

Mayor Jacob P. Bailey called the regular monthly meeting of the Amherst Town Council to order on January 12, 2011 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street. Council members Kenneth Bumgarner, J. Paul Kilgore, Haney Mottley, Michael Mozingo and Richard Wydner were present. Town Manager Jack Hobbs, Police Chief Kenneth Watts, Town Attorney Tom Berry, Director of Utilities Tom Fore and Office Manager Colan Davis were also present.

Dr. Tim Hazlett from Emmanuel United Methodist Church gave an invocation.

Mr. Mottley made a motion that was seconded by Mr. Wydner to approve an organizational plan for the 2011-2012 Council term. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye". A copy of the resolution is attached and made part of these minutes.

Mr. Wydner made a motion that was seconded by Mr. Mottley to approve the minutes for the December 8, 2010 meeting as previously submitted. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye".

Mr. Mottley made a motion that was seconded by Mr. Mozingo to appoint Paul Kilgore and Jack Hobbs to the Town/Sweet Briar Sewer Use Advisory Commission for a term of January 12, 2011 – December 31, 2012. The motion passed 4-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye"; Mr. Kilgore abstained.

Mr. Wydner made a motion that was seconded by Mr. Mottley to appoint Paul Kilgore to the Joint Committee on Cooperation for a term of January 12, 2011-December 31, 2013. The motion passed 4-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye"; Mr. Kilgore abstained.

Mr. Kilgore made a motion that was seconded by Mr. Mozingo to nominate Richard Wydner Jr. to the Planning Commission for a term to expire on December 31, 2012 concurrent with his Council term. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye".

Mr. Mottley made a motion that was seconded by Mr. Bumgarner to appoint Clifford Allan Hart to the Planning Commission for a term of January 12, 2011 – June 30, 2011. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye".

A letter from library director Steve Preston suggesting the relocation of the MiniPark bicycle rack to the library was received. Mr. Mottley made a motion that was seconded by Mr. Wydner to approve the relocation of the bike rack to the library. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye". Guillermo R. Sanchez Pacheco came forward to thank Town Council for approving the bicycle rack move and ask Council to look into getting marked bicycle lanes on the Town streets.

A letter from Clorox appealing a late payment penalty applied to its November 30 sewer bill was received. Staff noted that the "once in a lifetime" penalty waiver was applied to this account after the April 2009 billing and concern was expressed that, unless the policy is enforced, late payments will be a recurring issue with this customer. Mr. Wydner made a motion that was seconded by Mr. Bumgarner to support the staff ruling and not provide any relief for the penalty. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye".

Mr. Bumgarner made a motion that was seconded by Mr. Mottley to authorize the staff to (a) replace a 1997 pickup truck via state contract and (b) replace a police cruiser per monies contained in the budget. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye".

Mr. Mottley made a motion that was seconded by Mr. Kilgore to approve a police residency policy. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye". A copy of the policy is attached and made part of these minutes.

Correspondence from VDOT regarding the Walnut Street item was received. The Town Manager was asked to gather additional information for consideration at the February Council meeting.

Correspondence from the Virginia Department of Health confirming that the Town has been awarded a \$30,000 grant that would fund the design work for a project that would replace the water main on the in-town portion of U.S. Route 60 West was received. Mr. Wydner made a motion that was seconded by Mr. Mottley to authorize the Town Manager to execute the grant contract and to authorize the negotiation of an contract with Wiley Wilson for the design work. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye".

Mayor Bailey led a conversation about the Brockman Park marketing effort and whether the Town should limit the use of water wells in that development.

Mr. Kilgore gave a status report on the Police Chief hiring process and the next steps.

The Town Manager presented a proposed FY11 budget calendar.

Mr. Bumgarner made a motion that was seconded by Mr. Kilgore to approve resolutions of appreciation for former Councilors Bobby Bondurant and Harold Swisher. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye". A copy of each resolution is attached and made part of these minutes.

Mr. Wydner made a motion that was seconded by Mr. Kilgore that the Town Council convene in closed session for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of the Police Chief per the exemption at §2.2-3711A.1 of the Code of Virginia. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye".

After reconvening in open session, Mr. Bumgarner made a motion that was seconded by Mr. Mottley 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. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye" via the roll call method.

At 9:58 PM, Mr. Kilgore made a motion that was seconded by Mr. Mottley to adjourn the meeting and to reconvene at 6:00 PM on January 25 in the Town Hall for the purpose of interviewing applicants for the police chief position. The motion passed 5-0. Messrs. Bumgarner, Kilgore, Mottley, Mozingo and Wydner voted "Aye". The Town Manager was instructed to arrange interviews for three candidates that evening and three more on January 26 at 6:00 PM.

Jacob P. Bailey
Mayor

Attest:

Clerk of Council

A RESOLUTION TO ADOPT AND EFFECT AN ORGANIZATIONAL PLAN FOR THE TOWN OF AMHERST FOR THE JANUARY 1, 2011 – DECEMBER 31, 2013 COUNCIL TERM.

WHEREAS, various provisions of Code of Virginia, the Town Charter and the Town Code as well as tradition indicate that the Town Council of the Town of Amherst, Virginia, should take certain actions following an election,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Amherst, Virginia, that the following organizational plan shall apply for the January 1, 2011 – December 31, 2013 Council term:

1. **Election of Vice Mayor:** Pursuant to Article III, Section 3.01(9) of the Town Charter, J. Paul Kilgore, Jr. shall be elected Vice Mayor.
2. **Continuation of Policies:**
 - 2.1 Pursuant to Article III, Section 3.01(10) of the Town Charter, Section 2-10 of the Town Code which establishes the regular date and place of the **regular monthly Town Council meeting** is hereby affirmed. Regular meetings shall begin at 7:00 PM. Special meetings may be called as per Section 2-11 of the Town Code.
 - 2.2 The **rules of conduct** for the meetings of the Town Council as established in Sections 2-12 through 2-40 of the Town Code are hereby affirmed.
 - 2.3 The **Personnel Policy** adopted on June 14, 2006, effective on July 1, 2006 and amended on July 14, 2010 is hereby affirmed.
 - 2.4 The **Procurement Policy** adopted on March 10, 2010 is hereby affirmed.
 - 2.5 The **Policy for the Development of Agendas and Presentations** to the Town Council shall be as follows:

Most items considered by the Town Council are routine in nature or are arranged by the Town Manager or Police Chief. Some items are developed and presented by members of the Town Council or any of its various committees, boards and commissions. Materials supporting such issues are to be developed and distributed to the members of the Town Council as soon as practical or, at a minimum, along with the agenda materials.

There are times when residents of the Town of Amherst, Town business operators, or other individuals desire to speak before the Town Council or request the Town Council to take action or otherwise react on a specific issue. The Town Council has found it difficult to appropriately respond in a timely manner if sufficient notice of the request is not given. Therefore, it is the policy of the Town Council of the Town of Amherst to require that a reproducible (8 ½ x 11) written description of any item to be considered be submitted to the Town Manager by 5:00 PM on the first Wednesday of the month for the meeting to be held that month. Individuals are reminded that such information becomes public

information, subject to the Freedom of Information Act, upon receipt at the Town Hall.

However, the Town Council feels that Town residents and business operators have the right to address the Town Council on any issue that may involve the Town. Any individual desiring to speak before the Council who has not met the deadline requirement noted above will be allowed a maximum of three minutes to speak before the Town Council. Any individual representing a bona fide group will be allowed a maximum of five minutes to speak before the Town Council. Placement on the agenda will be at the discretion of the Mayor but usually after the invocation, scheduled public hearings and other matters of privilege.

The Town Council may waive this policy if it finds that strict adherence to its language is too restrictive.

3. **Town Depository:** Pursuant to Article III, Section 3.01(15) of the Town Charter and Section 2-5 of the Town Code, all banks currently operating a branch inside the corporate limits of the Town of Amherst (Wachovia Bank, BB&T, Carter Bank and Trust, Bank of the James and First National Bank) and SunTrust Bank shall be considered approved places of deposit for Town funds. The Mayor, Town Manager and Treasurer are hereby authorized to execute all necessary papers to continue or effect new accounts.
4. **Standing Council Committee Appointments:** The authority of the Town Council to appoint standing committees is established in §2-41 of the Town Code. The purpose of standing committees is (a) to facilitate policy decisions by the Town Council via review, preliminary discussion and investigation of various matters during preparation of their reports to the Town Council and (b) to act in an advisory capacity to Town management but not to supplant the authority of either the Town Council or management. The following standing committees are hereby established, members appointed, and ongoing duties assigned accordingly:
 - 4.1 **Finance Committee - Haney Mottley (Chairman) and Kenneth Bumgarner**
 - Monitor the budget development process.
 - Review accounting procedures, budgets, and bookkeeping activities of the front office staff.
 - Interface with auditors.
 - 4.2 **Public Safety Committee – Kenneth Bumgarner (Chairman) and J. Paul Kilgore, Jr.**
 - Monitor implementation of the Town’s public safety programs.
 - Review ordinances, policies and activities of the police department
 - Interface with all Town and external law enforcement, fire and rescue agencies.
 - 4.3 **Utilities Committee – Richard Wydner, Jr. (Chairman) and Haney Mottley**
 - Monitor the development and construction of capital improvement projects.
 - Review proposed utility system upgrades and extensions.
 - Interface and assist developers in coordinating Town policies with proposed new

developments.

4.4 **Community Relations Committee** – Michael Mozingo (Chairman) and Richard Wydner, Jr.

- Monitor Town beautification efforts and programs.
- Review Town's efforts at public relations, involvement in events and lobbying.
- Interface with citizens, business operators, Sweet Briar College, School Board, and VDOT.

4.5 **Personnel Committee** – J. Paul Kilgore, Jr. (Chairman) and Michael Mozingo

- Monitor staff's compliance with approved procedures.
- Review and recommend improvements to the Personnel Policy.
- Interface with individuals that desire to serve on established Town committees and coordinate the recruitment and selection of appointed staff.

5. **Staff Appointments:** The following staff appointments are hereby made for the January 1, 2011 – December 31, 2013 Town Council term. The effect of this resolution shall be to appoint all individuals subject to the authority of the Town Council to terminate any appointment made under this section without cause or notice subject to the provisions of the Charter, state code, and contracts approved by the Town Council.

5.1 **Town Manager** – Pursuant to Article III, Section 3.01(16) and (18) and of the Town Charter, Jack Hobbs is hereby appointed Town Manager and Clerk of the Council with the duties and authorities as outlined in Section 2-47 and 2-48 of the Town Code, other sections of the Town Code, the Charter, and the Code of Virginia and as may be assigned by the Town Council from time to time.

5.2 **Chief of Police** - Pursuant to Article III, Section 3.01(17) of the Town Charter, Kenneth Watts is hereby appointed Chief of Police with all duties and authorities as described in the Town Code and as may be assigned by the Town Council until his retirement on May 1, 2011.

5.3 **Town Treasurer** – Colan Davis is hereby appointed Town Treasurer pursuant to Article III, Section 3.01(13) of the Town Charter with the duties and authorities as outlined in Section 2-49 of the Town Code, other sections of the Town Code, the Charter, and the Code of Virginia. These duties shall be considered in addition to her duties as Office Manager.

5.4 **Town Attorney** – W. Thomas Berry is hereby appointed Town Attorney with the duties and authorities as outlined in Section 2-50 of the Town Code and as may be assigned by the Town Council or Town Manager from time to time. Remuneration shall be continued on a contractual basis.

5.5 **Town Engineer** – Herbert F. White, III is hereby appointed Town Engineer with duties as assigned from time to time by the Town Council or Town Manager. Remuneration shall be continued on a contractual basis.

6. Board Appointments:

- 6.1 Pursuant to Article II, Section 2 of the July, 2005 **Virginia's Region 2000 Local Government Council** charter, Michael Mozingo and Jack Hobbs are hereby appointed to that board for the January 1, 2011 – December 31, 2013 term.
- 6.2 Pursuant to Article III, Section 1 of the November 1999 **Central Virginia Transportation Planning Council** (MPO) bylaws, Michael Mozingo and Jack Hobbs are hereby appointed to that board for the January 1, 2011 – December 31, 2013 term.
- 6.3 Pursuant to Article II, Section 2.3 of the April 26, 2007 **Virginia's Region 2000 Economic Development Council** bylaws, Jack Hobbs is hereby appointed to that board for the January 1, 2011 – December 31, 2013 term.

It is the intent of the Town Council that the terms for all appointments made by this resolution shall continue beyond the January 1, 2011 – December 31, 2013 Town Council term of office until a successor is duly appointed.

This Resolution was adopted by the Town Council of the Town of Amherst on January 12, 2011.

Mayor Jacob P. Bailey

Attest:

Police Department Residency Policy

Adopted January 12, 2011

Background

The Town Council of the Town of Amherst has determined that it is desirable for police officers employed by the Town of Amherst to live in the Town for the following reasons:

1. Availability of such officers to work in the event of emergency, inclement weather, vehicle breakdown, etc.;
2. Enhanced safety of individuals who live in the same neighborhood as a police officer. This will also help make those neighborhoods more desirable and therefore positively influence property values; and
3. Reduced Town costs due to lower gasoline expenses and less wear and tear on police vehicles.

Policy

All sworn officers employed by the Town of Amherst Police Department on a full-time basis shall be residents of the Town of Amherst or live in a permanent residence within two miles of the corporate limits of the Town of Amherst within ninety (90) days of their first day on the job and must continue to live within this specified area as a condition of continued employment.

This policy shall supersede any prior policy on police residency requirements.

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Bobby Bondurant is recognized for service to the citizens of the Town of Amherst as a member of the Amherst Town Council from July 1, 2004 through December 31, 2010; and

WHEREAS, Bobby Bondurant served as the Chairman of the Community Relations Committee and a member of the Finance Committee and Amherst Centennial Program Committee during that time; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Bobby Bondurant has given to his community and also to express its appreciation for all that Bobby Bondurant has done for the Town of Amherst;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Bobby Bondurant has given to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been improved as a result of Bobby Bondurant's tenure as a member of the Town Council of the Town of Amherst; and

FINALLY, BE IT RESOLVED that the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Bobby Bondurant as a token of the Council's deep appreciation of his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

This Resolution was adopted by the Town Council of the Town of Amherst on January 12, 2010.

Mayor Jacob P. Bailey

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Harold Swisher is recognized for service to the citizens of the Town of Amherst as a member of the Amherst Town Council from July 1, 2006 through December 31, 2010; and

WHEREAS, Harold Swisher served as the Chairman of the Ordinance Committee and a member of the Personnel Committee during that time; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Harold Swisher has given to his community and also to express its appreciation for all that Harold Swisher has done for the Town of Amherst;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Harold Swisher has given to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been improved as a result of Harold Swisher's tenure as a member of the Town Council of the Town of Amherst; and

FINALLY, BE IT RESOLVED that the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Harold Swisher as a token of the Council's deep appreciation of his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

This Resolution was adopted by the Town Council of the Town of Amherst on January 12, 2010.

Mayor Jacob P. Bailey

Attest:

Clerk of Council