

Mount Jackson
Town Council Regular Meeting
December 14, 2021

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The regular meeting of the Mount Jackson Town Council was held December 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, and Roger Rudy in attendance. Councilmember Dennis Andrick was absent.

Also, in attendance, Neil Showalter, Town Manager; Steven Crisman, Interim Police Chief; Jay Neal, Town Attorney; Mario Rosso, Finance Director; and Debbie Allen, Town Clerk. Visitors were Tommy Keeler with Northern Virginia Daily; Robert and Eleanor Whitehurst; and Jim Hines. Darla Odom, Zoning Consultant with The Berkley Group, attended electronically through Zoom. Dave Moore from Cornerstone was present to provide Zoom service.

Agenda Additions/Deletions/Changes: None

Hear from Visitors: None

Remarks & Recommendations from the Mayor: Mayor Pifer thanked everyone for an exceptional cooperation during this trying year. He stated last Saturday was the Tree Lighting Ceremony, including Santa, the band from Mountain View High School, and the carillon from Mount Calvary Lutheran Church could be heard playing.

Remarks from Councilmembers: Ms. Good stated the 2022-2023 ShenGo grant renewal is coming up soon, and she would like to have that on the agenda for the next meeting. Ms. Miller stated she would like to see the usage information report prior to the discussion, and Mr. Showalter stated he will get that information.

Presentations: None

Chief of Police Report: Interim Chief Crisman had no report.

Town Manager Report: Mr. Showalter stated staff is continuing to get feedback from VDOT on the north end sidewalk project. VDOT wants evidence from the time of design that there was public involvement back in 2014. Neither VDOT nor the Town had record of that but there is an exception to VDOT's rules that if the project is primarily within the VDOT right-of-way, there is no need for public involvement. Mr. Showalter stated staff is asking Council to approve the Town advertising a notice of willingness to have a public hearing if someone comes forward with concerns about the social, environmental, or economic impact of the project. Secondly, VDOT asks he go through their project development and management school. Mr. Showalter stated he signed up for that and is waiting to hear back when the classes will be. He stated the Veterans Banners were taken down when the Christmas lights were put up, with the plan to keep them down during the harsh winter months, to save wear and tear on them. The banners will be back up in the spring, in plenty of time for Memorial Day. Mr. Showalter stated tomorrow there will be a branding strategy focus group meeting in the council chamber at 11:00 AM. It will be conducted by the Tourism and Economic Development Office of Shenandoah County, and everyone on the Council is invited to attend.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated the Town's audit is delayed, due to some health issues with the auditing firm, and plan to have it ready for January's meeting. He stated the council packets include reports for the last five months of revenue and expenses, and the finance staff did a very nice job putting this information together showing the budget, actual year-to-date, and what the Town's expenses were a year ago at this time. He asked Councilmembers to direct any detailed questions to Mr. Rosso.

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2. Ordinance Committee Chairperson, Dennis Andrick was absent.

3. Personnel Committee Chairperson, Roger Rudy stated the committee met December 8 to review the remaining applications for the Chief of Police position. He commended the committee's hard work on this as there were 47 applications that were carefully reviewed before making a decision about the candidates to interview. Mr. Rudy stated there were seven applications for the Planning and Zoning Administrator position, which the committee is reviewing, but the priority is for the Police Chief position. He stated there is one second tier candidate meeting with Judy and himself on Friday morning to get more information to determine if this individual will move forward to an interview on Monday. Mr. Rudy stated on Monday there are four interviews scheduled in the morning and one in the afternoon. There are two open slots available in the afternoon for two other individuals if the committee decides they are candidates they would like to hear more from.

4. Public Safety Committee Chairperson, Judy Fultz reported November Police Department calls were 1173, up 153 from October. There were 7 criminal offenses, 3 cleared by arrest, 1 under investigation, 1 closed leads exhausted, 1 closed advised on warrants, and 1 closed natural death. They conducted 939 extra patrols/property checks, and 39 foot patrols locating 3 open doors/windows at 2 different locations. They conducted 8 construction checks and assisted in 21 mutual aid calls.

5. Public Services Committee Chairperson, Bonnie Good stated she will speak to Item #6 under New Business.

6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated she has been working with a graphic designer at Eddie Edwards Signs for some new flags to display when the Veterans flags are not up. She stated the graphic designer did an awesome job, and in the summer the Town will have bright, eye-catching flags along Main Street.

Consent Agenda: Approval – Minutes of November 9, 2021 Regular Meeting and Minutes of November 30, 2021 Special 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 Shepherd			Councilmember Andrick
Councilmember Rudy			
Councilmember Good			

5 AYES, 1 ABSENT, motion carried

Old Business: None

New Business:

1. Update on Cases SA 21-01 and SUP 21-01.

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Mr. Showalter referred to the two staff reports on cases SA 21-01 and SUP 21-01, and asked Darla Odom to review the reports with the Council. Ms. Odom stated when she was in Town last week for the joint public hearing she had the opportunity to look at some of the projects she has helped work on in person, and it was exciting to see them up close and personal. She stated following the joint public hearing on December 6 the Planning Commission deferred action on both cases until their January 3 meeting expressing interest in getting some additional information relative to public comments. Since the Commission did not offer a recommendation to the Council on these cases, it would be appropriate for the Council to take a separate motion and action to defer them each separately until their January 11 meeting.

Ms. Miller asked if the Planning Commission will have their concerns addressed before their January meeting. Mr. Showalter stated Chairman Larry Ambrose visited his office twice last week and reviewed in detail what those concerns are. Tomorrow staff has a Zoom call with Energix to talk about the questions the Commission would like answers to. Mr. Showalter stated staff will also be contacting Jason Smith, Erosion & Sediment Control Program Administrator with Shenandoah County, regarding the current project still in construction. Staff also anticipates the developer will provide some ideas about how they want to screen the project. Those issues are what the Town is trying to get answers to, or have the applicant ready to explain how they intend to address those concerns at the next Planning Commission meeting. Ms. Miller asked if Jason Smith is already aware of these concerns. Mr. Showalter stated yes, and in fact there was a news story and interview with him on local television regarding his review of the site under construction.

Councilmember Miller MOVED, seconded by Councilmember Good to DEFER Case Substantial Accord (SA 21-01) Until the Next Meeting on January 11, 2022.

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			

5 AYES, 1 ABSENT, motion carried

Councilmember Miller MOVED, seconded by Councilmember Good to DEFER Case Special Use Permit (SUP 21-01) Until the Next Meeting on January 11, 2022.

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			

5 AYES, 1 ABSENT, motion carried

2. Deferral of Public Hearing on OFW Solar Farm Siting Agreement – Reset for January 11, 2022 at 7:00 PM.

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Councilmember Miller MOVED, seconded by Councilmember Fultz to DEFER the Public Hearing on OFW Solar Farm Siting Agreement Until the Next Meeting on January 11, 2022 at 7:00 PM.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz
Councilmember Miller

Councilmember Andrick

Councilmember Shepherd
Councilmember Rudy
Councilmember Good

5 AYES, 1 ABSENT, motion carried

3. Call Special Council Meeting for December 30, 2021 at 4:00 PM to Consider Ordinance O-04-2021.

4. Ordinance O-04-2021 – Ordinance Changing Election Date for Mayor and Council from May to November – Introduction and Set for Public Hearing on December 30, 2021 at 4:00 PM.

Mr. Showalter stated staff has learned that an ordinance needs to be in place before the end of the calendar year that addresses the way in which the Town wishes to hold elections that are being moved from May to November to coincide with the state and national elections. He asked Mr. Neal to draft an amendment to advertise and hold a special meeting and public hearing on December 30 at 4:00 PM, if Council chooses to adopt that amendment. New Business Item 3 is to call the special council meeting first to consider the ordinance and New Business Item 4 is to set the public hearing for that ordinance.

Mr. Neal stated the legislature has decided to have the local elections on the same dates as state elections. They passed a law which requires all Towns and Counties to change their elections from May to November. One problem with that is most of the Town's election provisions are found in the Town Charter, so that charter would have to be amended, which is not a simple process. Mr. Neal stated in their wisdom the legislature decided to make this change to the statute to override any ordinance, policy, or charter provision. Mr. Neal stated there is a provision that if the Town is making the change to its election law it has to be adopted prior to the year in which it begins, hence before December 31. Mr. Neal stated one benefit he learned in speaking with Toms Brook, is they will save about \$900 because May elections can now be put on same ballot as November elections. The legislature wants the Towns to adopt an ordinance changing elections to November, with a provision an elected official's term will continue until replaced. For example if someone's term would expire in May 2022 it would continue until November 2022, to be sworn in effective January 1, 2023.

Mr. Shepherd asked if the Town has to have municipal elections in even numbered years, or can Council adopt the ordinance to occur in odd numbered years. Mr. Shepherd stated even year elections are federal; Congress, Senate, and President, four and two years apart, and the odd numbered years are Governor, General Assembly, and Senate every other year. Mr. Neal stated the legislature is requiring a change from May to November, but did not say anything about changing from even years to odd years, but if the Town charter stipulates even years, it must remain that way or amend the charter. Mr. Shepherd stated the Mayor and Councilmembers terms are 4 years and the terms are staggered, i.e., there are three candidates for Council every 2 years to provide continuity. Mr. Shepherd asked if Mr. Neal's draft ordinance is clear in reflecting that, and that the next mayoral election would be 2022. Mr. Neal stated he would change that language because it was written as 2024. Mr. Shepherd stated he also wants to make sure the wording states Council terms are 4 years and staggered.

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Councilmember Shepherd MOVED, seconded by Councilmember Rudy to APPROVE Calling a Special Meeting on December 30, 2021 at 4:00 PM to Have a Public Hearing to Consider Ordinance O-04-2021.

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			

5 AYES, 1 ABSENT, motion carried

5. Set Public Hearing to Receive Public Comments on VDOT Project UPC 114575 – Sidewalk Along Route 11 from 5300 Main Street to Avondale Avenue.

Mr. Showalter stated it appears the most expedient and definitive answer is rather than try to surmise what may have happened or look for a record that may not exist, the Council express a willingness to hold a public hearing should the public let the Town know of any concerns. He stated this can be accomplished quicker than going through the whole public hearing process, and asked Councilmembers to direct staff. Mr. Showalter stated there are two times which that has to be published before the expiration of the time period for the public to respond, which is January 5 at 4:00 PM. He stated the Town is allowed to respond to comments of a minor nature without a public hearing. Mr. Shepherd made a suggestion to put a paragraph about this in the January water bill to let the public know. Mr. Showalter stated this can be posted on the Town’s Facebook and website as well.

Councilmember Shepherd MOVED, seconded by Councilmember Rudy to APPROVE Directing Staff to Advertise on Behalf of the Town a “Notice of Willingness to Hold a Public Hearing” in the Northern Virginia Daily and to Make any Other Appropriate Notifications to Receive Comments From the Public on the Town’s North End Sidewalks Project – UPC 114575; Such Willingness by the Town to Receive Comments Shall be Set to Expire on January 5, 2022 at 4:00 PM.

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			

5 AYES, 1 ABSENT, motion carried

6. AMR Radio Read Water Meters.

Ms. Good stated this project has been discussed for years, and is now to the point of seeking Council approval, especially due to the money received from the federal government. She stated staff met with companies that provide these new water meters which are more efficient and monitor usage to such a degree it would reflect dates and times of water usage. Ms. Good stated staff looked into whether the Town could use ARPA money for this project, and can. Mr. Rosso stated the committee met with a couple suppliers, one for Neptune meters, and one for Mueller meters. He spoke with Towns that used both systems and that also used Southern Software,

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and it was determined the Neptune meters would be the best fit for the Town. Mr. Rosso stated there are towns in Shenandoah County that have this system so it would not be reinventing the wheel regarding integrating with Southern Software. These other town have had these meters for 10-15 years, and they work well. They are nearing the end of the battery life but those can be easily replaced and extend the life of the systems. These meters provide hour by hour information for the residents so they can identify when a leak occurred which will help with customer disputes. Mr. Rosso stated these new meters will bring the Public Works department up to speed with new technology, similar to the Police Department that has the newest equipment. Ms. Good stated the old meters may not be measuring water usage accurately, therefore the new meters will likely add revenue to the Town. Mr. Rosso stated other benefits are early leak detection and not wasting water and chemicals into the ground. The Town will also be able to recycle the old meters and the brass scrap rate is fairly high currently. Ms. Good stated this system is a drive by type, therefore employees are not walking in the streets, saving man hours. Also, during bad weather these meters can be read from a distance even with snow on them. Mayor Pifer asked what the warranty is on the new meters. Mr. Rosso stated it is a 20 year warranty, 10 year full replacement and 10 year prorated after that. Mayor Pifer asked if installation will be done by the company's crew. Mr. Rosso stated they do have their own crews they work with but if that crew would run into the common labor shortage issues, Randy Lonas has offered his crew to help keep the project on time and on budget. Mayor Pifer stated if approved how long from start to finish will installation take. Mr. Rosso stated he believes 90 days. Ms. Good stated although no contract is signed yet, the provider will need a staging place for all the new meters, and she suggested the new building rather than renting a trailer. Mr. Shepherd thanked Ms. Good and Mr. Rosso for their work, and stated this whole project is 100% eligible for ARPA dollars, the grant received in June. The Town has a million dollars of that money in the bank currently, and this entire project will be paid for by these funds. Mr. Shepherd stated this means the Town's constituents will not have an increase, and while the Town would never charge this, the cost of replacing meters is roughly \$360 per meter. Mr. Shepherd stated he understands sometimes the old meter readings are too high and people get overbilled, so new meters will eliminate that problem as well.

Councilmember Good MOVED, seconded by Councilmember Rudy to APPROVE the AMR Radio Read Water Meters Project Through Core and Main.

ROLL CALL VOTE:

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

5 AYES, 1 ABSENT, motion carried

Mr. Showalter thanked Mr. Rosso for the extra work that he put in finalizing this project. Ms. Good agreed, stating Mr. Rosso did a thorough job of analyzing and speaking with other Towns.

7. Appointment of Mayor Pifer to Replace Retired Chief Jeff Sterner as Acting Town Manager in the Absence of the Town Manager.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE the Appointment of Mayor Donnie Pifer as Acting Town Manager Should the Town Manager Be Incapacitated or Absent.

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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			
5 AYES, 1 ABSENT, motion carried			

8. Shenandoah Rail Trail Update.

Mr. Shepherd stated he is an avid bicyclist that has ridden on many bike trails in Virginia and other states, and they are a tremendous asset to communities. He stated the Rail to Trail committee had a Zoom meeting on December 9 and he has updates for Council. The biggest one is The Conservation Fund has joined the coalition, specifically helping with negotiations with Norfolk Southern. They played a big role in acquiring the Knob that overlooks the Town and protects the watershed. Mr. Shepherd stated having The Conservation Fund on board is a big deal, as they are a national organization and used to working on property acquisitions such as this. They are doing an appraisal of the real estate which is due by January 31. In Governor Northam's budget he is proposing \$233 million towards more trail development in the state of Virginia, and he specifically mentioned the Shenandoah Valley Rail to Trail project. The Economist did a report on the projected economic impact of this project and estimated by 2030 would have a \$10 million per year positive impact in Shenandoah Valley. Mr. Shepherd stated there is a group called Friends of the Shenandoah Rail Trail forming, which will be a 501C3 organization that will allow them to accept tax deductible contributions from anyone. The prediction is the Rail to Trail 501C will be about 6 months out. Mr. Shepherd stated Neighbors First is the outreach committee to hear and address any concerns, and he would be happy to speak with anyone as well. He stated some of the ARPA funds can be used towards this project, and the Rail to Trail committee stated there is \$60 million that Shenandoah, Rockingham, and Page counties have received. He stated the next item to think about is if the Town will commit to a certain amount of money, as they will be asking for the Town's financial help. There are a few places funds are available that could help with this, such as those from real estate sold early this year. The feasibility study that was due November 1 is still under review in the Governor's office and should hopefully be available any day. Mr. Shepherd stated even though no decision has been made on this project, the trails can be used for pedestrians, joggers, bicyclists, and some allow horseback riding.

Motion made by Councilmember Fultz seconded by Councilmember Good to adjourn the meeting at 7:56 PM.

Deborah "Debbie" L. Allen, Clerk

Donald "Donnie" I. Pifer, Mayor