

Mount Jackson
Town Council Regular Meeting
March 14, 2023

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Regular Meeting

Mayor Pifer called the regular meeting of the Mount Jackson Town Council to order at 7:00 PM in the council chambers at 5901 Main Street. Roll call was taken with Councilmembers Rod Shepherd, Judy Fultz, Evelyn Burner, Bonnie Good, and Brandi Freed in attendance. Councilmember Todd Holtzman was absent. Also, in attendance, Neil Showalter, Town Manager; Erick Moore, Planning and Development Director; Mario Rosso, Finance Director; Keith Cowart, Police Chief; and Barbara Riggelman, Town Clerk. Eric Green with Cornerstone was present to provide Zoom service. Attending via Zoom were Lori Schweller, land use attorney with Williams Mullen; Derek Sheehan, Director, Community Solar Business Development with Dynamic Energy; Todd Bowman; David Ludy; Daniel Langston, PA with Christopher Consultants; and Saidee Begoon, CPA with Robinson, Farmer, and Cox Associates. Visitors were Susan Newbrough, Transit Manager, and Phil Thompson, Director, with Virginia Regional Transit; Charles Jenkins; Brenda Foley and Judi Wakeman with the Mount Jackson Hometown Partnership; Charles and Robin Middleton; Greg Zimmerman; and Pamela Sperry.

Agenda Additions/Deletions/Changes: None

Hear from Visitors: None

Presentations: None

Chief of Police Report: Chief Cowart reported for the month of February 2023 there were 821 calls for service; year to date total being 1661. There were several arrests for domestic assault, forging and uttering; a couple active cases of larceny, still trying to identify. There was an animal case in town that was turned over to the Shenandoah County Sheriff's Office and their animal control unit and it is still being investigated. In notes of interest, Officer Wharton has returned to full duty from her heart attack and we are glad she is back. All officers have completed Use of Force, Duty to Intervene, and Taser qualifications. The PD will be applying for the federal American Rescue Plan Act (ARPA) grant to receive funds to reduce violent crimes and gun violence. The application deadline is March 24, 2023. This is different from the ARPA grant that the town received; this is focused solely on law enforcement equipment and technology. The Drug Enforcement Administration (DEA) is hosting its 24th National Take-Back Initiative on Saturday, April 22, 2023 from 10 AM to 2 PM.

Town Manager Report: Mr. Showalter reported that Staff hosted a progress meeting this afternoon on the north end sidewalk project with no major difficulties or hurdles being reported. The room was in agreement that it is going well, and GB Foltz's representative, who is the primary contractor, seemed especially pleased with the quality of the concrete work that has been provided by the subs. They are still on track for a July finish. Mr. Showalter stated that he received an email yesterday afternoon from Cyndy Leonard, who is a Harrisonburg-based area specialist for rural development of a subsection of the USDA, and she stated that the Town has received final approval for the financing for the \$4.5 million wastewater plant improvement project. Special thanks to Mario Rosso, Finance Director, for filling out 75 forms. The next step will be to coordinate a start date with Patterson Construction, who is the approved general contractor on the job. Staff will also be working with bond attorney Daniel Lauro to arrange interim construction loan financing. This is the way rural development works; you don't draw from them, you bring your final loan to them and they put it in place. Mr. Showalter stated that staffing, which he reported in December as being fully staffed, is now lagging. There are still openings for a public works employee, a wastewater water plant trainee, and there is a police department opening. Mr. Showalter stated that if anyone had someone in mind, people that might qualify, to let him know. This has been a tough job market for hiring, and they have had difficulty getting applications in. A good referral goes a long way. The Town will also be looking for lifeguards to staff the pool this summer. Emily

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Funkhouser will be the Pool Manager this year, who has been on the lifeguard staff for the last four years, and she seems like she will make an excellent manager for us for this summer. We are happy to have her, but we still need as many lifeguards as can fill out applications. Mr. Showalter stated that the Town & County Dinner, which the council is invited to, will be on April 5. Our own Sarah Cohen, the head of Rt. 11 Chips, will be the featured speaker.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated that he will speak under New Business in regards to the audit. He reported that budget season is starting. Staff will prepare a budget to introduce at the April council meeting. Prior to the May council meeting, there will be a full committee mark up overview to look over the whole budget. There will also be a public hearing prior to the May council meeting, which will allow Council to vote on the budget in June.
2. Ordinance Committee Chairperson, Evelyn Burner had no report.
3. Personnel Committee Chairperson, Todd Holtzman was absent.
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 Brandi Freed reported that the committee met yesterday and talked about some town beautification items for the upcoming 2023-2024 budget. Items discussed included the cement wall at Montvue Avenue, which needs some work. An idea was brought up to install stone facings and look into the Triplett Tech students installing them. The committee will look into this and get some quotes if they are interested. The sidewalk situation in town was discussed. Some areas go from concrete to brick pavers, back and forth, and if something could be added to the budget to make them more consistent, at least in the historic district. There are some maintenance items that the committee will be addressing for the Lions Park. There will be a meeting on Monday, March 13 that will include taking care of the zip line which is currently down, and ordering backup equipment to eliminate this being down in the future. Discussed adding some items to the budget for the park, like a restroom instead of porta johns; groundcover ideas to replace the mulch, maybe a pour-in-place rubber like the Dream Come True Playground in Harrisonburg, which is more durable and will last longer than replacing mulch every year; and eliminating the standing water issue in the park. After a good rain, there are many large puddles. On the positive side, the free little library is now installed in the Mayors Park.

Consent Agenda: Approval – Minutes of February 14, 2023 Regular Meeting and March 6, 2023 Special Meeting.

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

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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			

5 AYES, 1 ABSENT, motion carried

Old Business: None

New Business:

1. Financial Audit Report – Saidee Begoon, CPA – Robinson, Farmer, Cox Associates

Mr. Shepherd stated that they would be presenting the annual audit to Council; this is traditionally done in November, but there have been some time issues. Mr. Shepherd stated that Council was provided with copies of the audit and Ms. Begoon would be presenting. Ms. Begoon introduced herself to the room; the audit was for the fiscal year ending 2022, with field work being done in September/October. As auditors, they have two main reporting objectives in relation to the audit: first to issue an opinion on the Town’s financial statements, and the second relates to reporting on internal controls in relation to government auditing standards. For the first goal of reporting, Ms. Begoon reported they have issued an unmodified opinion on the financial statements, which is a clean opinion and it means that they feel the financial statements presented here are materially correct and they conform with generally accepted accounting principles. In relation to the second reporting objective, their audit is conducted in accordance with government auditing standards, which require that they look at the Town’s internal controls and also compliance with laws, contracts, and general agreements. Any non-compliance that is material to the financial statements, or any significant deficiencies or material weakness in internal controls, they would need to communicate those to Council in their report. Ms. Begoon stated that she was happy to report that they did not identify any weaknesses in internal controls that they deem to be significant, significant deficiencies or material weaknesses, and also they reported no material non-compliance as a result of their audit. That is the audit results in a nutshell – overall, a clean opinion and a good year. Ms. Begoon stated that she would go over some highlights and give an opportunity for questions. For FY 2022, the Town’s activities increased the net position for the year by about \$1.3 million. Governmental activities of the town increased net position by about \$425,000, while the water/sewer activities increased net position by about \$892,000. Overall, governmental funds increased the fund balance by \$611,000. Water/sewer funds ended the year with a net position of about \$12.7 million, with a net operating income for the year of about \$529,000. The general fund ended the year with approx. \$2.5 million, actual expenditures at \$2.1 million. Ms. Begoon stated that they provided some adjusting journal entries to the Town, but it wasn’t many which is a reflection of very good preparation; those adjustments have been recorded and incorporated into the town’s books. There will be some accounting standards to implement in the years to come, which have been given to management.

Councilmember Shepherd MOVED, seconded by Councilmember Good to ACCEPT the Town’s Financial Report for the Year Ended June 30, 2022.

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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			

5 AYES, 1 ABSENT, motion carried

2. ShenGo Transit – Presentation by Virginia Regional Transit

Susan Newbrough reported that VRT has been providing transit service throughout the state for over 35 years in rural, small urban areas. They are the contracted provider for the ShenGo service. Ms. Newbrough gave a slideshow presentation with services, benefits, and maps of service areas for each town – Woodstock, Toms Brook, Strasburg, Edinburg, Mount Jackson, and New Market. Slides also included time stops along each route, ridership, and total ridership by year. Ms. Good asked if there was an age limit to ride the bus. Ms. Newbrough responded that ages 12 and under need a parent to ride; 12 and over can ride unchaperoned. Mr. Shepherd stated that FY21, they estimated the Town’s contribution share to be \$5,000; FY23 they estimated \$7,900; what fiscal response could the Town expect for the next 5 years per year. Ms. Newbrough answered that the Northern Shenandoah Valley Regional Commission was the direct recipient of the funds for those fiscal years. Mr. Thompson stated that at this time Mount Jackson is not funding ShenGo; if the Town wanted to participate in ShenGo, they would work with the town manager or fiscal officer to provide what that cost would be based on the percentage cost that was originally designed when this service was being built. Mr. Shepherd asked where the grant that is in place now is coming from. Mr. Thompson stated that right now it flows through the Northern Shenandoah Commission as a demonstration grant but will change to a 5311 rural funded grant through the State of Virginia through VRT, so it will change streams but that is because it was so successful. Mr. Thompson stated they would be glad to talk numbers if the Town would like to help. Mr. Shepherd asked if they anticipate these grants continuing. Mr. Thompson answered that they would. Mr. Shepherd asked Mr. Thompson if he had an educated guess what the expected Town contribution would be per year for the next 5 years. Mr. Thompson answered that with inflation, if you were talking the same percentages, and if \$5000 was the short year and \$7000 was the second year, if you’re staying around those same numbers, then \$9,000 to \$10,000. He stated they would certainly work on that, but anything the Town of Mount Jackson could provide would reduce the other localities’ burdens. It is not like this would be additional money for the service, it helps everyone that is helping to provide and makes it more of a community lift. Mr. Shepherd asked if the other towns along the routes are supporting Shen-Go with the exception of Mount Jackson. Ms. Newbrough stated that to the best of her knowledge yes. Mr. Thompson stated that he doesn’t know what qualifies as a town along the Rt. 11 corridor but he has written a lot of letters this year.

Mayor Pifer inquired as to how many stops this would include for the Town, if it would add more stops. Mr. Thompson stated they would be glad to have the Town’s participation on the committee; there is a committee that helps with the route. There is representation from the supporting towns and then Mount Jackson could give their knowledge on potential stops. Ms. Good inquired if they have surveyed the people who are utilizing the bus to identify the part of Mount Jackson that could use stops. Ms. Newbrough answered that they recently did an On & Off Study that for two weeks the drivers will notate where a passenger boards and gets off. They look at this study and determine what the popular areas are and then focus on these areas to place permanent bus stop signs, benches, shelters, etc. Right now, this is what they have available, but they haven’t

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monitored it to the point of which towns the citizens are traveling in. Ms. Newbrough stated that from her general observation, people are traveling cross towns, traveling from Strasburg to New Market for example, for work. Ms. Good inquired into the number of stops in Mount Jackson. Ms. Newbrough responded that there are three stops in town – in front of Holtzman’s, across from Holtzman’s, and in front of the Valley Health Clinic. Ms. Good inquired to there being two stops at Holtzman’s. Ms. Newbrough stated that this is generally how it works, one stop on one side of the road and one on the other because of the direction of travel. Ms. Burner asked if the bus only stops on Rt. 11. Ms. Newbrough answered that in some of the towns, there are stops off of Rt. 11; for example in Edinburg, there is a stop at the library, which is off of Rt. 11. In Woodstock, there are stops at the hospital. If there is an area that is close by that will not delay the route, keeping it in the 1 hour time frame, then they will look at adding stops off of Rt. 11. Ms. Newbrough stated that the pandemic really impacted transit and about 40% have still not recovered. This service started during a pandemic and has soared, which shows you there is a need. Pamela Sperry, a visitor, asked for clarification on the quote of \$7900 for the Town of Mount Jackson and what that would entail. Mr. Shepherd responded that number came from the council memo and was the requested contribution from the Town for this project. Ms. Sperry inquired that the Town hasn’t paid that, so would that be what it would cost. Mr. Shepherd answered affirmatively, which had lead to his question of what the next 5 years would look like for the Town’s contribution. Mayor Pifer stated that VRT should work with Staff and come up with what the Town could be responsible, to which other councilmembers expressed agreement. Mr. Showalter stated that there is a meeting in April that he will be attending. Mayor Pifer asked the Public Services Committee to work with Staff and VRT to bring a proposal to Council. Mr. Showalter informed Ms. Good that within the last week, the group that is managing the ShenGo service has called a meeting for mid-April. He has participated in these meetings previously and he would send her the information.

3. SA-22-02: Mt. Jackson Solar, LLC Substantial Accord Determination – Consideration of Deferral Request

Mr. Showalter reported councilmembers were advised in their meeting packet of a written request by the applicant, Mt. Jackson Solar, LLC, dated March 8, 2023 asking that the Council defer their consideration of the two cases, Substantial Accord Determination SA-22-02, which is Item 3 on the New Business Agenda, and Special Use Permit SU-22-04, which is Item 4 on the New Business Agenda. The applicant has asked Council to defer to the regularly scheduled meeting on April 11, 2023. As part of the consideration of the Substantial Accord case, the applicant has submitted a letter of appeal to the determination that was made by the Planning Commission and has indicated that they will submit new and revised information. Mr. Showalter stated that Staff recommends separate motions be made for each case to accept the applicant’s request for deferral of these cases and to defer Council’s consideration for each case to the regularly scheduled meeting on April 11, 2023. Secondly, Council is asked to direct Staff to advertise a public hearing for each case at 7:00 PM on that same date since the applicant has indicated that supplemental information is forthcoming in each case. Mayor Pifer inquired that the Town needs another public hearing. Mr. Showalter answered that if new information is presented, it would be appropriate for the public to have the opportunity to comment.

Councilmember Shepherd MOVED, seconded by Councilmember Burner to DEFER consideration of Substantial Accord Determination SA-22-02 to the Council’s regularly scheduled meeting on April 11, 2023.

Ms. Good stated that she has had conversations with Staff on this, this would be the first time that this has been done, and inquired that there is no precedent for this. Mr. Showalter stated that he couldn’t really answer. Ms. Good stated that she is very wary of setting a precedent for the future. Mr. Showalter stated that the applicant has cited that they would like to apply their right to appeal pursuant to Virginia Code § 15.2-

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2232(B) and they have a right to let the governing body, the Town Council, know that they would like to appeal the Planning Commission's determination, so that is their legal right. Secondly, it makes sense to agree with their deferral until such time as Council has listened to their appeal of their substantial accord determination. Ms. Good inquired if Mr. Showalter has checked with the town's attorney and would this put the Council in a bad position when they are on a time table. Mr. Showalter answered that he has talked with the town attorney and he was in agreement that it would not and he plans to be present at the April 11, 2023 meeting. Mayor Pifer asked if Council has 90 days to make a decision. Mr. Showalter stated that there is a certain amount of time; he is not sure what it would be, but there is time to defer this decision. Ms. Freed inquired if the public hearing would be the same situation where the applicant would explain from the beginning, or just present the new information. Mayor Pifer answered that it should be just the new information. Mr. Showalter stated that the purpose of the public hearing would be to receive public input. The attorney for the applicant, along with other members, was attending via zoom and Mr. Showalter asked if they would like to comment. At this point, Mr. Showalter stated that what they plan to present is a month away, but the public hearing is for public comment. Ms. Schweller, the applicant's attorney, stated that they would like the opportunity to present to the applicant all the ways that the project supports the Comprehensive Plan's goals and the criteria for special use permit approval. She stated that they will focus on the new condition and would like to take the deferral time to draft, create, and discuss with Staff and get in condition for Council's consideration, and also take this time to talk with Council and make sure that Council has the opportunity to consider all the criteria for the special use permit and all the ways that the application is consistent with the Comprehensive Plan. Ms. Schweller stated that they believe this would be good for all sides; at the hearing she doesn't anticipate that they will replay the same information, but try to focus on new information. Ms. Fultz asked if this would be a Joint Public Hearing with the Planning Commission or just Council. Mr. Showalter stated that it would just be Council.

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			

5 AYES, 1 ABSENT, motion carried

4. SU-22-04: Mt. Jackson Solar, LLC Special Use Permit – Consideration of Deferral Request

Councilmember Shepherd MOVED, seconded by Councilmember Good to DEFER consideration of Special Use Permit SU-22-04 to the Council's regularly scheduled meeting on April 11, 2023.

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			

5 AYES, 1 ABSENT, motion carried

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Councilmember Shepherd MOVED, seconded by Councilmember Good to SET a public hearing for the beginning of the regularly scheduled April 11, 2023 Council Meeting to allow Mt. Jackson Solar, LLC to present new information and present their case to Council and to receive public comment on Substantial Accord Determination SA-22-02 and Special Use Permit SU-22-04.

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			

5 AYES, 1 ABSENT, motion carried

5. Resolution R-01-2023 – National Autism Awareness Month

Councilmember Fultz MOVED, seconded by Councilmember Burner to APPROVE Resolution R-01-2023 Declaring April as National Autism Awareness Month in the Town of Mount Jackson.

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			

5 AYES, 1 ABSENT, motion carried

6. Mount Jackson Rescue & Fire Annual Contribution

Mr. Shepherd reported that the Ham & Oyster Dinner a few weeks ago exceeded his expectations. In the packet of information is a memo that Staff prepared showing our historic contributions to Mount Jackson Rescue & Fire. Of note, last fiscal year this was done as a matching campaign to help them make up with fundraising. Mr. Shepherd stated that as due diligence every 501c3 organization is required to file a federal 990 tax return to show how money came in, who was paid, staffing, etc. and it is good procedure for Staff to review the 990, which was received in February. Staff has reviewed this and it is exemplary of how a public organization be run and spend their money wisely. Once the 990 is received and reviewed, then Council can make their main contribution to the Rescue & Fire Department, which this year is \$26,000.

Councilmember Shepherd MOVED, seconded by Councilmember Fultz to COMPLETE the Annual Planned Contribution to the Mount Jackson Rescue & Fire Department by Sending a Check for \$26,000 when Town Disbursements Are Next Made.

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ROLL CALL VOTE:

AYE

NAY

ABSTAIN

ABSENT

Councilmember Burner
Councilmember Freed
Councilmember Fultz
Councilmember Good

Councilmember Holtzman

Councilmember Shepherd

5 AYES, 1 ABSENT, motion carried

Closing Remarks by Council Members, Mayor: Ms. Good stated that at the public hearing on March 6, 2023, Mr. Bowman made a comment directed towards her. Ms. Good stated that in all honesty she doesn't know where this was coming from; she had just met Mr. Bowman that night and had no idea what that was about. Ms. Good wanted Council to know there was nothing secretive going on.

Ms. Burner requested the Hometown Partnership give Council an update on everything they have done in the last week, as far as schools, posters, and help they are getting from the schools. Ms. Wakeman passed around a poster made by the students at Mountain View High School. They are in the process of helping the Partnership with advertising at a lesser cost than a printing company and recreating the website and Facebook pages. The Partnership has been in touch with the Interact Club at MVHS. Part of student credits come from volunteering at community functions and they will be volunteering at the Big Band Bash on May 6, 2023. Ms. Wakeman and Ms. Foley discussed the Big Band Bash performers – Larry & Kathy Rinard, Spencer Hatcher, and Dark Hollow. This event will be from 10 AM to 4 PM; there will be at least 8 food vendors with a variety of offerings. A big challenge has been parking. The anticipation is to have food vendors set up in the Town Hall parking lot, music in the Mayors Park, with vendors set up in the grass along Rt.11. ShenPaco has volunteered their two buses and volunteer drivers to transport people from the Mayors Park back and forth to the old Triplett School parking area. Todd Holtzman has offered the parking lot at the school for parking for the event. Ms. Foley stated that they would prefer no parking on Main Street from Randy's Hardware to the funeral home due to safety concerns for children at the event and traffic on Rt. 11 from I-81. By blocking off parking, the street will be wide open and be less chance for an accident. Ms. Wakeman stated that there will be children's activities at a designated area, somewhere behind the Town Office most likely, and the Library will be introducing their summer reading program that day also. Ms. Wakeman and Ms. Foley thanked everyone for all their support. They stated Chief Cowart will have the situation with controlling traffic covered. There is a rain date for the event if weather becomes an issue. Ms. Foley stated that later in the summer they may look at planning another event, like Second Saturdays with music. The Apple Harvest Festival in October has been canceled for this year; this will be looked at as an event again next year.

Motion made by Councilmember Good, seconded by Councilmember Shepherd, to adjourn the meeting at 8:08 PM.

Barbara Riggelman, Clerk

Donald "Donnie" I. Pifer, Mayor