

AMHERST TOWN COUNCIL
AGENDA – WEDNESDAY, JANUARY 9, 2019
Meeting at 7:00 p.m.
Town Hall, 174 S. Main Street, Amherst, VA 24521

- A. Call to Order – 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. Citizen Comments** - *Per the Town Council's policy, any individual desiring to speak before the Council who has not met the agenda deadline requirement 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 is at the Mayor's discretion.*
- E. Public Hearings and Presentations**
- 1. Continuation of Governance Resolution (Pgs. 1-4; referenced attachments pgs. 5-81)**- *Following the November election, and the seating of the new Council, a resolution is passed that affirms policies, banking depositories, committee appointments, staff appointment, and board appointments.*
 - 2. Special Presentation from the Chief of Police**- *Chief Shiflett will be present to make a special presentation to Council.*
 - 3. Sign Ordinance Public Hearing (Pgs. 82-85)**- *The Sign Ordinance has been under revision by the Planning Commission. They have completed their public hearing and recommend approval to the Council. A public hearing has been set and advertised for this meeting for Council's consideration of the Ordinance.*
- F. Consent Agenda** – *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended actions or discussed individually.*
- 1. Town Council Minutes (Pgs. 86-90)**– *Draft of the November 14, 2018 meeting is **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. 91-100)**
 - 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

- a. Finance Committee– *Mrs. Carton*
- b. Community Relations – *Mrs. Ogden*
- c. Utilities Committee – *Mr. Watts*
- d. Recodification Committee – *Mr. Bunch*

3. Other Reports (Pg. 101)

- a. Robert E. Lee Soil and Water Conservation District

H. Discussion Items

- 1. Report on survey for Leash Law Proposal-** *Sara Carter- Update on the responses to date regarding the leash law survey. Staff requests that Council affirm if they would like staff to draft an Ordinance for their consideration at the February meeting.*
- 2. Franchise Agreement with ApCo (Pgs. 102-105)-** *Sara Carter- Council has considered completing a franchise agreement for power service in the Town. The first step would be to issue an RFP. Staff requests direction from the Council if they would like to proceed. If so, an Ordinance is attached, which if passed, would begin the RFP process.*
- 3. Soil and Water Conservation District MOU (Pgs. 106-112)-** *Council had previously discussed reviewing the MOU with the SWCD. Staff recommends that the Council send this item to a committee for consideration and review.*

I. Matters from Staff

J. Matters from Town Council

K. Anticipated Town Council Agenda Items for Next Month

L. Citizen Comments

M. Adjournment

**A RESOLUTION TO ADOPT AND EFFECT THE CONTINUATION OF GOVERNANCE
FOR THE TOWN OF AMHERST FOR THE JANUARY 1, 2019 – DECEMBER 31, 2020
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, 2019 – December 31, 2020 Council term:

- 1. Election of Vice Mayor:** Pursuant to Article III, Section 3.01(9) of the Town Charter, Rachel Carton shall be elected Vice Mayor.
- 2. Continuation of Policies:**
 - 21 Pursuant to Article III, Section 3.01(10) of the Town Charter, Section 2-10 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 2-11 of the Town Code.
 - 22 The **rules of conduct** for the meetings of the Town Council as established in Sections 2-12 through 2-40 of the Town Code are hereby affirmed.
 - 23 The **Code of Ethics** for the Town Council, as adopted on January 11, 2017, is hereby affirmed.
 - 24 The **Invocation Policy** for the Town Council, as adopted on January 11, 2017, is hereby affirmed.
 - 25 The **Personnel Policy** adopted on June 14, 2006, effective on July 1, 2006 and last amended on October 10, 2018 is hereby affirmed.
 - 26 The **Procurement Policy** adopted on December 13, 2017 is hereby affirmed.
 - 27 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 and Section 2-5 of the Town Code, all banks currently operating a branch inside the corporate limits of the Town of Amherst (Wells Fargo, BB&T, Carter Bank and Trust, Bank of the James and First National Bank) and SunTrust Bank, VML/VACO Virginia Investment Pool and the Local Government Investment Pool shall be considered approved places of deposit for Town funds. The Mayor, Town Manager and Treasurer are hereby authorized to execute all papers necessary to continue or effect new accounts.
4. **Standing Council Committee Appointments:** The authority of the Town Council to appoint standing committees is established in §2-41 of the Town Code. The purpose of standing committees is (a) to facilitate policy decisions by the Town Council via review, preliminary discussion and investigation of various matters during preparation of their reports to the Town Council and (b) to act in an advisory capacity to the Town Manager and department heads but not to supplant the authority of either the Town Council or management. The following standing committees are hereby established, members appointed, and ongoing duties assigned accordingly:
 - 4.1 **Finance Committee** – Rachel Carton (Chairman) and Kenneth S. Watts
 - Monitor the budget development process.
 - Review accounting procedures, budgets, and bookkeeping activities.
 - Interface with auditors.
 - 4.2 **Community Relations Committee and Recreation Committee** – Sarah B. Ogden (Chairman) and Janice N. Wheaton
 - 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.
 - 4.3 **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.

5. **Staff Appointments:** The following staff appointments are hereby made for the January 1, 2019 – December 31, 2020 Town Council term. The effect of this resolution shall be to appoint all individuals subject to the authority granted to the Town Council by the Town Charter.

- 5.1 **Town Manager** - Pursuant to Article III, Section 21, 22, 23 and 24 of the Town Charter, Sara E. Carter is hereby appointed Town Manager with duties and authorities as outlined in Section 2-47.1 of the Town Code, other sections of the Town Code, the Charter, and the Code of Virginia and as may be assigned by the Town Council from time to time.
- 5.2 **Town Clerk** – Pursuant to Section 2-47.2 of the Town Code, Vicki K. Hunt is hereby appointed Town Clerk with all duties and authorities as described in the Town Code.
- 5.3 **Town Treasurer** – Pursuant to Section 2-47.3 of the Town Code, Tracie L. Wright is hereby appointed Town Treasurer with all duties and authorities as described in the Town Code. These duties shall be considered in addition to her duties as Office Manager.
- 5.4 **Town Attorney** – Pursuant to Section 2-47.4 of the Town Code, W. Thomas Berry is hereby appointed Town Attorney with all duties and authorities as described in the Town Code. Remuneration shall be continued on a contractual basis.
- 5.5 **Chief of Police** – Pursuant to Section 2-47.5 of the Town Code, Robert A. Shiflett is hereby appointed Chief of Police with all duties and authorities as described in the Town Code.
- 5.6 **Town Engineer** – Herbert F. White, III is hereby appointed Town Engineer with duties as assigned from time to time by the Town Council or Town Manager. Remuneration shall be continued on a contractual basis.

6. **Board Appointments:**

- 6.1 Pursuant to Article II, Section 2 of the July, 2005 **Virginia's Region 2000 Local Government Council** charter, Dwayne Tuggle and Sara Carter are hereby appointed to that board for the January 1, 2019 – December 31, 2020 term.
- 6.2 Pursuant to Article III, Section 1 of the November 1999 **Central Virginia Transportation Planning Council** (MPO) bylaws, Dwayne Tuggle and Sara Carter are hereby appointed to that board for the January 1, 2019 – December 31, 2020 term.
- 6.3 Pursuant to Article V of the April 17, 1972 Town-Sweet Briar sewer usage contract, Clifford Hart and Kenneth Watts are appointed to the **Town/Sweet Briar Sewer Advisory Commission** for the January 1, 2019 – December 31, 2020 term.
- 6.4 Pursuant to Section 3.00 of the October 6, 1993 Town of Amherst/Amherst County annexation agreement, Kenneth S. Watts, Kenneth G. Bunch, and Sarah B. Ogden are appointed to the **Joint Committee on Cooperation** for the January 1, 2019 – December 31, 2020 term.

65 Pursuant to Section 18.1-1403 of the Town Code, Janice N. Wheaton is appointed as the Town Council's representative on the **Town of Amherst Planning Commission** for a term to expire on December 31, 2020.

It is the intent of the Town Council that the terms for all appointments made by this resolution shall continue beyond the January 1, 2019 – December 31, 2020 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 9, 2019.

Mayor Dwayne Tuggle

Attest:

2019 Amherst Town Council Meeting Schedule

DRAFT

Second Wednesday of the month at 7:00 PM in the Town Hall at 174 S. Main Street

January 9, 2019

February 13, 2019

March 13, 2019

April 10, 2019

May 8, 2019

June 12, 2019

July 10, 2019

August 14, 2019

September 11, 2019

October 9, 2019

November 13, 2019

December 11, 2019

AMHERST TOWN CODE

CHAPTER 2

ADMINISTRATION

- Art. I. In General, §§ 2-1--2-9
- Art. II. Town Council, §§ 2-10--2-41
- Art. III. Town Officers, §§ 2-42--2-50
- Art. IV. Boards and Commissions, §§ 2-51--2-60

Article I. In General.¹

Sec. 2-1. Official bonds.²

(a) Each officer, employer and agent of the town who in the course of his official duties will have in his possession, custody or control any money, negotiable instruments, securities or other liquid assets belonging or due to the town which at any one time exceeds in value the sum of one hundred dollars shall, before entering upon the discharge of his duties, give bond payable to the town, with corporate surety and in such amount as shall be determined by the town council, conditioned upon the faithful performance of his duties and a true accounting to make all town assets coming within his possession, custody or control; provided, that the bond of the treasurer,³ his deputies and assistants shall be in amount not less than ten thousand dollars; and provided further, that the bond of the executive secretary, his deputies and assistants shall be in amount not less than ten thousand dollars.

(b) In lieu of individual bonds, the town council may provide for a system of blanket bonding covering all persons who, by this section, are required to be bonded.

(c) All bonds required by this section shall be approved by the town attorney as to legality and form, and by the town council as to sufficiency; and the premiums thereon shall be paid by the town. Bonds shall be filed in the office of the town clerk.

¹For charter provisions relating to administration and government of the town generally, see Char., art. III.
For state law relating to administration and government of counties, cities and towns generally, see Code of Va., title 15.2.

²For state law as to bonds of town officers and employees, see Code of Va., subsections 15.2-1512.

³For charter provisions as to bonding of town officers and employees, see Code of Va., subsections 15.2-1512.

Sec. 2-2. Salaries and compensation of town officers and employees.⁴

Subject to the provisions of the Charter and other state law, the mayor, councilmen and other officers and employees of the town shall receive such salaries or other compensation for their services as shall be fixed by the town council. All salaries shall be paid at such times as shall be fixed by the council. Annually, at the first regular meeting in September or thereafter, the compensation of the mayor, councilmen and other officers and employees of the town, for the current year, shall be fixed by order, ordinance or resolution of the council. Additional compensation shall be allowed any officer for special services performed not within the scope of his employment. (Code 165, Sec. 2-37.)

Sec. 2-3. Authority of deputies, assistants and acting town officers and employees.

(a) Authority vested in and duties imposed upon town officers by state law, the town Charter, this Code or other ordinances and resolutions of the town council may, when they so authorize, be exercised or performed by their deputies, assistants and other subordinates, to the extent not prohibited by state law, the town Charter, this Code or other ordinance or resolution of the town council.

(b) When any town officer or employee is absent or disabled, or when any office or position in the town government is vacant, the person designated by competent authority to act in the place of such absent or disabled town officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position.

Sec. 2-4. Office and equipment furnished; office hours.

The town shall furnish each town officer with appropriate office space and all necessary stationery, books, records and equipment. Each town office shall be kept open during such hours as may be directed by the town council. (Code 1965, Sec. 2-48.)

Sec. 2-5. Town depository.⁵

Biennially, as soon as may be practicable following the election and qualification of a new town council, the town council shall, by ordinance or resolution, designate the place or places of deposits for all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

Nothing in this section shall be construed so as to prevent the designation of such a depository at any other time, or to prevent any change being made, by ordinance or resolution of the town council.

⁴For charter provisions fixing salaries of mayor and councilmen, see Char., art. III, Sec. 1, subsec. (6). As to authority of town council to fix the salaries of other town officers, see Char., art. III, Sec. 1, subsecs. (13), (16), (17), (18), (19).

For state law as to authority of town council to appoint, and fix the salaries of town officers and employees, see Code of Va., Sec. 15.2-1414.6 and as to officers, see also Sec. 15.2-1407.

⁵For charter provisions as to authority of town council to designate the place of deposit for all town funds, which shall be kept by the treasurer separate and apart from his personal funds, see Char., art. III, Sec. 1, subsec. (15).

Sec. 2-6. Right of entry for purposes of inspection.⁶

Whenever any officer or employee of the town is required or authorized by statute, the provisions of this Code or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle in accordance with law at any reasonable time in pursuance of such duties.

Sec. 2-7. Execution of deeds for conveyance or exchange of town property and other instruments requiring use of seal.

All deeds for the conveyance or exchange of the property of the town, and all agreements or other instruments requiring the seal of the town to be affixed thereto, shall, when authorized by the town council, be signed in the name of the town by the mayor and executive secretary and the seal of the town to be affixed thereto and attested by the town clerk.⁷

Sec. 2-8. Virginia supplemental retirement system made applicable to eligible town officers and employees; administration of retirement system.

(a) The town council hereby ratifies, confirms and continues in full force and effect for the resolution heretofore adopted by the town council,⁸ which has been approved by the board of trustees of the Virginia supplemental retirement system, whereby the town council elected to enable eligible town officers and employees become members of the Virginia supplemental retirement system, pursuant to the provisions of section 51.111.31 of the Code of Virginia.

(b) The town council shall, each year, appropriate sufficient funds to make its required employer contributions to the board of trustees of the Virginia supplemental retirement system; and the treasurer shall withhold from the salaries and wages of those town officers and employees who are members of such retirement system sufficient funds to make the required member contributions to such board of trustees; and all such contributions shall be paid by the treasurer to such board of trustees; and all such contributions shall be paid by the treasurer to such board of trustees in compliance with rules, regulations and procedures established by that board.

(c) The town treasurer shall be responsible for the performance by the town of all duties imposed upon the town and its member officers and employees under the applicable provisions of title 51, chapter 3.2 of the Code of Virginia.

⁶As to right of entry on private premises and duty of occupants thereof with respect to the abatement of nuisances, see Sec. 10.5 of this Code.

⁷For charter provision as to town clerk's authority to attest town seal, see Char., art. III, Sec. 1, subsec. (16).

⁸Editor's note.--The resolution here referred to is on file in the office of the town clerk.

AMHERST TOWN CODE

Sec. 2-9. Federal social security for eligible officers and employees.

(a) In order to provide for the coverage of eligible officers and employees of the town under the provisions of title II of the federal Social Security Act, the town shall subscribe to the applicable provisions of sections 51-111.1 through 51-111.8 of the Code of Virginia; and the plan heretofore submitted to and approved by the state agency⁹ pursuant to section 51-111.5 of the Code of Virginia is hereby ratified, confirmed and continued in full force and effect.

(b) The town council shall, each year, appropriate sufficient funds to make its required employer contributions to the state agency, and the town treasurer shall withhold from the salaries and wages of those town officers and employees who are so covered by federal social security to make their required contributions pursuant to the approved plan.

(c) The town treasurer shall be responsible for the performance by the town of all duties imposed upon the town and its officers and employees who are so covered by federal social security under the applicable provisions of sections 51.111.1 through 51-111.8 of the Code of Virginia.

⁹Editor's note.--The plan here referred to is on file in the office of the town clerk.

AMHERST TOWN CODE

Article II. Town Council.¹⁰

Sec. 2-10. Time and place of meetings¹¹--**Regular.**¹²

The regular meeting of the town council shall be held at the town hall on the second Wednesday in each month, at such hour as may be fixed by the council; provided, that when a second Wednesday falls upon a holiday the next succeeding business day shall be the time for such meeting. (Code 1965, Sec. 2-3.)

Sec. 2-11. Same--Special.¹³

Special meetings of the council may be called by the town clerk of the council at the instance of the mayor or any two members for any time designated, by an order, in writing, addressed to the town clerk; and every order for a special meeting of the council shall contain a notice of the object of such meeting. (Code 1965, Sec. 2-4.)

¹⁰For charter provisions as to composition of town council and the qualifications, election, term and oath of office of members, see Char., art. III, Sec. 1, subsec. (2). As to council being the judge of election and qualifications of its members, expulsion of members and filling vacancies, see Char., art. III, Sec. 1, subsec. (4). As to salaries of councilmen, see Char., art. III, Sec. 1, subsec. (6). As to veto powers of mayor, and reconsideration of vetoed legislation and passage over veto, see Char., art. III, Sec. 1, subsec. (8). As to duty of council to keep minute book, see Char., art. III, Sec. 1, subsec. (11). As to authority of council to adopt rules for regulating its proceedings, see Char., art. III, Sec. 1, subsec. (12). As to appointment, term and duties of clerk of council, see Char., art. III, Sec. 1, subsec. (16). As to powers of council relating to taxation and finances, see Char., art. IV. As to powers of council relating to property, public places, etc., see Char., art. V. As to powers of council relating to utilities, see Char., art. VI. As to powers of council relating to streets, sidewalks, etc., see Char., art. VII. As to powers of council relating to building regulations, see Char., art. VIII. As to miscellaneous additional powers, see Char., art. IX. As to the corporate powers of the inhabitants of the town, see Char., art I.

For state law as to oath of office of mayor and councilmen, see Code of Va., Sec. 15.1-829. As to residence requirements, see Code of Va., sections 15.1-51, 15. As to conflicts of interest, see Code of Va., sections 15.1-73 to 15.1-73.2 As to ineligibility of members to hold certain offices, see Code of Va., Sec. 15.1-800. As to council being judge of election of its members, power to expel, etc., see Code of Va., Sec. 15.1-830. As to authority of council to suspend or remove town officers, other than the mayor, whether elected or appointed, for cause, see Code of Va., Sec 15.1-131. As to the journal of council, see Code of Va., Sec. 15.1-828. As to investigative powers of council, see Code of Va., Sec. 15.1-801. As to authority of council to call on governor for state troops in time of danger, see Code of Va., Sec. 44-18. As to certain duties of council relating to annual budget, see Code of Va., Sec. 15.1-160 et seq. As to duties of council relating to tax levies, see Code of Va., Sec. 58-845 et seq.

¹¹For charter provisions as to what constitutes quorum of the town council to transact business, see Char., art. III, Sec. 1, subsec. (5).

¹²For charter provisions requiring town council to meet at least once each month, at such time as council shall fix by ordinance, see Char., art III, sec. 1, subsec. (10).

¹³For charter provisions as to how special meetings may be called, and what business may be transacted, see Char., art. III, subsec. (10).

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Sec. 2-12. Same--To be public; exception.¹⁴

All meetings of the town council shall be public, except when by a recorded vote of two-thirds of those members present, the council shall declare that the public welfare requires that the council meet in executive session pursuant to section 2.1-344 of the Code of Virginia. (Code 1965, Sec. 2-7.)

Sec. 2-13. Procedure in absence of quorum.

Subject to the provisions of sections 2-14, if a quorum fails to attend within thirty minutes after the time appointed for meeting of the town council, the clerk of the council shall enter on the journal the names of those in attendance, and the adjournment for want of a quorum. If a quorum fails to attend on the day of any regular meeting, the meeting shall stand adjourned to the next day of meeting, or at such other time as those present may designate. (Code 1965, Sec. 2-8.)

Sec. 2-14. Compelling attendance of absent members of council; penalty for disobedience of summons.

Any two or members of the town council may compel the attendance of absent members of the council by a process in writing, signed by them and addressed to the chief of police of the town, directing him to bring the absent members immediately before the council. Any member failing to obey such summons may be fined by a vote of the council, not less than five nor more than ten dollars. The fine shall be collected as other fines are collected. (Code 1965, Sec. 2-9.)

Sec. 2-15. Member absenting himself from meeting prior to adjournment.

After the name of any member has been recorded as present at any meeting of the town council, he shall not absent himself previous to adjournment unless by consent of the council. (Code 1965, Sec. 2-10.)

Sec. 2-16. Expulsion of member for misconduct in office.¹⁵

By a vote of at least two-thirds of the members, the town council may expel a member of the council for misconduct in office. (Code 1965, Sec. 2-11.)

Sec. 2-17. Duties of presiding officer; preservation of order.¹⁶

At meetings of the town council the presiding officer shall preserve order and decorum, and he shall discharge all other duties usually pertaining to a presiding officer. (Code 1965, subsecs. 2-12, 2-13.)

¹⁴For charter provisions requiring open meetings except when, in the judgment of council, the public welfare shall require executive meetings, see Char., art. III, Sec. 1, subsec. (10).

For state law as to meetings of council being open to the public, executive sessions, etc., see Code of VA., Sec. 2.2-3700 et seq.

¹⁵For charter provisions as to expelling a member of the town council, see Char., art. III, Sec. 1, subsec. (4).

¹⁶For charter provisions as to duties of mayor as presiding officer of the town council, see Char., art. III, Sec. 1, subsec. (7). As to duties of the vice mayor in absence of the mayor, see Char., art. III, Sec. 1, subsec. (9).

Sec. 2-18. Disorderly conduct at public meeting of town council or committee, etc., thereof.¹⁷

If any person behaves in a riotous or disorderly manner in any public meeting of the town council or any division, committee, agency or authority thereof, or causes any unnecessary disturbance therein, by force, shouting or any other action calculated to disrupt such meeting, or shall refuse to obey any ruling of the presiding officer of such meeting relative to the orderly process thereof, he shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars or confinement in jail not exceeding twelve months, or both, in the discretion of the jury or court trying the case without a jury.

Sec. 2-19. Order of business.

At meetings of the town council, the order of business shall be as follows:

- (a) Reading and approval of the proceedings of the last meeting.
- (b) Unfinished business.
- (c) New business.

When any matter is made the special order for a future meeting, it shall at such meeting take priority of all other business except the reading of the proceedings of the last meeting. (Code 1965, Sec. 2-14.)

Sec. 2-20. Manner of addressing council generally; speaking only on question before council.

When a member of the town council rises to speak to the council he shall address "Mr. Mayor," standing in his place, and shall confine himself strictly to the question before the council. (Code 1965, Sec. 2-17.)

Sec. 2-21. Use of offensive language or gestures; sectarian or political discussion.

No member of the town council shall in debate at any meeting of the council use any language or gesture calculated to offend or insult another member. No discussion of a sectarian or partisan political character shall be allowed at meetings of the council. (Code 1965, Sec. 2-18.)

Sec. 2-22. Priority in speaking to council.

When two or more members of the town council rise at the same time, the presiding officer shall name the one to speak, but in all cases the member who shall first rise and address the chair shall be recognized to speak first, subject to the limitation imposed by section 2-23. (Code 1965, Sec. 2-19.)

Sec. 2-23. Speaking more than once on same subject.

¹⁷For state law as to authority of town council to enact this section and to propose penalty as therein prorated, see Code of Va., Sec. 18.1-253.3. As to penalty for commission of misdemeanor, see code of Va., Sec. 18.1-9.

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In any debate before the town council no member of the council shall speak more than once on the same question until all others have spoken who desire to do so, nor more than twice on the same question, unless by consent of the council. (Code 1965, Sec. 2-20.)

Sec. 2-24. Form of petitions, etc.

Every petition, communication or address to the town council shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing. (Code 1965, Sec. 2-21.)

Sec. 2-25. Propositions to be seconded; withdrawal of seconded propositions.

No proposition shall be entertained by the presiding officer until it has been seconded. No proposition, after it has been seconded, shall be withdrawn without the consent of the member proposing and the member seconding it. (Code 1965, Sec. 2-22.)

Sec. 2-26. Decisions on points of order.

The mayor, when presiding at a meeting of the council, without vacating the chair, may give his reasons for any decision made by him on any point of order and such decision shall be made without debate. (Code 1965, Sec. 2-23.)

Sec. 2-27. Appeals from decisions on points of order.

Any member may appeal to the town council from the decision of the mayor on any question of order, a majority vote of those present being necessary to overrule the mayor. (Code 1965, Sec. 2-24.)

Sec. 2-28. Motion to adjourn.

At a meeting of the town council, a motion to adjourn shall be always in order and shall be decided without debate. (Code 1965, Sec. 2-25.)

Sec. 2-29. Motions while a question is under debate.

When a question is under debate at a meeting of the town council no motion shall be received unless it be one to amend, to commit, to postpone, for the previous question, to lay on the table or to adjourn. (Code 1965, Sec. 2-26.)

Sec. 2-30. Members to vote.¹⁸

Every member of the town council present when a question is put on an ordinance or resolution, unless interested or excused from voting, by the council, shall vote on one or the other side of such question. (Code 1965, Sec. 2-27.)

¹⁸For charter provision that mayor shall not vote on the town council except to break a tie, see Char., art. III, sec. 1, subsec. (7).

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Sec. 2-31. Interested members not to vote.¹⁹

No member of the town council who has any personal or pecuniary interest in the result of any question before the council shall vote upon such question. (Code 1965, Sec. 2-28.)

Sec. 2-32. Recorded vote on request.²⁰

At the request of any member present the "ayes" and "nays" on any question shall be recorded. (Code 1965, Sec. 2-29.)

Sec. 2-33. Voting on appointments to office.

Every appointment to office by the council shall be viva voce and the vote shall be recorded. (Code 1965, Sec. 2-30.)

Sec. 2-34. Vote required for decision.

All questions before the town council, except where otherwise provided, shall be decided by a majority vote of those present. (Code 1965, Sec. 2-31)

Sec. 2-35. Voting on money and election measures.

There shall be a recorded vote on every ordinance having for its object the levying of taxes, appropriating of money or elections. Levies, taxes and appropriations of money must be by a vote in accordance with the applicable provisions of the Charter.²¹ (Code 1965, Sec. 2-32.)

Sec. 2-36. Reconsideration of motions, etc., upon which vote has been announced.

At any meeting of the town council when any vote upon any motion, resolution, ordinance or question has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side; provided, such motion be made at the same session of the council at which it was decided. Such motion shall be decided by a majority of the votes of the members present, unless a greater number of votes was required to pass the measure, in which event the motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure. (Code 1965, Sec. 2-33.)

Sec. 2-37. Suspending rules.

Except as provided in section 2-38, no rule of the town council shall be suspended without the

¹⁹For state law relating to conflicts of interest, see Code of Va., Sec. 2.2-3100.

²⁰For charter provision that votes cast on reconsideration of vetoed ordinance or resolution be reenacted in the council minute book, see Char., art. III, Sec. 1, subsec. (8).

²¹For charter provisions as to vote required for levy of tax, contracting for corporate debt or appropriation of money exceeding the sum of one hundred dollars, see Char., art. III, Sec. 1, subsec. (12).

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concurrence of two-thirds of the members present. (Code 1965, Sec. 2-34.)

Sec. 2-38. Passage of ordinance on day of introduction.

No ordinance shall be placed upon its final passage by the council on the same day on which it shall be first presented and read, unless by the vote of four of the members of the council present. This section shall not be liable to suspension. (Code 1965, Sec. 2-16.)

Sec. 2-39. Effective date of ordinances, resolutions, and bylaws.²²

All ordinances, resolutions, and bylaws passed by the town council shall take effect at the time indicated therein, unless therein otherwise provided; and if no effective date be provided therein they shall become effective thirty days from passage. (Code 1965, Sec. 2-15.)

Sec. 2-40. Records of ordinances and resolutions passed; files; certificates of publication and service.²³

(a) The clerk of the council shall keep the minutes of the town council in such manner as to indicate with certainty each ordinance and resolution passed by the council, and shall transcribe them in books to be maintained in his office for such purpose, and these books shall be accurately indexed. The original copies of such ordinances and resolutions shall then be placed and maintained in appropriate files in his office. When any ordinance, resolution, rule, regulation, order or notice of the town council is required to be published, he shall append to the original copy thereof his certificate showing the date and manner of publication, and any such matter which is required to be served personally shall bear the appended certificate of the chief of police or other officer by whom such service was made, showing the date and manner of service.

(b) When any ordinance or resolution is amended or repealed, the clerk of the council shall enter an appropriate note in the margin of the page of the ordinance or resolution book which contains the original of the ordinance or resolution affected by such amendment or repeal, and such note shall show, among other pertinent data, the date of amendment or repeal, and shall be initialed by the clerk of the council (Code 1965, Sec. 2-45.)

Sec. 2-41. Committees of town council; investigations.

Biennially, as soon as may be practicable following the election and qualification of a new town council, the council shall, and at any other time may, adopt a resolution providing for the appointment of such standing committees as the council deems necessary or expedient for the efficient and timely transaction of its business. Any such resolution may prescribe for each committee, among other subjects not herein mentioned, the number of members and the manner of their appointments; the jurisdiction, powers and duties; town funds

²²For similar provisions of town Charter, see Char., art. III, Sec. 1, subsec. (20).

²³For charter provisions as to signatures required on ordinances and on resolutions having the effect of an ordinance, see Char., art. III, Sec. 1, subsec. (8). As to minute book generally, see Char., art. III, Sec. 1, subsec. (11). As to duty of clerk of council to publish reports and ordinances which are required to be published and to keep all papers required to be kept by the council, see Char., art. III, Sec. 1, subsec. (16).

For state law as to required publication of any code or ordinance, see Code of Va., Sec. 15.2-1433.

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authorized to be expended; and reports to be made to the town council.

The town council may at any time, by resolution, provide for the appointment, jurisdiction, powers and duties of such ad hoc or special committees as the council may deem necessary or expedient for the efficient and timely transaction of its business.

For the purpose of making investigations relating to municipal affairs, when considered by the town council necessary to do so, the council may, by resolution, designate an appropriate standing committee or appoint a special committee for such purpose, and may delegate to such committee, in the name of the town council, authority to summon and enforce the attendance of witnesses and the production of books and papers, and to administer oaths, in the same manner and with like effect and under the same penalties as the town council for contempt.

Until such time as the town council adopts a resolution pursuant to this section which supersedes and repeals the provisions of section 2-5 of the town Code of 1965, such section 2-5 shall continue to be in full force and effect. (Code 1965, sections 2-5, 2-6.)

Article III. Town Officers

Division 1. Generally.²⁴

Sec. 2-42. Holding of two or more town offices concurrently by one person;²⁵ designation of deputies and assistant.

(a) The town council may provide by ordinance or resolution that one person may serve concurrently in any two or more specific offices which are authorized to be filled by appointment by the town council, subject to any limitation imposed by the town Charter or state law; and in such ordinance or resolution the council may specify an appropriate title for a person holding more than one office concurrently, as, for example, "town clerk-treasurer," or "clerk-treasurer."

(b) Any deputy or assistant to any town officer who holds two or more town offices concurrently shall be designated according to the office or offices in which he serves as such. For example, if and when there shall be a "town clerk-treasurer," any deputy or assistant who performs duties appertaining to both such offices shall be "deputy (or assistant) town clerk-treasurer," but if he performs duties relating only to the office of town clerk, his title shall be "deputy (or assistant) town clerk."

²⁴For charter provisions as to authority of town council to appoint town officers and fix their compensations and define their duties, see Char., art. III, Sec. 1, subsec. (19).

For State law as to when and how town officers qualify, see Code of Va., subsection 15.2-1524. As to residence requirements, see Code of Va., section 15.2-1526.

²⁵For charter provisions as to town sergeant being chief of police, see Char., art III, Sec. 1, subsec. (17). As to provisions relating to town clerk and clerk of the council, see Char., art. III, Sec. 1, subsecs. (8), (16).

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Sec. 2-43. Oath of office for all elective and appointive officers of town.²⁶

The mayor and councilmen and all officers, appointed or elected for the town, shall take and subscribe the oath of office hereinafter set forth before some officer authorized by law to administer an oath. This shall be done before entering upon the discharge of any function as an officer of this town. The oath is as follows:

" _____ 19__

"I do solemnly swear (or affirm) 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 and perform all the duties incumbent on me as _____, according to the best of my ability. So help me God.

" _____

The foregoing oath was sworn to and subscribed by _____
_____ before me this _____ day of _____
19____.
(Code 1965, Sec. 2-36.)

Sec. 2-44. Surrender of books, papers, seal, etc., at expiration of term.

At the expiration of his term of office, each officer shall forthwith deliver to his successor in office all books, papers, documents, town seal, etc., in his custody, all of which are the property of the town, and if there be no successor, to the person designated by the town council. (Code 1965, Sec. 2-38.)

Sec. 2-45. Contracts between town officers, etc., and town.²⁷

No officer of the town or member of the town council shall directly or indirectly contract with the town for furnishing it with labor, supplies, machinery or other things, nor shall he be interested in the profits of any contract with the town. (Code 1965, Sec. 2-35.)

Division 2. Specific Officers

Sec. 2-46. Mayor.²⁸

(a) The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with the town Charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the town council,

²⁶For similar state law, see Code of Virginia. Sec. 49.1.

²⁷For state law as to town officers not to have interest in contract with town, etc., see Code of Va., Sec. 2.2-4300 et seq.

²⁸For charter provisions as to qualifications, election and oath of office of mayor, and specifying that the mayor and five councilmen shall constitute the town council, see Char., art. III, Sec. 1, subsec. (2). As to powers and duties of mayor generally, see Char., art. III, Sec. 1, subsec. (7). As to veto powers of mayor, see Char., art. III, Sec. 1, subsec. (8). As to powers and duties of vice mayor during absence or disability of mayor or when the office of mayor is vacant, see Char., art. III, Sec. 1, subsec. (9).

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but shall not vote, except in case of tie. The mayor shall be recognized as the head of the town government for all purposes, and he shall see that the duties of the various town officers are faithfully performed and that state law and the town ordinances are enforced within the town. In addition to the duties that may be imposed upon him under the Charter, state law and the provisions of this Code and other ordinances and resolutions of the town, the mayor shall discharge all other duties which may be imposed upon him by the town council.

(b) In event of any public emergency involving the health, comfort, peace and safety of any substantial number of citizens of the town, the mayor, in the exercise of general police power, may forthwith promulgate rules and regulations and take such steps as may be necessary to deal with the emergency until such time as by specific ordinance such emergency be cared for. (Code 1965, subsecs. 2-39, 2-40.)

Sec. 2-47. Administrative Staff

Sec. 2-47.1. Town manager.

Pursuant to the Town Charter, the town manager may appoint or employ and remove or discharge such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the Town Manager and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only.

Sec. 2-47.2. Clerk of the council.

(a) The Clerk of the Council shall be the custodian of all records, documents and other papers of the town for which no other officer is designated as custodian, and he shall maintain them in a systematic manner so as to facilitate ready reference thereto, and in a secure and fireproof safe or in locked filing cabinets in his office; provided that the safe deposit box of a bank or trust company designated by the town council for such purpose may be used as the place of maintenance for papers of unusual value to the town.

(b) It shall be the duty of the Clerk of the Council to enter of record and file all bonds which may be required of the mayor, councilmen or officers of the town, and he shall also file all oaths required to be taken and subscribed by the mayor, councilmen and officers of the town.

(c) The Clerk of the Council shall have such other powers and perform such other duties as may be specified for such office by the town Charter, state law, this Code and other ordinances, resolutions and orders of the town council, and which are incidental to the office of Clerk of the Council generally.

(d) The Clerk of the Council shall be appointed and supervised by the Town Manager.

Sec. 2-47.3. Town treasurer.

(a) The Town Treasurer shall perform all the duties in regard to the town taxes, levies and assessments for the town and be subject to all the duties and penalties as are prescribed for a county treasurer in respect to state revenue, county taxes and assessments, so far as applicable and not inconsistent with the Charter, this Code and other ordinances and resolutions of the town. He shall perform all duties of the Town Treasurer as provided in the Charter and in this Code and the ordinances, resolutions or orders promulgated by

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the town council. He shall strictly enforce the provisions of the Charter, this Code and other ordinances of the town with reference to the nonpayment of taxes, licenses, special assessments and water and sewer charges and charges for electrical service.

(b) The Town Treasurer shall keep accurate books and accounts. Such books and accounts shall always be subject to the inspection of the council or any committee thereof. The books, papers and accounts, concerning his office, shall be kept in a fireproof safe, all of which shall be the property of the town.

(c) All money received on any special assessment shall be held by the Town Treasurer as a special fund to be applied to the payment for which the assessment was made, and the money shall be used for no other purpose whatsoever.

(d) The Town Treasurer shall make disbursements of town funds in payment of all claims and charges against the town approved by the town council as budgeted; provided, that payroll checks, funds for petty cash reimbursement, payments on bonded indebtedness and interest recurring obligations, refunds of utility deposits may be paid between council meetings by the town treasurer without specific approval by the council as may any other type of obligation or claim included in this classification by the council by resolution.

(e) The town treasurer is hereby relieved from any liability from or on account of the failure of any authorized depository in which he has deposited funds of the town.

(f) All notes and other obligations issued pending the issuance and sale of any authorized bonds, or in anticipation of receipts or revenues of the current fiscal year, shall be signed in the name of town by the town treasurer and the approval thereof endorsed on the face of such note or other obligation by the mayor, officially.

(g) The town treasurer shall not, either directly or indirectly, contract for or purchase any warrant drawn upon the town treasury, or payable therefrom, at any discount whatever upon the sum due upon the warrant.

(h) The town treasurer shall refuse payment of any town warrant presented to him when the person presenting or holding such warrants is indebted to the town or delinquent in the payment of taxes or other dues to the town. The treasurer is authorized to withhold payment of such warrant until such taxes or indebtedness shall have been paid.

(i) For the purpose of collecting taxes, assessments, special assessments, license fees, utility charges and other dues to the town the treasurer shall have the right of distress, levy, lease and garnishment as provided by the laws of the state. All property subject to levy to satisfy taxes due to the state may be taken to satisfy taxes, assessments, special assessments, license fees, water and sewer charges due the town.

(j) The Town Treasurer shall be appointed and supervised by the Town Manager.

Sec. 2-47.4. 2-50.

Town attorney.

The town attorney shall be a member in good standing of the bar of Amherst County, who shall be retained by the town council to perform such duties consistent with this section as shall be agreed upon by and between him and the town council. The town attorney shall be legal counsel for the town council and town

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officers, and perform such other professional services as are usually incidental to the position of legal counsel, including representation of the town in prosecutions and other litigation, with such exceptions as may be agreed upon by and between him and the town council. Subject to agreement with the town council, the town attorney may designate an assistant town attorney, who shall be a member in good standing of the bar of Amherst County, to perform the duties of town attorney when the town attorney is absent, ill or otherwise disabled or unavailable. If at any time the town attorney retained pursuant to this section be the same person who is commonwealth's attorney for Amherst County, this shall not be deemed to be a conflict of interests per se; and if at any time the assistant town attorney designated pursuant to this section be the assistant commonwealth's attorney for Amherst County this shall not be deemed to be a conflict of interests per se.

The town attorney shall attend all town council meetings.

In addition to the annual retainer paid the town attorney by way of salary, he shall have additional compensation for all special services rendered the town, in such amount as may be agreed upon by the town attorney and the town council.

From time to time, the town attorney shall present for payment any actual outlay or expense which the performance of his duties have entailed.

The Town Attorney shall be appointed and supervised by the Town Council.

Sec. 2-47.5. Chief of police.

The chief of police shall be responsible for the administration, training, discipline, and morale of the members of the police department and their effective deployment and employment to preserve and maintain law and order in the town and to enforce therein all applicable provisions of State law, the Town Charter, this Code and other ordinances and resolutions of the town council.

The chief of police shall promulgate reasonable rules and regulations pertaining to employment of off-duty law enforcement officers, which employment may require the use of police powers and authorities.

Law enforcement officers of the town are expressly authorized to engage in off-duty employment which may require the use of police powers and authorities in the performance of such employment as approved by the chief of police. All persons, firms or organizations utilizing the services shall pay, for each law enforcement officer so employed, an hourly fee equal to the current overtime rate of the police officer's salary or twenty-five dollars per hour, whichever is greater, plus an amount sufficient to cover the cost of FICA and workers compensation insurance. The foregoing fees shall be paid to the treasurer of the Town of Amherst. Officers so assigned shall be monetarily compensated at the current overtime rate of their salary, or at the rate of twenty-five dollars per hour, whichever is greater at the next occurring normal pay disbursement.

The chief of police shall be appointed by the Town Council and Town Council may place supervision of the chief of police under either the Town Manager, Mayor or other person as imposed by the Town Council.

(Amended June 10, 2015 and August 9, 2017.)

Sec. 2-48. (Repealed June 10, 2015)

Sec. 2-49. (Repealed June 10, 2015)

Sec. 2-50. (Repealed June 10, 2015)

Article IV. Boards and Commissions

Sec. 2-51. Industrial Development Authority created; powers, duties and obligations.²⁹

There is hereby created, pursuant to the provisions of the "Industrial Development and Revenue Bond Act", chapter 33, sections 15.1-1373 through 15.1-1390, inclusive of the Code of Virginia, a political subdivision of the Commonwealth of Virginia, 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. 2-52. Name.

The name of the political subdivision of the Commonwealth of Virginia created by this division shall be the "Industrial Development Authority of the Town of Amherst, Virginia." (312-69, Sec. 2.)

Sec. 2-53. Board of directors--Composition; appointment, term and oath of office of directors.

The industrial development authority shall be governed by a board of directors in which all powers of the authority shall be vested, and which board shall be composed of seven directors, appointed by the town council, each for a term of four years and until his successor is appointed and qualified, except that appointments to fill vacancies shall be for the unexpired term only.

Each director shall, before entering upon his duties, take and subscribe the oath prescribed by section 49-1 of the Code of Virginia. No director shall be an employee of the Town of Amherst. (3-12-69, Sec. 4.)
(Amended July 17, 2002.)

Sec. 2-54. Same--Quorum; vote required for certain purposes.

Four members of the board of directors of the industrial development authority shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. (3-12-69, Sec. 6.)

Sec. 2-55. Same--Minutes, records and audits.

²⁹For State Industrial Development and Revenue Bond Act, see Code of Va., Sec. 15.2-4900 et seq. As to power of town, by ordinance, to create industrial development authority, see Code of Va., Sec. 15.2-4903.

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The board of directors of the industrial development authority shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of all its financial transactions and shall arrange to have them audited annually. Copies of each such audit shall be furnished to the town council and shall be open to public inspection. (3-12-69, Sec. 7.)

Sec. 2-56. Officers.

The board of directors of the industrial development authority shall elect from their membership a chairman, a vice chairman and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer. The directors shall receive no salary but shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties. (3-12-69, Sec. 5.)

Sec. 2-57 Policy on process for appointments to vacant town council seats.

I. Purpose:

The purpose of this policy is:

- a. To provide an expedited and consistent procedure for the appointments to the vacated seats of the Amherst Town Council.
- b. To encourage participation in a free and democratic local government; and
- c. To seek qualified individuals for appointments.

II. Procedure:

- a. The Town Clerk will make public notice of all unexpected vacancies to the seats of Town Councilor immediately upon notification of said vacancy. The Clerk will also immediately notify the mayor and other members of the Council of said vacancy.
- b. The Town Clerk shall be authorized to automatically make the public notice without direct order of the Mayor or Council.
- c. "Public Notice" is defined as posting of vacancies in a conspicuous location at the Town Hall; advertisement in the Amherst New-Era Progress; and posting on any official Town of Amherst web site.
- d. Any eligible individual desiring to be considered for appointment to a vacated seat on Town Council shall complete a Town of Amherst Application for Appointment to Town Council and return it to the Town Clerk within thirty (30) days of the effective date of the vacancy.
- e. The Town Clerk shall forward all applications to the Mayor with copies to Town Council Members and arrange for a closed session of the Council at the next regular Council meeting following the application deadline or at a special called meeting of the Council for the purpose of making appointments to vacated seats on Town Council.
- f. The Town Council may schedule interviews with prospective appointees at its discretion.
- g. The Town Council has the authority to appoint qualified individuals to vacant seats on the Town Council under per of Sec. 3.01(4) of the Town Charter. The Town Council shall endeavor to appoint a qualified individual to a vacant seat on the Town Council within the time limits prescribed by Section 24.2-228 of the Code of Virginia.

(Adopted September 8, 2004.)

Sec. 2-58 Policy on process for appointments to standing boards, commissions and

authorities.

I. Purpose:

The purpose of this ordinance is:

- a. To provide a expedited and consistent procedure for the appointment of or recommendation of appointments to the Standing Boards, Commissions and Authorities of the Town of Amherst;
- b. To encourage participation in a free and democratic local government;
- c. To seek qualified individuals for appointments; and
- d. To promote diversification among the members of standing boards, commissions and authorities.

This procedure shall apply to the following standing boards, commissions and authorities:

- Planning Commission
- Board of Zoning Appeals
- Industrial Development Authority
- Property Maintenance Investigation Board
- Town/Sweet Briar Sewer Use Committee

II. Procedure:

- a. The Town Clerk will make public notice of all unexpected and anticipated vacancies or expired terms of all standing boards, commissions and authorities of the Town at least two (2) months prior to the anticipated vacancies or expired terms. The Town Clerk will make public notice of all unexpected vacancies of all boards, commissions and authorities immediately upon notification to the Town Clerk that an appointment has been vacated.
- b. The Town Clerk shall be authorized to automatically make the public notice without direct order of the Mayor or Council. However, the Mayor and Council shall be notified of all unanticipated vacancies as soon as possible.
- c. "Public Notice" is defined as posting of anticipated vacancies, expired terms and unanticipated vacancies in a conspicuous location at the Town Hall; advertisement in the Amherst New-Era Progress; and posting on any official Town of Amherst web site .
- d. Any eligible individual desiring to serve on a board, commission or authority of the Town shall complete a Town of Amherst Application for Appointment and return it to the Town Clerk thirty (30) days prior to the anticipated vacancy or expired term or thirty (30) days after the vacancy of an unanticipated vacancy. However, no individual serving on a board, commission or authority shall be required to complete such an application for reappointment to the same board, commission or authority.
- e. The Town Clerk shall forward all applications to the Mayor and Council members.
- f. The Town Council may schedule interviews with prospective appointees at its discretion.

The Council will be responsible for all appointments or recommendations of appointments as directed by the Town Charter and Town Code.

(Adopted September 8, 2004.)

Sec. 2-59. Election of mayor and town council at November general election.

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The election of the mayor and members of town council shall be held on the general election date in November of even-numbered years, beginning in November 2010, and biennially thereafter.

(Reference Sec. 3.01(2) of the Town Charter and §24.2.222 and §24.2-222.1 of the Code of Virginia.)

(Adopted June 10, 2009.)

Sec. 2-60. Voting precincts and polling places.

Voting precincts and polling places for town elections, including a central absentee precinct, shall correspond to those established by Amherst County to serve town residents for general elections.

(Adopted June 10, 2009.)

Amherst Town Council

CODE OF ETHICS

Recognizing that public officials hold office as a public trust, and that their stewardship of such office requires a superior degree of ethical conduct on their part, any person serving on the Amherst Town Council agrees to adhere to the following Code of Ethics:

1. Uphold federal, state, and local laws, and never knowingly be a party to their evasion.
2. Respect and uphold the Constitution of the United States and never act in a way that will restrict individual liberties. Council members should operate from a belief that the Constitution is the road map for every decision that the Council makes.
3. Put loyalty to the Town as a whole above loyalty to individuals or particular groups.
4. Dedicate sincere effort and service to the position of trust for which stewardship has been granted, giving earnest action and best thought to the performance of duties in an ethical manner.
5. Seek to find and use the most equitable, efficient, effective, and economical means for accomplishing Town business.
6. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin or disability.
7. Ensure the integrity of the actions of the Town Council by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members, favors or benefits under circumstances that might be construed by reasonable persons as influencing the performance of governmental duties.
8. Make no private promises of any kind which purport to bind performance of public duty.
9. Engage in no business with the Town government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties, and ensure full compliance with the Conflict of Interest Act (Code of Virginia, Title 2.2, Chapter 31).
10. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act, using closed meetings only as authorized by the Code of Virginia.
12. Avoid involvement, or the perception thereof, in matters that when completed, come before the Town Council for resolution or approval.
13. Seek to communicate fairly and equally with all other Council members outside of formal meetings; avoid excluding one or more Council members from information shared with others, while consistently maintaining adherence to the requirements of the Virginia Freedom of Information Act.
14. Never use a position of public trust to gain access to the public or the media for purposes of criticizing colleagues, staff, or citizens, impugning their integrity, or vilifying their personal beliefs.
15. Ensure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Council.
16. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

A POLICY ON PRAYER AT AMHERST TOWN COUNCIL MEETINGS.

It is the policy of the Amherst Town Council to allow a short prayer or invocation at the beginning of its regular monthly meetings. In so doing, the Town Council intends to:

- Preserve and promote the right of Town residents to free speech,
- Use offered prayers and reflective moments of silence to lend gravity to public business, remind lawmakers to transcend petty differences in pursuit of a higher purpose, and express a common aspiration to a just and peaceful society, and
- To ensure that prayers offered at Town Council meetings do not denigrate nonbelievers or religious minorities.

The prayer opportunity is open to volunteer speakers of all religious backgrounds, who may or may not be a Town resident, and may or may not be affiliated with a traditional religious organization. If a volunteer desires to offer a prayer, then the first offer for each regular monthly meeting reported to the Town Manager will be scheduled at the top of the agenda as an invocation. To advise potential volunteers of this opportunity, the Town Manager shall send a letter on or about December 1 of each year to every leader of the churches, synagogues, mosques, and other recognized religious institutions physically located within the corporate limits of the Town of Amherst, as well as the chaplain of the Amherst Fire Department and Amherst Life Saving Crew. The letter shall advise each, of the prayer opportunity along with a copy of this policy, and the schedule of regularly scheduled Town Council meetings for the following year. If no volunteer offers to give a prayer for any individual meeting, the Mayor will then offer the opportunity at the beginning of that particular Town Council meeting to anyone present, if no one comes forth, then a member of the Council may choose to fulfill the opportunity for an offered prayer or invocation.

No member of the Council, employee of the Town, or any other person in attendance at the meeting, shall be required to participate in any prayer that is offered, and such nonparticipation shall have no impact on the ability of the person to actively participate in the business of the Council.

No member or employee of the Council will direct the public to stand, bow, or in any way participate in a prayer; make public note of a person's presence or absence, attention, or inattention during the prayer or solemnizing message; or indicate the decisions of the Council will in any way be influenced by a person's acquiescence in the prayer message.

As the prayer is for the benefit of the Council, the prayer should be delivered with the speaker facing and addressing the Councilors and not any other individuals at the meeting. To maintain a spirit of respect and ecumenism, the Council requests that the opportunity not be exploited as an effort to convert others to the particular faith of the speaker or proselytize or disparage any faiths or beliefs.

To clarify the Council's intentions, the following shall be included on each regular meeting agenda:

"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."

This policy is not intended, and shall not be implemented or construed in any way to affiliate the Council with, nor express the Council's preference for, any faith or religious denomination.

PERSONNEL POLICIES

OF THE
TOWN OF AMHERST, VIRGINIA



Effective July 1, 2006
Amended July 14, 2010
Amended December 12, 2012
Amended June 12, 2013; Re-amended August 14, 2013
Amended August 13, 2014
Amended October 8, 2014
Amended June 10, 2015
Amended December 13, 2015
Amended February 14, 2018
Amended March 14, 2018
Amended October 10, 2018

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I. PURPOSE

The objective of these Personnel Policies (“Policies”) is to provide a uniform system of personnel administration for the staff of the Town of Amherst (“Town”), based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the Town to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the Town and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY TOWN EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS APPROVED BY THE TOWN COUNCIL AND SIGNED BY THE MAYOR.

Additionally, it is the policy of the Town to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the Town by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

II. DEFINITIONS

Whenever responsibilities fall to the Manager under these Policies, he or she may designate another to fulfill his or her responsibilities.

- A. **Exempt Employee** – a salaried employee who performs executive, administrative or professional duties as defined under the Fair Labor Standards Act and its regulations. Full-time, part-time, and temporary employees may be exempt.
- B. **Full-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work a minimum of 28 hours a week.
- C. **Manager** – the Town Manager as appointed by the Town Council.
- D. **Part-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work an established period of time that is less than 28 hours per week.
- E. **Probationary Employee** – a full-time or part-time employee who has worked for the Town for less than three months.
- F. **Supervisor** – an exempt employee that has subordinate employees.
- G. **Temporary Employee** – an individual hired on a term basis, e.g., day, week, period of months or on a project basis.

III. EQUAL EMPLOYMENT OPPORTUNITY

A. Policy Statement

It is the policy of the Town to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, age, national origin, or disability. This policy applies to every aspect of employment practices including, but not limited to the following:

1. Recruiting, hiring and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
2. All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
3. Other personnel actions such as compensation, benefits, transfers, layoffs, training, assignments, will be administered without regard to race, color, religion, national origin, sex, age, political affiliation or disability.

B. Harassment

The Town of Amherst is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, the Town will not tolerate unlawful harassment of its employees by anyone, including any supervisor, co-worker, or third party. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's race, color, national origin, religion, age, sex, gender or disability. Harassment that affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment will not be tolerated.

Harassment may include derogatory remarks, epithets, offensive jokes, the display or circulation of offensive printed, visual or electronic, or offensive physical actions. Unwelcome sexual advances, requests for sexual favors, or other physical, verbal or visual conduct based on sex constitutes harassment when (1) submission to the conduct is required as a term or condition of employment or is the basis for employment action, or (2) the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive workplace. Sexual harassment may include sexual propositions, innuendo, suggestive comments, sexually oriented jokes or teasing, or unwelcome physical contact such as patting, pinching, or brushing against another.

All Town of Amherst employees are responsible for helping to enforce this policy against harassment. Any employee who has been the victim of prohibited harassment or who has witnessed such harassment must immediately notify his supervisor so the situation can be promptly investigated and remedied. If it is the supervisor who is responsible for the harassment or reporting the situation to the supervisor fails to remedy the situation, complaints of harassment must immediately be reported to the Town Manager. If an employee believes it would be inappropriate to discuss the matter with the Town Manager, the employee may report it to the Mayor.

It is the Town of Amherst's policy to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, the Town of Amherst will maintain the confidentiality of those involved. If an investigation confirms that harassment has occurred, the Town of Amherst will take corrective action. Corrective action may include discipline up to and including immediate termination of employment. The Town of Amherst forbids retaliation against anyone who has reported harassment or who has cooperated in the investigation of harassment complaints.

C. Violence in the Workplace

It is the policy of the Town of Amherst to prohibit workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the Town or which occur on Town property, will not be tolerated.

Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the Town of Amherst, or to create a hostile, abusive, or intimidating work environment for one or several employees. Examples of workplace violence include, but are not limited to, the following:

1. All threats or acts of violence occurring on the Town of Amherst's premises, regardless of the relationship between Town of Amherst and the parties involved.
2. All threats or acts of violence occurring off Town of Amherst's premises involving someone who is acting in the capacity of a representative of Town of Amherst.

Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to, the following:

1. Hitting or shoving an individual.
2. Threatening an individual or his/her family, friends, associates, or property with harm.
3. Intentional destruction or threatening to destroy any Town of Amherst property.
4. Making harassing or threatening phone calls.
5. Harassing surveillance or stalking (following or watching someone).
6. Unauthorized possession or inappropriate use of firearms or weapons.

The Town of Amherst's prohibition against threats and acts of violence applies to all persons involved in Town of Amherst's operation, including but not limited to personnel, contract and temporary workers, and anyone else on Town of Amherst property. Violations of this policy by any individual on Town of Amherst property will lead to disciplinary action, up to and including termination and/or legal action as appropriate.

Every employee is encouraged to report incidents of threats or acts of physical violence of which he/she is aware. The report should be made to the supervisor. If it is the supervisor who is responsible for the alleged harassment or reporting the situation to the supervisor fails to remedy the situation, complaints of harassment must immediately be reported to the Town Manager. If an employee believes it would be inappropriate to discuss the matter with the Town Manager, the employee shall report it to the Mayor.

D. Accommodating Individuals with Disabilities

The Town provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the Town, or if the employee poses a direct threat to the health and safety of him or herself or others.

E. Violations

An employee who believes that any portion of this policy is being violated should (1) inform the offending person(s) that the conduct is unwelcome and (2) report it immediately to the supervisor. **The report should be made in writing;** however, a report will also be accepted by phone or in person.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.

A non-employee who subjects an employee to harassment in the workplace will be informed of the Town's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

In all cases, the Town will make follow-up inquiries to ensure that the harassment has not resumed.

An employee violating this policy will be subject to disciplinary action, including termination. The employee who brought the complaint will be provided information on the outcome of the investigation.

F. Retaliation

Retaliation is illegal and contrary to the policy of the Town. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he or she is being retaliated against, a written report should be made to the manager. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

IV. RECRUITMENT AND SELECTION

A. Open Positions

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the pay offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, if the current employee is qualified for the position and if the placement best serves the needs of the Town. The Manager may carry out open competition to fill any vacancy.

Employment decisions shall be handled in a manner consistent with the Virginia Conflicts of Interest Act.

B. Probationary Period

All new full-time and part-time employees serve a three month probationary period. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. At the end of the probationary period the employee will be evaluated by the manager to determine satisfactory performance. If satisfactory performance is attained the employee will be entitled to all the benefits of non-probationary status including utilization of the grievance procedure. In establishing a probationary period, the Town does not abrogate or modify in any way the employment-at-will status that applies to its employment relationship with all employees.

C. Hiring Authority

The manager has complete authority for hiring, promoting and discharging employees in accordance with these policies. The manager has the responsibility and authorization for administering the personnel system established by these policies.

D. Operators of Town-Owned Motor Vehicles

- All drivers of Town owned, leased or otherwise operated vehicles must have a valid and appropriate license for the vehicle to be driven.
- Only Town employees, including those individuals working in a contract employee capacity, are authorized to drive Town vehicles.
- There shall be no personal use made of Town vehicles. Incidental and minimal use, such as travel to or from lunch or for minor personal errands on the way to or from work or during lunch break, if the errand requires only a minor deviation from the normal route traveled, shall be excepted from this provision.
- There shall be no non-employee use of Town vehicles.

- Permission from a supervisor shall be obtained before an individual who is not a Town employee is allowed to ride as a passenger in a Town vehicle.
- Employees are to use hands-free mobile communication devices unless the vehicle is pulled off of the road in a safe location.

E. Police Department Residency Policy

Background:

The Town Council of the Town of Amherst has determined that it is desirable for police officers employed by the town of Amherst to live in the Town for the following reasons:

1. Availability of such officers to work in the event of emergency, inclement weather, vehicle breakdown, etc.;
2. Enhanced safety of individuals who live in the same neighborhood as a police officer. This will also help make those neighborhoods more desirable and therefore positively influence property values; and
3. Reduced Town costs due to lower gasoline expenses and less wear and tear on police vehicles.

Policy:

All sworn officers employed by the town of Amherst Police Department on a full-time basis shall be residents of the Town of Amherst or live in a permanent residence within five miles of the corporate limits of the Town of Amherst within 9 months of their first day on the job and must continue to live within this specified area as a condition of continued employment.

V. OUTSIDE EMPLOYMENT

The town considers itself to be the primary employer for all employees who are not temporary or part-time, and requires that activities away from the job must not adversely affect the employee's job performance or compromise the Town's interest.

Before seeking or accepting outside or self-employment, employees are cautioned to consider carefully the demands that such additional employment will create. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, refusal to travel, or refusal to work overtime or different hours. In addition, prior written permission must be obtained from the manager before such activities are commenced.

Employees will also avoid conflicts of interest and situations that give the appearance of the conflict of interest. Except for work done as a Town employee, the Town's public works employees are not to install water or sewer facilities, whether they are to be owned and operated by the Town or privately owned, that are or reasonably could be expected to connect to the Town's system.

In addition, employees are not to conduct any outside business during paid working time.

VI. EMPLOYEE COMPENSATION

The total compensation of employees consists of the regular pay and authorized overtime pay for full-time employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay. Part-time and temporary employees may also receive leave in certain circumstances. Leave policies, found in Section VI, should be reviewed.

A. Pay and Classifications; Compensation Plan

1. The compensation plan for employees of the Town shall consist of:
 - a. A classification system for all classified jobs.
 - b. A pay grade that sets a pay range for each classified position.
2. The rates of pay for each employee within a pay grade shall be set by the manager, upon recommendation from the subordinate supervisor (if any) and subject to approval by the Town Council. The normal entrance rate of pay for new employees shall be at the lower end of the pay grade for the position.
3. The Town Council shall consider updating the compensation plan annually concurrently with the Town budget process.

B. Hours of Work

1. The employee's supervisor shall establish the hours of work for all Town employees under his direction. The standard scheduled workweek for full time employees for which pay is paid consists of 40 hours, generally Monday through Friday.
2. Employees shall have two 15-minute rest breaks per day, which are included within the total required hours of work. Such breaks may not accumulate from one shift or one day to another. Flexible work scheduling may be used for the purpose of extending a meal break with the employee's start time being advanced or end time being extended as approved by his supervisor. Certain employees as approved by the manager have their meal break(s) included as a part of their regularly scheduled workday if required to stay on premises or duty during scheduled lunch breaks.
3. Flexible work scheduling may be considered within the standard workweek so long as the standard hours in a workweek, normally 40, are not altered. Some examples are:
 - a. Arrive earlier in the morning and leave earlier in the afternoon.
 - b. Arrive later in the morning and leave later in the afternoon.
 - c. Work four 10-hour days.
 - d. Work four 9-hour days and one 4-hour day.
 - e. Work some other similar permanent or seasonal scheduling option(s)
 - f. Add time to meal break and arrive earlier and leave later.

Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times to allow employees to have medical appointments or take care of personal business during work hours without being charged leave. If flexible work

scheduling or compressed workweeks are instituted on an ongoing basis, the supervisor may approve such only after consultation with the manager.

4. If an employee is unable to report for work or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his or her scheduled work period, giving the reason for his absence or tardiness. Paid leave may or may not be approved. If an employee has difficulty reaching his supervisor, he should leave a message reporting his absence but continue to attempt to contact with his supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee.
5. Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the supervisor or manager within the established workweek as conditions warrant. Schedules may also be adjusted to meet FMLA and ADA requirements.
6. All Town employees are expected to be available for duty in the event of a weather emergency or civil crisis. In the event of a significant local weather emergency or civil crisis, it is the duty of each employee to (a) contact his supervisor for instruction on emergency work scheduling and (b) to maintain appropriate transportation to and from his residence and the Town/work site.
7. An employee's contact with his supervisor is to be either in person or by telephone. Calls from other individuals (such as family members) or to other individuals (such as co-workers) will not suffice except in the most extreme circumstances. If an employee cannot contact his supervisor, the employee is to leave a voice mail on his supervisor's mobile telephone and follow up with a call to either to the supervisor or the Town Hall to ensure that the supervisor knows the circumstances of the employee's situation and can react accordingly. Failure to adhere to this policy will be considered leave without approval and is therefore subject to an interruption in pay.

C. Performance Increases

The Town promotes excellence in its workforce. Pay increases within budget constraints may be given to that end. Each employee's performance will be reviewed at least annually concurrently with the budget process by his supervisor, and based on satisfactory performance and contributions to the organization pay increases may be given. In exceptional circumstances an employee's pay may be increased in less than a year for meritorious service or enhanced responsibilities. Pay increases are not automatic or guaranteed.

D. Overtime

For the purposes of computing overtime under the Fair Labor Standards Act, the work period shall begin at midnight on Friday.

Unless authorized by their supervisor to do so, employees should not work over 40 hours per week. Full-time employees who are not exempt under the Fair Labor Standards Act will accrue compensatory time at the rate of time and a half for all hours actually worked

in excess of 40 hours in a week during any work period except for non-exempt full-time police officers who will accrue compensatory time at the rate of time and a half for all hours actually worked in excess of 80 hours in any 14-day work period.

It is the policy of the Town of Amherst to give compensatory time off instead of paying for overtime. Exempt employees who are required to work beyond normal hours or on weekends and holidays shall be given compensatory time off at the discretion of the manager. The manager is responsible for limiting compensatory time accrual and shall report the accrual of any employee's compensatory time above 80 hours to the Town Council. Employees shall be paid for the value of the accrued compensatory time upon termination of their Town employment at their final rate of pay concurrent with the final paycheck. As part of a supervisor's responsibility for meeting departmental budgetary limitations, he is also responsible for limiting compensatory time accrual to that end.

However, when approved full-time staff positions are vacant and increased work hours are required of non-exempt full-time employees due to such full-time staff vacancies, the manager may approve monetary compensation for overtime work subject to limits of the annual operating budget. A written report of any overtime work involving monetary compensation shall be provided to the Town Council at its next regular meeting. The Town Council must approve all other instances of monetary compensation for overtime worked.

Note: The accrual of compensatory time is limited to 240 hours by the Fair Labor Standards Act except for public safety, emergency response and seasonal activity which is limited to 480 hours (Reference 29 U.S.C. § 207(a), (k) and (o)3A) and § 9.1-701 of the Code of Virginia).

E. Bonuses

The Town Council may grant a bonus to an employee to recognize superior service to the Town.

F. Retirement

The Town participates in the Virginia Retirement System for all employees eligible for retirement benefits pursuant to the rules and policies of VRS.

G. Time Cards

All employees shall complete a timesheet in the form required by the Town Manager with actual time for arrival at work and departure from work, including "clocking in" and "clocking out" for lunch and non-work activities.

Emergency or on-call work is to be noted on the timesheet as emergency/on-call work, along with vacation time, holiday, and sick leave. All non-scheduled and overtime hours are to be approved by the appropriate supervisor in advance.

Each employee is responsible for accurately completing his timesheet and turning it in to his supervisor the Monday following the end of the two-week time card cycle. Any timesheets turned in to the supervisor late will not be processed until the following pay cycle.

Each supervisor is responsible for reviewing the timesheets delivered to him by the employee and approving them. The supervisor is responsible for maintaining his own time sheet and for delivering all time sheets for his department to the payroll clerk by 5 P.M. on the Tuesday following the end of the two-week time card cycle.

OTHER THAN SUPERVISORS FOR EMPLOYEES IN HIS DEPARTMENT DUE TO EXTRAORDINARY CIRCUMSTANCES, NO EMPLOYEE MAY COMPLETE A TIME SHEET FOR ANOTHER EMPLOYEE.

H. Protective Clothing and Uniforms

The appearance of the Town of Amherst's employees is a major factor in how the Town is perceived by the residents, non-residents and business operators of the community. All Town employees are expected to maintain a clean, neat and professional appearance while on duty.

It is recognized that the style of the protective clothing and uniform worn may necessarily vary dependent on the location of the employee and the type of work that employee does. The wearing of uniforms and protective clothing for some staff employed by the Town is relative to their working environment, and so the impact on employees may vary. If the employee normally works away from a fixed location (i.e. away from the Town Hall, water plant or sewer plant) that employee should be clearly identifiable as a Town employee.

This policy addresses the clothing to be worn by employees and the financial subsidy provided by the Town of Amherst towards the cost of purchase and maintenance of such clothing. This section applies to all clothing purchased by the Town of Amherst and sets out ownership, maintenance, and replacement requirements.

Application

- A. For the purposes of this section, clothing shall be defined as anything that is worn, including but not limited to the components of a uniform, protective clothing, safety equipment and hats.
- B. The Town of Amherst will furnish every employee appropriate safety equipment required by the work that employee does, in accordance with usual and customary workplace safety standards, as per the provisions of this section.
- C. The Town of Amherst will furnish any employee required to wear a uniform in the performance of his/her usual work responsibilities clothing with accessories as per the provisions of this section.
- D. All clothing purchased by the Town is the property of the Town. Nonserviceable clothing may be replaced on a one-for-one basis by turning in the nonserviceable item. All lost or negligently damaged clothing is to be replaced at the employee's expense.
- E. Employees will be responsible for exercising reasonable care of such items and when requesting replacements due to wear or damage, are required to return the original item. Where damage to such items is a result of the employee's deliberate misconduct or is due to the employee's gross or willful negligence, the employee will be responsible for cost of replacing the item.

- F. All uniform clothing worn by Town employees shall be neat, clean in appearance and free of rips, tears, and holes and shall not be missing any required parts such as buttons, patches, and accessories and free from obvious stains and other defects. The employee's supervisor shall be responsible for ensuring that the employee is appropriately dressed while on duty.
- G. Town uniforms and protective clothing are to be worn only while going to and coming from work and while actually at work for the Town of Amherst. Under no circumstances will Town employees wear Town uniforms or Town protective clothing while not working for the Town.
- H. Employees are responsible for laundering and other normal cleaning and maintenance tasks for uniform clothing.
- I. Supervisors are responsible for inventorying all uniform items and protective clothing and procuring needed items. This responsibility may be delegated to a subordinate employee.
- J. Uniform clothing within a Town department shall be consistent in color and style as specified by the departmental supervisor.
- K. Generally, the Town of Amherst will furnish normal clothing and safety gear to all full-time water and sewer employees up to the following limits. Part-time employees shall be furnished uniforms according to their specific circumstances.

Item Provided	Initial Issue	Replacement Policy	Style
Gloves	2	As worn	Latex
Dust mask	1	Return of worn out item	
Rainwear	1	Return of worn out item	
Ear protection	1	Return of worn out item	
Hard hats	1	Return of worn out item	
Hip waders	1	Return of worn out item	
Safety goggles or glasses	1	Return of worn out item	
Gloves	2	Return of worn out item	Rubber, Leather
Identification Badge	1	Return of worn out item	Picture card
Light Coveralls	1	Return of worn out item	
Insulated Coveralls	1	Return of worn out item	
Safety Boots	1	Annual \$125 allowance	
Pants	6	Return of worn out item	
Short Sleeved Shirt or Long Sleeved Shirt T-shirt	12Total	Return of worn out item	
Jacket	1	Return of worn out item	

- L. During inclement weather (heavy rain, sleet, snow, etc.) or during emergency or extraordinary situations, the supervisor may permit personal clothing appropriate for the situation, including turn-out gear, to be worn.

Upon leaving the employ of the Town of Amherst, uniform clothing shall be returned to the employee's supervisor.

VII. HOLIDAYS AND LEAVE

A. Holidays

The following holidays are observed by the Town. Full-time employees shall be granted time off for these days without charging the time against leave balances:

- Any day on the Governor of Virginia's planned holiday schedule.
- Any other day so appointed by the Town Council.

Whenever a holiday falls on a Saturday, the Friday before the actual day shall be observed as the holiday; whenever a holiday falls on a Sunday, the Monday after the actual day shall be observed as the holiday.

Employees who are scheduled by the supervisor to work at least a 40 hour work week during a week in which a holiday falls may receive his or her base rate of pay and an additional 100% (8 hours maximum) of his/her rate of base pay as compensation for that holiday. It shall remain the supervisor's option to allow either monetary compensation in accordance with the terms of this policy or a floater holiday. If an employee receives monetary compensation for the holiday, the employee will not be eligible to receive a floater holiday. Exempt supervisors will not be eligible to receive monetary compensation for a holiday.

Any day so appointed a "holiday" by the Town Council in excess of the Governor's scheduled holidays shall be considered a "Town Hall/Town Shop Closed" day and leave time charged against annual leave for all full-time employees normally scheduled to work but not working that day. Such extra appointed holidays shall have no effect on part-time employees.

B. Leave

1. Annual Leave

Full-time employees will accrue paid annual leave for personal purposes at the following rates and shall be used on an hour for hour basis.

0 years	(1.85 hours/2 weeks)
1 - 10 years	(3.69 hours/2 weeks)
11 and more	(5.55 hours/2 weeks)

Individuals employed by the Town prior to July 1, 2001 shall be granted 6.46 hours of annual leave per 2 weeks after fifteen (15) years of service.

Annual leave shall be scheduled and approved in advance by the manager or supervisor. Annual leave shall not be used until all compensatory leave is used. Annual leave is not eligible at all times as the manager and supervisors have a primary obligation to insure that the Town's service to the citizens is carried out.

Each employee may accumulate a maximum of 120 hours of annual leave. Annual leave above that amount shall expire and may not be accumulated or used. Employees shall be

paid for the value of the accrued vacation upon termination of their Town employment concurrent with the final paycheck.

Employees with previous VRS service shall be credited for that service in the calculation of their annual leave time.

2. Sick Leave

Sick leave shall accrue at the rate of 3.69 hours per two (2) weeks, and, when taken, shall be used on an hour for hour basis. Sick leave shall be used for:

- a. FMLA leave, pursuant to section D.1.
- b. Illness or injury incapacitating the employee and preventing the employee from performing assigned duties, doctor or dental appointments during working hours. Personal sick leave is charged on an hour-for-hour basis for all employees and is not considered an entitlement.
- c. An employee may elect to charge against earned sick leave credits an absence required by illness or death in the immediate family.

The "immediate family," in this application, includes only: the employee's or spouse's parents, wife, husband, children, brother, or sister, and any relative living in the household of the employee. The period of absence which may be charged against sick leave in this application may not exceed twenty-four work hours for an illness of one cause, for an injury, or for a death. Sick leave used as a result of death shall be continuous and within one week of the death.

An employee away from work for medical conditions which require absence in excess of one week or for FMLA purposes is required to (1) submit to the supervisor a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential functions of his or her job with or without reasonable accommodations, and simultaneously (2) apply for leave under the Family and Medical Leave Act. The supervisor or manager has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of one week if in his or her judgment this information is necessary. Medical information and the personnel needs of the Town will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical information will be kept confidential and will be kept separate from the employee's personnel file.

Exceptions to this policy may be considered on a case-by-case basis and approved by the manager. Sick leave is charged on an hour-for-hour basis for all employees and is not considered entitlement.

Each employee may accumulate a maximum of 520 hours of sick leave. Sick leave above that amount shall expire and may not be accumulated or used. All accumulated sick leave is forfeited upon separation from employment with the Town. Accumulated sick leave is not compensable for any reason.

3. Military Leave

An employee who is a member of a reserve force of the United States or of the Commonwealth of Virginia and who is ordered by the appropriate authorities to attend a training program or who is called into emergency active duty for the purpose of aiding civil authority under the supervision of the United States or the Commonwealth of Virginia shall be granted a leave of absence with full pay during the period of such activity, not to exceed fifteen (15) consecutive calendar days for training duty and five (5) working days for emergency active duty. The Town may, by motion of council, pay any such employee the difference between his or her pay and the pay received for the military duty.

4. Military Leave Without Pay

An employee who leaves the employ of the Town to join the military forces of the United States during the time of war or other declared national emergency or who is called to service in the Virginia Militia by order of the Governor shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the Town. The employee on such leave is entitled to be restored to the position he or she vacated, provided the employee makes application to the Town not later than 90 days after the date of honorable discharge or separation under honorable conditions. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable of performing the work of the vacated position. This section does not override section VII B.3.

5. Civil Leave

An employee will be given time off without charge to leave or loss of pay for (a) performing jury duty, when subpoenaed as a witness to appear before a court, public body or commission, (b) performing emergency civilian duties in connection with national defense. The period of such leave shall be only as necessary for the performance of the activity, plus any necessary travel time.

6. Workers' Compensation Leave

When an employee is unable to report to work because of incapacity that is the result of a compensable injury under the Virginia Workers' Compensation Act, the employee will receive for the first seven (7) days of absence full pay minus normal payroll deductions. The first seven days of Workers' Compensation leave will not be charged against the employee's consolidated leave balance.

If the absence is longer than seven days, the employee will receive for the period of absence the full compensation that is provided under Workers' Compensation Act. If the period of incapacity extends beyond twenty-one (21) calendar days, the employee will be required to reimburse the Town the amount of compensation awarded to the employee by the Town's workers' compensation insurance for the employee's first seven days of absence. This is an obligation owed to the Town

and one which, if not reimbursed within 30 days, will be deducted from future monies (wages, terminal leave pay, etc.) owed to the employee by the Town.

7. Return to Work

This policy addresses the Town of Amherst's deliberate, organized effort to return injured employees to productive employment as early as possible, compatible with physical restrictions and good medical practices.

A strong return to work effort yields several benefits including:

- acceleration of the injured employee's recovery;
- maintenance of an experienced workforce;
- reductions in future insurance costs; and
- improved employee relations.

The Town's first responsibility is the prevention of occupational injury and illness. Despite all best efforts, injuries and illnesses do sometimes occur. It then becomes the Town's responsibility to mitigate the impact of the injury or illness on both the employee and the Town. The Town of Amherst is committed to providing transitional work, on a temporary basis.

Transitional work is defined as:

- Appropriate work to allow the resolution of the injury and to prevent re-injury.
- Modification of the job according to the medical limitations.
- Setting a positive atmosphere and letting employees ease back into a routine by adjusting work expectations/encouraging employees to adhere to therapy schedules, and explaining the need for transitional work to the employee's co-workers to reduce peer resentment.
- Since make-work projects are of little or no value, a meaningful job.
- Work assignments that are temporary. Temporary transitional work assignments will be reviewed every seven days.

Procedure

1. The employee's supervisor shall review written correspondence from a medical provider which identifies specific employee restrictions.
2. The supervisor shall review these physical restrictions and plan tasks for the employee on a temporary transitional assignment.
3. The supervisor and employee will meet to discuss the temporary transitional work assignment.
4. The employee shall provide documentation signed by a medical provider to the supervisor as to any changes in the injured worker's physical restrictions.
5. The supervisor will re-evaluate all temporary work assignments every seven days.

C. Leave Without Pay

The following are the situations for which an employee may be on leave without pay status.

1. Family & Medical Leave

A. Employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA leave is unpaid leave. The Town requires an

employee to use accrued paid leave on an hour for hour basis in conjunction with FMLA leave.

B. *Eligible Employees.* To be covered under the FMLA, an employee must have worked for the Town for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

C. *Purposes for Which FMLA Leave May Be Taken.* FMLA leave may be used:

- a. to care for an employee's child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption, or foster care),
- b. to care for an employee's spouse, child, or parent (does not include in-laws) who has a serious health condition,
- c. When the employee is unable to work because of a serious health condition.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.

Employees are required to obtain a health care provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the Town at its discretion.

D. *FMLA Benefits.*

a. *Leave.*

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period begins on January 1 and terminates on December 31 of each year. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour

for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

An employee is required to request FMLA leave in writing at least thirty days before the leave is to commence if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practicable. The Town may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced hours basis.

FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the Town, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between as the spouses choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve months following the event.

Should the Town obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave previously given may be withdrawn.

b. Job Restoration

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to his or her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the Town. A key employee is a salaried employee who is among the highest paid ten percent of the Town's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

c. Health Benefits.

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave without pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his or her share of the premiums. If the

employee fails to make his premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the Town for the Town's share of the health care premiums paid while on FMLA leave.

2. Extended Leave Without Pay

When special circumstances require an extended leave, the manager has the authority to grant an employee leave without pay provided that the operations of the Town's program(s) will not be adversely affected.

3. Disciplinary Leave Without Pay

An employee who is absent from work without prior approval shall receive no pay for the duration of the absence and may be subject to disciplinary action which may include dismissal. If extenuating circumstances exist for the unauthorized absence, due consideration will be given.

VIII. EMPLOYEE DEVELOPMENT

It is the policy of the Town to encourage employees to obtain training designed to develop the employee's value to the organization.

Education leave is discretionary and is normally taken with without pay. When an employee can demonstrate that the pursuit of the educational program will have an immediate and discernable benefit to the Town, leave with full pay may be granted by the manager. The conditions of such leave shall be subject to a case by case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to Town.

The cost of training and related expenses undertaken at the direction of the manager shall be paid in full by the Town. In such case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the manager and (2) the employee shows successful completion of the course as evidenced by the grade of C or better. If the training was not required by the Town, the hours do not count as hours worked.

IX. PERFORMANCE APPRAISALS

The work of each employee will be evaluated at least annually concurrently with the budget by his immediate supervisor. The supervisor will meet with the employee to discuss the year's performance. A written report of the appraisal will be prepared with a copy provided to the employee being appraised and a copy for the personnel files. If the employee believes that the report is unfair, he or she may submit comments to be attached to the supervisor's appraisal report within 10 calendar days of being provided a copy of the appraisal.

X. HEALTH AND SAFETY

A. Workers' Compensation

Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries, or deaths. Any job related accident or workplace injury, no matter how insignificant, must be reported to the supervisor as soon as possible, but within 24 hours.

The Town may select a panel of physicians to whom employees must go for all work-related injuries. Supervisors are to inform employees of the physicians included in the panel. In the event an injury requires immediate medical attention, the employee may go directly to the nearest hospital emergency room; follow-up care must be with the panel of physicians. If the Town selects a panel, all employees will be notified.

B. Occupational Safety and Health

The Town attempts to provide a safe and healthy working environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety.

Each supervisor has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury. Further, it is the responsibility of each employee to perform all work in a safe manner. All hazards, deaths, injuries, and illnesses that occur on Town property must be reported to the supervisor within the same day of the discovery or occurrence.

Employees are directed to utilize all applicable safety procedures and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their work area. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

1. Supervisors Safety Responsibilities

The first line supervisor is essential to the overall program and must be actively involved in loss control activities.

Specifically, the supervisor shall:

- a. Conduct accident investigations to ensure prevention of recurrence.
- b. Provide instructions in accident prevention and hazard recognition to employees.
- c. Enforce all established safety rules and procedures and firmly support and convey all safety policies to all employees.
- d. Take immediate action to ensure correction of all identified unsafe acts or conditions.

- e. Communicate any additional safety needs to the manager.

2. Duties of Employees

Every employee is required to adhere to all safety rules, procedures and practices, and to use personal protective equipment provided by the Town of Amherst.

Specifically, employees shall:

- a. **Report all injuries**, regardless of severity, to his supervisor immediately. If a supervisor is not available, the injury must be reported to the manager before medical treatment is sought, except in the case of emergencies.
- b. Report and, if possible, correct all unsafe conditions, procedures, or acts.
- c. Report for work free from the influence of alcohol or drugs.
- d. Avoid horseplay and mischief which could cause injury.
- e. Take all standard safety precautions to prevent injury to yourself or fellow employees.
- f. Follow all special or departmental safety rules, including personal protective equipment wearing requirements, specifically:
 - A. **HARD HATS** will be worn by all Town employees including supervisors in the following situations:
 - (1) At any work site where hard hat requirements are posted.
 - (2) All water, sewer, and street work.
 - (3) In the presence of high voltage electrical hazards.
 - (4) In any situation where a potential for head injury exists.
 - B. **GOGGLES** as eye protection are required where grinding, cutting, weed eating, blowing leaves, chipping or any other operation presents a potential hazard from flying debris.
 - C. **SAFETY SHOES AND GLOVES** must be worn when appropriate.

3. All Employees to Observe Rules

Failure to conform to the safety policies of the Town of Amherst shall be considered insubordination and, therefore, grounds for suspension or other disciplinary action.

C. Medical Insurance

The Town will endeavor to offer each full time employee a medical and hospitalization plan, the terms of which will be established from time to time by the Town. Coverage under the plan for each full time employee will be provided at no cost to the employee.

In addition, the Town will endeavor to provide optional coverage under the plan for each employee's spouse and dependent children which additional coverage the employee may elect to take by notice to the Town and agreement to pay via payroll deduction all additional premiums attributable to such additional coverage, subject to any conditions imposed by the Town's medical and hospitalization plan provider.

Any full time employee who is a member of the plan upon retirement may elect to continue his or her participation after retirement in the plan provided that such employee agrees to pay, and does pay promptly, any and all premiums attributable to his continued participation in the plan. In addition, any such employee who, at the time of retirement, is participating in any optional coverage under the plan for his or her spouse and/or dependent children may continue to participate in such optional coverage provided that he or she elects to do so by notice to the Town at the time of retirement and agrees to pay, and does pay promptly, any and all premiums attributable to such spousal and dependent children's coverage. It is the retiree's responsibility to deliver premiums to the Town Hall by the 15th of the prior month and maintain the appropriate paperwork as required by the Town's health insurance carrier. In other words, the Town staff will advise you when additional paperwork is needed and a check for the July health insurance needs to be received by June 15. For the purposes of this paragraph, retirement shall mean a status in which the former Town employee is eligible to receive retirement benefits from the Virginia Retirement System program.

Any right to participate in the plan shall terminate:

- a. In the case of a full time employee, his or her spouse, and dependent children, upon termination of the employee's employment.
- b. In the case of a retiree, upon notice of withdrawal from the plan by the retiree or failure to pay any premiums when due.
- c. In the case of a surviving spouse who is participating in the plan at the time of the retiree's death, upon notice of withdrawal from the plan, failure to pay any premium when due, or remarriage.

Except for retirees and family members whose health insurance is provided by the Town as of January 1, 2005, the Town of Amherst will not fund any portion of a retiree's health insurance.

D. Employee Assistance Program

The Town of Amherst provides an employee assistance program (EAP) to all employees.

EAP provides confidential assistance and/or referral to employees when personal problems or concerns are troubling an employee personally or when they are contributing to, or may contribute to, deteriorating job performance. The EAP is provided as a service to employees. In itself, use of the EAP, by self-referral or supervisory referral, is not an indication of illness, inadequacy, or disability. All people have problems in their lives; thoughtful, intelligent people seek appropriate assistance with their problems.

The Town recognizes that a wide range of problems, not directly associated with one's job function, may have an adverse effect on an employee's job performance. Further, personal problems of a family member can also affect an employee's job performance.

When marital or family discord, financial or emotional crises, alcohol or drug problems, illness, or other difficulties interfere with or threaten job performance or conduct, the Town offers assistance through the EAP. There is no desire to intrude on the employee's private life. These problems are recognized as progressive and potentially destructive, but they are also recognized as able to be solved or improved. The Town stands ready to assist employees and their families who are willing to help themselves.

Early recognition of the troubled employee, through application of job performance standards, is a proper function of management.

Employees with identifiable performance problems that are not the result of deficits in knowledge, skills, education, and/or working conditions may have personal problems affecting job performance.

The Town actively supports rehabilitation efforts, when applicable and appropriate, through employee group health benefits, sick leave, and disability policies. An employee may be referred to the EAP by Town supervisory personnel, colleagues, medical personnel, or union personnel, because of a condition that may affect his or her job performance or because the employee is troubled and seeks help. The decision to accept assistance is the responsibility of the employee.

Employees are encouraged to self-refer. Immediate family members are also eligible for employee assistance services.

An employee participating in EAP at the direction of his supervisor or manager shall be considered at work for the first session. Other sessions are to occur on the employee's time; sick leave shall not be used in connection with EAP.

All records and information about referral, assessment, and treatment will be maintained by the EAP and treated as confidential. No information concerning a client's personal problems will become a part of the employee's personnel record. Except as set forth herein and in situations of dangerousness, or as may otherwise be required by law, no information, oral or written, will be disclosed without the express written permission of the employee.

If an employee is referred by the Town to the EAP because of performance-related issues, the only information the EAP will disclose to the referring person is whether the employee has followed through on the EAP referral. Additional information will only be shared as stated in the previous paragraph.

Employees participating in the EAP will not be given preferential treatment, nor will they be subject to any special regulations by the Town. EAP participation will not immunize an employee against discipline, including discharge, by reason of an infraction of work rules or the rules of conduct. All employees will be evaluated strictly on job performance criteria, irrespective of their participation in the EAP. An EAP client may be disciplined for his or her continued unsatisfactory job performance.

An employee's job security or future career advancement will not be jeopardized as a result of

his or her participation in the EAP.

The immediate supervisor is responsible for monitoring an employee's job performance. In the case of deteriorating performance, the supervisor, following established procedures, should work with the employee in an effort to reestablish accepted levels of performance. Whether or not it appears that the substandard performance is or may be due to problems or impairment, the supervisor should refer the employee to the EAP only as part of a performance improvement plan.

In the case of a job-performance-related referral, the supervisor will do all of the following:

- Document, as part of a performance improvement plan, that the employee was made aware of the EAP as a resource
- Notify the EAP that a referral has been made
- Consult with the manager as appropriate.
- Complete an EAP referral form in order to provide relevant documentation of the performance problem to the EAP

The manager may refer an employee to the EAP. He should both:

- Document the referral in the employee's medical record
- Notify the EAP of the referral

Employees and their family members experiencing problems, whether or not they may affect the job performance of that employee, are encouraged to voluntarily seek information, referral, and related services on a confidential basis by contacting the EAP.

XI. ELECTRONIC COMMUNICATIONS

A. Internet

The Town may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal use. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the Town.

The Town may provide unlimited access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the Town may establish an Internet account that may be accessed by employees.

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addressees and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the Town. The usage of the Internet is subject to the same code of conduct which applies to all other actions in the workplace and using the Town's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission and storage of messages, files, images and sounds are subject to monitoring by the Town.

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the Town when using the Town's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

The Town will have access to a log of all usage, including a list of employees who have used the Internet and the sites they visited. The Town will monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

B. Consent to Monitoring

Employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the Town or an electronic, wire, or digital services provided by the Town as a requirement for employment by the Town. A signed statement acknowledging the receipt of the Personnel Policy document shall be proof of this consent.

C. Cell Phone Reimbursement

Town of Amherst employees are more valuable to the Town's workforce by being readily accessible while on duty and in the event of an emergency. The Town Council has determined that, in lieu of providing a wireless telephone for an employee's use while on duty, an allowance may be paid to full-time Town employees who provide their own wireless telephone service for the Town's use. This policy will enable the employee to select the wireless telephone service plan that best suits his individual needs for personal calls which are to be made on personal time.

At the end of each month the Town shall reimburse at the rate of \$45/month to all full-time Town of Amherst employees subject to the following understandings:

- A. The wireless telephone service shall have a number reached without toll from the Town Hall.
- B. The wireless telephone number shall be provided to the Town Manager for reasonable Town business use.
- C. Voice mail and text messaging services shall be provided in the employee's service plan. Information on the carrier shall be provided to facilitate group text messages via email.
- D. The wireless telephone unit shall be normally carried by the employee both while on- and off-duty.
- E. The employee shall regularly check his voice mail and text messages.

XII. Alcohol and Drug Free Workplace

The Town of Amherst is an established drug-free workplace and has a vital interest and responsibility in maintaining a safe, healthy, and efficient workplace for the benefit of its employees, customers, and public. The use of performance impairing drugs can cause avoidable injuries to employees, the public, or damage to public or private property.

STATEMENT OF POLICY:

To ensure a safe and productive work environment, employees shall comply with a zero-tolerance drug, alcohol, and substance abuse policy and are prohibited from:

- A. Unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances, or misusing or abusing prescribed, or over the counter drugs.
- B. The sale, purchase, use, or possession of illegal drugs, or prescription drugs obtained illegally.
- C. Having present in their bodies detectable levels of illegal drugs during work hours, including arrival for work or from break periods, including lunch.
- D. Violating any Federal, State, or Local law relating to drugs.
- E. The exception to this policy is the authorized possession, use and transportation of drugs prescribed by a Physician and used according to prescription instruction, unless such use would pose a safety risk to the employee, other employees, or the public.

A. Employee Responsibilities

- 1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
- 2. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the manager within five days after the conviction.
- 3. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- 4. No employee shall be impaired by alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- 5. No employee shall represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.
- 6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for Town.
- 7. If an employee is using prescription or non-prescription medication that may impair performance of duties; the employee shall report that fact to his or her supervisor.

8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or manager.

DISCIPLINARY ACTION. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, and/or failure to consent to a drug test or follow adopted procedures, appropriate employee disciplinary action will be taken, up to and including termination.

B. Drug & Alcohol Testing

In order to achieve a drug-free work place, employees in, and applicants for, all positions shall be required to participate in all of the following alcohol and controlled substances testing:

1. When an applicant for a position has been extended a conditional offer of employment but before beginning work.
2. When there is a reasonable suspicion to believe that the employee is in an impaired state.
3. When the employee has been involved in an on-duty serious accident or has endangered others in the workplace.
4. As a condition for return to duty after testing positive for controlled substances or alcohol.
5. As part of follow-up procedures to return-to-duty related drug or alcohol violations.
6. The Town of Amherst, at its discretion, shall institute a policy of random testing of current and future employees. This policy shall include testing of all personnel by department and/or a random selection policy of all personnel by department and/or a random selection policy of all personnel throughout each year. Refusal to test shall result in termination of employment.

This policy covers all employees of and applicants to the Town.

C. Procedure

1. The prospective new hire or current employee will be given a drug screening form (copies in the Town Hall vault) and a copy of this sheet.
2. The prospective new hire or current employee will be sent to Lab Corp for testing (directions and map below). Prospective new hires are to arrange for their own transportation. Current town employees will be reimbursed for transportation costs only if a Town vehicle is not available.
3. The prospective new hire or current employee will return "copy 4" from form sheet to his or her potential or current supervisor after the test has been completed.

4. The results will be transmitted to the Town Manager after the test has been read.

SUPERVISORY RESPONSIBILITIES:

Supervisors shall be required to notify the Town Manager if there is any suspicion that an employee is in violation of this policy. Failure to do so can result in discipline up to and including termination of employment for the supervisor.

I have read, understand, and agree to the terms, conditions, provisions, and requirements set forth in this Drug, Alcohol, and Substance Abuse Policy.

Employee Signature

Date

XIII. Political Activity

- A. An employee shall not be coerced to support a political activity, whether funds or time are involved.
- B. An employee shall not engage in political activity on work premises during work hours, nor shall such activity have any bearing on the employee's normal work schedule.
- C. An employee shall not use Town-owned equipment, supplies or resources, and other attendant material (diskettes, paper, computer online and access charges, etc.) when engaged in political activities.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.
- F. An employee who seeks to hold an elected office shall advise the manager in writing of such an intention. Upon attainment of such office, whether by election or appointment, he shall, at the beginning of every term in such office, supply the manager with a written plan that (a) explains how conflicts of interest will be avoided, (b) an analysis of time and scheduling requirements, and (c) assurances that serving in such elected office will not unreasonably limit the employee's work for the Town of Amherst.

XIV. Freedom of Information Act

This policy is intended to fulfill the requirements of §2.2, Chapter 37 of the Code of Virginia.

The Virginia Freedom of Information Act (FOIA), located in §2.2, Chapter 37 of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording – regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format – that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

All employees of the Town of Amherst are responsible for furthering the interest of open and responsive government and it is the goal of the Town of Amherst to meet and exceed the requirements of the law where information is concerned.

Any questions regarding information should be forwarded to the Town's FOIA officer, and answered as quickly as possible.

In addition, the Freedom of Information Advisory Council is available to answer any questions the requestor may have about FOIA. The Council may be contacted by email at foiacouncil@dls.virginia.gov, or by phone at 866-448-4100.

XV. Smoking – Town-owned and controlled buildings and work places.

Smoking in public areas in Town owned and controlled buildings is prohibited. The Town Manager may develop and implement policies and procedures governing smoking in parts of Town-owned and controlled buildings or work areas not open to the general public in the normal course of business, except by invitation. The Town Manager shall enforce these policies and procedures through administrative methods. Any total ban on smoking in the workplace shall only be enforced by the Town upon an affirmative vote of a majority of the affected employees voting. [State law reference(s) – §§ 15.2-2801, 15.2-2802]

XVI. DISCIPLINE AND GRIEVANCES

Town employees are expected to conduct themselves in a professional and courteous manner as representatives of the Town. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the Town.

A. Disciplinary Actions

If an employee's work performance or behavior is deemed unsatisfactory, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral admonishment, written reprimand, suspension, demotion, or dismissal. Other types of discipline may be used in addition to those listed.

The following are examples of misconduct that may result in discipline. The list is not inclusive and other misconduct may be subject to disciplinary action:

1. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts that continued performance of duties is compromised;
2. Willfully falsifying Town records (including time records, leave records, job applications, or pay or reimbursement vouchers);
3. Gross negligence with Town property or misuse of Town property;
4. Violating any workplace rule;
5. Performing official duties in a rude and discourteous manner, threatening co-workers, or using physical violence while on duty;
6. Violating any lawful official regulation or order or willfully failing to obey a proper direction of the supervisor or the manager;
7. Using or being impaired at work by intoxicants, drugs, or alcohol;
8. Grossly neglecting duty or continually being unable or unwilling to render satisfactory performance;
9. Taking property of the Town for one's personal use, for sale to another or for a gift to another;
10. Inducing, or attempting to induce, an officer or employee in the service of the Town to commit an unlawful act or to act in violation of any lawful or official regulation or order;
11. Accepting a bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other means of obtaining money or other things of value through his/ her position in the Town;

12. Failing to report for work or being absent without prior notice to supervisor;
13. Unsatisfactory attendance, excessive absences, or excessive tardiness.
14. Harassing other employees or the public.
15. Violating the Town's drug free workplace rules.

B. Notification

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employee shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior to giving an opportunity to comment if the employee's continued presence poses a safety danger or is disruptive to the workplace.

C. Grievance

The Town grievance procedure is available for all eligible employees of the Town. Exceptions are listed in the grievance policy.

XVII. TERMINATION OF EMPLOYMENT

A. Resignation

To resign in good standing, an employee must give at least two weeks advance notice. If special circumstances exist, the notice requirement may be waived by the manager. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation.

B. Lay-off

The Town reserves the right to dismiss employees for lack of available work or funds.

C. Termination for Inability to Perform

An employee may be terminated if he or she becomes physically or mentally unable to perform the duties of the position. However, any such action shall be taken in a manner that complies with the requirements of the American's with Disabilities Act.

D. Severance Pay

An employee terminated due to job elimination shall be paid two weeks severance pay based on average hours worked for the prior 13 weeks.

An employee terminated due to lay-off, where prospects for re-hire are probable, or for cause shall not be eligible for severance pay.

An employee terminating employment at his discretion shall not be eligible for severance pay.

XVIII. IN-SERVICE ACTIVITIES

A. Motor Vehicles and Mileage Reimbursement

Employees are encouraged to have a valid operator license issued by the Virginia Division of Motor Vehicles and, if the employee's duties may involve such, to attain commercial driver's license that would allow for the operation of larger motor vehicles. The Chief of Police will certify validity of driver's licenses for each employee and the Chief of Police must be notified immediately if an employee's driver's license is revoked.

The personal use of vehicles and equipment for bona fide Town business must be approved in advance by the manager with all expenses reimbursed to the employee in each instance. The employee shall be reimbursed at the then-current federal mileage rate.

XIX. GRIEVANCES

The purpose of this grievance procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the Town of Amherst.

I. Definition of Grievance

- A. A grievance is a complaint or dispute by an employee relating to his employment, including but not necessarily limited to:
1. Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.
 2. The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.
 3. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.
 4. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex.

B. Management Rights and Prerogatives

The Town reserves to itself the exclusive right to manage the affairs and operations of Town government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

1. Establishment and revision of wages or salaries, position classification, or general benefits.
2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content.
3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.
4. The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:
 - a. The provision of equipment, tools, and facilities necessary to accomplish tasks.
 - b. The scheduling and distribution of manpower/personnel resources.
 - c. Training and career development.

5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the Town's service.
6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the Town in emergencies.
8. Direction and evaluation of the work of Town employees.
9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition, except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the Town that:
 - a. There was a valid business reason for the action, and
 - b. the employee was notified of the reason in writing prior to the effective date of the action.

II. Coverage of Personnel

- A. Except as noted below, all nonprobationary full-time and part-time employees are eligible to file grievances under this procedure. The following are the exceptions:
 1. Key officials of the Town. For purposes of this procedure, a key official is defined as the head of any separate Town department.
 2. Members of boards and commissions.
 3. Employees whose terms of employment are limited by law.
 4. Officials and employees who serve at the will or pleasure of an appointing authority.
 5. Appointees of elected individuals or elected groups.
 6. Probationary employees in matters concerning their dismissal. Probationary employees may, however, use this procedure for complaints or disputes other than dismissals that are determined to be grievable.
 7. Temporary, limited term, and seasonal employees.
 8. Law enforcement officers as defined in Chapter 10.1 (§2.1-116.1, et seq.) of Title 2.1 of the Code of Virginia whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

- B. The Town Manager shall determine the officers and employees (by position) excluded from this grievance procedure and shall maintain a list of such excluded positions.

III. Operation of the Grievance Procedure

Step 1. An employee who believes he has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his immediate supervisor within twenty calendar days of the occurrence of the incident giving rise to the grievance or within twenty calendar days following the time when the employee reasonably should have gained knowledge of its occurrence. A response to the grievance shall be communicated, either orally or in writing, to the grievant within ten calendar days.

Note: If the complaint is alleging discrimination or retaliation by the immediate supervisor the grievance may be presented at Step 1 to the department head or, if there is no department head above the immediate supervisor to the Town Manager. If Step 1 is with the Town Manager, Step 2 is omitted and the written grievance is presented to the Town Manager. The grievance proceeds immediately to Step 3.

Step 2. If the grievant is not satisfied with and does not accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by putting the grievance in writing on the Grievance Form which is attached to this procedure. The Grievance Form shall be delivered, by mail or in person, to the department head within ten calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. If the immediate supervisor is the department head, the written grievance should be presented to the Town Manager and it will proceed as if it were at Step 3.

The grievant shall specify the relief that he expects to gain through the use of this procedure. The department head shall promptly meet with the grievant. Normally, the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The department head shall render a written response to the grievance within ten calendar days following receipt of the completed request form with a copy of the response being sent to the manager. By mutual consent of the grievant and the department head, the grievant may skip Step 2 and proceed directly to Step 3.

Step 3. If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate his desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly to the Town Manager within ten calendar days following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If the Town Manager determines (or has previously determined) that the complaint is grievable, a meeting with the grievant, the grievant's representative if there is one, a representative of the affected department and the Town Manager will be held within five days. Appropriate witnesses for each side, and such other persons as the Town Manager or the grievant may want to call, may be present to offer testimony only. The Town Manager shall render a written response to the grievance within ten calendar days following receipt of the completed request form.

In the event that the Town Manager determines that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court as set out in Section IV(B) of this procedure.

Step 4. If the grievant does not accept the Step 3 written response, or if the Town Manager fails to respond within the required time frame, and the grievant wishes to advance to a grievance panel hearing, the grievant shall complete step 4 of the Grievance Form.

The Grievance Form shall be delivered, by mail or in person, directly to the Town Manager within ten calendar days following receipt of the Step 3 response or the deadline for that response, whichever occurs first. The Grievance Form shall contain the name of the person whom the grievant desires to serve on the grievance panel. The grievant shall not name a person to serve on the grievance panel unless and until the grievant has received that person's consent to do so. The grievance shall be heard by an impartial grievance panel as set out in Section VI of this procedure.

IV. Grievability and Access

- A. Grievability and access are determined by the Town Manager generally after the grievance reaches Step 3. Only after the Town Manager has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2 the grievant or the department head may request a ruling on grievability and/or on access by the Town Manager. The Town Manager shall render a decision within ten calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.
- B. The Town Manager's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the Town Manager within ten calendar days from the date the grievant received the decision. Within ten calendar days after the filing of the notice of appeal, the Town Manager or his designee shall transmit to the Clerk of the Circuit Court a copy of the Town Manager's decision on grievability or access to the procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appealable.

V. General Terms

Except as otherwise noted, the following rules apply to all levels of grievance hearings.

- A. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
- B. When a deadline falls on a Saturday, Sunday, or Town holiday, the next calendar day that is not a Saturday, Sunday, or Town holiday shall be considered the last calendar day.
- C. All grievance meeting and hearings shall be held during normal Town working hours unless both the grievant and the Town Manager should mutually agree otherwise.

- D. Town employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.
- E. At the Step 3 meeting, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, the Town likewise has the option of being represented by counsel.
- F. The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings. Only Step 4 hearings may be recorded.
- H. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.
- I. At Step 4, the grievance panel shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing.
- J. At the request of either party, Step 4 hearings shall be private.
- K. Except in grievances involving discipline or in cases where the grievance panel determines otherwise, the grievant shall present his evidence first.
- L. The grievance panel shall determine the propriety of and the weight to be given the evidence submitted.
- L. Both the grievant and the Town may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination.
- N. Witnesses shall be present only while actually giving testimony and shall otherwise be excluded from the room.
- O. The grievant shall not be entitled to financially recover more than that which he has lost; the grievant's costs are not to be assessed against the Town.
- P. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.
- Q. Each party shall bear the costs and expenses, if any, of his legal counsel or representative.

VI. Rules Concerning Grievance Panels and Panel Hearings

A. Selection of Grievance Panel.

- 1. Within five calendar days of receipt of the Step 4 request form, the Town Manager shall appoint a member to serve on a grievance panel. The member selected by the grievant and the member selected by the Town Manager shall then select a third member.

2. If the panel member appointed by the grievant and the panel member appointed by the Town Manager or his designee cannot agree upon a third panel member within 20 calendar days of the Town's receipt of the selection of the first two panel members, then the chief judge of the Circuit Court shall choose an impartial, third panel member. The third panel member shall act as chair of the panel.
- B. Eligibility to Serve on Grievance Panel. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute, giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of the attorney shall serve as a panel member.
- C. The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:
1. The grievant shall bear the reasonable costs and expenses, if any, of his panel member.
 2. The Town shall bear the reasonable costs and expenses, if any, of its panel member and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between the Town and the grievant.
 3. No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a grievance panel. Notwithstanding this prohibition, a Town employee serving as a member of a grievance panel may receive his usual Town pay for the period he serves on such a panel.
 4. The panel shall promptly set the date, time, and location for hearing the grievance and shall notify the parties.
 5. The Town shall provide the panel with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the panel.
 6. Each party shall furnish to the other with copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing seven calendar days in advance of the hearing.
 7. Both the grievant and the Town may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the

grievant or the Town before the panel without being in violation of the provisions of Virginia Code §54.1-3904.

8. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The Town shall present its evidence first in grievances challenging a disciplinary action and shall have the burden of persuasion on such issue.
10. All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.
11. The decision of the panel should be rendered as soon as possible, but, in any case, not later than five calendar days following the conclusion of the hearing.
12. The panel shall have the authority, if it finds (based on the greater weight of the evidence) that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required) to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his former position with back pay.
 - a. Back pay shall not exceed pay for time actually lost or paid leave required to be taken due to such suspension or discharge, in an amount the panel believes equitable up to the amount of actual loss.
 - b. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.
 - c. The panel also has the power to sustain, modify or reverse the Town's action.
13. The panel shall not have authority to do any of the following:
 - a. Formulate policies or procedures.
 - b. Alter existing policies or procedures.
 - c. Circumscribe or modify the rights afforded the parties in this procedure.
 - d. Grant relief greater than that which the grievant has requested in the request form.
14. The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.
15. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Town Manager or

his designee, unless the Town Manager or his designee has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Attorney for the Commonwealth for the County.

16. Either party may petition the Circuit Court for an order requiring implementation of the panel decision.

VII. Compliance

- A. Except as noted in paragraph VII(B), after the initial submission of the grievance to the immediate supervisor, the failure of either party to comply with all substantial procedural requirements of this procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the Town Manager.
- B. If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his option may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the Town Manager notice of the non-compliance as set forth in paragraph VII(A).
- C. The Town Manager shall determine compliance issues. Compliance determinations made by the Town Manager or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within thirty calendar days of the compliance determination.

XX. MODIFICATION OF POLICIES

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the Town Council without notice.

Grievance Hearing Form

- Please type or print -

Name of Grievant

Job Title

Department

Telephone Number(s)

Step 2 – Department Head Meeting: To be completed by the grievant at Step 2 only and filed with the grievant's department with a copy sent to the Manager.

1. Date of the incident-giving rise to this grievance. _____

2. Date of the grievant's first awareness of the incident. _____

3. Have you had a Step 1 informal hearing with your immediate supervisor? ____ Yes ____ No (check one)

4. If yes, when? _____

5. Person(s) against whom this grievance is directed.

6. Specify the incident that resulted in this grievance. (Use separate sheets if necessary.) _____

7. Specify the policy(ies), rule(s), or regulation(s) at issue. (Use separate sheets if necessary.) _____

8. Specify why the action taken was not proper. (Use separate sheets if necessary.)

9. Specify the relief sought. (Use separate sheets if necessary.) _____

Signature of grievant

Date submitted

Department Head Response:

Signature of departmental head and date

Date grievance was received

Request for Step 3 –Town Manager Meeting: To be completed by the grievant at Step 3 only and filed directly with the Manager's office.

I wish to have my grievance heard at the Step 3 (Town Manager) level. I understand that, by requesting to have my grievance heard at Step 3, I am giving up the relief, if any, that was awarded to me at Step 2.

Signature of grievant

Date submitted

Town Manager Response:

Signature of Town Manager and date

Date grievance was received

Request for Step 4 – Grievance Panel Hearing: To be completed by the grievant at Step 4 only and filed directly with the Town Manager.

1. I wish to have my grievance heard at the Step 4 (grievance panel) level. I understand that, by requesting to have my grievance heard at Step 4, I am giving up the relief, if any, that was awarded to me at Step 3.

2. Name of grievant's panel member: _____

Address: _____

Telephone Number: (Home) _____ (Work) _____

Signature of grievant

Date submitted

Town Panel Member

Name of Town's panel member: _____

Address: _____

Telephone Number: (Home) _____ (Work) _____

**TOWN OF AMHERST
PROCUREMENT POLICY
Approved 12/13/17**

I. Introduction

This purchasing policy and procedures manual is intended for use as a general guide to the Town of Amherst's procurement methods and practices. The understanding and cooperation of all employees is essential if the Town is to obtain the maximum value for each tax and utility dollar spent.

If the procedures and guidelines established in this manual are followed, each department can efficiently manage, control and plan its' available resources to meet present and future department needs.

1.1 Procurement Authority

The Town Manager or his designee shall serve as the principal public purchasing official for the Town and shall be responsible for the procurement of goods, services, insurance, and construction. The Town Manager has delegated to all department heads the authority to make purchases with the guidelines of this policy.

1.3 Prevailing Policy

The Town Procurement Policy and the Virginia Public Procurement Act shall prevail should there be a conflict between their requirements and the policies and procedures set forth in this manual.

1.4 Basic Goals of Procurement

The basic goals for competitive procurement are establish in § 2.2.4300 B & C of the Virginia Public Procurement Act:

- Obtain high quality goods and services at reasonable cost
- Procurement procedures are to be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety
- All qualified vendors have access to public business and that no offeror is arbitrarily or capriciously excluded
- Completion is to be sought to the maximum feasible degree
- Procurement procedures involve openness and administrative efficiency
- Rules governing contract award are to be made clear in advance of the competition
- Procurement specification should reflect the need of the purchasing body rather than being drawn to favor a particular vendor
- Purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered.

1.5 Local Buying

It is the desire of the Town to purchase from vendors located within the Town of Amherst whenever possible. This can be accomplished by insuring that local vendors who have goods or services available which are needed by the Town are included in the competitive purchasing process. The Town has a responsibility to its residents to insure

that maximum value is obtained for each public dollar spent; however, the Town cannot and will not make purchasing decisions solely on the basis of vendor residence. Rather, the Town will endeavor to encourage local vendors and suppliers to compete for all Town business.

1.6 Planning

Planning for purchases should be done on a short-term and long-term basis, thereby minimizing small orders and last minute purchases. Planning will also reduce the number of trips required to obtain materials and minimize clerical and supervisory time spent on documenting purchases.

II. AUTHORITY TO SIGN CONTRACTS AND CHANGE ORDERS

The Town Manager's signature, or his designee, is required on all contracts and change orders.

III. PURCHASING PROCEDURES

This section covers the purchase of supplies, materials, equipment and/or services. Departments are urged to be as cost conscience as possible and try to always obtain the best price for items purchased, without sacrificing value.

3.1 Methods of Procurement

The three standard methods of procurement used are:

3.1.1 Purchases up to \$1,000.00 in value - should be done solely by the Department Head, or designee. This amount applies to the total of all items purchased on an invoice. No competition or documentation required. Any purchase below \$100 does not require a purchase order to be submitted for the purchase, however, additional notes and explanations should be provided on the invoice itself.

3.1.2 Purchases equal to \$1,001, up to \$2,500 - For purchases of this type, the Department Head should obtain at least 2 verbal quotes and document those quotes in writing to be filed.

3.1.3 Purchases equal to \$2,501 up to \$5,000 - Purchases in the group are required to have three quotes in writing.

3.1.4 Purchases over \$5,000 including non-budgeted items and capital items – All non-emergency purchases with an anticipated value over \$5,000 shall be approved by the Town Council as well as all non-budgeted items and capital items.

3.1.3 Purchases over \$30,000 – All Purchases of goods or services over \$30,000 are to be procured using an Invitation for Bid or Request for Proposals that will be advertised in a paper of local circulation and the Town website.

3.3 Purchase Orders

To be valid, a Town purchase order must be completed and signed by a Department Head.

Purchase Orders are not required for the following transactions:

1. Any purchase below \$100 does not require a purchase order to be submitted for the purchase, however, additional notes and explanations should be provided on the invoice itself.

2. Any invoice received on a monthly or quarterly reoccurring basis such as utilities.
3. Any purchase made on a Town credit card. Purchases with reoccurring vendors should not be made on a Town credit card.

VII. Special Procurement Procedures

7.1 Emergency Purchases - In case of emergencies, the Department Head may purchase directly from any vendor supplies or services where immediate procurement is essential to prevent delays in work which may affect the life, health, safety or convenience of the Town of Amherst employees or citizens.

After determining that a true emergency does exist, the department shall exercise good judgment and use established vendors when making emergency purchases. The department must always obtain the best possible price, and limit purchases to those items which are related to an emergency. Not anticipating needs does not constitute an emergency situation. Needs should be anticipated in order to avoid emergency purchases whenever possible.

7.1.1 Emergency Purchase Procedures

During working hours, the following procedures shall be used for emergency purchases:

Submit a purchase order request to the Finance Division/Buyer with all pertinent information. Information submitted should include documentation showing why the purchase is an emergency. After verifying the available funds, a purchase order will be originated and forwarded to the user department. Should the purchase over-encumber the account balance, a Request for Transfer of Funds form shall be completed as soon as possible.

After working hours, the following procedure shall be used for emergency purchases:

As soon as practicable, after directing the contractor/vendor to proceed, the procedures outlined above shall be followed.

Emergency purchases, although at times are necessary, are costly both in time and money. The use of emergency procedures should be limited and will be monitored for abuse.

7.2 Sole Source Purchases – In the event there is only one vendor capable of providing a particular good or service, the competitive pricing procedures outlined in this policy may be waived.

VIII. Alternative Sources of Procurement

8.1 Virginia State Contracts – Departments may utilize state contracts whenever possible for procurement of capital and non-capital items. The use of state contracts expedites the purchase of goods, offers pricing generally lower than quotes by formal and informal bids, and satisfies the requirements of the Town's procurement policy.

8.2 Local and National Public Agency Contracts – All public agencies that specially include within their bid documents the cooperative phrase which allows any resulting contract to be utilized by other public bodies and municipalities.

XIV. Surplus Property

The transfer of surplus property from one department to other within the Town is encouraged.

Property that is no longer useful to a department or to the Town shall be disposed of by one of the following methods:

- Public sale/auction – The preferred method of sale of surplus property to the general public is by auction. Auctions are scheduled by the Director of Public Services and the Town Buyer.
- Sale to other political subdivisions – Prior to an auction, the Town may offer the surplus item(s) to other political subdivisions within the Commonwealth of Virginia at the item(s) fair market value.
- Sale by competitive bid – Property may also be sold by competitive bid. A list of available items shall be mailed to all interested bidders.
- Negotiated sale – This method is used only when the property does not sale by public auction or sealed bid.

Sec. 18.1-908. Signs.**Sec. 18.1-908.01. Intent.**

The intent of this section is to establish limitations on signs to ensure that they are appropriate to the neighborhood, building or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area; to ensure that signs are compatible with their surroundings; to maintain and enhance the aesthetic environment of the Town of Amherst and its entrance corridors; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, and community appearance; to establish reasonable time, place, and manner provisions to facilitate the appropriate exercise of free speech; and to enable the fair and consistent enforcement of these sign regulations. Any display of off-premises signs is considered inappropriate to the character and sound development of the Town, and it is intended by this article that street and highway rights-of-way in the Town shall not be made available for such display unless erected and maintained by the Town of Amherst or another governmental entity. It is the policy of the Town of Amherst that the purpose of commercial signs is to attract patrons onto the site of business activity and not for brand promotion, advertising goods and services, or directing traffic to other locations.

Sec. 18.1-908.02. Calculation of sign area.

- (a) Sign area shall be calculated as the area within a single rectangle, triangle, or circle and shall include all letters, figures, graphics or other elements of the sign together with the framework or background of the sign. Double faced signs (two sign faces back to back at not more than a 60 degree angle) shall be counted as one sign.
- (b) Whenever an individual lot has not used all of its permissible sign area, then the unused portion may be used for displaying noncommercial messages.

Sec. 18.1-908.03. Signs shall pertain to the property.

Any commercial message carried by permitted signs shall pertain to the business located on the same premises as the sign; or to any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, provided that signs erected on contiguous properties with the same owner may pertain to a business located on any such contiguous property. Billboards and other off-premises signs are prohibited except as expressly permitted by this ordinance.

Sec. 18.1-908.04. Permit required.

- (a) Compliance. No sign, except those qualifying for permit exceptions, shall be constructed, erected, relocated, expanded or otherwise altered until a sign permit has been obtained from the zoning administrator in accordance with the provisions of this section.
- (b) Permit exceptions. A permit shall not be required for the following signs, but they shall be subject to all other applicable provisions of this article:
 - (1) Repainting or refacing an existing sign or minor nonstructural repairs.
 - (2) Signs specifically excluded from permit requirements.
 - (3) Signs permitted in all sign districts as outlined in Sec. 18.1-908.06.

Sec. 18.1-908.05. Sign districts.

In order to meet the intent of this section, sign districts are hereby created to reflect the character of various areas in the Town. These districts are:

- (1) *Commercial and industrial sign district.* This district is designed to support retail and service businesses in the Town's commercial areas. As such, it encompasses all Town lands zoned commercial or industrial.
- (2) *Mixed Use district.* This district is designed to support smaller scale retail and service businesses that are consistent with residential development. This district encompasses the Central Business and Transitional zoning districts.

- (3) *Residential and agricultural sign district.* This district encompasses residential and non-commercial areas to ensure that signage is in keeping with the character of these areas. As such, it includes all Town lands not included in the aforementioned sign district.

Sec. 18.1-908.06. Signs permitted in all sign districts.

- (a) The following signs shall be permitted in all sign districts and shall not require a sign permit, unless otherwise indicated. The area of any sign described in this subsection shall not be included in computing the aggregate sign areas specified for individual districts.
- (1) *Temporary signs.* Temporary signs, which shall be non-illuminated and limited to the following types:
- a. When buildings are under construction or sites are under development, signs may be displayed provided that they are removed upon issuance of a certificate of occupancy. The maximum sign area of each such sign shall be 32 square feet.
 - b. When a property is offered for lease or for sale, signs may be displayed provided that they are removed within five days of the date of closing or within five days of the beginning of the lease.
 1. In the residential sign and mixed use districts, the maximum aggregate sign area shall be four square feet and the maximum height shall be twelve feet.
 2. In the commercial and industrial sign district, the maximum aggregate sign area shall be thirty-two square feet and the maximum height shall be twelve feet.
 - c. When a business in the mixed use or commercial and industrial sign district opens, temporary building-mounted signs and banners shall be permitted, provided that such sign or signs shall not be displayed for more than 30 days. The maximum aggregate sign area shall be 32 square feet.
 - d. When a dwelling in a residential sign district is holding a yard sale, signs may be displayed for only 48 hours and only on the property where the yard sale will be held.
 - e. For special events within the Town, any property owner may display up to two signs of up to four square feet each for up to five days in any 60 day period.
 - f. Signs on private property that exercise the property owner's right to right to free speech and express non-commercial messages such as ideals, causes, policies or candidates, provided that the aggregate sign area is not larger than 40 square feet in the mixed use and commercial and industrial sign districts or 16 square feet in the residential and agricultural sign district, and the total number of signs on a parcel cannot exceed two. Such signs shall be removed within 60 days of installation, and no property can display such signs for more than a total of 120 days per year.
- (2) *Permanent signs.*
- a. One sign at each parking lot entrance with no commercial logo or other message and not exceeding three square feet in area.
 - b. Non-illuminated names of buildings, dates of erection, monumental citations, commemorative tablets, insignia of local, state or federal government, and like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of a building structure. The maximum size of such sign shall be 32 square feet.
 - c. Usual and customary signs identifying disabled parking, rest rooms, directions, driving instructions or other facilities relating to such places or activities.
 - d. Signs not visible from adjacent properties or public rights-of-way.
- (3) *Flags.* Flags containing no commercial message are not regulated.
- (4) *Location on right of way.* Signs installed on VDOT right of way under a VDOT permit. The Town will only assist in the VDOT permitting process with Town approved banners installed above S. Main Street on the existing banner bracket.
- (5) *Nonconforming.* Any sign may remain in use provided that it was lawful at the time this ordinance was enacted. However, signage for any business shall be required to conform to all requirements of this ordinance as a condition of approval before any change to the signage for that business.

Sec. 18.1-908.07. Signs located in the commercial and industrial sign district.

For residential uses in the commercial and industrial sign district, signs shall be regulated as in the residential and agricultural sign district. For all other uses, the following regulations shall apply:

(1) Freestanding signs.

- a. *Number of freestanding signs permitted:* One.
- b. *Maximum sign area:*
 - i. 40 square feet.
 - ii. For shopping centers of 60,000 square feet or greater of retail space, or single users of 40,000 square feet or greater, 200 square feet total
- c. *Maximum height:* Twelve feet, or in the case of (ii) above, 25 feet.
- d. *Setback:* Seven feet.

(2) Building-mounted signs in the commercial and industrial sign district.

a. *Number of building-mounted signs permitted:* Up to four on a single building, with a cumulative area of allowable size as listed in (2)b, or one per business in a shopping center.

b. *Maximum sign area:*

- i. Mounted flat against the building: 60 square feet.
- ii. Projecting configuration: 12 square feet.
- iii. For shopping centers or large users, as defined in (1)b.ii, 120 square feet for the center.
- iv. Restaurants located in a B-2 district are also permitted to have up to 30 square feet of signage in menu boards, that is not counted against their cumulative sign average.

c. *Maximum height:* All areas of building mounted signs shall be located below the ridge line of a gable roof building or the top of the parapet of a flat-roofed building.

Sec. 18.1-908.08. Signs located in the mixed use district.

For residential uses in the mixed use district, signs shall be regulated as in the residential and agricultural sign district. For all other uses, the following regulations shall apply:

(1) Freestanding signs.

- a. *Number of freestanding signs permitted:* One.
- b. *Maximum sign area:* 20 square feet.
- c. *Maximum height:* 10 feet
- d. *Setback:* 7 feet
- e. *Placement requirement:* Freestanding signs in this district shall be placed within a grass or landscaped area of at least 200 square feet.

(2) Building-mounted signs in the mixed use sign district.

- a. *Number of building mounted signs allowed:* Up to four on a single building, or one per business in a multi tenant building.
- b. *Maximum sign area:* 60 square feet.
- c. *Projecting configuration:* 12 square feet.
- d. *Maximum height:* All areas of building mounted signs shall be located below the ridge line of a gable roof building or at the top of the parapet of a flat-roofed building.

Sec. 18.1-908.09 Signs located in the residential and agricultural sign district.

The following regulations shall apply in the residential and agricultural sign district:

- (1) *Single family, duplex and townhouse dwelling units.* One building-mounted or freestanding sign, not exceeding two square feet in area for each dwelling unit, indicating only the street address of the property, shall be permitted.
- (2) *Multi-family buildings.* One or more building-mounted signs, not exceeding in the aggregate ten square feet per building, shall be permitted.
- (3) *Subdivisions, apartment or condominium complexes and planned developments.* Freestanding signs, with maximum total area of 24 square feet, shall be permitted. No more than two signs shall be permitted for each street frontage.

Sec. 18.1-908.10. Signs prohibited in all sign districts.

The following types of signs are prohibited in all sign districts:

- (1) Any sign that impedes sight distance for a VDOT owned right-of-way.
- (2) Any sign that obscures a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.
- (3) Any sign, except official notices and advertisements, that is nailed, tacked, posted or in any other manner attached to any utility pole or structure or supporting wire, cable, or pipe; or to any tree on any street or sidewalk or to public property of any description.
- (4) Any sign that is attached to or mounted on a roof or projects above the plane of the building façade. This shall include decorative roofs such as a mansard roof.
- (5) Portable freestanding signs larger than twenty-four square feet or displayed for more than 60 days per year.
- (6) Except for time and temperature, no sign shall display flashing or intermittent lights, moving signs, inflatables or other lights of changing degrees of intensity, brightness or color. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related. Neither the direct nor reflected light from an illuminated sign shall be located so as to create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (7) Off premises signs, other than those specifically permitted.

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order December 12, 2018, 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 Andrá Higginbotham	A Mark A. Stinnett
P Kenneth S. Watts	P Rachel A. Carton

Town Manager Sara E. Carter, Town Attorney W. Thomas Berry, Clerk of Council Vicki K. Hunt, Office Manager Tracie L. Wright, Police Chief Robert A. Shiflett, II, Director of Plants Gary Williams, and Wastewater Treatment Plant Operator Gary P. Smith, Jr., were present.

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

Mayor D. Dwayne Tuggle opened the floor for citizen comments. No comments were made.

Mr. Watts made a motion which was seconded by Mrs. Carton and carried 4-0-1 to approve resolutions honoring Vice Mayor Andrá A. Higginbotham and Councilor Mark A. “Tony” Stinnett. Mrs. Carton and Messrs. Higginbotham, Watts and Bunch voted “Aye.” Mr. Stinnett was absent. Copies of the resolutions are attached and made a part of these minutes.

Mayor Tuggle presented Mr. Higginbotham with a commemorative Town of Amherst cup and thanked him for his service to the Town of Amherst. Condolences were sent to Mr. Stinnett and his family on the recent death of his father.

Mayor Tuggle recognized Fred Adams, Operator In Training, Wastewater Department of Plants, presenting him with the Town pin.

Police Chief Shiflett, after giving recognition to Officer Ryan Watts for his hard work and dedicated service to the Amherst Police Department and the Town of Amherst, announced his promotion to Investigator. Police Chief Shiflett introduced and welcomed new Officer Caleb Martin to the Town’s Police Department and the Town of Amherst.

After Town Manager Carter gave a background report, a duly advertised public hearing was opened at 7:09 PM on proposed Town Code Sec. 8.1-410 that would, if approved, allow partial rebates of food and beverage tax collected for a limited period of time to new and expanding businesses.

There being no one present who wished to speak on the matter, the public hearing closed at 7:10 PM.

After discussion, Mr. Watts made a motion that was seconded by Mrs. Carton and carried 4-0-1 to approve adoption of the proposed Town Code Sec. 8.1-410 that would allow partial rebates of food and beverage tax collected for a limited period of time to new and expanding businesses. Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voted “Aye.” Mr. Stinnett was absent. A copy of the amended ordinance is attached and made a part of these minutes.

Mrs. Carton made a motion that was seconded by Mr. Bunch and carried 4-0-1 to approve the minutes from the November 14, 2018, meeting. Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voted “Aye.” Mr. Stinnett was absent.

After discussion, Mr. Watts made a motion that was seconded by Mr. Bunch and carried 4-0-1 to hold a public hearing on January 9, 2019, on a proposed amendment to Article IX, Special Provisions, Section 18.1-908 of the Zoning Ordinance, that would, if approved, make the ordinance content neutral, in compliance with case law, allow certain types of additional signage for businesses, and address the use of temporary signs. Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voted "Aye." Mr. Stinnett was absent.

Town Manager Carter gave an oral report on the Potential Leash Law Survey stating that out of 97 responses to date, 73 were pro, 17 were con, 5 somewhere in the middle. Among those responding were citizens, business owners and visitors to the Town. The survey will remain on the Town's website at amherstva.gov. Discussion was deferred to the January meeting.

After Director of Plants Gary Williams gave an oral report and quotes received for testing for cryptosporidium for the Town's water system, and discussion, Mrs. Carton made a motion which was seconded by Mr. Bunch and carried 4-0-1 to authorize Town Manager to accept the proposal from Scientific Methods, Inc., for cryptosporidium test, matrix spike, in the total amount of \$10,500, as recommended by staff. Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voted "Aye." Mr. Stinnett was absent.

After discussion, Mrs. Carton made a motion that was seconded by Mr. Watts to approve appropriation of the \$50,000 Site Assessment and Planning Grant from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund, approved by the Virginia Department of Environmental Quality, to Waukeshaw Development, to be used in support of the redevelopment of the Old Mill Property, 140 Union Hill Road, Amherst, VA, owned by Lazy River, LLC, owned by developer Dave McCormack (Tax ID# 96 1 1A, 96 1 1-7), as recommended by staff. The motion 4-0-1 via the roll call method with Mrs. Carton and Messrs. Higginbotham, Watts, and Bunch voting "Aye," and Mr. Stinnett absent.

Mayor D. Dwayne Tuggle opened the floor for citizen comments. No comments were made.

There being no further business, the meeting adjourned on a motion by Mr. Watts seconded by Mr. Bunch at 7:45 PM. The motion carried 4-0-1 with Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voting "Aye," and Mr. Stinnett absent.

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Andr  A. Higginbotham is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS, Andr  A. Higginbotham was a member of the Town Council of the Town of Amherst from January 1, 2015, through December 31, 2018, and during that time he was Vice Mayor of the Town of Amherst from January 1, 2017, thru December 31, 2018, and represented the Town Council on the Public Safety and Community Relations Committee, the Personnel Committee and the Joint Committee on Cooperation; and

WHEREAS, Andr  A. Higginbotham has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service, civic efforts including his various positions of leadership, authority, and community involvement through his church; and

WHEREAS, Andr  A. Higginbotham is a prominent businessman who has a keen interest in the promotion of the Town of Amherst; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Andr  A. Higginbotham has given to his community and also to express its appreciation for all that Andr  A. Higginbotham has done, is doing, and will probably do for years to come 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 Andr  A. Higginbotham 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 Andr  A. Higginbotham'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 Andr  A. Higginbotham as a token of the Council's deep appreciation for his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

Adopted December 12, 2018.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Mark A. “Tony” Stinnett is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS, Mark A. “Tony” Stinnett was a member of the Town Council of the Town of Amherst from January 1, 2017, through December 31, 2018, and during that time he has represented the Town Council on the Public Safety and Community Relations Committee; and

WHEREAS, Mark A. “Tony” Stinnett has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service, civic efforts including his various positions of leadership, authority, and community involvement; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Mark A. “Tony” Stinnett has given to his community and also to express its appreciation for all that Mark A. “Tony” Stinnett has done, is doing, and will probably do for years to come 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 Mark A. “Tony” Stinnett 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 Mark A. “Tony” Stinnett’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 Mark A. “Tony” Stinnett as a token of the Council’s deep appreciation for his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

Adopted December 12, 2018.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING SECTION 8.1-410 OF CHAPTER 8 OF THE TOWN CODE, THE AMENDED CODE REFERRING TO REBATES.

Be it Ordained by the Council of the Town of Amherst:

1. That Sec. 8.1-410 of the Code of the Town of Amherst is hereby amended to read as follows:

Sec. 8.1-410. Rebates.

- (a) When a new restaurant is opened, the restaurant shall be entitled to a rebate of 20% of the food and beverage tax collected for a period of three months.
- (b) When an existing restaurant expands by at least 50% of its previous gross square footage, the restaurant shall be entitled to a food and beverage tax rebate of 20% of the increase over the monthly average for the twelve months prior to the expansion for a period of six months.
- (c) Rebates shall not apply to temporary vendors, such as food trucks.
- (d) Rebates shall apply to all new or business expansions after July 1, 2018.

2. That this Ordinance shall be effective on December 12, 2018.

This ordinance was adopted on December 12, 2018.

Mayor

ATTEST:

Clerk of the Council

Town Manager's Report for the January 9, 2019 Town Council Meeting

Committee	Report
A. Industrial Development Authority	No meetings/no report
B. Planning Commission	No meetings/no report
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	No meetings/no report
G. Utilities Committee	No meetings/no report
H. Personnel Committee	No meetings/no report
I. Town/Sweet Briar Sewer Use Advisory Commission	No meetings/no report
J. Lynchburg Regional Business Alliance	No meeting
K. Central Virginia Metropolitan Planning Organization	Executive Committee meeting on January 4, 2019



AMHERST POLICE DEPARTMENT



Monthly SHIFT REPORT

December 2018

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

CALLS FOR SERVICE	NUMBER
KEYS LOCKED IN VEHICLE	12
ALARM	10
PHONE COMPLAINT	19
BOLO	12
MISSING PERSON	
SHOPLIFTING	3
PROBLEM WITH OTHERS	6
DOMESTIC	3
CHECK WELFARE	2
NOISE OR DOG COMPLAINT	5
TRAFFIC CRASH	7
EMS CALLS	
SUDDEN DEATH	
ECO	
FUNERAL TRAFFIC	
OTHER	50

OFFICER INITIATED	NUMBER
BUILDING CHECKS	69
CHECKING DETAIL	
BUILDING SEARCH	3
TRAFFIC SUMMONS	34
DRUNK IN PUBLIC	1
EXTRA PATROLS	79
WARRANT SERVICE	
PROPERTY WALK AROUNDS	7
WARRANTS OBTAINED	3
PARKING TICKETS	2
MISD. INVESTIGATION	4
FELONY INVESTIGATION	3
NARCOTICS INV.	1
SEARCH WARRANT	
PUBLIC RELATIONS	10
CITIZEN CONTACT	115

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

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	22
EQUIPMENT VIOLATION	1
RECKLESS DRIVING	2
SUSPENDED LICENSE	3
INSPECTION STICKER	4
REGISTRATION	1
SEAT BELT / TEXTING	1

WARNINGS	NUMBER
SPEEDING	12
EQUIPMENT VIOLATION	18
RECKLESS DRIVING	
SUSPENDED LICENSE	3
INSPECTION STICKER	
REGISTRAION	3
SEAT BELT / TEXTING	2

OTHER	NUMBER
ASSIST OTHER OFFICER	26
ASSIST OTHER AGENCY	21
COURT	10hrs
REPORTS	9
SCHOOL / TRAINING	1
MEETINGS	16
TOWED / IMPOUNDED VEH	



AMHERST POLICE DEPARTMENT

Monthly SHIFT 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.

Miles Patrolled- 4727.

Calles for service- Approx.- 275



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: January 3, 2019
Re: December 2018 Monthly Report

Utilities – 1158 bills were cut totaling \$199,542.28

A/P – A total of 68 checks were cut totaling \$161,870.34 for December 2018 bills.

Meals and Beverage Tax – 14 Businesses paid \$40,139.30 in Meals and Beverage Tax for the month of November. McDonald's closed roughly around the November 26, 2018. I am expecting with their closure we will lose over \$22,000 in Meals and Beverage Taxes.

Taxes – 2018 Vehicle License Fee bills were mailed out around October 26th. They are due by December 5, 2018. As of January 3, 2019 we still had \$11,774.20 to collect. Dee will mail out second notices around the end of January. Thirty days after late notices are sent out I can start the bank lien process.

Investments – Finance Committee is scheduled to meet January 9th before the Council meeting to discuss investment options, financial software and information I have received on other health insurance options.

End of Year – I have started on W2's, 1099's and all end of year tax information. All of this information is due to the IRS and state by January 31, 2019.

Clerk of Council Report December 2018

Committee Meetings

Planning Commission

Receive and review agenda packet for 12-5-18 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 12-12-18 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

Quorums: Confirm cancellation of meeting with Industrial Development Authority members, confirm quorum of Planning Commission and Town Council meetings

Town Website Maintenance and Management

- Maintain and update content and posted:
 - Forms
 - Agendas and Minutes
 - Public Hearings
 - Calendar events including new holiday schedule
 - Design and post Santa, Christmas Tree and Parade information
 - Home Page Pictures
 - Update Hot Topics

Monitor Potential Leash Law Survey for Town of Amherst

Town Facebook Administrator

Post to Town's Facebook page:

- Design and post notices of town events/cancellations
- Search out and share links to community events and news

Monitor feedback

Recodification of Town Code

- Follow-up status report to Municode
- Attend recodification committee meeting with Messrs. Watts, Bunch and Berry; preparation of minutes of meeting
- Discuss Cross Connection Control Ordinance and Wastewater Pretreatment Ordinance with Director of Plants, Gary Williams and Town Manager Carter
- Schedule telephone conference with Municode Attorney and Attorney Berry re: discussion of proof

Outdoor and Banner Permits

Town Christmas Banner

Preparation of 2nd Permit Application forms; correspond with VDOT; receive permit; attention to detail

Other:

- Pick-Up Commemorative Cups for out-going council members
- Miscellaneous e-mails re Christmas Parade and Tree Lighting Ceremony with Lions Club, Amherst County Tech Club, Village Garden Club and others in preparation of events and subsequent cancellation; Prepare numbered signs for parade entrants; Prepare Program in anticipation of Tree Lighting Ceremony
- Collate leash law surveys into one PDF – e-mail to Town Manager
- Research on Ordinance 11-50 and others re compliance with State Code; e-mail Town Manager
- Work on new council bios for website

Town of Amherst Committees as of December 31, 2018 – Update; See Attached.

Town of Amherst Committees as of December 31, 2018

	<u>Appointed/Term Expires</u>	
<u>TOWN COUNCIL</u>		
D. Dwayne Tuggle, Mayor	01/01/17	12/31/18
Kenneth S. Watts	01/01/17	12/31/18
Andra A. Higginbotham	01/01/17	12/31/18
Mark A. Stinnett	01/01/17	12/31/18
Rachel A. Carton	01/01/17	12/31/18
Kenneth G. Bunch	11/08/17	12/31/18

PLANNING COMMISSION

June Driskill, Chairperson	06/08/16	06/30/20
Kenneth G. Bunch	12/13/17	12/31/18 (TC rep)
William Jones	04/08/15	06/30/19
Ted Finney	07/01/17	06/30/21
Kevin Belcher	07/01/18	06/30/22
Clifford Hart	04/08/15	06/30/19
VACANT		06/30/18

BOARD OF ZONING APPEALS

Gary Mays, Chairman	04/08/15	08/31/20
Ed Carton	11/10/14	08/31/19
Teresa Tatlock	07/10/16	08/31/21
Marvin Hensley	08/31/17	08/31/22
Kevin James Akershoek	12/11/13	08/31/18

INDUSTRIAL DEVELOPMENT AUTHORITY

Lewis Addison, Chairman	04/08/15	06/30/19
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	04/08/15	06/30/19

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	01/11/17	12/31/18
Sara Carter	01/11/17	12/31/18

Appointed/Term Expires

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

Clifford Hart	02/08/17	12/31/18
Kenneth S. Watts	01/11/17	12/31/18

YMCA EXPLORATORY COMMITTEE

Erin Minter, Chairperson	05/10/17
Tracy Wilburn	05/10/17
Erin Calhoun	05/10/17
Paul Robert Munn	08/09/17
Rebecca A. Fitzgerald	08/09/17

TOWN COUNCIL COMMITTEES (FOR THE 01/01/17-12/31/18 TERM)

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 COMMITTEE

Andrá Higginbotham (Chairman) and Mark A. Stinnett

- Review Town 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

Utility/Town Maintenance and Construction Report

Dec-19

Water Meter Read	1150
Water Meter Re-Read	55
Disconnects	14
VA-811 Service locations	16
Vehicle PM Work Orders	22
Pump Station/Plant Work Orders	21
Banners Installed/Dismantled	0
Water Services Installed/Replaced	7
Sewer Services Installed/Replaced	0
Minor Leaks Repaired	2
Major Leaks Repaired	3
Minor Sewer Problems Resolved	6
Major Sewer Problems Resolved	0

Man Hours

Meter Reading	85
Street/Sidewalk Maintenance	205
Safety Training	3
Bush Hogging	22
Flushing Water	0
Equipment Maintenance	55
Xmas decorations	203

Major Issues & Comments

Tis the season, staff has busy finishing the street marking on main and side streets with parking and no parking spaces
 we are hanging Christmas decorations as well as assisting Garden Club. Routine maintenance and work orders has taken most of the month.

4

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
NOVEMBER 2018

SUBMITTED BY: GARY S. WILLIAMS,
DIRECTOR OF PLANTS

Grandview Water Filtration Plant,

Daily Water Withdrawal and Production:

	Total, million gallons	Average, million gallons	Max, million gallons	Min, million gallons
Raw Water	8.670	0.310	0.680	0.010
Produced	7.630	0.270	0.580	0.010
Delivered	7.230	0.260	0.580	0.010

Monthly Activities and Upcoming Highlights:

- Round 2, Source Water Monitoring Plan was mailed on December 26, 2018 and was received by VDH-ODW on December 28, 2018. The plan contains the selected laboratory identification, type of sampling, calendar of sampling days, and sampling location.
- Herb White of WW and Associates has submitted an Addendum to the Bowmen Water Plant Assessment Report. Which staff has reviewed and forwarded comments back to Mr. White.
- Lead and Copper testing is ongoing with staff continuing to work with customers for sampling sites and instructions on proper sample taking.

Rutledge Creek Wastewater Treatment Plant,

Daily Received and Treated Waste Stream:

	Total, million gallons	Average, million gallons	Max, million gallons	Min, million gallons
Finial Effluent	14.702	0.474	1.307	0.252

Monthly Activities and Upcoming Highlights:

- Rutledge Creek WWTP experienced another High flow month with the average daily flow being 474,000 gpd. As mentioned last month this is the second consecutive month with average flows in excess of 380,000 with is the permit cap.

Submitted: January 3, 2019

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

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

January 3, 2019

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

Attn: Sara Carter- Town Manager


Re: Monthly Report to Town Council
(December 2018)

Dear Ms. Carter, and Council,

My report on work regarding the following matters:

1. Recodification: Review of recodification documents. I met with Vickie Hunt and the Municode Committee. Working on several areas; nuisance, weeds, and special events. Planned telephone conference with Municode.
2. IDA/ Town: No meeting this month.
3. Town Council Meeting: Attendance at the monthly scheduled meeting on December 12th, 2018.
4. Land Acquisition: Review of Lazy River property. The ongoing project is now focused on the Right of Way.
5. Personnel: Grievance issue. Discussions continue with Nelson County Commonwealth Attorney.
6. Easements: Review for Sewer Line Easements.
7. Access to Town Attorney: My email address is tammy@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
Attorney at Law

WTB/tpg

W. THOMAS BERRY, LLC

ATTORNEY-AT-LAW

P.O. BOX 354/ 402 COURT STREET

LOVINGSTON, VA 22949

PHONE: (434) 263-4886

Invoice

Date	Invoice #
1/3/2019	8705

Bill To

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

			Terms
			Due on receipt
Description	Qty	Rate	Amount
12/4/18 PREPARE MUNICODE REVIEW	2	175.00	350.00
12/5/18 MUNICODE COMMITTEE	1	175.00	175.00
12/11/18 REVIEW TOWN PACKAGE	1.5	175.00	262.50
12/12/18 TOWN HALL MEETING	1.2	175.00	210.00
12/21/18 REVIEW OF SLIP LINE EASEMENTS	1.2	175.00	210.00
Total			\$1,207.50
Payments/Credits			\$0.00
Balance Due			\$1,207.50

December 2018

To: Gary Williams, Sara Carter, Amherst Town Council Members

Re: Amherst Watershed Protection Program: Buffalo River Watershed Monthly Report

Buffalo River Watershed Initiatives

Watershed Initiatives:

Working with landowners within the protected watershed to find conservation programs that fit their objectives on their land and protect drinking water sources. Three BRWS landowners are in the installation phase of their conservation projects (Kay-VACS, Duff –EQIP, Campbell-VACS)

Working with BRWS landowner on planning for extensive stream bank stabilization project.

Completed maintenance on one BRWS Amherst Tree Buffer project this month.

Working with project team on the Amherst depot pollinator garden project planning.

Partnering with Amherst Parks and Recreation and the James River Association on a riparian buffer sign initiative to be placed at three of the Amherst County parks, including Mill Creek Lake.

Education:

Attended the VASWCD annual meeting.

Participated in DCR's new equine conservation work group.

Upcoming:

Continue to work with watershed landowners and find conservation programs that meet their objectives and water quality goals. Continue to work with landowners participating in the Amherst Pollinator Buffer program, Amherst Tree Buffer Program and VA Ag. Cost-share Program.

*****The names included in this report are for the Town Council member's information only and should not be shared with the public at the meetings.*****

12/31/18 Submitted by: Anne Marie Roberts, Amherst Watershed Coordinator, Robert E. Lee Soil & Water Conservation District

AN ORDINANCE PROPOSING TO SELL AND GRANT A FRANCHISE FOR AN ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM IN THE TOWN OF AMHERST, VIRGINIA, AND INVITING BIDS THEREFORE.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF AMHERST, VIRGINIA:

That a franchise granting permission for the construction, maintenance and operation of an electric power transmission and distribution system, with all rights incident thereto, on, along, over, upon and under the streets and other public places of the said Town, subject to the conditions as hereinafter more specifically set forth, be and the same is hereby proposed to be sold and that written bids addressed and delivered to the Mayor of said Town, and as such, are hereby invited and will be received for such franchise, on the ___th day of _____, at ___ A.M./P.M., and upon the passage of this ordinance the Clerk of Council thereof is hereby directed to cause a descriptive notice of the ordinance proposing to make the grant, be published once a week for two consecutive weeks in the Amherst New Era-Progress, a newspaper published of general circulation in Amherst County, Virginia, prior to the said ___th day of _____, the cost of said advertisement to be paid by the Town of Amherst, Virginia, which shall be reimbursed by the person or corporation to whom the grant of such franchise is finally made, if made, but the right to reject any and all bids is hereby reserved to said Town.

The said franchise proposed to be sold and for which bids will be received on the day and hour aforesaid, and if sold, proposed to be granted, shall be substantially as follows:

BE IT ORDAINED by the Town Council of the Town of Amherst, Amherst County, Commonwealth of Virginia, and it is hereby ordained by authority of the same that

SECTION I

_____, its successors and assigns, (hereinafter called “Grantee”), is hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the street, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out), of the Town of Amherst, Amherst County, Commonwealth of Virginia, lines for the distribution of electric energy either by means of overhead or underground conductors, with all necessary or desirable appurtenances for the purpose of supplying electric energy to said Town and the inhabitants thereof and persons or corporations beyond the limits thereof, for light, heat, power or any other purpose or purposes for which electric energy is now or may hereafter be used, and for the transmission of the same through or across said Town.

SECTION II

Said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places. The location of all poles and conduits shall be made under the supervision of the Town.

SECTION III

The right, authority, privilege and franchise to construct, maintain, replace, repair and operate an electric power transmission and distribution system and all other necessary and appropriate equipment and facilities for its transmission and distribution is hereby granted and shall be in force and effect for a period of thirty, (30) years from the date of the passage of this ordinance.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Council of said Town hereby reserves the right to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION IV

The granting of this franchise is made upon the express condition that the exercise of the same shall be subject to such regulations as may be adopted by the State Corporation Commission of Virginia or such other body upon which said State may hereafter confer regulatory powers over like corporations for the purpose of securing efficiency of public service from said Grantee, its successors and assigns, in said Town of Amherst, and the maintenance of the property and works of said Grantee in good order throughout the term of this franchise.

SECTION V

Said Grantee shall save the Town harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance or operation of said lines for the distribution of electric energy.

SECTION VI

Whenever said Grantee shall begin the erection of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges and public places where such work is done in as good condition or repair as before such work was commenced.

SECTION VII

Whenever, in this Ordinance, either the Town or the Grantee is referred to, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges and obligations herein contained by or on behalf of said Town or by or on behalf of said Grantee, shall bind and inure to the benefit of the respective successors or assigns of said Town or of said Grantee, whether so expressed or not.

SECTION VIII

In consideration of the benefits which in the judgment of said Town will accrue to it by reason of the construction and operation of said electric light, heat and power system and as an inducement to said Grantee proposing to construct, maintain and operate said system, the said Town of Amherst hereby agrees with the said Grantee that no franchise or specific pole or wire tax shall be imposed or charged against said Grantee, its successors or assigns by said Town during the life of this franchise, but said Town of Amherst hereby expressly reserves the right of assessing or charging any other valid tax of any other nature whether ad valorem or otherwise which is now authorized or which may be hereafter authorized by the general laws of the Commonwealth of Virginia.

SECTION IX

This franchise shall be accepted by the Grantee within sixty (60) days from the date of the passage of the same.

Passed in Council this ____th day of _____.

Council Vote:

Roll call:

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

Attest:

Clerk of Council

2012

MEMORANDUM OF UNDERSTANDING

between the

**ROBERT E. LEE
SOIL AND WATER CONSERVATION DISTRICT,
AMHERST COUNTY**

And the TOWN OF AMHERST

This Memorandum of Understanding (“Memorandum”) was entered into by and between Amherst County, hereinafter called the County, the Town of Amherst, hereinafter called the Town, and the Robert E. Lee Soil and Water Conservation District, Commonwealth of Virginia, hereinafter called the District.

Recognizing the need for close relationships in carrying out the responsibilities for which each is charged, the County, the Town and the District enter into this Memorandum of Understanding as the foundation for an enduring cooperative working relationship. Such cooperation allows joint effort in the solution of problems relating to the planning and development of soil, water and related natural resources.

The District will provide technical assistance through the hire of an Amherst Watershed Coordinator. This assistance is set forth below, will be provided in conjunction with federal, state and local resource agencies, which work through the District, within the limitations of their budgets, availability of personnel and in accordance with established policies for reimbursement of certain costs. The District will provide the services of its Amherst Watershed Coordinator prorated on the percentage of local funding for salary, benefits, training and other expenses of the aforementioned position provided by the County and the Town.

ROBERT E. LEE SOIL AND WATER CONSERVATION DISTRICT

AGREES TO:

1. Provide for the hiring, training, equipment, benefits, salary and other expenses for a Amherst Watershed Coordinator, Conservation Specialist and Education Specialist. The District's portion of the Amherst Watershed Coordinator's compensation shall be that portion not funded by the Town as described herein, or by the Amherst County Service Authority as described in the Memorandum of Understanding now in effect between the District and the Amherst County Service Authority. One hundred percent (100%) of the time and efforts of the Amherst Watershed Coordinator shall be spent working on administration and management of the District's commitments to the protected watersheds of Amherst County, (Harris/Graham Creeks and Buffalo River/Mill Creek). The Conservation Specialist will provide additional hours with technical assistance and conservation planning in the Amherst protected watersheds. The Education Specialist will provide additional hours working to promote greater awareness and understanding of watershed protection issues in Amherst County and assisting the Amherst Watershed Coordinator where applicable.
2. Coordinate on-site field assessments and the generation of baseline data on water resources within the designated boundaries of the Buffalo River Watershed.
3. Conduct continual surveys and re-current evaluations of land and water resources within the designated boundaries of the Buffalo River Watershed.
4. Design and implement best management practices in conjunction with identified potential impairments to present and future drinking water supplies of the County and Town.
5. Assist in the development of policies, ordinances and programs for the conservation of soil, water and related natural resources.
6. Review, comment and approve, as required by local ordinances, plans which impact soil, water and related natural resources.
7. Identify and solicit assistance programs available through the District and its cooperating agencies which affect natural resources management.
8. Assist with local educational programs relating to natural resource conservation and protection of the environment.
9. Periodically submit a competitive best management practice grant proposals to assist with funding of or demonstrate the effectiveness of conservation practices.

10. Delegate a member of the District Board of Directors to serve as a liaison representative of the Amherst Town Council and Amherst County Supervisors, respectively.

11. Annually furnish a written assessment summarizing the survey findings to the Amherst Town Council and Amherst County Board of Supervisors, respectively. The annual assessment shall describe task, activities, accomplishments, and findings during the reporting period, both for the Buffalo River Watershed and for the entire County, including the Buffalo River Watershed.

12. Comply with current Virginia state regulations, as they apply to soil and water conservation

THE TOWN OF AMHERST

AGREES TO:

1. Provide annual local funding for compensation of the Amherst Watershed Coordinator. The annual base cost of \$22, 136.68 will be allocated to the District on a quarterly basis at a rate of \$5,534.00
2. Assist the District in the development of effective soil and water conservation programs in priority watersheds.
3. Provide the District with a copy of the comprehensive plan, land use plan, geographic information data and technology resources and any other plan(s).
4. Consult with the District in the development or review of policies, ordinances, and programs that deal with soil, water and related natural resources.
5. Use soil, water and natural resource data/standards/specifications furnished by the District as applicable.
6. Delegate a representative of the Town to act as liaison to the District.
7. Support educational programs designed to make the public aware of need for the proper use and management of natural resources.
8. Participate in an annual review to assess the effectiveness of the District's/County's/Town's Plan of Work and confirm the Town's intention to continue operating under this Memorandum. Such review shall be completed no later than June 30th of each year.

AMHERST COUNTY

AGREES TO:

1. Provide annual local funding for compensation of the Amherst Watershed Coordinator. The annual base cost of \$28,570.99 will be allocated to the District on a quarterly basis at a rate of \$7,142.75 per quarter, by the Amherst County Service Authority, acting as the County agent. (see 2012 ACSA/District Memorandum)
2. Assist the District in the development of effective soil and water conservation programs in priority watersheds.
3. Provide the District with a copy of the comprehensive plan, land use plan, geographic information data and technology resources and any other plan(s).
4. Consult with the District in the development or review of policies, ordinances, and programs that deal with soil, water and related natural resources.
5. Use soil, water and natural resource data/standards/specifications furnished by the District as applicable.
6. Delegate a representative of the County to act as liaison to the District.
7. Support educational programs designed to make the public aware of need for the proper use and management of natural resources.
8. Participate in an annual review to assess the effectiveness of the District's/County's/Town's Plan of Work and confirm the County's intention to continue operating under this Memorandum. Such review shall be completed no later than June 30th of each year.

AMHERST COUNTY,
the TOWN OF AMHERST,

And

The ROBERT E. LEE SOIL and WATER CONSERVATION DISTRICT

MUTUALLY AGREE THAT:

1. The Town, the County and the District will meet annually to further coordinate their respective programs and activities for optimum mutual benefit.
2. This Memorandum may be amended or terminated at any time by mutual consent of the parties hereto or may be terminated by any party by giving sixty (60) days notice in writing to the other parties.
3. The agreement by the County and Town to consider making appropriations to support the costs associated with the Amherst Watershed Coordinator's compensation constitutes neither a debt of the County or Town within the meaning of any constitutional or statutory limitation, nor a lien or charge upon any property or funds of the County or Town. The governing bodies for the County and Town retain full discretion to decide whether they wish to make any such appropriation.

In witness thereof, the Memorandum executed and agreed to on the day and month and year written below.

ROBERT E. LEE SOIL AND WATER CONSERVATION DISTRICT

By: _____

Title: _____

Date: _____

AMHERST COUNTY

By: _____

Title: _____

Date: _____

TOWN OF AMHERST

By: _____

Title: _____

Date: _____

Approved as to form:

By: _____

Title: Amherst County Attorney

Date: _____