

Mount Jackson  
Public Hearing and Town Council Regular Meeting  
November 12, 2019

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Public Hearing

Adoption of Ordinance O-05-19 and Resolution authorizing amendments to increase the principal amount of the Town's \$1,173,975 general obligation revenue bond and Funding Agreement, previously issued on September 13, 2019 to the Virginia Resources Authority.

Mr. Showalter stated this ordinance is modifying the loan agreement with the VRA to allow us to include the cost of repairing the water line that will tie into Well 4. VRA approved this and will pay approximately 1/3 of it by grant (\$51,000), while the other 2/3 will be added to the loan (\$108,000 at 2.5%).

There was no public comment.

Regular Meeting

The regular meeting of the Mount Jackson Town Council was held November 12, 2019, following the public hearing, at 7:30 PM in the council chambers at 5901 Main Street. Roll call was taken with the following in attendance; Mayor Donnie Pifer; Councilmembers Judy Fultz, Whitney Miller, Dennis Andrick, Rod Shepherd, Roger Rudy, and Bonnie Good. Also, in attendance, Neil Showalter, Acting Town Manager; Joseph S. Paxton, Consultant; Matt Akers, Town Attorney; Debbie Stover, Town Clerk; and Jeff Sterner, Police Chief. Others in attendance were Candi LoPresti, Jim Hines, and Max Thornberry.

Agenda Additions/Deletions/Changes: Councilmember Shepherd MOVED, seconded by Councilmember Fultz to APPROVE the addition of item number 5 under new business, stating following the closed session, the council will return to open meeting for discussion on consideration of a Town Manager.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

Hear from Visitors: None

Remarks & Recommendations from the Mayor: Mayor Pifer thanked the Hometown Partnership, the Police Department, and staff for their work on a successful Apple Harvest Festival. He stated the Union Church roof repair is now complete and looks great. Mr. Shepherd added the contractor was very thorough both in their workers safety and clean up. Mayor Pifer spoke on new trash collection which is going well. Mr. Showalter added some of the large containers that ADS provided residents were not picked, and Long Enterprises said they would pick them up and dispose of them. Ms. Miller stated the Town should contact ADS to make sure this is allowable and verify it in writing, so the Town doesn't get billed for the containers at a later date. Ms. Good stated if Long Enterprises is going to take them to the landfill, then maybe the town could possibly use them instead. Mr. Showalter will reach out to our Public Works department on this.

Remarks from Councilmembers: None

Presentations: None

Chief of Police Report: None

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Town Manager Report: Mr. Showalter stated the council packet includes a thorough town manager report. He added posted on the Town's website today, is a request for proposals for trash collection service, for when our current 6 month contract with Long ends. He stated this is a joint effort with the towns of Strasburg, Woodstock, New Market, and Stephens City, but each town has the right to reject any or all parts of the proposals. Mr. Showalter felt it is a good way to cast a broad net to get the best possible pricing and service for trash collection.

Town Attorney Report: None

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd had nothing to report.
2. Ordinance Committee Chairperson, Dennis Andrick stated the only item he had is in the town manager's report regarding unsightly property and asking owners to clean up.
3. Personnel Committee Chairperson, Roger Rudy had nothing to report.
4. Public Safety Committee Chairperson, Judy Fultz, reported October Police Department calls were 744, down 76 from September. There were 11 criminal offenses, 5 were closed, 4 under investigation, 2 cleared by arrest. They found 1 open door/window. They conducted 502 extra patrols and property checks.
5. Public Services Committee Chairperson, Bonnie Good had nothing to report.
6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated she is on the agenda under old business.

Consent Agenda: Approval – Minutes of October 8, 2019 Regular Meeting and Minutes of October 21, 2019 Special Meeting.

Councilmember Andrick MOVED, seconded by Councilmember Rudy to APPROVE the Consent Agenda consisting of the Approval-Minutes of October 8, 2019 Regular Meeting and Minutes of October 21, 2019 Special Meeting.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

Old Business:

1. Mass Transit Study – Mr. Showalter stated this is in follow up to Mr. Moore's memo prepared earlier, regarding the pros and cons of the public transit feasibility study. Mr. Showalter stated the council saw a lengthy presentation on this in September, and he was contacted by Karen Taylor of the Northern

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Shenandoah Valley Regional Commission on October 8 as to whether the town was ready to commit \$5,136 to the study. He informed Ms. Taylor he would have an answer to her by the November 15 deadline. Mr. Andrick stated he is not in favor of it because the pickup area is not broad enough, and the elderly can't get to the Route 11 corridor for pick up. Ms. Good stated our Comprehensive Plan survey indicated residents felt that some type of transportation is needed. She feels the Town should do a survey to determine if our residents would use it. Ms. Good stated there are inexpensive services available to the elderly, but her main concern is employees trying to get to work, such as Andros. Mayor Pifer stated one of his concerns is lengthy wait times for pickups due to the limited transit run times. The council agreed to take no action on this tonight, and revisit it later.

2. Playground Equipment – Ms. Miller stated Cunningham Recreation previously qualified the town for a grant of approximately \$34,000, for a large piece of playground equipment to replace the last of the old equipment. Mr. Showalter stated he spoke with Mitch Reno on Friday, and asked him to review the quoted grant amount. Mr. Reno added another \$9,300 to the grant amount lowering the cost of the equipment from \$110,000 to \$68,900. Mr. Showalter stated as far as paying for the equipment, the town has \$42,700 currently in the capital project fund approved for parks and recreation equipment, and the remainder of approximately \$25,000 could come from the current allocation to building and grounds improvements for the Visitor's Center. Mr. Showalter stated later in the year the town can anticipate restoring that line item with some of the unassigned general fund balance which currently totals \$862,000. Ms. Good asked if this equipment is handicap accessible. Ms. Miller stated the equipment is wheelchair accessible, has a transfer platform and activities that be reached from ground level.

Councilmember Miller MOVED, seconded by Councilmember Andrick to APPROVE purchasing this new playground equipment.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

3. Veteran Tribute Banners – Mayor Pifer stated he has been in contact with the company from Florida that makes these banners, but suggested staff some do more research on how they will be displayed, and develop a plan to implement this project before going any further. Mr. Andrick added the memorial by the Union Church has some name misspellings, and he'd like to have this corrected. Mr. Showalter will try to find out the name of the person who researched and did this project, and follow up with him on the misspellings.

New Business:

1. Ordinance O-03-19- Repealing Ordinance O-02-19 and Re-Enacting as Ordinance O-03-19 – Fire Lanes / Fire Apparatus Access Roads. Introduction/1<sup>st</sup> Reading/Set Public Hearing for December 10, 2019 at 7:30 PM.

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Mr. Showalter stated the previous Ordinance O-02-19 that was enacted lacked some sections numbers and structure in the town code, and Ordinance O-03-19 has corrected that.

Councilmember Andrick MOVED, seconded by Councilmember Good to APPROVE setting a public hearing for Ordinance O-03-19.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

2. Ordinance O-04-19- Amend and Reordain Chapter 66 Zoning, Section 66-62(b)(4) pertaining to the uses permitted by special use permit in an R2 zone by adding Small Scale Solar Energy Facility as accessory use to a School. Introduction/1<sup>st</sup> Reading/Set Public Hearing for December 10, 2019 at 7:30 PM.

Mr. Paxton stated there is a request for a Solar Facility at Triplett Tech, and in looking at the Solar Ordinance passed in 2017 it states small solar use facilities are permitted in A1 and I2 districts only, and Triplett Tech is in an R2 district. The school is permitted by a special use permit, so the proposed ordinance is to add under section 66-62(b)(4) Small Scale Solar Energy Facility as an accessory use to a school. Mr. Paxton stated this will require a separate special use permit and must comply with standards listed in 66-315. Mr. Paxton referred to a handout given to council on the specific codes involved. Code section 66-315 addresses what the requirements are once a solar facility would go out of use. Mr. Andrick asked if the removal of the solar facility would be forced on the town, could the town in turn bill the facility owner. Mr. Paxton stated there is a provision in some statutes for requiring facilities to have a bond in place to cover those expenses. He stated legal counsel would have to advise, but this could possibly be added as a condition to the special use permit. Ms. Good stated the cost of removal now versus the cost in the future could be very different. Mr. Paxton advised adding inflationary factors into the bond forces someone to ensure that every time the bond renews, so he would suggest a bond that covers the cost as of today would be the best option, and would ensure the town would not have to cover the entire removal costs.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE setting a public hearing for Ordinance O-04-19.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

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3. Ordinance O-06-19- Amend and Reordain Chapter 22 Environment, Section 22-48 by adding paragraph (h) to establish specific penalties for violations related to the storage of inoperable vehicles. Introduction/1<sup>st</sup> Reading/Set Public Hearing for December 10, 2019 at 7:30 PM.

Mr. Paxton stated this ordinance comes from the town prosecutor, Mr. McCleary, who has been working with the chief on establishing penalties for the removal of inoperable vehicles. The current ordinance states there cannot be an inoperable vehicle in public view, but there were no stated penalties other than the normal civil penalties within the town statute. This ordinance would allow for more substantial civil penalties as well as a criminal statute if the requests to comply with town code go ignored for three times within a specific period of time.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE setting a public hearing for Ordinance O-06-19.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

4. Adoption of Ordinance O-05-19 and Resolution authorizing amendments to increase the principal amount of the Town’s \$1,173,975 general obligation revenue bond and Funding Agreement, previously issued on September 13, 2019 to the Virginia Resources Authority. Mr. Showalter stated this is the vote needed to adopt the ordinance discussed in the public hearing to add \$108,406 to the previously approved loan, and \$51,015 to the previously approved grant.

Councilmember Andrick MOVED, seconded by Councilmember Fultz to APPROVE the adoption of Ordinance O-05-19.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

Mayor Pifer thanked the staff for all their work on these Ordinances. He also asked Ms. LoPresti if she wanted to add anything from the Hometown Partnership. She stated the Holiday Homes Tour is gearing up with tickets being sold at the town office, Curtain Call Café, and Search Thrift Shop, with proceeds going to Search Thrift Shop and the Union Church.

MOTION by Councilmember Rudy, seconded by Councilmember Andrick, stating that the Council for the Town of Mount Jackson convene a closed session under Virginia Freedom of Information Act state code

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section 2.2-3711(A)(1) for discussion, consideration, or interviews of perspective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and, 2.2.3711(A)(8) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

The meeting returned to open session with Councilmember Rudy stating 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, motion carried

Councilmember Rudy MOVED, seconded by Councilmember Andrick to APPROVE employing Neil Showalter as the new Town Manager.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Fultz			
“ Miller			
“ Andrick			
“ Shepherd			
“ Rudy			
“ Good			

6 AYES, motion carried

Motion made by Councilmember Rudy to adjourn the meeting at 8:43 PM.