

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on January 9, 2013 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street. Council members Kenneth Bumgarner; Mike Mozingo; Rachel Thompson Kenneth Watts; and Richard Wydner were present. Town Manager Jack Hobbs, Police Chief Kelvin Brown, Director of Public Utilities Tom Fore, Office Manager Colan Davis, and Town Attorney Tom Berry were present.

The Rev. Lisa Ann Barbery from Emmanuel United Methodist Church gave an invocation.

Mr. Bumgarner made a motion that was seconded by Mr. Wydner and approved 5-0 to approve resolutions honoring former Mayor Jacob P. Bailey and former Councilor Haney Mottley. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". A copy of these resolutions are attached and made a part of these minutes.

After some discussion, Mr. Wydner made a motion that was seconded by Mrs. Thompson to nominate Mr. Watts as Vice Mayor. After the Mayor noted that there appeared to be no other nominations, Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 5-0 to close the nomination process and elect Mr. Watts Vice Mayor for the January 1, 2013-December 31, 2014 Council term. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". The nomination of Mr. Watts for Vice Mayor was approved 4-0-1. Messrs. Bumgarner, Mozingo, Thompson and Wydner voted "Aye"; Mr. Watts abstained.

After some discussion, Mr. Watts made a motion that was seconded by Mr. Mozingo and approved 5-0 to approve a resolution having the effect of appointing a variety of other positions and covering a series of items required by the Town Code and Town Charter. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". A copy of the resolution is attached and made a part of these minutes.

A request for an out of town water connection for her dwelling at 1115 Union Hill Road along with a petition for inclusion within the Town was received from Kondo Jenkins. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to authorize the connection upon receipt of the appropriate fees. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Gary Roakes from the Amherst County Public Safety Department and Chief Tom Shrader from the Amherst Fire Department gave a report on the December 17 propane explosion at Ambriar Shopping Center.

Mr. Wydner made a motion that was seconded by Mr. Bumgarner and approved 5-0 to approve the minutes from the December 12, 2012 meeting. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mr. Watts made everyone aware that he could have a potential conflict of interest on some Town Council matters and the Town Attorney was asked to advise the Council if a conflict arises.

Chief Brown gave a report on his department's accrued annual leave and compensatory time.

Director of Public Utilities Tom Fore gave a report on the replacement of a utilities department pickup truck. It was understood that bids would be obtained and reviewed by the Town Council at a later date.

By consensus, Town Council asked the Town Manager to solicit a proposal from Davidson, Doyle & Hilton for the FY13 audit work.

The Council discussed the following items:

- 2013 Landscape Maintenance contract
- Planning Commission vacancies
- FY14 budget calendar
- Demolition of the Beverly house on Washington Street
- Brockman Park title clearing project

There being no further business, Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 5-0 to adjourn the meeting at 9:05 P.M. until January 19, 2013 at 8:00 AM at CVCC-Amherst on Mountain View Drive. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Jacob Parker Bailey is a highly respected citizen of the Town of Amherst and a long-time resident of our community; and

WHEREAS, Jacob Parker Bailey has served from July 1, 1994 to June 30, 1998 and from July 12, 2002 through October 8, 2003 on the Town Council of the Town of Amherst, from July 1, 1994 to June 30, 1996 and from August 4, 2002 to October 8, 2003 as Vice Mayor, and from October 8, 2003 to December 31, 2012 as the Mayor of the Town of Amherst; and

WHEREAS, Jacob Parker Bailey has served on the Town of Amherst Industrial Development Authority since July 8, 1998 and has served as that body's Chairman since April 3, 2000; and

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

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Jacob Parker Bailey has given to his community and also to express its appreciation for all that Jacob Parker Bailey 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 Jacob Parker Bailey 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 greatly improved as a result of Jacob Parker Bailey's tenure on the Town Council and as the Mayor of the Town of Amherst; and

FINALLY, BE IT RESOLVED the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Jacob Parker Bailey as a token of the Council's deep appreciation for 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.

Adopted January 9, 2013.

Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Haney Mottley is a highly respected citizen of the Town of Amherst and a long-time resident of our community; and

WHEREAS, the citizens of the greater Amherst area enjoy a safe and peaceful environment due in part to Haney Mottley's service as the Police Chief for the Town of Amherst from 1951 to 1992; and

WHEREAS, Haney Mottley was a member of the Town Council of the Town of Amherst from July 1, 1994 through June 30, 2004 and July 1, 2006 through December 31, 2012 and

WHEREAS, the residents of Amherst surrounding area have benefited from Haney Mottley's civic efforts including various positions of leadership and authority at Emmanuel United Methodist Church and from the creation of the Amherst Life Saving Crew; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Haney Mottley 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 greatly improved as a result of Haney Mottley's tenure on the Town Council of the Town of Amherst; and

FINALLY, BE IT RESOLVED the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Haney Mottley as a token of the Council's deep appreciation for 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.

Adopted January 9, 2013.

Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council

A RESOLUTION TO ADOPT AND EFFECT AN ORGANIZATIONAL PLAN FOR THE TOWN OF AMHERST FOR THE JANUARY 1, 2013 – DECEMBER 31, 2014 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, 2013 – December 31, 2014 Council term:

1. 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 and December 12, 2012 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.

2. **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 (Wells Fargo, 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.
3. **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 and IT Committee** – Rachel Thompson (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 Michael Mozingo
 - 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 (Chairman) and Kenneth Watts
 - 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** – Kenneth Watts (Chairman) and Richard Wydner
 - 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** – Michael Mazingo (Chairman) and Rachel Thompson

- 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.

4. **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, Kelvin Brown 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 from time to time.

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.

5. **Board Appointments:**

6.1 Pursuant to Article II, Section 2 of the July, 2005 **Virginia's Region 2000 Local Government Council** charter, Kenneth Bumgarner and Jack Hobbs are hereby appointed to that board for the January 1, 2013 – December 31, 2014 term.

6.2 Pursuant to Article III, Section 1 of the November 1999 **Central Virginia Transportation Planning Council** (MPO) bylaws, Kenneth Bumgarner and Jack Hobbs are hereby appointed to that board for the January 1, 2013 – December 31, 2014 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, 2013 – December31, 2014 term.

- 6.4 Pursuant to Article V of the April 17, 1972 Town-Sweet Briar sewer usage contract, Paul Kilgore and Kenneth Watts are appointed to the **Town/Sweet Briar Sewer Advisory Commission** for the January 1, 2013 – December31, 2014 term.
- 6.5 Pursuant to Section 3.00 of the October 6, 1993 Town of Amherst/Amherst County annexation agreement, Rachel Thompson is appointed to the **Joint Committee on Cooperation** for a term to expire on December 31, 2015.
- 6.6 Pursuant to Section 18.1-1403 of the Town Code, Rachel Thompson is appointed as the Town Council's representative on the **Town of Amherst Planning Commission** for a term to expire on December 31, 2014.

It is the intent of the Town Council that the terms for all appointments made by this resolution shall continue beyond the January 1, 2013 – December 31, 2014 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 9, 2013.

Mayor J. Paul Kilgore, Jr.

Attest:
