

Regular Meeting
May 10, 2011

The regular meeting of the Mount Jackson Town Council was held on May 10, 2011 at 7:30 p.m. 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, Chris Brown, Town Attorney, Neil Showalter, Finance Director, and Judy Fultz, Clerk. Visitors present: Samantha Hawkins, Chad Kuehle, Larry Hand, Rhonda Hand, Gary Kalwaytis, and Jason Funkhouser.

It was noted to add Personnel as last item on new business.

Chad Kuehle stated the water drainage problem goes through the yards. He was advised it was not a Town problem. In 1983 there was a deed of easement to the Town. The water sits for a long time making it a breeding ground for insects. There are health issues - mold growing under houses. This will be very expensive to get rid of. The ditch is not designed to hold the amount of water coming through. This has been ongoing for years.

Mayor Williams stated he had met with VDOT. Steve Baker, Board of Supervisors, talked with Geary Showman. Mayor Williams, Councilman Shepherd, and Town Manager Moore drove by the area. The County Administration will contact the Soil & Erosion people. Steve Baker talked to FEMA and was advised FEMA turned down the State of Virginia. VDOT will fix the problem of drainage under Route 11 near the new handrail next to Zerkel's..

Town Attorney Chris Brown stated a deed of easement is an offer of dedication and acceptance. The Town has accepted the dedication. The Town did not accept the easement. It is not the Town's maintenance obligation. Town Manager Moore stated the Town has looked at the problem and is looking for solutions. The land is even with the river.

Town Manager Moore reported the sewer plant was damaged during the storm. All employees worked on the sewer problem to keep the sewer from backing up. Councilman Shepherd is doing a story for the VML magazine.

COMMITTEE REPORTS:

Councilman Shepherd, Chairman of the Finance Committee, reported the budget is on the agenda.

Councilman Fadely, Chairman of the Personnel Committee, reported the committee has met with the police chief candidates and have narrowed the number to two. We will schedule a time for the Council to interview.

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Councilman Hackenbracht, Chairman of the Public Services Committee, stated the new sewer plant is exceeding expectations.

Motion by Councilmember Whetzel and second by Councilman Shepherd to approve the consent agenda consisting of: 1- Approval of Minutes of April 12, 2011 Regular Meeting, 2- Ordinance O-04-2011 – Adopting State Traffic Laws in Town of Mount Jackson – Introduction, Set Public Hearing for June 14, 2011, 3- Award of Bids Fuel Contracts for FY2012 – Approval of Award to Low Bidders, 4- Approval of Contract for Town Hall HVAC System Software Replacement, 5- Resolution R-05-2011 – Dissolving and Terminating the North Fork Regional Sanitary Authority – Staff Recommendation – APPROVAL, and 6- Approval of Bid Award – Water Tower Lighting.

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.

Town Manager Moore reported a joint public hearing with the Planning Commission was held on the Holtzman Oil Corp. Special Use Permit application to Amend Master Site Plan to add Four (4) Additional 30k Gallon Propane Storage Tanks. The applicant is working with the fire marshall . They are proposing additional fencing. The noise will be a mutually agreed upon course of action. There will be no transport trailer deliveries to the storage tanks between the hours of 10 pm and 6 am in the months of April through October of each year. Motion by Councilman Hackenbracht and second by Councilman Fadely to approve the Special Use Permit for Holtzman Oil Corp. with all the attachments from March 28, April 29, and May 2, 2011.

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.

Town Manager Moore presented Ordinance O-02-2011 an Ordinance to Amend Chapter 62, Division II-Wastewater Discharges; Sewer Use Sections 62-71 Through 62-82

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(Except 62-81) of the Code of the Town of Mount Jackson to amend and revise such sections to, among other things, amend the definitions of Industrial Users, Significant Industrial Users, and Significant Non-Compliance; to revise pretreatment standards and requirements; to provide for additional pretreatment measures for Industrial Users and Significant Industrial Users; to provide for Town approval or review of industrial waste control plans, slug control and countermeasure plans or other plans relating to the treatment of wastewater; to revise permit compliance review and remedies for violations of waste water regulations, including the recovery of monitoring charges and other costs by surcharges; to revise administrative enforcement remedies available to the Town, including civil penalties for violation of compliance orders, and criminal penalties; and to describe available affirmative defenses to non-compliance actions and other changes. This ordinance is at DEQ for their review and approval. Motion by Councilmember Whetzel and second by Councilman Miller to set a public hearing on June 14, 2011 at 7:30 p.m. on this ordinance.

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.

Town Manager Moore presented Ordinance O-03-2011 Ordinance of the Council of the Town of Mount Jackson 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, and Taxes, and Establishing Annual and Specific Appropriations for Fiscal Year 2012. There are a lot of capital projects coming to an end. We are on the last step of the water and sewer rate plan. The additional costs for treatment are being covered by surcharges. Motion by Councilmember Whetzel and second by Councilman Miller to set a public hearing on the proposed budget for June 14, 2011 at 7:30 p.m. and a special meeting for June 21, 2011 at 7:00 p.m. to adopt the budget.

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 Miller to approve Resolution R-06-2011 a Resolution of the Mayor and Council of the Town of Mount Jackson to Self Fund Line of Duty Act Claims.

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 Councilmember Whetzel to have a special meeting on May 31, 2011 at 7:00 p.m., to be a closed session, to interview applicants for police chief.

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 Councilmember Whetzel to adjourn the meeting. Motion carried.

CLERK

MAYOR