

Mayor D. Dwayne Tuggle called a Special Joint Meeting of the Amherst Town Council and the Amherst County Board of Supervisors to order on March 13, 2019, at 7:00 P.M., held in the Council Chambers of the Town Hall at 174 S. Main Street, Amherst, VA. It was noted that a quorum was present as follows:

P	D. Dwayne Tuggle	P	Kenneth G. Bunch
P	Rachel A. Carton	P	Sarah G. Ogden
P	Kenneth S. Watts	P	Janice N. Wheaton

Town staff members present:

Sara E. Carter	Town Manager	Gary Williams	Director of Plants
W. Thomas Berry	Town Attorney	Becky L. Cash	Lead Water Operator
Vicki K. Hunt	Clerk of Council		
Tracie L. Wright	Office Manager		
Robert A. Shiflett, II	Chief of Police		

BOARD OF SUPERVISORS:

P	L. J. Ayers, III, Chair	P	David W. Pugh
P	Kenneth M. Campbell, VC	P	Claudia D. Tucker
P	Jennifer R. Moore		

Amherst County staff present: County Administrator Dean C. Rodgers and Deputy County Administrator David R. Proffitt.

Chair Ayers called the Board of Supervisors meeting to order at 7:00 p.m.

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Steve Martin, Amherst, Virginia.

Mayor D. Dwayne Tuggle opened the floor for citizen comment. No comments were made.

Town Manager Carter gave an oral presentation on the Town Square Project for a streetscape from a 2008 study, engineering design, and bid that would enhance the court street area for a gathering space with seating and a fountain, and how the town and county entered into a now expired MOU to reconfigure parking spaces in the county lot. The 2008 project was put on hold due to the recession.

By consensus, Town Council and the Board of Supervisors are interested in revisiting the Town Square project as a public/private partnership, in that the county and the town would both be willing investors and private investment would be sought as well from community organizations and individuals. Next steps would be to work towards finding the best individuals with time to invest to form foundations; provide opportunities for giving to memorialize loved ones through purchase of brick pavers or portions of the fountain; pursue grants; and discuss the plan with affected property owners. Town Manager Carter and County Administrator Rodgers were directed to draft a proposal to be presented to Council Members and the Board of Supervisors for their consideration. Further discussion on the matter was deferred.

Town Manager Carter gave an update on the potential lease to Amherst Mountain Biking Club of approximately 50 acres of land in and adjacent to the L. Barnes Brockman, Sr. Business and Industrial Park for future biking trails stating that the town sees a strong future for biking trails and opportunities for connecting more trails with a hope that it will bring more community involvement and community development for both the Town and County.

Mayor Tuggle thanked the Board of Supervisors for coming.

The Board of Supervisors adjourned their meeting.

The Town Council meeting recessed at 7:40 P.M.

Mayor D. Dwayne Tuggle reconvened the regular monthly meeting of the Amherst Town Council at 7:48 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. It was noted that a quorum was present as follows:

P	D. Dwayne Tuggle	P	Kenneth G. Bunch
P	Rachel A. Carton	P	Sarah G. Ogden
P	Kenneth S. Watts	P	Janice N. Wheaton

After noting that §15.2-2232 of the Code of Virginia indicates that no public utility facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof, and in connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing after notice, and that the Town has entered into a contract to lease a 6.6 acre parcel of land in Brockman Industrial Park and a 40+/- acre parcel of land adjacent to Brockman Industrial Park (TM#s96.58, #96.A13, and #96.A36) that would be suitable for biking trails, the Town Manager reported that the Planning Commission made a determination on March 6, 2019, that the use of a 6.6 acre parcel of land in and a 40+/- acre parcel of land adjacent to Brockman Industrial Park (TM#s 96.58, 96.A13, and 96.A36) for biking trails is found to be substantially in accord with the adopted Town of Amherst Comprehensive Plan and voted 4-0-2 to recommend that the Town Council lease said property as recommended by staff.

Alex Motley, President of Amherst Mountain Biking Club was present to answer questions.

Mayor Tuggle opened a duly advertised public hearing at 7:56 PM on the lease of a 6.6-acre parcel of land in and a 40+/- acre parcel of land adjacent to Brockman Industrial Park (TM#s 96.58, 96.A13, and 96.A36), in the Town of Amherst, Virginia, for the purpose of proposed biking trails.

Dean Rodgers, Amherst, VA, came forward in favor of leasing the property for the purpose of biking trails, but stated that he had concerns over terms of the lease pertaining to exclusive rights of the lessee. Town Attorney Berry pointed to the right to terminate clause by the Town that reserves the right at any time during the lease to cancel or terminate the lease upon thirty (30) days written notice to the lessee.

There being no one else present who wished to speak on the matter, the public hearing was closed at 7:59 PM.

After discussion, Mrs. Ogden made a motion that was seconded by Mrs. Carton to confirm the Planning Commission's determination that the use of a 6.6-acre parcel of land in and a 40+/- acre parcel of land adjacent to Brockman Industrial Park (TM#s 96.58, 96.A13, and 96.A36), in the Town of Amherst, Virginia, for the purpose of proposed biking trails is found to be substantially in accord with the adopted Town of Amherst Comprehensive Plan and to authorize Town Manager Carter to proceed with the execution of a lease agreement to said property as recommended by staff. The motion carried 5-0 with Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voting "Aye."

After discussion, Mr. Watts made a motion that was seconded by Mrs. Wheaton to appoint Anne Webster Day to fill the vacant position on the Planning Commission for the term listed below. The motion carried 5-0 with Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voting "Aye."

Board	Appointed	Term of Office
Planning Commission	Anne Webster Day	3/13/19 – 6/30/2022

Town Manager Carter reported that the Planning Commission held a duly advertised public hearing on the proposed special use permit at its meeting on March 6, 2019, voting 4-0-2 to recommend that Town Council approve a Special Use Permit for Front Street Garage, LLC, through its representatives Jay and Crystal Harris for an auto and tire center at 488 S. Main Street (TM#95A56) zoned B-2, with conditions as recommended by staff. Town Manager Carter reported on additional recommended conditions to the special use permit.

Copies of the special use permit application, advertising notice and sign affidavit, and Table of Zoning Use were provided to Council.

Jay and Crystal Harris were present to answer questions.

Mayor Tuggle opened a duly advertised public hearing at 8:06 PM on a special use permit requested by Jay and Crystal Harris, representatives of Front Street Garage, LLC, that would, if approved, allow Front Street Garage, LLC, to have an auto and tire center located in the old Brockman building at 488 S. Main Street (TM#95A56) zoned B-2.

Steve Martin, Amherst, VA, came forward in support of Jay and Crystal Harris stating that they would be good people to have.

There being no one else present who wished to speak on the matter, the public hearing was closed at 8:07 PM.

After discussion, Mr. Bunch made a motion that was seconded by Mrs. Ogden to approve a Special Use Permit for Front Street Garage, LLC, through its representatives Jay and Crystal Harris for an auto and tire center at 488 S. Main Street (TM#95A56) zoned B-2, with added conditions as recommended by staff. The motion carried 5-0 with Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voting “Aye.”

Town Manager Carter presented an overview on the process to sell and grant a franchise for an electric power transmission and distribution system in the Town of Amherst which would, if approved, provide Appalachian Power Company actual legal standing to operate within rights of way issues.

Mayor Tuggle opened a duly advertised public hearing at 8:09 PM on an ordinance proposing that a franchise granting permission for the construction, maintenance, and operation of an electric power transmission and distribution system with all rights incident thereto, on, along, over, upon, and under the streets and other public places of the Town of Amherst, Virginia, subject to the conditions of said franchise, be sold.

There being no one present who wished to speak on the matter, the public hearing was closed at 8:09 PM.

Mrs. Carton made a motion that was seconded by Mr. Watts to approve an Ordinance Proposing to Sell and Grant a Franchise for an Electric Power Transmission and Distribution System in the Town of Amherst, Virginia, and Inviting Bids Therefore, as recommended by staff. The motion carried 5-0 with Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voting “Aye.” A copy of the Ordinance is attached and made a part of these minutes.

Mrs. Carton made a motion that was seconded by Mrs. Wheaton and carried 5-0 to approve the minutes from the February 13, 2019, meeting. Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voted “Aye.”

After a report by Town Manager Carter and discussion, Mrs. Carton made a motion that was seconded by Mr. Watts and carried 5-0 to approve allocation of \$12,362 in spending from the contingency reserve fund

for costs associated with the purchase of eight (8) tasers from Axon Enterprise, Inc., for the Amherst Police Department. Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voted “Aye.”

After discussion and a report from Town Manager Carter, Mr. Watts made a motion which was seconded by Mr. Bunch and carried 5-0 to approve procurement of WW Associates, Inc. engineering fee for design phase services for both Priority One and Two Water Treatment Plant Improvement in the total amount of \$347,850 as recommended by staff. Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voted “Aye.”

After discussion, Mr. Watts made a motion that was seconded by Mrs. Wheaton to approve A Resolution Authorizing Participation in the VACO/VML Virginia Investment Pool for the Purpose of Investing Funds Belonging to the Town of Amherst in Certain Authorized Investments in Accordance with Sections 2.2-4501 et seq. and 15.2-1300 of the Virginia Code, as recommended by staff. The motion carried 5-0 with Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voting “Aye.” A copy of the Resolution is attached and made a part of these minutes.

After discussion, a motion was made by Mrs. Carton that was seconded by Mrs. Ogden to hold public hearings at its next meeting on April 10, 2019, on the proposed FY19/20 Town budget, and to receive comments on the Town’s 2019–2020 Capital Improvement Program that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment. The motion carried 5-0 with Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voting “Aye.”

Mayor D. Dwayne Tuggle opened the floor for citizen comments.

Tim Ware, Amherst, VA, came forward to thank council members for support on bike trails.

Sandra Rodgers, Amherst, VA, came forward in support of the bike trails and the Town Square project but stated that she would like to see a 20-year Town beautification plan.

Alex Motley, Amherst, VA, came forward to thank the council members, town staff and citizens for their support on the bike trails.

Cliff Hart, Amherst, VA, came forward to thank the council members for their support on the bike trails and in support of the Town Square project.

Mayor Tuggle recognized Steve Martin and his efforts to honor Trooper Lucas Dowell by starting a petition to name a bridge over US 29 in Amherst on South Main Street after Trooper Dowell.

There being no further business, the meeting adjourned on motion by Mrs. Ogden seconded by Mrs. Carton at 8:33 PM. The motion carried 5-0 with Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voting “Aye.”

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

AN ORDINANCE PROPOSING TO SELL AND GRANT A FRANCHISE FOR AN ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM IN THE TOWN OF AMHERST, VIRGINIA, AND INVITING BIDS THEREFORE.

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

That a franchise granting permission for the construction, maintenance and operation of an electric power transmission and distribution system, with all rights incident thereto, on, along, over, upon and under the streets and other public places of the said Town, subject to the conditions as hereinafter more specifically set forth, be and the same is hereby proposed to be sold and that written bids addressed and delivered to the Mayor of said Town, and as such, are hereby invited and will be received for such franchise, on the _____ th day of _____, at _____ A.M./P.M., and upon the passage of this ordinance the Clerk of Council thereof is hereby directed to cause a descriptive notice of the ordinance proposing to make the grant, be published once a week for two consecutive weeks in the Amherst New Era-Progress, a newspaper published of general circulation in Amherst County, Virginia, prior to the said _____ th day of _____, the cost of said advertisement to be paid by the Town of Amherst, Virginia, which shall be reimbursed by the person or corporation to whom the grant of such franchise is finally made, if made, but the right to reject any and all bids is hereby reserved to said Town.

The said franchise proposed to be sold and for which bids will be received on the day and hour aforesaid, and if sold, proposed to be granted, shall be substantially as follows:

BE IT ORDAINED by the Town Council of the Town of Amherst, Amherst County, Commonwealth of Virginia, and it is hereby ordained by authority of the same that

SECTION I

_____, its successors and assigns, (hereinafter called "Grantee"), is hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the street, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out), of the Town of Amherst, Amherst County, Commonwealth of Virginia, lines for the distribution of electric energy either by means of overhead or underground conductors, with all necessary or desirable appurtenances for the purpose of supplying electric energy to said Town and the inhabitants thereof and persons or corporations beyond the limits thereof, for light, heat, power or any other purpose or purposes for which electric energy is now or may hereafter be used, and for the transmission of the same through or across said Town.

SECTION II

Said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places. The location of all poles and conduits shall be made under the supervision of the Town.

SECTION III

The right, authority, privilege and franchise to construct, maintain, replace, repair and operate an electric power transmission and distribution system and all other necessary and appropriate equipment and facilities for its transmission and distribution is hereby granted and shall be in force and effect for a period of thirty, (30) years from the date of the passage of this ordinance.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Council of said Town hereby reserves the right to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION IV

The granting of this franchise is made upon the express condition that the exercise of the same shall be subject to such regulations as may be adopted by the State Corporation Commission of Virginia or such other body upon which said State may hereafter confer regulatory powers over like corporations for the purpose of securing efficiency of public service from said Grantee, its successors and assigns, in said Town of Amherst, and the maintenance of the property and works of said Grantee in good order throughout the term of this franchise.

SECTION V

Said Grantee shall save the Town harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance or operation of said lines for the distribution of electric energy.

SECTION VI

Whenever said Grantee shall begin the erection of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges and public places where such work is done in as good condition or repair as before such work was commenced.

SECTION VII

Whenever, in this Ordinance, either the Town or the Grantee is referred to, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges and obligations herein contained by or on behalf of said Town or by or on behalf of said Grantee, shall bind and inure to the benefit of the respective successors or assigns of said Town or of said Grantee, whether so expressed or not.

SECTION VIII

In consideration of the benefits which in the judgment of said Town will accrue to it by reason of the construction and operation of said electric light, heat and power system and as an inducement to said Grantee proposing to construct, maintain and operate said system, the said Town of Amherst hereby agrees with the said Grantee that no franchise or specific pole or wire tax shall be imposed or charged against said Grantee, its successors or assigns by said Town during the life of this franchise, but said Town of Amherst hereby expressly reserves the right of assessing or charging any other valid tax of any other nature whether ad valorem or otherwise which is now authorized or which may be hereafter authorized by the general laws of the Commonwealth of Virginia.

SECTION IX

This franchise shall be accepted by the Grantee within sixty (60) days from the date of the passage of the same.

Passed in Council this ___th day of _____.

Council Vote:

Roll call:

Rachel A. Carton	_____
Sarah B. Ogden	_____
Janice N. Wheaton	_____
Kenneth S. Watts	_____
Kenneth G. Bunch	_____
Mayor D. Dwayne Tuggle	_____

Attest:

Clerk of Council

FOR APPROVAL

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE VACO/VML VIRGINIA
INVESTMENT POOL FOR THE PURPOSE OF INVESTING FUNDS BELONGING TO
THE TOWN OF AMHERST IN CERTAIN AUTHORIZED INVESTMENTS IN
ACCORDANCE WITH SECTIONS
2.2-4501 *et seq.* AND 15.2-1300 OF THE VIRGINIA CODE.**

WHEREAS, Section 15.2-1500 of the Virginia Code provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of government; and

WHEREAS, the Investment of Public Funds Act (Va. Code §§ 2.2-4500 through 2.2-4519) lists the eligible categories of securities and investments in which municipal corporations, other political subdivisions and other public bodies are authorized to invest funds belonging to them or within their control; and

WHEREAS, Section 15.2-1300 of the Virginia Code provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision having a similar power, privilege or authority pursuant to agreements with one another for joint action in accordance with the provisions of that Code section; and

WHEREAS, the City of Chesapeake, Virginia and the City of Roanoke, Virginia have jointly established and are participating in the Virginia Investment Pool Trust Fund (the "Trust Fund"), also known as the "VACo/VML Virginia Investment Pool," and have provided in their trust agreement for participation by other eligible governmental entities that execute a trust joinder agreement; and

WHEREAS, it appearing to the governing body of the TOWN OF AMHERST that it is in the best interests of the TOWN OF AMHERST to become a Participating Political Subdivision in the Trust Fund; and

WHEREAS, the individual holding the title of _____ Treasurer _____, is chief investment officer of the TOWN OF AMHERST, and has the authority and responsibility under Virginia law to determine the manner in which funds under his (her) control will be invested;

NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF AMHERST HEREBY RESOLVES:

§ 1 That, pursuant to Sections 2.2-4501 *et seq.* and 15.2-1300 of the Virginia Code, the [Name of Entity] hereby establishes a trust for the purpose of investing funds, other than sinking funds, determined to derive the most benefit from this investment strategy, in investments authorized under the Investment of Public Funds Act, jointly with other participating political subdivisions and public bodies in the Trust Fund.

§ 2 That the TOWN OF AMHERST hereby agrees to become a "Participating Political Subdivision" in the Trust Fund as further defined in the Agreement.

§ 3 That the TOWN OF AMHERST hereby designates the TREASURER to serve as its trustee with respect to the Trust Fund and determine what funds shall be invested in the Trust Fund.

§ 4 That the TOWN OF AMHERST hereby authorizes its above-designated trustee to execute and deliver the Trust Joinder Agreement for Participating Political Subdivisions under the Virginia Investment Pool Trust Fund ("Trust Joinder Agreement"), a copy of which is attached.

§ 5 This resolution shall be in force and effect upon its adoption.

Adopted March 13, 2019.

Mayor D. Dwayne Tuggle

Attested: _____

FOR APPROVAL