

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order October 9, 2019, at 7:00 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	Sharon W. Turner

Also present were the following staff members:

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	Charles Thompson	Utilities Maintenance Foreman
Tracie L. Wright	Office Manager	Gary P. Smith, Jr.	WWTP Operator
Robert A. Shiflett, II	Chief of Police	Fred W. Adams	WWTP Operator Apprentice

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Charles Thompson.

Town Manager Carter gave a brief report on the required bond for the sewer sliplining project being funded through the USDA Rural Development program and resolution authorizing the issuance and sale by the Town of Amherst of its \$3,017,000 General Obligation Sewer Revenue Bond, Series 2019.

Mayor Tuggle opened a duly advertised public hearing at 7:03 PM on the adoption a resolution authorizing the issuance and sale by the Town of Amherst of its \$3,017,000 General Obligation Sewer Revenue Bond, Series 2019.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:04 PM. Mrs. Carton made a motion that was seconded by Mrs. Turner to adopt the resolution authorizing the issuance and sale by the Town of Amherst of its \$3,017,000 General Obligation Sewer Revenue Bond, Series 2019, as recommended by staff. There being no discussion, the motion carried 5-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Sharon W. Turner	Aye

A copy of the Resolution is attached to and made a part of these minutes.

Alex Motley, President of Amherst Mountain Biking Club, came forward on behalf of the group to give a progress report on their success in building about three miles of trails at L. Barnes Brockman, Sr. Business and Industrial Park, utilizing volunteers of about 30 members, on their fundraising methods and upcoming projects.

There being no one listed to speak on the citizen comment sign-in sheet, no comments were made.

Mr. Watts made a motion that was seconded by Mrs. Carton to approve the minutes from the September 11, 2019, meeting as presented. There being no discussion, the motion carried 5-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Sharon W. Turner	Aye

Mrs. Carton, Chairman of the Finance Committee, gave a brief oral report on behalf of that Committee on its recommendations on changes to the procurement policy, bid for updated phone system, and procedures for reimbursement from IT provider for failure to archive deleted emails.

Mr. Bunch made a motion that was seconded by Mrs. Ogden to adopt a Resolution Accepting and Proceeding with a Funding Offer from the Virginia Department of Health which funds would be used to finance renovation of the Water Treatment Plant and Facilities, as recommended by staff. There being no discussion, the motion carried 5-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Sharon W. Turner	Aye

A copy of the Resolution is attached to and made a part of these minutes.

Mrs. Carton made a motion that was seconded by Mrs. Turner to adopt a Resolution Reaffirming the Central Virginia Transportation Planning Organization as the Federally Designated Metropolitan Organization for the Central Metropolitan Planning Area, as recommended by staff. There being no discussion, the motion carried 5-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Sharon W. Turner	Aye

A copy of the resolution is attached to and made a part of these minutes.

Mr. Watts made a motion that was seconded by Mr. Bunch to adopt a new Town of Amherst Staff Contact and Direction Policy, and to revise the town’s Procurement Policy and Customer Work Policy, as recommended by staff. After discussion, the motion carried 5-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Sharon W. Turner	Aye

Mrs. Carton made a motion that was seconded by Mr. Bunch to establish a Reserve Officer Program and to authorize appropriation of \$6,230 from the Town Manager’s contingency line to the Police Supplies line to equip at least two reserve officers this fiscal year, subject to the following conditions, as recommended by staff:

- No program for a reserve force can be initiated without acceptance of the reserve police officer policies by DCJS and other accrediting agencies.
- No more than eight officers shall serve as part of the reserve force at one time.
- Prior to accepting any individual as a member of the reserve force, the Police Chief shall complete a background investigation upon the officer, including a polygraph, if one has not been completed in the last three years.
- All reserve officers will be held to the same standards for excellence as the paid officers, and training requirements will be established to ensure that the reserve officers represent the Police Department and the Town of Amherst well.

After discussion, the motion carried 3-0-2 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Abstain	Sharon W. Turner	Abstain

By consensus, Council supports staffs’ initiative to provide citizen updates through quarterly Town Outreach Meetings in the community at different locations and times to be determined by Town Manager.

Mayor Tuggle expressed his thanks to Mrs. Turner for stepping up and taking on the duties as interim council member.

Mrs. Carton made a motion that was seconded by Mr. Watts and carried 5-0 with Mmes. Carton, Ogden, Turner and Messrs. Watts and Bunch voting in favor that Town Council convene in closed session, pursuant to §2.2-3711A.7 of the Code of Virginia as it relates to consultation with legal counsel and briefings by staff members pertaining to possible or probable litigation involving property rights, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Mayor Tuggle adjourned the meeting at 8:06 PM.

Mayor Tuggle reconvened the meeting in closed session at 8:14 PM. 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	Sharon W. Turner

At 8:35 PM Mrs. Carton made a motion that Council adjourn the closed session and enter open session, certifying to the best of each member’s 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.

The motion 5-0 via the roll call method with Mmes. Carton, Ogden, Turner and Messrs. Watts and Bunch voting “Aye.”

There being no further business, the meeting adjourned until November 13, 2019, at 7:00 pm on motion by Mrs. Ogden seconded by Mrs. Carton at 8:36 PM. The motion carried 5-0 with Mmes. Carton, Ogden, Turner and Mr. Watts and Bunch voting “Aye.”

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE TOWN COUNCILOF THE TOWN OF AMHERST

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS sewer systems in the Town (the "System")

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the TOWN OF AMHERST

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Three Million Seventeen Thousand and No/100 Dollars (\$3,017,000.00)

pursuant to the provisions of the Public Finance Act, Chapter 26 of Title 15.2, Code of Virginia of 1950, as amended (the "Act") and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
- 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
- 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
- 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
- 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
- 17. To accept a grant in an amount not to exceed \$ 3,017,000.00

under the terms offered by the Government; that the Town Manager

and Mayor of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas 5 Nays 0 Absent 0

IN WITNESS WHEREOF, the Town Council of the

Town of Amherst has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 10th, October day of 2019

TOWN OF AMHERST

(SEAL) By _____

Attest: Title Mayor

Title Clerk of Council

A RESOLUTION ACCEPTING AND PROCEEDING WITH A FUNDING OFFER FROM THE VIRGINIA DEPARTMENT OF HEALTH, WHICH FUNDS WOULD BE USED TO FINANCE RENOVATION OF THE WATER TREATMENT PLANT AND FACILITIES.

WHEREAS, the Town of Amherst has applied for funding for various drinking water projects associated with the construction and operation of the Town of Amherst’s waterworks;

WHEREAS, the Virginia Department of Health-Office of Drinking Water has funded several drinking water projects for the Town;

WHEREAS, the Town Council of the Town of Amherst has reviewed project planning material and found that the pre-requirements have been met for submitting a funding application and has applied for funding through the Virginia Department of Health;

WHEREAS, the Virginia Department of Health- Office of Drinking Water has made a funding offer to the Town for a funding package of \$4,430,000, with \$500,000 of loan forgiveness, and the remainder to be financed for 30 years at an interest rate of 2.5%;

- THEREFORE, BE IT RESOLVED**, the Town Manager is authorized to execute contracts
- a. With W/W Associates to complete design and engineering work for the priorities listed in the above referenced application in the amount totaling \$347,850.
 - b. With the Virginia Department of Health to accept their funding proposal with a total amount of \$4,430,000, with \$500,000 of that amount being principal forgiveness.

BE IT FURTHER RESOLVED, the Town Council of the Town of Amherst hereby votes to accept funding from the Virginia Department of Health for the

Water Treatment Plan Improvements

Sources of Funds

DWRF Loan \$ 3,930,000
 Town Cash \$ 15,000
 Principal Forgiveness \$ 500,000

Total \$ 4,445,000

Uses of Funds

Administration, Bond Council & Legal Expense \$15,000
 Engineering Fees \$386,000
 Treatment Plant Construction \$2,798,000
 Pump Station Construction \$1,065,000
 Contingencies \$160,000
 Asset Management Plan \$15,000
 Loan Closing Fee \$6,000

Total \$4,445,000

BE IT FURTHER RESOLVED, that the Town Manager shall immediately begin to process all necessary contracts and documents for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the Town Attorney.

This resolution was adopted on October 9, 2019.

 Mayor Dwayne Tuggle

Attest:

 Clerk of Council

**RESOLUTION REAFFIRMING
THE CENTRAL VIRGINIA TRANSPORTATION PLANNING ORGANIZATION
AS THE FEDERALLY DESIGNATED METROPOLITAN PLANNING ORGANIZATION
FOR THE CENTRAL METROPOLITAN PLANNING AREA**

Whereas the respective Boards of Supervisors of the Counties of Amherst, Bedford, and Campbell, and the City Council of the City of Lynchburg executed the Cooperative Agreement for the Creation of the Central Virginia Transportation Planning Council on September 13, 1979; and

Whereas the Governor of the Commonwealth of Virginia designated the Central Virginia Transportation Planning Council as the Metropolitan Planning Organization (MPO) for the Greater Lynchburg Transportation Study (also known as the Central Virginia Metropolitan Planning Area) on November 27, 1979; and

Whereas the respective Boards of Supervisors of the Counties of Amherst, Bedford, and Campbell, and the City Council of the City of Lynchburg rescinded the 1979 Agreement and executed a Cooperative Agreement for the Creation of the Central Virginia Metropolitan Planning Organization on or about November 16, 2000; and

Whereas since 2000, the Central Virginia Urbanized Area has been expanded to include the Town of Amherst, and the Central Virginia Metropolitan Planning Organization wishes to help increase public awareness and understanding of its mission by changing its name to the Central Virginia Transportation Planning Organization (TPO); now, therefore, be it

Resolved, that the Town of Amherst:

1. rescinds the Cooperative Agreement for the Creation of the Central Virginia Metropolitan Planning Organization, executed on or about November 16, 2000;
2. acknowledges the organization's change of name from the Central Virginia Metropolitan Planning Organization to the Central Virginia Transportation Planning Organization (TPO);
3. acknowledges that the TPO shall be the policy decision-making body for the purpose of carrying out the Continuing, Cooperative, and Comprehensive (3-C) transportation planning and programming process as defined in the United States Code Title 23, Section 134 and Title 49 Section 1607; and in accordance with the constitution and statutes of the Commonwealth of Virginia, particularly Title 33.2, Chapter 32 of the Code of Virginia;
4. acknowledges that the TPO may adopt bylaws and other rules in conformance with this Resolution as it deems necessary to govern its operation;
5. acknowledges that the TPO shall have such authority as prescribed in a "Memorandum of Understanding on Metropolitan Transportation Planning Responsibilities for the Central Virginia Metropolitan Planning Area" dated June 1, 2018, (as amended or updated) between the Central Virginia Metropolitan Planning Organization (now Central Virginia Transportation Planning Organization), the Commonwealth of Virginia, the Greater Lynchburg Transit Company (the primary local transit provider), and the Region 2000 Local Government Council (now Central Virginia Planning District Commission);
6. acknowledges that any local jurisdiction may hereafter join the TPO provided that such jurisdiction is (in accordance with state and federal regulations) included within the "cordon boundary" of the Central Virginia Metropolitan Planning Area and that it adopts and executes this resolution and is approved by the Governor; and

7. acknowledges that this resolution may be amended only by concurring resolution of all parties to this Resolution.

CERTIFIED BY:

ATTESTED BY:

DATE:

FOR APPROVAL