

The regular meeting of the Amherst Town Council was held on May 9, 2007 at 7:00 P.M. in Council Chambers with Mayor Jacob Bailey presiding. Council members present were: Jason D. Campbell; Haney Mottley; Harold Swisher and C. Manly Rucker, III. Council member Bobby J. Bondurant arrived late as noted below.

Also present were Town Manager Jack Hobbs, Town Attorney W. Thomas Berry, Police Chief Kenneth Watts, Superintendent of Plants Thomas W. Fore and Office Manager Colan R. Davis.

The Rev. Alan Monfils from Blue Ridge Baptist Church gave an invocation.

Mr. Rucker made a motion that was seconded by Mr. Swisher to approve the agenda as presented. The motion passed 4-0. Messrs. Campbell, Mottley, Swisher and Rucker voted "Aye". Mr. Bondurant was absent.

Mr. Bondurant joined the meeting.

A duly advertised public hearing on rezoning the Dawson property at 350 S. Main Street (Tax Parcels 96A3-6-1 thru 8) from R-2 General Residential District to T-1 Transitional Use Zone District, as recommended by the Planning Commission, was opened at 7:09 P.M. There being no one present who wished to speak, the public hearing was closed at 7:10 P.M. Michelle Cash gave a brief synopsis of the rezoning request. Mr. Campbell made a motion that was seconded by Mr. Mottley to adopt an ordinance to rezone the area as proposed. The motion passed 3-2. Messrs. Campbell, Mottley, and Swisher voted "Aye". Messrs. Bondurant and Rucker voted "Nay". A copy of the ordinance is attached and made a part of these minutes.

Mr. Mottley made a motion that was seconded by Mr. Campbell to approve the minutes of the April 11, 2007 Town Council meeting as previously submitted. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted "Aye".

The Police Chief led a discussion on the disposal of old radar equipment. By consensus, it was decided to sell the equipment to Liberty University for \$50.

The Town Manager gave a report on a parking ordinance as prepared by the Ordinance Committee. After some discussion, it was agreed that the proposal should be updated, reviewed by the Town Attorney and presented at the June meeting.

Mr. Mottley made a motion that was seconded by Mr. Rucker to authorize the Town Manager to execute a contract with Woodall & Lang for the Town Hall roof replacement, to include a 20-year warranty and gutter lining. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted "Aye".

Mr. Rucker made a motion that was seconded by Mr. Campbell to approve a resolution declaring the Green House property surplus and authorizing its disposition. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted "Aye". A copy of the resolution is attached and made a part of these minutes.

Mr. Rucker made a motion that was seconded by Mr. Bondurant to appoint and nominate the following individuals to the listed positions for the terms indicated:

- William Jones: appointed to the Planning Commission for a July 1, 2007– June 30, 2011 term.

- Richard Wydner: appointed to the Planning Commission for a July 1, 2007– June 30, 2011 term.
- William D. Hopkins: nominated to the Board of Zoning Appeals for a September 1, 2007– August 31, 2012 term.
- Glenda Hash: appointed to the Property Maintenance Investigation Board for a July 1, 2007– June 30, 2010 term.

The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted “Aye”.

Mr. Mottley made a motion that was seconded by Mr. Rucker to authorize the Town Manager to contract for needed engineering services, install portions, acquire easements and solicit bids for the remainder of the Gannaway Subdivision Sewer Replacement Project. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted “Aye”.

The Town Council held a worksession on the FY08 budget. It was agreed that the required hearing would be held at the June 13 regular meeting with a special adoption meeting on June 27 at 7:00 PM.

Mr. Campbell made a motion that was seconded by Mr. Mottley to adopt and trademark the new logo for the Town of Amherst. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted “Aye”.

Mr. Mottley made a motion that was seconded by Mr. Rucker to go into closed session. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted “Aye”. The full text of the motion is as follows:

I move that the Town Council reconvene in a closed session for (a) 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 pursuant to section 2.2-3711 A.1 of the Code of Virginia, (1950), as amended and (b) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to section 2.2-3711 A.7 of the Code of Virginia, (1950), as amended.

After reconvening in open session, each member of the Town Council was given the opportunity to declare whether there was a departure from the subject matter and purpose during the closed session. Mr. Rucker made a motion that was seconded by Mr. Mottley to certify the closed session. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted “Aye” by the roll call method. The full text of the motion is as follows:

I move that the Town Council certify that to the best of each councilors’ knowledge that (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 and 15.2-2907 of the Code of Virginia and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the session.

Mr. Rucker made a motion that was seconded by Mr. Mottley to appoint the following individuals to the listed positions for the terms indicated:

- Marshall Mays: appointed to the Industrial Development Authority for a July 1, 2007– June 30, 2011 term.
- Richard Wydner: appointed to the Industrial Development Authority for a July 1, 2007– June 30, 2011 term.

There being no further business to discuss, the meeting adjourned at 9:22 P.M.

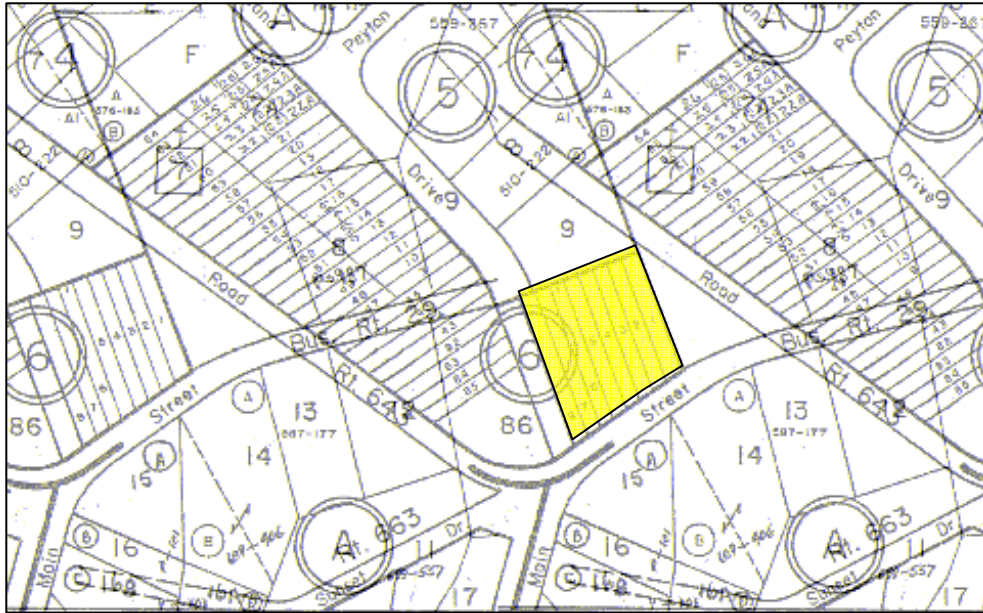
Jacob P. Bailey, Mayor

Attest:

Clerk of Council

AN ORDINANCE CHANGING THE ZONING OF PROPERTY AT 350 SOUTH MAIN STREET FROM R-2 GENERAL RESIDENTIAL DISTRICT TO T-1 TRANSITIONAL USE ZONE DISTRICT.

BE IT ORDAINED BY THE COUNCIL of the Town of Amherst that the property located in the Town of Amherst at 350 S. Main Street and identified as Tax Parcels 96A3-6-1 thru 8, shown in greater detail as shaded on the map below, is hereby rezoned from R-2 General Residential District to T-1 Transitional Use Zone District.



Be it also ordained that the Zoning Administrator shall forthwith cause the "Official Zoning Map of the Town of Amherst" to be amended accordingly.

This Ordinance was adopted on the 9th day of May, 2007 and shall become effective immediately upon passage.

Mayor

ATTEST:

Clerk of Council

A RESOLUTION AUTHORIZING THE DISPOSAL OF THE GREEN HOUSE PROPERTY ON FIRST STREET (TM# 96A4-A-127).

WHEREAS, the Town of Amherst owns the “green house” property on First Street which is shown as Tax Parcel 94A4-A-127, hereinafter referred to as the “property”, and

WHEREAS, the Town of Amherst does not intend to use the property for its operations or for any appropriate public use, and

WHEREAS, the Town Council desires to enter a process whereby any and all interested parties will have a fair chance to purchase the property at the highest net price to the Town, and

WHEREAS, J. Thompson Shrader, Jr. has offered to provide his services in connection with the disposal of the property in exchange for a recently removed Town of Amherst fire hydrant, which offer the Town Council of the Town of Amherst has accepted:

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Amherst hereby declares the property to be surplus, and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby authorized J. Thompson Shrader, Jr. to proceed with the public auction of the property on an “as is, where is” basis without warranty or representation, which auction is to be held prior to December 31, 2007, and

BE IT FURTHER RESOLVED that the Town Manager and Town Attorney are hereby authorized and directed to support J. Thompson Shrader, Jr. in all paperwork and details involved in this matter, and

BE IT FURTHER RESOLVED that the Town of Amherst will bear all of necessary and proper costs of advertising the auction as well as any usual and customary legal and other fees associated with the sale of property, and

BE IT FINALLY RESOLVED that, pursuant to Section 2-7 of the Town Code of the Town of Amherst, the Mayor of the Town of Amherst is hereby authorized to execute a “special warranty” deed for the sale of the property without further review by the Town Council of the Town of Amherst.

This Resolution was adopted by the Town Council of the Town of Amherst on May 9, 2007.

Mayor Jacob P. Bailey

Attest:

Clerk of Council