

Mount Jackson
Town Council Regular Meeting
September 14, 2021

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The regular meeting of the Mount Jackson Town Council was held September 14, 2021 at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with Mayor Pifer, and Councilmembers Rod Shepherd, Whitney Miller, Bonnie Good, Judy Fultz, Dennis Andrick, and Roger Rudy in attendance.

Also, in attendance, Neil Showalter, Town Manager; Jeff Sterner, Police Chief; and Debbie Allen, Town Clerk. Visitors were Tommy Keeler with Northern Virginia Daily, Jim Hines, Robert Whitehurst, and Eleanor Whitehurst.

Agenda Additions/Deletions/Changes: None

Hear from Visitors: None

Remarks & Recommendations from the Mayor: Mayor Pifer stated on Thursday, September 23 there will be a ribbon cutting ceremony at the new homes built by Habitat for Humanity on Shenandoah Street. He stated he plans to attend, and encouraged others to as well.

Remarks from Councilmembers: Mr. Shepherd stated the covered bridge is repaired, and complimented VDOT for their work.

Presentations:

1. Robert Whitehurst – OFW Solar

Mr. Whitehurst stated he has been working on the newest solar project for the last 2 years. He is very happy with the solar on his property and has named the site OFW, after his mother Olivia Frederickson Whitehurst. Mr. Whitehurst stated phases 2 and 3 are already approved and will be built. He stated some rules have changed in Virginia regarding the tax code. The win for the Town is if phase 4 is approved, phases 2, 3, and 4 will be combined into one larger site which will be the same size as phase 1. By adding these 128 acres, and with the tax changes in Virginia, this will result in 50% more revenue for the Town and County. Mr. Whitehurst stated the Town will receive 2.5 million over the 35-year lease, so roughly \$71,000 per year, and the County will receive 6.7 million. The official announcement will be next month and the solar company will be present to answer questions. He stated another reason he is present tonight is he is aware a hate group reached out to councilmembers by email, who is related to the Middle East. His understanding is this group attended a meeting in Rockingham County and advised councilmembers to be weary if speaking with them, as they may misconstrue information.

Mr. Showalter stated the presentation tonight is by a citizen, not a formal application, nor has it been reviewed by staff. The formal application is in the review process and is currently in the developers' hands responding to review comments. Staff anticipates the application will be presented to the Planning Commission at their next meeting in October along with a staff review memo. It would also be introduced to the Town Council and set for a joint public hearing in November. Ms. Miller stated she thinks the panels look nice, the only feedback she would give as a citizen is they need to do a better job of handling the mowing. Mr. Whitehurst stated he has not been happy with the way it looks either. He is not allowed inside the site but has done an extensive amount of work the last few weeks around the perimeter. Mr. Whitehurst stated he is working on a mowing contract so he can guarantee it will be taken care of properly. Ms. Good asked how controlling pollinators would be handled from continuing to spread trees and bushes. Mr. Whitehurst responded the site will have to be mowed and cleaned up regularly until the grass can sustain itself and choke out the weeds, which will take time. Mr. Showalter stated he appreciated Mr. Whitehurst's time and information, but suggested it would be wise for the Council to wait for the formal meeting for any further questions.

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Chief of Police Report: Chief Sterner had no report.

Town Manager Report:

Mr. Showalter stated the swimming pool season has wrapped up for the summer. There were 1,321 individual swimmer admissions, 22 family and group passes sold, and 7 pool parties. The total receipts for the summer were \$7,385 on 33 total swim dates. Mr. Showalter thanked pool manager Sam Clark and the Town Clerk for a mostly successful season, as COVID restrictions were not lifted until Memorial Day.

Mr. Showalter stated last month he reported the COVID moratorium on water cutoffs was about to expire at the end of the month, and there were more than 20 services pending cut off. As it turned out, only three customers were cut off, and the remaining customers paid or were placed on a payment agreement.

Mr. Showalter stated in regards to the north end sidewalks, Jeff Lineberry from VDOT asked him to update the Environment Due Diligence Checklist which is a form ensuring the Town has followed all the environmental rules and instructions, and that was completed today.

Mr. Showalter stated tomorrow he expects to submit a DEQ consent order to formally commit the Town to the installation of the influent flow equalization basin. The Town's attorney from Aqualaw, Dick Sedgley, described it as "a fairly good deal". The Town is primarily looking to fund this project with a loan and grant combination from USDA Rural Development.

Finally, there will be a grand opening at the county government center October 1, however beginning October 4 the Shenandoah Transit buses will be running through the county. They will be making stops in Mount Jackson at the Holtzman Complex 6 times a day, with a fare of \$1 per rider. More specific information on the schedule can be found on www.shengotransit.com.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated the auditors will be here starting September 29. Mr. Rosso and he are working together to come up with a simple quarterly report of expenses and revenues on the Town's financial position.
2. Ordinance Committee Chairperson, Dennis Andrick had no report.
3. Personnel Committee Chairperson, Roger Rudy stated he will speak later in the meeting.
4. Public Safety Committee Chairperson, Judy Fultz reported August Police Department calls were 922, down 182 from July. There were 9 criminal offenses, 5 cleared by arrest, 2 closed leads exhausted, and 2 closed victim declined prosecution. They conducted 699 extra patrols/property checks, and 44 foot patrols. The Mount Jackson Rescue and Fire department reported the total responses were 104, with 85 EMS/19 Fire. Total Mount Jackson calls were 38 with 21 volunteers taking calls. They noted on their report that "unfortunately due to the COVID resurges we've had to temporarily stop all functions in our event center. We are monitoring the pandemic situation closely and will reactivate the event center as soon as it is safely possible."
5. Public Services Committee Chairperson, Bonnie Good had no report.
6. Public Properties & Facilities Committee Chairperson, Whitney Miller had no report.

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Consent Agenda: Approval – Minutes of August 10, 2021 Regular Meeting.

Councilmember Good MOVED, seconded by Councilmember Fultz 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. Consider the Creation of a Planning and Development Administrator Staff Position.

Mr. Showalter stated the Town is growing more complex, and the Personnel Committee met last month to discuss the demands being made on staff, and the outside expense the Town is incurring to review, in some cases, straightforward land use applications. The committee stands ready to recommend that the Town create a staff position of Planning and Development Administrator. Mr. Showalter stated the person would be somewhat of a technician in the area of land use and development, primarily reviewing the zoning applications, when possible keeping them in house, and only utilizing outside resources for the very technical applications. The more involved applications may require staff to contact the engineer, or there may be state laws involved that would require an outside attorney or Darla Orr to help interpret. Mr. Showalter stated this person would also promote and expand the Town's recreational, cultural, and entertainment activities. He provided councilmembers a worksheet of the cost to the Town, of a base salary range of \$40,000 to \$60,000. New Market hired a similar individual for the mid-40's this past spring, who had experience on a county planning staff, a good technical knowledge of planning and land use issues, and also holds a degree. Mr. Showalter stated the Town's anticipated person would have a similar experience and educational background. He stated part of the cost of this employee would be covered by the nearly \$60,000 a year the Town is paying for outside consulting. The additional amount would be taken this year out of contingency money, which has an excess of \$400,000 currently, and after that the compensation and benefits would be part of the regular general fund budget process.

Mr. Rudy stated in listening carefully to the Town Managers reports, as well as the TW3's, it impressed him the wide spectrum of zoning issues and projects that the manager has in front of him, not to mention other issues, such as sidewalks, Andros, and the DEQ. He stated that is what prompted him to have a discussion with the Mayor, and Mr. Showalter, and from those discussions asked the Personnel Committee to review it as well. Mr. Rudy stated it was a unanimous decision to have a person on board in Mount Jackson to be the Planning and Development Administrator.

Ms. Miller agreed to keep the application process moving along and having someone with a dedicated level of expertise is a good idea. Mr. Shepherd stated it was well researched and has his endorsement. Mayor Pifer stated he feels the Town has needed this for some time. Ms. Good stated she would much rather see a staff member be present here in our community reviewing the issues, rather than an outside resource. She is in

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favor of it. Mr. Rudy agreed stating outsourcing zoning issues can cause delays as well, so having a staff employee handle these, will help the Town be more responsive to developers.

Mr. Showalter stated last evening the Planning Commission voted unanimously to endorse and recommend to the Council that this position be created. Mr. Andrick agreed this is a very good move for the Town.

Councilmember Rudy MOVED, seconded by Councilmember Good to APPROVE the Town Advertise for a Planning and Development Administrator Staff Position.

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. Proposal for Tree Service at Union Church.

Mr. Showalter stated Mayor Pifer has forwarded each councilmember his observation at Union Church and his research regarding hiring someone to trim back the trees and bushes to improve the appearance at the church. The estimate also indicates there would be a need for a spring visit and a fall visit in order to be done properly. Mr. Showalter stated two years ago the Town repaired the church roof for approximately \$25,000, and last year repointed the brick for \$12,000-\$15,000, so this year no money was put into that budget. However, there is money available in the tourism line item that totals \$35,000, of which the Town has spent \$10,465 towards the Shenandoah Valley Music Festival and some expenses in putting up the military banners. Mr. Showalter stated there is considerable money there, and also in the contingency fund that would cover this cost. Staff recommends to the Council to accept this estimate from Dav's Landscaping to be paid out of the tourism budget line item.

Mr. Andrick stated he feels the price is very reasonable, and asked if this landscaper has done other work for the Town, or were there any other estimates. Mayor Pifer stated this landscaper does do work around town, and there are no other estimates. Mr. Showalter stated this is not of the amount where the Town's procurement policy would require bids.

Councilmember Shepherd MOVED, seconded by Councilmember Fultz to APPROVE the Mayor's Recommendation to Spend \$4,000 per year for Tree and Shrubbery Maintenance at the Union Church.

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			

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Councilmember Good
6 AYES, motion carried

3. Town Hall COVID Protection Measures.

Mr. Showalter stated at the end of May when the Governor's Executive Order 72 expired and most masking and social distancing requirements were lifted, the Shenandoah County 7-day average of new COVID cases was four per day. The last time he checked on September 8 that number had risen to 22 per day. Staff would like to recommend to the Council that the Town re-adopt the measures requiring masking by all visitors to the Town Hall, regardless of vaccination status, and require 6-foot distancing to be implemented. The citizens would continue to be welcome to attend public meetings but masking and distancing would be required there as well.

Councilmember Andrick MOVED, seconded by Councilmember Rudy to APPROVE the Re-Adoption of Town Hall COVID Protection Measures.

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

Mr. Shepherd asked if staff had any indication of the Town employees' vaccination statuses. Mr. Showalter stated pursuant to the action of the Council and direction given him last month, he asked employees to report their vaccination status to the Town Clerk. That tally indicated 9 employees who were not fully vaccinated. One of those persons is in the process of completing vaccination, leaving 8 unvaccinated. Ms. Allen stated one of those 8 has now received the first dose. Mr. Shepherd stated councilmembers need to have a discussion tonight in regards to what action should be taken for employees who choose not to be vaccinated. He stated since June 1 the estimated medical costs for the unvaccinated who contract COVID is 6 billion dollars. Mr. Shepherd stated he is concerned that health insurance companies could possibly raise premiums based on what percentage of employees are vaccinated. He stated today it was announced at the Pentagon, military personnel are now required to be vaccinated. Mr. Shepherd asked councilmembers if they should consider requiring Town employees be vaccinated. Ms. Fultz stated either be vaccinated, or require they be tested once a week. Mr. Andrick stated he does not think Council has the right to force employees to get vaccinated. Ms. Fultz stated Council would have the right to require they test once a week. Mayor Pifer asked if the employee or employer is responsible for the cost of the weekly test. Ms. Miller stated on the state agency level, the employer has to pay for the tests. She stated she is in favor of following state agency guidelines which is employees must report their status, and if they choose not to or are unvaccinated, they must test weekly and wear a mask if there is a person in their general vicinity all the times. She stated her assumption is the Town would need to pay for those tests, or at least put forth the effort to work out details with a pharmacy of choice, or hospital. Mr. Showalter stated the direction from the Personnel Committee, and the incentive in place now, is the Town would allow the employee to go during work hours to get vaccinated, and if staff achieved a 100% vaccination rate, a gift card would be given to each staff member.

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Ms. Miller stated she was hoping the number of unvaccinated was less than 6. Mayor Pifer stated his understanding is for employers of more than 100 staff the employee is responsible for the weekly testing cost. Mr. Shepherd stated his position is all Town staff need to be vaccinated. Mr. Andrick asked if the employee would be terminated if they do not vaccinate. Mr. Shepherd stated it could come to that, it would be the employee's decision. Mr. Andrick stated it would then cost the Town money to defend a case it will lose. Mr. Shepherd stated that would be a Town attorney discussion. Ms. Good stated this discussion makes her uncomfortable because she cannot understand the unwillingness of people to make their environment safer for everyone. She stated it does not seem reasonable people would ignore all the death, sickness and pain, which will continue until there are no more carriers. Mr. Andrick stated one can still contract COVID with the vaccine, and Ms. Good replied yes, but the possibility of death for the vaccinated would be reduced significantly. Mr. Andrick stated the son of John Boor, with Curtain Call Café, received the shot and is going blind. Ms. Miller stated the Council can not get into that because it is hearsay, and she does not think that any councilmembers should be giving medical information or opinions unless a medical source is readily referenceable. She stated councilmembers can share opinions on what they feel is best for the Town staff and residents, but hearsay is irrelevant unless quoting facts from the CDC, or Dr. Greene at the Health Department. Ms. Good stated there is no guarantee someone will not be adversely affected by the vaccine, but it is not a significant number, and cannot be proven.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE the Requirement All Staff Employees be Vaccinated, Unless the Employee has a Medical Reason/Doctor's Note.

Mr. Showalter offered some staff advice on that motion. He stated it takes time to get vaccinated so the motion may want to include a timeframe.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE the Requirement All Staff Employees be Vaccinated by November 1, Unless the Employee has a Medical Reason/Doctor's Note.

Ms. Good stated she feels the motion should add unvaccinated employees are required to wear a mask as well.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE the Requirement All Staff Employees be Vaccinated by November 1, Unless the Employee has a Medical Reason/Doctor's Note, and the Unvaccinated Must Wear a Mask in Closed Areas.

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			

4 AYES, 2 NAYS, motion carried

4. Town Policy on Food Vendors on Town Properties.

Mr. Showalter stated he has had various food truck vendors approach the Town about possibly vending in the park, parking lot, or at Mayors Park, and up until this time he has declined those requests. The Town does allow food trucks to set up on private property if they have permission from the property owner. Mr. Showalter stated he did not feel he had the permission of the Council to allow that to happen on Town

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property. The food truck check list has certain requirements as to trash, cords, cleanliness, noise level, etc. He stated he felt it was time to get Council's opinion to see if they would like for him to continue to decline those requests, other than during sponsored events like the Apple Harvest Festival. He has an application currently for an ice cream truck vendor who vends at the Bowman Plant and asked if they could vend at the park.

Ms. Miller asked what specific information is needed for the permit application. Mr. Showalter stated the application includes some basic information such as name, what they are going to sell, hours of operation, adequate trash containers, and a place for the landowner to sign off. Mr. Showalter added not only do they need a food truck permit, they need to have a business license as well. Ms. Good stated she would feel somewhat uncomfortable allowing vendors to sell food on Town property, while there is a shop downtown that is having a difficult time trying to stay in business. Mr. Andrick asked if the Town would have any liability for vendors on Town property. Mr. Showalter stated for that and other reasons is why he has declined these requests up to this point.

Councilmember Good MOVED, seconded by Councilmember Andrick to APPROVE it is the Town's Policy Not to Permit Food Truck Vendors Access to Town Property, other than Special Events.

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			

Motion made by Councilmember Shepherd, seconded by Councilmember Rudy, 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)(1) to discuss personnel involving specific officers, appointees or employees of the Town of Mount Jackson for the purpose of considering such individuals' assignment, appointment, promotion, performance, demotion, salary, disciplining or resignation.

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			

Mayor Pifer adjourned the regular meeting at 8:05 PM to begin the closed session.

Motion made by Councilmember Good, seconded by Councilmember Rudy, that 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

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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 made by Councilmember Rudy, seconded by Councilmember Good to adjourn the meeting at 8:33 PM.

Deborah "Debbie" L. Allen, Clerk

Donald "Donnie" I. Pifer, Mayor