

Vice Mayor Rachel A. Carton called a regular monthly meeting of the Amherst Town Council to order on January 12, 2022, 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	Sharon W. Turner
P	Rachel A. Carton	P	Janice N. Wheaton
P	Kenneth S. Watts	P	Andra Higginbotham

Also present were the following staff members:

Sara E. Carter	Town Manager	Gary Williams	Director of Plants
Vicki K. Hunt	Clerk of Council	Becky L. Cash	Lead Water Operator
Tracie Morgan	Office Manager/Finance Director	Robert Shiflett	Chief of Police
Eric Lansing	Town Attorney	Charles Thompson	Utilities Maintenance Foreman

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Andra Higginbotham.

After reporting on the achievements of the entire police department staff, Police Chief Shiflett presented the following awards to: Officer Caleb Martin, Officer of the Year Award, in recognition of Officer Martin’s hard work and dedicated service to the Amherst Police Department and the Town of Amherst; Officer Brandon Payne, Award of Excellence, in recognition of Officer Payne’s hard work and dedicated service to the Amherst Police Department and the Town of Amherst; and Assistant Accreditation Manager Ali Davis for her exemplary work performed leading to Police Department State Accreditation.

Vice Mayor Carton opened the floor for citizen comment.

Holden Chase, Amherst, VA, came forward in opposition of installing signs prohibiting skateboards and bicycles on sidewalks and in the alternative to extend existing bike lanes.

Tim Ware, Amherst, VA, came forward in opposition of installing signs prohibiting skateboards on sidewalks.

There being no one else 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 of the meeting held on December 8, 2021.

There being no discussion, the motion as to the December 8, 2021, minutes carried 5-0 via the roll call method as follows:

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

After report by Town Manager Carter, Mr. Watts made a motion that was seconded by Ms. Wheaton to adopt a Resolution of appreciation to Kenneth S. Bunch for his many years of public service to the Town of Amherst as a Town of Amherst Councilor, and as a member of the Town of Amherst Planning Commission.

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

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

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

After a report by Town Manager Carter, Ms. Turner made a motion that was seconded by Ms. Wheaton to adopt a Resolution of appreciation to W. Thomas Berry for his many years of outstanding public service to the Town of Amherst as the Amherst Town Attorney.

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

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

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

After a report by Town Manager Carter on updates made to the existing Resolution to Adopt and Effect the Continuance of Governance for the Town of Amherst for the January 1, 2021 – December 31, 2022, Council Term to include affirmation of appointment of Andra Higginbotham to the Utilities Committee and the Town/Sweet Briar Sewer Advisory Commission, appointment of Eric Lansing as Town Attorney, and revised Rules of Procedure to included new Section 3A. Remote Participation in Meetings, Ms. Turner made a motion that was seconded by Mr. Watts to adopt a Resolution to Readopt and Effect the Continuation of Governance for the Town of Amherst for the January 1, 2021 – December 31, 2022, Council Term.

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

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

A copy of the Resolution to Readopt and Effect the Continuation of Governance for the Town of Amherst for the January 1, 2021 – December 31, 2022, Council Term, and the Rules of Procedure are attached to and made a part of these minutes.

Town Attorney Lansing gave a report on An Ordinance Amending the Code of the Town of Amherst, Virginia, Chapter 20 (Traffic and Vehicles), Article I (In General), §§20-8 (Operation of Bicycles on Certain Sidewalks) and 20-9 (Operation of Skateboards on Certain Sidewalks), to Provide for a \$50 Civil Penalty for Riding a Bicycle or Skateboard on Any Sidewalk. After discussion Town Attorney Lansing

was directed to prepare and present to Council alternate language amending Town Code §§20-8 and 20-9 for review and discussion. The matter was deferred to the February 9, 2022, meeting.

After a report by Town Manager Carter on an amendment to the engineering contract for the sliplining project, Ms. Turner made a motion that was seconded by Mr. Higginbotham to approve the Amended Agreement between the Town of Amherst and WW Associates, Inc., for additional services to be performed in connection to the Sanitary Sewer Rehabilitation and Replacement project in the amount of \$45,360.00.

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

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

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.

There being no further business, the meeting adjourned at 8:10 P.M., until February 8, 2022, at 7:00 p.m. on motion of Ms. Wheaton seconded by Ms. Turner.

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

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

Rachel A Carton, Vice Mayor

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Kenneth S. Bunch is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS, Kenneth S. Bunch has informed the Amherst Town Council and the residents of Amherst that he is resigning from the Town Council as of October 13, 2021, to devote more time and attention to work and family; and

WHEREAS, Kenneth S. Bunch served as an interim member of the Town Council of the Town of Amherst from March 1, 2017, through December 31, 2018, and as a member from January 1, 2019, through October 13, 2021; and

WHEREAS, during his tenure on Town Council, Kenneth S. Bunch represented the Town Council on the Town's Planning Commission, Utilities Committee, ad hoc Recodification Committee, ad hoc Personnel Committee, and ad hoc Town and County Projects Committee; and

WHEREAS, Kenneth S. Bunch has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service as a full-time firefighter and EMT, civic efforts including his various positions of leadership, authority, and community as a Member of the Board for the Virginia Blue Ridge Railway Trail and the Rush Homes Project Development, and in service to our country as a mechanic in the United States Navy; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Kenneth S. Bunch has given to his community and to express its appreciation for all that Kenneth S. Bunch has done, is doing, and will probably do for years to come for the Town of Amherst.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Kenneth S. Bunch has given to our community;

BE IT FURTHER RESOLVED, that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been greatly improved because of Kenneth S. Bunch's tenure on the Town Council of the Town of Amherst; and

FINALLY, BE IT RESOLVED, the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Kenneth S. Bunch as a token of the Council's deep appreciation for his contributions 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 January 12, 2022.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, W. Thomas Berry is a highly respected citizen and native of Amherst; and

WHEREAS, W. Thomas Berry received his undergraduate degree from the University of Virginia in 1979, was admitted to the Virginia State Bar in 1987, and has been serving the community ever since; and

WHEREAS, W. Thomas Berry served as Town Attorney for the Town of Amherst from January 12, 2005, through December 31, 2021; and

WHEREAS, W. Thomas Berry has assisted Town Council in conducting their meetings in an orderly fashion serving as Parliamentarian and advisor of the Freedom of Information Act public meetings rules and other applicable laws; and

WHEREAS, W. Thomas Berry has contributed his expertise in numerous legal matters such as reviewing contracts, assisting with public records requests, and representing the town on legal claims and hearings; and

WHEREAS, W. Thomas Berry has consistently demonstrated the highest commitment to integrity, justice, and public service through his guidance, knowledge, and legal expertise; and

WHEREAS, the Town Council of the Town of Amherst, town staff and Town of Amherst Community have greatly benefited from the knowledge and legal expertise of W. Thomas Berry; and

WHEREAS, the Town Council of the Town of the Amherst expresses its sincere appreciation to W. Thomas Berry for many years of outstanding public service to the Town of Amherst as the Amherst Town Attorney; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that W. Thomas Berry has given to this community and to express its appreciation for all that W. Thomas Berry has done, is doing, and will probably do for years to come for the Town of Amherst.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that W. Thomas Berry has given to our community; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been greatly improved because of the services of W. Thomas Berry as Town Attorney for the Town of Amherst; and

FINALLY, BE IT RESOLVED, that the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to W. Thomas Berry as a token of the Council's deep appreciation for his contributions 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 January 12, 2022.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

A RESOLUTION TO READOPT 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 remainder of 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 Andra Higginbotham
 - 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, Eric Lansing 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 Watts and Andra Higginbotham 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 112th, 2022.

Mayor Dwayne Tuggle

Attest:

**RULES OF PROCEDURE
OF
AMHERST TOWN COUNCIL**

SECTION 1. AUTHORITY

These rules are adopted pursuant to the authority provided in Charter Article 3.12.

These rules are intended to supplement the Town Charter. When a conflict arises between this document and the Town Charter, the Town Charter is the controlling document. Unless otherwise provided by charter, ordinance or these rules, the procedure for Town council meetings shall be guided by Robert's Rules of Order, 11th Edition and whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

SECTION 2. TIME AND PLACE OF REGULAR BUSINESS MEETING

The council shall meet in formal session at 7:00 p.m., on the second Wednesday in each month in the council chambers, Town Hall, 174 S. Main Street, Amherst, VA. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings under § 2.2-3711 of the Code of Virginia.

(Town Code §)

SECTION 3. SPECIAL, CLOSED AND EMERGENCY MEETINGS

The Town Manager may call special meetings at the insistence of the Mayor or any two members of council in writing at a time and location to be duly advertised in compliance with Virginia State Code.

In addition to regular and special meetings, closed meetings and emergency meetings may be scheduled and held. Notification requirements for closed meetings and emergency meetings are governed by the Virginia Code.

- A. For special meetings, the purpose and nature of the meeting will dictate whether public comment will be allowed. Time for public comment may or may not be allocated depending on the nature of the meeting and at the discretion of Council.
- B. The only items Council may consider in closed meetings are those permitted by the Virginia Freedom of Information Act and identified in the motion convening the closed meeting.

SECTION 3A. REMOTE PARTICIPATION IN MEETINGS

- A. Council members may participate in meetings of the Council by electronic communication means from a remote location that is not open to the public, provided that such participation is approved by the Mayor (or other presiding officer pursuant to Section 6; hereafter in this Section, the "Mayor"). Such participation shall comply with this Section and § 2.2-3708.2 of the Code of Virginia.
- B. On or before the day of a meeting, a Council member desiring to participate remotely shall notify the Mayor that:
 - 1. Such Council member is unable to attend the meeting due to:

- (i) a temporary or permanent disability or other medical condition that prevents the Council member's physical attendance (in which case, the minutes shall record this basis for remote participation, but need not record the exact nature of the disability or medical condition); or
 - (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance (in which case, the minutes shall record this basis for remote participation, but need not record the exact nature of the family member's disability or medical condition); or
- 2. Such Council member is unable to attend the meeting due to a personal matter (in which case, the Council member shall identify, with specificity, the nature of the personal matter; and the Council shall include in its minutes the specific nature of the personal matter cited by the Council member). However, participation by a Council member pursuant to this paragraph shall be limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
- C. An individual Council member may participate from a remote location only if a quorum of the Council is physically assembled at the primary or central meeting location, and the Council has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- D. The location from which a Council member participates remotely shall be recorded in the Council's minutes; however, the location need not be open to the public.
- E. This Section shall be applied strictly and uniformly, without exception, to the entire membership of the Council, and without regard to the identity of the Council member requesting remote participation or the matters that will be considered or voted on at the meeting. The Mayor shall consult the Town Attorney for review of the Council member's request for compliance with the Code of Virginia and this Section, and shall approve the request if the Council member qualifies for remote participation under this Section. If a member's participation from a remote location is disapproved because such participation would violate this policy, the reasons for such disapproval shall be recorded in the minutes with specificity.

SECTION 4. CANCELLATION OF MEETINGS

At any meeting, the governing body may fix the day or days to which a regular business meeting shall be continued, rescheduled or cancelled if the mayor, or vice-mayor, in the absence of the mayor, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular business meeting. Such finding shall be promptly communicated to the council members and the press. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

SECTION 5. QUORUM; PROCEDURE IN ABSENCE OF QUORUM

A quorum is required to conduct official Town business. The mayor and five town councilmen shall constitute the council of the town. A majority of the members of the council shall constitute a quorum for the transaction of business. Vacancies in office do not count towards determining a quorum. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have the right to veto. In the event a quorum is not present, the meeting shall stand adjourned to a time and

place agreed upon by a majority of the members present.
(Quorum defined, Code of Virginia, § 15.2-1415)

After the name of any member has been recorded as present at any meeting of the town council, he shall not absent himself previous to adjournment unless by consent of the council.

SECTION 6. PRESIDING OFFICER.

- A. The Mayor shall preside at all meetings unless absent or must relinquish the chair due to a conflict of interest. The Mayor shall retain all rights and privileges of the office of the mayor as set out in the Town charter when acting in this capacity.
- B. In the Mayor's absence the Vice Mayor of the council shall preside over the meeting. The Vice Mayor shall retain all rights and privileges of a member of council when acting in this capacity.
- C. Should the Mayor and Vice Mayor not be present to preside at a meeting, then the member of council with the most seniority will chair the meeting:
 1. Should either the Mayor or the Vice Mayor of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed; and
 2. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

SECTION 7. TOWN ATTORNEY AS PARLIAMENTARIAN

The Town Attorney shall serve as the Parliamentarian for the purposes of interpreting these Meeting Procedures, and the Code of Virginia as amended and Robert's Rules of Order, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Councilors.

SECTION 8. AGENDA AND MATERIALS

The Town Manager shall ensure a proposed agenda is prepared for the Mayor's consideration seven business days before the meeting. The agenda of every regular Council meeting is approved by the Mayor. Any Council member desiring to add items to the proposed agenda should submit them to the Town Manager and the Mayor ten business days before the meeting.

SECTION 9. ORDER OF BUSINESS AT REGULAR BUSINESS MEETINGS

The order of business at regular business meetings of the town council shall be set out in the printed agenda and shall include, but not be limited to the following items:

1. Call to order
2. Determination of Quorum
3. Salute to the Flag
4. Invocation
5. Announcements/Proclamations
6. Citizen Comment (other than public hearings)
7. Public Hearings and Presentations

8. Approval of the Consent Agenda
 - A. Minutes
9. Appointments
10. Staff Reports
11. Reports of boards, commissions, and committees
12. Discussion Items
13. Matters from Staff
14. Matters from Council
15. Matters from Mayor
16. Citizen Comments
17. Closed Session (as needed)
18. Adjournment

SECTION 10. CITIZEN COMMENT

Two periods for Citizen comment will be reserved for every regular meeting of the council. Persons wishing to speak during citizen comment must sign the “speaker’s roster” with the person’s name and address and the topic upon which the person wishes to speak not later than the call to order.

The chair shall have the authority to establish a time limit for each speaker whether speaking as an individual or as representing any group or organization. Order of speakers will be determined on first register, first speak basis. The presiding officer may allow additional persons to speak if they have not signed the speaker’s roster.

- If speaking as an individual, each speaker has no less than 3 minutes per item for discussion not including council and/or staff response time.
- If representing any group or organization, each speaker if speaking has 5 minutes per item for discussion not including council and/or staff response time.

If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing.

Councilors may, after obtaining the floor, ask questions of speakers during citizen comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

SECTION 11. PUBLIC HEARINGS

Council will conduct public hearings on specific topics as required by law or as Council otherwise deems appropriate. The purpose of a public hearing is for Council to receive public comments on a specific topic.

During a public hearing, each speaker must limit his or her comments to the specific application or matter for which the public hearing has been scheduled. No person may speak more than once during any public hearing.

- Staff is encouraged to limit presentations to 10 minutes or less.
- Each Council member may ask staff clarification questions and is encouraged to limit his questions to 3 minutes or less not including staff response time.
- Applicants are limited to 10 minutes for presentations.
- Each Council member may ask applicants clarification questions and is encouraged to limit his questions to 3 minutes or less inclusive of applicant response time.
- After the public has had the opportunity to speak on the public hearing item Council members are encouraged to limit their time to 3 minutes or less each for discussion and debate not including staff response time.

SECTION 12. WRITTEN COMMUNICATIONS TO COUNCIL

Every petition, communication or address to the town council shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet, but shall not be individually itemized on the agenda.

SECTION 13. CONSENT AGENDA

In order to expedite the council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
2. Any item on the consent agenda may be removed for separate consideration by any member of the council.
3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.

SECTION 14. MINUTES

I. Generally.

- A. The clerk of council shall keep the minutes of the town council in such manner as to indicate with certainty each ordinance and resolution passed by the council, and shall transcribe them in books to be maintained in his office for such purpose, and these books shall be accurately indexed.
- B. The minutes shall contain the following information:
 1. The date, time and place of the meeting;
 2. The members present;
 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 4. The results of all votes and the vote of each member by name;
 5. The substance of any discussion on any matter; and
 6. A reference to any document discussed at the meeting

II. Approval. The council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- B. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed.
- C. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

SECTION 15. DISCUSSION ITEMS

Discussion items may be considered during regular or special town council meetings if:

- A. A majority of all members of town council are present to vote on a discussion item requiring a majority of the council to pass; or
- B. A quorum of all members of town council are present to vote on discussion

items requiring a quorum of the council to pass.

SECTION 16. MAYOR AND COUNCIL COMMENT

At each regular business meeting of the town council an item will be included on the agenda for “Council Comment” and “Mayor’s Comment”. At that time, the mayor and council members shall have up to five minutes to make comments of general interest on matters such as public issues, community events or milestones, or constituent concerns. With the consent of the council, the chair may delete or reduce the time for comments in the event the time for the council to conduct its business is constrained or the agenda is unusually lengthy.

SECTION 17. APPLICATION OF ROBERT’S RULES OF ORDER

The provisions of Robert’s Rules of Order, 11th Edition, shall govern the council in its meetings, except in so far as such provisions are inconsistent with law, the Town Charter, and modified by the special rules of order as set forth below. In the event that there is an inconsistency between the respective rules of order, the special rules shall control.

SECTION 18. SPECIAL RULES OF ORDER

Motions, Debate, and Voting

- I. Motions.** All motions shall be distinctly worded.
 - A. The following rules shall apply to motions:
 1. If a motion does not receive a second, it dies.
 2. The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
 3. Any motion shall be reduced to writing if requested by a member of the council.
 4. A motion to amend can be made to a motion that is on the floor and has been seconded.
 5. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
 6. A motion may be withdrawn by the mover at any time without the consent of the council.
 7. Amendments are voted on first, then the main motion if voted on as amended.
 8. A member of the council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
 9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
 - a. A call for the question fails without a majority vote.
 - b. Debate on the main subject resumes if the motion fails.

- 10. A motion that receives a tie vote fails.
- 11. The presiding officer shall repeat the motion prior to a vote.
- B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
 - 1. No motion shall be made more than once.
 - 2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the council.
- C. Motion to Adjourn. A motion to adjourn shall be always in order and shall be decided without debate.

II. Debate. The following rules shall govern the debate of any item being discussed by the council:

- A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
- B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
- C. In any debate no member of the council shall speak more than once on the same question until all others have spoken who desire to do so, nor more than twice on the same question, unless by consent of the council.
- D. When two or more members of the town council determine to speak at the same time, the presiding officer shall name the one to speak.
- E. The mayor, when presiding at a meeting of the council, without vacating the chair, may give his reasons for any decision made by him on any point of order and such decision shall be made without debate.
- F. The presiding officer shall have the privilege of closing the debate.

III. Voting. Every member of the town council present when a question is put on an ordinance or resolution, unless interested or excused from voting, by the council, shall vote on one or the other side of such question. No member of the town council who has any personal or pecuniary interest in the result of any question before the council shall vote upon such question.

The following rules shall apply to voting on matters before the council.

- A. Consent Agenda. The majority of a quorum vote of all members of the council present is required to approve the matters on a consent agenda.
- B. Resolutions. A majority of quorum shall be required to pass a resolution.
- C. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine exceeding the sum of one hundred dollars shall require a majority of the council to pass. An ordinance involving a fee or fine in the sum of one hundred dollars or less shall require a majority of a quorum to pass.
- D. An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority of a quorum to pass.
- E. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- F. Budget. The budget shall require a majority of a quorum to pass.
- G. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- H. Elections and Appointments to Office. There shall be a recorded vote on every ordinance having for its object elections. Every appointment to office by the council shall be viva voce and the vote shall be recorded.

- I. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules appearing herein which also appear in the Charter shall not be suspended or rescinded.
- J. Appeals From Decisions on Points of Order. Any member may appeal to the town council from the decision of the mayor on any question of order, a majority vote of those present being necessary to overrule the mayor.
- K. Recorded Votes: All votes shall be recorded in the minutes. The "ayes" and "nays" on any question shall be recorded.
- L. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower town body or commission, a tie shall render the lower body's decision approved.
- M. Expulsion of Member of Council. A vote of at least two-thirds of the members shall be required for the town council to expel a member of the council for misconduct in office.
- N. Vote Required For Decision. All questions before the town council, except where otherwise provided in the Charter, the Town Code, or these Rules, shall be decided by a majority vote of those present.
- O. Motion to Reconsider: Such motion shall require a majority of the votes of the members present, unless a greater number of votes was required to pass the measure, in which event the motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure.

SECTION 19. EFFECTIVE DATE

- A. An ordinance or resolution shall become effective upon adoption unless otherwise stated in the ordinance or resolution.
- B. In the event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage.

SECTION 20. ETHICS, DECORUM, OUTSIDE STATEMENTS

- I. Ethics.** All members of the council shall review and observe the requirements of the Amherst Town of Amherst Code of Ethics and state ethics law. All members of town council shall refrain from:
 - A. Disclosing confidential information.
 - B. Taking action which benefits special interest groups or persons at the expense of the town as a whole.
 - C. Expressing an opinion contrary to the official position of the council without so saying.
 - D. Conducting themselves in a manner so as to bring discredit upon the government of the town.
- II. Decorum.**
 - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
 - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.

- C. Members of the town staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.

III. Statements to the Media and Other Organizations

- A. Representing Town. If a member of the council, to include the mayor, appears as a representative of the town before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the town, as approved by a majority of the council.
- B. Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the town before giving their statement.

SECTION 21. CENSURE [AND REMOVAL]

- A. The council may enforce these rules and ensure compliance with town ordinances, charter and state laws applicable to governing bodies. If a member of council violates these rules, town ordinances, the Town Charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a reprimand or removal as provided for in the Town Charter.
- B. The council may investigate the actions of any member of council and meet in executive session to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the Town Charter or state laws applicable to governing bodies has occurred.

SECTION 22. AMENDMENT TO RULES OF PROCEDURE

These Rules of Procedure may be amended by a vote of the majority of full Council.