

Regular Meeting

The regular meeting of the Mt. Jackson Town Council was held on November 13, 2001 at 7:30 p.m. in Council Chambers.

Present were: Joseph Williams, Mayor, Gene Bodkin, Todd Holtzman, Michael Koontz, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Absent: George Whiting. Also present: Doug Arthur, Town Attorney, Charles Moore, Town Manager, and Judy Fultz, Clerk.

Motion by Councilmember Whetzel and seconded by Councilman Koontz to add to the agenda: State Code Sec. 2.2-3711(A) (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, move #3 under Old Business #4, and #2 under New Business add set public hearing and time.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Koontz and seconded by Councilmember Whetzel to approve the minutes of the regular meeting of October 9, 2001 and the public hearing and special meeting of October 30, 2001.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, motion carried.

Town Manager Moore reported the audit report would be on the agenda for the next meeting. We have 1.5 million in reserves.

Doug Arthur attended the meeting because he has been working directly on the agenda items.

Motion by Councilman Koontz and seconded by Councilman Shepherd to approve the consent agenda consisting of: 1- R-26-2001 Exoneration of Property Taxes 1979-1984, and 2- R-28-2001 Award of Bid – SCADA System for Monitoring Water System.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Shepherd and seconded by Councilman Koontz to approve the request from Holtzman Oil Corp. to vacate internal lot lines.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Councilman Bodkin	None	Councilman Whiting	Councilman Holtzman
“ Koontz			
“ Shepherd			
“ Whetzel			

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

Town Manager Moore presented the final approval of annexation agreement with amendments. There were two items that were recommended by the Commission on Local Government: Clarify the wording on the formula for the reimbursement to the County for taxes lost by the County and gained by the Town and that the Town owned parcel in the industrial park be added to the Blue area. Bowman Apple has been added to the Blue area. The metes and bounds descriptions have been amended to include these two additions. Motion by Councilman Koontz and seconded by Councilmember Whetzel to approve the annexation agreement with amendments.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, motion carried.

Councilman Shepherd read the statement from Councilman Whiting which states: Although he will be unable to attend tonight's meeting, he wants to be on record as being in favor of Old Business Item #2- R-31-2001, Final Approval of Annexation Agreement with Amendments.

Motion by Councilman Koontz and seconded by Councilmember Whetzel to approve R-32-2001 Amendment to Town/County Agreement Water/Sewer Agreement. The agreement was approved in 1978 and amended last year. In the proposed amendment the County will allow the Town 150,000 gallons a day of sewage treatment to be used for Bowman Apple.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, motion carried.

Town Manager Moore stated the Bowman agreement has been proposed with two additional clarifications: Paragraph 1 by adding once all agreements have been approved and Paragraph 4 by adding 150,000 are new gallons. Motion by Councilman Koontz and seconded by Councilmember Whetzel to approve the Amendment to Agreement Re: Bowman Sewer System.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Councilman Holtzman	None	Councilman Whiting	Councilman Bodkin
“ Koontz			
“ Shepherd			
“ Whetzel			

4 AYE, 1 ABSENT, 1 ABSTAIN, motion carried. Councilman Bodkin abstains due to being employed by Bowman Apple.

Motion by Councilmember Whetzel and seconded by Councilman Koontz to approve O-27-2001 Amending Senior Citizen Tax Credit consistent with County and set public hearing on December 11, 2001.

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ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Koontz and seconded by Councilmember Whetzel to approve O-28-01 Annexation of Area A to be effective December 31, 2001 and set public hearing on December 11, 2001 at 7:00 p.m. at the Community Center.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, motion carried.

Mayor Williams stated Councilmen Bodkin, Koontz, and Shepherd and Town Manager Moore have put a lot of work on this annexation.

Gordon D. Bowman II thanked Town Manager Moore and the Council. He feels this annexation will be better for the Town, the County, and his company.

Gary Lantz stated Mike Koontz had told him his farm was coming out of the annexed area. Councilman Koontz stated he did not say that because he did not have the authority to make that decision by himself. Gary Lantz asked about development of the annexed land. The Town would not use money to develop the land. If someone developed the land, they would put in the infrastructure. The Town is not proposing to do any construction.

Motion by Councilman Koontz and seconded by Councilmember Whetzel to go into closed session under State Code Sec. 2.2-3711(A) (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The Council went into closed session at 8:10 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Shepherd and seconded by Councilmember Whetzel to return to the regular meeting at 9:00 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Bodkin	None	Councilman Whiting
“ Holtzman		
“ Koontz		
“ Shepherd		
“ Whetzel		

5 AYE, 1 ABSENT, 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.

Vote: Bodkin – So Certify

Holtzman “ “

Koontz “ “

Shepherd “ “

Whetzel “ “

Ayes – 5- Nays – None Absent – 1

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

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CLERK

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MAYOR