

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on September 14, 2022, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street.

It was noted that one seat on the Town Council is vacant and that a quorum was present as follows:

P	D. Dwayne Tuggle	P	Janice N. Wheaton
P	Kenneth S. Watts	P	Andra Higginbotham
P	Sharon W. Turner		Vacant

Also present were the following staff members:

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

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

Town Manager McGuffin gave a brief report on the current restrictions contained in §18.1-902.02 of the Zoning and Subdivision Ordinances, Accessory Buildings, and whether there should be any changes to the ordinance. The current ordinance does not allow accessory structures in the front yard and has a minimum ten foot side yard setback. A duly advertised public hearing was held by the Town of Amherst Planning Commission on the matter on August 3, 2022, after which the Commission made a recommendation to Town Council that no changes should be made to the ordinance.

Mayor Tuggle opened a duly advertised public hearing at 7:03 PM on consideration of amending §18.1-902.02 of the Zoning and Subdivision Ordinances, Accessory Buildings, to allow accessory buildings in the front yard and reduce the minimum side yard setback.

Terrell Stinson, Amherst, VA, came forward in favor of amending the setbacks contained in §18.1-902.02 of the Zoning and Subdivision Ordinance to a five foot side yard setback and a twenty-five to thirty foot front yard setback which would allow Mr. Stinson to maintain an accessory structure covering for his RV and other vehicles and would also allow for small lot development and increased flexibility for prospective residents.

Robin Nine, Amherst, VA, came forward and presented a signed documentation of support to allow Mr. Stinson to maintain an accessory structure in its current location by amending the setbacks contained in §18.1-902.02 of the Zoning and Subdivision Ordinance.

There being no one else present in person or otherwise who wished to speak on the proposed amendment to §18.1-902.02 of the Zoning and Subdivision Ordinances, Accessory Buildings, the public hearing closed at 7:09 PM.

By consensus Council accepted and agreed with the recommendation of the Planning Commission that no changes be made to the existing ordinance.

Derrick Brown, Founder and Board Chair, and Allison Jordan, Executive Director, came forward on behalf of Iron Lives, Incorporated, to request Town Council’s support for the 12<sup>th</sup> Annual IRON 5k Run/Walk event that would occur on April 23, 2023, and allow road closures for the event.

Mr. Watts made a motion that was seconded by Mr. Higginbotham to support the event and allow road closures with the understanding that IRON would fully fund sufficient traffic control for the activity as required by Police Chief Shiflett.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Mayor Tuggle opened the floor to citizen comments.

Holden Chase, Amherst, VA, came forward in support of Iron Lives, Incorporated.

Tim Ware, Amherst, VA, came forward in opposition of enforcement of the two hour parking zones on Main Street.

Jessy Shipe, Director of Second Stage, came forward to inform Council of Second Stage’s opportunity to receive a Levitt AMP Award, which is a grant underwriting a series of free outdoor music concerts. To be considered for a Levitt AMP Award Second Stage must be ranked in the top twenty. Rankings are determined by public vote. Second Stage requested support from Council by voting and sharing the information on social media.

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

Ms. Wheaton made a motion that was seconded by Mr. Higginbotham to approve the Minutes of the meeting held on August 10, 2022, as presented.

After discussion, the motion carried 3-0-1 via the roll call method as follows:

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Abstain	Vacant	

Ms. Wheaton made a motion that was seconded by Ms. Turner to adopt a Resolution of appreciation to Rachel A. Carton for her years of public service to the Town of Amherst as a Town of Amherst Council member.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

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

Town Manager McGuffin gave a report on the 2022 Christmas Parade preparations. The parade is being planned for the first Friday in December, December 2, 2022, at 6:30 p.m., beginning at Kenmore Road, proceeding up S. Main Street and ending at the traffic circle. The theme of parade is “Blue Christmas.”

Ms. Turner made a motion that was seconded by Mr. Watts to approve the 2022 parade route and associated street closures, as recommended by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Town Manager McGuffin gave a report on the award of bid for the Wastewater Centrifuge Construction Project. Town Council previously approved the design fee for the centrifuge construction project in the amount of \$175,000.00 and agreed to fund the purchase of a centrifuge in the amount of \$218,988.00 from the remaining ARPA funding of \$2,035,723.00. A bid on the purchase of the centrifuge was held pending receipt of the centrifuge construction bid. Having received the construction bids, staff recommended that Council approve the award of the bid to Littleton and Associates in the amount of \$1,548,000.00 and to approve the budget for the overall project in the total amount of \$1,993.976.

Mr. Watts made a motion that was seconded by Ms. Wheaton to approve and award the centrifuge bid to Littleton and Associates in the amount of \$1,548.000.00, as recommended by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Ms. Wheaton made a motion that was seconded by Mr. Higginbotham to approve the overall centrifuge project budget in the amount of \$1,993.976.00, as recommended by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Town Manager McGuffin gave a report on an additional item of work for the current Waugh’s Ferry generator project that would add SCADA capability to the Waugh’s Ferry Tank and Pump Station. The

proposed cost of \$48,000.00 was submitted by Craig Putziger Electrical Mechanical Services with funding to come from the water fund balance. Staff further requested approval of a contract amendment for additional services to be performed by the engineer on the Water Treatment Plant Project in the amount of \$18,500.00 with funding to come from the project contingency amount.

Ms. Wheaton made a motion that was seconded by Ms. Turner to approve the additional work for the current Waugh’s Ferry Pump station and approve the change order submitted by Craig Putziger Electrical Mechanical Services in the amount of \$48,000.00, as recommended by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Mr. Higginbotham made a motion that was seconded by Mr. Watts to approve the Amendment to Owner-Engineer Agreement, Amendment No. 4, dated January 12, 2022, for Construction Administration, in the amount of \$18,500.00, as recommended by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Office Manager Morgan gave a report on the purchase of a 2022 Tahoe for the Police Department previously approved by Town Council. Per policy, Council must approve payment for the Tahoe in the amount of \$39,321.00.

Ms. Wheaton made a motion that was seconded by Mr. Higginbotham to approve payment for the 2022 Tahoe in the amount of \$39,321.00 as recommended by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Town Manager McGuffin gave a report on installation of electricity for lighting of the Town of Amherst Welcome signs situated at 29 North, 60 East, and 29 South for a total cost of \$12,709.00.

Ms. Wheaton made a motion that was seconded by Mr. Higginbotham to approve expenditure of \$12,709.00 for installation of electricity at the Town of Amherst Welcome signs situated at 29 North, 60 East, and 29 South, as recommended by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Town Manager McGuffin gave a report on proposed changes to the existing Electronic Use Policy to allow Council members to keep their device, free of charge, if they end their service to the Town with at least four years of service, and to allow a Council member to choose an alternative device, equivalent to the cost of an Ipad, for Town Council use.

Mr. Watts made a motion that was seconded by Mr. Higginbotham to amend the Electronic Use Policy to allow for turnover of Ipads to Council members at the end of any four year term of service and to provide for the purchase of alternative devices at a Council member’s request, as recommended by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

A copy of the Electronic Use Policy is attached to and made a part of these minutes.

Office Manager Morgan gave a report on the FY2023-2024 budget timetable and capital improvement plan that staff would like to follow.

Ms. Turner made a motion that was seconded by Ms. Wheaton to adopt the FY2023-2024 Budget Calendar and Capital Improvement Plan as presented by staff.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

A copy of the FY2023-2024 Budget Calendar and Capital Improvement Plan is attached to and made a part of these minutes.

Town Manager McGuffin gave a report on an application for recommendation of appointment to the Board of Zoning Appeals to fill a vacancy created by the resignation of Edward Carton whose term ends August 31, 2024.

Ms. Turner made a motion that was seconded by Ms. Wheaton to recommend appointment of the following individual to the following board for the term listed below.

<b>Board</b>	<b>Appointed</b>	<b>Term of Office</b>
Board of Zoning Appeals	Rachel E. Thompson	9-14-2022 – 8-31-2024

There being no discussion the motion carried 3-0-1 via the roll call method as follows:

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Abstain	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Director of Plants Williams introduced Robert Meyers, Waste Water Plant Operator Apprentice.

Mayor Tuggle opened the floor to citizen comments.

Chris Adams came forward to comment on the professionalism and helpfulness exhibited by Town Manager McGuffin in connection with his business.

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

At 8:00 PM Mayor Tuggle recessed the meeting.

At 8:03 PM, Mr. Watts read a resolution to authorize closed meeting, as follows:

WHEREAS, the Town Council of the Town of Amherst desires to discuss in Closed Meeting the following matter(s):

Assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of the public body, namely, the appointment of a Town Council member to serve in the vacancy created by Rachel A. Carton until after a special election on November 6, 2023. - §2.2-3711(A)(1);

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(1) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does hereby authorize discussion of the aforesated matters in Closed Meeting.

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

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

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

At 8:04 PM, pursuant to the Resolution, Town Council convened in closed session.

At 8:17 PM the meeting reopened to the public.

Clerk of Council Hunt read the following closed session certification to Council:

Do you certify that to the best of your knowledge (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 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?

Responses via the roll call method were as follows:

D. Dwayne Tuggle	Yes	Janice N. Wheaton	Yes
Kenneth S. Watts	Yes	Andra Higginbotham	Yes
Sharon W. Turner	Yes	Vacant	

A duly advertised notice of vacancy of a seat on Town Council having been made pursuant to Town Code §2-30(b) for a term ending upon completion of a 2023 special election, certification of election results and the successful candidate taking the oath of office, in accordance with Code of Virginia §24.2.-228, Ms. Turner made a motion which was seconded by Mr. Higginbotham to appoint Douglas L. Thompson to fill the vacant seat on Town Council ending upon completion of a 2023 special election, certification of election results and the successful candidate taking the oath of office.

The motion carried 3-0-1 via the roll call method as follows:

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Abstain	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

Douglas L. Thompson was present and accepted the appointment.

There being no further business, the meeting adjourned at 8:20 P.M., until October 12, 2022, at 7:00 p.m., on motion of Ms. Wheaton seconded by Mr. Higginbotham.

The motion carried 4-0 as follows:

D. Dwayne Tuggle		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye
Sharon W. Turner	Aye	Vacant	

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D. Dwayne Tuggle, Mayor

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

**Resolution**  
**of the**  
**Town Council of the Town of Amherst**

**WHEREAS**, Rachel A. Carton was a highly respected citizen and a long-time resident of the Town of Amherst; and

**WHEREAS**, Rachel A. Carton was a member of the Town Council of the Town of Amherst from January 1, 2017, through August 22, 2022, and during that time she held the position of Vice Mayor from January 1, 2019, through August 22, 2022, and represented the Town Council as Chairman on the Community Relations and Recreation Committee and as Chairman of the Finance Committee; and

**WHEREAS**, Rachel A. Carton has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through her career in public service, civic efforts including her various positions of leadership, authority, and community involvement through her church, Neighbors Helping Neighbors., and other civic organizations; and

**WHEREAS**, the Town Council of the Town of Amherst wishes to acknowledge the services that Rachel A. Carton has given to her community and also to express its appreciation for all that Rachel A. Carton has done for the Town of Amherst; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Rachel A. Carton 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 as a result of Rachel A. Carton'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 Rachel A. Carton as a token of the Council's deep appreciation for her 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 September 14, 2022.

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

Attest:

\_\_\_\_\_  
Clerk of Council



# **Town of Amherst**

## **Electronic Use Policy**

As the Town has provided additional devices for the use of employees and officials, it has become necessary to outline Town policies for Town owned devices. These policies do not apply to devices owned by individuals and used for Town business.

Ownership- All devices purchased by the Town remain the property of the Town, and at the end of employment, appointment, or term of service, shall be returned to the Town except as outlined below.

Equipment to be Purchased- Town Council members shall be offered ipads for their use for Council business, to allow them to be able to keep town business separate from their personal business. If a member would prefer another device, that may be requested by the Council member, so long as the cost is equivalent.

Ipad Logon Information- Town Ipad are issued with a passcode. This passcode shall not be changed.

Downloads- No user should download any programs to Town owned devices without permission from their supervisors, or in the case of Town owned Ipad, from the Town Manager.

Retention- Users should remember that one of the purposes of Town email systems is to allow the Town to follow state mandated records retentions policies. Emails should be saved. If your inbox becomes too large, items may be moved to an archive folder, but they shall not be deleted.

Appropriate Use of the Internet and Electronic Communications- Town provided equipment is provided to conduct Town business. Personal uses of Town owned devices should be kept to a minimum and occur outside of work hours. Use of Town internet or equipment may be subject to monitoring without notice. The following uses are explicitly prohibited:

- Transmitting material or messages in violation of federal, state, or local code or ordinances.
- Revealing or sharing passwords.
- Willfully conducting activity that disrupts Town services, the Town network, including computer hacking or spreading viruses.
- Participating in use that interferes with employee productivity.
- Operating a business, soliciting money, advertising or conducting transactions for profit.
- Soliciting for non-Town sponsored events, organizations or functions.
- Intentionally downloading, accessing, viewing, posting, or transmitting information that is abusive, offensive, harassing, threatens violence, or that discriminates on the basis of race, gender, national origin, age, or disability.
- Intentionally accessing, viewing, posting or transmitting sexually explicit material.

For Council members issued electronic devices, if they end their service to the Town with at least four years of service, they shall be offered their device to keep free of charge. This will allow devices that have been used for multiple years to be turned over and new ones to be purchased for new members.

# **TOWN OF AMHERST**

## **BUDGET CALENDAR FOR FY 2023-2024**

**December 2022** – Treasurer prepares budget worksheets for department heads and mails out donation request forms to local organizations.

**January 27, 2023**– Deadline for budget requests from department heads and local organizations.

**February 6, 2023** – Treasurer presents prepared budget documents to Town Manager for recommendations.

**March 2023**- Council, Town Manager and Treasurer will meet prior to regular Council Meeting to go over Town Manager proposed FY24 Budget.

**March 13-17, 2023** – Finance Committee meets with Treasurer and Town Manager to review budget documents and recommendations.

**April 12, 2023** – Public hearing of FY24 budget at regular Council meeting.

**May 10, 2023** – Adoption and appropriation of FY24 budget at regular Council meeting.

## **CAPITAL IMPROVEMENTS PLAN FY 2023-2024**

**October 2022** – Treasurer sends out CIP requests documents to department heads.

**November 18, 2022** – Department heads submit CIP requests to Treasurer.

**December 2022** – Department heads and Town Manager meet to discuss CIP requests.

**January 2023** – Town Manager Presents CIP recommendations to Planning Commission.

**March 1, 2023** – Planning Commission public hearing on CIP requests.

**April 12, 2023** – Council public hearing on CIP requests.

**May 10, 2023** – Council adopts Capital Improvements Plan.

RESOLUTION

TOWN COUNCIL OF THE TOWN OF AMHERST, VIRGINIA

MOTION: Kenneth Watts

September 14, 2022  
Regular Meeting

WHEREAS, the Town Council of the Town of Amherst desires to discuss in Closed Meeting the following matter(s):

Assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of the public body, namely, the appointment of a Town Council member to serve in the vacancy created by Rachel A Carton until after a special election on November 6, 2023. - §2.2-3711(A)(1)

WHEREAS, pursuant to §2.2-3711(A)(1) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does hereby authorize discussion of the aforesated matter in Closed Meeting.

D. Dwayne Tuggle	Yes		Janice N. Wheaton	Yes
Kenneth S. Watts	Yes		Andra Higginbotham	Yes
Sharon W. Turner	Yes		Vacant	

Adopted this 14<sup>th</sup> day of September 2022.

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D. Dwayne Tuggle, Mayor

ATTEST:

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Clerk of Council