

Mount Jackson
Town Council Regular Meeting

June 13, 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, Evelyn Burner, Bonnie Good, Judy Fultz, Brandi Freed, and Todd Holtzman in attendance. Also in attendance, Neil Showalter, Town Manager; Mario Rosso, Finance Director; Keith Cowart, Police Chief; Barbara Rigglesman, Town Clerk, and Officers James Penwell, Mark Johnson, Christina Wharton, and Christopher Burns. Daniel Lauro, attorney with BotkinRose, PLC was a guest. Visitors included Gary Kalwaytis, Charles Jenkins, Russ Kohrs, Joseph Kohrs, Leslie Johnson, Emily Penwell and daughters Kyleigh, Eleanor, & Josephine, Trudy Martin, Judi Wakeman, Brenda Foley, Karen Estep, and James & Allie Allar.

Prayer: Rev. Matthew Diehl, Mount Calvary Evangelical Lutheran Church, offered the invocation.

Agenda Additions/Deletions/Changes: Mr. Showalter stated that there would be a Closed Session after New Business.

Hear from Visitors: Gary Kalwaytis stated he had a concern regarding the house on the corner of Rt. 11 and Jackson Street. The owners mow the front yard but the backyard is waist-high. He also had a concern for the animals in the backyard; very seldom does he see anyone around. Mayor Pifer requested the Police Chief address these concerns. Chief Cowart stated that at this point in time, notices have been given to the property owner and the owner of the animals, which is the same, and officers are waiting for the time to expire before further steps are taken.

Joseph Kohrs, a Boy Scout Eagle Scout, stated that as his Eagle Project, he would like to build Little Free Libraries in parks in the County from Woodstock to New Market to promote early reading and asked for permission to place one in the Mount Jackson Lions Park. Each Little Free Library would be placed near the playground and mounted on a pressure treated 4x4 post, geo-located and registered thru littlefreelibrary.com. Mr. Kohrs would work with the local library system and other sources to keep books stocked in the libraries. Mr. Kohrs stated he and his fellow scouts from Troop 117 in Mount Jackson will build the libraries from kits, finished with either paint or stain, and possibly decorated artistically by local artists. Mr. Kohrs stated that the Edinburg VFW Post 2447 has fully funded the project. He would also install a plaque that would include information about this project along with logos of funding organizations. Mr. Kohrs shared his vision that while some kids would be playing on playground equipment, others might want to explore books and better their reading skills. Ms. Burner expressed her support for this project. Mayor Pifer inquired if the Town would help establish the location for the Little Free Library. Mr. Kohrs answered yes, if the Town would like to do so. Ms. Freed stated that the paperwork given to Council shows a location near the pool and inquired if this would be where Mr. Kohrs was thinking of installing the library. Mr. Kohrs answered affirmatively; he is aware of some issues with potential damage, but this would be his preferred location. Mr. Holtzman inquired if a motion would be required of Council; Mr. Showalter stated that a head nod would suffice. All those present answered affirmatively and thanked Mr. Kohrs for his presentation and for this project.

Opening Remarks From Mayor: None

Presentations: None

Chief of Police Report: Chief Cowart stated that he would like to take this time to announce some of the newest members of the Police Department. Mr. James Penwell will be a night shift officer starting soon. Mr. Penwell started out in Shenandoah County and came to the MJPD from Woodstock. He embraces community

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policing and brings to the table experience and training that will fit right in with current team members and goals of the Department. Chief Cowart announced recent promotions within the Department. He stated that he has worked with these two officers in varying capacities throughout their careers, and has observed them to have solid ethics, positive moral guidelines, and to shine brightly when called upon. In their own ways, they have shown the potential to take on roles and responsibilities that were not always a part of their normal assignments. Within the last year, they have really stepped up and dedicated themselves to the Town and to the Department. Most importantly though, they have committed themselves to being team players by always going the extra step to make sure their coworkers are taken care of. They are role models for their own coworkers and for other officers and deputies at other agencies. Chief Cowart presented Sergeant Mark Johnson and Investigator Christina Wharton.

Town Manager Report: Mr. Showalter stated that he would pass on the report.

Committee Reports:

1. Finance Committee Chairperson, Rod Shepherd stated that he would speak under Old Business.
2. Ordinance Committee Chairperson, Evelyn Burner had no report.
3. Personnel Committee Chairperson, Todd Holtzman reported that the Personnel Committee would like to call a Special Meeting of the Council on Tuesday, June 20, 2023 at 5:30 PM. This would be a Closed Session for the purpose of interviewing a final candidate for our successor Town Manager.

Mr. Holtzman stated that he promised a local resident that he would mention that Susan Greisz called a few of the councilmembers to share a concern regarding the Memorial Day Celebration; Ms. Greisz educated him on the fact that there is a difference between a Memorial Day Celebration, which should represent those in combat who have died, and a Veterans Day Celebration, which is supposed to acknowledge those who are living and have served. Mr. Holtzman stated that he thanked Ms. Greisz for the education and told her that he had heard that the event was lovely, and that the spirit and intent were exactly as they should be to respect veterans and those who have served our country, and that he would pass this along to Council. Ms. Greisz had stated that she didn't feel it would be appropriate for her to attend tonight's meeting; she didn't want to hurt anyone's feelings and Mr. Holtzman stated that she was very respectful in how she explained it and he did promise her that he would pass this along to the Town for the Town's future benefit. Ms. Burner stated that she informed Ms. Greisz that she respected her opinion, but would also expect Ms. Greisz to respect hers, the women in the Hometown Partnership that put on this program, and respect the veterans and a memorial. Mayor Pifer stated that the event was actually both; the dead were recognized, in fact Capt. Poplar gave an account of all the people who died in all the wars, and the Hometown Hero was given in good measure. Ms. Freed stated that she loves community feedback but she also loves community involvement and stated that Ms. Greisz is more than welcome to join the Mount Jackson Hometown Partnership. They are always needing volunteers, and this invitation would also be extended to anyone in the community. The next meeting is July 13 at 10:00 AM at the Town Hall.

4. Public Safety Committee Chairperson, Judy Fultz had no report.
5. Public Services Committee Chairperson Bonnie Good had no report.
6. Public Properties Committee Chairperson Brandi Freed stated she would speak in the Closed Session.

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Consent Agenda: Approval – Minutes of May 9, 2023 Special Meeting; May 9, 2023 Regular Meeting; & June 5, 2023 Special Meeting

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

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			
6 AYES, motion carried			

Old Business:

1. Ordinance O-01-2023 – Adopting Budgets for the General Fund, Utilities Funds, Capital Projects, and Equipment Replacement Funds; Establishing Real and Personal Tax Rates, Establishing Compensation Amounts/Rates, Setting Fees for Water, Sewer, Refuse Services, Auto License Tax, and Other Fees, Charges, Penalties, and Taxes, and Establishing Annual and Specific Appropriations for Fiscal Year 2024 – Eligible for Action

Mr. Shepherd reported that this wraps up the budget planning for the fiscal year coming up. The budget has been introduced, the required public hearing has been held, a Staff/Council meeting has been held, and this will be the final vote on the budget that has been introduced to Council.

Councilmember Shepherd MOVED, seconded by Councilmember Burner to APPROVE Ordinance O-01-2023.

Mr. Holtzman inquired where he would be able to make a motion to amend the budget. Mr. Showalter stated that this time during discussion would be a good time for Council to give Staff an indication of the direction Council would like to go with an amendment. Mr. Showalter stated he believed this amendment would deal with pay rates, to which Mr. Holtzman agreed. Mr. Holtzman stated that the budget includes a 6.4% increase and stated his desire to make a motion that he believed an appropriate increase for an across the board rate would be 5%. Town staff and all departments do a fantastic job, and after looking at the rates and considering what local businesses and others in the area often do for rate changes, in the 3-5% range, he felt comfortable on the higher end for 5%. While he agrees that Town Staff is stellar, Mr. Holtzman felt he had stewardship of the citizens of the Town’s money and that a 5% rate would be more appropriate.

Councilmember Holtzman MOVED to AMEND Ordinance O-01-2023 with a Pay Rate Change from 6.4% to 5%. Motion was not seconded; motion failed.

Ms. Burner inquired into the next steps for the budget. Mayor Pifer inquired that what is stated in the budget was 6.4%, to which Mr. Showalter answered affirmatively as this was the guidance Staff received. Mayor Pifer stated that unless Council wanted to change the pay rate, voting would reflect approval of this pay rate. Mayor Pifer stated that a motion to do so had already been made and seconded.

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Ms. Freed stated that her original vote had been for 5% but she had a change of heart after learning about the school system and their increases in wages, as well as the fact that the Town has had some changes recently and there have been a lot of people stepping up to fill the needs in the open positions so she felt 6.4% seemed more reasonable. Ms. Good stated that it is not usual to have an opportunity to have this type of pay rate, and since Council has that opportunity this year, she felt Council should proceed. Mr. Holtzman stated that there was some discussion in the committee meeting and that is where his motion initially came from; he appreciated the consideration, and stated that he understands that his motion died.

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			
6 AYES, motion carried			

2. Resolution R-03-2023 – Interim Financing Resolution

Mr. Showalter introduced Daniel Lauro and stated that he would be speaking on this item. Mr. Lauro stated that Council had a public hearing on May 9, 2023 for two types of financing – USDA financing for the Wastewater Project, and an Interim Financing, which is required by USDA; a bank financing. Since then, there have been more details on the Interim Financing and that is what this resolution is. There were two banks that bid; First Bank was the one that was responsive to get the Town what it asked for. The interest rate will be 5.5%, up to a 3 year loan, for \$4.733 million, secured by the Town’s real estate taxes. It is a draw down loan, so the Town only pulls down what it needs. Once the Town has reached substantial completion of the project, USDA will come in and take that loan out, assuming the Town has done what is required. Mr. Lauro stated that this was the 5 pages in a nutshell.

Councilmember Shepherd MOVED, seconded by Councilmember Good to APPROVE Resolution R-03-2023.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mayor Pifer			
Councilmember Burner			
Councilmember Freed			
Councilmember Fultz			
Councilmember Good			
Councilmember Holtzman			
Councilmember Shepherd			
7 AYES, motion carried			

New Business:

1. Resolution R-04-2023 – Exoneration of 2017 Personal Property Taxes

Mr. Shepherd stated that every year, Staff works diligently to collect personal property taxes owed to the Town, and this year they are over 99% in compliance. There is always just a few odd people that don’t pay their taxes and then disappear. Mr. Shepherd stated that there was a spreadsheet included in the information

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packet that indicates that this is a small amount that Council would need to exonerate; you can't leave this asset on the books because it will never be seen. Town had a 99.5% compliance collection rate on taxes. Mayor Pifer stated that this was actually the lowest amount that needed to be exonerated in 5 years. Mr. Shepherd agreed; Council will exonerate 2017 taxes for a total of \$1,556.59.

Councilmember Shepherd MOVED, seconded by Councilmember Burner to APPROVE Resolution R-04-2023.

Mr. Holtzman stated that he felt the Council was rewarding someone for not paying their bills while everyone else is paying their property taxes; it's only \$1500, but how do you feel right about rewarding even a small debt by just making it go away. Mr. Showalter stated Staff makes it mighty inconvenient to make it go away in that once it goes past due, a DMV stop is placed on that individual's drivers license, their ability to register a car, their ability to get tags renewed. Its stops dead the individual's ability to transact with the DMV until they pay their taxes. The ones that remain uncollected, which are on the spreadsheet that was given, generally are people who have moved out of state, the country, or somehow gotten away from needing to do business in Virginia. They are out of the area and to try to collect those small personal property payments doesn't pay to try to do so. Mr. Holtzman stated that they are truly non-collectible then, and inquired if this included any real estate tax. Mr. Showalter answered that real estate taxes are treated differently under Virginia law. Under Virginia law, a personal property tax basically becomes uncollectible after 5 years; you don't get much help from Virginia after this time. Real estate taxes are somewhere around 15-20 years, so the Town is able to tag the property or catch it when it sells to catch up the real estate taxes. Mr. Showalter stated that the Town doesn't really end up charging off as much; the fact is that the Town must tax everyone, but unfortunately there is that one-half of one percent that walk away from their obligations, disappear, and Staff can't find them. Mayor Pifer stated that most of the taxes listed are automotive taxes. Mr. Showalter agreed and stated this gives Staff the leverage to go after them, but this is also the same people that don't tag their cars or register their vehicles. Mr. Showalter stated that by exonerating them, this allows Staff to get them off the books and stop accounting for them, including them in reports, because they are basically uncollectible. Ms. Fultz stated that Staff does work diligently to collect them because when she was on Staff they tried everything they could.

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				
6 AYES, motion carried				

2. Flock Police Cameras

Chief Cowart reported that this project would increase their abilities as a proactive police department for our community. The Department has applied for and was awarded the ARPA grant for law enforcement equipment. This is a reimbursement type grant with no matching funds required. Information about Flock Camera Systems/Flock Safety was included in the Council information packet. Chief Cowart stated that this is basically a camera system that is set up throughout the town that deploys a license plate reader. The way a license plate reader works is that it recognizes the tags on the rear part of a vehicle and if there is a notice, hit, or warning about that particular tag, it will send an alert to the dispatch center or the officer on duty so they

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can deal with the situation. The way this system is set up, it complies with all Virginia state laws; it is not facial recognition, it does not identify people, all it does is read license plates and sends the information. One feature about this system is that the Department can do a general search. For example, if they receive a report of a white Ford pickup truck with a ladder rack that hit a mailbox, or hit a vehicle and left the scene, or was seen grabbing a child from the park, they could do a search on this system for a white Ford pickup truck with a ladder rack and anything in the last 30 days, if a time frame is not specified, it will give them every truck that has passed these cameras matching that description. Chief Cowart stated that the system is progressing because now it can even identify stickers on rear windows, so if the Department searches for a blue sports car with stickers on the rear glass, it will pull those up. This is important for them because the Department would now be saving time; instead of trying to find this white truck, they would have an idea of where to start looking.

Chief Cowart referred to the information packet, highlighting a case where a child was kidnapped from their mother about 12:30 in the afternoon. Four and a half hours later, she was reunited with her mother due to this camera system being able to identify the vehicle that the mother described. The two people that took the child had no ill intentions other than raising her as their own. There are many more success stories across the nation involving this system. Chief Cowart stated that once they are into this system, if he needs information from New Mexico, California, Colorado, even Harrisonburg, he can request permission to access their Flock System. He can tell them what the Department is looking for and they will send him everything they have.

Chief Cowart stated that he proposed to have 8 cameras throughout the town. With I-81 and Rt. 11, he would like cameras near the schools as this is a major interchange with I-81 and that is lot of young souls out there, so they want to try to keep things protected. The Police Department would be one of the first in the County to implement this system. Others are following suit, but they are not as far into the project as the Department is. The Department has had their mapping, had their meetings, etc. Some local results from Harrisonburg, because they were the first people Chief Cowart knew that had this system: Since the early part of this year, January to February timeframe, they have recovered \$167,380 worth of stolen property, recovered 6 stolen vehicles, located a missing person, and identified a homicide suspect, all with this Flock System. They are still getting data as the cases are updated within their own system.

Chief Cowart stated that the reason for his presentation tonight is that the cost for this advanced technology is \$26,800. It is a reimbursement from the ARPA grant and his proposal was just to get the approval from Council to get the initial funds with the certainty of being repaid.

Councilmember Holtzman MOVED, seconded by Councilmember Burner to APPROVE the purchase of Flock Police Cameras with reimbursement from the ARPA grant.

Mr. Shepherd inquired if Chief Cowart was satisfied that this was the best system available and was pleased with it. Chief Cowart stated that he hasn't seen anything that could compare with it right now. Ms. Good inquired if Chief Cowart has been on-site with it. Chief Cowart answered that he has worked with Harrisonburg and seen how easy it is to look at the system and all 6 officers, even the part-time officers, have been trained with it as well. Mr. Freed inquired how many cameras would be purchased. Chief Cowart answered 8 cameras.

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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			
6 AYES, motion carried			

Ms. Burner expressed her thanks to Chief Cowart for starting the Shenandoah County youth camp at Shrine Mont; there were 30 kids participating and it was absolutely great. Ms. Burner stated that the kids learned a lot and she thanked Chief Cowart again for starting it.

Mayor Pifer recommended that the Council of the Town of Mount Jackson convene a closed meeting under the Virginia Freedom of Information Act in order to discuss the acquisition, sale, disposal of, or other use of real property for a public purpose, under Virginia Code § 2.2-3711(A)(3). Mr. Showalter stated that as a favor to the public in attendance, he advised there be an announcement that will be no action taken after the Closed Session. Mayor Pifer stated that there would be no action taken.

Ms. Burner thanked the Hometown Partnership for all their efforts with the Memorial Day Celebration.

Mayor Pifer adjourned the regular meeting at 7:35 PM to begin the closed session.

Motion made by Council Member Shepherd, seconded by Councilmember Freed, to return to the open meeting at 8:05 PM.

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 Burner	I So Certify
Councilmember Freed	I So Certify
Councilmember Fultz	I So Certify
Councilmember Good	I So Certify
Councilmember Holtzman	I So Certify
Councilmember Shepherd	I So Certify
Mayor Pifer	I So Certify
6 AYES, 0 NAYS, 0 ABSENT	

The meeting was adjourned at 8:10 PM.

Barbara Riggelman, Clerk

Donald "Donnie" I. Pifer, Mayor