

The regular meeting of the Amherst Town Council was held on August 8, 2007 at 7:00 P.M. in the Council Chambers of the Town Hall with Mayor Jacob Bailey presiding. Council members present were: Bobby J. Bondurant; Jason D. Campbell, Haney Mottley; Harold Swisher and C. Manly Rucker, III.

Also present were Town Manager Jack Hobbs, Police Chief Kenneth Watts, Director of Public Utilities Tom Fore and Office Manager Colan R. Davis.

Father Daniel Kelly from St. Francis of Assisi Catholic Church gave an invocation.

Mr. Rucker made a motion that was seconded by Mr. Bondurant to approve the agenda as presented. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted "Aye".

A duly advertised public hearing on an ordinance that would regulate skateboarding was opened at 7:02 P.M. There being no one present who wished to speak, the hearing was closed at 7:04 P.M. The Town Manager noted that letters of support for an ordinance had been received from Susan O'Neil and Tom Shrader. After some discussion, Mr. Swisher made a motion that was seconded by Mr. Rucker to approve an ordinance to regulate skateboarding. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted "Aye". The ordinance is attached and made a part of these minutes.

Bill Gillespie came forward to give a presentation on the downtown revitalization project. Scott Smith and Gary Christie from Region 2000 Local Government Council were in attendance and participated in the discussion on possible downtown revitalization priorities and work plan.

Mr. Campbell made a motion that was seconded by Mr. Mottley to authorize the Mayor to sign the Amherst Town Square Conceptual Master Plan proposal contract submitted by Virginia Tech. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted "Aye".

By consensus, Town Council agreed to consider the formation of a nonprofit organization to promote downtown Amherst.

Mr. James Martin came forward to express his opinions regarding the Town's parking enforcement program.

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

The Town Manager reported that work on the dilapidated buildings at 135 Gregory Lane has been done per the July 9, 2007 letter provided by Jim Lindsey. By consensus, the Council referred the situation to the Property Maintenance Investigation Board for its advice as to whether the safety concerns articulated in the Board's earlier report have been adequately addressed.

The Town Manager reported that a full response to a request for more information from a Town Hall HVAC/Electrical proposer has not been received. Mr. Campbell made a motion that was seconded by Mr. Swisher to award the Town Hall HVAC/Electrical contract to Moore's Electrical & Mechanical Construction, Inc. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted "Aye".

The Town Manager gave a report on the status of the Union Hill Water Tank project. Mr. Mottley made a motion that was seconded by Mr. Campbell to adopt a resolution authorizing Town officers to sign documents relative to the project and a “loan resolution” (RUS 1780-27). The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Swisher and Rucker voted “Aye”. Both resolutions are attached and made a part of these minutes.

The Town Manager reported that the Planning Commission has recommended that the Council approve the following amendments to the Zoning and Subdivision Ordinance for the purpose indicated for each:

- §18.1-804 (Minimum Yard Requirements) - Relieving the front setback requirement in the Town’s older neighborhoods.
- §18.1-601.2 (Nonconforming Structures) – Establishing a rule whereby a “nonconforming” building could be replaced in the same location regardless of the circumstances of its removal.
- §18.1-915 (Flood Plains) – Bringing the Town’s flood plain regulations and mapping into conformity with requirements established by FEMA and the Virginia Department of Conservation and Recreation.

By consensus the Council agreed to hold hearings on the proposed changes at its September 12 meeting.

The Town manager gave a status report on the wireless internet project.

The Town manager reported that the “Green House” property is scheduled to be sold on October 23, 2007 at 10:00 A.M.

There being no further business, the meeting adjourned at 8:18 P.M.

Jacob P. Bailey, Mayor

Attest:

Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING SECTION 14-7 AND ADDING SECTION 14-7.1 OF THE TOWN CODE, THE ADDED AND AMENDED CODE REFERRING TO THE OPERATION OF BICYCLES AND SKATEBOARDS ON CERTAIN SIDEWALKS.

Be it Ordained by the Council of the Town of Amherst:

1. **That the Code of the Town of Amherst is hereby amended by amending Section 14-7 to read as follows:**

Sec. 14-7. Operation of Bicycles on Certain Sidewalks.

No person shall ride a bicycle on sidewalks bordering on South Main Street in the Town of Amherst between Star Street and Kent Street between the hours of 8:00 o'clock a.m. and 6:00 p.m. Monday through Saturday. Each violation of this ordinance shall constitute a Class 4 misdemeanor. *(Sec. 46.2-904 of the Code of Virginia.)*

2. **That the Code of the Town of Amherst is hereby amended by adding Section 14-7.1 to read as follows:**

Sec. 14-7.1. Operation of Skateboards on Certain Sidewalks.

No person shall ride a skateboard on sidewalks bordering on South Main Street in the Town of Amherst between the traffic circle and Kenmore Road. Each violation of this ordinance shall constitute a Class 4 misdemeanor. *(Sec. 46.2-904 of the Code of Virginia.)*

3. **That this Ordinance shall be effective on August 8, 2007.**

This ordinance was adopted on August 8, 2007.

Mayor

ATTEST:

Clerk of the Council

RESOLUTION OF GOVERNING BODY OF

TOWN OF AMHERST

The governing body of the **Town of Amherst**, consisting of **5 regular members plus a Mayor**, in a duly called meeting held on the **8th** day of **August, 2007** at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government) in the development of a **water tank** to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the **Mayor, Town Manager, Treasurer and Clerk of the Council** of the **Town of Amherst** be authorized to execute on behalf of the **Town of Amherst** the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of the **Town Council**.

By _____

Jacob P. Bailey, Mayor

Attest:

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the **Town Council of the Town of Amherst** in a duly assembled meeting on the **8th** day of **August, 2007**.

Clerk of the Council

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Town Council

OF THE Town of Amherst

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO

WHEREAS, it is necessary for the Town of Amherst
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

ONE MILLION TWO HUNDRED THIRTY THOUSAND AND XX / 100 DOLLARS (\$1,230,000.00)

pursuant to the provisions of Code of Virginia, Public Finance Act; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

