier; their quote is much better, saving the Town more money in the long run. The 5 year savings with the Shentel proposal over

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doing nothing is \$24,000 and the Nextiva VOIP system is \$15,000 over 5 years. Staff recommends the Shentel system. The County is already using them, along with some other towns in the county.

Councilmember Holtzman MOVED, seconded by Councilmember Good to ACCEPT the Shentel Proposal for Telecommunications Systems Upgrade.

Ms. Good inquired if anything that the Town is working on needs to sync with anyone else in the county. Mr. Rosso answered not necessarily. Chief Cowart stated that some of the law enforcement stuff requires internet and the phone system is not really anything that is tying them down, so if the Town switches to another provider or different system, it really wouldn't affect it too much, they just need the internet. Ms. Good stated that you always hear about the different systems like the Sheriff's Dept and needing to get new systems, so she wanted to make sure there wouldn't be any issues. Chief Cowart stated that he could check but nothing came to mind. Mr. Rosso stated that the biggest concern was the alarm systems and elevator; you can not switch that to internet protocol phones. Mayor Pifer commented that it is pretty unusual that you can upgrade a system and save that much money.

ROLL CALL VOTE:

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

4 AYES, 2 ABSENT, motion carried

6. Agreement with Norfolk Southern to Pave Certain Rail Crossing Streets

Mr. Showalter stated that Randy Lonas has been working with Norfolk Southern to get their approval to pave four places in town where the road crosses the railroad with bone-jarring regularity. Those locations are Orkney Drive on the turn, Gospel Street across from the ABC Store, Depot Street beside the Town Hall, and Nelson Street across from the Holtzman office building. The Town would agree that if we pave it, we will unpave it if they request it. Mr. Showalter stated that the comfort and ease with which the Town could maintain it would outweigh any down the road cost that may or may not happen. Mr. Showalter stated that he would like to have the Mayor sign this agreement with Norfolk Southern to get paving done. Ms. Good asked if Norfolk Southern did this in the past when it was done. Mayor Pifer answered that the Town would do it, because he would receive complaints from citizens about their tires and vehicles, then Mr. Showalter would send Mr. Lonas out to put a "band-aid" on it if weather allowed.

Councilmember Shepherd MOVED, seconded by Councilmember Burner to ADOPT this May 9, 2023 Agreement with Norfolk Southern Railway Company and to authorize the Mayor to sign the agreement on behalf of the Town of Mount Jackson.

Mr. Shepherd inquired into how soon this would happen. Mr. Showalter answered that it should happen in a month or two. Crews will need to be scheduled, trucks lined up, and reservations made at the asphalt plant. Ms. Good inquired if Norfolk Southern knows the Town would like to do this. Mr. Showalter answered affirmatively; in fact, they provided the agreement and are on board with it.

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ROLL CALL VOTE:

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

4 AYES, 2 ABSENT, motion carried

Closing Remarks by Council Members, Mayor: Ms. Burner requested the Hometown Partnership address Council regarding the Big Band Bash on Saturday, May 6, 2023. Ms. Burner stated that Eli Proctor, Public Works employee, did a great job. Ms. Foley stated that it was a wonderful time and she estimated attendance at 400; Ms. Wakeman stated she would estimate 1,000 attendees. Ms. Burner stated she believed the 1,000 estimate to be more accurate as she counted 82 people just around her. Ms. Foley stated that a lot of people came to see Spencer Hatcher and Dark Hollow bluegrass. Ms. Wakeman stated that Ms. Foley sent out a survey to each of the vendors and the only negative response was that Dark Hollow was too loud. Ms. Wakeman stated that the next Hometown Partnership meeting will be Thursday, May 11 and they plan to critique the event. Next year's event will be on May 11, 2024, with a time change to 10:00 AM to 3:00 PM. Vendor forms for next year were given to the vendors present. Ms. Wakeman stated that they are working on the Memorial Day presentation that will be May 29 from 5:00-6:00 PM. SEARCH will be providing supper at a cost (adults \$12, children \$6) at the Mt. Calvary Lutheran Church social hall. Menu will be meat & meatless lasagna. Ms. Foley is working on the Downtown Music and has all the performers scheduled for those events – June, July, & August, last Saturday of the month from 6:00-8:00 PM. People can bring their chairs; they hope to have a food truck, drinks, shaved ice, and maybe an ice cream vendor if they can find one. Mr. Holtzman asked if they had tried Sugar Creek. Ms. Wakeman stated she has had problems getting her to call back. In the event of rain, the music events will be moved to the Brighter Days Pavilion. Mayor Pifer reiterated that the event on Saturday was very nice and he received a lot of compliments. Ms. Wakeman stated her appreciation to the Council for their support; Ms. Burner and Mayor Pifer expressed appreciation to the Interact Club at the high school for their volunteer support. There was a food vendor and two craft vendors who were unable to attend. Mayor Pifer announced that the Shenandoah Singers will be performing in the Union Church on May 21 at 3:00 PM. This is a new group created by Kathy Rinard and Heather Diehl. This will be their debut.

Ms. Good addressed the sidewalks going in, which are almost done. She stated that the new way the sidewalks are done is on her radar. What she has noticed is that the water is being funneled off I-81 across into Avondale Acres and is either in cement or pipes, so it will run fast and will run good. In the past there were several houses with flooding with other mishaps. Ms. Good stated her fear with flooding due to the natural ability of the water to sink into the ground. She stated Timberville has a ditch about 4-5' wide that collects the water to eliminate flooding to surrounding houses and these are grass filled with grass on the sides. This helps with water absorption and she wanted to mention this.

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