

Public Hearing  
September 14, 2010

The Town Council of the Town of Mount Jackson held a public hearing on September 14, 2010 at 7:30 p.m. in Council Chambers at 5901 Main St. on the following Ordinances: 1- Ordinance O-06-2010 – An Ordinance to Enact a new Section 22-35 “Abatement or Removal of Nuisances” of the Code of the Town of Mount Jackson, 2- Ordinance O-07-2010 – an Ordinance to Enact a new Section 22-69 “Removal or Disposal of Trash, Cutting of Grass and Weeds; Penalty” of the Code of the Town of Mount Jackson, 3- Ordinance O-08-2010 – An Ordinance to Enact a new Section 22-87 “Removal, Repair, Etc., of Buildings and Other Structures” of the Code of the Town of Mount Jackson, and 4- Ordinance O-09-2010 – An Ordinance to Enact a new Section 22-88 “Spot Blight Abatement” of the Code of the Town of Mount Jackson.

Visitors present: Robert Luse, Martha & Gary Lantz, Mike Ashley, Tony Das, Alex Hofgren, Ralph Stead, Donna & Jim Wolfe, Steve Baker, Uthal Smith, Linda Reid, Gerald Forsburg, and others.

Town Attorney, Chris Brown, summarized the ordinances. He emphasized that almost all of these provisions already exist for localities in the State Code. Many of them are already in the Town Code, sometimes more liberal now in Town Code than in new ordinances.

There were questions and comments from citizens. Tony Das – One of the speakers cited the New London Connecticut case and is not applicable in this. Council should define eminent domain to be sure they don't do what happened in Connecticut. Comment made that it could take a long time for contractor to come to work to correct violation. Council replied citizen's proposed plan would show times and be approved by Council on that time line (if reasonable plan). Gerald Forsburg stated eminent domain is abused all over the country. Enforcement is not uniform. French properties do not obey the code. Alex Hofgren stated many elderly people can't afford to paint. Attorney states it is not applicable. A comment was made about the house on Race St. that was burned through and is abandoned. The County has condemned. Donna Wolfe asked how enforcement would be targeted – street by street, random, or orderly street by street. Town Manager Moore said policy could be set to go on complaint only, street by street or other pattern. Councilman Holtzman stated ordinances are to help a common sense elected body. It is to help keep the community safe. He thanked the citizens for being here and showing desire for a good community. The burned out house was used as an example of the need to make safe. Councilman Holtzman stated the judge won't allow the Town to abuse citizens. The Mayor summarized our CDBG grants. Gary Lantz asked if the council would use a committee to decide whether to proceed and to review the plan, and if certified mail and a more comprehensive title search would be used. He asked if the owner would pay interest beginning when the work is done and before the bill is paid.

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Attorney Chris Brown stated registered mail or regular mail would be used. They would do a limited title search to learn who to mail the bill to. You could give more time, 30 additional days is probably a small amount of interest money.

Mike Ashley stated the code must follow state law wording. He feels the committee is a good idea. The Town Manager is a good first starting point in the process. The plan doesn't have to be elaborate. The object is to make property safe. It doesn't have to cause a little old lady to file bankruptcy. The court judges will also assure fairness. The Council and staff are reasonable people. He asked if the committee could be business owners too. Council said yes it could. Mayor Williams thanked everyone for coming out and speaking.

Gerald Forsburg asked if anything in the ordinance prohibits a Connecticut type of condemnation abuse. Attorney Chris Brown stated Yes, after the Connecticut case, Virginia changed its laws to prevent. The Connecticut case took a whole neighborhood even though only a few houses were unsafe. That cannot be done in Virginia.

There being no further comments from the public, the hearing was adjourned at 8:40 p.m.

Regular Meeting  
September 14, 2010

The regular meeting of the Mount Jackson Town Council was held on September 14, 2010 at 8:40 p.m. immediately after the public hearing in Council Chambers at 5901 Main Street. Roll call was taken with the following in attendance: Joseph William, Mayor, Neil Fadely, Kenneth Hackenbracht, Todd Holtzman, J. Bucky Miller, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Also present: Charles Moore, Town Manager, Chris Brown, Town Attorney, and Neil Showalter, Finance Director.

Recycling and change Ordinance O-06-1010 to O-06-2010 was added to the agenda.

Steve Baker was at the meeting to follow up on the new county ordinances – new ordinances to move growth into towns and preserve agriculture in the county. Board of Supervisors wants feed back. He was pleased our TND-C ordinance and three area master plans are very compatible with the county plan.

Mayor Williams reported the Veteran Memorial Park Dedication will be on Veterans Day, November 11, 2010, at 2:00 p.m.

Town Manager Moore reported the Town/County dinner will be on October 20, 2010.

Motion by Councilmember Whetzel and second by Councilman Miller to approve the consent agenda consisting of: 1- Approval of Minutes of August 10, 2010, Regular Meeting as amended to read Closed Session under State Code Sec. 2.2-3711 (A) (3) instead of 2.2-3711 (A) (30).

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Councilman Fadely	None	None
“ Hackenbracht		
“ Holtzman		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

Councilman Holtzman stated as, Ordinance Committee chairman, he suggests the Council move ahead with provision for a committee in the ordinances. Councilman Miller stated he wants to move ahead also. Motion by Councilman Miller and second by Councilman Fadely to table and refer to the Ordinance committee and staff Ordinance O-06-2010, Ordinance O-07-2010, Ordinance O-08-2010, and Ordinance O-09-2010 for action next meeting and continue public hearing to October 13, 2010 at 7:30 p.m.

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Councilman Shepherd stated Ordinance O-09-2010 needs most attention but look at all. Councilman Hackenbracht stated this is the right action to add final input from citizens.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Councilman Fadely	None	None
“ Hackenbracht		
“ Holtzman		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

Motion by Councilman Hackenbracht and second by Councilman Miller to approve a plan that creates a driveway through the recycling site and a wide area in the center where the containers can be placed in alternating locations. The driveway to be tar and chip.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Councilman Fadely	None	None
“ Hackenbracht		
“ Holtzman		
“ Miller		
” Shepherd		
“ Whetzel		

6 AYE, motion carried.

Motion by Councilmember Whetzel and second by Councilman Fadely to approve grant application for additional funds to finish TEA-21 Funded Visitors Center including the lower level bathrooms and the new stairway.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Councilman Fadely	Councilman Shepherd	None
“ Hackenbracht		
“ Holtzman		
“ Miller		
“ Whetzel		

5 AYE, 1 NAY, motion carried.

Town Manager Moore asked if recycling is desired at a cost of \$2.50 per month. Mayor Williams stated the County doesn't check for out of county stickers at the landfill or green boxes. Mr. Baker said he would look into that. Town Manager Moore asked Mr. Baker to also look at the problem of municipal residents being charged for trash disposal when county residents don't pay, yet town residents pay county taxes. \$30,000 a year is

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the landfill costs for our contractor. Mr. Baker said he would look into it. It was decided to ask the other towns about recycling and to go ahead with bids with the option to include Mount Jackson later.

Motion by Councilman Fadely and second by Councilman Miller that the Council of the Town of Mount Jackson convene a closed session at 9:30 p.m. under the Virginia Freedom of Information Act under State Code Sec. 2.2-3711 (A) (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Councilman Fadely	None	None
“ Hackenbracht		
“ Holtzman		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

Motion by Councilman Fadely and second by Councilman Miller to return to the regular meeting at 9:35 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Councilman Fadely	None	None
“ Hackenbracht		
“ Holtzman		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, 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.

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Vote:	Fadely	So Certify
	Hackenbracht	“ “
	Holtzman	“ “
	Miller	“ “
	Shepherd	“ “
	Whetzel	“ “
	Williams	“ “

Ayes – 7, Nays – None.

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

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PRO-TEM CLERK

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MAYOR