

## Regular Meeting

The regular meeting of the Mt. Jackson Town Council was held on June 14, 2005 at 7:30 p.m. in Council Chambers at 5901 Main St.

Present were: Joseph Williams, Mayor, Kenneth Hackenbracht, Todd Holtzman, Michael Koontz, J. Bucky Miller, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Also present: Charles Moore, Town Manager and Judy Fultz, Clerk.

Motion by Councilman Shepherd and seconded by Councilman Miller to add to the agenda #11 under consent agenda – Introduction Ordinance O-13-05 and set hearing for Reorganizational Meeting.

### ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Hackenbracht	None	None
“ Holtzman		
“ Koontz		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

Town Manager Moore reported the 100<sup>th</sup> VML Conference will be held in Richmond on October 23 – 25, 2005.

Councilman Shepherd reported the Finance committee meeting will be on the 16<sup>th</sup>. Our consultants have been here helping with the software.

Councilmember Whetzel received a letter from the Cabots stating they are resigning from the BZA and Parks & Recreation Committee due to moving from Town. Motion by Councilmember Whetzel and seconded by Councilman Miller to appoint Ron Royer to the Parks & Recreation Committee and Jerry Forsburg to the Board of Zoning Appeals.

### ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Hackenbracht	None	None
“ Holtzman		
“ Koontz		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

Councilman Holtzman reported the Town maintenance department repaired a water line at his house on Main St.

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Town Manager Moore reported Randy Lonas, our maintenance supervisor, was scheduled to get a new vehicle this fiscal year. The truck Gale Netz, our sewer plant operator, drives is in need of repairs. Randy offered his truck to Gale since he does more driving than Randy. The Council thanks Randy.

Motion by Councilman Koontz and seconded by Councilmember Whetzel to approve the consent agenda consisting of: 1- Approval of Minutes of May 10 Meeting, 2- Acceptance of Monthly Financial Report, 3- Award of Bid-Trash Collection Services, 4- Award of Bid-Vehicle Fuel, 5- Approval of Amendment to Personnel Manual-Return to Work Policy, Workers Compensation Cases, 6- Set Public Hearing for Valley Ice Special Use Permit-July 6, 7:00 p.m., 7- Old Hickory Heights Subdivision-Set Hearing for July 6, 7:00 p.m., 8- Industrial Park Property Special Use Permit-Set Hearing for August 1, 7:00 p.m., 9- Industrial Park Property Sale of 10 Acres-Set Hearing for August 1, 7:00 p.m., 10- Ordinance O-11-2005 to Amend Article VII, Cigarette Tax, of the Code of the Town of Mount Jackson to Provide that the Levy and Rate and the Registered Agent Discount Shall be Established Annually in the Town Budget Ordinance-Set Public Hearing for July 12, 2005, 7:30 p.m., 11- Ordinance O-13-2005 – Adopt Motor Vehicle-Set Hearing for July 1, 8:00 a.m.

ROLL CALL VOTE:

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

5 AYE, 1 ABSTAIN, motion carried

Councilman Holtzman abstains due to Valley Ice application and fuel bids.

Councilman Holtzman explained the application for Valley Ice. They are proposing to use the south end of a 40 x 40 building on Nelson St. This will create four or five jobs.

Motion by Councilmember Whetzel and seconded by Councilman Hackenbracht to approve Ordinance O-08-2005 including amendment #1 adopting budgets for the General Fund, Utilities Funds, Capital Projects, and Equipment Replacement Funds; RBEG Loan Fund, CDBG Fund; establishing real and personal property tax rates, establishing compensation amounts/rates, setting fees for water, sewer, refuse services, auto tags, and other fees, and establishing annual and specific appropriations.

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ROLL CALL VOTE

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Hackenbracht	None	None
“ Holtzman		
“ Koontz		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

There was a discussion on pool passes. The matter was referred to the Public Properties & Facilities Committee.

Motion by Councilman Koontz and seconded by Councilman Holtzman to approve Ordinance O-09-2005 – An ordinance to provide for the extension of the corporate limits of the Town of Mount Jackson, Virginia pursuant to the provisions of Chapter 31, Article 2, Section 15.2-3231 et. Seq. of the Code of Virginia of 1950 as amended by the annexation of certain territory in the County of Shenandoah, Virginia to provide for the extension of Caverns property.

ROLL CALL VOTE:

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

5 AYE, 1 ABSTAIN, motion carried.

Motion by Councilman Hackenbracht and seconded by Councilmember Whetzel to approve Ordinance O-10-2005 – an ordinance to rezone certain properties on the east side Of Randall Street from I-1 to R-2 zoning classification as set forth in the Code of the Town of Mount Jackson.

ROLL CALL VOTE:

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

6 AYE, motion carried.

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There was a discussion of new state law regarding minor zoning variances. The state law has narrowed so much it does not permit a variance unless not approving the variance allows them to do nothing with their property. New legislation was passed effective July 1, 2005 so that localities can establish a procedure for zoning administrators to approve MINOR variances. After discussion with the Planning Commission, it is felt the town should use a process similar to the Special Use Permit process which includes a public hearing. Motion by Councilman Hackenbracht and seconded by Councilman Koontz to give the Town Manager authorization to prepare an ordinance that would add this procedure to the appropriate sections of the Town Code and make the Minor Variance process very similar to the Special Use Permit process.

ROLL CALL VOTE:

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

6 AYE, motion carried.

There was a discussion about the November council meeting which falls on election day. It was recommended to have Town Manager Moore look into changing the code for meetings on election day.

Motion by Councilmember Whetzel and seconded by Councilman Miller to set a special meeting for June 28<sup>th</sup> at 7:00 p.m. to approve final budget transfers for 2005.

ROLL CALL VOTE:

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

6 AYE, motion carried.

The Reorganizational Meeting was set for July 1, 2005 at 8:00 a.m.

Motion by Councilmember Whetzel and seconded by Councilman Miller to go into closed session under the Virginia Freedom of Information Act State Code Sect.2.2-3711

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(A) (1) Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; Sect. 2.2-3711 (A)(3) Discussion or consideration of the acquisition of real property for public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body; 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 Sect. 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Council went into closed session at 8:30 p.m.

Motion by Councilmember Whetzel and seconded by Councilman Koontz to return to the regular meeting at 9:30 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Hackenbracht	None	None
“ Holtzman		
“ Koontz		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

Whereas, the Mt. Jackson Town Council convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Mt. Jackson Town Council that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved that the Mt. Jackson Town Council hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which closed meeting was convened were heard, discussed or considered by the Mt. Jackson Town Council.

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

Ayes – 7, Nays – None.

Motion by Councilman Holtzman and seconded by Councilman Koontz to authorize Town Manager Moore to proceed to acquire the assets of the Mt. Jackson Fire Department with expenditure up to \$150,000.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Hackenbracht	None	None
“ Holtzman		
“ Koontz		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

Motion by Councilman Holtzman and seconded by Councilman Koontz to purchase the Gary Ward property for \$75,000 per the option agreement.

ROLL CALLL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Hackenbracht	None	None
“ Holtzman		
“ Koontz		
“ Miller		
“ Shepherd		
“ Whetzel		

6 AYE, motion carried.

Motion by Councilman Holtzman and seconded by Councilman Miller to adjourn the meeting. Motion carried.

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CLERK

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MAYOR

