

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on April 13, 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:

|   |                  |   |                    |
|---|------------------|---|--------------------|
| P | D. Dwayne Tuggle | P | Sharon W. Turner   |
| P | Rachel A. Carton | P | Janice N. Wheaton  |
| A | Kenneth S. Watts | A | Andra Higginbotham |

Also present were the following staff members:

|                  |                                 |                 |                    |
|------------------|---------------------------------|-----------------|--------------------|
| Sara E. McGuffin | Town Manager                    | Eric Lansing    | Town Attorney      |
| Vicki K. Hunt    | Clerk of Council                | Robert Shiflett | Chief of Police    |
| Tracie Morgan    | Office Manager/Finance Director | Gary Williams   | Director of Plants |

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

Mayor Tuggle opened a duly advertised public hearing at 7:02 P.M. on the Town’s proposed 2022-2023 Capital Improvement Program that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment. There being no one present in person or otherwise who wished to speak on the Capital Improvement Program proposal, the public hearing closed at 7:02 P.M.

Ms. Turner made a motion that was seconded by Ms. Carton to adopt the 2022-2023 Capital Improvement Program that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment, as recommended by the Planning Commission and staff.

There being no discussion, the motion as to the 2022-2023 Capital Improvement Program carried 3-0 via the roll call method as follows:

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

A copy of the 2022-2023 Capital Improvement Program is attached and made a part of these minutes.

Mayor Tuggle opened a duly advertised public hearing on the Town’s FY22/23 Proposed Budget at 7:03 P.M., as reviewed by the Finance Committee. There being no one present in person or otherwise who wished to speak on the budget matter, the public hearing closed at 7:03 P.M. By state code the budget cannot be adopted at the same meeting as the public hearing.

Ms. Carton made a motion that was seconded by Ms. Turner to place adoption of the budget on the May 11, 2022, meeting agenda.

After discussion, the motion carried 3-0 via the roll call method as follows:

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

Mayor Tuggle opened a duly advertised public hearing at 7:05 P.M. on a proposed ordinance amending Chapter 2, Division 2, Article IV of the Town Code, which would, if approved, change the name of the Industrial Development Authority to the Economic Development Authority. There being no one present in person or otherwise who wished to speak on the proposed ordinance, the public hearing closed at 7:05 P.M.

Ms. Turner made a motion that was seconded by Ms. Wheaton to adopt the proposed Ordinance Amending the Code of the Town of Amherst, Virginia, Chapter 2 (Administration), Article IV (Boards, Commissions, and Authorities), Division 2 (Industrial Development Authority) to provide that the name of the Industrial Development Authority Shall be Changed to the Economic Development Authority, as recommended by staff.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

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

Mayor Tuggle opened the floor for citizen comment.

Richard Wydner, Amherst, VA, came forward with a concern that there may be some confusion between the Town Economic Development Authority and the County Economic Development Authority.

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 Ms. Turner to approve the Minutes of the meeting held on March 9, 2022.

There being no discussion, the motion as to the March 9, 2022, minutes carried 3-0 via the roll call method as follows:

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

After a report by Town Manager McGuffin, Ms. Carton made a motion that was seconded by Ms. Wheaton to approve the purchase of a replacement work truck through a state contract in the amount of \$57,283.00, as recommended in the CIP and by staff.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

After a report by Town Manager McGuffin on VDH funding for the replacement of Sunset Drive waterline and the replacement of Maple Lane/Whitehead Drive waterline projects. By consensus staff was authorized to apply for waterline funding under VDH funding programs for these projects, where no local match is required, as recommended by staff.

After a report by Town Attorney Lansing, Ms. Wheaton made a motion that was seconded by Ms. Carton to hold a public hearing at its meeting on May 11, 2022, on the proposed Ordinance Amending the Code of the Town of Amherst, Virginia, Chapter 14 (Solid Waste), Article IV (Collection and Disposal), by Enacting § 14-25 Therein, to Prohibit the Placement of Waste Receptacles in the Public Right-of-Way, Other Than at Designated Collection Times or the Evening Beforehand, as recommended by staff.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

After a report by Town Manager McGuffin, Ms. Carton made a motion that was seconded by Ms. Turner to adopt the Resolution of the Amherst Town Council to enter into a Mutual Aid Agreement dated May 1, 2022, by and between the Sheriffs of the Counties of Amherst, Appomattox, Bedford, Campbell, Lynchburg, Nelson, Pittsylvania; the Towns of Altavista, Amherst, Bedford, Brookneal, Chatham and Hurt; and the City of Lynchburg, Virginia, as recommended by staff.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

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

Mayor Tuggle 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.

Ms. Wheaton proposed that a public hearing be set on removal of the provision in the town charter that allows for two-thirds vote to remove a council member. After discussion, the matter was deferred to a later date.

There being no further business, the meeting adjourned at 7:27 P.M., until May 11, at 7:00 p.m. on motion of Ms. Carton seconded by Ms. Wheaton.

The motion carried 3-0 via the roll call method as follows:

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

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

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

FOR APPROVAL

**Town of Amherst  
Capital Improvement Program FY 22-23  
Recommended by the Planning Commission for consideration by the Town Council**

| Project Description & Ranking     | CIP<br>Committee<br>Evaluation | Planning<br>Commission<br>Ranking | Total<br>Estimated Cost | 2022-2023     | 2023-2024  | 2024-2025    | 2025-2026  | 2026-2027  | Recommended<br>Sources of Funds |
|-----------------------------------|--------------------------------|-----------------------------------|-------------------------|---------------|------------|--------------|------------|------------|---------------------------------|
| <b>Police</b>                     |                                |                                   |                         |               |            |              |            |            |                                 |
| Police Tahoe SUV-New              | 13                             |                                   | 47,000.00               | 47,000.00     |            |              | 47000      |            | General Fund                    |
| Police Interceptor-SUV            | 13                             |                                   | 46,845.00               |               | 46,845.00  | 46,845.00    |            |            | General Fund                    |
| <b>Community Development</b>      |                                |                                   |                         |               |            |              |            |            |                                 |
| <b>Maintenance</b>                |                                |                                   |                         |               |            |              |            |            |                                 |
| New Truck                         | 11                             |                                   | 45,000.00               | 45,000.00     |            |              |            |            | All Funds                       |
| Mini Excavator                    | 18                             |                                   | 80,000.00               |               | 80,000.00  |              |            |            | All Funds                       |
| UTV-Side by Side (shared)         | 19                             |                                   | 16,500.00               | 16,500.00     |            |              |            |            | All funds                       |
| Addition to Maintenance Shop      | 14                             |                                   | 100,000.00              |               | 100,000.00 |              |            |            | All Funds                       |
| Backhoe                           | 19                             |                                   | 120,000.00              |               | 120,000.00 |              |            |            | All Funds                       |
| Tractor w/ bucket mower & backhoe | 13                             |                                   | 37,000.00               | 37,000.00     |            |              |            |            | General Fund                    |
| <b>Plants</b>                     |                                |                                   |                         |               |            |              |            |            |                                 |
| WWTP SCADA                        | 22                             |                                   | 160,590.00              | \$ 160,590.00 |            |              |            |            | WW Fund                         |
| Roof Replacement-Lab              | 19                             |                                   | 6,800.00                | 6,800.00      |            |              |            |            | WW Fund                         |
| <b>Water Line Replacements</b>    |                                |                                   |                         |               |            |              |            |            |                                 |
| Replace Author Court W/L          |                                |                                   | 200,000.00              |               | 200,000.00 |              |            |            | Grant and Water                 |
| Sunset Drive Replacement          |                                |                                   | 1,019,260.00            |               |            | 1,019,260.00 |            |            | Grant and Water                 |
| Waugh's Ferry Road Replacement    |                                |                                   | 1,406,595.00            |               |            | 1,406,595.00 |            |            | Grant and Water                 |
| Walnut Street Replacement         |                                |                                   | 136,888.00              |               |            |              | 136,888.00 |            | Grant and Water                 |
| Union Hill Replacement            |                                |                                   | 420,416.00              |               |            |              |            | 420,416.00 | Grant and Water                 |
| Zane Snead Replacement            |                                |                                   | 294,400.00              |               |            |              | 294,400.00 |            | Grant and Water                 |
| <b>TOTAL</b>                      |                                |                                   | 4,137,294.00            | 312,890.00    | 546,845.00 | 2,472,700.00 | 478,288.00 | 420,416.00 |                                 |

## ORDINANCE OF THE TOWN OF AMHERST

**AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 2 (ADMINISTRATION), ARTICLE IV (BOARDS, COMMISSIONS, AND AUTHORITIES), DIVISION 2 (INDUSTRIAL DEVELOPMENT AUTHORITY), TO PROVIDE THAT THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY SHALL BE CHANGED TO THE ECONOMIC DEVELOPMENT AUTHORITY.**

**WHEREAS**, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof;

**WHEREAS**, the Virginia Industrial Development and Revenue Bond Act (Va. Code §§ 15.2-4900 et seq.) allows for local governments to create industrial or economic development authorities;

**WHEREAS**, § 15.2-4903, Subsection C, of the Code of Virginia provides for the name of any industrial development authority to be changed to “Economic Development Authority”;

**WHEREAS**, such a name change reflects developments in the economy of the Town of Amherst since the original establishment of the Industrial Development Authority;

**WHEREAS**, the full text of this amendment was available for public inspection in the Amherst Town Hall, at 174 S. Main Street, Amherst, VA 24521; and

**WHEREAS**, on April 13, 2022, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST**, that Chapter 2 (Administration), Article IV (Boards, Commissions, and Authorities), Division 2 (Industrial Development Authority) of the Amherst Town Code is hereby amended as follows:

### **DIVISION 2. – ECONOMIC DEVELOPMENT AUTHORITY**

#### **Sec. 2-140. Created; powers, duties, and obligations.**

There is hereby created, pursuant to the provisions of the Industrial Development and Revenue Bond Act (Va. Code §§ 15.2-4900 et seq.), a political subdivision of the Commonwealth, to be known as an industrial development authority, with such public and corporate powers, duties, and obligations as are set forth in the above-cited sections of the Code of Virginia.

#### **Sec. 2-141. - Name.**

The name of the political subdivision of the Commonwealth created by this Division, heretofore known as the “Industrial Development Authority of the Town of Amherst, Virginia,” is hereby renamed the “Economic Development Authority of the Town of Amherst, Virginia,” pursuant to

§15.2-4903(C) of the Code of Virginia. Where the context establishes a reasonable distinction from the economic development authorities of other localities, the Authority may also be referred to as the Economic Development Authority.

This ordinance was adopted on the 13th day of April, 2022.



D. Dwayne Tuggle, Mayor

ATTEST:

Dickie K. Hunt

Clerk of the Council

RESOLUTION OF THE AMHERST TOWN COUNCIL  
MUTUAL AID AGREEMENT

**WHEREAS**, for a number of years the cities, counties and towns in Central Virginia and their law enforcement agencies have participated in mutual aid agreements; and,

**WHEREAS**, these mutual aid agreements have (a) helped promote regional cooperation among law enforcement agencies (b) helped participating jurisdictions provide necessary law enforcement services during emergencies and (c) helped enhance the overall quality of law enforcement services in Central Virginia; and,

**WHEREAS**, the Town of Amherst entered into a written mutual aid agreement with the Amherst County Sheriff's Department, the Appomattox County Sheriff's Department, the Bedford County Sheriff's Department, the Campbell County Sheriff's Department, the Lynchburg Sheriff's Department, the Town of Altavista, the Town of Brookneal, the Town of Bedford, and the Town of Hurt; and,

**WHEREAS**, these mutual aid agreements must be amended from time to time to reflect amendments to the Virginia Code, to add new parties, etc.; and,

**WHEREAS**, the Sheriff's Departments for Nelson County and Pittsylvania County have requested that they be allowed to participate in the mutual aid agreement along with the cities, counties, and towns and other law enforcement agencies in Central Virginia who are currently parties to the said mutual aid agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the Amherst Town Council hereby authorizes the Town to enter into a written mutual aid agreement with the Amherst County Sheriff's Department, the Appomattox County Sheriff's Department, the Bedford County Sheriff's Department, the Campbell County Sheriff's Department, the Lynchburg Sheriff's Department, the Nelson County Sheriff's Department, the Pittsylvania County Sheriff's Department, the Town of Altavista, the Town of Bedford, the Town of Brookneal, the Town of Hurt and such other cities, counties, and towns and law enforcement agencies in the Central Virginia area as may be appropriate for the joint use of law enforcement forces, both regular and auxiliary, equipment and materials, in order to maintain the peace and good order, and the Town Manager is authorized to execute such an agreement on behalf of the Town of Amherst.

**BE IT FURTHER RESOLVED** the Amherst Town Council hereby approves the Town's participation in future law enforcement mutual aid agreements with the cities, counties, and towns in Central Virginia and their law enforcement agencies and at such times as those mutual aid agreements must be updated and amended, the Town Council authorizes the Town Manager to sign such future law enforcement mutual aid agreements on behalf of the Town.

Adopted: \_\_\_\_\_

Certified: \_\_\_\_\_

Clerk of Council