

The regular meeting of the Amherst Town Council was held on October 11, 2006 at 7:00 P.M. in Council Chambers, Mayor Jacob P. Bailey presiding. Council members present were: Bobby J. Bondurant; Jason D. Campbell; Haney Mottley; C. Manly Rucker, III and Harold Swisher.

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

Deacon Chair Lloyd Grow from Amherst Baptist Church gave an invocation.

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

Town Engineer Herb White and Scott Smith from Region 2000 Local Government Council came forward to give a report on the S. Main Street Streetscape Project. Mr. Rucker made a motion that was seconded by Mr. Mottley to authorize amending the project so that the sidewalk is stopped at Waughs Ferry Road due to funding constraints. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Rucker and Swisher voted "Aye".

Mr. Campbell made a motion that was seconded by Mr. Swisher to adopt a resolution on the South Main Street Pedestrian Connector Project which would support an application for additional grant monies so that the sidewalk to Ambriar Shopping Center can be completed. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Rucker and Swisher voted "Aye". The resolution is attached and made a part of these minutes.

The Town Manager gave a report on the Union Hill Water Tank Project. Mr. Campbell made a motion that was seconded by Mr. Mottley to authorize and direct the Town Manager to move forward with the project through the bidding phase. The motion passed 3-2. Messrs. Bondurant, Campbell and Mottley voted "Aye". Messrs. Rucker and Swisher voted "Nay".

The Town Manager gave a report on a request by T-Mobile for wireless communication facilities approval at the Town Shop tower. Mr. Campbell made a motion that was seconded by Mr. Swisher and carried 5-0, as follows: pursuant to §18.1-914 of the Town Code, approve a Special Use Permit for Crown Castle for the proposed co-location of T-Mobile wireless telecommunication equipment at the tower located on the Town Shop property, TM#96A-1-A, conditioned on the contractor obtaining a business license prior to issuance of the zoning permit. Messrs. Bondurant, Campbell, Mottley, Rucker and Swisher voted "Aye".

Mr. Rucker made a motion that was seconded by Mr. Campbell to approve the minutes of the September 13, 2006 meeting as previously submitted. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Rucker and Swisher voted "Aye".

Mr. Campbell made a motion that was seconded by Mr. Bondurant to approve an ordinance to amend the Code of the Town of Amherst by adding a new Section 12-3, the added section referring to employment of off-duty police officers. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Rucker and Swisher voted "Aye". The ordinance is attached and made a part of these minutes.

By consensus, the Town Council authorized the Police Chief to purchase a replacement police vehicle.

The development of the Town's 2007 legislative agenda was referred to Councilors Campbell and Swisher.

By consensus, Town Council authorized the Town Manager to prepare a proposal to update the Town's Comprehensive Plan.

Mr. Campbell made a motion that was seconded by Mr. Bondurant that the Town Council reconvene in a closed session for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to section 2.2-3711 A.3 of the Code of Virginia, (1950), as amended. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Rucker and Swisher voted "Aye".

Mr. Rucker excused himself from the meeting during the closed session.

Mr. Mottley made a motion that was seconded by Mr. Bondurant and carried 4-0 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. Messrs. Bondurant, Campbell, Mottley and Swisher voted "Aye" via the roll call method; Mr. Rucker was absent

There being no further business to discuss, the meeting adjourned at 9:30 P.M.

Jacob P. Bailey, Mayor

Attest:

Jack Hobbs, Clerk of Council

A RESOLUTION OF SUPPORT FOR THE SOUTH MAIN STREET PEDESTRIAN CONNECTOR PROJECT.

Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the Town Council in order that the Virginia Department of Transportation program an enhancement project in the Town of Amherst.

Now, Therefore, Be It Resolved, that the Town Council of the Town of Amherst hereby requests the Commonwealth Transportation Board to fund the South Main Street Pedestrian Connector Project; and

Be It Further Resolved, that the Town Council hereby agrees to pay a minimum 20 (twenty) percent of the total cost for planning and design, right of way, and construction of this project, and that, if the Town of Amherst subsequently elects to cancel this project it hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

This resolution was adopted on October 11, 2006.

Jacob P. Bailey
Mayor

ATTEST:

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY ADDING A NEW SECTION 12-3. THE ADDED SECTION REFERRING TO EMPLOYMENT OF OFF-DUTY OFFICERS

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

1. That Chapter 12, Code of the Town of Amherst is hereby amended by adding a new section to read as follows:

Sec. 12-3. Employment of off duty officers; fees

- (a) 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.
- (b) 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 pursuant to the regulations promulgated by the chief of police.
- (c) 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.
- (d) The foregoing fees shall be paid to the treasurer of the Town of Amherst.
- (e) 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.

(State law reference: Code of Virginia, § 15.2-1712.)

2. That this Ordinance shall be effective on October 11, 2006.

This ordinance was adopted on October 11, 2006.

Mayor

ATTEST:

Clerk of the Council