

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on January 13, 2021, 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	Sharon W. Turner
A	Kenneth S. Watts	P	Janice N. Wheaton

Also present were the following staff members:

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

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Sharon W. Turner.

Police Chief Shiflett presented Officer Brandon Payne with Officer of the Year Award and Investigator Ryan Watts with Award of Excellence, recognizing them for their hard work and dedicated service to the Amherst Police Department and the Town of Amherst.

Town Manager Carter gave a report on a proposed Resolution Verifying and Approving Utility Accounts Receivable Averages are in Excess of One Percent of Annual Operating Revenues. As part of the updated State budget, municipalities are no longer allowed to disconnect service for past due accounts, unless the total arrearages for the system are over 1% of the budget total and the governing body verifies the financial information, allows public comment, and determines that disconnections may continue. Ms. Carter reported that for the current fiscal year, the total utilities budget is \$2, 212, 003. One percent of that number is \$22,120.03. Current arrearages are \$83,118.52, not including penalties and interest, which equates to approximately four percent of the total utilities budget.

Mayor Tuggle opened a duly advertised public hearing at 7:10 PM on the adoption of the Resolution Verifying and Approving Utility Accounts Receivable Averages are in Excess of One Percent of Annual Operating Revenues.

There being no one present in person or electronically who wished to speak, the public hearing closed at 7:11 PM.

Ms. Carton made a motion that was seconded by Mr. Bunch to adopt the Resolution Verifying and Approving Utility Accounts Receivable Averages are in Excess of One Percent of Annual Operating Revenues and allow disconnections to continue, as recommended by staff.

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

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

Mayor D. Dwayne Tuggle opened the floor for citizen comment.

R.A.”Tony” Robertson, Amherst, VA, came forward to inquire about council’s view on opposing Gov. Ralph Northam’s Covid-19 restrictions and passing a First Amendment resolution declaring Town of Amherst a “First Amendment Sanctuary.”

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

Ms. Carton made a motion that was seconded by Mr. Bunch to approve the minutes from the December 9, 2020, meeting.

There being no discussion, the motion as to the December 9, 2020, minutes carried 3-1 via the roll call method as follows:

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

Ms. Turner made a motion that was seconded by Ms. Wheaton to recommend the following individual for appointment to the board and for the remainder of an unexpired term listed below subject to his willingness to serve.

Board	Appointed	Term of Office
Board of Zoning Appeals	R.A.”Tony” Robertson	1-13-21 – 8-31-2023 (filling an unexpired term)

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

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

After a report by Town Manager Carter, Mr. Bunch made a motion that was seconded by Ms. Wheaton to waive that portion of the Town’s policy requiring receipts for reimbursement for donation from Second Stage for this fiscal year only, as recommended by staff.

After discussion, the motion 4-0 via the roll call method carried as follows:

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

After a report by Town Manager Carter, Mr. Bunch made a motion that was seconded by Ms. Wheaton to authorize forgiveness of penalties and interest for those assisted by the CARES Act funding, as recommended by staff.

After discussion, the motion 4-0 via the roll call method carried as follows:

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

After a report by Town Manager Carter, Ms. Carton made a motion that was seconded by Ms. Turner to set a public hearing to consider an amended budget with accompanying spreadsheets, as recommended by staff.

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

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

After a report by Town Manager Carter on a contract between the Town of Amherst and W. Thomas Berry, Esq., and proposed Resolution to Adopt and Effect the Organizational Plan for the Town of Amherst for January 1, 2021 through December 31, 2022, Ms. Turner made a motion that was seconded by Mrs. Carton to approve the Resolution to Adopt and Effect the Organizational Plan for the Town of Amherst for the January 1, 2021, through December 31, 2022, Council Term having the effect of appointing a variety of positions and covering a series of items required by Town Code and Town Charter.

There being no discussion, the motion 3-1 via the roll call method carried as follows:

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

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

The Code of Ethics for the Town Council, as adopted on January 11, 2017, and reaffirmed January 19, 2021, was presented to each council member for signature and will be reproduced for display in Council Chambers at Town Hall.

Mayor D. Dwayne Tuggle gave a Town of Amherst year in review reporting on a variety of the Town's accomplishments during 2020.

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 7:43 P.M. until February 10, 2021, on motion of Ms. Turner seconded by Ms. Carton.

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

FOR APPROVAL

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

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

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

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

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

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

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

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

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

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

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

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

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

This Resolution was adopted by the Town Council of the Town of Amherst on ____ day of January, 2021.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

A RESOLUTION TO ADOPT AND EFFECT THE CONTINUATION OF GOVERNANCE FOR THE TOWN OF AMHERST FOR THE JANUARY 1, 2021 – DECEMBER 31, 2022 COUNCIL TERM.

WHEREAS, various provisions of Code of Virginia, the Town Charter and the Town Code as well as tradition indicate that the Town Council of the Town of Amherst, Virginia, should take certain actions following an election,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Amherst, Virginia, that the following organizational plan shall apply for the January 1, 2021 – December 31, 2022 Council term:

1. **Election of Vice Mayor:** Pursuant to Article III, Section 3.01(9) of the Town Charter, Rachel Carton shall be elected Vice Mayor.
2. **Continuation of Policies:**
 - 2.1 Pursuant to Article III, Section 3.01(10) of the Town Charter, Section 2-31 of the Town Code which establishes the regular date and place of the **regular monthly Town Council meeting** is hereby affirmed. Regular meetings shall begin at 7:00 PM. Special meetings may be called as per Section 3.01 (10) of the Town Charter.
 - 2.2 The **rules of conduct** for the meetings of the Town Council as established in the Rules of Procedure of the Town Council, adopted May 8, 2019 are hereby affirmed.
 - 2.3 The **Code of Ethics** for the Town Council, as adopted on January 11, 2017, is hereby affirmed.
 - 2.4 The **Invocation Policy** for the Town Council, as adopted on January 11, 2017, is hereby affirmed.
 - 2.5 The **Personnel Policy** adopted on June 14, 2006, effective on July 1, 2006 and last amended on October 14, 2020 is hereby affirmed.
 - 2.6 The **Procurement Policy** adopted on December 13, 2017, and last amended on October 9, 2019 is hereby affirmed.
 - 2.7 The **Policy for the Development of Agendas and Presentations** to the Town Council shall be as follows:

Most items considered by the Town Council are routine in nature or are arranged by the Town Manager. Some items are developed and presented by members of the Town Council or any of its various committees, boards and commissions. Materials supporting such issues are to be developed and distributed to the members of the Town Council as soon as practical or, at a minimum, along with the agenda materials.

There are times when residents of the Town of Amherst, Town business operators, or other individuals desire to speak before the Town Council or request the Town Council to take action or otherwise react on a specific issue. The Town Council has found it difficult to appropriately respond in a timely manner if sufficient notice of the request is not given. Therefore, it is the policy of the Town Council of the Town of Amherst

to require that a reproducible (8 ½ x 11) written description of any item to be considered be submitted to the Town Manager by 5:00 PM on the first Wednesday of the month for the meeting to be held that month. Individuals are reminded that such information becomes public information, subject to the Freedom of Information Act, upon receipt at the Town Hall.

However, the Town Council feels that Town residents and business operators have the right to address the Town Council on any issue that may involve the Town. Any individual desiring to speak before the Council who has not met the deadline requirement noted above will be allowed a maximum of three minutes to speak before the Town Council. Any individual representing a bona fide group will be allowed a maximum of five minutes to speak before the Town Council. Placement on the agenda will be at the discretion of the Mayor. It is the Town Council's policy that agendas for regular monthly Town Council meetings will include time reserved at both the beginning and end of the meeting for hearing public comments.

The Town Council may waive this policy if it finds that strict adherence to its language is too restrictive.

3. **Town Depository:** Pursuant to Article III, Section 3.01(15) of the Town Charter, all banks currently operating a branch inside the corporate limits of the Town of Amherst (Truist, Bank of the James and First National Bank) and SunTrust Bank, VML/VACO Virginia Investment Pool and the Local Government Investment Pool shall be considered approved places of deposit for Town funds. The Mayor, Town Manager and Treasurer are hereby authorized to execute all papers necessary to continue or effect new accounts.
4. **Standing Council Committee Appointments:** The authority of the Town Council to appoint standing committees is established in Section 2-29 of the Town Code. The purpose of standing committees is (a) to facilitate policy decisions by the Town Council via review, preliminary discussion and investigation of various matters during preparation of their reports to the Town Council and (b) to act in an advisory capacity to the Town Manager and department heads but not to supplant the authority of either the Town Council or management. The following standing committees are hereby established, members appointed, and ongoing duties assigned accordingly:
 - 4.1 **Finance Committee** – Rachel Carton (Chairman) and Sharon W. Turner
 - Monitor the budget development process.
 - Review accounting procedures, budgets, and bookkeeping activities.
 - Interface with auditors.
 - 4.2 **Utilities Committee** – Kenneth S. Watts (Chairman) and Kenneth G. Bunch
 - Monitor the development and construction of capital improvement projects.
 - Review proposed utility system upgrades and extensions.
 - Interface and assist developers in coordinating Town policies with proposed new developments.
5. **Staff Appointments:** The following staff appointments are hereby made for the January 1, 2021 – December 31, 2022 Town Council term. The effect of this resolution shall be to appoint all individuals subject to the authority granted to the Town Council by the Town Charter.

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

6. Board Appointments:

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

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

This Resolution was adopted by the Town Council of the Town of Amherst on January 13th, 2021.

Mayor D. Dwayne Tuggle

Attest: _____

COPY



Amherst Town Council

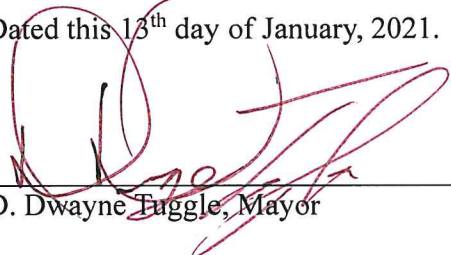
CODE OF ETHICS

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

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

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

Dated this 13th day of January, 2021.



D. Dwayne Fuggle, Mayor



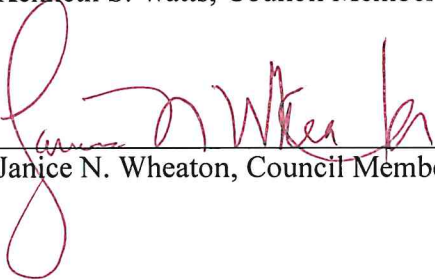
Rachel A. Carton, Vice Mayor



Kenneth S. Watts, Council Member



Kenneth G. Bunch, Council Member



Janice N. Wheaton, Council Member



Sharon W. Turner, Council Member