

Public Hearing

A public hearing was held by the Mount Jackson Town Council on June 14, 2011 at 7:30 p.m. in Council Chambers at 5901 Main Street. The purpose of the public hearing was to receive comments from the public on: 1- Ordinance O-03-2011, Ordinance O-02-2011, Ordinance O-04-2011 and Resolution R-07-2011.

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 were no comments from the public. The hearing was adjourned.

Ordinance O-02-2011- Ordinance to AMEND CHAPTER 62, DIVISION II- WASTEWATER DISCHARGE, SEWER USE SECTIONS 62-71 THROUGH 62-82 (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 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. There were no comments from the public. The hearing was adjourned. Two visitors attended the hearing: Terry Stoehr, Chief Operating Officer and John Birch, General Counsel from Bowman Andross.

Ordinance O-04-2011-Ordinance Adopting State Traffic Laws in Town of Mount Jackson. There were no comments from the public. The hearing was adjourned.

Resolution R-07-2011-Resolution Amending FY 2011 Annual Budget. The Adopted FY 2011 Budget is amended as follows: GENERAL FUND REVENUE: ADOPTED TOTAL - \$2,092,000 – AMENDED TOTAL -\$1,982,400. GENERAL FUND EXPENSE: ADOPTED TOTAL - \$2,092,000 – AMENDED TOTAL -\$1,982,400. WATER/SEWER FUND REVENUE: ADOPTED TOTAL - \$1,792,400 – AMENDED TOTAL - \$2,475,600 – WATER/SEWER FUND EXPENSE: ADOPTED TOTAL - \$1,792,400 – AMENDED TOTAL - \$2,475,600. CAPITAL PROJECTS FUND REVENUE: ADOPTED TOTAL - \$1,238,400 – AMENDED TOTAL - \$1,568,200 – CAPITAL PROJECTS FUND EXPENSE: ADOPTED TOTAL - \$1,238,400 – AMENDED TOTAL - \$1,568,200. Town Manager Moore stated if the budget is out by 1% or more, you can hold a public hearing and revise the budget. There were no comments from the public. The hearing was adjourned.

Regular Meeting
June 14, 2011

The regular meeting of the Mount Jackson Town Council was held on June 14, 2011 immediately after the public hearings 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, Neil Showalter, Finance Director, and Judy Fultz, Clerk. Visitors present: J. D. Fadley, Amanda Fadley, Carol Hoover, and Gerald Forsburg.

Councilmember Whetzel stated she made the motion and Councilman Fadely seconded the motion to go into closed session for the May 31, 2011 meeting. The minutes will be corrected.

Town Manager Moore reported the new flags are in.

COMMITTEE REPORTS:

Councilman Shepherd stated the budget is on the agenda, Mayor Williams stated the finance committee and the staff for an excellent job on the budget. Councilman Shepherd will be representing the Town of Mount Jackson at the 75th anniversary of the Shenandoah National Park.

Councilman Shepherd reported this will be the twelfth year for the Mount Jackson Fins Swim Team. They have two home meets: June 22 and June 28,

Motion by Councilmember Whetzel and second by Councilman Miller to approve the consent agenda consisting of: 1- Approval of Minutes of May 10, 2011 Regular Meeting, May 2, 2011 Joint Public Hearing, and May 31, 2011 Special Meeting Closed Session as amended, 2- Resolution R-08-2011 – Resolution of the Mayor and Council of the Town of Mount Jackson to Self Fund Line of Duty Act Claims – Staff Recommendation – Approval of this Revised Version Using VRS Wording – Replaces R-06-2011 adopted at the May meeting, and 3- Approval of Purchase of Replacement Influent Meter Electronics at Wastewater Treatment Plant.

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 Councilmember Whetzel to appoint J. D. Fadley as the next 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.

Chief Fadley thanked the Council for giving him the opportunity to advance his police career.

Motion by Councilman Hackenbracht and second by Councilman Miller to approve Ordinance O-02-2011 – AN ORDINANCE TO AMEND CHAPTER 62, DIVISION II- WASTEWATER DISCHARGE; SEWER USE SECTIONS 62-71 THROUGH 62-82 (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.

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 Shepherd and second by Councilman Miller to adopt Ordinance O-04-2011 – Adopting State Traffic Laws in Town of Mount Jackson.

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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 to set a public hearing on Ordinance O-05-2011 – An Ordinance to Amend Section 66-397 “Zoning Permit Required; Application; Expiration; Payment of Delinquent Taxes” of the code of the Town of Mount Jackson to Clarify that Permits Must be Obtained for Demolition or Structures for July 11, 2011 at 7:00 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.

Motion by Councilman Shepherd and second by Councilmember Whetzel to approve Resolution R-07-2011 – Amending FY 2011 Annual 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.

Motion by Councilmember Whetzel and second by Councilman Miller to set the Reorganizational Meeting for June 30, 2011 at 8:00 a.m.

Regular Meeting
June 14, 2011
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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 Fadely to adjourn the meeting for a work session. Motion carried.

A work session was held.

Motion by Councilman Fadely and second by Councilmember Whetzel that the Council of the Town of Mount Jackson convene a closed session at 9:15 p.m. under the Virginia Freedom of Information Act under State Code Sect. 2.2-3711 (A) (1) To discuss personnel involving specific officers, appointees or employees of the Town of Mount Jackson for the purposes of considering such individuals' assignment, appointment, promotion, performance, demotion, salary, disciplining or resignation and State Code Sect. 2.2-3711 (A) (7) To discuss legal matters involving actual or probable litigation with legal counsel, staff or consultants where such consultation in the open session would adversely affect the negotiating or litigating posture 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.

Motion by Councilman Fadely and second by Councilman Miller to return to the regular meeting at 9:45 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.

Regular Meeting
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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 Councilmember Whetzel and second by Councilman Fadely to adjourn the meeting, Motion carried.

CLERK

MAYOR