

Regular Meeting

The regular meeting of the Mt. Jackson Town Council was held on September 14, 2004 at 7:30 p.m. in Council Chambers at 5901 Main St.

Present were: Joseph Williams, Mayor, Kenneth Hackenbracht, Todd Holtzman, J. Bucky Miller, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Absent: Michael Koontz. Also present: Charles Moore, Town Manager and Judy Fultz, Clerk. Visitors present: Betty Burke, Margaret Bowman, Beverly Fleming, Elise Hepner, Warrick Burruss, Brenda Greever, and Kim Miller.

At 6:45 p.m. the following action was taken: Motion by Councilmember Whetzel and seconded by Councilman Hackenbracht to go into closed session under the Virginia Freedom of Information Act Sec. 2.2-377 (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 or employees of any public body; and (A) (3) Discussion or consideration of the acquisition of real property for 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 closed session concluded at 7:30 p.m. Each member of Council certified by roll call vote that only the matters set forth in the motion for closed session were discussed.

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

ROLL CALL VOTE:

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

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Vote: Hackenbracht	So Certify
Holtzman	“ “
Miller	“ “
Shepherd	“ “
Whetzel	“ “
Williams	“ “

Ayes – 6, Nays – None, Absent – Koontz.

Warrick Burruss reported he is working to restore the Mt. Jackson Colored Cemetery. He is an amateur historian and genealogist. He thanked the Town Council for their continued support. Several businesses have donated their time: Randy Newman Surveying did a survey, Ken Lutz Tree Service, cut three trees, and Rinker & Frye Memorials has done a lot of work for the cemetery. They are going to have one large single stone that lists everyone buried in the cemetery. It goes back to the first part of the 19th century. Three black citizens have been appointed as trustees of the cemetery. The land has been deeded to the trustees. He has not been able to get a grant for the fence. The Mayor thanked him for his time.

Betty Burke, Chairman of the Trustees of the Union Church, reported to the Council. There is a representative from each of the churches and a representative of the Garden Club. Jim Wolfe is the Methodist Church representative and Bill Holtzman is the Lutheran Church representative. People come to Mt. Jackson to see the trees in the cemetery. Last year the furnace went out and caused condensation on the ceiling. They had the furnace repaired and found someone to wash down the walls and ceiling. Some of the tombstone were knocked down during the winter. The Town has taken over the mowing in the cemetery. They have received a \$3,000. donation to trim the trees and shrubs in the cemetery. They are getting an estimate to repair the tombstones. They thank the Town Council for the mowing.

Town Manager Moore presented his report. Gale Netz is home because of the death of his mother-in-law. The National Christmas Tree is going to stop in Mt. Jackson on November 23rd around 1:30 p.m. on its tour. A Mt. Jackson ornament can be put on the tree. They want to involve the children, so someone will contact the schools about making outdoor ornaments to put on the tree. The IDA is looking at another bond. They are looking at a tourism item. The supervisor of elections wants everyone to know the polling place has been changed from the Mt. Jackson Methodist Church to the Mt. Jackson Visitor Center.

Mayor Williams thanked Vice-Mayor Kay Whetzel for sitting in for him last month.

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Town Manager Moore reported Town Attorney Allamong had minor surgery so he will not be attending the meeting.

Councilman Shepherd stated the finance committee discussed having the auditors visit on a quarterly basis instead of once a year. We have a new utility billing system and will be getting the rest of the software in soon.

Councilman Hackenbracht reported all the steps are on schedule for the new sewer plant.

The Town Manager and the Public Properties & Facilities Committee are working on the Visitor's Center Park and the Veteran's Park.

Councilmember Whetzel reported the two new employees who have been hired are: John Hall and Kim Painter.

Motion by Councilman Shepherd and seconded by Councilmember Whetzel to approve the consent agenda consisting of: 1- Approval of Minutes of Regular Meeting on August 10 and Emergency Meeting of August 12, 2004, and 2- Acceptance of Treasurer's Report.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Town Manager Moore reported the Planning Commission recommends approval of Nelson Keller Special Use Permit pending VDOT approval and screening. Motion by Councilmember Whetzel and seconded by Councilman Miller to approve Nelson Keller Special Use Permit pending VDOT approval and screening.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

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Town Manager Moore reported the Planning Commission recommends denial of the Gary Ward Special Use Permit. Motion by Councilman Hackenbracht and seconded by Councilman Miller to deny Gary Ward Special Use Permit.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Shepherd and seconded by Councilmember Whetzel to table Chris Wells Special Use Permit application until further notice.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Town Manager Moore reported Shelley’s Inc. has gone to joint public hearing, then to the planning commission meeting, then to the council meeting. There was VDOT work and storm water issues. The applicant has donated land for a sidewalk. The storm water was referred to the county. An engineer has designed a plan for the entire area. The planning commission recommends approval. A letter from Robert Thompson was read stating he is in favor of the project. Brenda Greever thanked Mr. Rinker for the work done on the project. Mr. Showman and Mr. Hepner approved the water management plan. It must be a collaborative effort. It was voluntary from Mr. Rinker to extend the culvert. Motion by Councilman Miller and seconded by Councilmember Whetzel to accept the application from Shelley’s Inc. for Additional Storage Buildings.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

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Town Manager Moore reported the planning commission has appointed a subcommittee to work on the Comprehensive Plan.

Town Manager Moore reported as developers come into an area, they make an impact on local facilities and services. State law allows developers to offer cash proffers to localities to assist in accommodating the impact of new developments on local facilities and services. The proffer assessed would be based on a calculation by the town and county on services shared. Motion by Councilman Shepherd and seconded by Councilmember Whetzel to send the draft to the Commission on Local Government for approval.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

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

CLERK

MAYOR