

AMHERST TOWN COUNCIL

AGENDA

Wednesday, July 14, 2021

Meeting at 7:00 p.m.

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

REVISED

- 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. Park Name Contest Winner Recognition (Pg. 1)-** *Tristen May, the winner of the park naming contest, is appearing with his family to be honored for winning the park naming contest and to honor him for his contribution.*
- 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. 2-6)** – *Draft of the June 9, 2021 and June 24, 2021 meeting minutes are **attached**. Please let Vicki Hunt know of any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.*
- G. Correspondence and Reports**
- 1. Staff Reports (Pgs. 7-29)**
- 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 – **attached**
- 2. Council Committee Reports (Pg. 30)**
- a. Finance Committee – *Mrs. Carton*
 - b. Utilities Committee – *Mr. Watts*
 - c. *Town/County Projects Committee- Mr. Bunch- meeting June 16, 2021, draft minutes attached*

3. Other Reports (Pgs. 31-33)

- a. Planning Commission– *no meeting*
- b. Industrial Development Authority- *met July 6, 2021, minutes attached*
- c. Property Maintenance Board- *met June 15, 2021, minutes attached*
- d. Robert E. Lee SWCD

H. Discussion Items

- 1. Purchase Approval for new Police Car (Pgs. 34-39)** *Sara Carter- Council gave purchase approval for one new police car at the June 9, 2021 meeting. With additional money for lost revenue available through ARPA funds, staff recommends that Council authorize purchase of a second car. This will allow one car to be retired, and a second to become a spare car. Purchase approval will be for a car, equipment, and installation. Some equipment will be reused from the retired car.*
- 2. Purchase Approval for Waste Flow Meter (Pgs. 40-41)-** *Gary Williams- This purchase approval is for a flow meter at the wastewater treatment plant that measures flow between the upper and lower portions of the plant for reporting and monitoring purposes.*
- 3. Set Public Hearing for Sale of Pump Station Lot between Whitehead Drive and Maple Lane and Fee-Simple Road Lot (Pgs. 42-43)** *Sara Carter- The Town owns an approximate one acre lot, which contains an abandoned pump station as well as water and sewer lines. Additionally, the Town owns a strip of land from Whitehead Drive to the pump station that is intended to be a road. There are parties interested in purchasing both properties. In order to sell these lots, the Town must hold a public hearing. Staff requests that the Council set a public hearing for next month's meeting to consider sale of the properties. Staff further recommends that upon the sale, that an easement would be maintained for all Town infrastructure on the lots.*
- 4. Update and Consideration on Purchase for a Bucket Truck or Lift (Pgs. 44-67)** *Charles Thompson and Sara Carter- Council requested staff review options for a bucket truck or boom lift for the Maintenance staff and provide a recommendation and pros and cons for each.*
- 5. Consider Adoption of Cigarette Tax Ordinance (Pgs. 68-74)** *Tracie Morgan- The Council held a public hearing last month on imposing a cigarette tax in Town. The County anticipates implementation of their tax on October 1, 2021. Staff recommends adoption with an effective date of October 1, 2021, to coordinate with the County's date.*
- 6. Update on the Amherst Lifesaving Crew- Committee-** *Mr. Bunch and Mrs. Turner met with two County representatives and three members of the Amherst Lifesaving Crew to discuss the Crew's dissolution and disposition of assets.*

I. Matters from Staff

J. Matters from Town Council

K. Citizen Comments

- L. Closed session-** ~~*Pursuant to §2.2-3711A.7 of the Code of Virginia, for the purposes of updates from the Town's legal counsel relating to actual litigation involving the Town.*~~
Pursuant at §2.2-3711A.3 of the Code of Virginia to discuss disposition of property in the vicinity of Whitehead Drive that is owned by the Town, property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

M. Adjournment

Resolution
of the
Town Council of the Town of Amherst

WHEREAS the Town of Amherst is developing an unnamed park on 7.1 acres at the end of Scotts Mill Road;

WHEREAS Tristen May recently completed second grade at Amherst County Elementary School;

WHEREAS Tristen May is the great-grandson of William and Patricia Wydner who were the previous owners and operator of the mill located at 140 Union Hill Road, most recently known as Amherst Milling Co;

WHEREAS Tristen May’s family used and continues to use the park’s land for fishing and playing, and are happy to be able to share it with others;

WHEREAS Town Council of the Town of Amherst conducted a park naming contest at Amherst Elementary School;

WHEREAS Tristen May, with his contribution of “Old Mill Park,” was named the winner of the park naming contest;

WHEREAS the Town Council of the Town of Amherst wishes to acknowledge and thank Tristen May for his contribution and his imagination in naming the park “Old Mill Park.”

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 Tristen May; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst does, on this date, declare that the park shall be named “Old Mill Park;” and,

BE IT FURTHER RESOLVED that the Clerk of Council of the Town of Amherst, on behalf of its Mayor and Council is ordered to deliver an original copy of this Resolution to Tristen May as a token of the Council's deep appreciation for his contribution 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 July 14, 2021

D. Dwayne Tuggle, Mayor

Attest:

Clerk of Council

Vice Mayor Rachel A. Carton called a regular monthly meeting of the Amherst Town Council to order on June 9, 2021, 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:

A	D. Dwayne Tuggle	P	Kenneth G. Bunch
P	Rachel A. Carton	P	Sharon W. Turner
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	Bobby Shiflett	Chief of Police
Tracie Morgan	Office Manager/Treasurer	Charles Thompson	Utilities Maintenance Foreman
Gary Williams	Director of Plants	Becky L. Cash	Lead Water Operator

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

Town Manager Carter gave a brief report on a proposed amendment to Chapter 8 of the Town of Amherst Code, creating a new Article IX Cigarette Tax. If approved, the new article would levy an excise tax equivalent to \$0.27 per package containing 25 or fewer cigarettes. The new article also provides definitions, methods of collection, stamp requirements, violations and penalties, and other provisions related to the levy of this tax. Staff recommends adoption of the proposed amendment at counsel’s next regular meeting on July 14, 2021, with an effective date of September 1, 2021, or later.

Vice Mayor Carton opened a duly advertised public hearing at 7:04 P.M. on the proposed amendment to Chapter 8 of the Town of Amherst Code, creating a new Article IX Cigarette Tax. There being no one present in person or electronically who wished to speak on the proposed Cigarette Tax, the public hearing closed at 7:04 P.M. After discussion, the matter was deferred to council’s next regular meeting on July 14, 2021, as recommended by staff.

Vice Mayor Carton opened the floor for citizen comment.

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

Ms. Turner made a motion that was seconded by Mr. Watts to approve the minutes from the May 12, 2021, meeting.

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	Sharon W. Turner	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

After a report by Office Manager/Treasurer Morgan, Mr. Watts made a motion that was seconded by Ms. Wheaton to appropriate state matching funds for Second Stage in the amount of \$2,750.00 into the current fiscal year budget for purposes of accounting for revenue and expenditure, 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	Sharon W. Turner	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

After a report by Town Manager Carter, Mr. Watts made a motion that was seconded by Mr. Bunch, to approve the purchase of a 2021 Ford Police Interceptor in the amount of \$34,845.03 from Sheehy Ford of Richmond through the Sheriff's Association contract, and an additional amount of \$8,468.46 for vehicle electronics from Tidewater Fleet, 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	Sharon W. Turner	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

After a report by Town Manager Carter, Mr. Bunch made a motion that was seconded by Mr. Watts, to approve a Resolution to Apply for Virginia Department of Health-Office of Drinking Water Funds for a Stand-Alone Generator for the Waugh's Ferry Water Tank and Pump Station, seeking additional funding of \$150,000.00 from the VDH-Office of Drinking Water Funds for the \$250,000.00 project, 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	Sharon W. Turner	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

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

After a report by Town Manager Carter, Mr. Bunch made a motion that was seconded by Ms. Wheaton to approve the amended personnel policy to include XV. Conflict of Interest, as recommend by staff.

After discussion, the motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sharon W. Turner	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

A copy of that portion of the personnel policy as it relates to Conflict of Interest is attached hereto and made a part of these minutes.

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

There being no further business, the meeting adjourned at 7:38 P.M., until July 14, 2021, at 7:00 p.m. on motion of Ms. Turner seconded by Ms. Wheaton.

Rachel A. Carton, Vice Mayor

Attest: _____
Clerk of Council

A RESOLUTION TO APPLY FOR VIRGINIA DEPARTMENT OF HEALTH- OFFICE OF DRINKING WATER FUNDS FOR A STAND-ALONE GENERATOR FOR THE WAUGH'S FERRY WATER TANK AND PUMP STATION

WHEREAS, the Town of Amherst has applied for funding for various drinking water projects in the Town;

WHEREAS, Virginia Department of Health- Office of Drinking Water, hereinafter referred to as "Office," has funded several drinking water projects in the Town;

WHEREAS, the Town of Amherst Town Council has reviewed project planning material and found that the pre-requirements have been met for submitting a funding application.

THEREFORE, BE IT RESOLVED, the Town of Amherst Town Council hereby votes to seek additional funding from the Office for the following project:

Waugh's Ferry Water Tank Generator \$250,000

THEREFORE, BE IT RESOLVED, that the Town Manager immediately begin to process funding applications for these projects and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the Town Attorney.

This resolution was adopted by the Town Council of the Town of Amherst on June 9, 2021.

Vice Mayor Rachel A. Carton

Attest:

XV. CONFLICT OF INTEREST

Employees shall comply with the Virginia State and Local Government Conflict of Interests Act (current version as amended). An employee with questions concerning interpretation or the application of the Act shall contact the Town Manager for a formal opinion.

COPY

Mayor D. Dwayne Tuggle called a meeting of the Town Council, continued from the June 9, 2021, session of the Amherst Town Council, to order on June 24, 2021, at 6:00 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	Sharon W. Turner
P	Kenneth S. Watts	P	Janice N. Wheaton

Also present were the following staff members:

Sara Carter	Town Manager	Tracie Morgan	Office Manager/Treasurer
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The purpose of the meeting was for Town Council to discuss potential uses of anticipated American Rescue Plan Act funds (ARPA) to the Town of Amherst.

Town Manager Carter reported on the ARPA anticipated revenue, the Federal Government’s interim final rule, and possible use of ARPA funds.

The Town is set to receive 2.2 million from the ARPA to be delivered in two tranches, the first to be received June 28, 2021, with the second one year later. Costs must be incurred by the end of 2024 and expended by the end of 2026.

Per the interim final rules, ARPA money cannot be used for debt service, pensions or establishing reserves but can be used to cover responses to the public health emergency, premium pay for workers who performed essential service during the pandemic, revenue loss, and critical infrastructure. Revenue loss can be used for a “salary swap” where salaries are paid using the federal money. The “swap” would then allow the Town to complete other projects not related to wastewater, such as purchase of a new police vehicle, purchase of either a bucket or lift vehicle, or in other ways deemed appropriate. Although ARPA money could be used for assisting individual households, it was noted that the town government does not have a social service department to help facilitate the outreach it would involve. Because the Town is not considered a qualified census tract, the Town is not able to facilitate the use of ARPA money for playgrounds or pools.

Further discussion on the matter was deferred.

There being no further business, the meeting adjourned at 7:12 P.M., until July 14, 2021, at 7:00 p.m.

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

Town Manager's Report
July 14,, 2021
Status of all items shown in italics

From the Council's Strategic Plan:

Ongoing or immediate

- Discuss Brockman Park development with IDA- *Ongoing*
- Advise the IDA about Council's interest in exploring an EDA- *Completed 5.3.21*
- Review the previously developed walkability plan- *Completed 4.15.21*
- Town Manager meet with the County Administrator and brief him on Council's desire to improve relationships with the County- *Completed*

Within three (3) months – by June 1, 2021

- Develop a sidewalk plan in priority blocks downtown- *Application in process for grant funding for improvements to crosswalks/sidewalks at circle and improve sidewalk accessibility on S. Main into the circle. Additional planning to be completed through Comprehensive Plan and continued grant work.*
- Mayor and Chair of Amherst County Board of Supervisors meeting
- Develop a business visitation plan and commence visits
- Develop a plan for a new Council table/dais, including the layout and components, get price quotes, and report back to Council

Within six (6) months – by September 1, 2021

- Bring to Council a plan for a pathway forward for the IDA to become an EDA- *Ordinance Amendment required. Can plan based upon Council and IDA feedback.*
- Convene a joint Town Council/IDA meeting *Held July 6, 2021*
- Explore creating a façade improvement program, with incentives
- Joint Town Council/Board of Supervisors meeting
- Explore the (additional) resources necessary to implement the workplan and report back to Council

By January 1, 2022

- Negotiate and approve a revised utility agreement with Sweet Briar College

Within one year – by March 1, 2022

- Develop a workplan for the IDA/EDA with goals- *Process beginning August, 2021*
- Comprehensive Plan update, including a Downtown Revitalization Component, underway

Within two (2) years – by March 1, 2023

- Complete initial visitation of town businesses
- Adopt a revised Comprehensive Plan

Other Major Projects:

Sewer Sliplining Project

Wastewater Treatment Plant improvements are complete. On the collection side of the project, the completion date has past, and liquidated damages apply. New completion date is anticipated by end of August. We are planning on two additional segments after that time, one on Garland Avenue and one on N. Main.

Water Treatment Plant

The project is currently focused on the new basin at the rear of the plant.

Brockman Park Engineering Work

Survey and delineation work is complete and grading plans are in process.

VDOT Sidewalk Project

Pre-application has been completed and submitted.



AMHERST POLICE DEPARTMENT



MONTHLY REPORT

June 2021

Month:	SHIFT WORKING:
OFFICER:	VEHICLE:
MILEAGE START OF SHIFT:	MILEAGE END OF SHIFT:

CALLS FOR SERVICE	NUMBER
MOTORIST ASSIST	14
ALARM	4
PHONE COMPLAINT	165
BOLO	10
MISSING PERSON	
SHOPLIFTING	
PROBLEM WITH OTHERS	4
DOMESTIC	
CHECK WELFARE	2
NOISE OR DOG COMPLAINT	3
TRAFFIC CRASH	4
EMS CALLS	4
SUDDEN DEATH	
SUSPICIOUS PERSON	2
Calls at Ambriar	2
OTHER	17

OFFICER INITIATED	NUMBER
BUILDING CHECKS	144
BUSINESS VISIT	57
BUILDING SEARCH	
TRAFFIC SUMMONS	9
DRUNK IN PUBLIC	1
EXTRA PATROLS/ Parks	225/39
WARRANT SERVICE	9
PROPERTY WALK AROUNDS	70
WARRANTS OBTAINED	11
PARKING TICKETS	
MISD. INVESTIGATION	5
FELONY INVESTIGATION	1
NARCOTICS INV.	1
SEARCH WARRANT	
PUBLIC RELATIONS	5
CITIZEN CONTACT	207

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

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	6
EQUIPMENT VIOLATION	
RECKLESS DRIVING	
SUSPENDED LICENSE	1
INSPECTION/REGISTRATION	1
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	1

ARREST	NUMBER
MISDEMEANOR	7
FELONY	5
EPO/PPO	1
ECO	2
NARCOTICS VIOLATION	
DUI / DUID	3

OTHER	NUMBER
ASSIST OTHER OFFICER	11
ASSIST OTHER AGENCY	17
COURT	
REPORTS	14
SCHOOL / TRAINING	1 CNT
MEETINGS	9
TOWED / IMPOUNDED VEH	



AMHERST POLICE DEPARTMENT

MONTHLY 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.

Calls for service: 187

Miles Patrolled:4700 miles

After Hours Calls:

06-01-21 Vehicle unlock. Assist motorist

06-12-21 Alarm. Cleared false alarm.

06-13-21 Hang up 911. Cleared accidental.

Assist ACSO:

06-01-21 Fleeing felon Peyton Ln. Arrest.

06-05-21 Vehicle unlock Winton Country Club. Assist motorist

06-05-21 Residential alarm Ebinezer Rd. Cleared advice.

06-05-21 Traffic stop South Bobwhite Rd. Arrest.

06-06-21 Domestic on Cedar Gate Rd. Suspect left stopped 29N. and Ambriar. Cleared arrest.

06-13-21 Mental Health crises Cedar Hill Rd. Cleared assist.

06-16-21 Problems with others on Boxwood Farm Rd. Cleared advise.

06-19-21 Mental Health ECO N. Amherst Highway. Cleared assist.

06-26-21 Domestic Strangulation stopped at Boxwood Farm Rd. Cleared arrest.

06-30-21 Check welfare, overdose. Transported by EMS.



AMHERST POLICE DEPARTMENT

MONTHLY REPORT



Month of June Activities:

- Assisted ACSD with the apprehension of two subjects that were wanted for questioning with a case they were investigating.
- All evaluations have been completed.
- We held our first Mock Assessment on June 9th. Our goal is to apply for our final assessment by the end of August. We have made huge strides in achieving this certification.
- The Town fireworks event was held on the 26th. A very nice event without any incidents.
- Our Reserve officers assisted in helping with the fireworks event (8hrs.)
- Staff evaluations were completed for 20/21.
- Met with clear communications on setting up vehicle lights/electronics for new vehicles.



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: July 8, 2021
Re: June 2021 Monthly Report

Utilities – June utility billing total was \$186,720.31.

A/P – June bills, including employee deductions and benefits total \$428,829.98 as of the date of this memo. We will still be cutting June checks for a couple more weeks until we completely transition over to the new fiscal year.

Meals and Beverage Tax – 15 Businesses paid \$51,387.49 in Meals and Beverage Tax for the month of May.

CARES Act Utility Forgiveness -- We received notice from DHCD that the wording on the Utility Forgiveness Funds was approved for change and we can now give the same customer assistance more than one time. We still have funds to spend so please let people know to reach out to us if they have a previous balance, so we help them.

Upcoming Items – FY21 Audit Prep-Auditors were at Town Hall June 23, 2021 to start preliminary work. They will return in December.

Business License – Business License renewals were due May 1, 2021. For the current 2021 tax year we have collected \$110,343. This has already exceeded our budgeted revenue amount by \$29,843. This should be the actual for the final fiscal year entries.

**CLERK OF COUNCIL REPORT
JUNE 2021**

COMMITTEE MEETINGS

IDA

Receive and review agenda materials; assemble packet for 6-7-21 meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Town Council

Receive and review agenda materials; assemble packet for 6-9-21 meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Property Maintenance Investigation Board

Attend 6-15-21 meeting; draft minutes for approval.

Committee on Town and County Projects

Attend 6-16-21 meeting, draft minutes for approval.

Town Council Retreat

Draft for approval 6.24.21 minutes

Quorums: Confirm IDA and Town Council meetings with members; confirm cancellation of Planning Commission 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 June meeting
 - Audio link for Amherst Town Council June meeting
 - Notice: Planning Commission vacancies
 - Notice: Night of Fireworks
- Share links to community news and events; Monitor feedback.

ZONING ORDINANCE RECODIFICATION

Continue follow-up with Municode re inclusion.

AMHERST APPLE HARVEST FESTIVAL

Review and respond to emails with Tobey Thurston, Festival Coordinator

OTHER:

- Convert and post audio meeting recording to website.
- Prepare, send, post Legal Ads/Public Hearing Notice:
 - Finance Committee 6.3.21;
 - Property Maintenance Investigation Board 6.15.21;
 - Committee on Town and County Projects 6.16.21; and
 - Town Hall Rehabilitation Ad Hoc Committee 7.6.21.
- Make corrections to Recycle and Trash calendar.
- Update TOA Water Plant Upgrade information to website.
- Post CIPP lining schedule to website.
- Research weeds ordinance and Code.
- Revise Employee Recognition Policy.
- Compile and order dinner for Mayor and Council Members for 6.24.21 Town Council retreat
- Update council member bio on website.
- Order member polo shirt and name tag.

- Miscellaneous phone calls, correspondence; other research.
- Prepare miscellaneous purchase orders.

Town of Amherst Committees as of June 30, 2021, Update; See Attached.

Town of Amherst Committees as of JUNE 30, 2021

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Appointed/Term Expires

TOWN COUNCIL

D. Dwayne Tuggle, Mayor	01/01/19	12/31/22
Rachel A. Carton, Vice Mayor	01/01/21	12/31/24
Kenneth S. Watts	01/01/19	12/31/22
Sharon W. Turner	01/01/21	12/31/24
Kenneth G. Bunch	01/01/21	12/31/24
Janice N. Wheaton	11/12/19	12/31/22

PLANNING COMMISSION

June Driskill, Chairperson	05/13/20	06/30/24
Janice N. Wheaton	01/01/21	12/31/22 (TC rep)
William Jones	07/01/19	06/30/23
Ted Finney	07/01/17	06/30/21 (Notice of Vacancy)
Kevin Belcher	07/01/18	06/30/22 (Notice of Vacancy)
Clifford Hart	07/01/19	06/30/23
Anne Webster Day	03/13/19	06/30/22

BOARD OF ZONING APPEALS

June Driskill	11/13/20	08/31/25 Pending Court approval
Ed Carton	09/01/19	08/31/24
Teresa Tatlock	07/10/16	08/31/21
Marvin Hensley	08/31/17	08/31/22
R.A. "Tony" Robertson	01/13 /21	08/31/23 Pending Court approval

INDUSTRIAL DEVELOPMENT AUTHORITY

Clifford Hart	07/01/19	08/31/23
Sharon Watts Turner	07/01/18	06/30/22
Aaron H. Mahler	7/01/21	06/30/25
Jacob Bailey	07/01/20	06/30/24
Manly Rucker	07/01/21	06/30/25
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

CENTRAL VIRGINIA PLANNING COMMISSION/MPO

D. Dwayne Tuggle	01/01/21	12/31/22
Sara Carter	01/01/21	12/31/22

Appointed/Term Expires

CENTRAL VIRGINIA TRANSPORTATION COUNCIL (MPO)

D. Dwayne Tuggle	01/01/21	12/31/22
Sara E. Carter	01/01/21	12/31/22

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

Kenneth Bunch	01/01/21	12/31/22
Kenneth S. Watts	01/01/21	12/31/22

TOWN COUNCIL COMMITTEES (FOR THE 01/01/21-12/31/22 TERM)

FINANCE COMMITTEE

Rachel A. Carton (Chairman) and Sharon W. Turner

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

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.

TOWN HALL MEETING ROOM REHABILITATION AD HOC COMMITTEE

Rachel Carton (Chairman) and Sharon Turner

- Oversee and monitor rehabilitation and refurbishment

TOWN AND COUNTY PROJECTS AD HOC COMMITTEE

Kenneth Bunch (Chairman) and Sharon Turner

- Interface in Town and County projects
- Monitor project development process

Utility/Town Maintenance and Construction Report

Jun-21

Water Meter Read	1150
Water Meter Re-Read	49
Disconnects	17
VA-811 Service locations	91
Vehicle PM Work Orders	8
Pump Station/Plant Work Orders	44
Banners Installed/Dismantled	1
Water Services Installed/Replaced	6
Sewer Services Installed/Replaced	0
Minor Leaks Repaired	2
Major Leaks Repaired	0
Minor Sewer Problems Resolved	4
Major Sewer Problems Resolved	3

Man Hours

Meter Reading	87
Street/Sidewalk Maintenance	295
Safety Training	3
Bush Hogging	85
Flushing Water	0
Equipment Maintenance	41
Xmas decorations	0

Major Issues & Comments

Routine/Annual Work

Projects/Unusual Work

Service Work Orders	Locating Un-marked/Unknown Water & Sewer System Assets
Meter Reading	Continue Safety and Shop/Yard Clean-up
Prev-Maint Work Orders	Staff has been working on finding water valves and addressing issues
Disconnects	Working on clearing water right of ways.
Re-connects	
Flushing Program in Select Locations	



**TOWN OF AMHERST
DEPARTMENT OF PLANTS
MONTHLY PRODUCTION AND OPERATIONAL REPORT
June -- 2021**

**SUBMITTED BY: GARY S. WILLIAMS,
DIRECTOR OF PLANTS
SUBMITTED ON: Thursday, July 8, 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	9.590	0.320	0.500	0.170
Plant Production	8.630	0.290	0.420	0.160
Water Delivered to System	8.160	0.270	0.420	0.120

**Rutledge Creek Wastewater Treatment Facility
Daily Process, and Production Volumes.**

	Total, Million Gallons	Average, Million Gallons	Max., Million Gallons	Min., Million Gallons
Final Treated Effluent	7.091	0.236	0.356	0.185

Stand Out Details of Monthly Operations,

- June was a relatively quiet month with no significant problems or issues occurring at the Towns plants. And while the State, as well as the Country, begins to open back up, many State agencies are still holding web meets. And much of the buzz in June was about EPA's revisions of the Lead and Copper Rule and continued PFAS review for regulation purposes.
- The Annual Consumer Confidence Report was completed and posted on the Towns website with notice of the posting included in June's water bills.

Town of Amherst 2020 Drinking Water Quality Report

Is my water safe?

We are pleased to present this year's Annual Water Quality Report (Consumer Confidence Report) as required by the Safe Drinking Water Act (SDWA). This report is designed to provide details about where your water comes from, what it contains, and how it compares to standards set by regulatory agencies. This report is a snapshot of last year's water quality. We are committed to providing you with information because informed customers are our best allies.

Do I need to take special precautions?

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control (CDC) guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Water Drinking Hotline (800-426-4791).

Where does my water come from?

The Town of Amherst Water Treatment Plant (WTP) receives their raw water from the Buffalo River. During times of drought conditions the Mill Creek Reservoir in Amherst County is used to supplement the river.

The raw water is pumped from the Buffalo River to the WTP. A chemical coagulate is added to the water to assist the organic matter to stick together, then the water flows to sedimentation basin at which point the floc (organic matter that has stuck together) has time to settle to the bottom of the basin. The water at the top of sedimentation basin will flow on top of the filters, where it is filtered to the clearwell. Once the finished water is in the clearwell it is then pumped out to Waugh's Ferry Tank and Union Hill Tank. Each of these tanks will hold 1 MG of water for distribution.

Source water assessment and its availability

A source water assessment was performed by the Office of Drinking Water in April 2003.

Why are there contaminants in my drinking water?

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's (EPA) Safe Drinking Water Hotline (800-426-4791). The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity:

microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife; inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial, or domestic wastewater discharges, oil and gas production, mining, or farming; pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses; organic Chemical Contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities. In order to ensure that tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

How can I get involved?

The Town of Amherst has monthly council meetings held on the second Wednesday of each month at 7pm in Council Chambers and are also live stream to youtube.

The Town of Amherst Water Treatment Plant is always looking for homes that want to be added to Lead & Copper sampling sites.

Description of Water Treatment Process

Your water is treated by filtration and disinfection. Filtration removes particles suspended in the source water. Particles typically include clays and silts, natural organic matter, iron and

manganese, and microorganisms. Your water is also treated by disinfection. Disinfection involves the addition of chlorine or other disinfectants to kill bacteria and other microorganisms (viruses, cysts, etc.) that may be in the water. Disinfection is considered to be one of the major public health advances of the 20th century.

Water Conservation Tips

Did you know that the average U.S. household uses approximately 400 gallons of water per day or 100 gallons per person per day? Luckily, there are many low-cost and no-cost ways to conserve water. Small changes can make a big difference - try one today and soon it will become second nature.

- Take short showers - a 5 minute shower uses 4 to 5 gallons of water compared to up to 50 gallons for a bath.
- Shut off water while brushing your teeth, washing your hair and shaving and save up to 500 gallons a month.
- Use a water-efficient showerhead. They're inexpensive, easy to install, and can save you up to 750 gallons a month.
- Run your clothes washer and dishwasher only when they are full. You can save up to 1,000 gallons a month.
- Water plants only when necessary.
- Fix leaky toilets and faucets. Faucet washers are inexpensive and take only a few minutes to replace. To check your toilet for a leak, place a few drops of food coloring in the tank and wait. If it seeps into the toilet bowl without flushing, you have a leak. Fixing it or replacing it with a new, more efficient model can save up to 1,000 gallons a month.
- Adjust sprinklers so only your lawn is watered. Apply water only as fast as the soil can absorb it and during the cooler parts of the day to reduce evaporation.
- Teach your kids about water conservation to ensure a future generation that uses water wisely. Make it a family effort to reduce next month's water bill!
- Visit www.epa.gov/watersense for more information.

Source Water Protection Tips

Protection of drinking water is everyone's responsibility. You can help protect your community's drinking water source in several ways:

- Eliminate excess use of lawn and garden fertilizers and pesticides - they contain hazardous chemicals that can reach your drinking water source.
- Pick up after your pets.

- If you have your own septic system, properly maintain your system to reduce leaching to water sources or consider connecting to a public water system.
- Dispose of chemicals properly; take used motor oil to a recycling center.
- Volunteer in your community. Find a watershed or wellhead protection organization in your community and volunteer to help. If there are no active groups, consider starting one. Use EPA's Adopt Your Watershed to locate groups in your community, or visit the Watershed Information Network's How to Start a Watershed Team.
- Organize a storm drain stenciling project with your local government or water supplier. Stencil a message next to the street drain reminding people "Dump No Waste - Drains to River" or "Protect Your Water." Produce and distribute a flyer for households to remind residents that storm drains dump directly into your local water body.

Other Information

Results of Cryptosporidium monitoring

The Town of Amherst completed its Round 2 Source Water Monitoring for Cryptosporidium in March 2021. Monitoring was a 24-month sampling and testing project of the water plant's raw water influent per 12VAC5-590 420 B 3 c.

The highest annual mean Cryptosporidium concentration for the Round 2 Source Water samples was 0.025 oocytes per Liter. According to the LT2 Rule, the bin classification table in 12VAC5-590 420 B 3 c was below the 0.075 oocytes per Liter and maintained a Bin Classification 1. Current treatment is adequate for treating the source water.

Additional Information for Lead

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. Town of Amherst Water Treatment Plant is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps

you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

Additional Information for Arsenic

While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

Water Quality Data Table

In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of contaminants in water provided by public water systems. The table below lists all of the drinking water contaminants that we detected during the calendar year of this report. Although many more contaminants were tested, only those substances listed below were found in your water. All sources of drinking water contain some naturally occurring contaminants. At low levels, these substances are generally not harmful in our drinking water. Removing all contaminants would be extremely expensive, and in most cases, would not provide increased protection of public health. A few naturally occurring minerals may actually improve the taste of drinking water and have nutritional value at low levels. Unless otherwise noted, the data presented in this table is from testing done in the calendar year of the report. The EPA or the State requires us to monitor for certain contaminants less than once per year because the concentrations of these contaminants do not vary significantly from year to year, or the system is not considered vulnerable to this type of contamination. As such, some of our data, though representative, may be more than one year old. In this table you will find terms and abbreviations that might not be familiar to you. To help you better understand these terms, we have provided the definitions below the table.

Contaminants	MCLG or MRDLG	MCL, TT, or MRDL	Detect In Your Water	Range		Sample Date	Violation	Typical Source
				Low	High			
Disinfectants & Disinfection By-Products								
(There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants)								
Haloacetic Acids (HAA5) (ppb)	NA	60	29.15	13.5	63.2	2020	No	By-product of drinking water chlorination

Contaminants	MCLG or MRDLG	MCL, TT, or MRDL	Detect In Your Water	Range		Sample Date	Violation	Typical Source
				Low	High			
TTHMs [Total Trihalomethanes] (ppb)	NA	80	34.93	22.4	49.5	2020	No	By-product of drinking water disinfection
Total Organic Carbon (% Removal)	NA	TT	NA	NA	NA	2020	No	
Inorganic Contaminants								
Antimony (ppb)	6	6	NA	NA	NA	2020	No	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder; test addition.
Arsenic (ppb)	0	10	NA	NA	NA	2020	No	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes
Barium (ppm)	2	2	.0138	NA	NA	2020	No	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits
Beryllium (ppb)	4	4	NA	NA	NA	2020	No	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries
Cadmium (ppb)	5	5	NA	NA	NA	2020	No	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; runoff from waste batteries and paints
Chromium (ppb)	100	100	NA	NA	NA	2020	No	Discharge from steel and pulp mills; Erosion of natural deposits
Fluoride (ppm)	4	4	.13	NA	NA	2020	No	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories
Mercury [Inorganic] (ppb)	2	2	NA	NA	NA	2020	No	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland
Nitrate [measured as Nitrogen] (ppm)	10	10	.43	NA	NA	2020	No	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits

Contaminants	MCLG or MRDLG	MCL, TT, or MRDL	Detect In Your Water	Range		Sample Date	Violation	Typical Source
				Low	High			
Nitrite [measured as Nitrogen] (ppm)	1	1	.43	NA	NA	2020	No	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits
Selenium (ppb)	50	50	NA	NA	NA	2020	No	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines
Sodium (optional) (ppm)	NA		10.7	NA	NA	2020	No	Erosion of natural deposits; Leaching
Thallium (ppb)	.5	2	NA	NA	NA	2020	No	Discharge from electronics, glass, and Leaching from ore-processing sites; drug factories
Volatile Organic Contaminants								
1,1,1-Trichloroethane (ppb)	200	200	NA	NA	NA	2020	No	
1,1,2-Trichloroethane (ppb)	3	5	NA	NA	NA	2020	No	Discharge from industrial chemical factories
1,1-Dichloroethylene (ppb)	7	7	NA	NA	NA	2020	No	Discharge from industrial chemical factories
1,2,4-Trichlorobenzene (ppb)	70	70	NA	NA	NA	2020	No	Discharge from textile-finishing factories
1,2-Dichloroethane (ppb)	0	5	NA	NA	NA	2020	No	Discharge from industrial chemical factories
1,2-Dichloropropane (ppb)	0	5	NA	NA	NA	2020	No	Discharge from industrial chemical factories
Benzene (ppb)	0	5	NA	NA	NA	2020	No	Discharge from factories; Leaching from gas storage tanks and landfills
Ethylbenzene (ppb)	700	700	NA	NA	NA	2020	No	Discharge from petroleum refineries
Styrene (ppb)	100	100	NA	NA	NA	2020	No	Discharge from rubber and plastic factories; Leaching from landfills
cis-1,2-Dichloroethylene (ppb)	70	70	NA	NA	NA	2020	No	Discharge from industrial chemical factories
Contaminants	MCLG	AL	Your Water	Sample Date	# Samples Exceeding AL	Exceeds AL	Typical Source	
Inorganic Contaminants								

Contaminants	MCLG	AL	Your Water	Sample Date	# Samples Exceeding AL	Exceeds AL	Typical Source
Copper - action level at consumer taps (ppm)	1.3	1.3	.192	2020	0	No	Corrosion of household plumbing systems; Erosion of natural deposits
Lead - action level at consumer taps (ppb)	0	15	7.3	2020	2	No	Corrosion of household plumbing systems; Erosion of natural deposits

Undetected Contaminants

The following contaminants were monitored for, but not detected, in your water.

Contaminants	MCLG or MRDLG	MCL, TT, or MRDL	Your Water	Violation	Typical Source
Carbon Tetrachloride (ppb)	0	5	ND	No	Discharge from chemical plants and other industrial activities
Chlorobenzene (monochlorobenzene) (ppb)	100	100	ND	No	Discharge from chemical and agricultural chemical factories
Toluene (ppm)	1	1	ND	No	Discharge from petroleum factories
Trichloroethylene (ppb)	0	5	ND	No	Discharge from metal degreasing sites and other factories
Vinyl Chloride (ppb)	0	2	ND	No	Leaching from PVC piping; Discharge from plastics factories
Xylenes (ppm)	10	10	ND	No	Discharge from petroleum factories; Discharge from chemical factories
trans-1,2-Dichloroethylene (ppb)	100	100	ND	No	Discharge from industrial chemical factories

Additional Monitoring

As part of an on-going evaluation program the EPA has required us to monitor some additional contaminants/chemicals. Information collected through the monitoring of these contaminants/chemicals will help to ensure that future decisions on drinking water standards are based on sound science.

Name	Reported Level	Range	
		Low	High
anatoxin-a (ug/L)	0		0
cylindrospermopsin (ug/L)	0		0
total microcystins (ug/L)	0		0

Unit Descriptions	
Term	Definition
ug/L	ug/L : Number of micrograms of substance in one liter of water
ppm	ppm: parts per million, or milligrams per liter (mg/L)
ppb	ppb: parts per billion, or micrograms per liter (µg/L)
NA	NA: not applicable
ND	ND: Not detected
NR	NR: Monitoring not required, but recommended.

Important Drinking Water Definitions	
Term	Definition
MCLG	MCLG: Maximum Contaminant Level Goal: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
MCL	MCL: Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
TT	TT: Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.
AL	AL: Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.
Variances and Exemptions	Variances and Exemptions: State or EPA permission not to meet an MCL or a treatment technique under certain conditions.
MRDLG	MRDLG: Maximum residual disinfection level goal. The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
MRDL	MRDL: Maximum residual disinfectant level. The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
MNR	MNR: Monitored Not Regulated
MPL	MPL: State Assigned Maximum Permissible Level

For more information please contact:

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Address: PO Box 280

Amherst, VA 24521
Phone: 434-946-1267

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KYLE D. HUGHES

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July 1, 2021

Town of Amherst
P.O. Box 280
Amherst, VA 24521

Attn: Sara Carter – Town Manager

Re: Monthly Report to Town Council
(June, 2021)

Dear Ms. Carter and Council,

My report on work regarding the following matters:

1. Town Council Meeting: I attended the monthly scheduled meeting on June 9, 2021.
2. Business:
 - A. Current status of alley/ right of ways in portions of Abandonment/Reversion. Land records and plats on record.
 - B. Review of recent development in Legislation – marijuana legalization. Attended a webinar on legislative updates. On-going.
 - C. Review pending matters with Counsel on the Mabry and Emmert matters.
3. Access to Town Attorney: My email address is dawn@tomberrylaw.com.
4. Please feel free to use this email access provided, and I will promptly return any communication. My home phone (434) 946-9501; office phone (434) 263-4886.

Respectfully Submitted,



W. Thomas Berry

WTB/dmc

W. THOMAS BERRY, LLC
 ATTORNEY-AT-LAW
 P.O. BOX 354/ 402 COURT STREET
 LOVINGSTON, VA 22949
 PHONE: (434) 263-4886

Invoice

Date	Invoice #
7/1/2021	9721

Bill To
Town of Amherst c/o Sara Carter P.O. Box 280 Amherst, VA 24521

Description	Qty	Rate	Terms
			Due on receipt
			Amount
6/7/21 - CONSTRUCTION - T/T DOWNY & CHIEF	1	175.00	175.00
6/8/21 - REVIEW SITE - T/T DOWNY & CHIEF	1	175.00	175.00
6/8/21 - CIGARETTE TAX	1.5	175.00	262.50
6/9/21 - MONTHLY MEETING	0.75	175.00	131.25
6/9/21 - REVIEW AGENDA	1	175.00	175.00
6/9/21 - WEBINAR CANNABIS	1.5	175.00	262.50
6/10/21 - MEETING ON POLICE DEPT	1	175.00	175.00
6/10/21 - DISCUSSIONS ON EMMERT	1.5	175.00	262.50
6/12/21 - EMMERT INFO TO DOWNY	0.5	175.00	87.50
6/14/21 - REVIEW APCO SURCREDIT	1	175.00	175.00
6/14/21 - CALL TO ZUNKER & CHIEF SHIFFLETT	0.5	175.00	87.50
6/15/21 - T/T ROBERT GOAD	0.5	175.00	87.50
6/16/21 - T/T INV OLIVER - AMHERST SHERIFF DEPT	0.5	175.00	87.50
6/16/21 - T/T DAVE EMMERT	0.5	175.00	87.50
6/21/21 - WHITEHEAD DR OLD SEWAGE PLANT EASEMENT RESEARCH	1.5	175.00	262.50
Total			\$2,493.75
Payments/Credits			\$0.00
Balance Due			\$2,493.75

**TOWN OF AMHERST
TOWN AND COUNTY PROJECTS COMMITTEE MINUTES
June 16, 2021
6:00 PM**

A meeting was called to order by Kenneth Bunch, Chairman of the Town and County Projects Committee on June 16, 2021, at 6:10 PM in the County Administration Public Meeting Room, County Administration Building (153 Washington Street). It was noted that the following were present in person as follows:

P	Kenneth Bunch		Committee Chairman
P	Sharon W. Turner		Committee Member

Present from the County of Amherst were County Supervisors Jimmy Ayers and Claudia Tucker.

Present from the Amherst Life Savings Crew were Scott Bryant, Charlie Goodin and Glenda Hash.

Vicki Hunt, Clerk of Council, was also present.

Mr. Bryant reported that Amherst Life Saving Crew is preparing to dissolve its corporate structure, ceasing to operate as an entity separate from the county because of the limited number of people available to handle the EMS calls. Their articles of incorporation require distribution of remaining assets to the Town of Amherst and the County of Amherst. Issues presented by the Lifesavings Crew members are how to equally distribute the assets. Mr. Bryant wishes for the Town to retain an interest in the oversight of the building, and it's continued use as an EMS site. Because the assets were mostly derived from citizens on the County's north end, the group hopes that the service and assets would remain concentrated in that area. While agreeing that it would not be an equal distribution, Ms. Hash opined that the building and vehicles should go to the County and all monies to the Town.

The Town's Committee Members and Supervisors from Amherst County reviewed and discussed the information from the Amherst Lifesavings Crew and any foreseen issues that may arise from the planned dissolution and distribution of remaining assets. After dissolution, the County intends to fold personnel and resources into Amherst County's public safety department. Ms. Turner read an amendment to the bylaws raising the question as to whether it is in fact an equal distribution or a distribution of all assets jointly to the parties thereby making both government entities equal owners and partners in the oversight of the building and all monies associated with the distribution. Town Committee Members agreed that the Town did not have the resources to govern the operation of an EMS but committee members want to retain equal control on the future of the building and its intended EMS purpose and the monies associated with the distribution.

It was agreed that all parties will discuss the amendment to the bylaws with their respective counsel and board members. Further discussion was deferred to a date to be determined.

The meeting concluded at 7:10 PM.

**Town of Amherst
Industrial Development Authority**

A regular meeting of the Town of Amherst Industrial Development Authority was called to order by Chairman Sharon W. Turner on July 6, 2021, at 5:15 PM in the Council Chambers of the Town Hall at 174 S. Main Street. It was noted that a quorum was present as follows:

P	Sharon Turner	P	Jacob Bailey
A	C. Manly Rucker	P	Kim Stein
P	Clifford Hart	P	Richard Wydner
P	Aaron Mahler		

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

Mr. Hart made a motion which was seconded by Mr. Wydner to approve the minutes of the June 7, 2021, meeting. There being no discussion, the motion carried 6-0 as follows:

Sharon Turner	Aye	Jacob Bailey	Aye
C. Manly Rucker	Absent	Kim Stein	Aye
Clifford Hart	Aye	Richard Wydner	Aye
Aaron Mahler	Aye		

Town Manager Carter gave a report on a possible purchase of a small piece of property in Brockman Park by Advanced Quality Coating, a company currently located in the Town of Amherst that offers OEM powder and ceramic coatings for construction, fabrication industries, and manufacturers of firearms. Advanced Quality Coating’s existing site in the Town of Amherst has limitations due to the size of semitrucks needing to go to its current location.

Dan Summers, owner of Advanced Quality Coating, was present to give an overview of his ideas and early design of a steel building approximately 10,000 square feet in size with possible expansion added on for storage, and to answer questions concerning intent not to use the facility for an arsenal or manufacturing of firearms as required by Code, lot location, outside storage, and execution of a performance agreement.

After discussion, Mr. Summers was requested that should he decide to go forward, to present a more detailed design of the structure on a preferred lot in Brockman Park to the Authority.

There being no further business, the meeting adjourned at 5:51 P.M. on motion of Mr. Bailey, seconded by Mr. Stein.

Sharon W. Turner, Chairman

ATTEST: _____
Secretary

Sharon W. Turner, Chairman of Town of Amherst Industrial Development Authority, called a Special Joint Meeting of the Industrial Development Authority and the Amherst Town Council to order on July 6, 2021, at 6:00 PM in the Council Chambers of the Town Hall at 174 S. Main Street.

It was noted that a quorum was present as follows:

P	Sharon Turner	P	Jacob Bailey
A	C. Manly Rucker	P	Kim Stein
P	Clifford Hart	P	Richard Wydner
P	Aaron Mahler		

Town Council were present as follows:

P	D. Dwayne Tuggle	P	Kenneth G. Bunch
P	Rachel A. Carton	P	Sharon W. Turner
P	Kenneth S. Watts	P	Janice N. Wheaton

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

Discussions were held on the possibility of repositioning the Industrial Development Authority to an Economic Development Authority or to expand the IDA’s responsibility, authority, and oversight over economic development activities.

The group also discussed goals keying in on Brockman Park, downtown revitalization, small businesses, walkability and bicycle, and safety, and what steps might be involved to achieve each goal.

The IDA will, after looking closely at what the Town has to offer and what is most attractive to people and businesses, formulate a plan and ways that it can support Town Council’s initiatives, to be presented to Council.

There being no further business, the meeting adjourned at 7:07 P.M. on motion of Mr. Mahler, seconded by Mr. Bailey.

Sharon W. Turner, Chairman

ATTEST: _____
Secretary

**TOWN OF AMHERST
PROPERTY MAINTENANCE INVESTIGATION BOARD
MINUTES
June 15, 2021
5:30 PM**

A meeting was called to order by Town Manager Sara Carter on June 15, 2021, at 5:30 PM in Council Chambers of Town Hall, 174 S. Main Street, Amherst, VA. It was noted that a quorum was present as follows:

P	Glenda Hash	A	C. Manly Rucker
P	Bessie H. Kirkwood		

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

After a report by Town Manager Carter and discussion, Ms. Hash made a motion that was seconded by Ms. Kirkwood to find that property in the Town of Amherst designated as 172 Depot Street, owned by Macadam Investment, neglected property, as recommended by Town Manager.

The motion carried 2-0 as follows:

Glenda Hash	Ave
Bessie H. Kirkwood	Ave
C Manly Rucker	Absent

After a report by Town Manager Carter and discussion, Ms. Hash made a motion that was seconded by Ms. Kirkwood to find that property in the Town of Amherst designated as vacant lots on First Street and rear of 178 Washington Street, TM# 96A4-A-108, TM# 96A4-A-109 & TM#96A4-A-112 owned by Harold and Susan F. Pitsenbarger, neglected property, and upon recommended by Town Manager Carter to allow an extension of 14 days to the owner to cause weeds or grasses to be cut and/or removed from the premises.

The motion carried 2-0 as follows:

Glenda Hash	Ave
Bessie H. Kirkwood	Ave
C Manly Rucker	Absent

The meeting adjourned at 5:55 pm.



Virginia Public Body Procurement Worksheet

*The Virginia Sheriffs' Association's Vehicle Procurement Program is open to all public bodies within the Commonwealth of Virginia.
For assistance with the worksheet and any questions regarding this Procurement Program please contact Anna Martin at (919) 459-1072.*

Disclaimer: Please contact awarded dealer before issuing purchase order. Pricing is subject to change.

Click on the dealer directory below for all contact information.

[Dealer Directory](#)

Bid 21-04-0925 Specification #7

Awarded Dealer	Type of Vehicle	Zone	Base Unit Price
Sheehy Ford of Richmond	2021 Ford Police Interceptor Utility AWD (K8A)	Dogwood	\$32,555.00
Sheehy Ford of Richmond	2021 Ford Police Interceptor Utility AWD (K8A)	Colonial	\$32,455.00
Sheehy Ford of Richmond	2021 Ford Police Interceptor Utility AWD (K8A)	Heritage	\$32,455.00
Sheehy Ford of Richmond	2021 Ford Police Interceptor Utility AWD (K8A)	Chesapeake	\$32,429.00

The 2021 Ford Police Interceptor Utility AWD (K8A) purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and VSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

[Click here for a listing of all standard equipment including, but not limited to standard engine and powertrain.](#)

Purchasing Agency: Amherst PD NT215374-NT215375

Color (Specify Color per Quantity): White(YZ)

Please use a separate worksheet per vehicle when ordering multiple vehicles with different options.

Quantity	(Please select your zone from drop down menu below)	Unit Price	Qty Price
2	Colonial	\$32,455.00	\$ 64,910.00

If you would like to pick up your vehicle from the dealer please enter a negative quantity amount for the delivery fee of the district you are purchasing from - For Example: -2 (For 2 Vehicles)

Order Code Delete Options

	Delivery Fee - Dogwood District	\$20.00	\$ -
	Delivery Fee - Colonial District	\$20.00	\$ -
	Delivery Fee - Heritage District	\$20.00	\$ -
	Delivery Fee - Chesapeake District	\$20.00	\$ -

A quantity must be entered for all desired options below.

When ordering vehicles with the exact same options, please enter the number of vehicles as the quantity for all options below. For example, if you are ordering 2 vehicles enter 2 for all requested options)

Order Code Add Options

2	Tail Lamp / Police Interceptor Housing Only: Pre-existing holes with standard twist lock sealed capability (does not include LED strobe)(eliminates need to drill housing assemblies)	86T	\$56.40	\$ 112.80
2	Remote Keyless	55F	\$319.60	\$ 639.20
2	Dark Car Feature – Courtesy lamps disabled when any door is opened	43D	\$23.50	\$ 47.00
2	Switchable Red/White Lighting in Cargo Area (deletes 3rd row overhead map light)	17T	\$47.00	\$ 94.00
2	Pre-wiring for grille LED lights, siren and speaker	60A	\$47.00	\$ 94.00

2	Spot Lamp – LED Bulb: Driver Only (Unity)	51R	\$371.30	\$ 742.60
2	Wheel Covers (18" Full Face Wheel Cover) - Note: Only available with the standard Police wheel, not available with 64E	65L	\$56.40	\$ 112.80
2	Rear-Door controls Inoperable / Locks Inoperable (locks, handles and windows) Note: Not available with 52P. Note: Can manually remove window or door disable plate; Note: Locks/windows operable from driver's door switches with special tool	68G	\$70.50	\$ 141.00
2	Mirrors – Heated Sideview - Note: Not required when ordering BLIS® (heated mirror is included with BLIS®)	549	\$56.40	\$ 112.80
2	Reverse Sensing System	76R	\$258.50	\$ 517.00
2	Aux Air Conditioning - Note: Now available with Cargo Storage Vault (63V).	17A	\$573.40	\$ 1,146.80
2	100 Watt Siren/Speaker (includes bracket and pigtail)	18X	\$296.10	\$ 592.20
2	OBD II - CONECTOR/SPLITTER FOR EMERGENCY EQUIPMENT (USE WITH CARBIDE)		\$51.70	\$ 103.40
2	Tremco Anti-Theft Device (Dealer Installed Option)		\$162.23	\$ 324.46
	Total Per Unit			\$ 34,845.03
	Exterior Color:			
	Agate Black	UM		
2	Oxford White	YZ		
	Total of All Units			\$ 69,690.06

*Next Steps: Please submit completed worksheet to contracted dealer to confirm all pricing as pricing is subject to change.
Original purchase order must be sent to contracted dealer.
A copy of all purchase orders must be sent to Kaylyn Mtiman at kmitman@virginiasheriffs.org*



Virginia Public Body Procurement Worksheet

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[Click here for a listing of all standard equipment including, but not limited to standard engine and powertrain.](#)

Purchasing Agency: **Amherst PD**

Color (Specify Color per
Quantity): **White(YZ)**

*Please use a separate
worksheet per vehicle when
ordering multiple vehicles with
different options.*

Quantity	(Please select your zone from drop down menu below)	Unit Price	Qty Price
1	Colonial	\$32,455.00	\$ 32,455.00

*If you would like to pick up
your vehicle from the dealer
please enter a negative
quantity amount for the
delivery fee of the district you
are purchasing from - For
Example: -2 (For 2 Vehicles)*

Order Code Delete Options

	Delivery Fee - Dogwood District		\$20.00	\$ -
	Delivery Fee - Colonial District		\$20.00	\$ -
	Delivery Fee - Heritage District		\$20.00	\$ -
	Delivery Fee - Chesapeake District		\$20.00	\$ -

A quantity must be entered for all desired options below.

*When ordering vehicles with
the exact same options,
please enter the number of
vehicles as the quantity for all
options below. For example, if
you are ordering 2 vehicles
enter 2 for all requested
options)*

Order Code Add Options

1	Tail Lamp / Police Interceptor Housing Only: Pre-existing holes with standard twist lock sealed capability (does not include LED strobe)(eliminates need to drill housing assemblies)	86T	\$56.40	\$ 56.40
1	Remote Keyless	55F	\$319.60	\$ 319.60
1	Dark Car Feature – Courtesy lamps disabled when any door is opened	43D	\$23.50	\$ 23.50
1	Switchable Red/White Lighting in Cargo Area (deletes 3rd row overhead map light)	17T	\$47.00	\$ 47.00
1	Pre-wiring for grille LED lights, siren and speaker	60A	\$47.00	\$ 47.00

1	Spot Lamp – LED Bulb: Driver Only (Unity)	51R	\$371.30	\$ 371.30
1	Wheel Covers (18" Full Face Wheel Cover) - Note: Only available with the standard Police wheel, not available with 64E	65L	\$56.40	\$ 56.40
1	Rear-Door controls Inoperable / Locks Inoperable (locks, handles and windows) Note: Not available with 52P. Note: Can manually remove window or door disable plate; Note: Locks/windows operable from driver's door switches with special tool	68G	\$70.50	\$ 70.50
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1	100 Watt Siren/Speaker (includes bracket and pigtail)	18X	\$296.10	\$ 296.10
1	OBD II - CONECTOR/SPLITTER FOR EMERGENCY EQUIPMENT (USE WITH CARBIDE)		\$51.70	\$ 51.70
1	Tremco Anti-Theft Device (Dealer Installed Option)		\$162.23	\$ 162.23
	Total Per Unit			\$ 34,845.03
	Exterior Color:			
	Agate Black	UM		
1	Oxford White	YZ		
	Total of All Units			\$ 34,845.03

Next Steps: Please submit completed worksheet to contracted dealer to confirm all pricing as pricing is subject to change.
Original purchase order must be sent to contracted dealer.
A copy of all purchase orders must be sent to Kaylyn Mtiman at kmitman@virginia sheriffs.org



Quoted To:

Clear Communications

Amherst PD
Att: Chad
5/25/2021

By: Rick Allen, Sales Rep
9501 Burge Avenue
Richmond, VA 23237
Cell 757-407-2415
rallen@tidewaterfleetsupply.com

TERMS: NET 30

NO PROMPT PAY DISCOUNTS ALLOWED

QTY	PART NO.	DESCRIPTION	LIST PRICE	DISC.	UNIT PRICE	TOTAL
1	PB47UINT20HD	ProGard HD P/Bumper	\$514.00	30.00%	\$359.80	\$359.80
1	DP4	Dominator Plus 4 Head Stick (B/C/B/C)	\$651.00	49.97%	\$325.70	\$325.70
1	DBKT4	Dominator L-Bracket Kit	\$24.00	49.97%	\$12.01	\$12.01
4	VTX609E	Blue/White Vertex Led (Front Corners)	\$118.00	49.97%	\$59.04	\$236.16
4	VTXFB	Black Vertex Flanges	\$9.00	49.97%	\$4.50	\$18.00
1	MBFX20	2021 PIU Mirror Beam (Blue Ion's)	\$395.00	49.97%	\$197.62	\$197.62
1	IW2BBBB	55" Liberty All Blue, TD's/ Alleys Mount	\$0.00	49.97%	\$1,495.00	\$1,495.00
4	RSB02ZCR	Blue LIN3 Led (P/B Side/Rear 1/4 Window)	\$92.00	50.00%	\$46.00	\$184.00
2	RBKT1	LIN3 L-Bracket (1/4 Window)	\$14.00	49.97%	\$7.00	\$14.00
1	AVC11B	Blue Single Avenger (Rear Hatch Window)	\$204.00	49.97%	\$102.06	\$102.06
4	VTX609B	Blue Vertex Led (Reverse Ilghts/License Plate Area)	\$113.00	50.00%	\$56.50	\$226.00
2	VTXFB	Black Vertex Flanges (License Plate Area)	\$9.00	49.97%	\$4.50	\$9.00
2	TLIB	Blue T-Ion (Under Rear Hatch)	\$135.00	50.00%	\$67.50	\$135.00
2	TCRB50	2021 PIU Tracer Mount	\$40.00	49.97%	\$20.01	\$40.02
2	TCRHS5	All Blue Solo Tracer 5 Head Unit	\$938.00	49.97%	\$469.28	\$938.56
1	P1300UINT20AOSB	ProGard 1/3 ProCell Unit w/Outboard Seat Belts	\$2,800.00	30.00%	\$1,960.00	\$1,960.00
1	295LSA6	Switchbox/Siren Unit	\$672.00	49.97%	\$336.20	\$336.20
1	SA315P	100 Watt Speaker	\$328.00	50.00%	\$164.00	\$164.00
1	SAK67D	2021 PIU SA315 Bracket	\$41.00	50.00%	\$20.50	\$20.50
1	C-VS-0618-INUT	Havis 24" Horizontal Console Pkg	\$508.00	30.00%	\$355.60	\$355.60
1	C-CUP2-I	Dual Cupholder	\$45.42	30.00%	\$31.79	\$31.79
1	C-ARM-103	Larger Adjustable Armrest	\$143.89	30.00%	\$100.72	\$100.72
1	PKG-PSM-1006	Passenger Side Laptop Mount Kit	\$358.85	30.00%	\$251.20	\$251.20
1	C-HDM-401	HD Laptop Stabilizer Pole	\$70.30	30.00%	\$49.21	\$49.21
1	DS-PAN-111	Havis DS-31 Dock (No Antenna Pass-Through)	\$859.18	30.00%	\$601.43	\$601.43
1	LPS-104	Havis P/Supply	\$221.26	30.00%	\$154.88	\$154.88
0		Core Upgrade \$823.00	\$0.00	0.00%	\$0.00	\$0.00
0		Optional Duo B/W Legacy \$1950.00	\$0.00	0.00%	\$0.00	\$0.00
0		Optional Blue Solo Legacy TD/Alleys Mount \$1495.00	\$0.00	0.00%	\$0.00	\$0.00

GOODS	\$8,318.46
SHIPPING	\$150.00
TOTAL	\$8,468.46

Quote Expires: *30 Days

Please allow 5 Business Days for shipping. Shipping charges will be added.
*This price quotation for products is for immediate acceptance and is subject to change by Tidewater Fleet Supply, LLC ("TFS") without notice. Quotations are valid for 30 days from the date of the quotation. All purchase orders for products are subject to TFS' acceptance. Prices are based upon current costs and therefore subject to change without notice to account for changes in the cost of raw materials and other direct costs which are beyond TFS' control.

NOTES



PURCHASE ORDER

TOWN OF AMHERST
174 S. MAIN ST P.O. BOX 280
AMHERST, VIRGINIA 24521
PH. 434-946-7885 FAX 434-946-2087

REQUISITION #: 1290
P.O. #: 061221GPS
DATE: June 23, 2021
ORDERED BY: Smith
ORDER TAKEN BY:

VENDOR

Name **Clear Water, Inc.**
 PO Box or St. **P.O. Box 580**
 City, State, Zip **Indian Trail, NC 28079**
 Phone **704 - 821 - 6777 (800 - 947 - 0852)**
 Contact **704 - 821 - 6466**

DELIVERING TO

Rutledge Creek WWTP
 448 Industrial Park Drive
 Amherst, VA 24521

Contact:

SHIP VIA	F.O.B.	PAYMENTS METHOD	PAYMENT TERMS	ACCOUNT NUMBER
Best way - Ground	Destination	USD	Net - 30 Days	

QTY	UNITS	PRODUCT NAME / DESCRIPTION	UNIT PRICE	TOTAL	EXPENSE ACCT. NUMBER
1	1	EA Rosemount Magnetic flow Meter	4,809.00000	\$4,809.00	502-4-44000-
2	1	EA Stainless Steel Inclosure	375.00000	\$375.00	502-4-44000-
3	1	EA Start Up / Site visit / Calibration	1,200.00000	\$1,200.00	502-4-44000-
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

SUB-TOTAL	\$6,384.00
SHIPPING / HANDLING	\$200.00
TOTAL	\$6,584.00

NOTES AND INSTRUCTIONS:
 To replace waste flow meter needed in reporting wasted sludge from the treatment process.

 Authorized By: Date: 06-28-2021



PO Box 1469 Hickory, NC 28603
 Phone: (828) 855-3182 Fax: (828) 855-3183
 www.clearwaterinc.net

Sales Order

Date	S.O. No.
6/23/2021	36158

Name / Address
Town of Amherst PO Box 280 Amherst, VA 24521 Attn: Accounts Payable

Ship To
Town of Amherst Rutledge Creek WWTP 448 Industrial Park Drive Amherst, VA 24521 Attn: Gary Williams - 434-946-5769

Ship Via	Customer's PO#	Terms	Requested Date	Project	Tracking #
Best Way	06121GPS	Net 30	7/23/2021		

Item	Description	Ordered	Rate	Amount
8750WDMW1A1FPS...	Rosemount Magnetic Flow Meter System with transmitter, configured as follows: Model 8750WDMW1A1FPSB080CA1M4G1R05Q4 D Sensor Design: Revision "D" M Transmitter Class: Rev. 4 Electronics W Transmitter Mount: Remote Wall Mount I Power: AC (90 to 250VAC, 50-60Hz) A Outputs: 4-20mA; Digital HART; Scalable Pulse I Conduit Entries: 1/2-14 NPT F Sensor Style: Flanged P Lining Material: Polyurethane S Electrode Material: 316L SS B Electrode Type: Bulletnose 080 Flow Tube Size: 8" C Flanges: Slip-On, Raised-Face, Carbon Steel A1 Flange Rating: ASME B16.5, Class 150 M4 Display: Local Operator Interface G1 Ground Ring: 316L SS (Qty 2) R05 Submergence Protection: Potted Junction Box with 50' Cable/Cable Gland Q4 Quality Certificate: Calibration Certificate per ISO 10474 3.1B	1	4,809.00	4,809.00
AM2068RT-P206	AMF 20"(H)x 16"(W)x 8"(D) FRP NEMA 4X Enclosure with Stainless Steel twist latches and aluminum back panel	1	375.00	375.00
Freight	Freight	1	200.00	200.00
Start Up - C	(1) Site visit for startup and calibration assistance. Installation of system components & electrical wiring is not included. Does not include personnel and equipment for confined space entry.	1	1,200.00	1,200.00

			Total	\$6,584.00
REMIT TO:	Hickory Office: PO Box 1469 Hickory, NC 28603 (828)855-3182	Richmond Office: 502 Research Road N. Chesterfield, VA 23236 (804)378-3550		

§ 15.2-1800. Purchase, sale, use, etc., of real property

A. A locality may acquire by purchase, gift, devise, bequest, exchange, lease as lessee, or otherwise, title to, or any interests in, any real property, whether improved or unimproved, within its jurisdiction, for any public use. Acquisition of any interest in real property by condemnation is governed by Chapter 19 (§ 15.2-1901 et seq.). The acquisition of a leasehold or other interest in a telecommunications tower, owned by a nongovernmental source, for the operation of a locality's wireless radio communications systems shall be governed by this chapter.

B. Subject to any applicable requirements of Article VII, Section 9 of the Constitution, any locality may sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property, which includes the superjacent airspace (except airspace provided for in § 15.2-2030) which may be subdivided and conveyed separate from the subjacent land surface, provided that no such real property, whether improved or unimproved, shall be disposed of until the governing body has held a public hearing concerning such disposal. However, the holding of a public hearing shall not apply to (i) the leasing of real property to another public body, political subdivision or authority of the Commonwealth or (ii) conveyance of site development easements, or utility easements related to transportation projects, across public property, including, but not limited to, easements for ingress, egress, utilities, cable, telecommunications, storm water management, and other similar conveyances, that are consistent with the local capital improvement program, involving improvement of property owned by the locality. The provisions of this section shall not apply to the vacation of public interests in real property under the provisions of Articles 6 (§ 15.2-2240 et seq.) and 7 (§ 15.2-2280 et seq.) of Chapter 22.

C. A city or town may also acquire real property for a public use outside its boundaries; a county may acquire real property for a public use outside its boundaries when expressly authorized by law.

D. A locality may construct, insure, and equip buildings, structures and other improvements on real property owned or leased by it.

E. A locality may operate, maintain, and regulate the use of its real property or may contract with other persons to do so.

Notwithstanding any contrary provision of law, general or special, no locality providing access and opportunity to use its real property, whether improved or unimproved, may deny equal access or a fair opportunity to use such real property to, or otherwise discriminate against, the Boy Scouts of America or the Girl Scouts of the USA. Nothing in this paragraph shall be construed to require any locality to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from local policies governing access to and use of a locality's real property. The provisions of this paragraph applicable to a locality shall also apply equally to any local governmental entity, including a department, agency, or authority.

F. This section shall not be construed to deprive the resident judge or judges of the right to control the use of the courthouse.

G. "Public use" as used in this section shall have the same meaning as in § 1-219.1.

Code 1950, § 15-692; 1962, c. 623, § 15.1-262; 1968, c. 418; 1974, c. 282; 1977, c. 269; 1979, c. 431; 1980, cc. 212, 559; 1984, c. 241; 1986, cc. 477, 573; 1990, c. 813; 1997, c. 587; 1998, c. 696; 2005, c. 822; 2006, c. 57; 2007, cc. 882, 901, 926; 2017, c. 401.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



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: Charles Thompson and Sara Carter
Date: July 9, 2021
Re: Information regarding bucket trucks and lifts

Mr. Thompson was tasked with reviewing options for bucket trucks and lifts for Council to replace the existing bucket truck. The existing truck is a 1995 model and is significantly larger than what the Town needs and because of its size, is only good for one use. Additionally, there will be a significant cost for the continued use of this truck. The best option for the Town, if price were not an issue, would be a one-ton bucket truck with a forty-foot reach. This is a size truck that could be used for a variety of purposes, including the bucket reach, towing the jetter, and general purpose. However, upon research, finding used trucks of this type is difficult, with most used models having in excess of 100,000 miles. Lifts of varying types were also researched.

Mr. Thompson's conclusion was as follows:

My research is completed on the replacement of the bucket truck. New and used trucks as well as towable lifts have been priced. The reach should be a minimum of 40 feet. Expenses could be from 30,000 to 160,000, I recommend the purchase of a towable lift because a new or used truck cannot be justified if it was available. A towable lift is being rented for 300.00 a day which does not include delivery or pickup. The current truck has no other value to the department and can be sold toward the purchase.

Mr. Thompson has obtained a variety of quotes for Council so that they may have a better idea of what is available. In sum, he found:

- A new bucket truck of the appropriate type would cost approximately \$123,000.
- A used bucket truck of the appropriate type could typically have 100,000 miles and cost \$70,000.
- A new aerial lift that would tow behind a truck ranges in price from \$18-30,000. The best suited size and type is currently approximately \$30,000.

I have attached several quotes for trucks and lifts for Council's perusal.



Terex LT40 Aerial Device

New Dodge 5500 4x4 Diesel

CARB 2022 COMPLIANCE IS NOT INCLUDED IN PRICE
CALIFORNIA AND OTHER OPT-IN STATES ADD UP TO \$4,500

CHASSIS SPECS & BODY SPECS

Engine 6.7L I6 Cummins Turbo Diesel Heavy Duty Engine Cooling	Front Axle Conventional Differential Stabilizer Bar 225/70R 19.5G 4.10 Ratio
Transmission Heavy Duty 6 Speed Automatic Auxiliary Transmission Cooler Man. Shift-On-The-Fly Transfer Case	Rear Axles Anti-Spin Differential Rear Axle Heavy Duty Stabilizer Bar Dana® S111 Rear Axle 225/70R 19.5G 4.10 Ratio
Brake System Anti-Lock 4-Wheel Disc Brakes	GVWR 19,500 lbs
Fuel Tank(s) 52 Gallon Capacity Small DEF Tank	Included Optional Features: Cold Weather Group Engine Block Heater Winter Front Grille Cover Max Tow Package Underbody Thermal Protection Ambulance Prep Group 220-Amp Alternator Vehicle Information System Monitoring Battery Monitoring System w/ Auto Idle Up Control Chrome Appearance Group Bright Front Bumper Bright Grille Remote Keyless Entry Low Beam Daytime - Running Headlamps
Cab Features: Seat: Heavy Duty Vinyl 40/20/40 Split Bench Sentry Key Theft Deterrent System Automatic Headlamps Advanced Multistage Front Airbags Air Conditioning Uconnect 3.0 AM/FM Cruise Control Power Steering Power Door Locks Electronic Vehicle Info. Center Speed Control Tilt Steering Column 12-Volt Auxiliary Power Outlet Power Windows w/ 1-Touch Up and Down Instrument Cluster with Display Screen	

Body Specifications:
132" L x 40" H x 94" W

Body Dimensions:
40 Inches-Compartment Height
20 Inches-Compartment Depth
54 Inches-Load Space Width
24 Inches-Top of Body to the Top of the Floor
18 inches-Horizontal Compartment Height
6 Inches-Wheel Well Box Height

Body Material:
Main Body 16 Gauge Galvanneal Steel

Floor And Understructure:
12 Gauge Hot Rolled Treadplate - Floor
6" Structural Steel Channel

Accessories:
S S Automotive Rotary Type Door Latches
Chain Stops All Doors
Rubber Rolled Crown Type Fenders
Automotive Bulb Type Weather-Stripping
Master Door Lock System

Paint:
Powder Coat White
Rubberized Protective Undercoating
Non-Slip Coating On Floor/Tailshelf
Non-Slip Coating On Compartment Tops

Streetside Compartments:
1st Vertical - 30" W X 40" H X 18" D
2nd Vertical - 24" W X 40" H X 18" D
Horizontal Compartment -
54" W X 18" H X 18" D
Rear Vertical - 24" W X 40" H X 18" D
Hot Stick Shelf - 132"

Curbside Compartments:
1st Vertical 30" W X 40" H X 18" D
Curbside Access 24" W
Horizontal - 54" W X 18" H X 18" D
Rear Vertical - 24" W X 40" H X 18" D

Tailshelf:
12 Ga Treadplate Tailshelf 30"L X 94" W X 6" H
With Curbside Access

Tailshelf Rear Lighting:
94"W 7-Lamp Light Bar Installed At Rear Of
Tailshelf NO LIGHTS
(2) Wheel Chock Holders Installed Curbside

EQUIPMENT SPECS

Hi-Ranger General Specifications
Working Height - 45'6"
Side Reach - 26'6"
Lower Controls - Individual Levers @ Turntable
Lower Boom
Filament Wound Hi-Strength Fiberglass Insert
Providing Insulation Gap
Upper Boom
Filament Wound Hi-Strength Fiberglass Boom
Providing Insulation Gap
Boom Rest w/ Ratchet Style Tie Down
Continuous Unrestricted Rotation
Rated for 46KV Category C Machine
in Accordance w/ ANSI/SIA A92.2-2009
Full Pressure Open Center Hydraulic System
Powder Coat Painted White
Two Complete Service Manuals
Warning Decals
24" x 30" x 42" End Mounted Platform
w/ (1) Access Step w/ Non-Slip Surface
Safety Harness and Lanyard
Insulated Platform Liner Tested at 50KV AC
Waterproof Platform Cover
Auxiliary Power
Boom Tip w/ 4-Function Controls and Platform Rotator
Upper Controls - "Control Plus"
Single Stick Controller
Platform Rated @ 400 lbs
Hydraulic Platform Rotator
Hydraulic Platform Tilt @ Lower Control
Hydraulic Tool Outlets @ Platform
Torsion Bar For Stability

Sample Photo



888-684-8146 www.customtruck.com

ASK ABOUT THE CUSTOMIZED AND FLEXIBLE LEASING & FINANCING
SOLUTIONS AVAILABLE FROM CUSTOM TRUCK CAPITAL

DISCLAIMER: Specifications are believed to be correct, but may contain errors and/or omissions.
Pictures are representative and may not be identical.

SALE PRICE: \$122,812 FET N/A
Sample 60 Month Lease Payment: \$1,703 Subject To Approval
For More Details Call Custom Truck Capital (833) CTC-FIN1
Ex Works: Kansas City, MO

QUOTE NUMBER: LE2.16-D_18

EXPIRATION DATE: 9-30-21

From: [Charles Thompson](#)
To: [Sara Carter](#)
Subject: Fw: EG286379 (RA215087) 2014 Dodge Ram 5500 4x4 Versalift SST-40-EIH Bucket Truck
Date: Thursday, July 8, 2021 1:11:16 PM
Attachments: [PO1.08-G 21 EG286379 \(RA215087\) 2014 Dodge Ram 5500 4x4 Versalift SST-40-EIH Bucket Truck.pdf](#)

From: Patrick O'Brien <pobrien@customtruck.com>
Sent: Thursday, July 8, 2021 12:05 PM
To: Charles Thompson <charles.thompson@amherstva.gov>
Subject: EG286379 (RA215087) 2014 Dodge Ram 5500 4x4 Versalift SST-40-EIH Bucket Truck

Mr. Charles Thompson,

At the moment this is the only used 40 ft. bucket truck that we have close to ready to sell. Our location in Arkansas is working on some final repairs. Price will be \$69,950.

I gave your contact info. to our sales manager, he'll make sure you're assigned to the correct salesman who can get you info. on the new bucket trucks.

Thanks,
Patrick O'Brien
Used Trucks Assistant Manager

MOBILE +1 (816) 400-5912
LOCATION Kansas City, MO BLDG D
[Equipment Lookbook](#)
[customtruck.com](#)



****Please note my new email address.**



2014 Dodge Ram 5500 4x4

Versalift SST-40-EIH Bucket Truck

CHASSIS SPECS

UNIT INFORMATION

VIN: 3C7WRNBL6EG286379
 Dash: 115,413 Miles
 4x4 Single Axle
 Hydraulic Brakes
 170 Inch Wheelbase
 84 Inch Cab to Trunnion
 Single Frame
 Pintle Hitch
 -Electric Connection

CAB FEATURES

Standard Daycab
 Power Windows
 Power Door Locks
 Trailer-Tow Mirrors
 City Horn

INTERIOR FEATURES

Mid-Level Interior
 A/C Equipped
 High Back Slide
 Drivers Seat
 High Back Slide
 Passenger Seat
 AM/FM
 Tilt Steering Column
 Cruise Control
 Cup Holders

GVWR

19,500 Lbs

FRONT AXLES

6500 Lbs

REAR AXLES

13,500 Lbs

REAR SUSPENSION

Leaf Spring

ENGINE

Cummins 6.7L
 Drive: 3,131 Hours
 Idle: 4,917 Hours
 RH Horizontal Exhaust

TRANSMISSION

Automatic

TIRES/WHEELS

Front Tire: 225/70R19.5
 Front Wheel: Steel
 Rear Tire: 225/70R19.5
 Rear Wheel: Steel

FUEL TANK(S)

LH Fuel Tank

EQUIPMENT SPECS

2014 Versalift SST-40-EIH
 S/N: EH140159
 350 LB. Platform Capacity
 40 Ft. Platform Height
 27.9 Ft. Side Reach
 Upper & Lower Controls
 Insulated Category C 46KVAC
 Articulated/Telescopic



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DISCLAIMER: Specifications are believed to be correct, but may contain errors and/or omissions. Pictures are representative and may not be identical.

PRICE: CALL FOR PRICE
 STOCK#: RA215087
 EX WORKS: CABOT, AR

SALES QUOTE : P01.08-G_21

EXPIRATION DATE:



194739054

BRANCH D82
3560 YOUNG PLACE
LYNCHBURG VA 24501-5065
434-846-7368
434-846-7353 FAX

Job Site

SHOP - TOWN OF AMHERST
173 INDUSTRIAL PARK DR
X:X@X
AMHERST VA 24521
Office: 434-946-7885 Cell: 434-238-2203

Customer #	: 1339864
Quote Date	: 06/10/21
UR Job Loc	: 173 INDUSTRIAL PARK
UR Job #	: 6
Customer Job ID:	
P.O. #	: QUOTE ONLY
Ordered By	: CHARLES THOMPSON
Written By	: NATHAN COFFEY
Salesperson	: NATHAN COFFEY

TOWN OF AMHERST
PO BOX 280
AMHERST VA 24521-0280

**This is not an invoice
Please do not pay from this document**

Qty	Equipment #	Price	Amount
1	3103080 CC: 310-3080 BOOM 30-36' TOWABLE **NEW** JLG T350 TOWABLE BOOM LIFT. 35FT MAX PLATFORM HEIGHT. CHOOSE FROM EITHER AN ELECTRIC MOTOR, OR A 9HP HONDA GAS ENGINE. CURRENT LEAD TIME MID-END OCTOBER 2021.	25823.58	25823.58
			Sub-total: 25823.58
			Total: 25823.58
CONTACT: CHARLES THOMPSON CELL#: 434-238-2203 DEL./PKU LOC. SELECTED BY MAP PIN OPTION			

Note: This proposal may be withdrawn if not accepted within 30 days.

THIS IS NOT AN EQUIPMENT SALE AGREEMENT/INVOICE. THE SALE OF EQUIPMENT AND ANY OTHER ITEMS LISTED ABOVE IS SUBJECT TO AVAILABILITY AND ACCEPTANCE OF THE TERMS AND CONDITIONS OF UNITED'S EQUIPMENT SALE AGREEMENT/INVOICE, WHICH MUST BE SIGNED PRIOR TO OR UPON DELIVERY OF THE EQUIPMENT AND OTHER ITEMS.

From: [Charles Thompson](#)
To: [Sara Carter](#)
Subject: Fw: Aerial Titans - NEW 2021 Niftylift AT34T - RETRACTABLE AXLES to 3'7" Wide (DC Electric, Honda Gas Engine & Bi-Energy/Spare Tire/Air, Water, Power Line to Platform/Factory Warranty)
Date: Thursday, July 8, 2021 11:56:12 AM
Attachments: [image035.png](#)
[image036.png](#)

From: Matthew Creel <mcreel@aerialtitans.com>
Sent: Thursday, July 8, 2021 10:49 AM
To: Charles Thompson <charles.thompson@amherstva.gov>
Subject: RE: Aerial Titans - NEW 2021 Niftylift AT34T - RETRACTABLE AXLES to 3'7" Wide (DC Electric, Honda Gas Engine & Bi-Energy/Spare Tire/Air, Water, Power Line to Platform/Factory Warranty)

Pricing same on this one

Matthew Creel



Direct: 470-450-0150

Office: 866-874-0584

Cell: 404-457-0799

www.aerialtitans.com

[See Our New Facility](#)

Follow us on



From: Matthew Creel
Sent: Thursday, April 15, 2021 4:39 PM
To: charles.thompson@amherstva.gov
Subject: Aerial Titans - NEW 2021 Niftylift AT34T - RETRACTABLE AXLES to 3'7" Wide (DC Electric, Honda Gas Engine & Bi-Energy/Spare Tire/Air, Water, Power Line to Platform/Factory Warranty)

Please note: these units have a lead time of 90-120 days

Matthew Creel



Direct: 470-450-0150

Office: 866-874-0584

Cell: 404-457-0799

www.aerialtitans.com

[See Our New Facility](#)

Follow us on



MACHINERY QUOTE

www.aerialtitans.com

866-874-0584

NEW 2021 Niftylift AT34T w/ RETRACTABLE AXLES 3'7" & Spare Tire & AIR/WATER/110v Power Lines to Platform

****1yr Factory Warranty (Parts & Labor) -- 5yr Structural Warranty – Optional 2yr, 3yr and 4yr Extended Factory Warranties****

****Extra Year of Warranty for Total of 2yrs for Only \$299****

Spec Sheet: <https://www.towbehindboomlifts.com/wp-content/uploads/2019/08/TM34T-FINAL.pdf>

VIDEO-Link - <https://youtu.be/unwzhCMdiOU>

1)

2021 Niftylift AT34TE

34' Platform Height / 40' Work Height / 20' Horizontal Reach

DC Electric Motor w/ Hydraulic Outriggers/Stabilizers, Spare Tire, Air & Water Hoses & 110v Power to Platform, Retractable Axles to 3'7" Wide

\$25,950 Greer, SC

2)

2021 Niftylift AT34TG

34' Platform Height / 40' Work Height / 20' Horizontal Reach

Honda Gas Engine w/ Hydraulic Outriggers/Stabilizers, Spare Tire, Air & Water Hoses & 110v Power to Platform, Retractable Axles to 3'7" Wide

\$25,950 Greer, SC

3)

2021 Niftylift AT34TGE

34' Platform Height / 40' Work Height / 20' Horizontal Reach

Bi-Energy (Honda Gas Engine & DC Electric Battery) w/ Hydraulic Outriggers/Stabilizers, Spare Tire, Air & Water Hoses & 110v Power to Platform, Retractable Axles to 3'7" Wide

\$28,950 Greer, SC

For more information on this machine please call your sales rep listed in the information below. Please visit us online at www.aerialtitans.com and also

at www.towbehindboomlifts.com. If you do not see the exact machine you are looking for don't hesitate to give us a call. Due to high demand our inventory changes daily and we would love to show you the latest machines in stock.

































nifty

NIFTYLIFT LTD., CHALKDELL DRIVE,
SHENLEY WOOD, MILTON KEYNES,
MK5 6GF, GREAT BRITAIN
TEL: (01144) 1908 223456 FAX: (01144) 1908 312733
e-mail: info@niftylift.com



THIS NON-INSULATING WORK PLATFORM COMPLIES WITH
ANSI STANDARD A92.2-2015 / CSA STANDARD C225-2015

SERIAL No	04	46678
MODEL		TM34TGE
YEAR OF MANUFACTURE		2020
CAPACITY RATING	440	LBS
PLATFORM HEIGHT	34	FEET
PLATFORM REACH	20	FEET
GROSS WEIGHT	3100	LBS
MAXIMUM HYDRAULIC PRESSURE	2900	PSI
MAXIMUM VOLTAGE	12	V
MAXIMUM AMPS	225	A
ELECTRICAL SCHEMATIC	D 80468	ISSUE 23
HYDRAULIC SCHEMATIC	D 80482	ISSUE 9
Nb. OF PLATFORMS		ONE (1)
AMBIENT TEMPERATURE		+23 TO +66 °F
QUALIFICATION VOLTAGE		NOT APPLICABLE
MATERIAL HANDLING ATTACHMENTS		NONE

P33777/3

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY ADDING SECTION 8.365 THROUGH 8.381 OF CHAPTER 8, ARTICLE IX OF THE TOWN CODE, THE AMENDED CODE REFERRING TO TAXATION

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

That Sec. 8.365 through Sec. 8.381 of the Code of the Town of Amherst are hereby added to read as follows:

ARTICLE IX. CIGARETTE TAX

Sec. 8-365. Definitions.

The following words and phrases, when used in this article, shall, for the purposes of this article, have the following respective meanings except where the context clearly indicates a different meaning:

Cigarette means any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether it is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

Dealer means every manufacturer, jobber, wholesale dealer, or other person who supplies a seller with cigarettes.

Package means any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user. Ordinarily, a package contains twenty (20) cigarettes; however, the term "package" includes those containers in which fewer or more than twenty (20) cigarettes are placed.

Person means any individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals.

Purchaser means every person to whom title to any cigarettes is transferred by a seller within the jurisdictional limits of the town.

Sale means every act or transaction, irrespective of the method or means employed, including the use of vending machines and other mechanical devices, whereby title to any cigarettes is transferred from the seller to any other person within the jurisdictional limits of the town.

Seller means every person who transfers title to any cigarettes or in whose place of business title to any cigarettes is transferred, within the jurisdictional limits of the town, for any purpose other than resale.

Stamp means a small gummed piece of paper or decal to be sold by the treasurer and to be affixed to every package of cigarettes sold at retail in the town, and also any insignia or symbols printed by meter machine upon any such package under the authorization of the treasurer.

Treasurer means the treasurer of the town and any of his or her duly authorized deputies and agents.

(Ord. No.)

Sec. 8-366. Registration required.

Each distributor, wholesaler, vendor, retailer, or other person selling, storing, or possessing cigarettes within or transporting cigarettes within or into the town for sale or use shall first register with the treasurer of the town. The application form, which shall be supplied upon request, shall require such information relative to the nature of the business engaged in by the applicant as the treasurer deems necessary for the administration and enforcement of this article. Any applicant whose place of business and residence is outside the town shall automatically, by filing his application, submit himself to the town's legal jurisdiction and appoint the town administrator as his agent for any service of lawful process. A copy of any such process served on the town administrator shall be sent forthwith by registered mail to the distributor, wholesaler, vendor, retailer, or other person.

(Ord. No.)

Sec. 8-367. Levied; amount.

There is hereby levied and imposed by the town, upon each and every sale of cigarettes, an excise tax of one and thirty-five hundredths (1.35) cents per cigarette sold within the town (i.e., twenty-seven (27) cents per pack), the amount of such tax to be paid by the seller, if not previously paid, in the manner and at the time provided for in this article.

(Ord. No.)

Sec. 8-368. Method of payment.

- (a) The tax imposed by this article shall be paid by affixing or causing to be affixed a stamp or stamps, of the proper denominational or face value, to each and every package of cigarettes sold within the town, in the manner and at the time or times provided for in this article. Every dealer and every seller in the town, once registered, shall have the right to buy such stamps from the town treasurer and to affix the same to packages of cigarettes as provided in this article.
- (b) The treasurer may permit the payment in advance of the tax levied and imposed by this article by the method of placing imprints of the stamps upon original packages by the use of meter machines, in lieu of the method of paying such tax by the purchase and affixing of gummed stamps, and may prescribe and enforce the necessary regulations setting forth the method to be employed and the condition to be observed in the use of such meter machines.

(Ord. No.)

Sec. 8-369. Preparation and sale of stamps.

For the purpose of making stamps available for use, the treasurer shall prescribe, prepare, furnish and sell stamps of such denominations and in such quantities as may be necessary for the payment of the taxes imposed by this article. In the sale of such stamps, the town treasurer shall allow a discount of one-tenth (0.10) of a cent per cigarette (i.e., two (2) cents per pack) to cover the costs which will be incurred in affixing the stamps to packages of cigarettes. In the event the printing by an authorized meter machine is used in lieu of gummed stamps, there shall be allowed a discount of six (6) percent of the denominational or face value of the imprints of such stamps so printed by such meter machine to cover the costs incurred in printing such imprints.

(Ord. No.)

Sec. 8-370. General duties of dealers and sellers with respect to stamps.

- (a) Every dealer in cigarettes is hereby required and it shall be his duty to purchase such stamps, at the office of the town treasurer, as shall be necessary to pay the tax levied and imposed by this article, and to affix or cause to be affixed a stamp or stamps of the monetary value prescribed by this article to each package of cigarettes prior to delivery or furnishing of such cigarettes to any seller. Nothing herein contained shall preclude any dealer from using a stamp meter machine in lieu of gummed stamps to effectuate the provisions of this article.
- (b) Every seller shall examine each package of cigarettes prior to exposing the same for sale, for the purpose of ascertaining whether such package has the proper stamps affixed thereto or imprinted thereon, as provided by this article. If, upon such examination, unstamped or improperly stamped packages of cigarettes are discovered, the seller, where such cigarettes were obtained from a dealer, shall immediately notify such dealer, and upon such notification, such dealer shall forthwith either affix to or imprint upon such unstamped or improperly stamped packages the proper amount of stamps, or shall replace such packages with others to which stamps have been properly affixed or imprinted thereon.
- (c) Should a seller obtain or acquire possession of, from any person other than a dealer, any unstamped or improperly stamped cigarettes, such seller shall forthwith, before selling or offering or exposing such cigarettes for sale in the town, purchase and affix or cause to be affixed to such packages of cigarettes the proper stamps, or the markings of a meter machine, covering the tax imposed by this article.
- (d) In the event any seller elects to purchase and affix stamps or imprints of a meter machine, before offering cigarettes for sale, any dealer delivering and furnishing cigarettes to such seller shall not be required to purchase and affix such stamps or imprints to such cigarettes so sold or furnished; provided that any such dealer shall, on the day after such delivery and furnishing, file with the treasurer a copy of the delivery memorandum showing the name and address of the seller and the quantity and type of cigarettes so delivered and furnished.

(Ord. No.)

Sec. 8-371. Visibility of stamps or meter markings.

Stamps or the printed markings of a meter machine shall be placed upon each package of cigarettes in such manner as to be readily visible to the purchaser.

(Ord. No.)

Sec. 8-372. Altering design of stamps.

The treasurer may, from time to time, and as often as he or she may deem advisable, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design.

(Ord. No.)

Sec. 8-373. Refund for unused stamps or meter imprints.

- (a) Should any person, after acquiring from the town treasurer any stamps provided for in this article, cease to be engaged in a business necessitating the use thereof, or should any such stamps become mutilated and unfit for use, other than by cancellation as provided in this article, such person shall be entitled to a refund of the denominational or face amount of any stamps so acquired and not used by him, less five (5) percent of the denominational or face amount thereof, upon presenting such stamps to the treasurer and furnishing the treasurer with an affidavit showing, to his satisfaction, that such stamps were acquired by such person

and have not in any manner been used and the reason for requesting such refund. In the case of any authorized meter machine, should any imprints of such machine theretofore paid for not be used, such person shall, upon furnishing the treasurer with a similar affidavit, be entitled to a refund of the denominational or face amount thereof, less six (6) percent of the denominational or face amount of such imprints of such machine not so used.

- (b) All refunds for unused and mutilated stamps and for nonuse of imprints of stamps by meter machines provided for under this section are hereby authorized to be made on vouchers approved by the treasurer and, when made, the same shall be charged against the sums collected for the sale of such stamps and for the use of such imprints.

(Ord. No.)

Sec. 8-374. Seizure and sale of unstamped cigarettes.

- (a) Whenever the treasurer shall discover cigarettes in quantities of more than six (6) cartons within the town which are subject to the tax imposed by this article and upon which the tax has not been paid or upon which stamps have not been affixed or evidence of such tax shown thereon by the printed markings of an authorized meter machine, as this article requires, such cigarettes shall be conclusively presumed for sale or use within the town and the treasurer may forthwith seize and confiscate such cigarettes, if:
 - (1) They are in transit, and are not accompanied by a bill of lading or other document indicating the true name and address of the cosigner or seller and of the cosigner or purchaser, and the brands and quantity of cigarettes so transported; or are in transit and accompanied by a bill of lading or other document which is false or fraudulent in whole or in part; or
 - (2) They are in transit and are accompanied by a bill of lading or other documents indicating:
 - a. A consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid, and unless the tax of the state or district of destination has been paid and the said products bear the tax stamp of that state or district; or
 - b. A consignee or purchaser in the Commonwealth but outside the town who does not possess a Virginia sales and use tax certificate, a Virginia retail tobacco license and where applicable, both a business license and retail tobacco license issued by the local jurisdiction of destination; or
 - (3) They are not in transit and the tax has not been paid, nor have approved arrangements for payment been made, provided that this subsection shall not apply to cigarettes in the possession of distributors or public warehouses which have filed notice and appropriate proof with the treasurer that those cigarettes are temporarily within the town and will be sent to consignees or purchasers outside the town in the normal course of business.
- (b) All cigarettes seized and confiscated according to subsection (a) of this section shall thereupon be deemed to be forfeited to the town and may be sold within a reasonable time thereafter, after proper notice of such seizure is given to the known holders of property interests in the cigarettes. Such notice shall be given to known holders of property interests, if any, by certified mail and by written notice posted on the bulletin board of the court house of the town at least seven (7) days before the date of sale. Such notice shall contain the time and place at which the sale is to occur and procedures for administrative appeal as well as affirmative defenses which may be asserted by such holders. All moneys collected under this section shall be paid to the town treasurer and treated as other taxes collected under this article. No credit from any sale or other disposition shall be allowed toward any tax or penalties owed.

(Ord. No.)

Sec. 8-375. Seizure and sale of coin-operated vending machines and counterfeit stamp or impression devices.

- (a) Any coin-operated vending machine, in which any cigarettes are found, stored or possessed bearing a counterfeit or false tobacco tax stamp or impression or any unstamped cigarettes, or any cigarettes upon which the tax has not been paid, may be declared contraband property and be subject to confiscation and sale as provided in section 8-180(b). When any such vending machine is found containing such cigarettes, it shall be presumed that such cigarettes were intended for distribution, sale or use therefrom. In lieu of immediate seizure and confiscation of any vending machine used in an illegal evasion of the tax, it may be sealed by appropriate enforcement authorities to prevent continued illegal sale or removal of any cigarettes, and may be left unmoved until other civil and criminal penalties are imposed or waived. Notice requirements shall be the same as if the machine had been seized. Such seal may be removed and the machine declared eligible for operation only by authorized enforcement authorities. Nothing in this section shall prevent seizure and confiscation of a vending machine at any time after it is sealed.
- (b) Any counterfeit stamps or counterfeit impression devices found may also be seized and confiscated.

(Ord. No.)

Sec. 8-376. Dealers' and sellers' records.

It shall be the duty of every dealer and seller to maintain and keep, for a period of two (2) years, such records of cigarettes sold and delivered by him as may be required by the town treasurer and to make all such records available for examination by such town treasurer, upon demand, at any and all reasonable times.

(Ord. No.)

Sec. 8-377. Rules and regulations for enforcement and administration of article; examination of books, records, etc.

- (a) The town treasurer may prescribe, adopt, promulgate and enforce rules and regulations relating to the method and means to be used in the cancellation of stamps and to all other matters pertaining to the administration and enforcement of the provisions of this article. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.
- (b) The town treasurer may examine books, records and cigarette inventories relevant to the sale of cigarettes in this town on the premises where the cigarettes are stored, displayed or sold or elsewhere in this town. Every agent, seller or dealer shall provide access to the town treasurer for such examination.

(Ord. No.)

Sec. 8-378. Tax is in addition to other taxes.

The tax levied and imposed by this article shall be in addition to all other taxes of every kind levied and imposed by any other ordinance or law.

(Ord. No.)

Sec. 8-379. Violations of article—Generally.

- (a) Any person violating any of the provisions of this article shall be guilty of a Class 1 misdemeanor. In addition, any person who shall perform any fraudulent act or fail to perform any act for the purpose of evading the payment of any tax imposed by this article shall be required to pay a penalty in the amount of fifty (50) percent and interest not to exceed three quarters of one percent per month upon any tax found to be overdue and unpaid. Conviction and payment of a fine for such violation shall not relieve any person from the payment of any tax imposed by this article.
- (b) Each violation of, or noncompliance with, any of the provisions of this article shall be and constitute a separate offense and shall subject every person convicted thereof to the penalties prescribed.

(Ord. No.)

Sec. 8-380. Same—Prohibited acts enumerated.

It shall be unlawful and a violation of this article for any person:

- (1) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this article or of any part thereof; or for any dealer or seller, with intent to violate any provision of this article, to fail or refuse to perform any of the duties imposed upon him under the provisions of this article or to fail or refuse to obey any lawful order which the treasurer may issue under this article.
- (2) To falsely or fraudulently make, forge, alter or counterfeit any stamp or the printed markings of any meter machine or to procure or cause to be made, forged, altered or counterfeited any such stamp or printed markings of a meter machine or to knowingly and willfully alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps or printed markings of a meter machine.
- (3) To sell any cigarettes upon which the tax imposed by this article has not been paid and upon which evidence of payment thereof is not shown on each package of cigarettes.
- (4) To reuse or refill with cigarettes any package from which cigarettes, for which the tax imposed has been theretofore paid, have been removed.
- (5) To remove from any package any stamp or the printed markings of a meter machine with intent to use or cause the same to be used after the same have already been used, or to buy, sell or offer for sale or give away any used, removed, altered or restored stamps or printed markings of a meter machine to any person, or to reuse any stamp or printed markings of a meter machine which had theretofore been used for evidence of the payment of any tax prescribed by this article, or, except as to the town treasurer, to sell or offer to sell any stamps or printed markings of a meter machine provided for in this article.

(Ord. No.)

Sec. 8-381. Same—Presumption of violation by seller.

- (a) In the event any package of cigarettes is found in the possession of a seller, without the proper stamps being affixed thereto or without authorized printed markings of a meter machine thereon, and the seller shall be unable to submit evidence establishing that he received such package within the immediately preceding forty-eight (48) hours and that he has not offered the same for sale, the presumption shall be that such package is being kept by such seller in violation of the provisions of this article and shall subject him to the penalties provided for such violation.

-
- (b) Any cigarettes placed in any coin-operated vending machine located within the town shall be presumed for sale within the town. Any vending machine located within the town containing cigarettes upon which the stamp has not been affixed or containing cigarettes placed so as not to allow visual inspection of the stamp through the viewing areas as provided for by the vending machine manufacturer shall be presumed to contain untaxed cigarettes in violation of this article.
 - (c) Any cigarettes, coin-operated vending machines, counterfeit stamps, or other property found in violation of this article shall be declared contraband goods and may be seized by the treasurer. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes shall be subject to civil and criminal penalties herein provided.
 - (d) In lieu of seizure, the treasurer may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of the seal from a vending machine by any unauthorized person shall be in violation of this article. Nothing in this article shall prevent the seizure of any vending machine at any time after it is sealed.
 - (e) All cigarette vending machines shall be plainly marked with the name, address and telephone number of owner of the machine.

(Ord. No.)

3. That this Ordinance shall be effective on the 1st day of October 2021.

This ordinance was adopted on the 14th day July, 2021.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of the Council