

Regular Meeting

The regular meeting of the Mt. Jackson Town Council was held on November 9, 2004 at 7:30 p.m. in Council Chambers at 5901 Main Street.

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

Mayor Williams reported he is scheduled for a hip replacement on December 15, 2004 and will be recuperating for 6 to 8 weeks.

Town Manager Moore reported there is a Biodiesel Conference in Harrisonburg on November 16th. We have an invitation from the Mayor of Harrisonburg to attend the conference. There will be a small increase over gasoline for this fuel.

The National Christmas Tree will be in Town on November 23rd from 1:35 p.m. to 2:05 p.m. The chorus from Ashby Lee will perform. We are still proceeding on the TEA-21 grant.

We are currently short in staff one person in the sewer plant.

Attorney Allamong reported he had minor surgery due to injuries he sustained in Vietnam.

Councilman Shepherd reported the finance committee had a meeting to review checks, accounts, and other items. We are studying accepting credit cards. The ACH meeting has been set up with First Bank at 3:00 p.m. on Wednesday. We will discontinue taking payments at BB & T. All accounts will go into one account. The payroll software will not transfer until January 1, 2005.

Councilmember Whetzel reported Rick Hassler's grandmother passed away. The two new personnel are doing a really good job. The part-time office help ad is ready to go.

Councilman Hackenbracht reported the I & I work continues. There are three proposals for engineering for the new sewer plant. The time frame for everything is 34 months.

Councilman Shepherd reported the election was held in the visitor center this year. There were good comments on this activity.

Motion by Councilman Hackenbracht and seconded by Councilmember Whetzel to approve the consent agenda consisting of: 1- Approval of Minutes of October 12 meeting, 2- Acceptance of Treasurer's Report, 3- Award of Bid-Backhoe Purchase, 4-Native American Industries-Special Use Permit-Set Joint Public Hearing for December 6, 2004, 7:00 p.m., 5- One Stop Deli-Special Use Permit-Set Joint Public Hearing for January 3, 2005 7:00 p.m., 6- Mount Jackson Industrial/Technology Park Rezoning to I-1 from X-

Regular Meeting
November 9, 2004
Page 2

Transitional Zone-Set Joint Public Hearing for December 6, 2004 at 7:00 p.m., and 7-Sale of Approximately 4 Acres in Mount Jackson Industrial/Technology Park-Set Public Hearing for January 11, 2005 at 7:30 p.m.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Town Manager Moore presented the Holtzman Oil Special Use Permit request. The Town Code provides a requirement for a master plan for Bulk Fuel storage and distribution uses. This property has an adopted master plan, and administrative zoning permits have been issued from time to time as portions of the plan have been implemented. Recently the applicant has changed operations to move toward more environmentally friendly products in the soy diesel fuel category and has realized a need for possible future changes in their storage facilities. The applicant proposes an amendment to the Master Site Plan to allow additional storage tanks underground in the southeast corner of the property adjacent to the truck filling rack that currently exists. Motion by Councilman Hackenbracht and seconded by Councilmember Whetzel to approve the Special Use Permit for Holtzman Oil Master Site Plan subject to receipt of a letter of approval from the county Fire Prevention Office and compliance with any requirements in that approval.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Carolyn Perry explained the Industrial Development Authority Bond Issue-BSHEV. A public hearing was held by the Authority as required by the Code of Virginia. The Industrial Development Authority and the Town of Mount Jackson will not be responsible for the payment of the bonds. They paid an application fee of \$4000.00 to the IDA. They represented to the Authority that it is necessary for the Applicant to continue with the ongoing design, renovation, expansion and equipping of the Project which has been under way since the Applicant evidenced its “official intent” by the adoption by its Board of Directors of a resolution authorizing the Project on February 11, 2004. Motion by Councilman Shepherd and seconded by Councilman Hackenbracht to approve the resolution concurring with Industrial Development Authority Bond Issue-BSHEV.

Regular Meeting
November 9, 2004
Page 3

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Mayor Williams thanked Carolyn Perry for all the work she has done.

Motion by Councilman Hackenbracht and seconded by Councilmember Whetzel to approve the Industrial Development Authority Grant of \$500.00 to Heart of Shenandoah tourism consortium.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Motion by Councilmember Whetzel and seconded by Councilman Koontz to go into closed session at 8:00 p.m. under State Code Sect. 2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy pf the public.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Motion by Councilmember Whetzel and seconded by Councilman Koontz to return to the regular meeting at 8:45 p.m.

Regular Meeting
November 9, 2004
Page 4

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Whereas, the Mt. Jackson Town Council convened a closed meeting on this date, pursuant to an affirmative 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.

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

Ayes – 4, Nays – None, Absent - 2

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

CLERK

MAYOR