

## Regular Meeting

The regular meeting of the Mt. Jackson Town Council was held on January 10, 2006 at 7:30 p.m. in Council Chambers at 5901 Main Street.

Present were: Joseph Williams, Mayor, Kenneth Hackenbracht, J. Bucky Miller, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Absent: Todd Holtzman and Michael Koontz. Also present: Doug Arthur, Town Attorney, Charles Moore, Town Manager, and Judy Fultz, Clerk. Visitors present: Gerald Bohus, Jerry Forsburg, Kim Miller, Dale Painter, and Donna Wolfe.

Mayor Williams reported Town Manager Moore is going on vacation. He thanked the Council for all the work they have done. He announced he will be a candidate for Mayor in the upcoming election.

Town Manager Moore stated the ad for the hearing on the sewer plant has been changed to February 14, 2006.

Councilman Shepherd reported the auditors are here to finish the audit. They will present the report to the Finance Committee at our monthly meeting.

Councilman Miller reported the ordinance on graffiti is still being worked on,

Councilmember Whetzel reported we have a new part-time employee for the office, and her name is Brenda Mitchell-O'Dell.

Councilman Hackenbracht reported the preliminary report on the sewer plant is at DEQ.

Councilman Hackenbracht reported he had a meeting with Chief Garber. They have answered 91 calls since October 1, 2005. The County is pleased with the new company. All of the members or almost all of them have completed their training.

Councilman Shepherd reported the Public Properties & Facilities Committee is recommending the fire department can use the cafeteria at the firehall. They want the facility to be used by the public.

Motion by Councilman Miller and seconded by Councilman Hackenbracht to approve the consent agenda consisting of: 1- Approval of Minutes of December 13, 2005 meeting, 2- Acceptance of Monthly Financial Report, 3- Resolution R-01-2006 - Acting Town Manager- Formalization of Informal Policy, 4- Ordinance O-01-2006 - Changing Name of Industrial Development Authority to Economic Development Authority of the Town of Mount Jackson - Set Hearing for February 14, 2006, 7:30 p.m., 5- Ordinance O-02-2006 - To amend section 62-72 "General Sewer Use Requirements" of the Code of the Town of Mount Jackson to include new limitations imposed on the Town by the Commonwealth of Virginia in the VPDES Permit - Set Hearing for February 14, 2006, 7:30 p.m., 6- Ordinance O-03-2006 - To amend Section 58-103 of the Code of the Town of Mount Jackson to waive fees for vehicle decals for Auxiliary Police Officers - Set

Regular Meeting  
January 10, 2006  
Page 2

Hearing for February 14, 2006, 7:30 p.m., 7- Re-appointment of Nancy Fadely and Doug Zirkle to Board of Zoning Appeals, and 8- Special Use Permit - Bowman Apple Products - Road and Small Building over Existing Compressors - Set Public Hearing for February 6, 2006, 7:30 p.m.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Town Manager Moore reported it is hoped the plans for the Visitor Center Park will be ready for the hearing on March 14, 2006. The architect is working on sketches for the gazebo. Motion by Councilmember Whetzel and seconded by Councilman Miller to set the hearing for the Visitor Center Park on March 14, 2006.

ROLL CALL VOTE

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

4 AYE, 2 ABSENT, motion carried.

Town Manager Moore presented architectural views of the sewer plant, lift station, and the filter building. Motion by Councilmember Whetzel and seconded by Councilman Miller to approve the architectural views for the Wastewater Treatment Plant.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Motion by Councilmember Whetzel and seconded by Councilman Miller to go into closed session at 8:05 p.m. under the Virginia Freedom of Information Act State Code 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 property, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body and (A) (7) Consultation with legal counsel and briefings by staff Members or consultants pertaining to actual or probable litigation, where such

Regular Meeting  
January 10, 2006  
Page 3

consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public; 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.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Motion by Councilmember Whetzel and seconded by Councilman Miller to return to the regular meeting at 9:10 p.m.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Whereas, the Mt. Jackson Town Council convened a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision 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.

Vote: Hackenbracht	So Certify
Miller	" "
Shepherd	" "
Whetzel	" "

Ayes - 4, Nays - None, Absent - 2.

Regular Meeting  
January 10, 2006  
Page 4

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

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CLERK

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MAYOR