

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on January 11, 2023, 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	Andra Higginbotham
P	Janice N. Wheaton	P	Michael Driskill
P	Sharon W. Turner	P	Douglas Thompson

Also present were the following staff members:

Sara E. McGuffin	Town Manager	Gary Williams	Director of Plants
Kelley Kemp	Town Attorney	Becky Cash	Plants Operator
Vicki K. Hunt	Clerk of Council	Charles Thompson	Utilities Maintenance Foreman
Tracie Morgan	Office Manager/Treasurer	Gary P. Smith, Jr.	Lead Wastewater Operator
Bobby Shiflett	Police Chief		

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Charles Thompson.

Mayor Tuggle opened the floor to citizen comments.

Alex Motley, President of the Amherst Mountain Biking Club, came forward with an invitation to the Amherst Biking Club Community Planning Meeting on January 27, 2023, at 6:00 PM in the Amherst Fire Department Fire Hall where discussions will be held on Amherst Biking Club’s long-term goals and to gain community input on the club’s various projects.

Tim Ware, Amherst, VA, came forward to also extend the invitation to Amherst Biking Club Community Planning Meeting and to voice his appreciation to Council for their work on the issue of two hour parking limitations.

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

Ms. Wheaton made a motion that was seconded by Ms. Turner to approve the Minutes of the meeting held on December 14, 2022, as presented.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

Ms. Turner gave a report on behalf of the Ad Hoc Parking Committee. It was the recommendation of the committee that the Town remove all two hour parking limitations with a committee review after a year.

By affirmation Council approved the recommendation of the Ad Hoc Parking Committee and directed Town Manager McGuffin and Town Attorney Kemp to present a proposed ordinance revision, if one is required, for consideration by Town Council at their February 8, 2022, meeting.

There being no further business to perform the Ad Hoc Parking Committee was dissolved.

Town Manager McGuffin gave a report on 1) a possible amendment to the Town's Zoning Ordinance referring to Table of Uses, Short Term Rental Property, to allow for special use permits for short term rental in certain residential district; 2) a request for rezoning 117 Pine Street in the Town of Amherst to B-1 for short term rental use only; and 3) a request for a Special Use Permit to allow short term rental at 117 Pine Street in the Town of Amherst. By divided vote, at its meeting on January 4, 2023, the Planning Commission made a recommendation for denial of all three. Staff requested that Council set a public hearing on each of the three matters.

Ms. Wheaton made a motion that was seconded by Ms. Turner to set three public hearings at the February 8, 2023, meeting of Town Council on 1) a possible amendment to the Town's Zoning Ordinance referring to Table of Uses, Short Term Rental Property, to allow for special use permits for short term rental in certain residential district; 2) a request for rezoning 117 Pine Street in the Town of Amherst to B-1 for short term rental use only; and 3) a request for a Special Use Permit to allow short term rental at 117 Pine Street in the Town of Amherst, as recommended by staff.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

Town Manager McGuffin gave a report on a proposed Resolution to Adopt and Effect the Organizational Plan for the Town of Amherst for January 1, 2023, through December 31, 2024, having the effect of appointing a variety of positions and covering a series of items required by Town Code and Town Charter.

Council discussed deletion of Resolution Item 4. Standing Council Committee Appointments including 4.1 Finance Committee, 4.2 Community Relations and Improvement Committee, and 4.3 Utilities Committee to give Council time to further discuss standing committees and appointments.

Mr. Driskill made a motion that was seconded by Mr. Higginbotham to approve the Resolution to Adopt and Effect the Organizational Plan for the Town of Amherst for the January 1, 2023, through December 31, 2024, Council Term having the effect of appointing a variety of positions and covering a series of items required by Town Code and Town Charter with the deletion of Item 4. Standing Council Committee Appointments including 4.1 Finance Committee, 4.2 Community Relations and Improvement Committee, and 4.3 Utilities Committee.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

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

The Code of Ethics for the Town Council, as adopted on January 11, 2017, and affirmed January 11, 2023, 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 2022.

After discussion Clerk of Council Hunt was directed to prepare a resolution recognizing the contributions of Willie Allen Ogden, Jr. “W.A.” for adoption by Council at its February 8, 2023, meeting.

Mayor Tuggle opened the floor to citizen comments.

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

At 7:42 PM, Town Attorney Kemp 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):

Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning the Town Council v. MacAdams case. - §2.2-3711(A)(7).

WHEREAS, pursuant to: §2.2-3711 (A)(7) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

Ms. Turner made a motion that was seconded by Ms. Wheaton to approve the resolution and go into closed session.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

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

Mayor Tuggle recessed the open meeting at 7:42 PM.

At 7:45 PM, pursuant to the Resolution, Town Council convened in closed session.

At 7:55 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 was as follows:

D. Dwayne Tuggle	Yes	Andra Higginbotham	Yes
Janice N. Wheaton	Yes	Michael Driskill	Yes
Sharon Turner	Yes	Douglas Thompson	Yes

There being no further business, the meeting recessed at 7:55 P.M., until January 28, 2023, at 9:00 a.m. on motion of Ms. Wheaton seconded by Mr. Thompson.

The motion carried 5-0 as follows:

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

A RESOLUTION TO ADOPT AND EFFECT THE CONTINUATION OF GOVERNANCE FOR THE TOWN OF AMHERST FOR THE JANUARY 1, 2023 – DECEMBER 31, 2024, 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, 2023 – December 31, 2024, Council term:

1. **Election of Vice Mayor:** Pursuant to Article III, Section 3.01(9) of the Town Charter, Andra A. Higginbotham 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 January 12, 2022, 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. **Staff Appointments:** The following staff appointments are hereby made for the January 1, 2023 – December 31, 2024, 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.
 - 4.1 **Town Manager** - Pursuant to Article III, Section 3.01 (21), (22), (23) and (24) of the Town Charter, Sara E. McGuffin 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.
 - 4.2 **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.
 - 4.3 **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.
 - 4.4 **Town Attorney** – Pursuant to Section 2-91 of the Town Code, the firm of Deal and Lachney is hereby appointed Town Attorney with all duties and authorities as described in the Town Code. Remuneration shall be continued on a contractual basis.
 - 4.5 **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.

4.6 **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.

5. Board Appointments:

- 5.1 Pursuant to Article II, Section 2 of the November 2018 **Central Virginia Planning District Commission** charter, Dwayne Tuggle and Sara McGuffin are hereby appointed to that board for the January 1, 2023 – December 31, 2024, term.
- 5.2 Pursuant to Article III, Section 1 of the July 2019 **Central Virginia Transportation Planning Council** (MPO) bylaws, Dwayne Tuggle and Sara McGuffin are hereby appointed to that board for the January 1, 2023 – December 31, 2024, term.
- 5.3 Pursuant to Section 18.1-1403 of the Town Code, Michael H. Driskill is appointed as the Town Council’s representative on the **Town of Amherst Planning Commission** for a term to expire on December 31, 2024.

It is the intent of the Town Council that the terms for all appointments made by this resolution shall continue beyond the January 1, 2023 – December 31, 2024, 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 11th, 2023.

Mayor Dwayne Tuggle

Attest:

TOWN COUNCIL OF THE TOWN OF AMHERST

MOTION: Sharon Turner

Wednesday, January 11, 2023
Regular Meeting

SECOND: Janice Wheaton

RE: AUTHORIZE CLOSED MEETING

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

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning the Town Council v. MacAdams case.

WHEREAS, pursuant to: §2.2-3711 (A)(7) of the Code of Virginia, such discussions may occur in Closed Meeting.

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

Adopted this 11th day of January 2023.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council