

Public Hearing

A public hearing was held by the Mt. Jackson Town Council on December 12, 2006 at 7:30 p.m. in Council Chambers at 5901 Main Street. The purpose of the hearing was to receive comments on O-17-2006 an Ordinance to Approve and Adopt a Joint Powers Agreement with Shenandoah County Regarding Funds for a New Mount Jackson Wastewater Treatment Plant. Town Manager Moore explained DEQ standards have changed. The cost of the plant will be 9.2 million dollars. Bowman Apple has asked to be included. The project will be ready to bid in about three weeks. The County will contribute four million dollars. We will be allocating 100,000 gallons capacity a day to the County. The County Board of Supervisors passed their ordinance today. There were no comments from the public. The hearing was adjourned.

Regular Meeting

The regular meeting of the Mt. Jackson Town Council was held on December 12, 2006 immediately following the public hearing in Council Chambers at 5901 Main Street. Present were: Joseph Williams, Mayor, Kenneth Hackenbracht, Todd Holtzman, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Absent: Michael Koontz and J. Bucky Miller. Also present: Charles Moore, Town Manager and Judy Fultz, Clerk. Visitors present: Kenny Boyers, Peyton Monroe, Darren Swartz, Dale Cupp, William Holtzman, James Wolfe, and Nancy Zirkle.

The Mayor thanked Bonnie Good and her committee and reported Darren Swartz has been appointed to the Planning Commission.

Motion by Councilmember Whetzel and seconded by Councilman Holtzman to add Bowman Apple Agreement public hearing to the agenda under New Business.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Town Manager Moore reported the caboose has been relocated, and the Town maintenance crew will be working on it and painting it. The Visitor Center Park committee will be working on the location on the lot. The culvert was buried today.

Councilman Shepherd reported the finance committee had a telephone conference with the auditors and advised the Town had good marks on the report. It was a very good report.

Councilman Holtzman reported Officer Miller is scheduled to graduate from police

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school on December 22nd.

Motion by Councilmember Whetzel and seconded by Councilman Holtzman to approve the consent agenda consisting of: 1- Approval of Minutes of November 14 and November 17, 2006 Meetings, 2- Accepting FY 2006 Audit Report, 3- Appointment of Mrs. Betty Luse to the Board of Trustees of the Union Church Representing the Mount Jackson Garden Club - Recommended by Garden Club, and 4- Reappointment of Mr. Mike Koontz and Mr. Don Albright to the Mount Jackson Economic Development Authority.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Hackenbracht and seconded by Councilmember Whetzel to adopt Ordinance O-17-2006 an Ordinance to Approve and Adopt a Joint Powers Agreement with Shenandoah County Regarding Funds for a New Mount Jackson Wastewater Treatment Plant.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Dale Cupp made a presentation to the Council. He is working with Mr. William Holtzman and his staff on plans to expand their office space. The property is land locked. The property adjacent (Dahmer property) is in dire straits. The new structure is going to be four stories but will look like three stories. The parking will be evaluated.

Town Manager Moore reported the B-2 Zone allows this type of corporation to expand with a plan. We will need to amend the Town Code to allow these buildings. After the ordinance, we will need to do a Special Use Permit.

Motion by Councilmember Whetzel and seconded by Councilman Holtzman to set a public hearing for the agreement with Bowman Apple to obtain sewer capacity on January 9, 2007 at 7:30 p.m.

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ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Motion by Councilmember Whetzel and seconded by Councilman Holtzman that the Town of Mt. Jackson convene a closed meeting at 8:20 p.m. under the Virginia Freedom of Information Act in order 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 Mt. Jackson under Virginia Code Sec. 2.2-3711 9A) (7).

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

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

ROLL CALL VOTE:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|------------------------|------------|-------------------|
| Councilman Hackenbract | None | Councilman Koontz |
| " Holtzman | | " Miller |
| " Shepherd | | |
| " Whetzel | | |

4 AYE, 2 ABSENT, motion carried.

Vice-Mayor Whetzel stated the Council of the Town of Mt. 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 requirement by Virginia Law were discussed in the closed meeting to which this 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 Mt. Jackson.

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| | | |
|-------|--------------|------------|
| Vote: | Hackenbracht | So Certify |
| | Holtzman | " " |
| | Shepherd | " " |
| | Whetzel | " " |
| | Williams | " " |

Ayes - 5, Nays - None, Absent - 2.

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

CLERK

MAYOR