

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on May 13, 2020 at 7:02 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. It was noted that a quorum was present as follows:

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

Also present were the following staff members:

Sara E. Carter	Town Manager	Vicki K. Hunt	Clerk of Council
W. Thomas Berry	Town Attorney		

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

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

Mayor Tuggle re-opened a duly advertised public hearing, continued from April 8, 2020, on the Town’s proposed FY20/21 budget at 7:05 P.M. Town Manager Carter gave a brief report. There being no one present in person or electronically who wished to speak on the budget matter, the public hearing closed at 7:08 P.M. To allow time for anticipated revisions due to changing economic conditions, discussion is deferred with adoption of the budget on June 10, 2020, as recommended by staff.

No citizen comments were made.

Ms. Carton made a motion that was seconded by Mr. Bunch to approve the minutes from the April 8, 2020, meeting. There being no discussion, the motion 5-0 via the roll call method carried as follows:

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

Mr. Watts, on behalf of the Utility Committee, gave a report on a determination from Town Engineer for additional services to be performed by WW Associates, Inc. for construction stakeout services in relation to the sanitary sewer rehabilitation and replacement project, amending the March 20, 2018, agreement in an additional amount of \$8,500.00. After discussion and upon recommendation of the Utility Committee, Town Council voted 5-0 to approve the amendment to the March 20, 2018 agreement with WW Associates, Inc., to perform construction stakeout services, in an additional amount of \$8,500.00, via the roll call method as follows:

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

Mr. Watts, on behalf of the Utility Committee, reported that the committee recommends that Town Council ratify the Wastewater Collection Treatment Improvements and Wastewater Treatment Plant Improvements sliplining project bid awards, and to authorize Town Manager Carter to execute all future contracts in relation to the project. There being no discussion, upon recommendation of the Utility Committee, Town

Council voted 4-0-1 to ratify the Wastewater Collection Treatment Improvements and Wastewater Treatment Plant Improvements sliplining project bid awards, and to authorize Town Manager Carter to execute all future contracts in relation to the project, via the roll call method as follows:

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

After a report from Town Manager Carter, Mr. Watts made a motion that was seconded by Ms. Ogden to authorize the request from Iron Lives to postpone the 2020 IRON 5k Run/Walk event from April 19, 2020, to October 4, 2020, 3 pm to 5 pm. There being no discussion, the motion 5-0 via the roll call method carried as follows:

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

After a report from Town Manager Carter, Ms. Carton made a motion that was seconded by Ms. Ogden to approve the Memorandum of Understanding between Amherst County School Board and Town of Amherst dated March 12, 2020 to allow the use of the sanitary sewer easement on the high school property to be used as a trail, and to authorize Mayor Tuggle to execute same. There being no discussion, the motion 4-0-1 via the roll call method carried as follows:

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

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

After a brief report by Town Manager Carter, Ms. Carton reported on behalf of the Finance Committee that the committee recommends authorizing staff to reimburse Second Stage in an amount only for which they have receipts during this fiscal year budget according to policy. There being no discussion, upon recommendation of the Finance Committee, Town Council voted 5-0 to authorize staff to reimburse Second Stage in an amount only for which they have receipts during this fiscal year budget via the roll call method as follows:

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

After a brief report by Town Manager Carter, Mr. Watts made a motion that was seconded by Ms. Carton to hold a public hearing on July 8, 2020, on the sale of approximately one-acre parcel of land between Whitehead Drive and Maple Lane. There being no discussion, the motion via roll call method carried 5-0 as follows:

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

By consensus of Council the proposed amendment of the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1-908.06 Signs) to allow works of art to be in town without a sign permit is referred to the Planning Commission for discussion and recommendation.

After a report by Town Manager Carter on current members willingness to continue to serve on various boards and noting that there are two vacancies to be filled on the Board of Zoning Appeals and one position on the Industrial Development Authority that will require reappointment or replacement, Mr. Bunch made a motion that was seconded by Mr. Watts to appoint the following individuals to the following boards and for the terms listed below.

<b>Board</b>	<b>Appointed</b>	<b>Term of Office</b>
Planning Commission	June Driskill	5/13/20 – 6/30/24
Property Maintenance Investigation Board	C. Manly Rucker, III	5/13/20 – 6/30/24
Property Maintenance Investigation Board	Glenda Hash	5/13/20 - 6/30/24

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

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

By consensus of Council action on the proposed amendment to the Town’s Comprehensive Plan to change the designated land use for Tax Map parcels 96-4-A and 96-1-1-7, totaling 76+/- acres from Planned Development-Residential to Agricultural to allow a request for a conservation easement by Dave McCormack, Owner, Lazy River LTD, that would, if approved by Town Council, allow land between the developed portion of the Mill Race subdivision and the Amherst Milling Company to be changed from planned development areas to conservation and would allow Mr. McCormick to complete a conservation easement process for the property was deferred to a future meeting with a date uncertain due to the current covid-19 crisis, as recommended by staff.

Ms. Wheaton made a motion that was seconded by Mr. Watts to remove the provision in the town charter that allows for two-thirds vote to remove a council member. After discussion, the motion to allow the removal of the provision in the town charter that allows for two-thirds vote to remove a council member failed 1-4 via roll call method as follows:

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

No Citizen comments were made.

There being no further business, the meeting adjourned until June 10, 2020, at 8:00 pm on motion by Mr. Bunch seconded by Ms. Carton.

\_\_\_\_\_  
D. Dwayne Tuggle, Mayor

Attest: \_\_\_\_\_  
Clerk of Council

Prepared by: W. Thomas Berry, Esquire

Return to: W. Thomas Berry, Esquire

Tax Map ID No.: 95-A-83 and 95-A-78A

THIS MEMORANDUM OF UNDERSTANDING, made and entered into this 12<sup>th</sup> day of March, 2020, by and between AMHERST COUNTY SCHOOL BOARD, hereinafter called "School Board," Grantor for the purpose of indexing, and THE TOWN OF AMHERST, hereinafter called "Town," Grantee for the purpose of indexing, whose address is 174 South Main Street, P.O. Box 280, Amherst, Virginia 24521.

WHEREAS, School Board is the owner of certain property, on which is located the Amherst County High School campus, and adjoins the lands of Town, being more particularly described as Tax Map Parcel No. 95-A-83, and being the property conveyed to Amherst County School Board by deed dated October 30, 1947, and recorded in the Office of the Clerk of Circuit Court of Amherst County, Virginia in Deed Book 135, page 231; and,

WHEREAS, Town is the owner of that certain property, on which is located the Amherst Town Park, and adjoins the lands of School Board, being more particularly described as Tax Map Parcel No. 95-A-78A, being the property conveyed to Town by deed dated January 18, 2019 and recorded in the Office of the Clerk of the Circuit Court of Amherst County, Virginia as Instrument Number 190000440 with plat recorded in Plat Cabinet 4, slide 4.

WHEREAS, the School Board property includes a utility easement for a waterline that is maintained by the Town. The Town and the School Board desire to enter into an agreement to allow the Town use of the lands contained within the utility easement for recreational purposes to include walking, hiking jogging and non-motorized biking.

WHEREAS, Town and School Board understand that the Amherst County Schools also make use of the property.


WHEREAS, the recreational use of the utility easement will enhance the use of the Amherst Town Park and benefit the School Board property.

NOW, THEREFORE, that for and in consideration of the premises and the mutual covenants contained herein, the parties hereby agree as follows:

1. School Board does hereby agree to allow Town the use of an area of land lying and being situate in the Court House District of Amherst County, Virginia, being more particularly described as "A Twenty Foot Utility Easement" as set forth in Utility Easement dated December 19, 2013, recorded in the Clerk's Office of the Circuit Court of Amherst County, Virginia in Deed Book 1249, page 340.
2. School Board hereby acknowledges that the use of the existing utility easement is for the purpose of recreational walking, hiking, jogging, and non-motorized biking. Town shall be permitted to mow and maintain the existing easement area, keeping it free from debris and obstruction.
3. Both Town and School Board understand that certain maintenance is required to keep the property in good condition for recreational use by the Town and normal use by the Amherst County Schools.
4. The Town agrees to provide regular police patrols of the easement area.
5. Town hereby agrees to indemnify, defend and save harmless School Board against and all liabilities, claims, expenses, costs, losses and damages, including, but not limited to reasonable attorney's fees, arising from or in connection with the Town's use of the subject area.

6. The term of this agreement shall be for a period of twenty-five (25) years and may be terminated during that time by either party upon a six (6) month written notice of termination mailed, by certified mail, return receipt requested, to the other party at the above address, or at such other address as a party may provide. Upon the termination of this agreement, Town shall leave the area clean and free of trash and debris. This agreement may be extended an additional twenty-five (25) years upon further written agreement.
7. This agreement contains the entire agreement between the parties and may be changed only by a written amendment, signed by both parties. This agreement shall be governed by the laws of the Commonwealth of Virginia. It shall not be assigned by Town without the prior written approval of School Board.

WITNESS the following signature and seals:

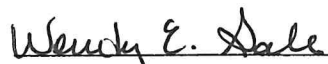
  
\_\_\_\_\_(seal)  
Dr. Robert Arnold, Superintendent  
Amherst County School Board

STATE OF VIRGINIA  
CITY/COUNTY OF Amherst - to-wit:

The foregoing was acknowledged before me, in my jurisdiction aforesaid, this 1<sup>st</sup> day of April, 2020, by Dr. Robert Arnold, Superintendent, Amherst County School Board.

My commission expires: 9/30/2022

My Registration No: 7057808

  
\_\_\_\_\_  
Notary Public

WITNESS the following signature and seals:

\_\_\_\_\_(seal)  
Dwayne Tuggle, Mayor  
Town of Amherst

STATE OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_ - to-wit:

The foregoing was acknowledged before me, in my jurisdiction aforesaid, this \_\_\_\_  
day of \_\_\_\_\_, 2020, by Dwayne Tuggle, Mayor, Town of Amherst.

My commission expires: \_\_\_\_\_

My Registration No: \_\_\_\_\_

\_\_\_\_\_  
Notary Public