

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on July 8, 2020, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street.

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

It was noted that a quorum was present as follows:

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

Also present were the following staff members:

W. Thomas Berry	Town Attorney	Vicki K. Hunt	Clerk of Council
Tracie L. Morgan	Office Manager/Treas.	Gary Williams (Remote)	Director of Plants
Robert A. Shiflett, II	Chief of Police	Becky L. Cash (Remote)	Lead Water Operator

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Rachel A. Carton.

Mayor Tuggle reported that the public hearing, as advertised, for July 8, 2020, on an application to lease property at Brockman Industrial Development Park for the purpose of having a temporary RV park for housing workers associated with the Atlantic Coast Pipeline, was canceled at the request of the applicant due to the recent sale related to the pipeline by Dominion Energy.

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

Ms. Carton made a motion that was seconded by Mr. Watts to approve the minutes from the June 10, 2020, meeting. There being no discussion, the motion carried 4-0 as follows:

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

Mayor Tuggle and Clerk of Council Hunt reported that at its meeting on July 1, 2020, the Planning Commission voted 3-1 with two members absent, not to amend the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1-908.06 Signs), which would allow works of art to be displayed in the Town without a sign permit, and that after further discussion the Commissioners voted 4-0 with two members absent to hold a public hearing on the matter, providing proposed language for consideration, should Town Council remand the matter.

After discussion, Ms. Carton made a motion that was seconded by Mr. Bunch to remand the matter to the Planning Commission with direction to hold a public hearing at its next meeting in September.

After discussion, the motion carried 4-0 as follows:

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

After a report by Town Treasurer Morgan, Mr. Watts made a motion which was seconded by Ms. Ogden to accept payment of funds per the Federal CARES Act from the County of Amherst in the amount of \$190,633.00, and authorize execution of Certification of Coronavirus Relief Fund Payments by the Town of Amherst affirming the Town's responsibility for following guidance for the use of Federal CARES act funds and appropriate documentation, as recommended by staff.

After discussion, the motion carried 4-0 as follows:

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

A copy of the Certification for Receipt of Coronavirus Relief Fund Payments by the Town of Amherst is attached hereto and made a part of these minutes.

After a report by Town Treasurer Morgan, Mr. Bunch made a motion which was seconded by Ms. Carton to authorize use of Federal CARES Act Funds, dependent upon future guidance and approval on eligible spending purposes of coronavirus relief fund, for reimbursement to the Town for expenditures related to PPE and telework, a set-aside for hazard pay for public safety personnel (police officers), a small business grants program, and high risk utility cut-off assistance program for residents, totaling \$186,414.97, leaving \$4,218.03 for future purposes to December 30, 2020, as recommended by staff.

After discussion, the motion carried 4-0 as follows:

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

Megan Lucas, Executive Director, Lynchburg Regional Business Alliance, was present to give a report and answer questions on the Amherst/Lynchburg Site Readiness Go Virginia grant for engineering services to benefit future development at Brockman Business and Industrial Park.

Ms. Carton made a motion which was seconded by Ms. Ogden to authorize a maximum contribution of \$51,900.00 towards a GoVA grant in the amount of \$159,600.00, for engineering services for the Brockman Business and Industrial Park, authorize execution of a letter of support by Mayor Tuggle to restrict \$17,600.00 that will go towards the GoVA required match for the Regional Industrial Site Readiness Amherst Co/Town LYH completion, and authorize release of required contribution upon grant approval, as recommended by staff.

After discussion, the motion carried 4-0 as follows:

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

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

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.

At 7:45 P.M. Ms. Carton made a motion which was seconded by Mr. Watts as follows: I move that the Town Council go into closed session pursuant to §2.2-3711A.1 of the Code of Virginia as it relates to assignment, appointment, promotion, performance of specific public officers, appointees, or employees, specifically that of the Town Manager.

The motion carried 4-0 via the roll call method as follows:

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

At 8:13 P.M. Ms. Carton made the following motion: I move that the Town Council adjourn the closed session and enter open session and certify that to the best of each councilors' knowledge that (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 and §15.2-2907 of the Code of Virginia and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the session.

The motion carried 4-0 via the roll call method as follows:

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

Upon entering open session Mayor D. Dwayne Tuggle made the following statement concerning Town Manager, Sara E. Carter.

The reason for Ms. Carter’s absence is she was involved in an accident over the weekend and is currently in the hospital recovering from her injuries. That’s her status here. We are all waiting. We’re asking for the public’s prayers for Ms. Carter for a rapid recovery.

Ms. Carton made a motion seconded by Mr. Watts to adhere to §§15.2-1423 and 15.2-1541 of the Code of Virginia and to the Town’s Charter to recognize that the Mayor is Chief Administrative Officer of the Town and can carry out the duties of the town as needed until such certain time as the Town Manager is back in office or an interim is appointed.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

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

There being no further business, the meeting adjourned at 8:15 p.m. until August 12, 2020, on motion by Ms. Ogden seconded by Ms. Carton.

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

**CERTIFICATION FOR RECEIPT OF
CORONAVIRUS RELIEF FUND PAYMENTS**

By

The Town of Amherst

We the undersigned represent the Town of Amherst (the Town), and we acknowledge that:

1. We have the authority to request direct payment on behalf of the Town from the County of Amherst (the “County”) of revenues from the Coronavirus Relief Fund (CRF) pursuant to section 601 of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (March 27, 2020).
2. We understand that the County will rely on this certification as a material representation in making a direct payment to the Town in the amount of \$190,633.
3. The Town's proposed uses of the funds received as direct payment from the County pursuant to section 601 of the Social Security Act will be used only to cover those costs that:
 - a. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. Were not accounted for in the budget most recently approved as of March 27, 2020, for the Town; and
 - c. Were or will be incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. Any funds that are not expended or that will not be expended on necessary expenditures on or before December 30, 2020, by the Town or its grantee(s), must be returned to the County no later than January 8, 2021, so that the County may return the unexpended funds to the Commonwealth of Virginia by January 29, 2020, and we understand that the Commonwealth of Virginia is entitled to invoke state aid intercept to recover any such unexpended funds that have not been returned to the Commonwealth within 30 days after December 30, 2020.
5. We understand that the Town will not receive continued funding beyond December 30, 2020, from any source to continue paying expenses or providing services that were initiated or previously supported from CRF funds prior to December 30, 2020.
6. Funds received as a direct payment from the County pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.¹
7. Any CRF funds expended by the Town or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the County within 15 days so that the County may return these funds within 30 days of finding that a expenditure is disallowed, and that the Commonwealth of Virginia is entitled to invoke state aid intercept to recover any and all such funds that are not repaid within 30 days of a finding that the expenditure is disallowed.
8. As a condition of receiving the CRF funds pursuant to this certification, the Town shall retain documentation of all uses of the funds, including but not limited to payroll time records, invoices, and/or

¹ Official Guidance for the use of funds may be found at: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Answers to Frequently asked questions may be found at: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>.

sales receipts. Such documentation shall be provided to the County by close of business on September 1, 2020 and final documentation shall be provided no later than January 8, 2021, or upon request.

9. The Town must maintain proper accounting records to segregate these expenditures from those supported by other funding sources and that all such records will be subject to audit.
10. Any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected revenue collections from taxes, fees, or any other revenue source.
11. Any CRF funds received pursuant to this certification will not be used for expenditures for which the Town has received funds from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may CRF funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.
12. The Town will receive an equitable share of CRF funds received by the County from the Commonwealth of Virginia and that such grant shall be used by the Town solely for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), as prescribed in this certification.
13. We acknowledge that the County is responsible for ensuring the Town's compliance with the documentation requirements of this certification, and for ensuring that the Town's use of the CRF funds meets the requirements set forth in this certification. Accordingly, we certify that the Town will comply, in a timely fashion, with all requests made by the County for the purpose of ensuring compliance with the requirements of this certification and Section 601 of the Social Security Act.

We certify that we have read the above certification and our statements contained herein are true and correct to the best of our knowledge.

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By: <hr/>	By: <hr/>	By: <hr/>
Signature: <hr/>	Signature: <hr/>	Signature: <hr/>
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