

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on January 14, 2015 at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. Council members Kenneth Bumgarner, Andr Higginbotham, Michael Mozingo, Rachel Thompson, and Kenneth Watts were present. Town Manager Jack Hobbs, Town Attorney Tom Berry, Police Chief Robert Kimbrel, Director of Public Utilities Tom Fore and Office Manager Colan Davis were present.

After thanking everyone for participating in an earlier reception for former Town Councilor Richard Wydner, Mayor Kilgore asked for a moment of silence.

Mrs. Rachel Carton came forward to offer a prayer as a citizen comment.

The Rev. Dr. David Clay came forward to discuss the Amherst Baptist Church utility bill. Mrs. Thompson made a motion that was seconded by Mr. Bumgarner and approved 4-1 to apply a 50% leak credit to the church's October 31, 2014 bill. Messrs. Bumgarner, Higginbotham, Mozingo and Thompson voted "Aye" and Mr. Watts voted "Nay".

A request from Bill Masencup asking for a waiver of the dormant account fee associated with an installed but unused meter box on Huff Creek Trail was received. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to waive the dormant account fees for this meter box. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye".

The Town Manager gave a report on potential water and sewer pipe adjustments for the Centra/Amherst Clinic Project.

After some discussion, Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to adopt a resolution that would effect an organizational plan for the 2015-2016 Council term. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye". A copy of the resolution is attached and made a part of these minutes.

Mr. Watts made a motion that was seconded by Mrs. Thompson and approved 5-0 to adopt a resolution recognizing Dick Wydner's service to the community. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye". A copy of the resolution is attached and made a part of these minutes.

Mr. Watts made a motion that was seconded by Mr. Bumgarner and approved 5-0 to approve the minutes from the December 10, 2014 meeting. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

After some discussion, Mr. Watts made a motion that was seconded by Mrs. Thompson and approved 5-0 to authorize the Town Manager to sign a letter to Cynthia Foulke (370 Christian Springs Road) that would deny her request to "opt out" of the refuse collection portion of the Town's traditional water/refuse collection service package. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

The Director of Public Utilities came forward to give a report on the Virginia Water and Wastewater Agency Response Network which would formalize and introduce structure into the Town's water and sewer utility mutual aid efforts. Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 5-0 to approve the Town's participation in the program. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

The Director of Public Utilities gave a report on the need for a sewer jet and the recent procurement process. Mrs. Thompson made a motion that was seconded by Mr. Bumgarner and approved 5-0 to purchase the machine from the low bidder as recommended. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

The Director of Public Utilities gave a report on a study to refine the Town's water treatment process to efficiently meet more stringent water purity regulations.

The Police Chief gave a report on the need to replace a police vehicle and the recent procurement process. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to purchase a new police car as recommended and not to exceed \$37,000. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

The Town Manager gave a report on a planning grant that will fund \$50,000 of the engineering work associated with the Main Street water line project. Mrs. Thompson made a motion that was seconded by Mr. Watts and approved 5-0 to authorize the Town Manager to execute the required grant contract and proceed with the procurement of needed engineering services with the assistance of the Utilities Committee. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

The Town Manager presented a report on the CVCC-Amherst situation.

After some discussion, the Town Manager was asked to solicit bids for the Town's the landscape maintenance contract.

There was a discussion on the timetable for the development of the FY15-16 budget and the February 5 Town Council worksession.

Mrs. Thompson led a discussion on the Town's snow plan.

Mrs. Thompson led a discussion on having a ceremony where Councilors could take their oaths of office at one time. It was agreed that a ceremony will be held at the Council meeting in December prior to taking office.

Mr. Bumgarner led a discussion on replacing the municipal refuse containers along Main Street.

The Town Manager reported that the USDA sewer line project is being reorganized and repackaged and that actionable items will be presented to the Council at a later date.

The Mayor and Councilors welcomed Councilor André Higginbotham to his first meeting.

There being no further business, at 8:33 P.M., Mr. Mozingo made a motion that was seconded by Bumgarner and approved 5-0 to adjourn the meeting until February 5 at 9:00 A.M. in the Town Hall. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

A RESOLUTION TO ADOPT AND EFFECT AN ORGANIZATIONAL PLAN FOR THE TOWN OF AMHERST FOR THE JANUARY 1, 2015 – DECEMBER 31, 2016 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, 2015 – December 31, 2016 Council term:

1. **Election of Vice Mayor:** Pursuant to Article III, Section 3.01(9) of the Town Charter, Kenneth Watts 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 last amended on October 8, 2014 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. 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 call to order, 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 (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.
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 the Town Manager and department heads 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 André Higginbotham
 - 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** – Kenneth Watts (Chairman) and Michael Mazingo
 - 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** – André Higginbotham (Chairman) and Kenneth Watts
 - 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.
- 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, 2015 – December 31, 2016 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. It is understood that the effect of these appointments will survive the proposed amendments to the Town Charter but will be subject to the provisions the amended charter.

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, Robert Kimbrel is hereby appointed Chief of Police with all duties and authorities as described in the Town Code.

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, Kenneth Bumgarner and Jack Hobbs are hereby

appointed to that board for the January 1, 2015 – December 31, 2016 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, 2015 – December 31, 2016 term.
- 6.3 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, 2015 – December 31, 2016 term.
- 6.4 Pursuant to Section 3.00 of the October 6, 1993 Town of Amherst/Amherst County annexation agreement, Paul Kilgore is appointed to the **Joint Committee on Cooperation** for a term to expire on December 31, 2016 and Kenneth Watts is appointed to the **Joint Committee on Cooperation** for a term to expire on December 31, 2017.
- 6.5 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, 2016.

It is the intent of the Town Council that the terms for all appointments made by this resolution shall continue beyond the January 1, 2015 – December 31, 2016 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 14, 2015.

Mayor J. Paul Kilgore, Jr.

Attest:

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Richard M. Wydner, Jr. is a native of the Town of Amherst, a highly respected citizen and a long-time resident of our community; and

WHEREAS, Richard M. Wydner, Jr. was a member of the Town Council of the Town of Amherst from February 20, 2003 through June 30, 2006 and July 1, 2008 through December 31, 2014; was a member of the Town of Amherst Planning Commission from June 14, 2006 until December 31, 2012; the Amherst Centennial Program Committee; and has been a member of the Town of Amherst Industrial Development Authority since June 14, 2000; and

WHEREAS, Richard M. Wydner, Jr. has rendered loyal and dedicated service to the residents of Amherst surrounding area through his civic efforts including his various positions of leadership and authority at Amherst Baptist Church, the Amherst Cemetery Association and the Amherst Volunteer Fire Department; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Richard M. Wydner, Jr. has given to his community and also to express its appreciation for all that Richard M. Wydner, Jr. has done, is doing, and will probably do for years to come 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 Richard M. Wydner, Jr. 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 Richard M. Wydner, Jr.'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 Richard M. Wydner, Jr. 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 14, 2015.

Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council