

Public Hearing

A public hearing was held by the Mount Jackson Town Council on September 8, 2009 at 7:30 p.m. in Council Chambers at 5901 Main Street. The purpose of the hearing was to receive comments on Ordinance O-03-2009 An Ordinance to Amend Chapter 38, Article I, Section 38-9, By Repealing Section 38-9 in its Entirety and Enacting a New Article V, Section 38-86 Through 38-97 "Noise Control" of the Code of the Town of Mount Jackson. The following visitors were present: Gerald Forsburg, Ken Seay, and Mr. & Mrs. Zayhowski. Town Manager Moore reported the ordinance changes are according to the Supreme Court ruling. There is a device to measure noise that is calibrated. It is sent back to the factory once a year to be checked. The Zayhowskis stated they support the noise ordinance. Councilman Fadely asked to have the wastewater treatment plant checked with the device for noise. There were no more comments from the public. The hearing was adjourned.

Regular Meeting

The regular meeting of the Mount Jackson Town Council was held on September 8, 2009 immediately following the public hearing in Council Chambers at 5901 Main Street. Roll call was taken with the following in attendance: Joseph Williams, Mayor, Neil Fadely, Kenneth Hackenbracht, J. Bucky Miller, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Absent: Todd Holtzman. Also present: Charles Moore, Town Manager and Judy Fultz, Clerk. Visitors present: Gerald Forsburg, Ken Seay, and Mr. & Mrs. Zayhowski.

Motion by Councilman Fadely and second by Councilman Miller to add resolution for Dan Proctor as Item #2 under New Business.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Holtzman
" Hackenbracht		
" Miller		
" Shepherd		
" Whetzel		

5 AYE, 1 ABSENT, motion carried.

Ken Seay reported he is here as a representative of the Chamber of Commerce.

Gerald Forsburg invited everyone to attend the Mt. Jackson/Edinburg Rotary meeting on Tuesday mornings at Denny's. The dues are \$83.00 annually.

Town Manager Moore reported we received notice from the VML that the Governor has announced budget cuts in the 599 police aid. Our budget was balanced. We are monitoring revenue accounts monthly.

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The annual sidewalk repairs are in the budget for \$10,000. We have estimated \$9800 for our repairs. Main Street repairs will be pressed in brick and concrete. We will rebuild the parking lot on Bank Street. The plans on the TEA 21 program were sent in April. They are pressing us to spend.

COMMITTEE REPORTS

Councilman Shepherd, Chairman of the Finance Committee, advised everyone to look at the spreadsheet showing revenues for the general fund and water and sewer fund.

Councilman Hackenbracht, Chairman of the Public Services Committee, reported Burner has moved the rig up on the mountain and is air lifting.

Councilman Miller, Chairman of the Public Properties Committee, reported the Public Properties Committee should be meeting with the Lions Club this Monday.

Motion by Councilmember Whetzel and second by Councilman Shepherd to approve the consent agenda consisting of: 1- Approval of Minutes of August 11, 2009.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Holtzman
" Hackenbracht		
" Miller		
" Shepherd		
" Whetzel		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Miller and second by Councilman Fadely to approve Ordinance O-03-2009 An Ordinance to Amend Chapter 38, Article 1, Section 38-9, By Repealing Section 38-9 in its Entirety and Enacting a New Article V, Section 38-86 Through 38-97 "Noise Control" of the Code of the Town of Mount Jackson.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Holtzman
" Hackenbracht		
" Miller		
" Shepherd		
" Whetzel		

5 AYE, 1 ABSENT, motion carried.

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Motion by Councilman Hackenbracht and second by Councilmember Whetzel to approve Resolution R-05-2009 Resolution of the Mayor and Council of the Town of Mount Jackson Authorizing the Town Manager to Execute an Interjurisdictional Agreement with the Department of Environmental Quality to Construct a Water Line Extension to the Caverns Road Interchange.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Holtzman
" Hackenbracht		
" Miller		
" Shepherd		
" Whetzel		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Fadely and second by Councilman Miller to approve a resolution of courtesy and respect for Mr. Dan Proctor.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	NONE	Councilman Holtzman
" Hackenbracht		
" Miller		
" Shepherd		
" Whetzel		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilmember Whetzel and second by Councilman Miller that the Council of the Town of Mount Jackson convene a closed session at 8:05 p.m. under the Virginia Freedom of Information Act under State Code Sec. 2.2-3711 (A) (1) To discuss personnel involving specific officers or employees of the Town of Mount Jackson for the purpose of considering such individuals' assignment, appointment, promotion, performance, demotion, salary, disciplining or resignation and State Code Sec. 2.2-3711 (A) (3) To discuss the acquisition, sale, disposal of or other use of real property for a public purpose.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Holtzman
" Hackenbracht		
" Miller		
" Shepherd		
" Whetzel		

5 AYE, 1 ABSENT, motion carried.

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Motion by Councilman Fadely and second by Councilman Shepherd to return to the regular meeting at 8:45 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Holtzman
" Hackenbracht		
" Miller		
" Shepherd		
" Whetzel		

5 AYE, 1 ABSENT, motion carried.

Councilmember Whetzel stated 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 to which the 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: Fadely	So Certify
Hackenbracht	" "
Miller	" "
Shepherd	" "
Whetzel	" "
Williams	" "

Ayes - 6, Nays - None, Absent - 1.

Motion by Councilman Miller and second by Councilman Fadely to adjourn the meeting.
Motion carried.

CLERK

MAYOR