

The regular meeting of the Amherst Town Council was called to order on February 11, 2009 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street with Mayor Jacob P. Bailey presiding. Council members Bobby J. Bondurant, J. Paul Kilgore, Haney Mottley, Harold Swisher, and Richard Wydner were present. Town Manager Jack Hobbs, Police Chief Kenneth Watts and Office Manager Colan Davis were also present.

The Rev. Decatur H. Rodgers, III from Amherst Presbyterian Church gave an invocation.

Mayor Bailey reviewed the bids received for the Town Square project. He noted that there have been questions on how the town square project would affect taxes and stated that there was already money budgeted in FY09 for the project and that the Town did not anticipate any tax rate changes due to the project. The Mayor noted that concerns were also raised about fire protection for the county courthouse. Mr. Kilgore stated he met with some members of the Amherst Fire Department and it was determined that there would be no effect on the fire protection there, and he reminded everyone that there is already poor access to the courthouse due to the old wall. The Mayor noted that there were also concerns with the low bidder being a relatively new business. The Town Manager reported on a meeting he attended with the Mayor, Town Engineer and the low bidder to review project concerns and reported that the contractor meets all required qualifications.

Sharon Turner, representing Hill Hardware, reminded everyone that she had written a letter to the Town Council to document her concerns. She expressed Hill Hardware's objections to the Town Square project.

Barry Thompson of 287 Waughs Ferry Road came forward to reiterate concerns delivered at earlier meetings and expressed his objection to proceeding with the project.

Becky Wyland of 162 Maple Lane reminded the Council of her petition opposing the project that she delivered in January and expressed her objection to proceeding with the project.

Tony DeLeon of 188 Lake Drive expressed his belief that the Town needs to move forward with downtown improvements.

Mayor Bailey reminded the Town Council that it had received a petition against the Town Square project from Ms. Becky Wyland, a letter documenting concerns about the project from Hill Hardware and a petition in favor of the project from Ms. Carol Dziak and that individual Town Councilors have had many conversations on the project with various individuals. He asked the Councilors to discuss the project.

Mr. Wydner expressed his concerns with the concept, timing, location, economic conditions, fire protection, and petroleum and propane tanks located near the project as well as the size of the water lines in the vicinity of the project.

Mr. Bondurant stated that he liked the idea and he thinks the Town needs to do something less expensive due to current economic conditions.

Mr. Mottley stated that he is keeping the same position that he has had all along – “to let the people speak”. He also stated that the economic conditions do not support the project.

Mr. Swisher stated he has heard comments both ways on the project and would still like to see something happen.

Mr. Kilgore stated he has concerns about the location, scope of the project and parking. He also stated that he would still like to see something done on East Court Street and in the same area but keep or increase the parking.

Mr. Wydner made a motion that was seconded by Mr. Bondurant to reject all bids for the Town Square project and to not complete the project. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley and Wydner voted "Aye".

Mr. Wydner excused himself from the meeting.

Mr. Bondurant made a motion that was seconded by Mr. Swisher to approve the January 14, 2009 minutes as distributed earlier. The motion passed 4-0. Messrs. Bondurant, Kilgore, Mottley and Swisher voted "Aye". Mr. Wydner was absent.

Mayor Bailey reported that there is still a vacancy on the Planning Commission.

Mr. Swisher made a motion that was seconded by Mr. Mottley to accept a proposal from Davidson, Doyle & Hilton to do the Town's FY09 audit work at a cost of \$7,800 and to authorize the Town Manager to execute the usual documents. The motion passed 4-0. Messrs. Bondurant, Kilgore, Mottley and Swisher voted "Aye". Mr. Wydner was absent.

Mr. Bondurant made a motion that was seconded by Mr. Kilgore to authorize the Town Manager to adjust and extend the landscape maintenance contract with Dalton's Lawn Care for the 2009 season at a base cost of \$14,152.53. The motion passed 4-0. Messrs. Bondurant, Kilgore, Mottley and Swisher voted "Aye". Mr. Wydner was absent.

The Town Manager reported that the Town Crew had spent a considerable amount of time over the past few months clearing debris and fill that covered the sewer main in the area between the Brockman Chevrolet parking lot and Williams Creek, and that it has become apparent that this line needs to be replaced due to pipe deterioration, root intrusion, and the inability to locate lateral connections. The estimated cost to replace this 700 LF/2 manhole line is \$31,399 (\$12,339 out of pocket). Mr. Kilgore made a motion that was seconded by Mr. Swisher to authorize the replacement of the line and manholes. The motion passed 4-0. Messrs. Bondurant, Kilgore, Mottley and Swisher voted "Aye". Mr. Wydner was absent.

By consensus, Council decided to proceed with a project to install the poles and rigging that could support a banner across South Main Street.

The Council was reminded that it is scheduled to meet for a work session on February 21 at 8:00 AM in the "Patio D" room at the Elston Inn and that items that are scheduled for the March 11 Town Council meeting include a public hearing on the plat/easement abandonment on Sunset Drive and presentations on the regional water supply plan and watershed management.

Mr. Mottley made a motion that was seconded by Mr. Swisher and passed 4-0, with Messrs. Bondurant, Kilgore, Mottley and Swisher voting "Aye" and Mr. Wydner absent 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 §2.2-3711 A.1 of the Code of Virginia, (1950), as amended.*

Mr. Mottley made a motion that was seconded by Mr. Swisher and passed 4-0, with Messrs. Bondurant, Kilgore, Mottley and Swisher voting “Aye” via the roll call method and Mr. Wydner absent 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 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.*

There being no further business, the meeting adjourned at 8:52 P.M.

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Jacob P. Bailey  
Mayor

Attest:

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Clerk of Council