

Public Hearing

A public hearing was held by the Mount Jackson Town Council on September 9, 2008 at 7:30 p.m. in Council Chambers at 5901 Main Street. The hearing was held to receive comments on Ordinance O-06-2008 an Ordinance to Amend Chapters 18 (Businesses) and 38 (Offenses and Miscellaneous Provisions) of the Code of the Town of Mount Jackson, Virginia Relating to Adult Businesses and to Prohibit Public Nudity, and Ordinance O-07-2008 an Ordinance of the Council of the Town of Mount Jackson to Amend Chapter 18 Relating to Tattoo Parlors and Body Piercing Salons. Ordinance O-06-2008 - The Council is concerned about adverse secondary effects upon citizens and businesses within the Town from adult businesses that operate or may wish to operate within the Town. This ordinance will provide certain proper places for these businesses. You cannot prohibit adult businesses in your locality. The content of the ordinance is neutral. If someone wants to open an adult business, in addition to a business license, shall apply to the Chief of Police for a permit at a fee of \$300.00. The police department will do a background check. If approved, a permit will be issued. The permit can be revoked if they do not comply with the ordinance. The permit is valid for 12 months and may be renewed in the same manner with a \$300.00 fee for renewal application. Ordinance O-07-2008 regulates tattoo parlors and body piercing salons. The State of Virginia says these are okay. You can control where they can go. Authorized representatives of the Town of Mount Jackson and the Mount Jackson Police Department shall have the authority to conduct unannounced inspections to insure compliance with this article during the business hours of any tattoo parlor or body piercing salon. Town Manager Moore stated we have had no applications. Some landlords have turned down renters interested in this. There being no public comments, the hearing was adjourned.

Regular Meeting

The regular meeting of the Mount Jackson Town Council was held on September 9, 2008 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, Todd Holtzman, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Absent: J. Bucky Miller. Also present: Charles Moore, Town Manager and Judy Fultz, Clerk.

Motion by Councilman Hackenbracht and second by Councilman Holtzman to add appointment of Nancy Fadely to Planning Commission to consent agenda.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

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Mayor Williams reported a citizen of Mount Jackson had donated the map, which is a world clock, to the Visitors Center.

Town Manager Moore reported the Chairman of the Planning Commission has moved. He is having a plaque prepared for him. The Planning Commission held an election and Bonnie Good was elected Chairman and Doug Zirkle Vice-Chairman.

COMMITTEE REPORTS:

Councilman Shepherd, Chairman of the Finance committee, reported the Mt. Jackson Rescue & Fire may be asking for money when the grant for a new piece of equipment is secured. He stated Vickie Withers is doing a good job.

Councilman Fadely, Chairman of the Ordinance committee, reported the ordinances are on the agenda.

Councilman Holtzman, Chairman of the Public Safety committee, reported auxiliary police personnel worked a total of 23.5 hours and assisted on 13 calls for service. Sgt. Fadley attended and successfully completed a 40 hours Field Training Officer class at the police academy.

Councilman Hackenbracht, Chairman of the Public Services committee, reported the construction phase on the sewer plant is winding down to completion. The equipment has been installed. We are on track and with DEQ's blessing, the water will be put in this month.

Motion by Councilmember Whetzel and second by Councilman Fadely to move Ordinance O-10-2008 from the consent agenda to new business.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Motion by Councilmember Whetzel and second by Councilman Fadely to approve the consent agenda consisting of: 1- Approval of Minutes of August 12, 2008 Meeting. 2- Northern/Western Areas Planning Study - Set Joint Public Hearing for October 6, 2008 at

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7:00 p.m., 3- Wastewater Treatment Plant Change Order Number 4- \$62,165. Staff Recommendation - Approval, 5- Wastewater Treatment Plant Extension of Construction with View Engineering - Up to \$68,700. Staff Recommendation - Approval Subject to Final Review by Public Services Committee, and 6- Appointment of Nancy Fadely to Planning Commission.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Motion by Councilmember Whetzel and second by Councilman Hackenbracht to table Ordinance O-05-2008 an Ordinance to Amend Chapter 66 (Zoning) of the Code of the Town of Mount Jackson, Virginia, Relating to Adult Businesses and set for public hearing in October. Change the 1000 ft. to 500 ft. and move to the B-2 Zone as a Special Use Permit.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Hackenbracht and second by Councilmember Whetzel to adopt Ordinance O-06-2008 an Ordinance to Amend Chapters 18 (Businesses) and 38 (Offenses and Miscellaneous Provisions) of the Code of the Town of Mount Jackson, Virginia, Relating to Adult Businesses and to Prohibit Public Nudity.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

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Motion by Councilmember Whetzel and second by Councilman Fadely to adopt Ordinance O-07-2008 an Ordinance of the Council of the Town of Mount Jackson to Amend Chapter 18 (The Code of the Town of Mount Jackson, Virginia) Relating to Tattoo Parlors and Body Piercing Salons.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Motion by Councilmember Whetzel and second by Councilman Hackenbracht to adopt Ordinance O-08-2008 an Ordinance to Amend Chapter 66 (Zoning) of the Code of the Town of Mount Jackson, Virginia, Relating to Tattoo Parlors and Body Piercing Salons.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Town Manager Moore presented Ordinance O-10-2008 - Rezoning Valley Ice Property from X-T to I-1 Industrial. Motion by Councilmember Whetzel and second by Councilman Fadely to set a joint public hearing for October 6, 2008 at 7:00 p.m.

ROLL CALL VOTE:

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

4 AYE, 1 ABSTAIN, 1 ABSENT, motion carried.

A presentation was made by Mr. Rob Goldsmith, Shenandoah County Community Action Agency and President of People Inc. regarding possible homeowner energy saving and other grant programs. They have been around since 1964. They were designated four months ago by the Shenandoah County Board of Supervisors. The Board of Supervisors

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voted to apply for a Community Development Block Grant to make loans to small businesses. They also work on homes to make them more energy efficient. They have a staff of 270 people.

Motion by Councilmember Whetzel and second by Councilman Fadely that the Council of the Town of Mount Jackson convene a closed meeting at 8:25 p.m. under the Virginia Freedom of Information Act 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 purpose of considering such individuals' appointment, promotion, performance, demotion, salary, disciplining or resignation, State Code Sect. 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, 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 Miller
" Hackenbracht		
" Holtzman		
" Shepherd		
" Whetzel		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilmember Whetzel and second by Councilman Fadely to return to the regular meeting at 9:05 p.m.

ROLL CALL VOTE:

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

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Vote:	Fadely	So Certify
	Hackenbracht	" "
	Holtzman	" "
	Shepherd	" "
	Whetzel	" "
	Williams	" "

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

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

CLERK

MAYOR