

AMHERST TOWN COUNCIL
AGENDA
Wednesday, January 12, 2022
Meeting at 7:00 p.m.
Town Hall, 174 S. Main Street, Amherst, VA 24521

A. Call to Order for the Town Council– 7:00 p.m. - Mayor Tuggle

B. Pledge of Allegiance - *I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.*

C. Invocation - *Any invocation that may be offered before the official start of the Amherst Town Council meeting shall be the voluntary offering to, and for, the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the audience is required to attend or participate in the invocation, and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure by which a volunteer may deliver an invocation are available upon request at the Town Hall.*

D. Public Hearings and Presentations

1. Recognition of Police Officer of the Year- *Chief Shiflett is proud to present the Police Officer of the Year award for 2021 at the Council's meeting.*

E. 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.*

F. Consent Agenda – *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended action or discussed individually.*

1. Town Council Minutes (Pgs. 1-3)

2. 0 – *Draft of the December 8, 2021, meeting minutes are **attached**. Please let Vicki Hunt know of any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.*

G. Correspondence and Reports

1. Staff Reports (Pgs. 4-15)

- 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. Utilities Committee – *Mr. Watts*

3. Other Reports

- a. Planning Commission- *no meeting*
- b. Industrial Development Authority- *meeting cancelled, due to weather*

- c. Property Maintenance Investigation Board
- d. Robert E. Lee SWCD

H. Discussion Items

- 1. Adoption of Resolution of Appreciation for Kenneth Bunch (Pg. 16)** *Sara Carter- The attached resolution is for Kenneth Bunch, in appreciation of his years of service to the Town as a Planning Commissioner and as a Town Councilor.*
- 2. Adoption of Resolution of Appreciation for Thomas Berry (Pg. 17)** *Sara Carter- The attached resolution is for Thomas Berry, who served as the Town Attorney for sixteen years.*
- 3. Amherst Police Department Annual Report (Pgs. 18-42)-** *Chief Shiflett- The Police Department has produced its first ever annual report for Council and the citizens of Amherst.*
- 4. Continuation of Governance Resolution (Pgs. 43-46)-** *Sara Carter- Every two years, the Town adopts its Continuance of Governance Resolution. This is a mid-term update to the existing resolution to affirm the appointment of the Town Attorney.*
- 5. Report on Skateboard Ordinances (Pgs. 47-49)-** *Eric Lansing- Mr. Lansing will provide an update to the Council regarding the current ordinances regarding skateboarding on sidewalks. If there are no changes requested from Council, staff will work to have signs installed in compliance with the Code.*
- 6. Purchase Approval for Additional Engineering Services (Pgs. 50-51)-** *Sara Carter- Staff requests approval of an amendment to the engineering contract for the sliplining project of \$45,360. This cost is due to the time delay of the project. Next month, staff intends to bring forward a final set of requests related to the project in anticipation of its closure.*

I. Matters from Staff

J. Matters from Town Council

K. Citizen Comments

L. Adjournment

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on December 8, 2021, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street.

It was noted that a quorum was present as follows:

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

Also present were the following staff members:

Sara E. Carter	Town Manager		Gary Williams	Director of Plants
Vicki K. Hunt	Clerk of Council		Becky L. Cash	Lead Water Operator
Tracie Morgan	Office Manager/Finance Director		Greg Harler	Major Police Department

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Kenneth S. Watts.

Mayor Tuggle opened the floor for citizen comment.

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

Mr. Watts made a motion that was seconded by Ms. Carton to approve the Special Meeting Minutes and the Regular Session Minutes held on November 10, 2021.

There being no discussion, the motion as to the November 10, 2021, minutes carried 5-0 via the roll call method as follows:

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

Councilor Carton, Chairman of the ad hoc Personnel Committee, reported that the committee, after meeting on November 30, 2021, for the purpose of interviewing interested parties for the position of Town Attorney, makes a recommendation to accept the proposal of Deal & Lachney, P.C., and to enter into a retainer agreement effective January 1, 2022. There being no discussion, upon recommendation of the ad hoc Personnel Committee, Council voted 5-0 to accept the proposal of Deal & Lachney, P.C., and to enter into a retainer agreement effective January 1, 2022, via the roll call method as follows:

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

There being no further business for the ad hoc Personnel Committee, the committee was dissolved by Mayor Tuggle.

After Town Attorney Berry introduced Eric Lansing, Esq., Deal & Lachney, P.C., as the next attorney for the Town, Mr. Lansing thanked Council for the privilege of being able to represent the Town in the future.

Town Manager Carter gave a report on a proposal by Poplar Grove for wastewater service provided by the Town to a portion of the development. Per the Town's Utility Policy, any construction cost for the provided service would be borne by the developer with dedication of the facilities to the Town. Staff requests authorization to continue to go forward on discussions with Poplar Grove on a wastewater service agreement to be presented to Council for approval and adoption.

Brian Cossman, Hurt & Proffitt, Inc., Engineer for Poplar Grove, along with a representative of Poplar Grove, were present to answer questions.

Prior to discussions on the matter, Ms. Carton disclosed that her husband has a working relationship with Mr. Cossman through the engineering firm for Poplar Grove. Ms. Carton reported she did not feel she has a conflict of interest but offered to step out of any discussion on the matter if Council felt her participation was a conflict. By consensus of Council, Ms. Carton will participate in any future discussions and/or vote in connection with the matter.

The Utilities Committee was directed to review a proposed wastewater services agreement between the Town and Poplar Grove provided by staff and present a recommendation to Council.

Mr. Higginbotham was informed that at the November 10, 2021, meeting he was appointed to the Utilities Committee beginning December 8, 2021.

After a report by Town Manager Carter, Ms. Turner made a motion that was seconded by Ms. Carton to approve expenditure in the amount of \$7,250.00 to be proportionately divided between the Brockman Park and the sewer accounts, for additional services provided by Fisher Construction and Evacuation for forestry mulching, cleanup, and labor on the detention ponds and sewer right of way within the industrial park.

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

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

On behalf of Council and staff Mayor Tuggle thanked Town Attorney Berry for his services over the years.

Attorney Lansing was directed to review Town Code §§20-08 and 20-09 in reference to bicycles and skateboards on the sidewalks and present a recommendation to Council. Discussion on the matter was deferred.

Mayor Tuggle thanked Director of Plants Williams for his work on the Town Hall Christmas decorations.

Mayor Tuggle opened the floor for citizen comment.

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

There being no further business, the meeting adjourned at 7:22 P.M., until January 12, 2021, at 7:00 p.m. on motion of Ms. Turner seconded by Ms. Wheaton.

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

FOR APPROVAL

Town Manager's Report
January 12, 2022
Status of all items shown in italics

From the Council's Strategic Plan:

Ongoing or immediate

- Discuss Brockman Park development with IDA- *Mini-retreat with IDA on 8.24*
- Advise the IDA about Council's interest in exploring an EDA- *Completed 5.3.21*
- Review the previously developed walkability plan- *Completed 4.15.21*
- Town Manager meet with the County Administrator and brief him on Council's desire to improve relationships with the County- *Completed*

Within three (3) months – by June 1, 2021

- Develop a sidewalk plan in priority blocks downtown- *Additional planning to be completed through Comprehensive Plan and continued grant work.*
- Mayor and Chair of Amherst County Board of Supervisors meeting
- Develop a business visitation plan and commence visits- *IDA has begun visitation of all businesses in town. Completion pending.*
- Develop a plan for a new Council table/dais, including the layout and components, get price quotes, and report back to Council- *Next steps would be new table for Council and Clerk.*

Within six (6) months – by September 1, 2021

- Bring to Council a plan for a pathway forward for the IDA to become an EDA- *Ordinance Amendment required. Propose bringing forward with other ordinance amendments proposed to Council in October.*
- Convene a joint Town Council/IDA meeting *Held July 6, 2021*
- Explore creating a façade improvement program, with incentives
- Joint Town Council/Board of Supervisors meeting
- Explore the (additional) resources necessary to implement the workplan and report back to Council

By January 1, 2022

- Negotiate and approve a revised utility agreement with Sweet Briar College- *Initial meetings and data completed. Next meeting with SBC is next week. SBC has proposed initial framework.*

Within one year – by March 1, 2022

- Develop a workplan for the IDA/EDA with goals- *In process.*
- Comprehensive Plan update, including a Downtown Revitalization Component, *In process.*

Within two (2) years – by March 1, 2023

- Complete initial visitation of town businesses- *Should be complete by 12.31.21.*
- Adopt a revised Comprehensive Plan- *Anticipated completion by Summer, 2022. Staff is working with the PDC on a citizen engagement survey on issues in town, and anticipates that the survey will go live by the beginning of March.*

Other Major Projects:

Sewer Sliplining Project

Wastewater Treatment Plant improvements are complete. On the collection side of the project, the we have worked with the contractor on a plan of action for the remaining work. There was a delay due to road access and we believe we have resolution to complete the work.

Water Treatment Plant

The project is proceeding well, although there are time delays due to supply chain issues and a pandemic related shutdown.

Brockman Park Engineering Work

Survey and delineation work is complete, and 50% grading plans are complete. Stormwater plans and other regulatory items have been submitted to the state for approval.

Standalone Generator at Waugh's Ferry Water Tank

Awaiting authorization from VDH to go to bid. Plans and specifications are complete.

Centrifuge Facility (Sludge Dewaterer)

WW has begun work on drawings for the facility. Staff plans to request purchase approval of equipment for the project at next month's meeting.



AMHERST POLICE DEPARTMENT



MONTHLY REPORT

December 2021

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

CALLS FOR SERVICE	NUMBER
MOTORIST ASSIST	22
ALARM	13
PHONE COMPLAINT	170
BOLO	16
MISSING PERSON	
SHOPLIFTING	
PROBLEM WITH OTHERS	8
DOMESTIC	1
CHECK WELFARE	4
NOISE OR DOG COMPLAINT	5
TRAFFIC CRASH	3
EMS CALLS	6
SUDDEN DEATH	1
SUSPICIOUS PERSON	8
Call at Ambriar	2
OTHER	42

OFFICER INITIATED	NUMBER
BUILDING CHECKS	149
BUSINESS VISIT	63
BUILDING SEARCH	3
TRAFFIC SUMMONS	14
DRUNK IN PUBLIC	
EXTRA PATROLS/ Parks	125/35
WARRANT SERVICE	5
PROPERTY WALK AROUNDS	47
WARRANTS OBTAINED	1
PARKING TICKETS	
MISD. INVESTIGATION	2
FELONY INVESTIGATION	2
NARCOTICS INV.	
SEARCH WARRANT	
PUBLIC RELATIONS	6
CITIZEN CONTACT	367

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

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	10
EQUIPMENT VIOLATION	
RECKLESS DRIVING	
SUSPENDED LICENSE	
INSPECTION/REGISTRATION	3
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	1

ARREST	NUMBER
MISDEMEANOR	4
FELONY	
EPO/PPO	
ECO	2
NARCOTICS VIOLATION	
DUI / DUID	1

OTHER	NUMBER
ASSIST OTHER OFFICER	11
ASSIST OTHER AGENCY	8
COURT	4
REPORTS	6
SCHOOL / TRAINING	3
MEETINGS	13
TOWED / IMPOUNDED VEH	



AMHERST POLICE DEPARTMENT

MONTHLY REPORT



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

Total Calls: 263

Total Miles Patrolled: 5,471

After hours calls:

12/3 ATM Alarm. Secure.

12/4 Unlock N. Main. Successful

12/5 Larceny. Green Meadow Ct. Advice

12/9 Domestic. Town Court Lane. Arrest.

12/6 Problems with others. Cedar St. Advice

12/20 Problems with others. Dulwich Drive. ECO- 6 called out and transported

12/22 Alarm. Pine St. Advice

12/27 Alarm. S. Main. Disregarded

12/27 911 Hangup. Dogwood St. Disregarded



AMHERST POLICE DEPARTMENT

MONTHLY REPORT



MONTH OF DECEMBER ACTIVITIES:

- APD Toy Drive started on November 1st.
- Officer Brandon Payne completed his training and is now CIT certified.
- Staff went to Smith Field, Va. We were presented our certificate for completing State Accreditation.
- Generator installed and operational.
- Christmas Fill the Trailer Day at The Filling station held 12/10/21 (Toy Drive)
- Toy Drive completed on December 15th. Over 1,000 items were donated this year. GOAL REACHED!
- Toy's delivered to Coolwell Recreation Center on Dec. 15th.
- Belinda Gaines successfully completed the VSP CJIS DART course.
- Both new cars are now operational and on the street. We are still waiting on the cameras to come in so they can be installed.



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 Morgan
Date: January 6, 2022
Re: December 2021 Monthly Report

Utilities – December utility billing total was \$180,135.64.

A/P – The total amount of checks cut for December bills, including payroll deductions were \$289,147.32

Meals and Beverage Tax – 16 Businesses paid \$51,518.20 in Meals and Beverage Tax for the month of November.

CARES Act Utility Forgiveness -- We officially cannot give out any more Utility Forgiveness Funds per the guidance. Remaining funds were returned to the County.

Upcoming Items – FY21 Audit Prep-Auditors were here December 15th, we ran into some balance uses with the Edmunds conversion, so we rather than wasting in office time on balancing they are helping me from the office and then will be back out to complete the audit field work.

License Tax Bills – License Fee Bills were due December 6, 2021. Late notices will be going out shortly. Please remind anyone that if they have not paid by February, I will begin my collection process that will include bank liens, employment garnishments, or intercepting their State Tax Refunds.

Budget – FY23 Budget process has also began. I will have my part complete and all request and revenue projections to the Town Manager by February 4, 2022.

**CLERK OF COUNCIL REPORT
DECEMBER 2021**

COMMITTEE MEETINGS

Planning Commission

Regular Meeting on 12-01-21: Receive and review agenda materials; assemble packet for meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

IDA

Regular Meeting on 12-06-21: Receive and review agenda materials; assemble packet for meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Town Council

Receive and review agenda materials; assemble packet for 12-8-21 meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Quorums: Confirm meetings with members.

TOWN WEBSITE DESIGN AND CONTENT MANAGEMENT

Administration of website generating and continuously uploading information/documents; revising website pages with new information and links to documents and/or outside sites; examining traffic through the site; design for overall look and feel of the site, including photos, color, graphics, and layout; creating, editing, posting, updating, and cleaning up outdated content.

TOWN FACEBOOK ADMINISTRATOR

- Create content and/or design and post on Facebook linking to Website, including but not limited to:
 - Notice: Procedures for Amherst Town Council December meeting
 - Christmas Parade and Decorating Contest reminder; parade winners
 - Trash Can Ordinance survey
 - DMV to go service at Town Hall notice
- Share links to community news and events; Monitor feedback.

ZONING ORDINANCE RECODIFICATION

Prepare legal review 2016 and 2021 comparison for teleconference discussion; teleconference with Municode attorney and Town Manager Carter to discuss legal review; draft additional code edits for recodification

BANNER PERMIT

Receive and distribute Holiday Banner Permit.

CHRISTMAS PARADE

Prepare lineup and distribute; Prepare parade map and distribute; attend parade; Compose and send thank you emails to parade participants; respond to emails; prepare parade winner information for posting

OTHER:

- Convert and post audio meeting recording to website
- Post RFP and Award Notice for Town Attorney
- Troubleshoot website calendar for conflicts
- Set up trash can ordinance survey on website
- Order and pick up dinner for Planning Commission meeting; set up/cleanup
- Order gifts; prepare resolutions for Councilor Bunch and Town Attorney Berry
- Update Holiday and Refuse/Recycle calendars for 2022
- Review writ and petition for special election; e-mails with Tom Berry's Office
- Miscellaneous phone calls, correspondence; miscellaneous research.
- Prepare miscellaneous purchase orders.

Town of Amherst Committees as of December 31, 2021

1`

Appointed/Term Expires

TOWN COUNCIL

D. Dwayne Tuggle, Mayor	01/01/19	12/31/22
Rachel A. Carton, Vice	01/01/21	12/31/24
Kenneth S. Watts	01/01/19	12/31/22
Sharon W. Turner	01/01/21	12/31/24
Andra A. Higginbotham	11/11/21	2022 special election (2024 term)
Janice N. Wheaton	11/12/19	12/31/22

PLANNING COMMISSION

June Driskill, Chairperson	05/13/20	06/30/24
Janice N. Wheaton	01/01/21	12/31/22 (TC rep)
William Jones	07/01/19	06/30/23
Nathaniel Holden Case	11/11/21	11/10/25
John Kendrick Vandervelde	11/11/21	06/30/22
Clifford Hart	07/01/19	06/30/23
Anne Webster Day	03/13/19	06/30/22

BOARD OF ZONING APPEALS

June Driskill	11/13/20	08/31/25
Ed Carton	09/01/19	08/31/24
Teresa Tatlock	11/11/21	08/31/26
Marvin Hensley	08/31/17	08/31/22
R.A. "Tony" Robertson	01/13/21	08/31/23

INDUSTRIAL DEVELOPMENT AUTHORITY

Clifford Hart	07/01/19	08/31/23
Sharon Watts Turner	07/01/18	06/30/22
Aaron H. Mahler	07/01/21	06/30/25
Jacob Bailey	07/01/20	06/30/24
Manly Rucker	07/01/21	06/30/25
Kim Odell Stein	07/11/18	06/30/22
Richard Wydner	07/01/19	06/30/23

PROPERTY MAINTENANCE INVESTIGATION BOARD

C. Manly Rucker, III	05/13/20	06/30/24
Bessie H. Kirkwood	07/01/18	06/30/22
Glenda Hash	05/13/20	06/30/24

CENTRAL VIRGINIA PLANNING COMMISSION/MPO

D. Dwayne Tuggle	01/01/21	12/31/22
Sara Carter	01/01/21	12/31/22

Appointed/Term Expires

CENTRAL VIRGINIA TRANSPORTATION COUNCIL (MPO)

D. Dwayne Tuggle	01/01/21	12/31/22
Sara E. Carter	01/01/21	12/31/22

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

Kenneth Bunch	01/01/21	12/31/22
Kenneth S. Watts	01/01/21	12/31/22

TOWN COUNCIL COMMITTEES (FOR THE 01/01/21-12/31/22 TERM)

FINANCE COMMITTEE

Rachel A. Carton (Chairman) and Sharon W. Turner

- Monitor the budget development process.
- Review accounting procedures, budgets, and bookkeeping activities.
- Interface with auditors.

UTILITIES COMMITTEE

Kenneth S. Watts (Chairman) and Andra A. Higginbotham

- 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.

TOWN HALL MEETING ROOM REHABILITATION AD HOC COMMITTEE

Rachel Carton (Chairman) and Sharon Turner

- Oversee and monitor rehabilitation and refurbishment

Utility/Town Maintenance and Construction Report

Dec-21

Water Meter Read	1150
Water Meter Re-Read	42
Disconnects	17
VA-811 Service locations	23
Vehicle PM Work Orders	10
Pump Station/Plant Work Orders	30
Banners Installed/Dismantled	2
Water Services Installed/Replaced	2
Sewer Services Installed/Replaced	0
Minor Leaks Repaired	1
Major Leaks Repaired	1
Minor Sewer Problems Resolved	2
Major Sewer Problems Resolved	0

Man Hours

Meter Reading	87
Street/Sidewalk Maintenance	124
Safety Training	3
Bush hogging/ Right of way water/ sewer	76
Flushing Water	0
Equipment Maintenance	73
Xmas decorations	197

Major Issues & Comments

Routine/Annual Work

Projects/Unusual Work

Service Work Orders
 Meter Reading
 Prev-Maint Work Orders
 Disconnects
 Re-connects
 Flushing Program
 in Select Locations

Locating Un-marked/Unknown Water & Sewer System Assets
 Continue Safety and Shop/Yard Clean-up
 Staff has been working on finding water valves and addressing issues
 Working on clearing water right of ways.



**TOWN OF AMHERST
DEPARTMENT OF PLANTS
MONTHLY PRODUCTION AND OPERATIONAL REPORT
December -- 2021**

**SUBMITTED BY: GARY S. WILLIAMS,
DIRECTOR OF PLANTS
SUBMITTED ON: Thursday, January 6, 2022**

**Grandview Water Filtration Plant,
Daily Source Water Withdrawal, Process, and Production Volumes.**

	Total, Million Gallons	Average, Million Gallons	Max., Million Gallons	Min., Million Gallons
Raw Source Water	10.400	0.340	0.530	0.180
Plant Production	9.370	0.300	0.470	0.140
Water Delivered to System	8.870	0.290	0.470	0.140

**Rutledge Creek Wastewater Treatment Facility
Daily Process, and Production Volumes.**

	Total, Million Gallons	Average, Million Gallons	Max., Million Gallons	Min., Million Gallons
Raw Influent Sewage	5.666	0.183	0.220	0.071
Final Treated Effluent	6.857	0.221	0.280	0.134

Stand Out Details of Monthly Operations.

- Sentinel Monitoring Covid RNA
Results For The Last 16 Weeks.

Week	Sample Date and Time			Results	Below LOD	LOD Sewage
1	09/14/21	15:00	copies/L wastewater	1,063	yes	1,350.0
	09/14/21		copies/L wastewater	1,063	yes	9,987.5
2	09/21/21	15:00	copies/L wastewater	5,313	no	1,350.0
	09/21/21		copies/L wastewater	5,750	yes	9,987.5
3	09/28/21	15:00	copies/L wastewater	1,313	yes	1,350.0
	09/28/21		copies/L wastewater	313	yes	9,987.5
4	10/05/21	15:01	copies/L wastewater	3,813	no	1,350.0
	10/05/21		copies/L wastewater	2,438	no	9,987.5
5	10/12/21	15:02	copies/L wastewater	0	yes	1,350.0
	10/12/21		copies/L wastewater	250	yes	9,987.5
6	10/19/21	15:03	copies/L wastewater	5,250	no	1,350.0
	10/19/21		copies/L wastewater	7,625	yes	9,987.5
7	10/26/21	15:04	copies/L wastewater	688	yes	1,350.0
	10/26/21		copies/L wastewater	0	yes	9,987.5
8	11/02/21	12:05	copies/L wastewater	1,310	yes	1,350.0
	11/02/21		copies/L wastewater	1,000	yes	9,987.5
9	11/09/21	14:00	copies/L wastewater	1,125	yes	1,350.0
	11/09/21		copies/L wastewater	688	yes	9,987.5
10	11/16/21	14:15	copies/L wastewater	271	yes	1,350.0
	11/16/21		copies/L wastewater	136	yes	9,987.5
11	11/23/21	15:00	copies/L wastewater	1,200	yes	1,350.0
	11/23/21		copies/L wastewater	960	yes	9,987.5
12	11/30/21	14:00	copies/L wastewater	3,050	yes	1,350.0
	11/30/21		copies/L wastewater	2,395	yes	9,987.5
13	12/07/21	15:50	copies/L wastewater	41,500	no	1,350.0
	12/07/21		copies/L wastewater	22,300	no	9,987.5
14	12/14/21	15:30	copies/L wastewater	3,650	yes	1,350.0
	12/14/21		copies/L wastewater	3,650	yes	9,987.5
15	12/21/21	16:00	copies/L wastewater	895	yes	1,350.0
	12/21/21		copies/L wastewater	224	yes	9,987.5
16	12/28/21	13:15	copies/L wastewater	208,039	no	1,350.0
	12/28/21		copies/L wastewater	148,473	no	9,987.5

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

W. THOMAS BERRY
KYLE D. HUGHES

PHONE: 434-263-4886
FAX: 434-263-4285

December 29, 2021

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

Attn: Sara Carter – Town Manager

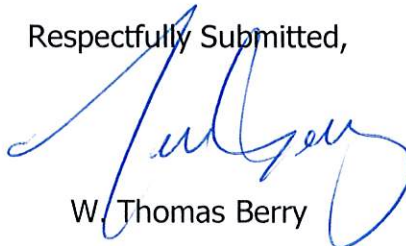
Re: Monthly Report to Town Council
(December, 2021)

Dear Ms. Carter and Council,

My report on work regarding the following matters:

1. Town Council Meeting: I attended the monthly scheduled meeting on December 8, 2021.
2. Business:
 - A. Prepared and filed Petition to Fill Council Vacancy.
 - B. Mayberry Matter: Attended mediation on Mayberry. Sara Carter in attendance. No resolution reached. Anticipate matter to continue at least two (2) to three (3) months to resolve.
3. Access to Town Attorney: My email address is dawn@tomberryllaw.com.
4. Please feel free to use this email access provided, and I will promptly return any communication. My home phone (434) 946-9501; office phone (434) 263-4886.

Respectfully Submitted,


W. Thomas Berry

WTB/dmc

Invoice

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

Date	Invoice #
12/29/2021	9809

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

			Terms
			Due on receipt
Description	Qty	Rate	Amount
12/13/2021 T/T ZUNKA	0.5	175.00	87.50
12/15/2021 T/T ZUNKA	0.5	175.00	87.50
12/15/2021 PREPARE MAYBERRY	1.2	175.00	210.00
12/16/2021 PREPARE MEDIATION	1.5	175.00	262.50
12/17/2021 MEDIATION ZOOM CALL	5	175.00	875.00
12/20/2021 T/T SANZONE	0.5	175.00	87.50
12/20/2021 T/T ZUNKA	0.5	175.00	87.50
12/22/2021 PREPARE PETITION FOR SPECIAL ELECTION	3.5	175.00	612.50
Total			\$2,310.00
Payments/Credits			\$0.00
Balance Due			\$2,310.00

Resolution
of the
Town Council of the Town of Amherst

WHEREAS Kenneth S. Bunch is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS Kenneth S. Bunch has informed the Amherst Town Council and the residents of Amherst that he is resigning from the Town Council as of October 13, 2021, to devote more time and attention to work and family; and

WHEREAS Kenneth S. Bunch served as an interim member of the Town Council of the Town of Amherst from March 1, 2017, through December 31, 2018, and as a member from January 1, 2019, through October 13, 2021; and

WHEREAS, during his tenure on Town Council, Kenneth S. Bunch represented the Town Council on the Town's Planning Commission, Utilities Committee, ad hoc Recodification Committee, ad hoc Personnel Committee, and ad hoc Town and County Projects Committee; and

WHEREAS Kenneth S. Bunch has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service as a full-time firefighter and EMT, civic efforts including his various positions of leadership, authority, and community as a Member of the Board for the Virginia Blue Ridge Railway Trail and the Rush Homes Project Development, and in service to our country as a mechanic in the United States Navy.

WHEREAS the Town Council of the Town of Amherst wishes to acknowledge the services that Kenneth S. Bunch has given to his community and to express its appreciation for all that Kenneth S. Bunch 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 Kenneth S. Bunch 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 because of Kenneth S. Bunch'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 Kenneth S. Bunch 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 January 12, 2022.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS W. Thomas Berry is a highly respected citizen and native of Amherst; and

WHEREAS W. Thomas Berry received his undergraduate degree from the University of Virginia 1979, was admitted to the Virginia State Bar in 1987 and has been serving the community ever since; and,

WHEREAS W. Thomas Berry served as Town Attorney for the Town of Amherst from January 12, 2005, through December 31, 2021; and

WHEREAS W. Thomas Berry has assisted Town Council in conducting their meetings in an orderly fashion serving as Parliamentarian and advisor of the Freedom of Information Act public meetings rules and other applicable laws; and

WHEREAS W. Thomas Berry has contributed his expertise in numerous legal matters such as reviewing contracts, assisting with public records requests, and representing the town on legal claims and hearings; and

WHEREAS W. Thomas Berry has consistently demonstrated the highest commitment to integrity, justice, and public service through his guidance, knowledge, and legal expertise; and

WHEREAS the Town Council of the Town of Amherst, town staff and Town of Amherst Community have greatly benefited from the knowledge and legal expertise of W. Thomas Berry; and,

WHEREAS the Town Council of the Town of the Amherst expresses its sincere appreciation to W. Thomas Berry for many years of outstanding public service to the Town of Amherst as the Amherst Town Attorney; and,

WHEREAS the Town Council of the Town of Amherst wishes to acknowledge the services that W. Thomas Berry has given to this community and to express its appreciation for all that W. Thomas Berry 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 W. Thomas Berry 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 because of the services of W. Thomas Berry as Town Attorney for 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 W. Thomas Berry 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 January 12, 2022.

Mayor Dwayne Tuggle

Attest:

Clerk of Council



On behalf of the members of the Amherst Police Department, I am pleased to present the 2021 annual public safety report.

In 2021, the COVID-19 pandemic continued to create many challenges to working and everyday living for all of us. The Amherst Police Department was not immune from these issues. In the interest of public safety and officer safety, we were forced to modify every aspect of our daily operations. Whenever possible, routine offense reports were taken by telephone, traffic stops were limited to endangerment and reckless driving only, and officers continued to assist the public while wondering if they had been exposed to a virus that they may bring home to their loved ones. In spite of this, members of the APD showed up for work with the same enthusiasm, work ethic, and commitment to our community. I am in awe at their dedication to service and proud to be a part of such a great organization.

Thank you to the Mayor and Council for your continued trust and support.

Bobby Shiflett
Chief of Police

What's Inside

Department Organization	3
Town of Amherst Demographics	4
Governing Body and Administration	5
Department Personnel 2021	6
Training	7
Professional Accreditation	8-10
Inspections	11
Property and Evidence	12
Fleet Vehicles	13
Traffic Enforcement Demographics	14
Financial Report	15
Calls for Service	16
Department Activity	17-18
APD in the News	19
Community Events	19-25

MISSION STATEMENT

The mission of the Amherst Police Department is to work in partnership with the residents and businesses of the community to provide a safe and secure environment. With community service as our foundation, we are driven to enhance the quality of life, by remaining proactive in identifying and remedying potential problems. We nurture public trust by holding ourselves to the highest standards of performance and ethics.

Department Organization

Town Council



Town Manager



Chief of Police



Major



Admin staff
(PT/FT)



Investigator



Officer

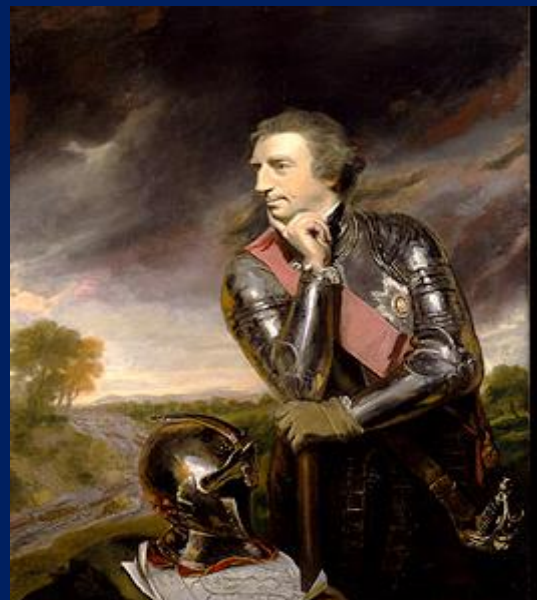
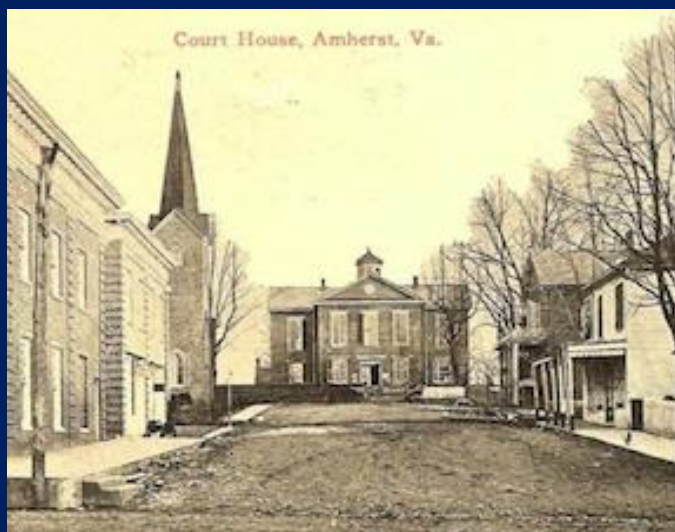
2021



Town of Amherst



Amherst Demographics	
Population	2,180
Median Age	51 Years
Median Household Income	\$51,750.00
Male	1,084
Female	1,096
White	69%
African American	20.7%
Asian	0.1%
Two or More Races	0.6%
Hispanic Population	9.2%
Statistics compiled by City-Data.com	



Governing Body and Administration



MAYOR
D. Dwayne Tuggle



TOWN MANAGER
Sara E. Carter



COUNCIL MEMBER
Rachel Carton



COUNCIL MEMBER
Kenneth S. Watts



COUNCIL MEMBER
Janis N. Wheaton



COUNCIL MEMBER
Sharon W. Turner

Department Personnel 2021



CHIEF OF POLICE Bobby Shiflett



MAJOR Greg Harler



INVESTIGATOR Ryan Watts



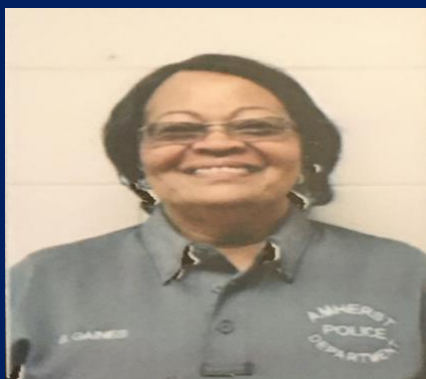
OFFICER Brandon Payne



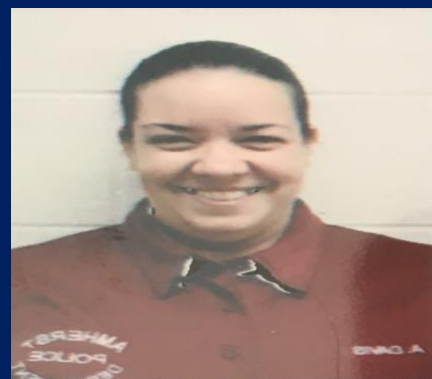
OFFICER Dante Robinson



OFFICER Caleb Martin



ADMIN. ASSISTANT Belinda Gaines



ASSIST. ACCREDITATION MNGR Ali Davis

Training

All sworn law enforcement officers are required by the Virginia Department of Criminal Justice Services (DCJS) to complete 40 hours of in-service training bi-annually. In addition, Grundy police officers are required to attend monthly training meetings. These regularly scheduled training sessions help to ensure that our officers are prepared to meet the challenges and ever-changing needs of our community.

During the 2021 calendar year, officers received instruction in the following areas:

- **Qualification and proficiency with department issued firearms**
- **Use of force, non-lethal force, and de-escalation techniques**
- **Cultural diversity and bias-based policing**
- **Duty to Intervene**
- **Legal updates**
- **Line of duty death benefits**

Officers Robinson and Payne, and Investigator Watts completed their 40 hours of in-service training, as well as several reserve officers.

Investigator Watts completed Forensic School at the Virginia Forensic Science Academy.

Officer Robinson completed Hostage Negotiations training and certification.

Officer Robinson and Officer Payne completed Crisis Intervention Team (CIT) training.





Professional Accreditation

The Amherst Police Department is the smallest agency in Virginia to become professionally accredited.

Accreditation is a progressive and time-proven way of assisting law enforcement to improve performance and service to the community. It is the voluntary adoption of the best practices in law enforcement and requires a constant evaluation of the professional objectives set forth by the Virginia Law Enforcement Accreditation Coalition.



Accreditation is an on-going process that ensures our department is achieving professional excellence on a consistent basis. Accreditation status acknowledges the execution of thorough, detailed written directives, policies, procedures, and training.



The Amherst Police Department had its assessment from August 31-September 2 and received its official State accreditation recognition in a ceremony in Smithfield, Virginia on December 9, 2021.

State Assessment Static Display





State Accreditation Panel



VLEPSC (Virginia Law Enforcement Professional Standards Commission) Committee



Inspections



Inspections are conducted as a means to ensure that the department's goals and objectives are being pursued, and to assist in the identification of needs within the agency. Several training classes for officers and civilians were canceled due to COVID.

The following inspections were performed in 2021:

- Administration
- Property and evidence Room
- Stored property and evidence
- Equipment room
- Patrol vehicles
- Personnel (to include Issued uniforms and equipment)
- AED machines
- Building/property Inspections
- Sign and event trailer inspection
- Fire extinguishers
- Vehicle calibration/tuning forks
- Radio and radar inspection
- Ammunition inventory

Property & Evidence



The property room officer is responsible for the intake, maintenance, destruction, and return of all property and evidence that is taken into police custody, in accordance with Virginia legal requirements.

For the 2021 calendar year, the Amherst Police Department:

- Received **78** new item of evidence / property.
- Maintained chain of custody on **all** items entered into evidence.

Digital Media

In 2021, patrol officers uploaded **over 900** body cam and dash cam videos onto the department server.



Fleet Vehicles

The Amherst Police Department operated and maintained six patrol vehicles for the 2021 calendar year. Two new vehicles were purchased.



<i>Patrol Vehicle</i>	<i>Start Mileage January 2021</i>	<i>End Mileage December 2021</i>	<i>Total Mileage 2021</i>
2014 Interceptor SUV	108,907 (Jan. 2022 starting mileage)	-----	-----
2016 Interceptor SUV	95,851	106,815 (replaced by new vehicle)	10,964
2017 Interceptor SUV	68,182	86,291	18,109
2017 Interceptor SUV	57,592	70,000	12,408
2015 Interceptor SUV	83,271	95,684	12,413
2014 Interceptor Sedan	102,290	SOLD	----
<i>New Patrol Vehicles</i>	<i>Starting mileage 2021</i>	<i>Ending mileage December 2021</i>	<i>Total mileage 2021</i>
2021 Interceptor SUV	679	1,091	412
2021 Interceptor SUV	1,462	2,319	857

Traffic Enforcement Demographics

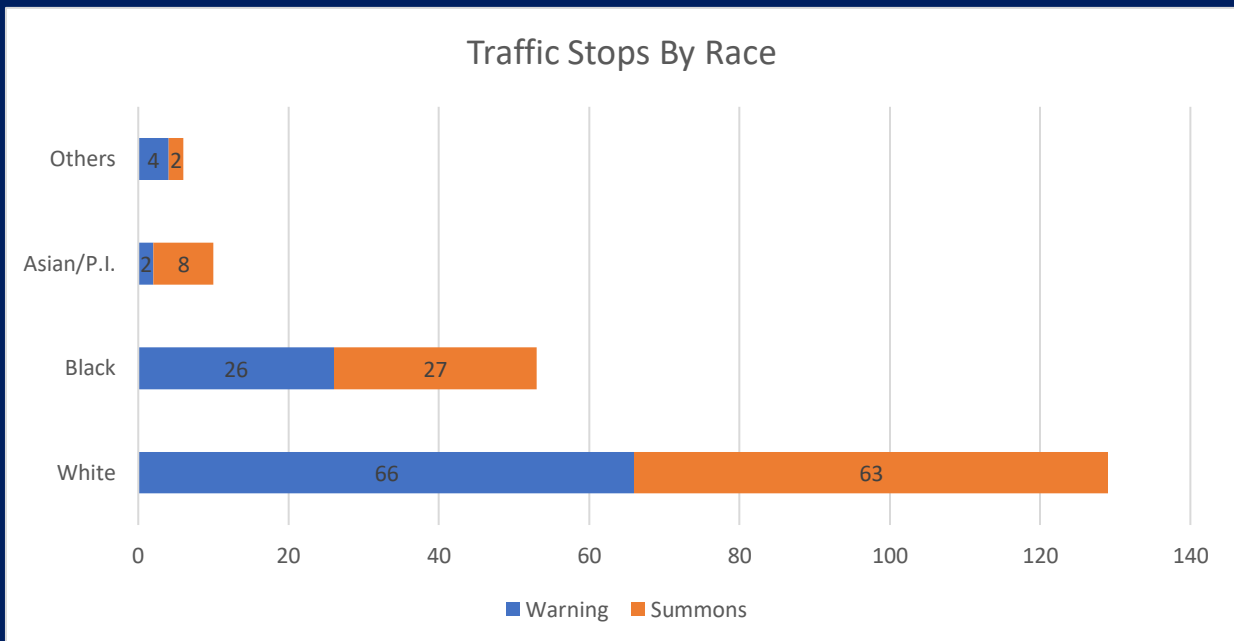
Effective July 1st, 2020, the Community Policing Act, Virginia House Bill 1250, requires law enforcement agencies to collect certain information from the driver during all motor vehicle (traffic) and investigatory stops and prohibits law enforcement officers from engaging in bias-based policing.

The Amherst Police Department, in compliance with the requirements of this bill, began collecting required data on July 1, 2020. On each stop conducted by a law enforcement officer, the following information will be collected, based upon the officer's observation or information provided to them by the driver:

- Race, ethnicity, age, and gender of the person stopped
- The reason for the stop
- The location of the stop
- Whether a verbal warning, written citation, or summons was issued or whether any person was arrested
- If a verbal warning, written citation or summons was issued or an arrest was made, the violation or crime charged
- Whether the vehicle or any person was searched

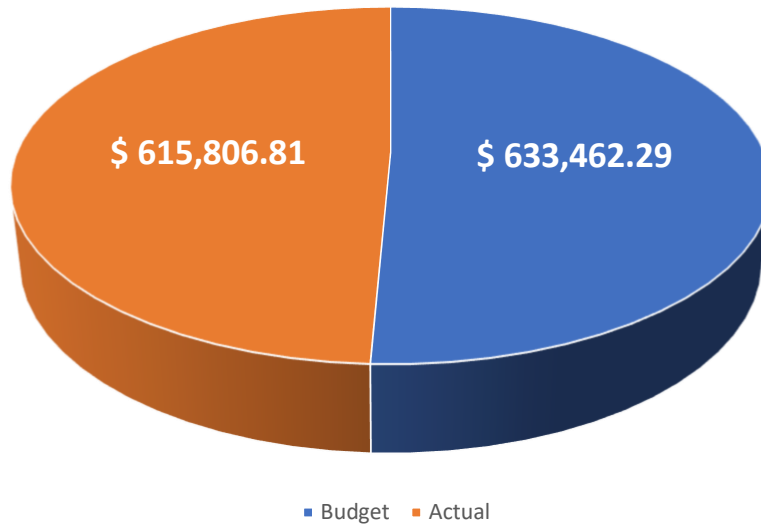
The data collected during traffic and investigatory stops will be reported to the Virginia State Police and included in the Community Policing Reporting Database.

The statistics below were compiled from traffic stops conducted from January 1st to November 1st, 2021, only.

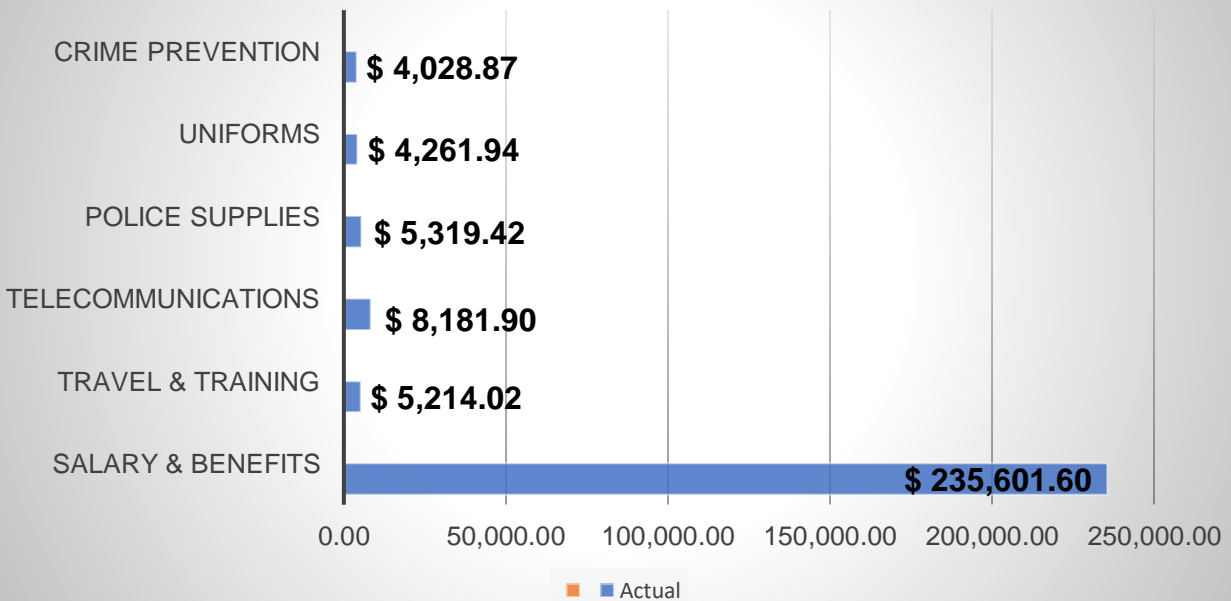


Financial FY 20-21, 21-22

Budget v. Actual (FY 20-21)



FY 21-22 Expenses (as of 11/30/21)



CFS by Type (Total miles patrolled: 55,745)			
Motorist Assistance	272	Welfare Check	45
Alarm	116	Noise/Dog Complaints	48
Phone Complaints	1,282	Traffic Crash	54
BOLO	174	EMS	31
Missing Person	8	Sudden Death	6
Shoplifting	1	Suspicious Person	72
Problem with Others	91	Calls at Ambriar	18
Domestic	9	Other	519
Assist other agencies	110	After hours (1am-7am)	51
Park Patrols	411		

ARRESTS

Misdemeanor	46	Felony	20
EPO/PPO	11	ECO	18
Narcotics	0	DUI/DUID	10

WARNINGS

Speeding	45	Inspection/Registration	11
Equipment Violation	11	Suspended License	3
Reckless Driving	4	All Other Violation	21

TRAFFIC TICKETS

Speeding	98	Inspection/Registration	20
Equipment Violation	2	Suspended License	8
Reckless Driving	1	All Other Violation	35

Department Activity

The APD and its officer and civilian staff were involved in numerous departmental activities throughout 2021.

- Community policing data was submitted on time every month
- A shooting range workday was completed
- AED pads and Narcan were replaced, with the Narcan at no cost to the Town
- Chief Shiflett and Major Harler attended the RASAC meeting every month. RASAC is a meeting with local Chiefs and Sheriffs
- Evidence inspections (including 2 unannounced inspections and the annual inspection) were completed on time
- The APD secured (3) grants in 2021: the Byrne Grant, as well as (2) grants for new body cameras for the officers. The old body cams were no longer able to be repaired, as parts are no longer available
- Annual evaluations for each employee of the APD were completed
- Several officers and civilian staff completed training
- Two reserve officers were added, bringing the total number of reserve officers to 4
- Chief Shiflett was added to the Board of Directors for Horizon
- The asset forfeiture report was completed on time
- The APD completed (2) mock assessments and had its policy handbook checked by our VRSA representative Gary Dillon. The assessment was held at the end of August
- Chief Shiflett was able to get the total install for one of the new cars at no cost, saving the Town significant money
- Officer Payne completed his CIT (Crisis Intervention Team) training. This training is 40-hours
- Portable radios were replaced and reprogrammed
- Chief Shiflett found a buyer for the used brass casings from shooting qualifications

- Ambulance was sold
- Belinda Gaines completed IBR training and certification



- Code Red was activated 7 times
- Officer Robinson and Officer Payne achieved Police Officer II status
- Officers completed more than 100 school walk-throughs
- Officer Martin became a Trauma Informed Community representative, as well as a CIT advisor
- Officers participated in “Beards for Kids” from October to November to raise money for the APD Toy Drive



- A generator was purchased and installed in order for the department to be in compliance per VLEPSC/VALEAC



APD in the News

https://newsadvance.com/community/new_era_progress/news/amherst-town-police-presents-officer-of-the-year-award/article_5569a19f-9f4e-5b5c-bdfa-3a1ef5037dc4.html

https://newsadvance.com/news/local/watch-now-a-year-later-amherst-police-department-pleased-with-new-station/article_a3ba092e-8665-11eb-8d3e-93087104841b.html

<https://wset.com/amp/news/local/crisis-intervention-team-training-essential-for-officers-amherst-police-chief-says>

<https://wset.com/amp/news/local/mother-thanks-amherst-officer-who-helped-her-son-during-mental-health-crisis-crisis-intervention-training>

https://newsadvance.com/community/new_era_progress/news/community-atmosphere-permeates-amherst-night-out/article_2d0feb28-fb8f-11eb-a2ab-0bd97902046c.html

https://newsadvance.com/community/new_era_progress/news/town-police-chief-signs-point-to-the-department-soon-becoming-state-accredited/article_3ed4b512-11ad-11ec-9ae7-7b388a0cc0ec.html

https://newsadvance.com/community/new_era_progress/news/amherst-police-department-reaches-longtime-goal-of-state-accreditation/article_784b0988-5968-11ec-a48c-d7709f93097f.html

Community Involvement

The Amherst Police Department is involved in numerous community events throughout the year. The Department takes pride in its interaction within the community it serves and protects. In 2021, COVID restrictions were still in place and affected the way some events functioned. The APD participated in the following community events in 2021:

- Trash Pick Up Day (May)
- 4th of July Fireworks
- National Night Out (August)
- Apple Harvest (October)
- Halloween (October)
- Christmas Parade (December)
- Toy Drive (December).

The APD also honored several officers:

- Officer Payne was awarded Officer of the Year.
- Investigator Watts was given the Award of Excellence.
- Officer Robinson was awarded by M.A.D.D. for his efforts to reduce drunk and drugged driving.



Chief Shiflett and Officer Payne



Chief Shiflett and Investigator Watts



Chief Shiflett and Officer Robinson

Trash Pick Up Day – May 15, 2021



National Night Out – August 11, 2021



Candlelight Vigil for Domestic Violence – Oct. 28, 2021

Chief Shiflett spoke at the YWCA's candlelight vigil for domestic violence.



Halloween Drive Thru – October 29, 2021



Toy Drive - December 2021

The Filling Station, APD, and other businesses in the Town collected toys and monetary donations from Nov. 1 – December 10th. Over 400 toys were collected and donations exceeded \$1,600. A raffle raised over \$4,000. All toys collected benefited the children in the Town. Extra toys were donated to the Amherst County Dept of Social Services.







A RESOLUTION TO READOPT AND EFFECT THE CONTINUATION OF GOVERNANCE FOR THE TOWN OF AMHERST FOR THE JANUARY 1, 2021 – DECEMBER 31, 2022 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 remainder of the January 1, 2021 – December 31, 2022 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:**
 - 2.1 Pursuant to Article III, Section 3.01(10) of the Town Charter, Section 2-31 of the Town Code which establishes the regular date and place of the **regular monthly Town Council meeting** is hereby affirmed. Regular meetings shall begin at 7:00 PM. Special meetings may be called as per Section 3.01 (10) of the Town Charter.
 - 2.2 The **rules of conduct** for the meetings of the Town Council as established in the Rules of Procedure of the Town Council, adopted May 8, 2019 are hereby affirmed.
 - 2.3 The **Code of Ethics** for the Town Council, as adopted on January 11, 2017, is hereby affirmed.
 - 2.4 The **Invocation Policy** for the Town Council, as adopted on January 11, 2017, is hereby affirmed.
 - 2.5 The **Personnel Policy** adopted on June 14, 2006, effective on July 1, 2006 and last amended on October 14, 2020 is hereby affirmed.
 - 2.6 The **Procurement Policy** adopted on December 13, 2017, and last amended on October 9, 2019 is hereby affirmed.
 - 2.7 The **Policy for the Development of Agendas and Presentations** to the Town Council shall be as follows:

Most items considered by the Town Council are routine in nature or are arranged by the Town Manager. Some items are developed and presented by members of the Town Council or any of its various committees, boards and commissions. Materials supporting such issues are to be developed and distributed to the members of the Town Council as soon as practical or, at a minimum, along with the agenda materials.

There are times when residents of the Town of Amherst, Town business operators, or other individuals desire to speak before the Town Council or request the Town Council to take action or otherwise react on a specific issue. The Town Council has found it difficult to appropriately respond in a timely manner if sufficient notice of the request is not given. Therefore, it is the policy of the Town Council of the Town of Amherst

to require that a reproducible (8 ½ x 11) written description of any item to be considered be submitted to the Town Manager by 5:00 PM on the first Wednesday of the month for the meeting to be held that month. Individuals are reminded that such information becomes public information, subject to the Freedom of Information Act, upon receipt at the Town Hall.

However, the Town Council feels that Town residents and business operators have the right to address the Town Council on any issue that may involve the Town. Any individual desiring to speak before the Council who has not met the deadline requirement noted above will be allowed a maximum of three minutes to speak before the Town Council. Any individual representing a bona fide group will be allowed a maximum of five minutes to speak before the Town Council. Placement on the agenda will be at the discretion of the Mayor. It is the Town Council's policy that agendas for regular monthly Town Council meetings will include time reserved at both the beginning and end of the meeting for hearing public comments.

The Town Council may waive this policy if it finds that strict adherence to its language is too restrictive.

3. **Town Depository:** Pursuant to Article III, Section 3.01(15) of the Town Charter, all banks currently operating a branch inside the corporate limits of the Town of Amherst (Truist, Bank of the James and First National Bank) and SunTrust Bank, VML/VACO Virginia Investment Pool and the Local Government Investment Pool shall be considered approved places of deposit for Town funds. The Mayor, Town Manager and Treasurer are hereby authorized to execute all papers necessary to continue or effect new accounts.
4. **Standing Council Committee Appointments:** The authority of the Town Council to appoint standing committees is established in Section 2-29 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 Sharon W. Turner
 - Monitor the budget development process.
 - Review accounting procedures, budgets, and bookkeeping activities.
 - Interface with auditors.
 - 4.2 **Utilities Committee** – Kenneth S. Watts (Chairman) and Andra Higginbotham
 - 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, 2021 – December 31, 2022 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 3.01 (21), (22), (23) and (24) of the Town Charter, Sara E. Carter is hereby appointed Town Manager with duties and authorities as outlined in the Town Code, the Charter, and the Code of Virginia and as may be assigned by the Town Council from time to time.
- 5.2 **Town Clerk** – Pursuant to Section 2-89 of the Town Code, Vicki K. Hunt is hereby appointed Town Clerk with all duties and authorities as described in the Town Code.
- 5.3 **Town Treasurer** – Pursuant to Section 2-90 of the Town Code, Tracie L. Morgan is hereby appointed Town Treasurer with all duties and authorities as described in the Town Code. These duties shall be considered in addition to her duties as Office Manager.
- 5.4 **Town Attorney** – Pursuant to Section 2-91 of the Town Code, Eric Lansing 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 2-92 of the Town Code, Robert A. Shiflett is hereby appointed Chief of Police with all duties and authorities as described in the Town Code.
- 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. Contract renewal and remuneration shall be continued on an annual contractual basis.

6. Board Appointments:

- 6.1 Pursuant to Article II, Section 2 of the November 2018 **Central Virginia Planning District Commission** charter, Dwayne Tuggle and Sara Carter are hereby appointed to that board for the January 1, 2021 – December 31, 2022 term.
- 6.2 Pursuant to Article III, Section 1 of the July 2019 **Central Virginia Transportation Planning Council** (MPO) bylaws, Dwayne Tuggle and Sara Carter are hereby appointed to that board for the January 1, 2021 – December 31, 2022 term.
- 6.3 Pursuant to Article V of the April 17, 1972 Town-Sweet Briar sewer usage contract, Kenneth Watts and Andra Higginbotham are appointed to the **Town/Sweet Briar Sewer Advisory Commission** for the January 1, 2021 – December 31, 2022 term.
- 6.4 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, 2022.

It is the intent of the Town Council that the terms for all appointments made by this resolution shall continue beyond the January 1, 2021 – December 31, 2022 Town Council term of office until successors are duly appointed.

This Resolution was adopted by the Town Council of the Town of Amherst on January 11th, 2022.

Mayor Dwayne Tuggle

Attest:

FROM: Eric M. Lansing, Town Attorney
TO: Mayor and Town Council of the Town of Amherst
DATE: January 6, 2021
SUBJECT: Draft amendment to Town Code §§ 20-8 and 20-9

Dear Mayor and Councilors:

At the request of Mayor Tuggle and Councilor Watts, I have looked into the question of whether any additional ordinance or other authority is needed for the Town to post signs prohibiting bicycles and skateboards on town sidewalks.

I. No additional legislation is needed to erect signs.

As you know, Town Code §§ 20-8 and 20-9 already prohibit riding a bike or skateboard on any sidewalk in the town; but these sections do not specifically say anything about signs. However, the enabling legislation for these two ordinances (Va. Code § 46.2-904) says that if a town adopts an ordinance prohibiting bikes or skateboards on sidewalks, then “[s]igns indicating such prohibition shall be posted in general areas where use of . . . skateboards . . . and/or bicycle[s] . . . is prohibited.” Thus, the Town already has the legislative permission (and indeed, the requirement) to post signs indicating the prohibition.

II. However, other amendments are necessary to bring our ordinance into compliance with the State Code.

Town Code §§ 20-8 and 20-9 make it a criminal offense (a class 4 misdemeanor, punishable with a \$250 fine) to ride a bicycle or skateboard on a sidewalk; but the State Code permits “a civil penalty of not more than \$50.” Because Town Code §§ 20-8 and 20-9 exceed the scope of punishment authorized in the State Code, these two ordinances are arguably invalid. I would suggest that we amend these sections of the Town Code to bring them into compliance with the State Code. I have attached a draft amendment (attached) to the Town Code to reconcile the Town Code with the State Code.

Attachments: An Ordinance Amending the Code of the Town of Amherst, Virginia, Chapter 20 (Traffic and Vehicles), Article I (In General), § 20-8 (Operation of Bicycles on Certain Sidewalks) and 20-9 (Operating of Skateboards on Certain Sidewalks), to Provide for a \$50 Civil Penalty for Riding a Bicycle or Skateboard or Any Sidewalk.

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 20 (TRAFFIC AND VEHICLES), ARTICLE I (IN GENERAL), § 20-8 (OPERATION OF BICYCLES ON CERTAIN SIDEWALKS) AND 20-9 (OPERATION OF SKATEBOARDS ON CERTAIN SIDEWALKS), TO PROVIDE FOR A \$50 CIVIL PENALTY FOR RIDING A BICYCLE OR SKATEBOARD ON ANY SIDEWALK.

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

WHEREAS, §§ 20-8 and 20-9 of the Amherst Town Code prohibit riding a bicycle or skateboard on a sidewalk, and punish those offenses as a Class 4 misdemeanor (punishable by a criminal penalty of up to \$250; *see* Va. Code § 18.2-11);

WHEREAS, § 46.2-904 of the Code of Virginia empowers the Town Council to adopt such an ordinance, and further provides: “A violation of any ordinance adopted pursuant to this section . . . shall be punishable by a civil penalty of not more than \$50”;

WHEREAS, § 7.01 of the Town Charter empowers the Town Council to “maintain, and clear . . . sidewalks . . . and to regulate the use of all such highways . . . and works”; “to prevent the obstruction of such streets, alleys and highways . . . and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive”; § 9.01(1) of the Town Charter empowers the Town Council to “prevent all things detrimental to the . . . safety, convenience and welfare of the inhabitants of the town”; and § 9.01(17) of the Town Charter empowers the Town Council to “pass and enforce all . . . ordinances which it may deem necessary for the good order and government of the town . . ., and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers . . . [of the] town”;

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

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

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, that Chapter 20 (Traffic and Vehicles), Article I (In General), §§ 20-8 and 20-9 of the Amherst Town Code are hereby amended as follows:

Sec. 20-8. - Operation of bicycles on sidewalks.

No person shall ride a bicycle on a sidewalk. Each violation of this section shall be punishable by a civil penalty of \$50.

Sec. 20-9. - Operation of skateboards on sidewalks.

No person shall ride a skateboard on a sidewalk. Each violation of this section shall be punishable by a civil penalty of \$50.

This is **EXHIBIT K**, consisting of **2** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated **March 20, 2018**.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 4

The Effective Date of this Amendment is: **December 9, 2021**.

Background Data

Effective Date of Owner-Engineer Agreement: **March 20, 2018**

Owner: **Town of Amherst, Virginia**

Engineer: **WW Associates, Inc.**

Project: **Sanitary Sewer Rehabilitation and Replacement**

Nature of Amendment:

 X Additional Services to be performed by Engineer

Description of Modifications:

Construction Inspection Services July 2021 Until Completion

July – 100 hours @ \$70/hr = \$7,000

August – November 2021 – 228 hours @ \$70/hr = \$15,960

December – Until Completion – 170 hours @ \$70/hr = \$11,900

Construction Administration Services July 2021 Until Completion

August 2021-November 2021 – 35 hours @ \$140/hr = \$4,900

December 2021-Until Completion – 40 hours @ \$140/hr = \$5,600

Agreement Summary:

Original agreement amount:	\$ <u>415,500</u>
Net change for prior amendments:	\$ <u>169,500</u>
This amendment amount:	\$ <u>45,360</u>
Adjusted Agreement amount:	\$ <u>630,360</u>

Change in time for services (days or date, as applicable): **0 days**

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

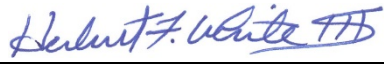
OWNER: **Town of Amherst, Virginia**

ENGINEER: **WW Associates, Inc.**

By: _____
Print
name: Sara E. Carter

Title: Town Manager

Date Signed: _____

By: 
Print
name: Herbert F. White III, P.E.

Title: President

Date Signed: 12/9/2021