

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on March 11, 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.

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

Octavia Starbuck from the Amherst County Museum and Historical Society came forward to discuss a proposed Civil War event that would be held on the museum grounds on April 18-19, 2015. Mr. Watts made a motion that was seconded by Mr. Mozingo and approved 5-0 that the Town Council find that the event described is not regulated by the Town's Outdoor Event Ordinance at Chapter 10.1 of the Town Code so no permit for it will be required from the Town. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye".

Patrick Dreher from the Amherst County Chamber of Commerce, came forward to request approval of a May 2 rain date for the planned April 25 car show event, approval of a similar event on September 26 (with an October 3 rain date) and funding for the bands for both of those events. Mrs. Thompson made a motion that was seconded by Mr. Higginbotham and approved 5-0 to approve the dates for the events and to provide \$1,000 to the Chamber of Commerce to defray the cost of the bands for both events. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye".

Mrs. Thompson made a motion that was seconded by Mr. Watts and passed 5-0 to approve the minutes from the February 11, 2015 meeting. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

Mr. Watts made a motion that was seconded by Mr. Mozingo and approved 5-0 to award an engineering contract for the Main Street water line project to Mattern & Craig, Inc. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye".

Mr. Higginbotham made a motion that was seconded by Mrs. Thompson and approved 5-0 to authorize the Town Manager to contract with I.H. McBride Sign Co. for the fabrication and installation of a sign face on the billboard on southbound U.S. 29 just south of the Buffalo River for 3 consecutive months. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye".

Mr. Watts made a motion that was seconded by Mr. Higginbotham and approved 5-0 to authorize the Town Manager to contract with I.H. McBride Sign Co. for the fabrication and installation of signage for the Town Hall and to have the bracket removed from the Town Hall roof. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye".

The Town Manager was asked to work on completing the items remaining to be done at the Town Hall.

By consensus, discussion on the truck parking ordinance was tabled.

A Town Council priorities list was agreed to by consensus.

The Community Relations Committee was asked to take the lead on reviewing the snow policy.

A proposed VDOT surety resolution that would supplant the resolution passed in 1989 the Town staff has been using to support VDOT permit applications for construction, road closure and banner permits was discussed. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson

and approved 5-0 to authorize the Mayor to sign the resolution. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye". A copy of this resolution is attached and made a part of these minutes.

After some discussion, Mr. Bumgarner made a motion that was seconded by Mr. Watts and approved 5-0 to authorize Mayor Kilgore to work with IDA Chairman Jim Mead to negotiate and execute the renewal of the March 26, 2012 option contract for property at Brockman Park as recommended by the IDA. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

Mr. Bumgarner gave a report on the trash can project.

Mr. Watts made a motion that was seconded by Mrs. Thompson and approved 5-0 to contract with Davidson, Doyle and Hilton for the FY15/16 Financial Audit. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye".

Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 5-0 to award Landscape Maintenance Contract to Anthony Tyree Lawn Care & Landscaping. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye".

Mr. Higginbotham stepped out of the meeting.

Mr. Bumgarner made a motion that was seconded by Mr. Watts and approved 4-0-1 to approve a contract with Virginia's Region 2000 Partnership for the Main Street Water Line Administrative Services. Messrs. Bumgarner, Mozingo, Thompson and Watts voted "Aye"; Mr. Higginbotham was absent.

Mr. Higginbotham reentered the meeting.

Mr. Mozingo announced he will be absent from the May Council meeting.

Mayor Kilgore led a discussion on the impact on the community due to the recently announced Sweet Briar College closure.

Mr. Bumgarner made a motion that was seconded by Mr. Watts and passed 5-0 that the Town Council convene in closed session for 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. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

Mr. Bumgarner made a motion that was seconded by Mr. Watts and approved 5-0 by a roll call vote that the Councilors 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. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

Mrs. Thompson made a motion that was seconded by Mr. Watts and approved 5-0 to adopt an ordinance to amend Section 7-6 of the Town Code. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson and Watts voted "Aye". A copy of the ordinance is attached and made a part of these minutes.

There being no further business, at 9:54 P.M., Mr. Watts made a motion that was seconded by Mrs. Thompson and approved 5-0 to adjourn the meeting. Messrs. Bumgarner, Higginbotham, Mozingo, Thompson, and Watts voted "Aye".

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J. Paul Kilgore, Jr.  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

**A RESOLUTION TO PROVIDE AN ALLOWED SUBSTITUTE FOR A SURETY BOND TO VDOT TO SUPPORT TOWN-SPONSORED ACTIVITIES IN VDOT RIGHTS OF WAY.**

**WHEREAS**, it becomes necessary from time to time for the Town of Amherst to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

**WHEREAS**, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the Town of Amherst by the Virginia Department of Transportation of said permits for the work aforesaid;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Amherst this 11<sup>th</sup> day of March, 2015:

**Section 1:** That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of Amherst does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Amherst and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

**Section 2:** That the Mayor of the Town of Amherst, or the Town Manager of the Town of Amherst or their designee, be, and hereby is authorized to execute on behalf of the Town of Amherst all land use permits and related documents of the Virginia Department of Transportation.

**Section 3:** That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

**Section 4:** That the Town of Amherst shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

**BE IT STILL FURTHER RESOLVED** that the Mayor of the Town of Amherst, or the Town Manager of the Town of Amherst or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

*The foregoing Resolution was adopted by the Town Council of the Town of Amherst at its regular meeting held on March 11, 2015 in the Town of Amherst, Virginia.*

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Clerk of Council

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING SECTION 7-6 OF THE TOWN CODE, USE OF TRASH CONTAINERS.**

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

*1. That Sec. 7-6 of the Code of the Town of Amherst is hereby amended to read as follows:*

**Sec. 7-6. Use of Trash Containers.**

Except as provided for in this section, all owners of property or residents located in the Town who are connected to the Town of Amherst water utility system shall participate in the refuse collection service provided by the Town of Amherst.

Any person who contracts with a commercial waste hauler, whose bona fides shall be evidenced by the possession of a current business license issued by the Town of Amherst or the County of Amherst, shall not be charged for Town refuse collection service provided that he provides proof of such a contract to the Town Manager. The burden of such proof shall be on the person requesting the waiver of fees, and no adjustment to bills issued or rebates to bills paid shall be made for more than two prior billing cycles. The existence of a then-current contract shall be subject to periodic verification by the Town Manager. Any person benefitting from such a waiver of fees shall not receive refuse collection service from the Town of Amherst.

Utility customers with water service involving only a fire sprinkler or irrigation water meter shall not be charged for Town refuse collection service.

Wholesale and contract water customers shall not be charged for Town refuse collection service.

Except for unusual cases approved on a case-by-case basis by the Town Council, it shall be unlawful for any owners of property or residents located in the Town who are not on the Town of Amherst utility system to place garbage and refuse at curbside for collection by the town.

It shall be unlawful for any person, other than the owner, to dispose of garbage, trash, or other refuse in a dumpster or trash container which is labeled "Private Owned-Not for Public Use". Any person who violates the provisions of this ordinance shall be subject to a Class 4 misdemeanor.

*2. That this Ordinance shall be effective on March 11, 2015.*

*This ordinance was adopted on March 11, 2015.*

ATTEST:

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Mayor

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Clerk of Council