

Mount Jackson
Town Council Public Hearing and Regular Meeting
April 12, 2022

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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 adoption of the OFW Solar Farm Siting Agreement.

Town Attorney Jay Neal stated the siting agreement is a contract between the applicant and the Town of Mount Jackson that allows some flexibility that otherwise would not be present. It is designed to mitigate the impact of the solar project, and allows for capital compensation to be paid to the Town. Mr. Neal stated normally the money paid has to be tied to something within the project, but the siting agreement does not have that type of restriction. It requires a public hearing and has to be signed by the applicant and by the Mayor. If the agreement is violated the Council has the right to suspend or revoke the special use permit. There is a provision in the siting agreement for payments to the Town, which is the greater of machinery and tools tax or revenue share. In regards to decommissioning, the agreement includes removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site has to be graded and re-seeded to restore it to as natural a pre-developed condition as possible, but no later than six months after the removal of the facilities. Mr. Neal stated there is a requirement the applicant provide surety (cash, CD, irrevocable letter of credit, for examples), and that amount has to be established before the project is started and reviewed every five years. He stated some of the language regarding decommissioning is found in Virginia code, but he prefers it be in the contract because, 1) the Town can enforce it with contractual remedies, and 2) it can be more easily found in the siting agreement than in the code. Mr. Neal stated if the project is sold there is language agreed to by the applicant that 21 days prior to the sale there must be written notice to the purchaser regarding the contract and provisions, and five days prior to the sale there must be written verification from the purchaser that they have received and agreed to it. If that notice is not given or they do not substantiate that they received the notice, then the contract is voidable. Lastly, if there is a freedom of information request, the Town will have an obligation to contact the applicant before releasing information.

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 immediately following the public hearing. Roll call was taken with Mayor Pifer, and Councilmembers Rod Shepherd, Whitney Miller, Bonnie Good, Dennis Andrick, Judy Fultz, and Roger Rudy in attendance. Also, in attendance, Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; Mario Rosso, Finance Director; Keith Cowart, Police Chief; Jay Neal, Town Attorney; and Debbie Allen, Town Clerk. Darla Odom with The Berkley Group and Energix Attorney Scott Foster attended electronically through Zoom. Dave Moore and Eric from Cornerstone were present to provide Zoom service. Visitors included Dominika Sink with Energix, Robert and Eleanor Whitehurst, Melissa Miller, Jim Hines, Nick Harpold with Northern Virginia Daily, and two other visitors.

Agenda Additions/Deletions/Changes: None

Hear from Visitors: None

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Remarks & Recommendations from the Mayor: Mayor Pifer commended the person in charge of the flags currently displayed on Main Street, as he has received very positive comments. Also, he recognized a letter from Donna Kinsey, Criminal Justice Instructor at Triplett Tech, regarding Chief Cowart, that reads as follows:

“Dear Mayor Pifer, on behalf of the criminal justice students at Triplett Business and Technical Institute, I would like to thank Mount Jackson Police Chief Keith Cowart, for his dynamic presentation and instruction on handcuffing techniques and police officer traffic stop safety on March 16, 2022. Chief Cowart always delivers an informative presentation that captures the students’ attention. We thoroughly enjoy the role-play exercises and learned much about the potential threats that our law enforcement officers face while protecting the community they serve. Chief Cowart, formally Sergeant Cowart, has been a valuable resource for the students at Triplett and routinely volunteers to assist in educating our youth. He is a role-model police officer who displays a level of professionalism that exemplifies the leadership qualities expected in today’s law enforcement professional. His commitment to teaching others is evident in the effort he makes to connect with the students who may one day become professionals in the criminal justice field. The presentation delivered by Chief Cowart included discussion topics designed to help keep our students safe, as well as hands-on demonstration of some of the equipment that today’s law enforcement officers use to perform their duties. We were fortunate to have Chief Cowart as our guest and the students were clearly impressed with the knowledge and skills he brought to our school. We seldom have the opportunity to learn from experts in the field and the information shared by the way of dynamic presentation was not something that could have been learned from a textbook. We thank Chief Cowart and members of the Town Council of Mount Jackson for their continued commitment to help educate potential future law enforcement officers and for all that they do to help keep us safe. Sincerely, Donna Kinsey, Criminal Justice Instructor”.

Remarks from Councilmembers: Mr. Shepherd suggested staff contact VDOT to have a discussion about the covered bridge, and fellow Councilmembers agreed. He stated the bridge will probably be closed to traffic but currently visitors are blocked from even accessing the road to the parking lot at the bridge. Tourist season is coming and the bridge is renowned locally and globally, and he would love to have some way for tourists to access it.

Presentations: None

Chief of Police Report: Chief Cowart stated there were 1410 police department calls in March, and 8 case-worthy reports, all closed either by arrest or leads exhausted. There was 1 ECO/TDO for a missing person in Warren County who was admitted medically vs. mentally due to dehydration. Officer Young was cleared and is back in service. They conducted 1187 extra patrols and property checks, 45 foot patrols, with 4 open doors/windows found at 4 different locations, and they assisted other agencies 21 times. They also had 4 community events they helped out with. Ms. Good asked the status of applicants for the night officer position. Chief Cowart stated he has received four applications, three are not certified, and he has some questions on the other one.

Town Manager Report: Mr. Showalter stated Thursday’s newspaper will have an advertisement from the Town requesting bids on the sidewalk from downtown to Avondale. There will be a pre-bid meeting on April 21, and the bid opening will be on May 12 at 3:00 PM in the council chambers. He asked Erick Moore, who joined the Town staff as Planning and Development Director in February to formally introduce himself.

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Mr. Moore stated he has been with the Town for six weeks and out of his 20+ years in this type of work, has never enjoyed anything more than what he is experiencing here. He stated staff, the Planning Commission, and Council are great to work with, and he has a lot of thoughts and new ideas to hopefully better the Town.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated he will speak under New Business Item #2.
2. Ordinance Committee Chairperson, Dennis Andrick had no report.
3. Personnel Committee Chairperson, Roger Rudy had no report.
4. Public Safety Committee Chairperson, Judy Fultz had no report.
5. Public Services Committee Chairperson, Bonnie Good had no report.
6. Public Properties & Facilities Committee Chairperson, Whitney Miller stated the flags are up, and this was the first big media graphic project for the lady who designed them. She thinks the designs are very nice and she loves the pop of color and the picture of the covered bridge. She is open to other ideas, and only ordered 25 to start with. The designer lives in Berryville and came into Town on Saturday and took pictures. Ms. Miller stated she and Mr. Moore have discussed the idea of using some of those images in other places such as the Town's website. Mr. Shepherd stated they do look great and brighten the Town remarkably. Mayor Pifer stated he has had a lot of positive comments about them as well. Ms. Miller stated she, Debbie, and Neil met with Sam Clark recently, who will be the Pool Manager this summer. He has prior pool experience and this year will focus more on management and maintenance, to gain some of Preston's knowledge of the pool. She stated this meeting included discussion on entrance and concession fees, expectations of pool staff, and new items to be ordered such as tables and umbrellas. Ms. Miller stated the ad for lifeguard positions is posted on the Town's Facebook page and asked Councilmembers to direct any interested parties to apply.

Consent Agenda: Approval – Minutes of March 8, 2022 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:

1. OFW Solar Farm Siting Agreement

Councilmember Andrick MOVED, seconded by Councilmember Rudy to APPROVE the OFW Solar Farm Siting Agreement.

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Ms. Good stated she worked extensively on the Town's comprehensive plan, and it is very dear to her heart. She wrote the one in 2005, and wrote the first three chapters of the one in 2017. All of the information was gathered from committees and townspeople, and was approved by the Council. She feels the Town's comprehensive plan is a very good document, has significance, and is legally important in what a judge would consider if the Town were taken to court. Ms. Good stated she will not be voting with other Councilmembers because she does not believe this project is in agreement with the comprehensive plan.

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 NAY, motion carried

New Business:

1. Resolution R-01-2022 – National Autism Awareness Month.

Mr. Showalter stated the Council is familiar with the fact that the Shenandoah County Public School Special Education Advisory Committee, in an effort to raise the awareness of parents, professionals, and the general public of the development disorder known as autism and the effects of autism, asks the Council each year to declare April as autism awareness month in Mount Jackson. That resolution is before Councilmembers tonight for consideration.

Councilmember Good MOVED, seconded by Councilmember Fultz to APPROVE Resolution R-01-2022 Declaring April, 2022 National Autism Awareness Month.

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. Ordinance O-01-2022 - Fiscal Year 2023 Budgets.

Councilmember Shepherd acknowledged staff, particularly Mario, for putting a lot of work into the budget this year, as this is clearly a challenging time with inflation and on-going recovery from the COVID pandemic. The package Councilmembers received on Friday summarizes everything, including spreadsheets, and the ordinance that will set all the Town's rates for water, sewer and taxes. He stated Mario is present tonight if Councilmembers have specific questions.

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Councilmember Shepherd MOVED, seconded by Councilmember Andrick to APPROVE Setting a Work Session for May 10, 2022 at 6:00 PM, and a Public Hearing for May 10, 2022 at 7:00 PM, For Budget Ordinance O-01-2022.

ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Fultz
Councilmember Miller
Councilmember Andrick
Councilmember Shepherd
Councilmember Rudy
Councilmember Good
6 AYES, motion carried

Motion made by Councilmember Good, seconded by Councilmember Fultz, to adjourn the meeting at 7:25 PM.

Deborah "Debbie" L. Allen, Clerk

Donald "Donnie" I. Pifer, Mayor