

Mount Jackson
Town Council Regular Meeting

July 11, 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 Evelyn Burner, Judy Fultz, Bonnie Good, and Rod Shepherd in attendance. Councilmember Brandi Freed was absent. Also in attendance, Keith Cowart, Police Chief; and Barbara Riggleman, Town Clerk. David Moore from Cornerstone was present to provide Zoom service. Attending via Zoom were Councilmember Todd Holtzman and Mario Rosso, Finance Director. Shawn Hershberger and Flavia Scotto d'Antuono with Engerix were guests. Visitors were Robert Whitehurst, Brenda Foley, Judi Wakeman, Karen Costie, Tommy & Dale Hepner, Charles & Robin Middleton, Larry Rinard, and Charles & Melissa Dodge.

Prayer: Pastor Larry Rinard, Brighter Days Bible Church, offered the invocation.

Agenda Additions/Deletions/Changes: Mayor Pifer announced that there will be a closed session to discuss real estate.

Hear from Visitors: Melissa Dodge stated she lives at 5065 Elm Drive in the Avondale Acres subdivision. She stated she was speaking regarding the extension of the sidewalks thru the north side of town. This has been a very long term project and she is glad to see it completed as it grants pedestrians access from the Avondale Acres subdivision to the rest of town. Ms. Dodge stated that the Town is to be commended for exceeding the original goal of extending the sidewalk to Apple Avenue as mentioned in the Town's Comprehensive Plan. It now extends several blocks past that proposed plan. Ms. Dodge stated that she has noticed people have been utilizing this section of the sidewalk, as she has herself, and there is no doubt that this is a benefit to all. As stated in the letter that Ms. Dodge provided to town council members last month, the project resulted in the removal of the tree line that ran along Rt. 11 from East Avondale Avenue to the storage units on the corner of Maple Avenue and Old Valley Pike. The removal of the trees has caused a marked difference in their daily experiences along their street. Road noise and pollution from Rt. 11 and I-81 are much more pronounced. As one neighbor stated, without the trees, their properties feel very exposed, making it less enjoyable for outdoor activities. Ms. Dodge stated that at night, the bright warehouse lights from Andros shine thru her bedroom window which interferes with falling asleep. Additionally, the view from the rear of her property is less peaceful, especially when an accident on I-81 invariably causes bumper to bumper detours along Rt. 11.

Ms. Dodge stated that she was here tonight to request the Town pursue the replanting of the tree line along Rt. 11 from East Avondale Avenue to Maple Avenue. She stated that she was hopeful Council would be persuaded that doing so would be a great benefit to the affected residents, as well as helping the Town achieve its growth and development goals. The Town Comprehensive Plan devotes an entire page to the importance of landscaping, page 37. Ms. Dodge paraphrased some of the highlights of that section: Trees are a major contributor to the quality of life, beauty, and structure of our landscapes in each community. They improve our air quality by removing pollutants and particulate matter from the air and by releasing oxygen. Noise pollution is reduced by tree leaves which absorb sound waves. They control soil erosion; they decrease quantities of stormwater run-off; help to conserve energy; make the surrounding areas more hospitable and safe. Trees also enhance real estate values on an individual lot or project basis. The aesthetic value of trees, as well as their important effect on our physical health and the ecology of the community, demands more sensitivity to their protection and retention in the development process of the community. Ms. Dodge stated that though it may seem more of a direct solution for them to plant trees themselves, she would like to reiterate from the comments of her letter that the residents along Elm Drive do not own the property where

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the tree line once stood. Their property lines end just about where the telephone and power lines cross their backyards. The plot from the end of their yards to Rt. 11 belongs to a person that, to their understanding, lives outside the US. Ms. Dodge stated that in the 20 years that she has lived in the neighborhood, the owner has never mowed or maintained the property between the homeowners and Rt. 11. The neighbors along Elm Drive have always taken it upon themselves to mow and maintain it. Ms. Dodge stated that to say they have been good stewards and taken on additional responsibilities to keep their neighborhood and town pleasant and inviting is an understatement and she felt they have done their part. She encouraged Council to embrace and implement their short and long term strategies, which call for enhanced landscaping, preserving trees, providing screening buffers, and addressing stormwater runoff. Ms. Dodge thanked Council for their time and attention to this matter and expressed her appreciation for all they do for the town and its residents.

Opening Remarks From Mayor: None

Presentations: None

Chief of Police Report: Chief Cowart reported that for the month of June, there were 769 calls for service, bringing the year to date total to 5,827. There were 16 mutual aid/warrant services within our Town and 3 warrants served for other agencies. There were 4 open doors in 4 different locations. There were a couple arrests, a narcotics violation that was closed by arrest; 2 reports of a larceny, 1 is still active and 1 is closed; there was a report of a hit and run, leads were exhausted; an alcohol violation that was closed; a report of contributing to the delinquency of a minor that was referred to Juvenile Intake for them to further proceed with. There is an active fraud case, an active counterfeiting, and a burglary that occurred during the day time that is still active; there is a suspect in mind. Notes of Interest: Officer Penwell has been released; he is the newest officer, currently working solo tonight, and is doing exceptionally well. Part-time officer Justin Corbin was hired by another agency so he has resigned as a part-time officer for the Town. The Flock Camera system was discussed at last month's meeting. There have been 8 cameras mapped out, they just need to talk to businesses or property owners to make sure there are no permits required. There will be a handgun safety class on July 29 at 9:00 AM. This will soon be listed on their Facebook page. The funest event of the year, National Night Out, will be August 1 from 5:00-8:00 PM at the Mayors Park.

Town Manager Report: None

Committee Reports:

1. Finance Committee Chairperson Rod Shepherd had no report.
2. Ordinance Committee Chairperson Evelyn Burner asked Chief Cowart how he was coming along on an ordinance he has been working on. Chief Cowart stated that it is a process and what he has will be brought before the town attorney to make sure everything is legit.
3. Personnel Committee Chairperson Todd Holtzman was absent. In his absence, Mayor Pifer stated that he was pleased to announce that there was a new hire for the Assistant Manager position, to be training under Neil Showalter, Town Manager, until his retirement on March 1, 2024. Olivia Hilton came to us from the Town of Strasburg, and she is anticipated to be onboard no later than August 14. Mayor Pifer encouraged everyone to stop in to see Ms. Hilton and welcome her.
4. Public Safety Committee Chairperson Judy Fultz had no report.

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5. Public Services Committee Chairperson Bonnie Good had no report.

6. Public Properties Committee Chairperson Brandi Freed was absent.

Consent Agenda: Approval – Minutes of June 13, 2023 Regular Meeting; June 20, 2023 Special Meeting; and July 3, 2023 Organizational Meeting

Councilmember Burner MOVED, seconded by Councilmember Good 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			

4 AYES, 2 ABSENT, motion carried

Old Business: None

New Business:

1. Resolution R-05-2023 – Consideration of Resolution Regarding Extension of Land Use Approvals for Solar Photovoltaic Projects.

Mayor Pifer introduced Shawn Hershberger and Flavia Scotto d’Antuono with Energix and stated that they have received approval from the General Assembly. Mr. Hershberger answered affirmatively. Mr. Hershberger stated that he would describe how they got to the point of bringing this to Council’s attention and asking for this resolution to be considered. He reported that they are working closely with the property owner, Robert Whitehurst, on the next phases of this project, working thru the timelines of everything that will progress. Mr. Whitehurst had expressed a desire to do some more work himself on the property that Energix would not be able to allow him to do under the current timeline. Mr. Hershberger stated that during this conversation with Mr. Whitehurst, it was brought up that there is actually an extension from the General Assembly until July 1, 2025, but a simple resolution from Town Council could extend this to July 1, 2026. They have decided to present this and see if it would be something people would be receptive to. Mr. Hershberger stated that this would allow them to work more closely with the landowner and stage this project a little slower. Mayor Pifer stated that councilmembers received an explanation sheet regarding this resolution.

Councilmember Shepherd MOVED, seconded by Councilmember Burner to ADOPT Resolution R-05-23.

Mr. Shepherd stated his hope for some nice plantings and pollinator garden. Mr. Hershberger stated his agreement. Ms. Good stated that since this project has been underway, from the beginning, our Town Manager has had to frequently contact the landowner to discuss how poor the conditions were on the land that was already being used for solar. There were so many complaints, year after year, and nothing was done until the Town Manager stepped in to address the issues; issues with trimming, replanting dead trees, things that weren’t taken care of. Mr. Whitehurst stated that nothing Ms. Good said was true; not one of the trees that were planted had died; he has not received a complaint in over a year from the Town Manager, and had only

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received two within the whole process. Ms. Good stated that she did talk with the Town Manager as well; she has visited the site, and the Town Manager asked Council to visit the site on a few occasions to garner their feelings regarding some things and if they felt they were being handled, because they had not been handled in a timely manner without citizens voicing their concerns.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Burner			Councilmember Freed
Councilmember Fultz			Councilmember Holtzman
	Councilmember Good		
Councilmember Shepherd			

3 AYES, 1 NAY, 2 ABSENT, motion carried

2. RZ-23-01: 1133 Wissler Road Rezoning Case – Eligible for Action

Councilmember Burner MOVED, seconded by Councilmember Fultz to APPROVE Rezoning Case RZ-23-01.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Burner			Councilmember Freed
Councilmember Fultz			Councilmember Holtzman
Councilmember Good			
Councilmember Shepherd			

4 AYES, 2 ABSENT, motion carried

3. Fuel Bids for FY 2024

Mayor Pifer stated that information on the fuel bids was in the Council packet. He and Mario Rosso looked at the bids and the best deal for the Town was Emmart Oil Company and this would be the accepted bid.

4. Avondale New Sidewalk & Landscaping

Mr. Shepherd stated that numerous constituents from Avondale have contacted him about the sidewalk being a wonderful addition, but they are concerned with all the trees being taken down next to the sidewalk. Ms. Dodge has already addressed Council with how it has effected lighting. Mr. Shepherd inquired if Council could explore replacing the shrubbery along that sidewalk and look at some plantings, something that won't interfere with power lines but will offer a block. Mr. Shepherd stated that he is aware this is a delicate issue and does not know how far the property line goes beyond that sidewalk. Mayor Pifer answered that if he remembered the email from Mr. Showalter correctly, the trees that were removed were on VDOT right of way, so anything that would be replaced would need to be addressed with VDOT. Mayor Pifer stated that if the landowner would need to be contacted, as Ms. Dodge mentioned, the landowner is out of town and it was very hard to get in contact with him to get the right of way for the sidewalk. Mayor Pifer stated that Council should explore contacting VDOT to determine if this would be possible. Ms. Burner stated that if VDOT is to be contacted, the landowner should still be contacted as well in case there is an issue. Ms. Good stated that it may be the case that with the way the sidewalks and drainage ditches are extended, where the trees would be

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planted would no longer be on VDOT right of way. Mayor Pifer stated that he would ask Mario Rosso to start this process and see what the Town's options would be. Mr. Shepherd stated that from what he knows about tree planting and shrubbery, the best time to plant would be September or October for spring growth, so he would like to see Council move ahead with this. Mr. Shepherd inquired into which committee would look into this. Mayor Pifer stated that he believed it would be Public Properties.

Councilmember Shepherd MOVED, seconded by Councilmember Burner to REFER Avondale Sidewalk Landscaping to the Public Properties Committee.

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			

4 AYES, 2 ABSENT, motion carried

5. USDA Loan Post Issuance Tax Compliance Policy

Mr. Shepherd stated that the Town issues tax-exempt bonds thru Mount Jackson and in order for the Town to be permitted to issue these tax-exempt bonds, the Town needs to have reporting procedures in line. This is the sum of the 12-page document that was given to Council. Mr. Shepherd stated that virtually any town that does municipal financing needs to have this same type of requirements as an adopted resolution and a policy.

Councilmember Shepherd MOVED, seconded by Councilmember Fultz to ADOPT the USDA Loan Post Issuance Tax Compliance Policy.

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			

4 AYES, 2 ABSENT, motion carried

6. Installation of Street Lamps on a Section of Main Street

Mayor Pifer stated that Council approved the installation of streetlights on the east side of Main Street from the old Triplett School to the Mill property in November 2022. The bid came in right under \$18,000, which is what Council allowed up to. This item is to continue streetlights to Shannon Avenue.

Councilmember Good MOVED, seconded by Councilmember Burner to APPROVE Installation of Streetlights from 6044 Main Street to Shannon Avenue.

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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			

4 AYES, 2 ABSENT, motion carried

Mayor Pifer announced that the Council would enter into closed session, but that there may be action taken after the closed session if the public would like to wait in the Town Hall and reenter the room when Council returned to regular session.

Ms. Burner requested The Hometown Partnership give an update following their Market. Judi Wakeman reported that there was a Christmas in July Market on July 1. The week before that, there was a Downtown Music program. Ms. Wakeman reported that these were very successful; possible 100+ attended the Downtown Music. There were 11 vendors at the Market, including a food vendor, Martin's Burgers Galore, which provided breakfast and hamburgers. Martin's will return on August 5 for that Market. The next Downtown Music will be July 29, featuring Beards & Broads stone-fired pizza and Larry & Kathy Rinard and Friends providing music. Ms. Wakeman stated that she wanted to extend her thanks to Council and the town employees for the help given in setting up these events. The Partnership is looking into extending the Downtown Music into September. This will be discussed at their next meeting, July 13 at 10:00 AM.

Motion made by Councilmember Shepherd, seconded by Councilmember Burner, 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)(3) for the discussion or consideration of the lease or disposal of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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			

4 AYES, 2 ABSENT, motion carried

Mayor Pifer adjourned the regular meeting at 7:27 PM to begin the closed session.

Motion made by Councilmember Shepherd, seconded by Councilmember Burner, to return to the open meeting at 7:33 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

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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 Fultz	I So Certify
Councilmember Good	I So Certify
Councilmember Shepherd	I So Certify
Mayor Pifer	I So Certify

5 AYES, 0 NAYS, 2 ABSENT

7. 370 Bryce Boulevard Purchase Proposal – Set for Public Hearing

Councilmember Shepherd MOVED, seconded by Councilmember Burner to SET a Public Hearing for Tuesday, August 8, 2023 at 7:00 PM regarding the 370 Bryce Boulevard, Mt. Jackson VA Potential Purchase.

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			

4 AYES, 2 ABSENT, motion carried

Motion made by Councilmember Good, seconded by Councilmember Burner, to adjourn the meeting at 7:35 PM. All members present signified approval by saying AYE; meeting was adjourned.

Barbara Riggelman, Clerk

Donald "Donnie" I. Pifer, Mayor