

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on August 9, 2017, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. Council members André Higginbotham, Kenneth S. Watts, Kenneth G. Bunch, Mark A. Stinnett and Rachel A. Carton were present. Town Manager Jack Hobbs, Town Attorney W. Thomas Berry, Deputy Town Manager for Public Works Jim Chandler, Office Manager Tracie Wright, and Clerk of Council Vicki Hunt were present.

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation given by Kenneth S. Watts.

Mayor Tuggle, on behalf of Council commended the Police Department on its duties as Honor Guard at former Police Chief Haney Mottley's funeral service and provided the Clerk of Council with a copy of Glenwood Burley's letter and document titled "Bobby Mottley – A Legacy of Character."

Mayor Tuggle opened the floor for citizen comments.

Edward Burger, 130 Woodland Drive, Amherst, VA, came forward to present facts surrounding a situation involving a friend needing to get through the IRON 5k race area in July.

A duly advertised public hearing on an amendment to Section 2-47.5 of the Town Code that would, if approved, establish the Mayor or his designee as being responsible for supervising the Chief of Police was opened at 7:08 P.M.

Joseph Beck, Amherst, VA, came forward in opposition to the amendment stating his need for clarity and concerns surrounding the termination of previous Police Chief.

Richard Lee, Amherst, VA, came forward in opposition to the amendment stating his need for clarity and concerns over the termination of previous Police Chief.

There being no one else present who wished to speak on the matter, the public hearing closed at 7:14 P.M.

Mrs. Carton made a motion that was seconded by Mr. Higginbotham, and carried 4-1 to approve the minutes from the July 12, 2017, meeting. Messrs. Higginbotham, Bunch, Stinnett and Mrs. Carton voted "Aye." Mr. Watts abstained.

Town Manager Hobbs gave oral reports on the Planning Commission's efforts to start work on the zoning ordinance updates and on the IDA meeting held on August 9, 2017.

Mrs. Carton, Chairman of the Finance Committee, gave an oral report on the use of Merchant Services for online water and tax payments.

Mr. Watts, Chairman of the Utilities Committee, gave an oral report on the sliplining project.

After discussion, a motion was made by Mr. Watts that was seconded by Mr. Stinnett and carried 5-0 to approve the Personnel Committee's recommendations for the Police Chief recruitment, advertisement and interview plan. Messrs. Higginbotham, Watts, Bunch, Stinnett and Mrs. Carton voted "Aye."

There was a discussion on committee appointments. Mr. Bunch made a motion that was seconded by Mrs. Carton and approved 5-0 to appoint a series of individuals to the committees for the terms listed below subject to their willingness to serve. Messrs. Higginbotham, Watts, Bunch, Stinnett and Mrs. Carton voted “Aye.”

Board	Appointed	Term of Office
Planning Commission	Michael Rhett Mozingo, Sr.	8/9/2017 - 6/30/18
YMCA Exploratory Committee	Rebecca A. Fitzgerald	8/9/17
YMCA Exploratory Committee	Paul Robert Munn	8/9/17

After discussion, Mr. Bunch made a motion which was seconded by Mr. Stinnett and carried 5-0 to authorize Town Manager to enter into a contract with WW Associates, Inc. per a proposal offered subject to understandings outlined in the July 31, 2017 Utilities Committee minutes. Messrs. Higginbotham, Watts, Bunch, Stinnett and Mrs. Carton voted “Aye.”

After some discussion, Mrs. Carton made a motion which was seconded by Mr. Watts and carried 5-0 to approve a Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing for expenditures related to the USDA sewer sliplining project for the Town of Amherst. Messrs. Higginbotham, Watts, Stinnett, Bunch and Mrs. Carton, voted “Aye.” A copy of the resolution is attached and made a part of these minutes.

After some discussion, Ms. Carton made a motion which was seconded by Mr. Higginbotham and carried 5-0 to approve restoration of \$19,000 for the sale of the submachine gun from the FY18 Capital General Fund Account for use by the Police Department out of which an expenditure of \$13,700 for the purchase of 6 rifles (STD10A-10.5” sopmod, sling included) from Amelon Firearms will be made. Messrs. Higginbotham, Watts, Stinnett, Bunch and Mrs. Carton, voted “Aye.”

Acting Police Chief Harler and Town Attorney Berry were asked to take the lead on reviewing the need for a bicycle lane parking ordinance. Discussions on the matter were deferred to the September meeting.

After discussion, a motion was made by Mr. Watts which was seconded by Mr. Bunch and carried 5-0 to authorize the Town Manager to procure services to upgrade the Town’s e-mail to Office 365. Messrs. Higginbotham, Watts, Stinnett, Bunch and Mrs. Carton, voted “Aye.”

After discussion, a motion was made by Mr. Watts which was seconded by Mr. Bunch and passed 5-0 to approve purchase of a new blue 2017 Ford Interceptor for use as an unmarked police vehicle by the Police Department. Messrs. Higginbotham, Watts, Stinnett, Bunch and Mrs. Carton, voted “Aye.”

Mayor Tuggle announced that a meeting to discuss ways to help support the Lions Club for the Christmas Parade will be held on August 31, 2017, at 6:00 PM in the Town Hall, and that the Town will host a picnic at Brockman Park on October 7, 2017, for and in honor of Town employees, volunteers and their families.

Mayor Tuggle opened the floor to citizen comments.

Mr. Watts made the following motion, which was seconded by Mr. Stinnett and carried 5-0 with Mrs. Carton and Messrs. Bunch, Higginbotham, Stinnett and Watts voting in favor: I move that the Town Council convene in closed session for:

- A. Personnel matters:** 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 per the exemption at §2.2-3711A.1 of the Code of Virginia.
- B. Prospective business:** Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community per the exemption at §2.2-3711A.5 of the Code of Virginia.
- C. Consultation with legal counsel:** 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 per the exemption at §2.2-3711A.7 of the Code of Virginia.

Mr. Watts made the following motion, which was seconded by Mrs. Carton and carried 5-0 with Mrs. Carton and Messrs. Bunch, Higginbotham, Stinnett and Watts voting in favor via the roll call method: 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.

Mrs. Carton made a motion to authorize the Town Council to assign the responsibility for police chief supervision by adopting an ordinance to amend Section 2-47.5 of the Town Code. The motion was seconded by Mr. Stinnett and carried 5-0 with Mrs. Carton and Messrs. Bunch, Higginbotham, Stinnett and Watts voting in favor. A copy of the ordinance is attached and made a part of these minutes.

On behalf of the Town Council, Mayor Tuggle accepted a letter of resignation from Town Manager Jack Hobbs. Mr. Stinnett made a motion to appoint Mr. Watts and Mrs. Carton to a committee that would recommend an interim Town Manager for appointment by the Town Council at its September 13 meeting. The motion was seconded by Mr. Bunch and carried 5-0 with Mrs. Carton and Messrs. Bunch, Higginbotham, Stinnett and Watts voting in favor.

Mr. Watts made a motion that was seconded by Mr. Stinnett and carried 5-0 to adjourn the meeting at 9:30 PM with Mrs. Carton and Messrs. Bunch, Higginbotham, Stinnett and Watts voting in favor.

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Town of Amherst, Virginia (the “Borrower”), intends to acquire, construct and equip certain improvements to its sewer system, including upgrading the wastewater treatment plant, constructing and rehabilitating sewer lines and pump stations and various other capital maintenance and repair projects (collectively, the “Project”); and

WHEREAS, planning for the Project has advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, VIRGINIA:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt in an amount not currently expected to exceed \$5,452,690 to pay the costs of the Project.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

This resolution was passed and shall take immediate effect on August 9, 2017.

Mayor D. Dwayne Tuggle,

Attest: _____
Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING SECTION 2-47.5 OF CHAPTER 2 OF THE TOWN CODE, THE AMENDED CODE REFERRING TO THE SUPERVISION OF THE CHIEF OF POLICE.

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

1. That Sec. 2-47.5 of the Code of the Town of Amherst is hereby amended to read as follows:

Sec. 2-47.5. Chief of police.

The chief of police shall be responsible for the administration, training, discipline, and morale of the members of the police department and their effective deployment and employment to preserve and maintain law and order in the town and to enforce therein all applicable provisions of State law, the Town Charter, this Code and other ordinances and resolutions of the town council.

The chief of police shall promulgate reasonable rules and regulations pertaining to employment of off-duty law enforcement officers, which employment may require the use of police powers and authorities. Law enforcement officers of the town are expressly authorized to engage in off-duty employment which may require the use of police powers and authorities in the performance of such employment as approved by the chief of police. All persons, firms or organizations utilizing the services shall pay, for each law enforcement officer so employed, an hourly fee equal to the current overtime rate of the police officer's salary or twenty-five dollars per hour, whichever is greater, plus an amount sufficient to cover the cost of FICA and workers compensation insurance. The foregoing fees shall be paid to the treasurer of the Town of Amherst. Officers so assigned shall be monetarily compensated at the current overtime rate of their salary, or at the rate of twenty-five dollars per hour, whichever is greater at the next occurring normal pay disbursement.

The chief of police shall be appointed by the Town Council and the Town Council may place supervision of the chief of police under either and supervised by the Town Manager, Mayor or other person as imposed by the Town Council.

2. That this Ordinance shall be effective on August 9, 2017.

This ordinance was adopted on **August 9, 2017.**

Mayor

ATTEST:

Clerk of the Council