

Public Hearing
December 10, 2013

The Mount Jackson Town Council held a public hearing on December 10, 2013 at 7:30 p.m. in Council Chambers at 5901 Main Street. The purpose of the hearing was to receive comments on Ordinance O-07-2013 - An Ordinance to Amend Chapter 62 (Utilities) to Add a New Article V “Drought/Low Water Supply Response” to the Code of the Town of Mount Jackson. This ordinance is designed also to cover mechanical problems and electrical problems. It will coordinate and issue warnings. This ordinance is required by every municipality. There are different kinds of drought/low water supply for different types of organizations. There can be mechanical problems or electrical problems. This ordinance needs to be sent to the regional planning commission. Sonny Bowman asked what would happen with Bowman Andros agreement if the Town suffered a drought or low water supply. Asst. Town Manager Moore replied the current agreement with Bowman would be in effect. This would take precedence if both parties suffered drought or low water supply. There were no other comments from the public. The hearing was adjourned.

Regular Meeting

The regular meeting of the Mount Jackson Town Council was held on December 10, 2013 immediately following the public hearing in Council Chambers at 5901 Main Street. Roll call was taken with the following in attendance: Michael Koontz, Mayor, Dennis Andrick, Kenneth Hackenbracht, Donnie Pifer, and Rodney Shepherd. Absent: Todd Holtzman and Kay P. Whetzel. Also in attendance: Doug Arthur, Town Attorney, Kevin Fauber, Town Manager, Charles Moore, Asst. Town Manager, Neil Showalter, Finance Director, and Judy Fultz, Clerk. Visitors present: Sonny Bowman, Doug Foltz, Gerald Forsburg, Alvin Henry, Jr., Gary Kalwaytis, and Karl Schaeffer.

Motion by Councilman Shepherd and second by Councilman Hackenbracht to add Request from Gerald Forsburg to the agenda under New Business.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Mayor Koontz reported the tree lighting was held on December 7th. He and Councilman Pifer were in attendance. Mt. Calvary Bell Choir performed.

Motion by Councilman Pifer and second by Councilman Andrick to approve the consent agenda consisting of: 1- Approval – Minutes of November 4, 2013 Public Hearing, November 12, 2013 Public Hearing and Regular Meeting.

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ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Asst. Town Manager Charles Moore presented the Special Use Permit for 5450 Main Street – Hammond Real Estate on behalf of Family Dollar Store to construct new retail store and related parking, landscaping, screening, etc. A public hearing has been held and the Planning Commission recommends approval after the second Board of Zoning Appeals meeting. A variance is needed for the width of the brick. The hearing will be held on January 7, 2014. Motion by Councilman Hackenbracht and second by Councilman Pifer to approve the Special Use Permit subject to the second Board of Zoning Appeals meeting.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilman Andrick to approve Ordinance O-07-2013 – An Ordinance to Amend Chapter 62 (Utilities) to Add a New Article V “Drought/Low Water Supply Response” to the Code of the Town of Mount Jackson.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Karl Schaeffer, of Pennoni, made a sidewalk presentation. He presented a map showing the proposed sidewalk from Perry Trailer Park to East Avondale and Jackson Street to Triplett Tech. The Town applied for funding in 2009, but was turned down, and reapplied in 2011 and was approved in 2012. We have been working on the design and modifying and taking away curb and gutter. On the south end of Town there will be a grass strip between the sidewalk and the paved roadway. The drainage ditch is causing problems and

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will be repaired. There are no proposed improvements that will affect the improvements that have been made to the drainage ditch. On the north end of Town, they will forego the improvements at Perry Trailer Park and resume the improvements at the new proposed building at Holtzman Oil. The sidewalk will be coordinated with Family Dollar. The improvements will continue north of Food Lion. There will be curb and gutter, sidewalk and a grass strip from Dollar General. There will be a pedestrian rest area between the post office and the pool hall. From Main Street to Conicville Blvd. there will be new curb and gutter and a new handicap ramp installed. At the entrance of Sheetz, there will be a pedestrian cross walk at the gates. There will be curb and gutter at the cemetery property and handicap parking.

Motion by Councilman Shepherd and second by Councilman Andrick to set a public hearing on January 6, 2014 at 7:00 p.m. for Rezoning Request from Bowman Andros, 10287 Old Valley Pike, to rezone from Residential 1 (R-1) to Limited Industrial (I-!).

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilman Andrick to set a public hearing on January 6, 2014 at 7:00 p.m. for Special Use Permit for Holtzman Corp. for New Headquarters Building.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Councilman Shepherd presented the annual audit report. There needs to be an audit for the EDA. On page 13, all government funds the total is 15 million dollars. On page 19, the cash assets are 2.9 million dollars. On page 45, there are several bonds with a 0% interest. Our current outstanding debt is 7.3 million dollars, 579,000 less than last year. On page 58, our major revenues are Meals Tax – almost \$300,000 dollars and Cigarette Tax – \$197,000 dollars. Finance Director Neil Showalter did a rate study for 6 months to see if the minimum rate could be lowered to 2000 gallons. The rates were pretty close. Asst. Town Manager Charles Moore stated this rate study would have cost over \$10,000

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if performed by an outside company. The Town saved this amount by our Finance Director performing the rate study. Motion by Councilman Shepherd and second by Councilman Hackenbracht to approve the FY 2013 Audit Report prepared by Robinson, Farmer, Cox Associates.

ROLL CALL VOTE:

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

4 AYE, 2 ABSENT, motion carried.

Gerald Forsburg is asking the Town to sell him the lot they own on King Street so that the Nelson house can be relocated to that site. He requested the Council to set a public hearing on the Town selling the property so that he could purchase it. Mr. Forsburg was advised the Town needs to have an exact loan or cash proposal to ensure this will happen. A complete proposal or commitment letter with details of the project needs to be submitted and a site plan. Gerald Forsburg met with Mr. Holtzman and was advised he had thirty days to pull together the project. The consulting firm he has been discussing the project with is Wishneff Associates. They are currently working on a hotel in Winchester. They advised there are \$1400,000 tax credits that can be sold. Councilman Hackenbracht stated he has concerns if Mr. Forsburg runs out of money after the house is on the property what happens then. The house must be moved by the first week in January. Mr. Forsburg was advised to get the information in on Friday about the project.

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

CLERK

MAYOR