

Regular Meeting
April 9, 2013

The regular meeting of the Mount Jackson Town Council was held on April 9, 2013 at 7:30 p.m. in Council Chambers at 5901 Main Street. Those in attendance were: Joseph Williams, Mayor, Dennis Andrick, Kenneth Hackenbracht, Todd Holtzman, Donnie Pifer, and Rodney Shepherd, Councilmen. Absent: Kay P. Whetzel. Also in attendance were: Doug Arthur, Town Attorney, Clark Draper, Town Manager, Neil Showalter, Finance Director, and Judy Fultz, Clerk. Visitors present: Nancy Fadely, Gerald Forsburg, and Donna Wolfe.

Motion by Councilman Pifer and second by Councilman Holtzman to discuss Planning Commission and Board of Zoning Appeals vacancies in closed session.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Chief J. D. Fadley introduced Mike Himelright who has been hired as the new police officer for the Town.

Councilman Hackenbracht asked Nancy Fadely, a member of the Planning Commission, to come up front with him when he made the presentation of a plaque to Bill Scherer for his service on the Planning Commission.

Attorney Doug Arthur reported on the blight ordinance. He stated we have a very small authority unless there is a danger to the safety, health or welfare of the citizens. A letter could be written stating the Town has received some complaints and as a good neighbor, encourage them to clean up their property. Town Manager Clark Draper stated he does not like to write letters that imply we have more authority than we have. Councilman Holtzman asked about removing old vehicles that people feel are their treasures. Attorney Arthur stated there is a state statute that allows a Town to have removed unlicensed vehicles.

Town Manager Clark Draper stated there was a sewer backup on Broad St. on Sunday night. The Town employees responded to the incident. The residents of the house are staying at the motel. We are working on it with the insurance company. The backup was in two houses. There was a grease clog in the sewer line.

Councilman Shepherd reported the Finance Director and the Town Manager did a very good job on the budget preparation.

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Councilman Holtzman thanked Town Manager Clark Draper and Town Attorney Doug Arthur for the research on the issue in question.

Motion by Councilman Pifer and second by Councilman Hackenbracht to approve the consent agenda consisting of: 1- Approval – Minutes of March 12, 2013, Regular Meeting and March 4, 2013, Joint Public Hearings.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Town Manager Clark Draper presented the Special Use Permit application from Valley Builders Supply, 124 Center Street, for operation of contractors' equipment and storage yard, and accessory office use pursuant to Sections 66-262 (b) (14) and (24) respectively of the Zoning Ordinance of the Town of Mount Jackson. They want to lease the property to DBI. They are seeking to consolidate their various locations. Motion by Councilman Shepherd and second by Councilman Holtzman to set the joint public hearing on May 6, 2013 at 7:00 p.m. Screening and landscaping need to be addressed. Attorney Doug Arthur advised you can say what you want done as long as it is reasonable and does not put a financial burden on the applicant.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Town Manager Clark Draper presented the consideration of appropriating \$19,600.00 from unallotted monies in the Equipment Replacement Fund for the purchase of a used Bobcat Model 425 mini excavator and to place the excavator on the equipment replacement schedule. We have rented this equipment from Valley Equipment. Motion by Councilman Shepherd and second by Councilman Andrick to approve the purchase of a used Bobcat Model 425 mini excavator at a cost of \$19,600.00.

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ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilman Pifer to approve Resolution R-01-2013, Budget Amendment for Fiscal Year 2013 Budget and set a public hearing on May 14, 2013 at 7:30 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilman Hackenbracht to approve Ordinance O-02-2013, Annual Budget for Fiscal Year 2014 and set a public hearing on May 14, 2013 at 7:30 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYEM 1 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilman Holtzman to approve Resolution Adopting Northern Shenandoah Valley Regional Commission's Hazard Mitigation Plan and set a public hearing on May 14, 2013 at 7:30 p.m.

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ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Town Manager Clark Draper reported Gerald Forsburg was requesting an extension on the paving of the parking lot for the Farmers' Market. Mr. Forsburg stated he is applying for a non-profit status for the Farmers' Market. \$20,000.00 is the cheapest amount the parking lot can be paved. Banks want cash flow before they lend money. Councilman Holtzman suggested a Performance Bond. Attorney Doug Arthur said he needs to check on the status of a performance bond. Mr. Forsburg stated he has spent \$35,000.00 to acquire and clean up the property. There was a discussion on the request for an extension.

Motion by Councilman Shepherd and second by Councilman Andrick to give an extension to the Farmers' Market until June 29, 2013 with a full report to be made at either the May 14, 2013 or June 11, 2013 council meeting on the non-profit status and an update on the paving of the parking lot. There was further discussion on the matter. Motion by Councilman Holtzman and second by Councilman Hackenbracht to amend the motion to have the parking lot paved by July 1, 2013 as required or the Farmers' Market be moved off the site.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Pifer and second by Councilman Andrick that the Council of the Town of Mount Jackson convene a closed session at 8:50 p.m. under the Virginia Freedom of Information Act under State Code Sect. 2.2-3711 (A) (1) to discuss personnel involving specific officers, appointees or employees of the Town of Mount Jackson for the purpose of considering such individuals' assignment, appointment, promotion, performance, demotion, salary, disciplining or resignation.

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ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Motion by Councilman Pifer and second by Councilman Shepherd to return to the regular meeting at 9:00 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motion carried.

Councilman Pifer stated the Council of the Town of Mount 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 to which the certification resolution applies, and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council of the Town of Mount Jackson.

Vote:

Andrick	So Certify
Hackenbracht	“ “
Holtzman	“ “
Pifer	“ “
Shepherd	“ “
Williams	“ “

Ayes – 6, Nays – 0, Absent – 1.

Motion by Councilman Pifer and second by Councilman Andrick to appoint Anita Miller and Heather Diehl to the Planning Commission to complete the terms of Bill Scherer and Doug Zirkle. Anita Miller to fill Doug Zirkle’s term to expire July 1, 2013 and Heather Diehl to fill Bill Scherer’s term to expire July 1, 2014.

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ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Andrick	None	Councilmember Whetzel
“ Hackenbracht		
“ Holtzman		
“ Pifer		
“ Shepherd		

5 AYE, 1 ABSENT, motin carried.

Motion by Councilman Andrick and second by Councilman Shepherd to adjourn the meeting. Motion carried.

CLERK

MAYOR