

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on January 8, 2020, 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 B. Ogden
A	Kenneth S. Watts	P	Janice N. Wheaton

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 Sarah B. Ogden.

After Chief Shiflett recognized and thanked Katherine K. LaFuze, Virginia Polytechnical Institute and State University Intern, for her exemplary work performed in the Police Department, she was presented with a Certificate of Appreciation by Mayor Tuggle for outstanding performance and work in strengthening our workplace and community through her skills in policy writing and lasting contributions to the Town of Amherst.

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

Mrs. Carton made a motion that was seconded by Ms. Ogden to approve the minutes from the December 11, 2019, meeting as presented. After discussion the motion carried 4-0-1 as follows:

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

Mrs. Carton made a motion that was seconded by Mr. Bunch to accept the 2020 Meeting Calendar of the Town Council with the following revision: November Town Council meeting will be moved from the second Wednesday in November 2020 (November 11) to the second Thursday in November 2020 (November 12), in observance of Veteran's Day. After discussion the motion carried 4-0-1 as follows:

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

After a brief report by Town Manager Carter, Ms. Ogden made a motion that was seconded by Mrs. Carton to approve adoption of the Resolution in Support of Reconsideration of New Wastewater Regulations Under the Virginia Chesapeake Bay TMDL Phase III Watershed Implement Plan. There being no discussion the motion carried 4-0-1 as follows:

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

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

After a brief report by Town Manager Carter and discussion, Mr. Bunch made a motion which was seconded by Mrs. Carton to approve expenditure of \$8,945 to cover cost associated with contract with K.L. Shane, Inc. for Filter Inspection Service to determine rehabilitation suitability, as recommended by staff. After discussion the motion carried 4-0-1 as follows:

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

Ms. Ogden made a motion that was seconded by Mrs. Carton to approve Town of Amherst Electronic Use Policy as amended to clarify the use and retention of email for Council Members, as recommended by staff. There being no discussion, the motion carried as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Absent	Janice N. Wheaton	Abstain

A copy of the amended policy is attached and made a part of these minutes.

By consensus of Council action on the proposed amendment to the Town’s Comprehensive Plan to change the designated land use for Tax Map parcels 96-4-A and 96-1-1-7, totaling 76+/- acres from Planned Development- Residential to Agricultural to allow a request for a conservation easement by Dave McCormack, Owner, Lazy River LLC, that would, if approved by Town Council, allow land between the developed portion of the Mill Race subdivision and the Amherst Milling Company to be changed from planned development areas to conservation and would allow Mr. McCormick to complete a conservation easement process for the property is deferred to the February 12, 2020, meeting, as requested by Mr. McCormick and recommended by staff.

Mr. Bunch made a motion that was seconded by Ms. Ogden to approve adoption of the Resolution Adopting a Franchise Agreement with Comcast Cable for the Town of Amherst, as recommended by Attorney Berry. After discussion, the motion 4-0-1 via the roll call method with Mmes. Carton, Ogden, Wheaton and Mr. Bunch voting “Aye.” Mr. Watts was absent. A copy of the Resolution is attached and made a part of these minutes.

By consensus discussion on Attorney Berry’s finding on views of other localities in Virginia pertaining to the Second Amendment sanctuary measure is deferred to the February 12, 2020, meeting.

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

There being no further business, the meeting adjourned until February 12, 2020, at 7:00 pm on motion by Ms. Ogden seconded by Mr. Bunch at 7:39 PM. The motion carried 4-0-1 with Mmes. Carton, Ogden, Wheaton and Mr. Bunch voting "Aye." Mr. Watts was absent.

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

FOR APPROVAL

**A RESOLUTION IN SUPPORT OF RECONSIDERATION OF
NEW WASTEWATER REGULATIONS UNDER THE VIRGINIA CHESAPEAKE BAY TMDL
PHASE III WATERSHED IMPLEMENTATION PLAN**

WHEREAS, local governments including the Town of Amherst have led Virginia’s progress toward a restored Chesapeake Bay by collectively investing well over \$2 billion to upgrade wastewater treatment facilities;

WHEREAS, in the past, new laws, regulations, and plans guiding this important undertaking have always been developed in collaboration with local government and the Town of Amherst has supported such efforts;

WHEREAS, Virginia’s Chesapeake Bay TMDL Phase III Watershed Implementation Plan (WIP) adopted on August 23, 2019 breaks from this long tradition of strong state-local collaboration on wastewater improvement plans;

WHEREAS, despite acknowledging that local government wastewater operations are outperforming their Chesapeake Bay TMDL requirements, the Phase III WIP wrongly assumes, without explanation, that in 2025 they will reverse course and spike up to substantially higher levels, contrary to a decade-long demonstrated track record of declining discharges;

WHEREAS, as a result of this mistake, the WIP calls for additional costly regulations on municipal wastewater treatment facilities, which will increase competition for limited State water quality funding and potentially cause delays in other sectors like agriculture and stormwater that also need State funding to meet the Bay goals;

WHEREAS, numerous more cost-effective recommendations for meeting the same water quality goals were recommended by the Virginia Association of Municipal Wastewater Agencies with broad local government support but were rejected in the final Phase III WIP without any written explanation; and

WHEREAS, the Town of Amherst has long supported the overall Chesapeake Bay restoration goals and believes the best path forward for continued progress is for the Governor and General Assembly to closely review the concerns outlined above and to revise the Phase III WIP as warranted before any regulatory actions restricting local wastewater treatment facilities proceed further.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Amherst on this 8th day of January, 2020, that the Town of Amherst supports immediate review and reconsideration by the Governor and General Assembly to correct the Phase III WIP to resolve these concerns and, while such review is in progress, that all regulatory or other efforts imposing new restrictions on local wastewater treatment facilities be suspended in the interim.

This resolution was adopted January 8th, 2020.

Mayor Dwayne Tuggle

Clerk of Council

Town of Amherst

Electronic Use Policy

As the Town has provided additional devices for the use of employees and officials, it has become necessary to outline Town policies for Town owned devices. These policies do not apply to devices owned by individuals and used for Town business.

Ownership- All devices purchased by the Town remain the property of the Town, and at the end of employment, appointment, or term of service, shall be returned to the Town.

Ipad Logon Information- Town Ipad are issued with a passcode. This passcode shall not be changed.

Downloads- No user should download any programs to Town owned devices without permission from their supervisors, or in the case of Town owned Ipad, from the Town Manager.

Retention- Users should remember that one of the purposes of Town email systems is to allow the Town to follow state mandated records retentions policies. Emails should be saved. Access to Council members official Town email boxes shall be maintained by the Town Manager for the purpose of responding to FOIA requests. If your inbox becomes too large, items may be moved to an archive folder, but they shall not be deleted.

Appropriate Use of the Internet and Electronic Communications- Town provided equipment is provided to conduct Town business. Personal uses of Town owned devices should be kept to a minimum and occur outside of work hours. Use of Town internet or equipment may be subject to monitoring without notice. The following uses are explicitly prohibited:

- Transmitting material or messages in violation of federal, state, or local code or ordinances.
- Revealing or sharing passwords.
- Willfully conducting activity that disrupts Town services, the Town network, including computer hacking or spreading viruses.
- Participating in use that interferes with employee productivity.
- Operating a business, soliciting money, advertising or conducting transactions for profit.
- Soliciting for non-Town sponsored events, organizations or functions.
- Intentionally downloading, accessing, viewing, posting, or transmitting information that is abusive, offensive, harassing, threatens violence, or that discriminates on the basis of race, gender, national origin, age, or disability.
- Intentionally accessing, viewing, posting or transmitting sexually explicit material.

**A RESOLUTION ADOPTING A FRANCHISE AGREEMENT WITH COMCAST CABLE
FOR THE TOWN OF AMHERST**

WHEREAS, the Town of Amherst has had Comcast Cable as a long-term service provider for cable services within the Town limits; and,

WHEREAS, Comcast has approached the Town for a renewal of its Franchise so that it may continue to serve Town residents and business and utilize rights-of-way with the Town; and,

WHEREAS, Comcast has offered increased opportunities for residential and business hook-ups within the Town and deleted the density requirement within Town limits for new service; and,

WHEREAS, this Franchise agreement is non-exclusive and still allows other providers within Town limits; and,

WHEREAS, reliable cable and internet service is a public good and economic development benefit;

NOW THEREFORE, BE IT RESOLVED, the Town Council adopts this franchise agreement with Comcast cable for ten years with renewals.

This resolution was adopted on January 8, 2020.

Mayor Dwayne Tuggle

Attest:

Clerk of Council