AMHERST TOWN COUNCIL AGENDA REVISED

Wednesday, January 13, 2021 Meeting at 7:00 p.m.

Town Hall, 174 S. Main Street, Amherst, VA 24521

- A. Call to Order for the Town Council— 7:00 p.m. Mayor Tuggle
- **B.** Pledge of Allegiance I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.
- **C. Invocation** Any invocation that may be offered before the official start of the Amherst Town Council meeting shall be the voluntary offering to, and for, the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the audience is required to attend or participate in the invocation, and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure by which a volunteer may deliver an invocation are available upon request at the Town Hall.
- D. Public Hearings and Presentations
 - 1. <u>Presentation by Chief Shiflett- The Chief is appearing to make a presentation to Council.</u>
 - 2.
 - **3. Public Hearing- Utilities Disconnection Resolution (Pgs.1-3)** —As part of the updated State budget, municipal utilities are no longer allowed to disconnect service for past due accounts, unless the total arrearages for the system are over 1% of the budget total and the governing body verifies the financial information, allows public comment, and determines that disconnections may continue. This is the public hearing required to consider this option.
- **E.** Citizen Comments Per the Town Council's policy, any individual desiring to speak before the Council who has not met the agenda deadline requirement 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 is at the Mayor's discretion.
- **F.** Consent Agenda Items on the consent agenda can be voted on as a block if all are in agreement with the recommended action or discussed individually.
 - **1. Town Council Minutes (Pgs.4-21)** Draft of the December 9, 2020 meeting minutes are **attached**. Please let Vicki Hunt know of, 3030 any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.
- **G.** Correspondence and Reports
 - 1. Staff Reports (Pgs. 22-30)
 - a. Town Manager Monthly Report attached
 - b. Police Chief Monthly Report attached
 - c. Office Manager Monthly Report attached
 - d. Clerk of Council Monthly Report- attached
 - e. Public Works Monthly Reports- attached
 - f. Town Attorney Monthly Report *handout*
 - 2. Council Committee Reports

- a. Finance Committee Mrs. Carton
- b. Utilities Committee Mr. Watts
- 3. Other Reports (Pgs.31-32)
 - a. Planning Commission— met January 6th, minutes attached.
 - b. Industrial Development Authority- no meeting
 - c. Robert E. Lee SWCD

H. Discussion Items

- **1. Appointment to BZA-** Sara Carter- There is one remaining outstanding vacancy on the Board of Zoning Appeals. Staff recommends that the Council send a recommendation for R. A. "Tony" Robertson to the Circuit Court for him to serve on the BZA. He has indicated that he is willing to serve.
- 2. Second Stage Funding (Pg. 33)- Sara Carter- The Town has partnered with Second Stage for the last few years for grant funding through the state, where the Town provides a match equal to the state funding. The Town has a policy that requires receipts for reimbursement for donations to groups. Second Stage has been unable to complete either of their planned programs this year, due to COVID. Staff requests that the Council waive the receipt requirement for Second Stage for this fiscal year, only.
- 3. Penalties and Interest Forgiveness for CARES Act Utilities Payment Recipients (Pg. 34)- Sara Carter- CARES Act funding does not allow repayment of penalties and interest for citizens who are eligible for utilities help. In order for citizens to use the CARES Act assistance, the late payments must be a result of COVID and citizens must respond to a set of questions to attest to this fact. Staff requests that Council allow forgiveness of penalties and interest for those accounts that were assisted by the CARES Act funding.
- **4. Set Public Hearing for Budget Amendment -** Sara Carter- Due to the changing revenue forecasts and the additional money available from CARES Act funding, staff recommends that the Council hold a public hearing and consider an amended budget with accompanying spreadsheets.
- **5.** <u>Updated Town Attorney Contract handout)</u> *The Contract has been updated to reflect the recodified Code sections that describes the role of the Town Attorney and updates the term.*
- **6. Reorganization Resolution (Pgs. 35-38)-** *Sara Carter-* At the beginning of each two year term of Council, the Council considers and adopts a reorganization resolution, which assures the continuance of governance and affirms the Council's appointments for staff and committees, as well as critical policies for the Town.
- **7. Code of Ethics Affirmation (Pgs. 39-40)-** *Sara Carter- Staff has prepared the Code of Ethics with signature blocks for Council to sign and that can be reproduced for display in Council Chambers.*
- **8. Year in Review, The State of the Town (Pgs. 41-42)-** Mayor D. Dwayne Tuggle- in a year of pandemic and struggles, there is still a lot of good news in the Town. The Mayor will present a list of accomplishments for the Town over 2020.
- Matters from Staff
- J. Matters from Town Council
- K. Anticipated Town Council Agenda Items for Next Month
- L. Citizen Comments
- M. Adjournment



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521 Phone (434)946-7885 Fax (434)946-2087

To: Town Council

From: Sara Carter

Date: January 5, 2021

Re: Analysis Verifying Arrearages in Excess of 1% of the Utilities Funds to Consider

Disconnections

The General Assembly Special Session in 2020 included budget amendments with far-reaching impacts on local governments. One of these was a moratorium on utility disconnections, to include municipal water systems. While the Town did participate in a self-imposed moratorium at the beginning of the Covid crisis, the Council reinstated disconnections in September over concern about the increasing amounts owed by some, as well as the fiscal health of the system.

The General Assembly's budget amendments did include a provision for a local government to continue utility disconnections.

- The utility is required to follow State guidance for payment plans for customers who are behind.
- The utility must provide to the governing body an analysis showing that there is a 1% (or more) amount of arrearages as a percentage of the total utility budget.
- The information regarding the percentage of arrearages must be made public for review, with opportunity for public comment.
- The governing body of the utility must review and verify the percentage of arrearages, take public comment and pass a resolution to allow disconnections to continue.

A public hearing has been set and advertised for the January 13, 2021 meeting.

For the current fiscal year, the total utilities budget is \$2, 212, 003. One percent of that number is \$22,120.03. Current arrearages are \$83,118.52, not including penalties and interest, which equates to approximately four percent of the total utilities budget.

The following resolution, if adopted, would allow the Town to continue to use disconnections as a part of a responsible system to keep customers reasonably current.

RESOLUTION VERIFYING AND APPROVING UTILITY ACCOUNTS RECEIVABLE ARREARAGES ARE IN EXCESS OF ONE PERCENT OF ANNUAL OPERATING REVENUES

WHEREAS, during the 2020 Special Session I (Appropriation Act Amendments, Item 4-14) the Virginia General Assembly approved specific procedures and requirements for utility service applicable in the coronavirus-related declared state of emergency, including provisions related to customer assistance grants, utility shutoffs for nonpayment, and customer utility debt repayment plans; and

WHEREAS, the Town of Amherst is well-positioned to implement these new procedures and requirements because the Town of Amherst has always worked to assist customers in a fiscally responsible manner to pay utility bills with flexible repayment plans where appropriate; and

WHEREAS, the Utility's only source of revenue is from charges for services provided, which are generally based on rates necessary to recover the full cost of operations without reserve for forgiveness of payment due for such services; and

WHEREAS, the Utility employs industry-standard collection process for unpaid bills including disconnection of water service in appropriate cases, which historically has proven effective in minimizing losses; and

WHEREAS, the Utility self-imposed a moratorium on disconnection of water service for unpaid bills in response to the coronavirus pandemic and continued to offer customers the opportunity to enter into reasonable repayment plans; and

WHEREAS, during the disconnection moratorium period to date, customers generally did not avail themselves of repayment plan opportunities and instead accumulated increasing debt; and

WHEREAS, the Town resumed disconnections for non-payment in order to halt the significant number of accounts increasing overdue balances such that customers may find their repayment responsibility difficult to manage; and

WHEREAS, the Utility determined and documented in a written analysis from accounting records that account receivable arrearages exceed one percent of annual operating revenues and also provided such analysis to the Town Council, as the Utility's governing body;

WHEREAS, the Utility contemporaneously made the associated working papers verifying such facts available for public inspection; now therefore be it

RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST that it has reviewed the calculations of account receivable arrearages and verifies that the arrearages exceed one percent of annual operating revenues and; be it

RESOLVED FURTHER, that the Utility resume normal collection procedures including disconnection of water service where necessary to achieve customer response, while also continuing normal procedures to avoid disconnecting water service for customers that request and implement repayment plans to bring accounts current over time; be it

[OPTIONAL] RESOLVED FURTHER, that the Town Manager shall have the necessary authority to undertake all reasonable efforts and required processes to request, receive, and apply available state and federal customer assistance funding offered through the State Corporation Commission and the Virginia Department of Housing and Community Development, including appropriate modifications to normal billing and collection procedures as needed to facilitate such state and federal assistance.

This Resolution was adopted by the Town	n Council of the Town of Amherst on day of January
2021.	Council of the Town of Amnersi on any of sumary
	Mayor Dwayne Tuggle
Attest:	
Clerk of Council	

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on December 9, 2020, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street.

As a result of COVID-19 cautionary restrictions and limited space the below council members and staff met in person and electronically via virtual meeting in the event persons wishing to avoid attending could still address Council from home.

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
P	Kenneth S. Watts	P	Janice N. Wheaton

Also present were the following staff members:

Sara Carter	Town Manager	Vicki K. Hunt	Clerk of Council
W. Thomas Berry	Town Attorney	Gary Williams (Remote)	Director of Plants
Tracie Morgan	Office Manager/Treasurer (Remote)	Becky L. Cash (Remote)	Lead Water Operator
Bobby Shiflett	Chief of Police		

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Kenneth S. Watts.

Daniel M. Siegel, Esq., Sands Anderson, PC, who was present electronically via virtual meeting, gave a report on a resolution authorizing the issuance of a general obligation and water revenue bond in a principal amount of up to \$4,430,000.00 for modifications and improvements to the Town's water treatment plant and related expenses along with costs of issuance. The funding package approved by the Virginia Department of Health totals \$4,710,500.00 with \$980,500.00 of loan forgiveness. Town Manager Carter reported that having received and evaluated the required bids for the referenced project, staff recommends Council's adoption of the Resolution, and that Council authorize staff to award the contract to Anderson Construction Company, Inc., in the amount of \$4,740,000.00, and to close the loan.

Mayor Tuggle opened a duly advertised public hearing at 7:05 PM on the adoption of the Resolution Authorizing the Issuance of up to \$4,430,000.00 Principal Amount of a General Obligation and Water Revenue Bond of the Town of Amherst, Virginia and providing for the Form, Details and Payment Thereof. There being no one present in person or electronically who wished to speak, the public hearing closed at 7:06 pm.

Mr. Watts made a motion that was seconded by Ms. Carton to adopt the Resolution Authorizing the Issuance of up to \$4,430,000.00 Principal Amount of a General Obligation and Water Revenue Bond of the Town of Amherst, Virginia and providing for the Form, Details and Payment Thereof, as recommended by staff.

There being no discussion, the motion carried 5-0 via the roll call method as follows:

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

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

Ms. Carton made a motion that was seconded by Mr. Watts to authorize staff to award the contract for modifications and improvements to the Town's water treatment plant and related expenses to Anderson Construction Company, Inc., in the amount of \$4,740,000.00 and to authorize staff to sign all documents to effectuate the loan closure.

There being no discussion, the motion carried 5-0 via the roll call method as follows:

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

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

Ms. Carton made a motion that was seconded by Mr. Bunch to approve the minutes from the November 12, 2020, meeting.

There being no discussion, the motion as to the November 12, 2020, minutes carried 5-0 via the roll call method as follows:

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

By consensus of Council a public hearing will be held at its next meeting on January 13, 2021, to consider a resolution to retain water cut-offs.

Town Manager Carter gave a report on an award to the Town of Amherst of federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds pursuant to the Appropriation Act mandated State Corporation Commission application process in the amount of \$30,819.13 to assist with municipal utility customer relief for all eligible customers of Town of Amherst. This funding is being provided under CFDA 21.019 – Coronavirus Relief Funds (CRF). Staff recommends acceptance of the grant and dissemination of funds to customer accounts.

Mr. Bunch made a motion that was seconded by Ms. Carton to accept the CARES Act funds in the amount of \$30,819.13 to assist with municipal utility customer relief for all eligible customers of the Town of Amherst, and to authorize staff to disseminate funds to customer accounts.

There being no discussion, the motion carried 5-0 via the roll call method as follows:

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

After a report by Town Manager Carter, Ms. Carton made a motion that was seconded by Mr. Bunch, not to pursue the option of a possible purchase of the Town's cellular tower site at the maintenance shop.

There being no discussion, the motion carried 5-0 via the roll call method as follows:

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

Mayor Tuggle read a resolution honoring Councilor Sarah B. Ogden and presented her with a commemorative Town of Amherst Jefferson Cup. A copy of the resolution is attached to and made a part of these minutes.

Mayor Tuggle read a resolution honoring Clerk of Council, Vicki K. Hunt, for her work on the Christmas Parade. A copy of the resolution is attached to and made a part of these minutes.

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

At 7:31 P.M. Ms. Carton made a motion that was seconded by Mr. Watts as follows: I move that the Town Council go into closed session pursuant to §2.2-3711A.7 and §2.2-3711A.1 of the Code of Virginia, as it relates to consultation with legal counsel pertaining to actual litigation involving the Town, Council will hear updates from attorneys representing the Town and also will meet as it relates to the assignment, appointment, promotion and performance of specific public officers appointees, or employees; specifically, to discuss the performance evaluation for the Town Attorney.

The motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		1	Kenneth G. Bunch	Aye
Rachel A. Carton	Aye		Sarah B. Ogden	Aye
Kenneth S. Watts	Aye		Janice N. Wheaton	Aye

Mayor Tuggle recessed the meeting at 7:32 P.M.

Mayor Tuggle reconvened the meeting in closed session at 7:38 PM. It was noted that a quorum was present as follows:

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

At 8:03 P.M. Ms. Carton made the following motion: I move that the Town Council adjourn the closed session and enter open session and 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.

The motion carried 5-0 via the roll call method as follows:

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

There being no further business, the meeting Ms. Ogden, seconded by Ms. Carton.	adjourned at 8:05 P.M. until January 13, 2020, on motion of
1715. Oguen, seconded by 1715. Curton.	
	D. Dwayne Tuggle, Mayor
Attest: Clerk of Council	

A RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$4,430,000 PRINCIPAL AMOUNT OF A GENERAL OBLIGATION AND WATER REVENUE BOND OF THE TOWN OF AMHERST, VIRGINIA, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the Town of Amherst, Virginia (the "Town") is authorized to acquire, construct, operate and maintain water systems in the Town (the "System"), which System is a revenue producing undertaking of the Town; and

WHEREAS, the Town is authorized pursuant to the Public Finance Act, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended (the "Public Finance Act") to borrow money and to issue its general obligation bonds and its revenue bonds to pay all or part of the cost of the System; and

WHEREAS, in the judgment of the Town Council (the "Town Council") of the Town, it is desirable to authorize the issuance and sale of general obligation and revenue obligations of the Town to the Virginia Resources Authority ("VRA") as administrator of the Virginia Water Supply Revolving Fund (the "Fund") in a principal amount of up to \$3,730,000 (the "Principal Repayment Loan") to provide funds, along with grant monies, to finance water treatment plant modifications with related legal, consulting and administrative fees (the "Project"); and

WHEREAS, the Town and VRA have been advised by a commitment letter dated December 4, 2020, from the Virginia Department of Health ("VDH") that the Project is eligible for financial assistance through the Fund through a principal forgiveness loan in the amount up to \$980,500 (the "Principal Forgiveness Loan"); and

WHEREAS, the total financial assistance awarded to the Town by VDH is to include two components, the Principal Repayment Loan and the Principal Forgiveness Loan, with funds under the Principal Forgiveness Loan being provided pursuant to a Funding Agreement for principal forgiveness between VRA and the Town (the "Funding Agreement"), and funds under the Principal Repayment Loan being provided pursuant to a Financing Agreement between VRA and the Town (the "Financing Agreement"). As set forth in the Funding Agreement, the Principal Forgiveness Loan shall not constitute a debt of the Town, and the Town is not required or obligated to repay the amount of the Principal Forgiveness Loan, except as provided in Section 4.3 of the Funding Agreement, in the case of Town's failure to comply with the terms and conditions of the Funding Agreement, where the Town may be required to return all or a portion of the amount funded thereunder; and

WHEREAS, the Project constitutes waterworks within the meaning of Section 15.2-2109, of the Code of Virginia, 1950, as amended (the "Virginia Code"), a revenue producing undertaking within the meaning of Section 15.2-2608 of the Virginia Code and a water supply facility within the meaning of the term "Project" as defined in Section 62.1-233 of the Virginia Code; and

WHEREAS, the Town Council desires to issue the Bond (as defined below) under the provisions of the Public Finance Act and a duly advertised and conducted public hearing has been held with respect to the Bond (as defined below) on December 9, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN:

- 1. The Project is hereby approved and the Town is authorized to issue not more than \$4,430,000 principal amount of general obligation and water revenue bonds under the Public Finance Act. The Principal Repayment Loan (the "Bond") shall mature no later than thirty-two (32) years from the date of issuance, and shall bear a Cost of Funds at the rate of two and thirty one-hundredths percent (2.30%) per annum composed of interest to the Fund of 0.80% and a fee of 1.50% payable as an Annual Administrative Fee and otherwise as set forth in the commitment letter from VRA, as Administrator of the Fund to the Town in relation to the Bond; provided, however, the Cost of Funds may not exceed two and fifty one-hundredths percent (2.50%) per annum composed of interest to the Fund of 1.00% and a fee of 1.50% payable as an Annual Administrative Fee if closing occurs at a later date in 2021 as referenced in such commitment letter. The portion of the funding for the Project comprising the Principal Forgiveness Loan shall be subject to the terms and conditions of the Funding Agreement.
- 2. The Bond shall be issued to VRA, as administrator of the Fund, pursuant to the terms, conditions and provisions of this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The issuance and sale of the Bond in one or more series from time to time in accordance with this Resolution is authorized. The Bond shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution and by VRA.
- 3. The Financing Agreement and the Funding Agreement will each be in substantially the form presented to and filed with the minutes of the meeting of this Town Council at which this Resolution is being adopted. The forms of the Financing Agreement and the Funding Agreement and the terms, conditions and provisions thereof are hereby approved by this Town Council, and the Mayor, Vice-Mayor or Town Manager, any of whom may act, are hereby authorized and directed to execute and deliver to the VRA, the Financing Agreement and Funding Agreement in substantially such forms, with such changes and amendments as the officer executing the same shall approve or as shall be necessary to satisfy VRA requirements, such approval to be conclusively evidenced by his execution and delivery thereof.
- 4. The full faith and credit of the Town and the revenues of the System, exclusive of operation and maintenance expenses (the "Net Revenues Available for Debt Service") are irrevocably pledged for the payment of principal of and interest on the Bond. The pledge of Net Revenues Available for Debt Service securing the

Bond shall be on parity with any Existing Parity Bonds and Parity Bonds, if any, (each as defined in the Financing Agreement) secured by such Net Revenues Available for Debt Service. The Town Council, in accordance with Section 15.2-2624 of the Public Finance Act, is hereafter authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the Town are assessed, levied and collected, a tax upon all taxable property within the Town, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any and interest on the Bond, to the extent other funds of the Town are not lawfully available and appropriated for such purpose.

- 5. The Project will constitute a part of the System.
- 6. The Bond shall be executed, for and on behalf of the Town, by the Mayor or the Vice-Mayor of the Town, either of whom may act, and shall have the corporate seal of the Town impressed thereon, attested by the Clerk of the Town Council. The manner of execution and affixation of the seal may be by facsimile, provided, however that if the signatures of the Mayor or Vice Mayor are by facsimile, the Bond shall not be valid until signed by the manual signature of the Clerk. The Bond shall be in substantially the form as Exhibit A attached hereto, with such variations, insertions or deletions as may be approved by the officer executing the Bond on the Town's behalf. The Town Manager is hereby appointed as the Registrar for the Bond.
- 7. The Mayor, Vice-Mayor and Town Manager, Clerk, Town Attorney and all other appropriate officers and employees of the Town shall take all actions and execute all certificates and documents as shall be necessary to carry out the provisions of this Resolution. The Town hereby covenants to comply with the requirements of the Funding Agreement and the Financing Agreement and any applicable regulations and other pronouncements and published guidance relating thereto, and the Mayor, Vice-Mayor, Town Manager, Clerk, and other Town representatives, any one or more of whom may act, are each hereby authorized to execute and deliver such certifications and reports as may be required by the Funding Agreement and the Financing Agreemen.
- 8. Such officers of the Town as may be requested are authorized and directed to execute and delivery a non-arbitrage certificate and tax compliance agreement in a form not inconsistent with this Resolution as may be approved by the officers of the Town executing such document, whose approval shall be evidenced conclusively by the execution and delivery thereof.
- 9. The Town covenants that it will not directly or indirectly use or permit the use of any of the proceeds of the Bond or any other of its funds, or enter into, or allow any other person or entity to enter into, any arrangement, formal or informal, or take or omit to take, any other action that would cause interest on any Related Series of VRA Bonds (as defined in the Financing Agreement) to be includable in

gross income for federal income tax purposes or to become a specific item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations. The Town also consents to the calculation of any "rebate amount" to be paid with respect to the portion of the Related Series of VRA Bonds related to the Bond by a rebate calculation service selected by VRA.

- 10. The Town covenants that it shall not permit the proceeds of the Bond or the Project financed with the proceeds of the Bond to be used in any manner that would result in: (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Internal Revenue Code of 1986, as amended (the "Code"); (b) 5% or more of the proceeds or the Project financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water or the transportation and treatment of waste water), within the meaning of Section 141(b)(4) of the Code; or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code. Provided, however, that if the Town receives an opinion of a nationally-recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Related Series of VRA Bonds from being includable in the gross income of the registered owners thereof for federal income purposes under existing law, the Town need not comply with such covenants.
- 11. The Town intends that the proceeds of the Bond, in an amount not to exceed \$4,430,000, be used to reimburse the Town for expenditures with respect to the Project (the Expenditures") made on or after the date that is no more than 60 days prior to the date of adoption of this Resolution. The Town reasonably expects that it will reimburse the Expenditures with the proceeds of the Bond or other debt. Each Expenditure was or will be, unless otherwise approved by bond counsel, either: (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bond; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Town, so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Town.
- 12. All other actions of Town officials in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond as authorized herein are ratified, approved and confirmed. Town officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Bond pursuant to this Resolution and to do all acts and

- things necessary or convenient to carry out the terms and provisions of such documents.
- 13. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed. This Resolution shall constitute the "Local Resolution" as such term is defined in Section 1.1 of the Financing Agreement.
- 14. This Resolution was presented to the Town Council and a public hearing concerning this Resolution was held in accordance with applicable law by the Town Council at its meeting on December 9, 2020. This Resolution shall become effective upon its passage. A certified copy of this Resolution shall be filed by the Clerk with the Clerk of the Circuit Court of the County of Amherst, Virginia. The filing of this Resolution with the Clerk of the Circuit Court of the County of Amherst, Virginia shall be deemed to be the filing of an initial resolution or ordinance with such Court for all purposes of the Act.

The undersigned Clerk of the Town Council hereby certifies that the Resolution set forth above was adopted after a public hearing during an open meeting on December 9, 2020, by the Town Council with the following votes:

<u>Ayes</u> <u>Nays</u>

<u>Absent</u> <u>Abstentions</u>

CERTIFICATE

The undersigned Clerk of the Town Council of the Town of Amherst, Virginia, hereby certify that attached hereto is a true and correct copy of a Resolution adopted by the Town Council on December 9, 2020.

Clerk, Town Council of the Town of Amherst, Virginia

EXHIBIT A

ISSUE DATE:	, 2020
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UNITED STATES OF AMERICA COMMONWEALTH OF VIRGINIA

General Obligation and Water Revenue Bond,
Series 2020

THE TOWN OF AMHERST, VIRGINIA (the "Borrower"), a public body corporate and politic of the Commonwealth of Virginia, acknowledges itself indebted and for value received, hereby promises to pay, at the principal office of the Virginia Resources Authority (the "VRA") or VRA's successors or assigns, to the order of VRA, as administrator of the Virginia Water Supply Revolving Fund, Richmond, Virginia (the "Fund"), or registered assigns or legal representatives, the sum equal to the amount of principal advances made hereunder but not to exceed Four Million Four Hundred Thirty Thousand and 00/100 Dollars (\$4,430,000.00), with interest on the disbursed and unpaid principal balance from the date of each disbursement until payment of the entire principal sum at the rate of two and thirty one-hundredths percent (2.30%) per annum, consisting of (i) interest of eighty one-hundredths percent (.80%) per annum, payable for the benefit of the Fund, and (ii) one and fifty one-hundredths percent (1.50%) per annum payable as an Annual Administrative Fee, as follows:

In addition, if any installment of principal or Cost of Funds is not received by the holder of this Bond within ten (10) days from its due date, the Borrower shall pay to the holder of this Bond, a late payment charge in an amount equal to five percent (5.0%) of such overdue installment. Principal is payable in lawful money of the United States.

No notation is required to be made on this Bond of the payment of any principal on normal installment dates. HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING.

THIS BOND IS A GENERAL OBLIGATION OF THE BORROWER, FOR THE PAYMENT OF WHICH THE BORROWER'S FULL FAITH AND CREDIT ARE IRREVOCABLY PLEDGED. THE TOWN COUNCIL OF THE BORROWER IS AUTHORIZED AND REQUIRED TO LEVY AND COLLECT, ANNUALLY AT THE SAME TIME AND IN THE SAME MANNER AS OTHER TAXES OF THE BORROWER ARE ASSESSED, LEVIED AND COLLECTED, A TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN OF AMHERST, VIRGINIA, OVER AND ABOVE ALL OTHER TAXES AUTHORIZED OR LIMITED BY LAW AND WITHOUT LIMITATION AS TO RATE OR AMOUNT, SUFFICIENT TO PAY WHEN DUE THE PRINCIPAL OF AND COSTS OF FUNDS ON THE BOND, TO THE EXTENT OTHER FUNDS OF THE BORROWER ARE NOT LAWFULLY AVAILABLE AND APPROPRIATED FOR SUCH PURPOSE. THIS BOND ALSO IS PAYABLE FROM CERTAIN REVENUES TO BE DERIVED FROM THE OWNERSHIP OR OPERATION OF THE TOWN'S SYSTEM AS THE SAME MAY FROM TIME TO TIME EXIST, WHICH REVENUES HAVE BEEN PLEDGED PURSUANT TO THE FINANCING AGREEMENT (HEREINAFTER DEFINED) TO SECURE THE PAYMENT THEREOF. NEITHER THE COMMONWEALTH OF VIRGINIA NOR ANY POLITICAL THEREOF, OTHER THEN THE **SUBDIVISION** BORROWER, SHALL OBLIGATED TO PAY THE PRINCIPAL OF OR COSTS OF FUNDS ON THIS BOND OR OTHER COSTS INCIDENT THERETO EXCEPT FROM THE REVENUES PLEDGED THEREFOR, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY POLITICAL SUBDIVISION THEREOF, OTHER THEN THE BORROWER IS PLEDGED TO THE PAYMENT OF PRINCIPAL OF OR COST OF FUNDS ON THIS BOND OR OTHER COSTS INCIDENT THERETO.

This Bond is issued pursuant to the provisions of Chapter 26 of Title 15.2 of the Code of Virginia of 1950 as amended and the terms of the Financing Agreement between the Borrower and the VRA, as administrator of the Fund, dated as of December 1, 2020 (the "Financing Agreement") to evidence a loan by the VRA, as administrator of the Fund to the Borrower to finance the Project Costs (as defined in the Financing Agreement). The obligations of the Borrower under this Bond and the Financing Agreement shall terminate when all amounts due and to become due pursuant to this Bond and Financing Agreement have been paid in full. Reference is hereby made to the Financing Agreement and any amendments thereto for the definitions and provisions, among others, describing the pledge and covenants securing this Bond, the nature and extent of the security, the terms and conditions upon which this Bond is issued, and the rights and obligations of the Borrower and the holders of this Bond.

The Net Revenues Available for Debt Service (as defined in the Financing Agreement) are pledged to the payment of principal of this Bond. The lien of this pledge of the Net Revenues Available for Debt Service from the Borrower's water system shall be on parity with any Existing Parity Bonds and Parity Bonds (as defined in the Financing Agreement and set forth

on Exhibit F thereto). The Borrower may incur additional debt secured by a pledge of Net Revenues Available for Debt Service pursuant to the terms of the Financing Agreement.

Transfer of this Bond may be registered upon the registration books of the Bond Registrar. Prior to due presentment for registration of transfer, the Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and the exercise of all other rights and power of the owner.

This Bond is subject to optional prepayment to the extent and on the terms set forth in the Financing Agreement.

If an Event of Default (as defined in the Financing Agreement) occurs, the principal of this Bond may be declared immediately due and payable by the holder by written notice to the Borrower.

Notwithstanding anything in this Bond to the contrary, in addition to the payments of the principal provided by this Bond, the Borrower shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Financing Agreement.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed.

Mayor, to be attested by its Clerk, and to be dated as of	December, 2020.
	TOWN OF AMHERST, VIRGINIA
	By: Title: Mayor
ATTEST:	
Clerk of the Town Council of the Town of Amherst, Vir	rginia

IN WITNESS WHEREOF, the Borrower has caused this Bond to be signed by its

ASSIGNMENT

FOR VALUE RECEIVED th	e undersigned hereby sells, assigns and transfers unto
whose address	s for registration purposes is
	the within Bond and all rights thereunder, and
hereby irrevocably constitutes and ap	
Bond on the books kept for registration	thereof, with full power of substitution in the premises.
	Tax I.D. No.
Dated:	of Transferee:
Dated.	or transferee.
Signature Guaranteed	
	(NOTE: the signature above must
	correspond with the name of the
	Registered Owner as it appears on
	the front of this Bond in every
	particular, without alteration or
	enlargement or any change
	whatsoever.)

SCHEDULE OF PRINCIPAL ADVANCES

The amount and date of principal advances not to exceed the face amount hereof shall be entered hereon by an authorized representative of the VRA when the proceeds of each such advance are delivered to the Borrower.

Amount	<u>Date</u>	Authorized Signatures

Resolution

of the

Town Council of the Town of Amherst

WHEREAS, Sarah B. Ogden is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS, Sarah B. Ogden was a member of the Town Council of the Town of Amherst from January 1, 2019, through December 31, 2020, and during that time she represented the Town Council as Chairman on the Community Relations and Recreation Committee; and

WHEREAS, Sarah B. Ogden has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through her career in public service, civic efforts including her various positions of leadership, authority, and community involvement through her church, Blue Ledge Meals on Wheels, and other civic organizations; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Sarah B. Ogden has given to her community and also to express its appreciation for all that Sarah B. Ogden 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 Sarah B. Ogden 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 Sarah B. Ogden'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 Sarah B. Ogden as a token of the Council's deep appreciation for her 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 December 9, 202	20.
	Mayor Dwayne Tuggle
Attest:	
	Clark of Council

Resolution

of the

Town Council of the Town of Amherst

WHEREAS, The Town of Amherst Christmas Parade is a long-standing tradition of many years bringing joy to residents and visitors alike and increasing the Christmas spirit for all who see it; and

WHEREAS, The Lions Club handed over the reins of the Christmas Parade to the Town of Amherst in 2019, and the Town's Clerk of Council, Vicki K. Hunt, took over its organization with grace and joy; and

WHEREAS, 2020 has been a year marred by a global pandemic, economic crises, and the need for social distancing and change to so many beloved events and traditions; and

WHEREAS, Vicki K. Hunt, through all of the changes, including a change to the format of the parade to a reverse parade and terrible rain on the night of, led with positivity, kindness and grace, helping all of the participants enjoy this tradition in the face of so much change; and

WHEREAS, Vicki K. Hunt brought back the Town's Christmas Decorating Contest, much to the delight of its residents and businesses, improving the Christmas spirit for all; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the happiness that Vicki K. Hunt brought to the Town with her work on the parade and decorating contest and thanks her for her imagination and commitment to the Town in this endeavor; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the contribution to the quality of life of the Town given by Vicki K. Hunt: and

AND FURTHER BE IT RESOLVED the Town Manager of the Town of Amherst, on behalf of its Mayor and Council is ordered to deliver an original copy of this Resolution to Vicki K. Hunt as a token of the Council's deep appreciation for her 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 Yown of Amherst.

Adopted December 9, 2020

Mayor Dwayne Tuggle

Attest:

Clerk of Counci

Town Manager's Report for the January 13, 2021 Town Council Meeting

Current Activities in Town:

- The Water Treatment Plant renovation bond closed as anticipated and the Town has
 received its first disbursement from the project. Staff and WW Associates are working to
 get paperwork finalized on the Water Treatment Plant renovation project so that work
 can get scheduled.
- Work on the sliplining project will be slow in January and February, as the WWTP contractors are waiting on equipment orders, and the sliplining contractors are avoiding the worst of the winter weather.

Upcoming meetings and items of interest:

- Mrs. Turner and I attended a virtual VML Newly Elected Officials conference this month.
 I'll also be attending their annual finance session next week in anticipation of the General Assembly session. If any of you are interested in attending the virutual meeting, please let me know.
- I will be virtually attending the VML/VACO Steering Committee meeting next week. This is the group that negotiates the contract with APCO for utility rates for public entities. Contract negotiations should be finalized in the next few months.

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AMHERST POLICE DEPARTMENT

DAILY SHIFT REPORT



Month: December	SHIFT WORKING:	
OFFICER: All	VEHICLE: 103	
MILEAGE START OF SHIFT:	MILEAGE END OF SHIFT:	

CALLS FOR SERVICE	NUMBER
MOTORIST ASSIST	22
ALARM	10
PHONE COMPLAINT	169
BOLO	13
MISSING PERSON	
SHOPLIFTING	
PROBLEM WITH OTHERS	7
DOMESTIC	1
CHECK WELLFARE	5
NOISE OR DOG COMPLAINT	2
TRAFFIC CRASH	8
EMS CALLS	3
SUDDEN DEATH	2
SUSPICIOUS PERSON	6
OTHER	33
CALLS AT AMBRIAR	1

WARNINGS	NUMBER
SPEEDING	1
EQUIPMENT VIOLATION	2
RECKLESS DRIVING	1
SUSPENDED LICENSE	
INSPECTION/REGISTRATION	4
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	

ARREST	NUMBER
MISDEMEANOR	3
FELONY	7
EPO/PPO	2
ECO	
NARCOTICS VIOLATION	1
DUI / DUID	

OFFICER INITIATED	NUMBER
BUILDING CHECKS	147
BUSINESS VISIT	50
BUILDING SEARCH	3
TRAFFIC SUMMONS	7
DRUNK IN PUBLIC	
EXTRA PATROLS/PARKS	210 /32
WARRANT SERVICE	6
PROPERTY WALK AROUNDS	58
WARRANTS OBTAINED	5
PARKING TICKETS	
MISD. INVESTIGATION	6
FELONY INVESTIGATION	6
NARCOTICS INV.	2
SEARCH WARRANT	
PUBLIC RELATIONS	18
CITIZEN CONTACT	165

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	
EQUIPMENT VIOLATION	
RECKLESS DRIVING	1
SUSPENDED LICENSE	1
INSPECTION/REGISTRATION	3
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	2

OTHER	NUMBER
ASSIST OTHER OFFICER	21
ASSIST OTHER AGENCY	16
COURT	1
REPORTS	9
SCHOOL / TRAINING	7- 96 h
MEETINGS	17
TOWED / IMPOUNDED VEH	1



AMHERST POLICE DEPARTMENT

DAILY SHIFT REPORT



PLEASE LIST ALL PASS ON'S, INVESTIGATIONS, ARREST, IMPOUNDED VEHICLES WITH REASON AND LOCATION, AND BUSINESSES WITH OPEN DOORS OR ANY OTHER SIGNIFICANT COMPLAINTS.

DECEMBER ACTIVITIES:

- 1) Investigator Watts taught officer survival at the academy.
- 2) Officer Payne completed Radar/Lidar apprenticeship at the academy.
- 3) Christmas Parade was a success. We used our three reserves and two parttime officers with the full-time staff. Only two State Police Troopers were used from an outside agency.
- 4) Toy Drive Drop off at The Filling Station was a success.
- 5) 3rd Annual Toy Drive completed. The goal of 500 toys was met. The total ended up being a little over 800 toys.
- 6) We had received several phone complaints about illegal fire hydrant hook ups. We were able to identify the company and Ms. Carter was informed of the findings.
- 7) Officer Payne has been accepted to Liberty University to complete his Bachelor's degree.
- 8) Officer Martin has been accepted to Liberty University to complete his Doctorate degree.
- 9) Secretary Ali Davis completed her undergrad degree Liberty University.
 - 10) Investigator Watts continues to work towards getting his Bachelor's degree.
 - 11) Accreditation continues to move forward with good progress. A mock assessment is tentatively scheduled for April 2021.
 - 12) Chief Shiflett attended a virtual meeting for the Marcus Alert System. (Behavioral Health Crisis situations).
 - 13) Reserve Officer DJ Banton completed all of his required DCJS mandated



AMHERST POLICE DEPARTMENT

DAILY SHIFT REPORT



hours for certification.

- 14) Officer Payne continues to work towards new software updates for all APD Staff. This is a big savings for the budget because it is being handled internally.
- 15) Chief Shiflett attended and spoke to the Rotary Club.
- 16) Total hours worked by reserves: 22
- 4,807 miles patrolled.
- ** I would like to mention that Officer Payne and Investigator Watts have done an exceptional job in helping in all phases of the department operations. Everyone has stepped up and contributed in many ways this month. We have been without a full staff of officers for the entire month due to illnesses. I would like for you to know that everyone has pulled a large load and have taken on more responsibilities to make sure that all duties and obligations were met and completed. The reserve officers have stepped in and helped in many ways to help fill several gaps we have had this month. I am truly proud of the commitment of the entire staff.



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521 Phone (434)946-7885 Fax (434)946-2087

To: Town Council

From: Tracie Morgan

Date: January 6, 2021

Re: December 2020 Monthly Report

Utilities – December utility billing total was \$188,067.42

A/P - December bills totaled \$593,289.53, which still includes work for the Sewer Rehab Project.

Meals and Beverage Tax – 13 Businesses paid \$39,350.27 in Meals and Beverage Tax for the month of November. That is roughly a \$5,000 decrease from what we had been receiving.

Personal Property Tax (License Fees) – License Fee Bills totaled \$44,144 and were due December 8' 2020. At this time, we still have an outstanding balance of \$11,493.59. Dee will start Delinquent Notices at the end of January and I usually start my Bank Lien process the beginning of March.

CARES Act Utility Forgiveness -- At this time the way the Act reads we can only provide customers with a <u>one time</u> payment forgiveness. I did have a representative with the Department of Housing and Community Development call and I expressed my concerns about this and hopefully this will change. If you know anyone on Town utilities who may be a month or more behind on their utility bill please ask them to call Town Hall to see if they qualify for this program before making a payment.

Upcoming Items -

- Capital Improvement Plan
- Budget

Auditors – Auditors were here December 14th and 15th. They were very pleased with everything and we are only waiting on our OPEB Valuation report to make a few more entries and the audit will be complete.

CLERK OF COUNCIL REPORT DECEMBER 2020

COMMITTEE MEETINGS

Town Council

Receive and review agenda materials; assemble packet for 12-9-20 meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Quorums: Confirm Town Council meetings with members; confirm cancellation of IDA and PC meeting

TOWN WEBSITE DESIGN AND CONTENT MANAGEMENT

Administration of website generating and continuously uploading information/documents; revising website pages with new information and links to documents and/or outside sites; examining traffic through the site; design for overall look and feel of the site, including photos, color, graphics and layout; creating, editing, posting, updating, and cleaning up outdated content.

TOWN FACEBOOK ADMINISTRATOR

- Create content and/or design and post on Facebook and Website, including but not limited to:
 - Notice: Procedures for Amherst Town Council December meeting during Covid-19 pandemic with link to YouTube
 - o Notice: Wastewater System Improvements and Work Schedule Updates
 - o Christmas Parade:
 - Update Notices with links to information from website
 - o Post parade video links;
 - o Post parade winners
- Share links to community events and news; Monitor feedback

2020 CHRISTMAS PARADE

Meet with Town Manager, Bobby Shiflett, Greg Harler and Charles Thompson to walk parade route prepare for and to assign lineup 12.2.20; prepare lineup; Prepare parade entry summaries for emcees; Prepare winner's banners for hanging; Attend parade/accompany parade judge 12.4.20; compose and send appreciation emails to parade participants and others; numerous telephone conferences and emails; attention to detail; schedule parade debriefing

STREET BANNER

Receive and review permit for Town Holiday Banner from to VDOT for approval

AUDIO VISUAL

Emails with Point Source re installation of audio visual needs for council chambers.

OTHER:

- Send link for FOIA training to IDA members
- Attend pre-closing meeting for bond closing
- Prepare Code of Ethics for signatures
- Prepare livestreaming connection from virtual meetings to YouTube
- Convert and post audio recording of meeting
- Prepare, send, post Legal Ads/Public Hearing Notice: Town Council 1/13/21
- Miscellaneous phone calls, correspondence, research
- Prepare miscellaneous purchase orders

Town of Amherst Committees as of December 31, 2020 Update; See Attached

Town of Amherst Committees as of December 31, 2020

TOWN COUNCIL Appointed/Term Expires

D. Dwayne Tuggle, Mayor 01/01/19 12/31/22
Rachel A. Carton, Vice Mayor 01/01/19 12/31/20
Kenneth S. Watts 01/01/19 12/31/22
Sarah B. Ogden 01/01/19 12/31/20
Kenneth G. Bunch 01/01/19 12/31/20
Janice N. Wheaton 11/12/19 12/31/22

PLANNINGCOMMISSION

 June Driskill, Chairperson
 05/13/20
 06/30/24

 Janice N. Wheaton
 12/11/10
 12/31/20 (TC rep)

 William Jones
 07/01/19
 06/30/23

 Ted Finney
 07/01/17
 06/30/21

 Kevin Belcher
 07/01/18
 06/30/22

 Clifford Hart
 07/01/19
 06/30/23

 Anne Webster Day
 03/13/19
 06/30/22

BOARD OF ZONING APPEALS

Gary Mays, Chairman	04/08/15	08/31/20	Vacancy Advertised
Ed Carton	09/01/19	08/31/24	
Teresa Tatlock	07/10/16	08/31/21	
Marvin Hensley	08/31/17	08/31/22	
Kevin James Akershoek	09/01/18	08/31/23	Vacancy Advertised

INDUSTRIAL DEVELOPMENT AUTHORITY

Clifford Hart	07/01/19	08/31/23
Sharon Watts Turner	07/01/18	06/30/22
Gary Jennings	05/10/17	06/30/21
Jacob Bailey	06/10/20	06/30/24
Manly Rucker	05/10/17	06/30/21
Kim Odell Stein	07/11/18	06/30/22
Richard Wydner	07/01/19	06/30/23

PROPERTY MAINTENANCE INVESTIGATION BOARD

C. Manly Rucker, III	05/13/20	06/30/24
Bessie H. Kirkwood	07/01/18	06/30/22
Glenda Hash	05/13/20	06/30/24

REGION 2000 REGIONAL COMMISSION/MPO

D. Dwayne Tuggle	01/01/19	12/31/20
Sara Carter	01/01/19	12/31/20

Appointed/Term Expires

CENTRAL VIRGINIA TRANSPORTATION COUNCIL (MPO)

D. Dwayne Tuggle 01/01/19 12/31/20 Sara E. Carter 01/01/19 12/31/20

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

Clifford Hart 01/01/19 12/31/20 Kenneth S. Watts 01/01/19 12/31/20

JOINT COMMITTEE ON COOPERATION

 Kenneth S. Watts
 01/01/19 12/31/20

 Kenneth G. Bunch
 01/01/19 12/31/20

 Sarah B. Ogden
 01/01/19 12/31/20

(3 Appointments from Amherst County)

TOWN COUNCIL COMMITTEES (FOR THE 01/01/19-12/31/20TERM)

FINANCE COMMITTEE

Rachel A. Carton (Chairman) and Kenneth S. Watts

- Monitor the budget development process.
- Review accounting procedures, budgets, and bookkeeping activities.
- Interface with auditors.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Sarah B. Ogden (Chairman) and Rachel A. Carton

- Monitor and review implementation of the Town's bike trails and public parks
- Review the Town's beautification efforts and programs.
- Interface with citizens, business operators, Sweet Briar College and VDOT

UTILITIES COMMITTEE

Kenneth S. Watts (Chairman) and Kenneth G. Bunch

- 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.

RECODIFICATION COMMITTEE

Kenneth G. Bunch (Chairman) and Kenneth S. Watts

- Monitor the recodification of Town Code process
- Review proposed proof and edits

AD HOC COMMITTEE - PERSONNEL PERFORMANCE EVALUATION FORMS

Kenneth G. Bunch (Chairman) and Rachel A. Carton

• Review and make revisions to the Town's Personnel Employee Performance Evaluation and Employee Self-Performance Evaluation Forms



TOWN OF AMHERST DEPARTMENT OF PLANTS

MONTHLY PRODUCTION AND OPERATIONAL REPORT

December -- 2020

SUBMITTED BY:

GARY S. WILLIAMS,

DIRECTOR OF PLANTS

SUBMITTED ON:

01-06-2021

Grandview Water Filtration Plant,

Daily Source Water Withdrawal, Process, and Production Volumes.

	Total, Million Gallons	Average, Million Gallons	Max., Million Gallons	Min., Million Gallons
Raw Source Water	9.030	0.290	0.430	0.150
Plant Production	8.040	0.260	0.400	0.140
Water Delivered to System	7.690	0.250	0.400	0.140

Rutledge Creek Wastewater Treatment Facility

Daily Process, and Production Volumes.

	Total, Million Gallons	Average, Million Gallons	Max., Million Gallons	Min., Million Gallons
Raw Influent Sewage	12.053	0.389	0.894	0.243
Finial Treated Effluent	11.523	0.372	0.867	0.243

Annual Buffalo River Water Withdrawal Figures

Total, Million Gallons

	*
Buffalo River Withdrawal	112.737

Annual Water Production to Distribution Figures

Total, Million Gallons

TOA Distribution System	95.570

Construction Projects in Progress

As work on the new 60 West Pumping Stations draws to a completion the contractor has begun work on the slated improvements at the Rutledge Creek WWTP. The new chemical feed building for the new filter washing has been installed. Still to be constructed is the new Disc Filter and the installation of the new Ultraviolet disinfection system.



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Utility/Town Maintenance and Construction Report

Dec

Water Meter Read	1150
Water Meter Re-Read	35
Disconnects	17
VA-811 Service locations	30
Vehicle PM Work Orders	10
Pump Station/Plant Work Orders	35
Banners Installed/Dismantled	1
Water Services Installed/Replaced	14
Sewer Services Installed/Replaced	3
Minor Leak: ks Repaired	2
Major Leaks Repaired	0
Minor Sewer Problems Resolved	4
Major Sewer Problems Resolved	1

Man Hours

Meter Reading	84
Street/Sidewalk Maintenance	273
Safety Training	2
Bush Hogging	12
Flushing Water	0
Equipment Maintenance	27
Xmas decorations	30

M	lajor	Issues	&	Con	۱m	en	ts
---	-------	--------	---	-----	----	----	----

Routine/Annual Work Projects/Unusual Work

Service Work Orders

Meter Reading

Prev-Maint Work Orders

Disconnects

Re-connects
Flushing Program

in Select Locations

Locating Un-marked/Unknown Water & Sewer System Assets

Continue Safety and Shop/Yard Clean-up

Staff has been working on finding water valves and addressing issues

Working on clearing water right of ways.

Town of Amherst Planning Commission Minutes January 6, 2021

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of Town Hall at 174 S. Main Street at 7:00 PM on January 6, 2021.

It was noted that a quorum was present as indicated below:

P	June Driskill	P	William Jones
A	Kevin Belcher	P	Anne Webster Day
A	Ted Finney	P	Clifford Hart
P	Janice N. Wheaton		

Interim Town Manager Sara Carter and Clerk of Council Vicki Hunt, in her capacity as Secretary to the Commission, were present.

The minutes from the September 2, 2020, Commission meeting were approved on a motion by Mr. Hart, seconded by Ms. Day, and carried 5-0 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Anne Webster Day	Aye
Ted Finney	Absent	William Jones	Aye
Janice Wheaton	Aye		

Capital Improvement Program FY21-22

Town Manager Carter gave a report on the development of the Town of Amherst FY20-21 Capital Improvement Program proposal that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment, copies of which were distributed to the Commissioners.

After discussion, Mr. Hart made a motion that was seconded by Ms. Day to hold a public hearing at its meeting on March 3, 2021, on the Town of Amherst FY21-22 Capital Improvement Program proposal, as recommended by staff.

The motion carried 5-0 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Anne Webster Day	Aye
Ted Finney	Absent	William Jones	Aye
Janice Wheaton	Aye		

There being no further business, the meeting adjourned at 8:08 PM on motion by Ms. Day seconded by Mr. Hart.

		June Driskill, Chairperson
Attest:		
	Secretary	



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521 Phone (434)946-7885 Fax (434)946-2087

To: Town Council

From: Sara Carter

Date: January 7, 2021

Re: Second Stage funding

For the last few years, the Town has worked with Second Stage and Virginia Commission for the Arts to leverage the Town's contribution to Second Stage with matching state funds. All parties have coordinated to make sure that each entity's requirements and needs are met. For the Virginia Commission for the Arts, there is a requirement that their contribution be matched in full by a locality. For the Town, there is a requirement that Second stage provide receipts and complete meaningful programs in Town. This partnership has worked well, and everyone has benefited. In this current funding cycle, Second Stage had planned another series of food and movie nights. The events were required to be canceled due to COVID emergency orders. Second Stage pivoted and planned a drive-in movie night for the same night as the Christmas Parade. This too, ended up being canceled by additional orders from the Governor.

Scond Stage is still eligible for the \$2,750 funding from the VCA, if the Town provides an equal amount. Because of the Governor's orders, Second Stage has been unable to follow through on either of the two planned programs that they had presented to the Town as programs for this year.

Staff recommends that the Council allow Second Stage to receive their donation this year, without receipts. Just as small businesses have struggled to remain open during this pandemic, so too have non-profits and service organizations struggled to continue. If Second Stage had not been planning for events or to meet the Town's guidelines, staff would not make this recommendation. But since the group had legitimately been trying to complete their commitment, and the events were canceled due to the pandemic and the Governor's direct orders, there is an ability to fund them without setting a precedent.

The VCA program closes out in February and any matching funds must be granted by February 1st and reporting completed by that time.



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521 Phone (434)946-7885 Fax (434)946-2087

To: Town Council

From: Sara Carter

Date: January 7, 2021

Re: Forgiveness of Penalties and Interest for delinquent utility accounts receiving CARES Act

assistance

As Council knows, the Town received CARES Act funding to assist utilities customers who are behind in their payments, due to the pandemic. The Town received \$30,819 for late accounts, which cannot include penalties and interest. In order for the Town to use these funds for a customer, the customer has to attest that the late payments are due to the pandemic, by answering a series of questions that are a condition of receiving the money.

So far, the Town has awarded a total of \$3,947 to customers. There are two primary reasons that the numbers are not higher- many customer's late payments are not due to the pandemic (their response when asked) and any customer can only be assisted one time. The customers that were assisted still have remaining penalties and interest totaling \$925. Staff requests permission to forgive penalties and interest for any customer who qualifies and receives CARES Act utility assistance. Using the approximate math based upon the previous awards, the maximum amount that the forgiveness should cost would be approximately \$7,188. Both the water and wastewater funds have adequate balances to address this need and assist our customers that are most affected by the pandemic.

A RESOLUTION TO ADOPT AND EFFECT THE CONTINUATION OF GOVERNANCE FOR THE TOWN OF AMHERST FOR THE JANUARY 1, 2021 – DECEMBER 31, 2022 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, 2021 – December 31, 2022 Council term:

1. Election of Vice Mayor: Pursuant to Article III, Section 3.01(9) of the Town Charter, Rachel Carton shall be elected Vice Mayor.

2. Continuation of Policies:

- 2.1 Pursuant to Article III, Section 3.01(10) of the Town Charter, Section 2-31 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 3.01 (10) of the Town Charter.
- 2.2 The **rules of conduct** for the meetings of the Town Council as established in the Rules of Procedure of the Town Council, adopted May 8, 2019 are hereby affirmed.
- 2.3 The Code of Ethics for the Town Council, as adopted on January 11, 2017, is hereby affirmed.
- 2.4 The **Invocation Policy** for the Town Council, as adopted on January 11, 2017, is hereby affirmed.
- 2.5 The **Personnel Policy** adopted on June 14, 2006, effective on July 1, 2006 and last amended on October 14, 2020 is hereby affirmed.
- 2.6 The **Procurement Policy** adopted on December 13, 2017, and last amended on October 9, 2019 is hereby affirmed.
- 2.7 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. It is the Town Council's policy that agendas for regular monthly Town Council meetings will include time reserved at both the beginning and end of the meeting for hearing public comments.

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, all banks currently operating a branch inside the corporate limits of the Town of Amherst (Truist, Bank of the James and First National Bank) and SunTrust Bank, VML/VACO Virginia Investment Pool and the Local Government Investment Pool shall be considered approved places of deposit for Town funds. The Mayor, Town Manager and Treasurer are hereby authorized to execute all papers necessary to continue or effect new accounts.
- 4. Standing Council Committee Appointments: The authority of the Town Council to appoint standing committees is established in Section 2-29 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 Committee Rachel Carton (Chairman) and Sharon W. Turner
 - Monitor the budget development process.
 - Review accounting procedures, budgets, and bookkeeping activities.
 - Interface with auditors.
 - 4.2 **Utilities Committee** Kenneth S. Watts (Chairman) and Kenneth G. Bunch
 - 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.
- 5. Staff Appointments: The following staff appointments are hereby made for the January 1, 2021 December 31, 2022 Town Council term. The effect of this resolution shall be to appoint all individuals subject to the authority granted to the Town Council by the Town Charter.

- 5.1 **Town Manager -** Pursuant to Article III, Section 3.01 (21), (22), (23) and (24) of the Town Charter, Sara E. Carter is hereby appointed Town Manager with duties and authorities as outlined in 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 **Town Clerk** Pursuant to Section 2-89 of the Town Code, Vicki K. Hunt is hereby appointed Town Clerk with all duties and authorities as described in the Town Code.
- 5.3 **Town Treasurer** Pursuant to Section 2-90 of the Town Code, Tracie L. Morgan is hereby appointed Town Treasurer with all duties and authorities as described in the Town Code. These duties shall be considered in addition to her duties as Office Manager.
- 5.4 **Town Attorney** Pursuant to Section 2-91 of the Town Code, W. Thomas Berry is hereby appointed Town Attorney with all duties and authorities as described in the Town Code. Remuneration shall be continued on a contractual basis.
- 5.5 **Chief of Police** Pursuant to Section 2-92 of the Town Code, Robert A. Shiflett is hereby appointed Chief of Police with all duties and authorities as described in the Town Code.
- 5.6 **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. Contract renewal and remuneration shall be continued on a annual contractual basis.

6. Board Appointments:

- 6.1 Pursuant to Article II, Section 2 of the November 2018 **Central Virginia Planning District Commission** charter, Dwayne Tuggle and Sara Carter are hereby appointed to that board for the January 1, 2021 December 31, 2022 term.
- 6.2 Pursuant to Article III, Section 1 of the July 2019 **Central Virginia Transportation Planning Council** (MPO) bylaws, Dwayne Tuggle and Sara Carter are hereby appointed to that board for the January 1, 2021 December 31, 2022 term.
- 6.3 Pursuant to Article V of the April 17, 1972 Town-Sweet Briar sewer usage contract, Kenneth G. Bunch and Kenneth Watts are appointed to the **Town/Sweet Briar Sewer Advisory Commission** for the January 1, 2021 December 31, 2022 term.
- 6.4 Pursuant to Section 18.1-1403 of the Town Code, Janice N. Wheaton is appointed as the Town Council's representative on the **Town of Amherst Planning Commission** for a term to expire on December 31, 2022.

It is the intent of the Town Council that the terms for all appointments made by this resolution shall continue beyond the January 1, 2021 – December 31, 2022 Town Council term of office until successors are duly appointed.

	Mayor Dwayne Tuggle
Attest:	



Amherst Town Council

CODE OF ETHICS

Recognizing that public officials hold office as a public trust, and that their stewardship of such office requires a superior degree of ethical conduct on their part, any person serving on the Amherst Town Council agrees to adhere to the following Code of Ethics:

- 1. Uphold federal, state, and local laws, and never knowingly be a party to their evasion.
- 2. Respect and uphold the Constitution of the United States and the Constitution of Virginia and never act in a way that will restrict individual liberties. Council members should operate from a belief that the Constitution is the road map for every decision that the Council makes.
- 3. Put loyalty to the Town as a whole above loyalty to individuals or particular groups.
- 4. Dedicate sincere effort and service to the position of trust for which stewardship has been granted, giving earnest action and best thought to the performance of duties in an ethical manner.
- 5. Seek to find and use the most equitable, efficient, effective, and economical means for accomplishing Town business.
- 6. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin or disability.
- 7. Ensure the integrity of the actions of the Town Council by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members, favors or benefits under circumstances that might be construed by reasonable persons as influencing the performance of governmental duties.
- 8. Make no private promises of any kind which purport to bind performance of public duty.
- 9. Engage in no business with the Town government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties, and ensure full compliance with the Conflict of Interest Act (Code of Virginia, Title 2.2, Chapter 31).
- 10. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
- 11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act, using closed meetings only as authorized by the Code of Virginia.
- 12. Avoid involvement, or the perception thereof, in matters that when completed, come before the Town Council for resolution or approval.
- 13. Seek to communicate fairly and equally with all other Council members outside of formal meetings; avoid excluding one or more Council members from information shared with others, while consistently maintaining adherence to the requirements of the Virginia Freedom of Information Act.

- 14. Never use a position of public trust to gain access to the public or the media for purposes of criticizing colleagues, staff, or citizens, impugning their integrity, or vilifying their personal beliefs.
- 15. Ensure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Council.
- 16. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

Dated this 13 th day of January, 2021.	
D. Dwayne Tuggle, Mayor	Rachel A. Carton, Vice Mayor
Kenneth S. Watts, Council Member	Kenneth G. Bunch, Council Member
Janice N. Wheaton, Council Member	Sharon W. Turner, Council Member

State of the Town Address Mayor D. Dwayne Tuggle January 13, 2021

After a year that included political negativity, pandemic chaos and an economic downturn, it is important to remember that good work continued in Town. This brief address is meant to highlight what the Town accomplished in 2020, even during a time of great difficulty.

In response to the pandemic, the Town issued \$120,000 in small business grants to local businesses, assisting our hometown businesses with their rebuilding after closures or decreases in receipts. The Town also contracted with a local company to complete work on the Council chambers to improve citizen's ability to participate remotely, not just during COVID, but after. Receiving CARES Act monies also assisted the Town in replacing the HVAC system in Town Hall, adding disinfection and filtering to keep our customers and employees safe. I am proud of our employees, who through quarantines, good sanitation practices and careful action, ensured that the Town itself was not the cause of any infections. Even more importantly, there were no interruptions in service as our employees weathered this crisis in their own homes and families.

Our maintenance staff worked hard to keep the Town beautiful during the pandemic, working with our Garden Club to enhance our downtown. In a time of pandemic, their efforts to decorate for Christmas, assist the Garden Club, and help with the parade made an incredible difference to our citizens. Additionally, they have made several improvements to the Town park, increasing the usefulness and beauty of the property, all while maintaining the Town's other properties just as beautifully. The trail between the park and Main Street has been cleaned up and additional dog waste bag dispensers have been added for the trail and along Main Street. When you drive through town and notice our clean streets, banners going up and down on schedule, and lovely Christmas decorations, it is this group of men that make these things happen every day.

In other news, our plants staff had a great year. After hard work, research, and continuing efforts managing chemical feeds, the Town passed its lead and copper testing requirements, ending an issue that has been occurring since the replacement of the Main Street waterline. The bond for the sewer sliplining project closed, and the project has made great progress this year. The new 60 west pump station is up and running, which eliminates the use of a pump station that was outdated and unsafe. Most of our older lines in residential neighborhoods have been cleaned and several have been replaced. Additionally, the water treatment plant renovation bond closed and is getting ready to get started in 2021 with an anticipated completion date of mid-year 2022. These construction projects are critical for the Town, and our plants staff work hard to assist in the project management and inspection.

The Town Hall staff oversaw a conversion to a new accounting software which went smoothly from a customer perspective. They have also almost completed the audit for last fiscal year, with great remarks from the auditing firm regarding our staff and how they perform. The ladies at Town Hall work hard to

keep the wheels running smoothly- from updating the Facebook page with construction project information, to taking parade applications, to handling the CARES Act monies- they provide helpful and friendly, consistent service to our customers and leave people satisfied and listened to when they have concerns. They managed to keep our citizens served, even while there were continuing changes to how services were provided during the pandemic.

The Police Department had an incredible year. They began 2020 with a major improvement, by completing their move into their new space. They ended 2020 with their largest ever toy drive, bringing the community tether to serve others by having drive through toy drop offs. Throughout the year, they had several major accomplishments. They added three reserve officers, which has greatly assisted with staffing during the Christmas Parade and during the pandemic. They completed several important training and certification classes, allowing our officers to serve as instructors for each other and other departments. And, three of our officers began work on degree programs this year. Finally, the work for accreditation of the department has occurred much more quickly than anticipating, with a mock inspection schedule for the spring.

2020 wasn't the year that we thought it would be, and many things we had hoped to do together didn't happen. But through the hard work of an amazing staff, our Town is even better and stronger at the end of 2020 than it was at the beginning.