

**AMHERST TOWN COUNCIL**  
**AGENDA – WEDNESDAY, MARCH 11, 2020**

**Meeting at 7:00 p.m.**

**Town Hall, 174 S. Main Street, Amherst, VA 24521**

- A. Call to Order for the Town Council– 7:00 p.m. - Mayor Tuggle**
- B. Pledge of Allegiance** - *I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.*
- C. Invocation-** *Any invocation that may be offered before the official start of the Amherst Town Council meeting shall be the voluntary offering to, and for, the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the audience is required to attend or participate in the invocation, and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure by which a volunteer may deliver an invocation are available upon request at the Town Hall.*
- D. Public Hearings and Presentations**
- 1. Public Hearing- Code Amendment addressing dogs running at large and a leash law (Pg. 1)-** *The Community Relations committee has met and formulated a draft ordinance to address dogs running at large, a requirement for dogs to be leashed or under the control of a responsible person, and dogs urinating and defecating on public or private property.*
- E. Citizen Comments** – *This time is set aside on the agenda for Town citizens to address Council regarding items not on the agenda for public hearing or presentations. Individual comment time is limited to three minutes, and groups are limited to five minutes. This time is for citizens to address Council, and not designed to be a question and answer session or a discussion time. If follow-up is requested, that will occur after the meeting.*
- F. Consent Agenda** – *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended action or discussed individually.*
- 1. Town Council Minutes (Pgs. 2-7)** – *Draft of the February 12, 2020 meeting minutes are **attached**. Please let Vicki Hunt know of any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.*
- G. Correspondence and Reports**
- 1. Staff Reports (Pgs. 8-17)**
- a. Town Manager Monthly Report - **attached**
  - b. Police Chief Monthly Report - **attached**
  - c. Office Manager Monthly Report - **attached**
  - d. Clerk of Council Monthly Report- **attached**
  - e. Public Works Monthly Reports- **attached**
  - f. Town Attorney Monthly Report – **attached**
- 2. Council Committee Reports (Pg. 18)**
- a. Finance Committee – *Mrs. Carton- Met March 4, 2020, minutes attached, recommendation regarding VCCA grant funding for FY 21.*
  - b. Community Relations – *Mrs. Ogden*
  - c. Utilities Committee – *Mr. Watts*

**3. Other Reports (Pgs. 19-20)**

- a. Planning Commission– *Met March 4, 2020, minutes attached*
- b. Industrial Development Authority
- c. Robert E. Lee SWCD

**H. Discussion Items**

- 1. **Set Public Hearing for the Capital Improvement Program-** *Sara Carter- Set a public hearing for the Capital Improvement Program for April 8, 2019.*
- 2. **Set Public Hearing for the FY 20 Budget-** *Sara Carter- Set a public hearing for the FY 20 budget for April 8, 2019.*
- 3. **Constitutional Community Resolution (Pgs. 21-23)-** *Sara Carter- In light of actions at this year’s General Assembly, this resolution provides an opportunity for Council to express their concerns regarding gun control legislation to the public and to their legislators.*
- 4. **Amendment to Comprehensive Plan for conservation easement at the Amherst Milling Company-** *Sara Carter- Action on this item was deferred for thirty days at December’s meeting. Dave McCormack has requested a thirty day deferral to the April meeting.*
- 5. **Changes to USDA Funding Package for the Sewer Sliplining Project-** *Staff heard from USDA today regarding the funding package for the sliplining project. USDA is offering an additional grant of \$938,000 if the Town will consider an additional loan amount of \$397,000. The overall payment structure is unchanged from the amount originally committed (\$120,924 per year) as interest rates have dropped since the initial offer. Staff requests that Council vote on whether to accept the tentative offer, and set a public hearing for next month for a new bond resolution if the offer is accepted.*

**I. Matters from Staff**

**J. Matters from Town Council**

**K. Anticipated Town Council Agenda Items for Next Month**

**L. Citizen Comments**

**M. Adjournment**

**Sec. . - Running at large.**

During all months of the year, it shall be unlawful for the owner of any dog to permit his dog to run at large within the town.

For the purposes of this article running at large shall mean the act of roaming, running or self-hunting off the property of its owner or custodian and not under the immediate control of its owner or custodian.

**Sec. . - Leash law.**

(a) It shall be unlawful for the owner, custodian or any person having a dog in his possession to fail to keep and maintain the dog under restraint and control at all times off of the owner’s property.

(b) For the purposes of this section, a dog is deemed under restraint and control only when:

- (1) The dog is securely confined within a parked or moving motor vehicle; or
- (2) The dog is properly confined within a secure enclosure with the permission of the owner of the property where the enclosure is located; or

(3) The dog is securely restrained by either a secure collar and leash, discernable voice command, or other device, not harmful to the dog, having a minimum tensile strength sufficiently in excess of that required to restrict the dog's movements to a radius of no more than three (3) feet of the person owning, having custody of or possessing the dog who shall be physically capable of restricting the dog's movements if the dog is on a sidewalk, street or parking area. Where there are no other dogs or people present, the dog may be within 50 feet of the custodian.

(c) This section shall not apply to any person whose dog is under the direct supervision while such dog is participating in a supervised dog show or exhibition, or in a formal dog obedience training class or program.

(Ord. of 6-18-92; Ord. of 7-14-92)

**Sec. . - Unlawful to allow dogs to urinate or defecate on public or private property; exception.**

It shall be unlawful for any owner or person in custody of a dog to:

- (1) Knowingly or willfully allow the dog to urinate or defecate on the private property of other persons without the consent of such persons.
- (2) Knowingly or willfully allow the dog to defecate on public property, except that defecation by a dog on public property shall not constitute a violation of this section if the owner or person in custody of the dog immediately removes the material defecated and disposes of it in a safe and sanitary manner.

**Sec. . - Violation of article.**

Any violation of the provisions of this article shall constitute and be punishable as a Class 4 misdemeanor and incur a \$50 penalty.

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on February 12, 2020, 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	Kenneth G. Bunch
P	Rachel A. Carton	P	Sarah B. Ogden
P	Kenneth S. Watts	P	Janice N. Wheaton

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 L. Wright	Office Manager	Charles Thompson	Utilities Maintenance Foreman
Robert A. Shiflett, II	Chief of Police	Fred W. Adams	WWTP Operator Apprentice

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Brian Miles, Pastor of Amherst Presbyterian Church.

After reporting on the achievements of the entire police department staff, Police Chief Shiflett presented Officer Dante Robinson with Officer of the Year Award recognizing him for his hard work and dedicated service to the Amherst Police Department and the Town of Amherst.

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

Mrs. Carton made a motion that was seconded by Mr. Bunch to approve the minutes from the January 8, 2020, meeting as presented. There being no discussion, the motion carried 4-0-1 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Abstain	Janice N. Wheaton	Aye

Ms. Ogden made a motion that was seconded by Mrs. Carton to hold a public hearing at its next meeting on March 11, 2020, on proposed addition to Chapter 4. Article II. of the Town Code referring to dogs and cats, sections to include running at large, leash law, unlawful to allow dogs to urinate or defecate on public or private property; exception, and violation of article, as recommended by the Community Relations Committee. There being no discussion, the motion carried 5-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

Ms. Ogden made a motion that was seconded by Mr. Watts to establish an ad hoc committee comprised of two members to review and revise the Town of Amherst personnel employee performance evaluation and employee self-performance evaluation forms, appointing Mr. Bunch, Chairman, and Ms. Carton Committee Member. After discussion, the motion carried 5-0 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Aye

By consensus of Council action on the proposed amendment to the Town’s Comprehensive Plan to change the designated land use for Tax Map parcels 96-4-A and 96-1-1-7, totaling 76+/- acres from Planned Development- Residential to Agricultural to allow a request for a conservation easement by Dave McCormack, Owner, Lazy River LTD, that would, if approved by Town Council, allow land between the developed portion of the Mill Race subdivision and the Amherst Milling Company to be changed from planned development areas to conservation and would allow Mr. McCormick to complete a conservation easement process for the property was deferred to the March 11, 2020, meeting, as requested by Mr. McCormick and recommended by staff.

After a report by Office Manager Wright, Mr. Watts made a motion that was seconded by Mr. Bunch to authorize appropriation to the Wastewater Treatment Operating Budget in the amount of \$5,548.33, received from VML in payment of 2019 insurance claim for damage to the Wastewater Treatment Plant due to a lightning strike, as recommended by staff. There being no discussion, the motion 5-0 via the roll call method with Mmes. Carton, Ogden, Wheaton and Messrs. Watts and Bunch voting “Aye.”

After a brief report by Town Manager Carter, Ms. Carton made a motion that was seconded by Mr. Watts to authorize Town Manager Carter to award bids for Wastewater Collection Treatment Improvements and Wastewater Treatment Plant Improvements upon recommendation of Town Engineer and based upon the total USDA grant/loan package. There being no discussion, the motion carried 4-1 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Nay

Ms. Carton made a motion that was seconded by Mr. Bunch to approve the Town of Amherst Fund Balance Policy as amended to include designation of an Industrial Development Authority Fund of at least \$200,000 as a contingency amount within the Industrial Development Authority fund, as recommended by the Industrial Development Authority and staff. There being no discussion, the motion carried 4-1 as follows:

D. Dwayne Tuggle		Kenneth G. Bunch	Aye
Rachel A. Carton	Aye	Sarah B. Ogden	Aye
Kenneth S. Watts	Aye	Janice N. Wheaton	Nay

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

Mr. Bunch made a motion that was seconded by Mr. Watts to authorize appropriation of expenditure from the Industrial Development Fund to the general fund for professional services in the amount of \$5,000.00 and part-time wages in the amount of \$5,000.00 into the FY21 budget for the purposes of updating marketing materials and addition of an internship for economic development as recommend by the Industrial Development Authority and staff. After discussion, the motion 4-1 via the roll call method with Mmes. Carton, Ogden, Messrs. Watts and Bunch voting “Aye” and Ms. Wheaton voting “Nay.”

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

There being no further business, the meeting adjourned until March 11, 2020, at 7:00 pm on motion by Ms. Ogden seconded by Ms. Carton at 7:51 PM.

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

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

FOR APPROVAL

# TOWN OF AMHERST FUND BALANCE POLICY

Last revised: February 12, 2020

## Background

The Town of Amherst desires to maintain the financial operations of the Town in a manner consistent with sound financial management principles that require that sufficient funds be retained by the Town to provide a stable financial base at all times and that the Town's financial statements clearly depict the Town's financial condition.

An adequate fund balance level is an essential element in both short-term and long-term financial planning, and serves to mitigate current and future risks (revenue shortfalls and unanticipated expenditures), sustain operations during economic downturns, and enhance creditworthiness. Through the maintenance of sufficient levels of fund balance, the Town can help stabilize funding for operations, stabilize taxes and fees, and realize cost savings in issuing debt.

## Purpose

The purpose of this policy is to establish:

- The components of the fund balance in all funds per GASB 54;
- A Permanent Fund principal;
- Minimum contingency expense line levels; and
- Compliance with this policy.

## Components of Fund Balance

**General Fund** - This fund is the Town's general operating fund, which accounts for all governmental activities unless they are in another fund.

**Enterprise Funds** - The Town currently has two Enterprise Funds in the Water Fund, Sewer Fund. These operations are intended to be self-supporting. As such, the charges for services should be adjusted to cover any deficits.

**Capital Projects Fund** - Designation shall be made for projects made with issuance of bond proceeds. Any balances for unreserved-designated capital projects are held in the General Fund until funds are used. Cash transfers are made from the supporting operating fund for projects when funds are expended.

**Fund Balance** - The difference between assets and liabilities in the General Fund and Enterprise Funds. It is noted that this is not the same as "cash in the bank" but serves as a measure of financial resources available for current operations. Each fund's fund balance is divided into five elements as follows:

1. **Nonspendable Fund Balance**, which is composed of components such as fixed assets (i.e. buildings, real estate and equipment), inventories, prepaid items and other non-cash items.
2. **Restricted Fund Balance**, which is composed of Town cash subject to constraints imposed by external parties or law such as state or federal or court mandates, or debt covenants, such as proceeds from the sale of seized assets.
3. **Committed Fund Balance**, which is composed of the amount of Town cash that the Town Council has specified by ordinance, resolution, contract award or other action that imposes constraints on the use of Town cash.
4. **Assigned Fund Balance**, which is composed of the amount of Town cash that the Town intends to use for a specific purpose but has not been designated by formal Town Council action. Examples include multi-year understandings that are subject to future budget approvals and availability of funds.
5. **Unassigned Fund Balance**, which is the residual from all above fund balance categories and is available for any purpose. This category shall include the Permanent Fund principal as articulated below. Negative balances in other governmental funds are reported here.

## **Fund Balance and Contingency Requirements**

General Fund - As a minimum amount needed to meet ongoing expenditure obligations for the Town, the Permanent Fund Principal shall contain an amount at least 15% of annual General Fund revenues. This amount has been identified as the minimum amount needed to safeguard the Town's financial stability, and as one component in maintaining credit worthiness.

Enterprise Funds - The Permanent Fund Principal for enterprise funds shall be at least 1 year of debt payments plus 3 months of operating costs at the end of each fiscal year.

Industrial Development Authority Fund – The IDA shall keep at least \$200,000 as a contingency amount within their fund to be used for the purposes of attracting specific businesses, either through site improvements, direct grants, or other means.

Contingency - The Town will maintain a contingency line in the General Fund to pay for needs caused by unforeseen emergencies, including unanticipated expenditures of a nonrecurring nature, or to meet unexpected small increases in service delivery cost. The annual Town budget shall contain a contingency expense of at least 3% of General Fund expenditures. The Water Fund and Sewer Fund maintenance budgets shall contain monies for reasonable expected Water Fund and Sewer Fund contingencies.

Permanent Funds are cash reserves that are to be used only in the event of severe financial crisis or to take advantage of an extraordinarily significant opportunity. Permanent Funds are composed of cash on the Town's balance sheet and the amounts shown are to be adjusted from year to year to reflect changes in the Town's budgets. Permanent Funds are not considered cumulative or "sinking" funds.

## **Compliance with Policy**

It shall be the goal of the Town Council to adopt a budget that maintains the requirements established herein.

Each component of the Fund Balance shall be reviewed and reported to the Town Council at least annually in conjunction with the development of the operating budget, upon any significant amendments made to the budget throughout the fiscal year, upon debt financing, or upon any significant event. As such, any action, such as approval of any new outlay or ongoing commitment, involving more than \$100,000 will initiate a fund balance reallocation review.

No appropriation from the Restricted Fund Balance or Committed Fund Balance for recurring operational expenditures shall be made unless a plan for permanent funding of such expenditures is also approved at the time of appropriation.

In the event the Permanent Fund principal is required to be drawn below the requirement established above due to an emergency such as natural disaster or due to severe economic circumstances, the Town Manager will present to the Town Council a plan with a time line not to exceed 24 months to restore the Permanent Fund principal to its minimum level established herein.

In the event of deficits, the Town Council may approve a loan or gift from the General Fund to cover the deficit. The preferred method for providing supplemental funding shall be that of a loan accompanied by an appropriate repayment schedule. However, particular circumstances may warrant supplemental funding in the manner of a gift from the General Fund. The unreserved undesignated fund balance requirement established for the General Fund takes this liability into account.

All Fund Balance amounts shall be invested according to the Bookkeeping Policy, and unless otherwise specified, investment revenue shall accrue to the General Fund.

# Undesignated Fund Calculation For FY11

## Permanent Fund principal for the General Fund (based on FY11 Budget)

GF Revenues	\$ 1,615,853	
Administration Fee (covered in W & S Funds)	660,000	
Net GF Revenues	<u>\$ 955,853</u>	
Ratio	15%	
GF target Permanent Fund principal	\$ 143,378	←

## Required contingency in the General Fund (based on the FY 11 Budget)

GF Expenses	\$ 1,615,853	
Current GF Contingency	61,927	3.8%
Target GF Contingency	80,793	5.0%

## Permanent Fund principal for the Water Fund (based on FY11 Budget)

<u>Fund 20 WATER FUND</u>	<u>FY11 Budget</u>
3000.0000 MONTHLY BILLING	544,298
3000.0001 WATER REVENUE-SBC	99,870
3000.1000 DEBT SERVICE REVENUE	101,526
3010.0000 SPRINKLER LINE CHARGES	4,968
3020.0000 PENALTIES	7,000
3025.0000 RECONNECT FEE	7,065
3030.0001 MISC-WATER BY THE TRUCK LOAD-PERMIT	50
3040.0000 GRANT REVENUE	30,000
3050.0000 REIMBURSEMENT-CONST & MTN	2,000
4000.4500 ADMINISTRATION FEE	348,000
4000.4700 WTP BOND - PRIN	51,179
4000.4701 WTP BOND - INT	58,981
4000.4750 UH TANK BOND - PRIN	32,555
4000.4751 UH TANK BOND - INT	50,621
4000.4800 DEPRECIATION	202,717
4000.4825 CIP CONTRIBUTION REDUCTION	(219,775)
4000.5000 WATERSHED MANAGEMENT	20,000
4000.5001 STUDY PROJECTS	30,000
6010.4300 LINE MATERIALS	25,000
6010.4400 PUMP STATION OPERATION - SBC	1,500
6020.0710 ELECTRICITY	37,000
6020.0730 WATER PLANT-W/S/T EXP	65,000
6020.4900 PLANT MAINTENANCE	30,000
6020.5000 CHEMICALS	35,000
6020.5110 WATER SAMPLING	21,000
6020.5200 LABORATORY	8,000
<b>Total</b>	<b><u>796,777</u></b>

25% operations	\$ 87,000
Debt	51,179
Debt	58,981
Debt	32,555
Debt	50,621
25% operations	5,000
25% operations	6,250
25% operations	375
25% operations	9,250
25% operations	16,250
25% operations	7,500
25% operations	8,750
25% operations	5,250
25% operations	2,000
WF target Permanent Fund principal	<u>\$ 340,960</u> ←

## Permanent Fund principal for the Sewer Fund (based on FY11 Budget)

<u>Fund 30 SEWER FUND</u>	<u>FY11 Budget</u>
3000.0000 MONTHLY BILLING	616,724
3100.0000 PENALTIES	6,000
3180.0100 GRANT - USDA	15,000
3300.0000 REIMBURSEMENT-CONST & MTN	4,000
3400.0000 SBC-RUT CR-OPERATION/LAND	36,000
4000.4500 ADMINISTRATION FEE	312,000
4000.4700 WWTP BOND - PRIN	38,315
4000.4750 WWTP BOND - INT	121,237
4000.4800 DEPRECIATION	230,515
4000.4850 REDUCED CIP CONTRIBUTION	(193,193)
4000.5001 STUDY PROJECTS	22,500
6010.4300 LINE MATERIALS	10,000
6010.4400 PUMP STATIONS OPERATIONS	7,000
6020.0710 RUT CREEK-ELECTRICITY	45,000
6020.0730 RUT. CR.- W/S/T EXP	5,000
6020.4100 RUT CREEK-PLANT MAINTENANCE	27,000
6020.4200 RUT CREEK-MAJOR REPAIRS	8,000
6020.5000 RUT CREEK-CHEMICALS	13,000
6020.5600 RUT CREEK-LAB	16,500
6020.5625 PRETREATMENT EXPENSE	3,750
6020.5650 LABORATORY EQUIPMENT	7,000
6020.7000 RUT CREEK-PERMIT RENEWAL	4,100
<b>Total</b>	<b><u>677,724</u></b>

25% operations	\$ 78,000
Debt	38,315
Debt	121,237
25% operations	2,500
25% operations	1,750
25% operations	11,250
25% operations	1,250
25% operations	6,750
25% operations	2,000
25% operations	3,250
25% operations	4,125
25% operations	938
25% operations	1,750
25% operations	1,025
SF target Permanent Fund principal	<u>\$ 274,140</u> ←

**Total of all undesignated fund balances \$ 758,478**

## Town Manager's Report for the March 11, 2020 Town Council Meeting

### Committee

### Report

A. Industrial Development Authority	No meetings/no report
B. Planning Commission	Meeting held March 4, minutes attached
C. Board of Zoning Appeals	No meetings/no report
D. Property Maintenance Investigation Board	No meetings/no report
E. Community Relations Committee	No meetings/no report
F. Finance Committee	Meeting held March 4, minutes attached
G. Utilities Committee	No meetings/no report
H. Town/Sweet Briar Sewer Use Advisory Commission	No meetings/no report
I. Lynchburg Regional Business Alliance	Annual meeting February 26 Board meeting February 27
J. Central Virginia Planning District Commission	No meeting/no report
K. Amherst County Chamber of Commerce	Did not attend February meeting



# AMHERST POLICE DEPARTMENT



## MONTHLY REPORT

### February 2020

Month:	SHIFT WORKING:
OFFICER:	VEHICLE:
MILEAGE START OF SHIFT:	MILEAGE END OF SHIFT:

CALLS FOR SERVICE	NUMBER
MOTORIST ASSIST	22
ALARM	18
PHONE COMPLAINT	97
BOLO	19
MISSING PERSON	1
SHOPLIFTING	
PROBLEM WITH OTHERS	13
DOMESTIC	3
CHECK WELFARE	1
NOISE OR DOG COMPLAINT	
TRAFFIC CRASH	4
EMS CALLS	3
SUDDEN DEATH	1
SUSPICIOUS PERSON	3
Calls at Ambriar	3
OTHER	38

OFFICER INITIATED	NUMBER
BUILDING CHECKS	137
BUSINESS VISIT	70
BUILDING SEARCH	5
TRAFFIC SUMMONS	45
DRUNK IN PUBLIC	
EXTRA PATROLS/ Parks	229 /71
WARRANT SERVICE	11
PROPERTY WALK AROUNDS	40
WARRANTS OBTAINED	7
PARKING TICKETS	
MISD. INVESTIGATION	1
FELONY INVESTIGATION	8
NARCOTICS INV.	9
SEARCH WARRANT	1
PUBLIC RELATIONS	9
CITIZEN CONTACT	270

WARNINGS	NUMBER
SPEEDING	12
EQUIPMENT VIOLATION	8
RECKLESS DRIVING	1
SUSPENDED LICENSE	
INSPECTION/REGISTRATION	4
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	5

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	24
EQUIPMENT VIOLATION	
RECKLESS DRIVING	3
SUSPENDED LICENSE	3
INSPECTION/REGISTRATION	11
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	4

ARREST	NUMBER
MISDEMEANOR	3
FELONY	2
EPO/PPO	1
ECO	
NARCOTICS VIOLATION	1
DUI / DUIG	

OTHER	NUMBER
ASSIST OTHER OFFICER	33
ASSIST OTHER AGENCY	32
COURT	6
REPORTS	12
SCHOOL / TRAINING	6
MEETINGS	22
TOWED / IMPOUNDED VEH	1



# AMHERST POLICE DEPARTMENT

## MONTHLY REPORT



PLEASE LIST ALL PASS ON'S, INVESTIGATIONS, ARREST, IMPOUNDED VEHICLES WITH REASON AND LOCATION, AND BUSINESSES WITH OPEN DOORS OR ANY OTHER SIGNIFICANT COMPLAINTS.

Calls for service: 227

Miles patrolled: 7649.



# TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521  
Phone (434)946-7885 Fax (434)946-2087

**To:** Town Council  
**From:** Tracie Wright  
**Date:** March 3, 2020  
**Re:** February 2020 Monthly Report

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**Utilities** – 1161 bills were cut totaling \$192,040.90.

**A/P** – A total of 72 checks were cut totaling \$115,300.76 for February 2020 bills.

**Meals and Beverage Tax** – 15 Businesses paid \$43,428.37 in Meals and Beverage Tax for the month of January.

**Taxes** – License Fee bills were due by December 5<sup>th</sup>. Please inform everyone that if they did not receive their bill to please contact us at the office. Code of Virginia states that citizens are responsible for making sure they receive and pay their bills by the due date. As of March 3, 2020 we have a total of \$7,905.41 in outstanding 2019 bills. Dee has sent out second notices. I will begin bank lien processes next week.

Anyone whom had outstanding balances from prior years, and we were also unsuccessful in receiving funds by the Bank Lien process, were added to the Virginia State Debt Set-Off list in December. If anyone on this list is entitled to a State Tax refund will be flagged and the funds will come to the Town for payment instead of the individual as a refund. The Town does fall further down the list, with IRS debt or outstanding child support payments to receive the money first.

**End of Year** – All fourth quarter tax filings, end of year tax filings, W2's and 1099's have been submitted to the proper taxing agency.

**Audit** – We did receive the draft from the Auditor's. Sara and I have looked over it and found a couple of minor errors that will be correct. Other than that, everything looked good as well as the increase in Fund Balances.

**New Financial Software** – We did receive a calendar schedule for switchover and training for the Edmunds Software. Start up is expected the beginning of April and everything is expected to be complete by September at this point.

**Upcoming Items** –

- CIP Process
- Budget Process

**CLERK OF COUNCIL REPORT  
FEBRUARY 2020**

**COMMITTEE MEETINGS**

**Industrial Development Authority**

Receive and review agenda packet for 2-3-20 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

**Planning Commission**

Receive and review agenda packet for 2-5-20 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

**Town Council**

Receive and review agenda packet for 2-12-20 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

**Quorums:** Confirm quorum for IDA, Planning Commission and Town Council meetings

**TOWN WEBSITE DESIGN AND CONTENT MANAGEMENT**

Administration of website generating and revising web pages; examining traffic through the site; design for overall look and feel of the site, including photos, color, graphics and layout; creating, editing, posting, updating, and occasionally cleaning up outdated content.

**TOWN FACEBOOK ADMINISTRATOR**

- Create content and/or design and post:
  - Officer of the Year Award!
  - DMV Connect Flyer
- Share links to community events and news; Monitor feedback

**FOIA**

Receive and answer one request

**PANCAKE DAY**

Receive VDOT Permit for installation of banner; forward to necessary town personnel; correspond with rotary club to secure the banner

**CELEBRATE OLD TOWN AMHERST DAY**

- Schedule and attend event planning/organizational meeting
- Prepare and distribute meeting notes
- Draft VDOT permit application forms

**OTHER:**

- Emails with David Woody re website details; draft website privacy policy; email Town Manager
- Place new order for business cards Mayor and Council Member Watts
- Prepare, send, post Legal Ads/Public Hearing Notice: Finance Committee Meeting 3/3/30; Planning Commission PH 3/3/20; Town Council PH 3/11/20
- New office setup
- Prepare miscellaneous purchase orders

Town of Amherst Committees as of February 29, 2020 Update; See Attached.

# Town of Amherst Committees as of February 29, 2020

Appointed/Term Expires

**TOWN COUNCIL**

D. Dwayne Tuggle, Mayor	01/01/19	12/31/22
Rachel A. Carton, Vice Mayor	01/01/19	12/31/20
Kenneth S. Watts	01/01/19	12/31/22
Sarah B. Ogden	01/01/19	12/31/20
Kenneth G. Bunch	01/01/19	12/31/20
Janice N. Wheaton	11/12/19	12/31/22

**PLANNING COMMISSION**

June Driskill, Chairperson	06/08/16	06/30/20
Janice N. Wheaton	12/11/10	12/31/20 (TC rep)
William Jones	07/01/10	06/30/23
Ted Finney	07/01/17	06/30/21
Kevin Belcher	07/01/18	06/30/22
Clifford Hart	07/01/19	06/30/23
Anne Webster Day	03/13/19	06/30/22

**BOARD OF ZONING APPEALS**

Gary Mays, Chairman	04/08/15	08/31/20
Ed Carton	09/01/19	08/31/24
Teresa Tatlock	07/10/16	08/31/21
Marvin Hensley	08/31/17	08/31/22
Kevin James Akershoek	09/01/18	08/31/23 Vacancy Advertised

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Clifford Hart	09/01/19	08/31/23
Sharon Watts Turner	07/01/18	06/30/22
Gary Jennings	05/10/17	06/30/21
Jacob Bailey	06/08/16	06/30/20
Manly Rucker	05/10/17	06/30/21
Kim Odell Stein	07/11/18	06/30/22
Richard Wydner	07/01/19	06/30/23

**PROPERTY MAINTENANCE INVESTIGATION BOARD**

C. Manly Rucker, III	05/10/17	06/30/20
Bessie H. Kirkwood	07/01/18	06/30/21
Glenda Hash	06/08/16	06/30/20

**REGION 2000 REGIONAL COMMISSION/MPO**

D. Dwayne Tuggle	01/01/19	12/31/20
Sara Carter	01/01/19	12/31/20

Appointed/Term Expires

**CENTRAL VIRGINIA TRANSPORTATION COUNCIL (MPO)**

D. Dwayne Tuggle	01/01/19	12/31/20
Sara E. Carter	01/01/19	12/31/20

**TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION**

Clifford Hart	01/01/19	12/31/20
Kenneth S. Watts	01/01/19	12/31/20

**JOINT COMMITTEE ON COOPERATION**

Kenneth S. Watts	01/01/19	12/31/20
Kenneth G. Bunch	01/01/19	12/31/20
Sarah B. Ogden	01/01/19	12/31/20

(3 Appointments from Amherst County)

<b>TOWN COUNCIL COMMITTEES (FOR THE 01/01/19-12/31/20TERM)</b>
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**FINANCE COMMITTEE**

- Rachel A. Carton (Chairman) and Kenneth S. Watts
- Monitor the budget development process.
  - Review accounting procedures, budgets, and bookkeeping activities.
  - Interface with auditors.

**COMMUNITY RELATIONS AND RECREATION COMMITTEE**

- Sarah B. Ogden (Chairman) and Rachel A. Carton
- Monitor and review implementation of the Town's bike trails and public parks
  - Review the Town's beautification efforts and programs.
  - Interface with citizens, business operators, Sweet Briar College and VDOT

**UTILITIES COMMITTEE**

- Kenneth S. Watts (Chairman) and Kenneth G. Bunch
- Monitor the development and construction of capital improvement projects.
  - Review proposed utility system upgrades and extensions.
  - Interface and assist developers in coordinating Town policies with proposed new developments.

**RECODIFICATION COMMITTEE**

- Kenneth G. Bunch (Chairman) and Kenneth S. Watts
- Monitor the recodification of Town Code process
  - Review proposed proof and edits

**AD HOC COMMITTEE – PERSONNEL PERFORMANCE EVALUATION FORMS**

- Kenneth G. Bunch (Chairman) and Rachel A. Carton
- Review and make revisions to the Town's Personnel Employee Performance Evaluation and Employee Self-Performance Evaluation Forms edits

# Utility/Town Maintenance and Construction Report

Feb-20

Water Meter Read	1150
Water Meter Re-Read	18
Disconnects	22
VA-811 Service locations	23
Vehicle PM Work Orders	28
Pump Station/Plant Work Orders	24
Banners Installed/Dismantled	1
Water Services Installed/Replaced	1
Sewer Services Installed/Replaced	0
Minor Leaks ks Repaired	4
Major Leaks Repaired	0
Minor Sewer Problems Resolved	3
Major Sewer Problems Resolved	0

10

## Man Hours

Meter Reading	87
Street/Sidewalk Maintenance	328
Safety Training	2
Bush Hogging	0
Flushing Water	0
Equipment Maintenance	93
Xmas decorations	0

## Major Issues & Comments

## Routine/Annual Work

## Projects/Unusual Work

Service Work Orders	Locating Un-marked/Unknown Water & Sewer System Assets
Meter Reading	Continue Safety and Shop/Yard Clean-up
Prev-Maint Work Orders	Staff has been working on finding water valves and addressing issues
Disconnects	Working on clearing water right of ways.
Re-connects	
Flushing Program in Select Locations	



TOWN OF AMHERST  
**DEPARTMENT OF PLANTS**

MONTHLY PRODUCTION AND OPERATIONAL REPORT  
 February 2020

SUBMITTED BY: GARY S. WILLIAMS,  
 DIRECTOR OF PLANTS

SUBMISSION DATE:  
 March 4, 2020

**Grandview Water Filtration Plant,**

Daily Water Withdrawal and Production:

	Total, million gallons	Average, million gallons	Max, million gallons	Min, million gallons
Raw Water	8.970	0.320	0.590	0.110
Produced	7.840	0.280	0.550	0.100
Delivered	7.470	0.270	0.520	0.100

**Rutledge Creek Wastewater Treatment Plant,**

Daily Received and Treated Waste Stream:

	Total, million gallons	Average, million gallons	Max, million gallons	Min, million gallons
Final Effluent	9.066	0.313	1.004	0.196

Staff has completed the second month of the first six-month testing cycle and have again had a sample/site received and exceedance. The Lead and Copper Rule is currently in the process of making revisions, and the lead limit is proposed to be lowered, which will make it harder for the Town to show improvement. The Department is initiating a in house study to see where there may be a correlation with present operational protocols.

Because of equipment failure at the wastewater plant, the Rutledge Creek facility has violated the E.coli parameter of its permit for February 2020. The failures staff has been able to correct thus far was the repair of a sheared drum shaft on the disc filter and ballast replacement in the ultraviolet disinfection system. Staff is currently waiting on the completion of motor rewiring for rotor number one on oxidation ditch number two. It is expected that once all repairs are completed, test results will return to their usually minimum detection levels.

**W. THOMAS BERRY**  
**ATTORNEY AT LAW**  
TAN BARK PROFESSIONAL BUILDING, COURT STREET  
P.O. BOX 354 \* 402 COURT STREET  
LOVINGSTON, VIRGINIA 22949

W. THOMAS BERRY  
KYLE D. HUGHES

OFFICE PHONE  
434-263-4886  
Fax: 434-263-4285

March 3, 2020

Town of Amherst  
P.O. Box 280  
Amherst, VA 24521

Attn: Sara Carter- Town Manager

Re: Monthly Report to Town Council  
(February 2020)

Dear Ms. Carter and Council,

My report on work regarding the following matters:

1. Town Council Meeting: No Meeting
2. Personnel: Review of Town of Amherst Police Department Policy and Procedure. Working to wrap-up final review.
3. Business:
  - A. Preparation on Closing regarding Slip Line Project
  - B. Submit Memorandum on Hanger Road.
4. Upcoming Work:
  - A. Police Department policies.
  - B. Town Park.
  - C. Slip Line Funding.
  - D. Town Easements.
5. Access to Town Attorney: My email address is dawn@tomberrylaw.com. Please feel free to use this email access provided, and I will promptly return any communication. My home phone (434) 946-9501; office phone (434) 263-4886.

Respectfully Submitted,



W. Thomas Berry

WTB/tpg

# Invoice

W. THOMAS BERRY, LLC  
 ATTORNEY-AT-LAW  
 P.O. BOX 354/ 402 COURT STREET  
 LOVINGSTON, VA 22949  
 PHONE: (434) 263-4886

Date	Invoice #
3/2/2020	9233

Bill To
Town of Amherst c/o Sara Carter P.O. Box 280 Amherst, VA 24521

Description	Qty	Rate	Terms
			Due on receipt
			Amount
2/6/2020 - REVIEW EASEMENTS FOR SLIP LINE	1	175.00	175.00
2/4/2020 - HANGER ROAD RESEARCH	2	175.00	350.00
2/14/2020 - HANGER ROAD RESEARCH	1.1	175.00	192.50
2/10/2020 - RESEARCH MEMORANDUM	0.8	175.00	140.00
2/13/2020 - RESEARCH MEMORANDUM	2	175.00	350.00
2/27/2020 - REVIEW TOWN PARK	1.3	175.00	227.50
<b>Total</b>			\$1,435.00
<b>Payments/Credits</b>			\$0.00
<b>Balance Due</b>			\$1,435.00

**FINANCE COMMITTEE  
MINUTES**

March 4, 2020  
5:15 PM

Attendees: Rachel Carton, Chairman and Ken Watts  
Staff: Sara Carter and Tracie Wright

The meeting was called to order by Ms. Carton at 5:21 p.m.

Staff reviewed the Second Stage application for funds for FY21. Due to the VCCA grant submission deadlines, Council will need to make a tentative decision regarding next years donation to Second Stage at the next Council meeting. The committee concurs with staff's recommendation to award Second Stage \$2,750 in the coming fiscal year.

Staff brought the committee a letter from the Virginia Department of Taxation. They have revised BB&T's Bank Franchise Tax returns and have notified the Town that BB&T is due a refund of their payments for 2012-2014. Staff was asked to request additional information from the Department of Taxation.

Staff reviewed the fund balances and budget spreadsheets with the committee.

The committee plans to meet again on March 18<sup>th</sup>, 2020 at 5:15 pm.

The meeting adjourned at 6:44 p.m.

**Town of Amherst  
Planning Commission Minutes  
March 4, 2020**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of Town Hall at 174 S. Main Street at 7:00 PM on March 4, 2020.

It was noted that a quorum was present as indicated below:

P	June Driskill	P	William Jones
A	Kevin Belcher	P	Anne Webster Day
A	Ted Finney	P	Clifford Hart
P	Janice N. Wheaton		

Town Manager Sara Carter and Clerk of Council Vicki Hunt, in her capacity as Secretary to the Commission, were present.

The minutes from the February 5, 2020, Commission meeting were approved on a motion by Mr. Hart, seconded by Ms. Day, and carried according to the following:

June Driskill	Aye		Clifford Hart	Aye
Kevin Belcher	Absent		Anne Webster Day	Aye
Ted Finney	Absent		William Jones	Aye
Janice Wheaton	Abstain			

The Chair opened a duly advertised public hearing at 7:01 P.M., on the Town of Amherst FY20-21 Capital Improvement Program proposal that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment, copies of which were distributed to the Commissioners.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:01 PM.

After discussion and a report by Town Manager Carter, Mr. Hart made a motion that was seconded by Ms. Day to recommend that Town Council approve of the Town of Amherst FY20-21 Capital Improvement Program proposal, as presented and recommended by staff.

The motion carried 4-1 according to the following:

June Driskill	Aye		Clifford Hart	Aye
Kevin Belcher	Absent		Anne Webster Day	Aye
Ted Finney	Absent		William Jones	Aye
Janice Wheaton	Nay			

There being no further business, the meeting adjourned at 7:21 PM.

\_\_\_\_\_  
June Driskill, Chairperson

Attest: \_\_\_\_\_  
Secretary

FOR APPROVAL

**A RESOLUTION IN AFFIRMATION OF THE OATH OF  
OFFICE AND REGARDING A COMMITMENT TO RESPECT,  
PRESERVE, UPHOLD, AND ENFORCE THE SECOND  
AMENDMENT (US CONSTITUTION) AND ART. 1, § 13 (VA  
CONSTITUTION)**

WHEREAS, the Code of Virginia (1950), as amended, § 15.2-1522 provides that every elected Town officer, unless otherwise provided by law, on or before the day on which his term of office begins, shall qualify by taking the oath prescribed by § 49-1;

WHEREAS, the Code of Virginia (1950), as amended, § 49-1 prescribes the Oath of Office of the members of the Town Council of the Town of Amherst, Virginia, as follows: I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as an elected member of the Town Council according to the best of my ability, so help me God;

WHEREAS, the Constitution of the United States at Amendment II expressly states that “a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”;

WHEREAS, the Constitution of Virginia at Article I, § 13 expressly states “that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore the right of the people to keep and bear arms shall not be infringed”;

WHEREAS, there is concern that unconstitutional legislation, which infringes upon the rights of the citizens to keep and bear arms under the Constitutions of the Commonwealth of Virginia (Article 1, § 13) and the United States (Amendment II), or which has the tendency to infringe upon or place any additional burdens on the right of law-abiding citizens to bear arms, may be introduced in the legislative sessions of the General Assembly of the Commonwealth of Virginia and/or the United States Congress; and,

WHEREAS, there is concern that unconstitutional or unlawful executive and administrative action or enactments, which infringe upon the rights of the citizens under the Constitutions of the Commonwealth of Virginia (Article 1, § 13) and the United States (Amendment II), or which have the tendency to infringe upon or place any additional burdens on the right of law-abiding citizens to bear arms, are being considered by the Governor of the Commonwealth of Virginia and/or the offices and agencies under his control.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the Town of Amherst, meeting in regular session this 11<sup>th</sup> day of March, 2020:

1. As a body collective, the Council hereby affirms the Oath of Office pursuant to the Code of Virginia (1950), as amended, § 49-1 committing to support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and to faithfully and impartially discharge all the duties incumbent upon the Council to the best of its ability;
2. The Town Council expresses its commitment by any and all legal means to Respect, Preserve, Uphold, and Enforce the Second Amendment of the Constitution of the United States and Article 1, § 13 of the Constitution of the Commonwealth of Virginia to the fullest extent permitted by law<sup>1</sup>;
3. The Town Council urges the Virginia General Assembly, the United States Congress, and all agencies of the Commonwealth of Virginia and the United States Government vigilantly to preserve, uphold, and protect the rights of the citizens to keep and bear arms under the Constitutions of the Commonwealth of Virginia (Article 1, § 13) and the United States (Amendment II) by rejecting any law, regulation, or administrative action that may infringe, have the tendency to infringe, or place any additional burdens on the right of law-abiding citizens to bear arms;
4. The Town Council expresses its commitment to oppose unconstitutional and unlawful legislation and proposed restrictions that infringe upon the right of its citizens to keep and bear arms, or which have the tendency to infringe upon or place any additional burdens on the right of law-abiding citizens to bear arms, through any and all legal means, as may be expedient, including without limitation, court action;
5. The Town Council directs staff to forward a copy of this Resolution to the Town's elected representatives in the Virginia General Assembly and the United States Congress, and to the Governor of Virginia; and,
6. The Town Council hereby declares the Town of Amherst, Virginia a "Constitutional Town".

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<sup>1</sup> Nothing herein this Resolution is intended to declare any intent or effectuate any act, present or prospective, by the Council or any Town officer or employee in contravention of law, including but not limited to Va. Code Ann., §15.2-915.

**BY ORDER OF COUNCIL**

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D. Dwayne Tuggle, Mayor

**ATTEST:**

---

Vicki Hunt, Town Clerk

**USDA Sliplining Project**

**Town Council Update**

**March 11, 2020**

**Total Cost of Project per bids= \$5,815,602**

**Previous Funding Amounts:**

Rural Development Loan:	\$3,017,000
Rural Development Grant:	\$1,076,000
Town Contribution (completed):	\$ 387,500
Total Project:	\$4,480,500
	GAP: \$1,335,102

**New Funding Amounts:**

Rural Development Loan:	\$3,414,000
Rural Development Grant:	\$2,014,000
Town Contribution:	\$ 387,500
Total Project:	\$5,815,500

**Options:**

1. Proceed with original amounts and reduced scope of project. If the Town did not want additional loan/grant, the current payment would be \$106,812, and the Town could proceed with a reduced scope for the project.
2. Proceed with New Funding amounts as outlined above. The annual payment will match the previously approved amount of \$120,924.

**Considerations:**

- USDA wished to address the Town concern that rates should not increase, therefore the amount of increased debt will match the amortization amount for the previous loan amount. In other words, the old debt payment at 2 and 3/8% was \$120,924/year. With the new interest rate of 1 and 5/8 %, the Town can take on an additional amount of loan for \$397,000 for the same payment amount.
- The Town needs to commit to this proposal ASAP in order to meet the bid requirements and avoid rebidding the project.
- Rates in April are likely to decrease by another ¼ percent, savings of which on the loan payment would be for the Town and not in additional debt required. Savings amount would probably be around \$4,000 per year on debt service.

**The process to move forward is as follows:**

- Council is requested to consider new proposal tonight. If they agree, there is a new public hearing set for the new amounts for their regular April meeting on April 8<sup>th</sup>.
- USDA will issue a new Letter of Conditions to the Town (only changes on LOC will be the funding and grant portion, no new conditions to satisfy) within a few weeks.
- Closing would occur sometime soon after Council meeting, hopefully around April 10<sup>th</sup>.