

Regular Meeting

The regular meeting of the Mt. Jackson Town Council was held on September 9, 2003 at 7:30 p.m. in Council Chambers.

Present were: Joseph Williams, Mayor, Kenneth Hackenbracht, Michael Koontz, Rodney Shepherd, Kay P. Whetzel, and George Whiting, Councilmembers. Absent: Todd Holtzman.

Also present: James Allamong, Town Attorney, Charles Moore, Town Manager, Judy Fultz, Clerk, Mr. & Mrs. John Jordan, Kenna Fansler, Mr. & Mrs. Beverly Fleming, Alvin Henry, Jr., Rhoda Tibbetts, and Mitzi Wolfe.

Motion by Councilman Whiting and seconded by Councilmember Whetzel to add corporate resolution to the consent agenda

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Lillie Fleming addressed the council stating she is a member of the Open Door Food Pantry. She questioned the validity of the Town selling the community center building because of a clause in the original deed stating it was to go back to the owner if the Town did not use it for governmental purposes. The members of the Food Pantry thanked the Town for allowing them use of the building for twelve years. They have looked for a new place. They are servicing 80 families of which there are 125 children. It was reported they are spending more money for food than they are taking in as of the last audit report for the Food Pantry.

Mayor Williams stated the Council has tried their best to find a solution to the problem. The sale of the building has not taken place. Councilman Whiting stated the deed has been changed. Town Manager Moore reported he had contacted the owners, and they have given the Town a clear deed. Councilman Koontz stated the building is costing the town money in maintenance and utilities with no revenues coming in. The Town is using tax money to maintain the building. The buyer will have a laboratory in the building and will be hiring 12 to 15 people.

Beverly Fleming asked about the Town advertising for a Special Use Permit for the buyer before the sale of the building. Town Manager Moore stated the buyer needed to see if this was approved before they purchased the building.

Councilman Whiting reported the audit has been completed and will be ready to present to the Council for approval soon.

Motion by Councilmember Whetzel and seconded by Councilman Koontz to appoint Rick Hassler as acting zoning administrator during the absence of Town Manager Moore.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

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Councilman Hackenbracht stated the North Fork Regional Sanitation Authority met on September 2, 2003. They received the summary from the engineer. The cost of the project has risen from 3.5 million to 4.8 million. They will take another look at upgrading the Mt. Jackson sewer plant. Herb Braun from R. Stuart Royer will study the cost for the upgrade. He is familiar with the Mt. Jackson plant. There will be a meeting on October 21st and he will have the figures for them.

Motion by Councilman Whiting and seconded by Councilmember Whetzel to approve the consent agenda consisting of: 1- Approval of Minutes of August 12, 2003 meeting, 2- Acceptance of Treasurers Report, 3- Sale of Community Center Building, 140 Orkney Drive – Set Date for Public Hearing – October 14, 2003 7:30 p.m., 4- Approval of Change to Personnel Manual Confirming Authorization for Police Department Overtime, 5- Special Use Permit – HSRL, Inc. – Set Joint Public Hearing for October 6, 2003, 7:30 p.m. and 6- Corporate Resolution.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Shepherd and seconded by Councilman Whiting to approve Ordinance O-06-2003 Adding Special Use (Laboratory) to B-1 and B-2 Zones.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Hackenbracht and seconded by Councilman Whiting to approve the draft statement for the County Special Use Permit Hearing RE: Crider Shockey Concrete Plant.

ROLL CALL VOTE:

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

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

Motion by Councilmember Whetzel and seconded by Councilman Shepherd to schedule the November 11, 2003 (Veteran’s Day) council meeting for Wednesday, November 12, 2003.

ROLL CALL VOTE:

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

5 AYE, 1 ABSENT, motion carried.

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Motion by Councilman Whiting and seconded by Councilman Hackenbracht to go into closed session at 8:10 p.m. 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.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Hackenbracht	None	Councilman Holtzman
“ Koontz		
“ Shepherd		
“ Whetel		
“ Whiting		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilmember Whetzel and seconded by Councilman Whiting to return to the regular meeting at 8:55 p.m.

ROLL CALL VOTE:

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

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

Ayes – 7, Nays – None, Absent – 1.

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

CLERK

MAYOR

