

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on October 14, 2020, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street.

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

It was noted that a quorum was present as follows:

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

Also present were the following staff members:

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

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

Gary Christie was present on behalf of Central Virginia Planning District Commission to present a Resolution of Appreciation to Mayor Tuggle for his services as 2019-2020 Chairman of the Central Virginia Planning District Commission and leadership on the board of the Virginia Association of Planning District Commissions, and to give the CVPDC’s annual activity report.

Town Manager Carter and Deputy Manager Payne gave a report on a proposed amendment of the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1.908.6(a) Signs), which would, if approved, allow works of art to be displayed in the Town without a sign permit, arising out of the Amherst Chamber of Commerce interest in erecting a “LOVE” sculpture at the County Visitor Center. Substituted language was given in lieu of “works of art” for the proposed amendment to the ordinance.

Mayor Tuggle opened a duly advertised public hearing at 7:18 p.m. on a proposed amendment of the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1-908.06 Signs).

Katie Mayo, Director, Amherst County Chamber of Commerce, came forward to speak on behalf of the Chamber in favor of the proposed amendment that would allow a LOVE sculpture at the County Visitor Center, and to answer questions.

There being no one else listed to speak on the citizen public hearing comment sign-in sheet or otherwise, Mayor Tuggle closed the public hearing at 7:22 p.m.

After discussion, Ms. Carton made a motion that was seconded by Ms. Ogden to approve the proposed amendment to the Town of Amherst Zoning Ordinance (Article IX. Special Provisions, Section 18.1.908.06(a) Signs), with the following language as recommended by staff:

(6) *Community Promotions*. Community promotions that do not contain any commercial messages or references and are constructed or displayed on public property under the auspices of a locally based government agency.

There being no further discussion, the motion 4-1 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	Nay	Janice N. Wheaton	Aye

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

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

Mr. Watts made a motion that was seconded by Mr. Bunch to approve the minutes from the September 9, 2020, and September 22, 2020, meetings.

There being no discussion, the motion as to the September 9, 2020, and September 22, 2020, minutes carried 4-1 via the roll call method as follows:

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

Mr. Bunch reported on the Utilities Committees tour of the Old Mill. By consensus, staff was instructed to request Mr. McCormack to appear before council at its next meeting concerning 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.

After Town Manager Carter gave an update on the 2020 Christmas Parade, by consensus of Council, staff was directed to proceed under a modified plan with a “reverse parade” on December 4, 2020, where floats and other entries are stationary and spaced apart along the parade route, and those wishing to view the parade can do so simply by driving by to enjoy it from the safety of their vehicles.

After a report by Office Manager Morgan, Mrs. Carton made a motion that was seconded by Mr. Watts authorizing expenditure in the amount of approximately \$5,752.00 for a new server for Town Hall, from Antworks Protech, as recommended by staff.

After 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

Office Manager Morgan gave a report on the FY2021-2022 budget timetable and capital improvement plan that staff would like to follow. Mr. Watts made a motion that was seconded by Ms. Carton to approve the FY2021-2022 Budget Calendar and Capital Improvement Plan as presented by staff.

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

A copy of the FY2021-2022 Budget Calendar and Capital Improvement Plan is attached and made a part of these minutes.

After a brief report by Town Manager Carter, Ms. Carton made a motion that was seconded by Mr. Bunch to adopt and approve an amendment to the Town of Amherst Personnel Policy XVI. Discipline and Grievances, Section A. Disciplinary Actions, as recommended by staff.

After 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

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

Chief Shiflett announced that the Amherst Police Department and Blue Ridge Group of Keller Williams Realty are partnering together to hold a drive thru Trick or Treating on October 30, 2020, at Town Hall following CDC guidelines having families stay in their vehicles during the drive thru.

By consensus of Council, staff was directed to have additional dog boxes installed throughout Town.

After discussion, it was determined that a process should begin to name the Town Park by placing a survey on the website and request school participation.

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

At 8:23 P.M. Ms. Carton made a motion that was seconded by Mr. Watts as follows: I move that the Town Council go into closed session pursuant to §2.2-3711A.7 of the Code of Virginia as it relates to consultation with legal counsel pertaining to actual litigation involving the Town stemming from cases currently pending in the Amherst County Circuit Court, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Town.

At this time Mayor Tuggle recused himself from attending a portion of the closed session stating what might be the appearance of a conflict of interest because he has a business and friend relationship with a

party to one of the actions being discussed, and that he will abstain from the discussion and physically leave the room during that portion of the discussion returning only when that discussion ends.

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

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

Vice Mayor Carton recessed the meeting at 8:24 PM.

Vice Mayor Carton reconvened the meeting in closed session at 8:43 PM. It was noted that a quorum was present as follows:

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

At 8:59 P.M. Ms. Carton made the following motion: I move that the Town Council adjourn the closed session and enter open session and certify that to the best of each councilors' knowledge that (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 and §15.2-2907 of the Code of Virginia and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the session.

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

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

Upon entering open session Mayor Tuggle presented Deputy Manager Payne with a commemorative Town cup as a token of appreciation for his services to the Town.

There being no further business, the meeting adjourned until November 12, 2020, at 9:01 pm on motion of Ms. Ogden, seconded by Ms. Carton.

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY ADDING SECTION 18.1-908.06(a)(6) OF CHAPTER 18.1 OF THE TOWN CODE, THE AMENDED CODE REFERRING TO SIGNS.

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

1. That Sec. 18.1-908.06(a)(6) of the Code of the Town of Amherst is hereby added to read as follows:

Sec. 18.1-908.06. Signs permitted in all sign districts.

- (a) The following signs shall be permitted in all sign districts and shall not require a sign permit, unless otherwise indicated. The area of any sign described in this subsection shall not be included in computing the aggregate sign areas specified for individual districts.
- (1) *Temporary signs.* Temporary signs, which shall be non-illuminated and limited to the following types:
- a. When buildings are under construction or sites are under development, signs may be displayed provided that they are removed upon issuance of a certificate of occupancy. The maximum sign area of each such sign shall be 32 square feet.
 - b. When a property is offered for lease or for sale, signs may be displayed provided that they are removed within five days of the date of closing or within five days of the beginning of the lease.
 1. In the residential sign and mixed use districts, the maximum aggregate sign area shall be four square feet and the maximum height shall be twelve feet.
 2. In the commercial and industrial sign district, the maximum aggregate sign area shall be thirty-two square feet and the maximum height shall be twelve feet.
 - c. When a business in the mixed use or commercial and industrial sign district opens, temporary building-mounted signs and banners shall be permitted, provided that such sign or signs shall not be displayed for more than 30 days. The maximum aggregate sign area shall be 32 square feet.
 - d. When a dwelling in a residential sign district is holding a yard sale, signs may be displayed for only 48 hours and only on the property where the yard sale will be held.
 - e. For special events within the Town, any property owner may display up to two signs of up to four square feet each for up to five days in any 60 day period.
 - f. Signs on private property that exercise the property owner's right to right to free speech and express non-commercial messages such as ideals, causes, policies or candidates, provided that the aggregate sign area is not larger than 40 square feet in the mixed use and commercial and industrial sign districts or 16 square feet in the residential and agricultural sign district, and the total number of signs on a parcel cannot exceed two. Such signs shall be removed within 60 days of installation, and no property can display such signs for more than a total of 120 days per year.
- (2) *Permanent signs.*
- a. One sign at each parking lot entrance with no commercial logo or other message and not exceeding three square feet in area.
 - b. Non-illuminated names of buildings, dates of erection, monumental citations, commemorative tablets, insignia of local, state or federal government, and like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of a building structure. The maximum size of such sign shall be 32 square feet.
 - c. Usual and customary signs identifying disabled parking, rest rooms, directions, driving instructions or other facilities relating to such places or activities.
 - d. Signs not visible from adjacent properties or public rights-of-way.

- (3) *Flags.* Flags containing no commercial message are not regulated.
- (4) *Location on right of way.* Signs installed on VDOT right of way under a VDOT permit. The Town will only assist in the VDOT permitting process with Town approved banners installed above S. Main Street on the existing banner bracket.
- (5) *Nonconforming.* Any sign may remain in use provided that it was lawful at the time this ordinance was enacted. However, signage for any business shall be required to conform to all requirements of this ordinance as a condition of approval before any change to the signage for that business. (Amended January 9, 2019)
- (6) *Community Promotions.* Community promotions that do not contain any commercial messages or references and are constructed or displayed on public property under the auspices of a locally based government agency.

2. *That this Ordinance shall be effective on October 14, 2020.*

This ordinance was adopted on October 14, 2020.

Mayor

ATTEST:

Clerk of the Council

COPY

TOWN OF AMHERST

BUDGET CALENDAR FOR FY 2021-2022

December 2020 – Office Manager prepares budget worksheets for department heads and mails out donation request forms to local organizations.

January 29, 2021– Deadline for budget requests from department heads and local organizations.

February 8, 2021 – Office Manager presents prepared budget documents to Town Manager for recommendations.

March 2021 – Finance Committee meets with Office Manager and Town Manager to review budget documents and recommendations.

April 14, 2021 – Public hearing of FY22 budget at regular Council meeting.

May 12, 2021 – Adoption and appropriation of FY22 budget at regular Council meeting.

CAPITAL IMPROVEMENTS PLAN FY 2021-2022

October 2020 – Office Manager sends out CIP requests documents to department heads.

November 20, 2020 – Department heads submit CIP requests to Office Manager.

December 2020 – Department heads and Town Manager meet to discuss CIP requests.

January 2021 – Town Manager Presents CIP recommendations to Planning Commission.

March 3, 2021 – Planning Commission public hearing on CIP requests.

April 14, 2021 – Council public hearing on CIP requests.

May 12, 2021 – Council adopts Capital Improvements Plan.

XVI. DISCIPLINE AND GRIEVANCES

Town employees are expected to conduct themselves in a professional and courteous manner as representatives of the Town. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the Town.

A. Disciplinary Actions

If an employee's work performance or behavior is deemed unsatisfactory, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral admonishment, written reprimand, suspension, demotion, or dismissal. Other types of discipline may be used in addition to those listed.

The following are examples of misconduct that may result in discipline. The list is not inclusive and other misconduct may be subject to disciplinary action:

1. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts that continued performance of duties is compromised;
2. Willfully falsifying Town records (including time records, leave records, job applications, or pay or reimbursement vouchers) or lying about work including but not limited to the manner in which work was done, whether it was completed and the timeframe for completion;
3. Gross negligence with Town property or misuse of Town property;
4. Violating any workplace rule;
5. Performing official duties in a rude and discourteous manner, threatening co-workers, or using physical violence while on duty;
6. Violating any lawful official regulation or order or willfully failing to obey a proper direction of the supervisor or the manager;
7. Using or being impaired at work by intoxicants, drugs, or alcohol;
8. Grossly neglecting duty or continually being unable or unwilling to render satisfactory performance or demonstrating repeated carelessness in the commission of one's duties;
9. Taking property of the Town for one's personal use, for sale to another or for a gift to another;
10. Inducing, or attempting to induce, an officer or employee in the service of the Town to commit an unlawful act or to act in violation of any lawful or official regulation or order;

11. Accepting a bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other means of obtaining money or other things of value through his/ her position in the Town;
12. Failing to report for work or being absent without prior notice to supervisor;
13. Unsatisfactory attendance, excessive absences, or excessive tardiness.
14. Harassing other employees or the public.
15. Violating the Town's drug free workplace rules.

B. Notification

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employee shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior to giving an opportunity to comment if the employee's continued presence poses a safety danger or is disruptive to the workplace.

C. Grievance

The Town grievance procedure is available for all eligible employees of the Town. Exceptions are listed in the grievance policy.