

Public Hearing

The Mt. Jackson Town Council held a public hearing on May 9, 2006 at 7:30 p.m. in Council Chambers at 5901 Main Street. The purpose of the hearing was to receive comments on Ordinance O-27-2006 an ordinance amending Sect. 22-35 et. seq of the Town of Mt. Jackson to provide for Graffiti Control: Criminal Penalty. Town Manager Moore explained the ordinance. A person violating any provision of this article shall be guilty of a class 1 misdemeanor. The Town has the authority to remove or repair the defacement of private or public property. There were no comments from the public. The hearing was adjourned.

Public Hearing

The Mt. Jackson Town Council held a public hearing on May 9, 2006 immediately following the Graffiti hearing in Council Chambers at 5901 Main Street. The purpose of the hearing was to receive comments on Ordinance O-08-2006 an ordinance adopting state laws for application within the Town. Town Manager Moore explained this is an ordinance that must be adopted each year. There were no comments from the public. The hearing was adjourned.

Public Hearing

The Mt. Jackson Town Council held a public hearing on May 9, 2006 immediately following the Adoption of State Law hearing in Council Chambers at 5901 Main Street. The purpose of the hearing was to receive comments on Ordinance O-09-2006 an ordinance to accept by quitclaim deed real estate identified as Tax Map Numbers 091 A1 A 054 and 091 A1 A 054A from Jean C. Holmaas. The hearing was adjourned.

Regular Meeting

The regular meeting of the Mt. Jackson Town Council was held on May 9, 2006 immediately following the public hearings in Council Chambers at 5901 Main Street. Present were: Joseph Williams, Mayor, Kenneth Hackenbracht, Todd Holtzman, Michael Koontz, J. Bucky Miller, Rodney Shepherd, and Kay P. Whetzel, Councilmembers.

At 6:30 p.m the following action was taken: Motion by Councilmember Whetzel and seconded by Councilman Koontz to go into closed session 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. The closed session concluded at 7:30 p.m.

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Motion by Councilmember Whetzel and seconded by Councilman Koontz to return to the regular meeting.

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.

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: Hackenbracht	So Certify
Holtzman	" "
Koontz	" "
Miller	" "
Shepherd	" "
Whetzel	" "
Williams	" "

Ayes - 7, Nays - None.

Motion by Councilmember Whetzel and seconded by Councilman Shepherd to add Item #6-Set Public Hearing for Poolhouse and #7- Daniel Grey Drive Study and Delete Item #3.

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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.

Gerald Bohus presented the rescue squad report for the last month. They had 82 calls for the month and 304 calls year to date. The fire department ran 15 calls for the month. They are going to have open house at the fire department on May 13th.

The Mayor reported he went on Meals on Wheels again.

Town Manager Moore reported the maintenance employees are getting the pool ready for operation. It will be open Memorial Day weekend. Lifeguarding and CPR classes are being held at the pool.

Town Manager Moore reported the water line on Shenandoah St. is essentially complete. We rebuilt the whole street. Heritage Day will be Saturday May 13th.

Mayor Williams reported another movie has been made Roadtrip to History. This movie is 1/2 hour long. It will be aired on RFD-TV, Channel 71 which is viewed by 82 million people.

Councilmember Whetzel reported one of the police officers has left and we are advertising for a replacement.

Councilman Hackenbracht reported we have had two conference calls with DEQ. The final plans and specifications went to DEQ today. We will advertise in July and award the contract in August. The I & I needs to tie in with the sewer plant to get 0% loan. We hope to have these plans done in July and by the end of September or October can award the contract.

The broken waterline project under the river should be about ready to bid. There is a tremendous amount of work to be done.

Motion by Councilmember Whetzel and seconded by Councilman Miller to approve the consent agenda consisting of: 1- Approval of Minutes of April 11, 2006 meeting. 2-

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Acceptance of Monthly Financial Report, and 3- Approval of Amendment to Contract with PHR&A Engineers to Modify Scope of I & I Engineering Services to Provide DEQ-required Data.

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.

Motion by Councilman Koontz and seconded by Councilmember Whetzel to approve Ordinance O-06-2006 an ordinance to amend Chapter 66 (Zoning) of the Code of the Town of Mount Jackson Amending the B-2 and B-3 Use Provisions, Setbacks, Yards, Access, Landscaping, Buffering, Parking, and Correcting Fence Height Requirement Conflict.

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.

Motion by Councilmember Whetzel and seconded by Councilman Miller to approve Ordinance O-07-2006 an Ordinance Amending Sect. 22-35 et. seq of the Code of the Town of Mount Jackson to Provide for Graffiti Control: Criminal Penalty.

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.

Motion by Councilman Shepherd and seconded by Councilman Hackenbracht to approve Ordinance O-09-2006 an Ordinance to Accept by Quitclaim Deed Real Estate Identified as Tax Numbers 091 a1 A 054 and 091 A1 054A from Jean C. Holmaas.

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.

Native American Industries is requesting a Special Use Permit for Stage II addition to building. A joint public hearing has been held. They would like to change Item #7 to delete the columns due to the landscaping. Motion by Councilmember Whetzel and seconded by Councilman Miller to approve the Special Use Permit application for Native American Industries for Stage II Addition to Building.

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.

Motion by Councilman Hackenbracht and seconded by Councilmember Whetzel to set a joint public hearing on June 12, 2006 for Ordinance O-10-2006 and Ordinance to amend Sect. 66-333 (Parking) of 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.

Motion by Councilman Miller and seconded by Councilmember Whetzel to set the joint public hearing on June 12, 2006 for a Special Use Permit application from Alvin Henry for a used car lot.

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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.

Motion by Councilman Shepherd and seconded by Councilmember Whetzel to set the budget public hearing on May 23, 2006 at 7:30 p.m.

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.

Motion by Councilman Shepherd and seconded by Councilman Koontz to set the public hearing on the tax rate increase on May 23, 2006 at 7:00 p.m.

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.

Motion by Councilman Shepherd and seconded by Councilmember Whetzel to set the public hearing on the proposed pool house and pavilion. There is a pending land sale to help pay for the building.

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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.

Town Manager Moore reported we did a master plan for Caverns Rd. We need to have a plan for Daniel Grey Dr. before the sale of land. Motion by Councilman Hackenbracht and seconded by Councilman Koontz to seek a consulting firm to do a master plan study on the Daniel Grey Dr. area.

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.

Motion by Councilmember Whetzel and seconded by Councilman Koontz to go into closed session at 8:20 p.m. under the Virginia Freedom of Information Act State Code Sect. 2.2-3711 (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 for employees of any public body.

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.

Motion by Councilmember Whetzel and seconded by Councilman Hackenbracht to return to the regular meeting at 9:50 p.m.

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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.

Whereas, the Mt. Jackson Town Council convened a closed meeting of 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 discussed or considered by the Mt. Jackson Town Council.

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

Ayes - 7, Nays - None.

No action was taken.

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

CLERK

MAYOR

