

**AMHERST TOWN COUNCIL**  
**AGENDA**  
**Wednesday, February 9, 2022**  
**Meeting at 7:00 p.m.**  
**Town Hall, 174 S. Main Street, Amherst, VA 24521**

**REVISED**

- 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. **Presentation from the Virginia Law Enforcement Professional Standards Commission-** *A representative of the Commission will be present to present the Police Department their accreditation recognition.*
  2. **The State of the Town- 2021 in Review (Pgs. 1-2)-** *The Mayor will provide his second annual State of the Town report, chronicling the last year.*
- 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. 3-20)**
  2. **0** – *Draft of the January 12, 2022 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. 21-35)**
    - 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 (Pgs. 36-45)**

- a. Planning Commission- *met February 2, minutes attached*
- b. Industrial Development Authority- *met February 7, minutes as handout*
- c. Property Maintenance Investigation Board
- d. Robert E. Lee SWCD- *met November 18, 2021, minutes attached*

**H. Discussion Items**

- 1. Update on Completion of Sliplining Project (Pg. 46-47)** *Sara Carter- As the Town nears the completion of the sliplining project, staff has provided an update of the final items moving towards completion of the project.*
- 2. Purchase Approval for a New Backhoe (Pgs. 48-51)** *Sara Carter- As part of the USDA funded sliplining project, the Town has been approved to purchase a new John Deere backhoe for the Maintenance Department. This item has been on the CIP for several years, as an item that would need to be replaced at the point of failure. USDA has approved the purchase, and this will be made out of USDA grant funds through a state purchase contract.*
- 3. Report on Surveys Regarding Trash Cans on the Public Right of Way (Pgs. 52-59)-** *Sara Carter- Staff has provided a compilation of the surveys from the Town's website regarding trash cans on the street. Staff seeks Council instruction as to whether Council would like to proceed with a code amendment.*
- 4. Ordinance Options for Skateboarding on Sidewalks (Pgs. 60-62)-** *Eric Lansing – Mr. Lansing has provided three options for Council's consideration on skateboarding on sidewalks. Staff seeks Council's direction as to which one should be advertise for public hearing.*

**I. Matters from Staff**

**J. Matters from Town Council**

**K. Citizen Comments**

**L. Adjournment**

## 2022 State of the Town Address

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At the end of 2020, there was incredible hope that 2021 would be a radically different year. Everyone hoped that there would be an end to the pandemic, and things would go back to normal. After two years of the pandemic, we now know that some things won't ever be quite the same again.

Understanding where we were during this time, the Town focused on fundamentals this year. We made improvements to our core services, reinvested in equipment and facilities, and maintained our positive economic position, ending the calendar year with more in the bank than when we started the year.

In an accomplishment that garnered statewide recognition, the Police Department became the smallest department in the state to become accredited. This accomplishment is based upon four years of consistent hard work- refining policies, expanding outreach, increasing uniform practices, and an incredible commitment to training and excellence. This would not have happened without the investment into the department; the renovated building offered a facility and space to accomplish these goals that should make our citizens proud. At the same time that the Police Department was achieving this goal, they also had their largest toy drive, their largest trick or treat event, and also started clean up campaigns.

The Town reinvested in facilities this year. We replaced the roof on Town Hall and upgraded our Council chambers. We sold and replaced the bucket truck with a new lift. We purchased two new police cars and obtained a generator for the Police building. At our plant's facilities, we continued work on the water plant renovation and the sliplining project. We received approval for a project to have a standby generator for the Waugh's Ferry water tank. Mass grading plans for Brockman Park, including environmental planning to be reviewed by the state was commenced. And the Town did many of these things utilizing competitive grant funds. The Town applied for and received revolving water drinking funds (a \$150,000 grant), a grant for police car and body cameras to bring all officers to a single standard (\$20,000), a grant for the work at Brockman (over \$100,000). Additionally, the Town began work on the Comprehensive Plan, which is being completed at no cost to the Town by our Planning District Commission.

The Town should be proud of the good work done this year, the focus on fundamentals, and the continued financial health of the Town. Staff this year demonstrated that it is possible to be in hard times, get the good work done, and do it well at a low cost.

Thank you, and let's hope for a great 2022.

Vice Mayor Rachel A. Carton called a regular monthly meeting of the Amherst Town Council to order on January 12, 2022, 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:

A	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		Robert Shiflett	Chief of Police
Eric Lansing	Town Attorney		Charles Thompson	Utilities Maintenance Foreman

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

After reporting on the achievements of the entire police department staff, Police Chief Shiflett presented the following awards to: Officer Caleb Martin, Officer of the Year Award, in recognition of Officer Martin's hard work and dedicated service to the Amherst Police Department and the Town of Amherst; Officer Brandon Payne, Award of Excellence, in recognition of Officer Payne's hard work and dedicated service to the Amherst Police Department and the Town of Amherst; and Assistant Accreditation Manager Ali Davis for her exemplary work performed leading to Police Department State Accreditation.

Vice Mayor Carton opened the floor for citizen comment.

Holden Chase, Amherst, VA, came forward in opposition of installing signs prohibiting skateboards and bicycles on sidewalks and in the alternative to extend existing bike lanes.

Tim Ware, Amherst, VA, came forward in opposition of installing signs prohibiting skateboards on sidewalks.

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

Ms. Turner made a motion that was seconded by Mr. Watts to approve the Minutes of the meeting held on December 8, 2021.

There being no discussion, the motion as to the December 8, 2021, minutes carried 5-0 via the roll call method as follows:

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

After report by Town Manager Carter, Mr. Watts made a motion that was seconded by Ms. Wheaton to adopt a Resolution of appreciation to Kenneth S. Bunch for his many years of public service to the Town of Amherst as a Town of Amherst Councilor, and as a member of the Town of Amherst Planning Commission.

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

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

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

After a report by Town Manager Carter, Ms. Turner made a motion that was seconded by Ms. Wheaton to adopt a Resolution of appreciation to W. Thomas Berry for his many years of outstanding public service to the Town of Amherst as the Amherst Town Attorney.

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

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

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

After a report by Town Manager Carter on updates made to the existing Resolution to Adopt and Effect the Continuance of Governance for the Town of Amherst for the January 1, 2021 – December 31, 2022, Council Term to include affirmation of appointment of Andra Higginbotham to the Utilities Committee and the Town/Sweet Briar Sewer Advisory Commission, appointment of Eric Lansing as Town Attorney, and revised Rules of Procedure to included new Section 3A. Remote Participation in Meetings, Ms. Turner made a motion that was seconded by Mr. Watts to adopt 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.

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

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

A copy of the Resolution to Readopt and Effect the Continuation of Governance for the Town of Amherst for the January 1, 2021 – December 31, 2022, Council Term, and the Rules of Procedure are attached to and made a part of these minutes.

Town Attorney Lansing gave a report on 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. After discussion Town Attorney Lansing

was directed to prepare and present to Council alternate language amending Town Code §§20-8 and 20-9 for review and discussion. The matter was deferred to the February 9, 2022, meeting.

After a report by Town Manager Carter on an amendment to the engineering contract for the sliplining project, Ms. Turner made a motion that was seconded by Mr. Higginbotham to approve the Amended Agreement between the Town of Amherst and WW Associates, Inc., for additional services to be performed in connection to the Sanitary Sewer Rehabilitation and Replacement project in the amount of \$45,360.00.

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

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

Vice Mayor Carton 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 8:10 P.M., until February 8, 2022, at 7:00 p.m. on motion of Ms. Wheaton seconded by Ms. Turner.

The motion carried 5-0 via the roll call method as follows:

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

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Rachel A Carton, Vice Mayor

Attest:

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Clerk of Council

**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; and

**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.

**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;

**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 in 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.

**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**, that 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

**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 11<sup>th</sup>, 2022.*

\_\_\_\_\_  
*Mayor Dwayne Tuggle*

*Attest:*

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# **RULES OF PROCEDURE OF AMHERST TOWN COUNCIL**

## **SECTION 1. AUTHORITY**

These rules are adopted pursuant to the authority provided in Charter Article 3.12.

These rules are intended to supplement the Town Charter. When a conflict arises between this document and the Town Charter, the Town Charter is the controlling document. Unless otherwise provided by charter, ordinance or these rules, the procedure for Town council meetings shall be guided by Robert's Rules of Order, 11<sup>th</sup> Edition and whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

## **SECTION 2. TIME AND PLACE OF REGULAR BUSINESS MEETING**

The council shall meet in formal session at 7:00 p.m., on the second Wednesday in each month in the council chambers, Town Hall, 174 S. Main Street, Amherst, VA. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings under § 2.2-3711 of the Code of Virginia.

(Town Code § )

## **SECTION 3. SPECIAL, CLOSED AND EMERGENCY MEETINGS**

The Town Manager may call special meetings at the insistence of the Mayor or any two members of council in writing at a time and location to be duly advertised in compliance with Virginia State Code.

In addition to regular and special meetings, closed meetings and emergency meetings may be scheduled and held. Notification requirements for closed meetings and emergency meetings are governed by the Virginia Code.

- A. For special meetings, the purpose and nature of the meeting will dictate whether public comment will be allowed. Time for public comment may or may not be allocated depending on the nature of the meeting and at the discretion of Council.
- B. The only items Council may consider in closed meetings are those permitted by the Virginia Freedom of Information Act and identified in the motion convening the closed meeting.

## **SECTION 3A. REMOTE PARTICIPATION IN MEETINGS**

- A. Council members may participate in meetings of the Council by electronic communication means from a remote location that is not open to the public, provided that such participation is approved by the Mayor (or other presiding officer pursuant to Section 6; hereafter in this Section, the "Mayor"). Such participation shall comply with this Section and § 2.2-3708.2 of the Code of Virginia.
- B. On or before the day of a meeting, a Council member desiring to participate remotely shall notify the Mayor that:
  - 1. Such Council member is unable to attend the meeting due to:

- (i) a temporary or permanent disability or other medical condition that prevents the Council member's physical attendance (in which case, the minutes shall record this basis for remote participation, but need not record the exact nature of the disability or medical condition); or
  - (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance (in which case, the minutes shall record this basis for remote participation, but need not record the exact nature of the family member's disability or medical condition); or
- 2. Such Council member is unable to attend the meeting due to a personal matter (in which case, the Council member shall identify, with specificity, the nature of the personal matter; and the Council shall include in its minutes the specific nature of the personal matter cited by the Council member). However, participation by a Council member pursuant to this paragraph shall be limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
- C. An individual Council member may participate from a remote location only if a quorum of the Council is physically assembled at the primary or central meeting location, and the Council has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- D. The location from which a Council member participates remotely shall be recorded in the Council's minutes; however, the location need not be open to the public.
- E. This Section shall be applied strictly and uniformly, without exception, to the entire membership of the Council, and without regard to the identity of the Council member requesting remote participation or the matters that will be considered or voted on at the meeting. The Mayor shall consult the Town Attorney for review of the Council member's request for compliance with the Code of Virginia and this Section, and shall approve the request if the Council member qualifies for remote participation under this Section. If a member's participation from a remote location is disapproved because such participation would violate this policy, the reasons for such disapproval shall be recorded in the minutes with specificity.

#### **SECTION 4. CANCELLATION OF MEETINGS**

At any meeting, the governing body may fix the day or days to which a regular business meeting shall be continued, rescheduled or cancelled if the mayor, or vice-mayor, in the absence of the mayor, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular business meeting. Such finding shall be promptly communicated to the council members and the press. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

#### **SECTION 5. QUORUM; PROCEDURE IN ABSENCE OF QUORUM**

A quorum is required to conduct official Town business. The mayor and five town councilmen shall constitute the council of the town. A majority of the members of the council shall constitute a quorum for the transaction of business. Vacancies in office do not count towards determining a quorum. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have the right to veto. In the event a quorum is not present, the meeting shall stand adjourned to a time and

place agreed upon by a majority of the members present.  
(Quorum defined, Code of Virginia, § 15.2-1415)

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.

#### **SECTION 6. PRESIDING OFFICER.**

- A. The Mayor shall preside at all meetings unless absent or must relinquish the chair due to a conflict of interest. The Mayor shall retain all rights and privileges of the office of the mayor as set out in the Town charter when acting in this capacity.
- B. In the Mayor's absence the Vice Mayor of the council shall preside over the meeting. The Vice Mayor shall retain all rights and privileges of a member of council when acting in this capacity.
- C. Should the Mayor and Vice Mayor not be present to preside at a meeting, then the member of council with the most seniority will chair the meeting:
  1. Should either the Mayor or the Vice Mayor of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed; and
  2. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

#### **SECTION 7. TOWN ATTORNEY AS PARLIAMENTARIAN**

The Town Attorney shall serve as the Parliamentarian for the purposes of interpreting these Meeting Procedures, and the Code of Virginia as amended and Robert's Rules of Order, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Councilors.

#### **SECTION 8. AGENDA AND MATERIALS**

The Town Manager shall ensure a proposed agenda is prepared for the Mayor's consideration seven business days before the meeting. The agenda of every regular Council meeting is approved by the Mayor. Any Council member desiring to add items to the proposed agenda should submit them to the Town Manager and the Mayor ten business days before the meeting.

#### **SECTION 9. ORDER OF BUSINESS AT REGULAR BUSINESS MEETINGS**

The order of business at regular business meetings of the town council shall be set out in the printed agenda and shall include, but not be limited to the following items:

1. Call to order
2. Determination of Quorum
3. Salute to the Flag
4. Invocation
5. Announcements/Proclamations
6. Citizen Comment (other than public hearings)
7. Public Hearings and Presentations



8. Approval of the Consent Agenda
  - A. Minutes
9. Appointments
10. Staff Reports
11. Reports of boards, commissions, and committees
12. Discussion Items
13. Matters from Staff
14. Matters from Council
15. Matters from Mayor
16. Citizen Comments
17. Closed Session (as needed)
18. Adjournment

## **SECTION 10. CITIZEN COMMENT**

Two periods for Citizen comment will be reserved for every regular meeting of the council. Persons wishing to speak during citizen comment must sign the “speaker’s roster” with the person’s name and address and the topic upon which the person wishes to speak not later than the call to order.

The chair shall have the authority to establish a time limit for each speaker whether speaking as an individual or as representing any group or organization. Order of speakers will be determined on first register, first speak basis. The presiding officer may allow additional persons to speak if they have not signed the speaker’s roster.

- If speaking as an individual, each speaker has no less than 3 minutes per item for discussion not including council and/or staff response time.
- If representing any group or organization, each speaker if speaking has 5 minutes per item for discussion not including council and/or staff response time.

If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing.

Councilors may, after obtaining the floor, ask questions of speakers during citizen comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

## **SECTION 11. PUBLIC HEARINGS**

Council will conduct public hearings on specific topics as required by law or as Council otherwise deems appropriate. The purpose of a public hearing is for Council to receive public comments on a specific topic.

During a public hearing, each speaker must limit his or her comments to the specific application or matter for which the public hearing has been scheduled. No person may speak more than once during any public hearing.

- Staff is encouraged to limit presentations to 10 minutes or less.
- Each Council member may ask staff clarification questions and is encouraged to limit his questions to 3 minutes or less not including staff response time.
- Applicants are limited to 10 minutes for presentations.
- Each Council member may ask applicants clarification questions and is encouraged to limit his questions to 3 minutes or less inclusive of applicant response time.
- After the public has had the opportunity to speak on the public hearing item Council members are encouraged to limit their time to 3 minutes or less each for discussion and debate not including staff response time.

## **SECTION 12. WRITTEN COMMUNICATIONS TO COUNCIL**

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. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet, but shall not be individually itemized on the agenda.

### **SECTION 13. CONSENT AGENDA**

In order to expedite the council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
2. Any item on the consent agenda may be removed for separate consideration by any member of the council.
3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.

### **SECTION 14. MINUTES**

#### **I. Generally.**

- A. The clerk of 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.
- B. The minutes shall contain the following information:
  1. The date, time and place of the meeting;
  2. The members present;
  3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  4. The results of all votes and the vote of each member by name;
  5. The substance of any discussion on any matter; and
  6. A reference to any document discussed at the meeting

#### **II. Approval.** The council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- B. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed.
- C. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

### **SECTION 15. DISCUSSION ITEMS**

Discussion items may be considered during regular or special town council meetings if:

- A. A majority of all members of town council are present to vote on a discussion item requiring a majority of the council to pass; or
- B. A quorum of all members of town council are present to vote on discussion

items requiring a quorum of the council to pass.

## **SECTION 16. MAYOR AND COUNCIL COMMENT**

At each regular business meeting of the town council an item will be included on the agenda for “Council Comment” and “Mayor’s Comment”. At that time, the mayor and council members shall have up to five minutes to make comments of general interest on matters such as public issues, community events or milestones, or constituent concerns. With the consent of the council, the chair may delete or reduce the time for comments in the event the time for the council to conduct its business is constrained or the agenda is unusually lengthy.

## **SECTION 17. APPLICATION OF ROBERT’S RULES OF ORDER**

The provisions of Robert’s Rules of Order, 11<sup>th</sup> Edition, shall govern the council in its meetings, except in so far as such provisions are inconsistent with law, the Town Charter, and modified by the special rules of order as set forth below. In the event that there is an inconsistency between the respective rules of order, the special rules shall control.

## **SECTION 18. SPECIAL RULES OF ORDER**

### **Motions, Debate, and Voting**

- I. Motions.** All motions shall be distinctly worded.
  - A. The following rules shall apply to motions:
    1. If a motion does not receive a second, it dies.
    2. The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
    3. Any motion shall be reduced to writing if requested by a member of the council.
    4. A motion to amend can be made to a motion that is on the floor and has been seconded.
    5. No motion shall be received when a question is under debate except for the following:
      - a. To lay the matter on the table;
      - b. To call for the previous question;
      - c. To postpone;
      - d. To refer; or
      - e. To amend.
    6. A motion may be withdrawn by the mover at any time without the consent of the council.
    7. Amendments are voted on first, then the main motion if voted on as amended.
    8. A member of the council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
    9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
      - a. A call for the question fails without a majority vote.
      - b. Debate on the main subject resumes if the motion fails.

10. A motion that receives a tie vote fails.
11. The presiding officer shall repeat the motion prior to a vote.
- B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
  1. No motion shall be made more than once.
  2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the council.
- C. Motion to Adjourn. A motion to adjourn shall be always in order and shall be decided without debate.

**II. Debate.** The following rules shall govern the debate of any item being discussed by the council:

- A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
- B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
- C. In any debate 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.
- D. When two or more members of the town council determine to speak at the same time, the presiding officer shall name the one to speak.
- E. 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.
- F. The presiding officer shall have the privilege of closing the debate.

**III. Voting.** 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. 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.

The following rules shall apply to voting on matters before the council.

- A. Consent Agenda. The majority of a quorum vote of all members of the council present is required to approve the matters on a consent agenda.
- B. Resolutions. A majority of quorum shall be required to pass a resolution.
- C. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine exceeding the sum of one hundred dollars shall require a majority of the council to pass. An ordinance involving a fee or fine in the sum of one hundred dollars or less shall require a majority of a quorum to pass.
- D. An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority of a quorum to pass.
- E. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- F. Budget. The budget shall require a majority of a quorum to pass.
- G. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- H. Elections and Appointments to Office. There shall be a recorded vote on every ordinance having for its object elections. Every appointment to office by the council shall be viva voce and the vote shall be recorded.

- I. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules appearing herein which also appear in the Charter shall not be suspended or rescinded.
- J. 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.
- K. Recorded Votes: All votes shall be recorded in the minutes. The "ayes" and "nays" on any question shall be recorded.
- L. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower town body or commission, a tie shall render the lower body's decision approved.
- M. Expulsion of Member of Council. A vote of at least two-thirds of the members shall be required for the town council to expel a member of the council for misconduct in office.
- N. Vote Required For Decision. All questions before the town council, except where otherwise provided in the Charter, the Town Code, or these Rules, shall be decided by a majority vote of those present.
- O. Motion to Reconsider: Such motion shall require 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.

## SECTION 19. EFFECTIVE DATE

- A. An ordinance or resolution shall become effective upon adoption unless otherwise stated in the ordinance or resolution.
- B. In the event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage.

## SECTION 20. ETHICS, DECORUM, OUTSIDE STATEMENTS

- I. **Ethics.** All members of the council shall review and observe the requirements of the Amherst Town of Amherst Code of Ethics and state ethics law. All members of town council shall refrain from:
  - A. Disclosing confidential information.
  - B. Taking action which benefits special interest groups or persons at the expense of the town as a whole.
  - C. Expressing an opinion contrary to the official position of the council without so saying.
  - D. Conducting themselves in a manner so as to bring discredit upon the government of the town.
- II. **Decorum.**
  - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
  - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.

- C. Members of the town staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.

### **III. Statements to the Media and Other Organizations**

- A. Representing Town. If a member of the council, to include the mayor, appears as a representative of the town before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the town, as approved by a majority of the council.
- B. Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the town before giving their statement.

## **SECTION 21. CENSURE [AND REMOVAL]**

- A. The council may enforce these rules and ensure compliance with town ordinances, charter and state laws applicable to governing bodies. If a member of council violates these rules, town ordinances, the Town Charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a reprimand or removal as provided for in the Town Charter.
- B. The council may investigate the actions of any member of council and meet in executive session to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the Town Charter or state laws applicable to governing bodies has occurred.

## **SECTION 22. AMENDMENT TO RULES OF PROCEDURE**

These Rules of Procedure may be amended by a vote of the majority of full Council.

**Town Manager's Report**  
**February 9, 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. Clerk to present options for Council at their budget planning session.*

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. Utilities committee to meet on February 10 to review.*

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- *Pending.*
- 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. Proposal contained in Council packet.*

### 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

*Bid process underway.*

### Centrifuge Facility (Sludge Dewaterer)

*WW has begun work on drawings for the facility. Staff plans to request purchase approval of equipment for next month's meeting. Details on the specifications are being worked out.*





## JANUARY 2022 MONTHLY REPORT

CALLS FOR SERVICE	NUMBER
MOTORIST ASSIST	26
ALARM	19
PHONE COMPLAINT	157
BOLO	8
MISSING PERSON	
SHOPLIFTING	
PROBLEM WITH OTHERS	9
DOMESTIC	
CHECK WELFARE	3
NOISE OR DOG COMPLAINT	2
TRAFFIC CRASH	2
EMS CALLS	6
SUDDEN DEATH	2
SUSPICIOUS PERSON	5
OTHER	47
CALLS AT AMBRIAR	2

OTHER	NUMBER
ASSIST OTHER OFFICER	10
ASSIST OTHER AGENCY	10
COURT	3
REPORTS	14
SCHOOL / TRAINING	2
MEETINGS	9
TOWED / IMPOUNDED VEH	3

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

OFFICER INITIATED	NUMBER
BUILDING CHECKS	164
BUSINESS VISIT	74
BUILDING SEARCH	7
TRAFFIC SUMMONS	10
DRUNK IN PUBLIC	
EXTRA PATROLS/PARKS	212/40
WARRANT SERVICE	11
PROPERTY WALK AROUNDS	11
WARRANTS OBTAINED	5
PARKING TICKETS	
MISD. INVESTIGATION	2
FELONY INVESTIGATION	3
NARCOTICS INV.	2
SEARCH WARRANT	
PUBLIC RELATIONS	
CITIZEN CONTACT	320

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	6
EQUIPMENT VIOLATION	
RECKLESS DRIVING	1
SUSPENDED LICENSE	1
INSPECTION/REGISTRATION	
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	2

ARREST	NUMBER
MISDEMEANOR	8
FELONY	1
EPO/PPO	2/1
ECO	
NARCOTICS VIOLATION	1
DUI / DUID	1



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 DISPATCH CALLS FOR SERVICE FOR JANUARY: 183**

#### **MONTH OF DECEMBER ACTIVITIES:**

- Officer Martin completed First Line Supervisor School.
- Investigator Watts started CIT training and part of the course was cancelled due to Covid cases.
- Mrs. Gaines taught at the CIT school.
- Officer Martin attended Trauma informed Community meeting.
- Officer Martin attended CIT advisory meeting.
- Budget request completed for 22/23
- Chief/Major attended RASAAC meeting.
- Roughly 65 hrs. of investigative time in two cases.
- Mandatory yearly policy review has started.
- Ammo/gun inventory was completed.
- The department started term 1 assessment for 2024 re-accreditation.



### **AFTER HOURS CALLS**

Hang up 911	Building Secure	1/2/2022
Alarm	Building Secure	1/15/2022
Vehicle unlock	Assist Motorist	1/15/2022
Alarm	Building Secure	1/31/2022
Car Alarm	Advice Given	1/31/2022

### **ASSIST COUNTY CALLS**

Alarm	Clock Factory	Accidental	1/20/2022
Traffic Control	29 South and South Business	Assist	1/21/2022
Wanted subject	Campbells Mill Rd	Disregarded	1/24/2022
Problems w/ others	Boxwood Farm Rd	Advice	



## 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:** February 3, 2022  
**Re:** January 2022 Monthly Report

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**Utilities** – January utility billing total was \$167,589.27.

**A/P** – The total amount of checks cut for January 2022 bills, including payroll deductions were \$507,077.94.

**Meals and Beverage Tax** – 17 Businesses paid \$55,212.57 in Meals and Beverage Tax for the month of December.

**Upcoming Items** – FY21 Audit Prep-The conversion issues with Edmunds have been taken care of and auditors will be back February 9<sup>th</sup> to finish up onsite work.

**License Tax Bills** – License Fee Bills were due December 6, 2021. Second notices have been sent out to those that are delinquent. 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** – Personnel costs, department requests, outside agency requests, miscellaneous cost projects as well as revenue projections have been turned into Ms. Carter for review.

**CLERK OF COUNCIL REPORT  
JANUARY 2022**

**COMMITTEE MEETINGS**

**Town Council**

Receive and review agenda materials; assemble packet for January 12, 2022, meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

**Quorums:** Confirm meeting with Town Council; confirm cancellation of IDA and Planning Commission 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 January meeting
  - Trash Can Ordinance survey
  - DMV to go service at Town Hall notice
- Share links to community news and events; Monitor feedback.

**ZONING ORDINANCE RECODIFICATION**

Telephone conference with Municode Attorney; correspondence.

**FOIA**

Receive, review, and respond to one request.

**OTHER:**

- Convert and post audio meeting recording to website
- Troubleshoot website pages and calendar for conflicts; correspond with David Woody
- Order name plates and new table skirt
- Telephone conference with Clerk of Court – re IDA Oath of Office
- Draft Electronic Meeting Policy
- Prepare and post public hearing notices
- Convert Trash Can Ordinance surveys to PDF; prepare survey response excel worksheet
- Research DVD player hook-up in council chambers; correspond with Point Source
- Miscellaneous phone calls, correspondence; miscellaneous research.
- Prepare miscellaneous purchase orders.

Town of Amherst Committees as of January 31, 2022, Update; See Attached.

## Town of Amherst Committees as of January 31, 2022

### 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**

Amdra Higginbotham	01/01/22	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



**TOWN OF AMHERST  
DEPARTMENT OF PLANTS  
MONTHLY PRODUCTION AND OPERATIONAL REPORT  
January -- 2022**

**SUBMITTED BY: GARY S. WILLIAMS,  
DIRECTOR OF PLANTS**

**SUBMITTED ON: Wednesday, February 2, 2022**

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

	<b>Total, Million Gallons</b>	<b>Average, Million Gallons</b>	<b>Max., Million Gallons</b>	<b>Min., Million Gallons</b>
Raw Source Water	10.680	0.340	0.490	0.000
Plant Production	9.600	0.310	0.440	0.010
Water Delivered to System	9.120	0.290	0.440	0.010

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

	<b>Total, Million Gallons</b>	<b>Average, Million Gallons</b>	<b>Max., Million Gallons</b>	<b>Min., Million Gallons</b>
Raw Influent Sewage	7.202	0.232	0.367	0.158
Final Treated Effluent	8.158	0.263	0.354	0.203

**Stand Out Details of Monthly Operations.**



Frigid January weather brings ice blockage to Buffalo River raw water intake. Plant staff work to clear the ice dams packed into the water plant raw water intake, preventing water pumping on Sunday, January 30th. By mid-morning, the ice was removed, and the free flow of water was restored. A similar situation happened again Monday morning, but warming temperatures eased the situation by Tuesday.

- Sentinel Monitoring Covid RNA Results For The Last 19 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
17	01/04/22	14:15	copies/L wastewater	151,098	no	6,200.0
	01/04/22		copies/L wastewater	124,246	no	5,400.0
18	01/11/22	15:00	copies/L wastewater	67,209	no	6,200.0
	01/11/22		copies/L wastewater	52,099	no	5,400.0
19	01/18/22	15:30	copies/L wastewater	1,751	yes	6,200.0
	01/18/22		copies/L wastewater	1,251	yes	5,400.0



## **SARS-CoV-2 Wastewater Surveillance Sentinel Monitoring Program: Analysis Report January 19, 2022**

### **Site: Rutledge Creek Wastewater Treatment Plant**

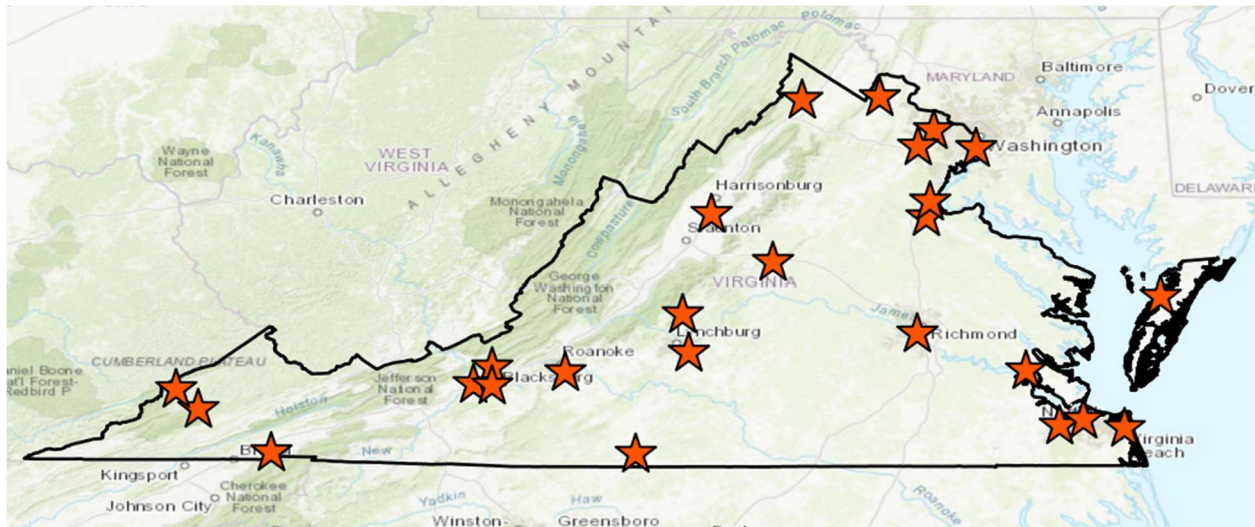
#### **Summary**

In this report you will find an analysis for your facility. We have included some general updates regarding the SARS-CoV-2 Wastewater Surveillance Sentinel Monitoring Program and the specific results from your site.

Note: Wastewater viral loads cannot be compared across Virginia at this time. We will be able to compare results when normalization can be performed, which requires confirmation of population-served variables for all facilities. All VDH case data is provisional and is subject to change as cases are reported.

#### **Program Overview and Updates**

The Sentinel Monitoring Program consists of **25 facilities** currently testing their wastewater for SARS-CoV-2. Sampling is conducted weekly, starting September 13, 2021 through July 31, 2022.



**Map of Sentinel Monitoring Sites**

We will host our third round of check-in calls with facility partners on January 20 and 21, 2022. We have processed most shapefiles, and are finalizing the remaining shapefiles. Please confirm your shapefiles and site details, if you have not done so already, so we are able to geolocate patient cases and normalize your results for population size.

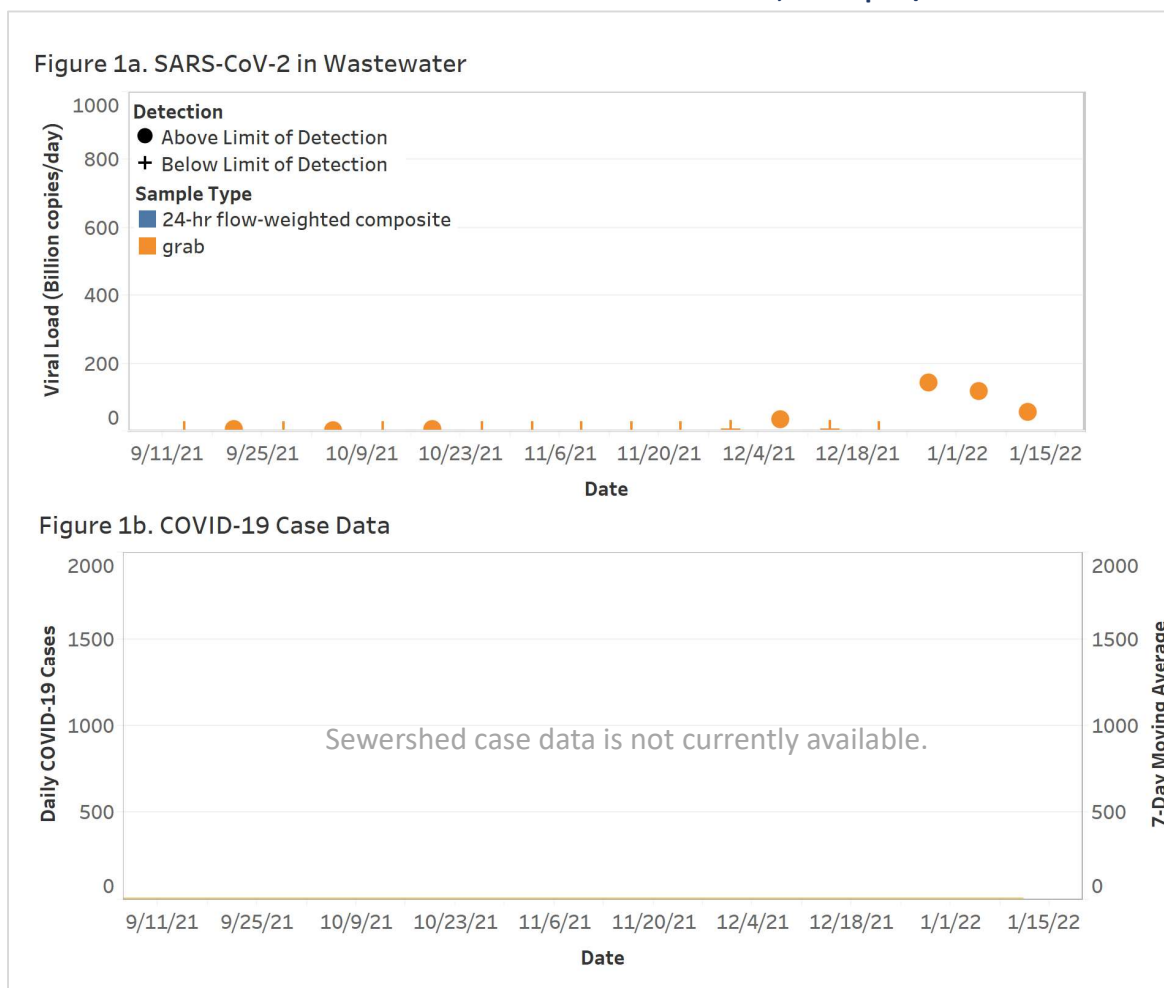
## Site-Specific Summary

Date: 01/19/2022 (data current as of 01/11/2022)

### DETECTED

**Viral load in most recent week: 57 billion copies/day**

**Viral concentration in most recent week: 67,200 copies/L**



The above chart (Figure 1a) shows the SARS-CoV-2 viral load (billion copies/day) for your site during the testing period. There should be a data point for each week's testing, unless the sample is not detected, whereby there will be a plus sign in its place. The second chart below (Figure 1b) shows the daily counts of new cases for your sewershed, as well as a 7-day moving average, for the same time period. As a note, daily case counts between 1 and 4 are suppressed to show a value of 2. This suppression is performed to protect anonymity for those areas.

**Note: If you do not see a case data graph, it is because your sewershed shapefile has not been fully processed yet or has not been received. We expect to process received sewersheds in the coming weeks.**

## Methodology

The Virginia Department of Health (VDH) began the SARS-CoV-2 Wastewater Surveillance Sentinel Monitoring Program on September 13, 2021. Twenty-five sentinel monitoring facilities began collecting samples once weekly at the influent to the wastewater treatment plant. Current funding provides for sample collection through July 31, 2022.

Samples are shipped to the Virginia Department of Consolidated Laboratory Services (DCLS) for concentration, extraction, and droplet digital polymerase chain reaction (ddPCR) analysis. Prior to the week of November 15, 2021, extracted samples were shipped to the NELAP-Accredited laboratory at Hampton Roads Sanitation District (HRSD) for SARS-CoV-2 analysis via ddPCR. The gene target presented in this report is ddCoV\_N, a modified version of the N2 gene for ddPCR wastewater analysis<sup>[1]</sup>. Quantification results for which amplification was observed in the no-template controls (NTC) are removed from analysis. The limit of detection for the current version of the laboratory protocol (v2.0) is 6,200 copies/L of wastewater. All concentrations below the limit of detection are assigned a value equal to one half the limit of detection. Viral load was calculated based on Equation 1:

$$(1) \text{ Viral load (copies/day) } = \text{ Viral conc. (copies/L) } * \text{ Flow rate (MGD) } * \frac{3785411.8 \text{ L/d}}{1 \text{ MGD}}$$

Lab Protocol Version	Limit of Detection (LOD)	Laboratory Responsibilities
v2.0	6,200	<b>Concentration, extraction, and ddPCR analysis: DCLS</b>
v1.0	1,350	<b>Concentration and extraction: DCLS Droplet digital polymerase chain reaction (ddPCR) analysis: HRSD</b>

Percentiles are calculated on a per-site basis by viral load, and then binned into quintiles (i.e., 0-19.9th, 20-39.9th, 40-59.9th, 60-79.9th, 80-100th). Site-specific weekly percentiles provide a metric to compare the current week's data to the site's historical data and when each site experienced its highest versus lowest loads.

Daily new COVID-19 cases are located based on resident address and/or hospital address within each sewershed (i.e., wastewater treatment plant service area) where ArcGIS shapefiles have been provided by the treatment facility. SARS-CoV-2 viral loads in wastewater have shown to be a leading-indicator for COVID-19 cases, thus it is important to only relate wastewater viral loads to daily new cases within the selected sewershed.

[1] Gonzalez, R., Larson, A., Thompson, H., Carter, E., & Cassi, X. F. (2021). Redesigning SARS-CoV-2 clinical RT-qPCR assays for wastewater RT-ddPCR. <https://doi.org/10.1101/2021.03.02.21252754>.

## **Resources**

[CDC National Wastewater Surveillance System \(NWSS\)](#)

[VDH Wastewater Surveillance for COVID-19](#)

[COVID-19 Data in Virginia](#)

### **Please direct questions relating to the program to:**

Rekha Singh, Wastewater Surveillance Program Manager  
Division of Water and Wastewater Services, Office of Environmental Health Services  
[rekha.singh@vdh.virginia.gov](mailto:rekha.singh@vdh.virginia.gov)

### **Please direct questions relating to the report to:**

Haniyyah Majeed, Wastewater Surveillance Technical Program Specialist  
Division of Water and Wastewater Services, Office of Environmental Health Services  
[haniyyah.majeed@vdh.virginia.gov](mailto:haniyyah.majeed@vdh.virginia.gov)

## Utility/Town Maintenance and Construction Report

Jan-22

Water Meter Read	1150
Water Meter Re-Read	52
Disconnects	26
VA-811 Service locations	19
Vehicle PM Work Orders	10
Pump Station/Plant Work Orders	27
Banners Installed/Dismantled	1
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	97
Street/Sidewalk Maintenance	185
Safety Training	2
Bush gogging/ Right of way water/ sewer	10
Flushing Water	20
Equipment Maintenance	64
Xmas decorations	205

### 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 Planning Commission  
Minutes  
February 2, 2022**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill on February 2, 2022, at 7:00 P.M. in the Council Chambers of Town Hall at 174 S. Main Street.

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

P	June Driskill	P	Janice N. Wheaton
P	William Jones	P	John Vandervelde
P	Anne Webster Day	P	Nathaniel Holden Chase
A	Clifford Hart		

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

Town Manager Carter opened the floor for nominations for Chairman and Vice Chairman.

Ms. Day made a motion that was seconded by Mr. Jones that June Driskill and Clifford Hart remain Chairman and Vice Chairman, respectively.

After discussion and there being no further nominations, the motion carried 6-0 as follows:

June Driskill	Aye	Anne Webster Day	Aye
Janice Wheaton	Aye	John Vandervelde	Aye
William Jones	Aye	Nathaniel Holden Chase	Aye
Clifford Hart	Absent		

There being no one present to speak; no comments were made.

Mr. Vandervelde made a motion that was seconded by Ms. Wheaton to approve the minutes of the December 1, 2021, meeting.

There being no discussion, the motion to approve the December 1, 2021, minutes carried 6-0 according to the following:

June Driskill	Aye	Anne Webster Day	Aye
Janice Wheaton	Aye	John Vandervelde	Aye
William Jones	Aye	Nathaniel Holden Chase	Aye
Clifford Hart	Absent		

After Town Manager Carter gave a report on a proposed policy that addresses remote participation in a meeting by board members, Ms. Day made a motion that was seconded by Ms. Wheaton to adopt a Participation in Meetings by Electronic Communication Policy, as recommended by staff.

After discussion, the motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

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

After Town Manager Carter gave a report on the development of the Town of Amherst FY22-23 Capital Improvement Program proposal that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment, copies of which were distributed to the Commissioners, Mr. Chase made a motion that was seconded by Mr. Jones to hold a public hearing at its next meeting on March 2, 2022, on the Town of Amherst FY22-23 Capital Improvement Program proposal, as recommended by staff.

After discussion, the motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

Town Manager Carter led a discussion on requirements for permitting and regulating short-term home or room rental, and Bed and Breakfast lodging. Further discussion was deferred.

Town Manager Carter reported that the Town's Comprehensive Plan must be reviewed every five years. The Commissioners reviewed and discussed a draft survey prepared by Ada Hunsberger, Regional Planner, Central Virginia Planning District Commission, for citizen comment on community events, housing, transportation, pedestrian improvements, and capital improvement and spending, in preparation of potential amendments to the Town's Comprehensive Plan. Further discussion on the comprehensive plan was deferred.

There being no further business, the meeting adjourned at 7:53 PM on motion by Ms. Wheaton seconded by Mr. Vandervelde.

The motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

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

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



# TOWN OF AMHERST

Office of the Town Manager  
and  
Planning Commission

174 S. Main Street, Virginia 24572  
Telephone (434) 946-7885  
Fax – (434) 946-2087

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## PARTICIPATION IN MEETINGS BY ELECTRONIC COMMUNICATION POLICY

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**Adopted by Planning Commission: February 2, 2022**

### **AUTHORITY AND SCOPE.**

This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.2 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700-3715.

This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code §2.2-2708.2(A)(3).

### **DEFINITIONS.**

- a. **"PC"** means the Town of Amherst Planning Commission.
- b. **"Member"** means any member of the Town of Amherst Planning Commission.
- c. **"Remote participation", "remotely participate", or "participate remotely"** mean participation by a member of the PC via telephonic, video, or other audio or combined audio and video electronic communication method where the member is not physically assembled with the other members of the PC.



- d. **"Meeting"** means a meeting as defined by Va. Code § 2.2-3701.
- e. **"Notify" or "notifies,"** for purposes of this policy, means actual notice, including, but not limited to, email, text, telephone, or in-person notice.

**POLICY:**

- A. Members may participate in meetings of the PC by electronic communication means from a remote location that is not open to the public, provided that such participation is approved by the Chairperson, or other presiding officer, (hereinafter referred to as the "Chairperson"). Such participation shall comply with this policy and Va. Code § 2.2-3708.2.
- B. On or before the day of a meeting, a member desiring to participate remotely shall notify the Chairperson that:
  - 1. Such member is unable to attend the meeting due to:
    - i. a temporary or permanent disability or other medical condition that prevents the member's physical attendance (in which case, the minutes shall record this basis for remote participation, but need not record the exact nature of the disability or medical condition); or
    - ii. a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance (in which case, the minutes shall record this basis for remote participation, but need not record the exact nature of the family member's disability or medical condition); or
  - 2. Such member is unable to attend the meeting due to a personal matter (in which case, the member shall identify, with specificity, the nature of the personal matter; and the PC shall include in its minutes the specific nature of the personal matter cited by the member). However, participation by a member pursuant to this paragraph shall be limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
- C. An individual member may participate from a remote location only if a quorum of the PC is physically assembled at the primary or central meeting location, and the PC has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- D. The location from which a member participates remotely shall be recorded in the PC's minutes; however, the location need not be open to the public.
- E. This policy shall be applied strictly and uniformly, without exception, to the entire membership of the PC, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the

meeting. The Chairperson shall approve the request if the member qualifies for remote participation under this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, the reasons for such disapproval shall be recorded in the minutes with specificity.

**Robert E. Lee Soil & Water Conservation District**  
7631-A Richmond Hwy.  
Appomattox, VA 24522  
Phone 434-352-2819 FAX 434-352-9405  
www.releeconservation.com

**Board of Directors Regular Meeting Minutes**  
**The Spring House Restaurant**  
9789 Richmond Hwy  
Lynchburg, VA 24504  
November 18, 2021 – 6:00 p.m.

**Directors:** Jeff Floyd, Chairman  
(Present) Chad Barrett, Assistant Treasurer  
Charles Smith  
Joetricia Humbles  
Karen Angulo  
Bonnie Swanson  
Brandon Payne  
Brandon Schmitt

**Directors:** Bruce Jones  
(Absent) Doug Perrow, Treasurer

**Staff/Partners:** Jonathan Wooldridge, RELSWCD District Manager/Sr. Ag BMP Cons. Spec.  
(Present) Mark Hollberg, CDC, DCR Conservation District Coordinator  
Cindy Miller, RELSWCD Office Administrator  
Lauran Campbell, RELSWCD Conservation Education Specialist

**Others:**

**Call to order:** The regular meeting of the Robert E. Lee Soil and Water Conservation District Board of Directors was called to order November 18, 2021, at 6:00 p.m., by Jeff Floyd, Chairman, at The Spring House Restaurant, 9789 Richmond Hwy, Lynchburg, Virginia.

**Acknowledgement of Guests:** No Guest noted.

**Adopting the Agenda:** Jeff Floyd, Chairman, asked if there were any changes to the agenda. Motion was made to approve the agenda as presented. (Schmitt, Payne passed 8/0)

**Reading and Approving of the October 28, 2021 Minutes:** Jeff Floyd, Chairman, asked if there were any corrections to the minutes (copy filed with the minutes). Motion was made to approve the minutes as presented. (Angulo, Smith passed 8/0).

## REPORT OF OFFICERS/PARTNERS/STAFF

**1-Treasurer's Report – October 2021 –Cindy Miller, Office Administrator**, gave the treasurer's report (copy filed with minutes). All bank statements were reconciled to the checkbook and QuickBooks program. The October 2021 Treasurer's report will be filed in the District Office.

**2-DCR Conservation District Coordinator Report** - Mark Hollberg, CDC gave the November report. (copy filed with minutes).

### Administration:

Second quarter disbursement letters will be sent electronically to district offices November 8. Remember to submit an invoice on SWCD letterhead to DCR no later than 12/31/21 in order to receive reimbursement for **end-of-lifespan verifications** completed this past summer. Track this deposit in QuickBooks and on the upcoming second quarter Attachment E as 2022 VNRCF TA funds because these funds originated from TA funds returned to DCR in earlier years.

**Grant reminders:** twice annual review of the District's Annual Plan of Work and one review of the District's Long-Term Plan. Document these reviews in the minutes.

### VACS:

Tax Credit administration review: §58.1-339.3 B of the Code of Virginia requires that: "Any eligible practice approved by the local Soil and Water Conservation District Board shall be **completed within the taxable year in which the credit is claimed**. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit." Be sure to work closely with participants nearing completion this month or early December to get their bills and to resolve any cost overruns in a timely fashion such that 2021 Tax Credit certificates can be mailed to participants no later than the end of January 2022. Second quarter data entry in the Tracking Program should be completed by January 15. Information regarding data entry for tax credits can be found in Section IV, pages 10 & 11, of the VACS manual. "Note that the Technical Certification Date and the Tax Credit Certification Signature Date must be in the same calendar year." The signature date cannot be before the certification date or the Tax Credit approval date!!

Districts with early December meetings, may benefit from authorizing the Chair or the BMP committee to handle late December approvals of eligible cost increases, particularly those relating to ag BMP Tax Credits.

**3-USDA Natural Resources Conservation Service Report** – Jon Lipinski- DC, Rustburg Service Center- written report provided (copy filed with minutes)

### Staffing

District Conservationist: A tentative job offer has been sent to an applicant

### Programs

#### Environmental Quality Incentives Program (EQIP)

All 2021 EQIP contracts have been obligated and information is sent to our producers. We are always working with our EQIP contracts to bring to completion of all practices.

FY 2022 EQIP application deadline is 19 Nov 2022.

#### CRP/GRP/WRP

#### Conservation Stewardship Program (CSP)

CSP 2022 Renewals will be due on 12 Nov 2022.

CSP sign up deadline is TBD

#### Outreach, Training and Upcoming Events

Ora McCoy (M&M Farm LLC) has been chosen as the Minority Farmer of the Year for 2021 in VA. She will be recognized at an award presentation during lunch at the VSU Small Farm Conference on November 20

**4-Virginia Department of Forestry Report** – Rick Butler, Appomattox Forester –written report provided (copy filed with minutes)

1. Trying to finish up cost share invoices for release projects
2. Conducted our annual Pumpkin Chunkin and Fire training at ACHS. Every year we assist the students in burning of brush that they build during the year as they clean up the Land Lab. They receive instruction on firefighting techniques, Forest management and career opportunities while DOF is able to exercise equipment and train also. Students end day by smashing old pumpkins donated by a local farmer and throwing pumpkin mush on each other. They also enjoy smores during the day.
3. Heartland team sponsored the Area FFA Forestry contest at the Appomattox-Buckingham state forest. Appomattox members of team placed 2<sup>nd</sup> with 2 team members placing 1<sup>st</sup> and 3<sup>rd</sup> as high scorers in the event.
4. Unusual wildfire occurred on Monday where a vehicle caught fire and spread fire along Rt. 460 bypass for at least a ½ mile. Fire was contained and extinguished thanks to Appomattox Volunteer fire department along with assistance from Concord Volunteer Fire Department

**5-Virginia Cooperative Extension Report** – Bruce Jones, Appomattox VCE Agent – Bruce was absent and no report was provided.

**6-RELSWCD District Manager/Sr. Ag BMP Conservation Specialist Report:** Jonathan Wooldridge gave the November report (copy filed with minutes).

#### Projects:

Been a busy month here at Robert E. Lee SWCD. Working on plans and designs for new projects. Monitoring progress on projects under construction. Also meeting new producers that are interested in our programs. Working on estimates and maps for new projects for the new program year. Helping out with soil testing. Working on Nutrient Management Plans for producers.

#### Practices and Conservation Plans for Board Approval:

Would like to ask for board approval that will give the AG BMP committee the authorization in the month of December 2021 to meet if needed to review and approve BMP tax credit increases.

**Motion was made and approved (Payne, Smith 8/0).**

#### Watershed Dams:

Watershed dams are doing well and in good shape. Checking on the dams as the rainfall events happen. Met with Billy Hall about completing the second mowing/maintenance event for the year, deadline is Dec 1<sup>st</sup>.

### **Spot Checks:**

September 21-23 2021. 2 BMPs are still working on correcting maintenance issues.

**7-RELSWCD Conservation Education Specialist-** Lauran Campbell gave her report for November 2021 (copy filed with minutes).

### **Upcoming:**

#### **Meetings:**

12/3/21 Nancy Lily, Lynchburg Water Works and Facility Tour

12/6/21-12/7/21 VASWCD Annual Meeting

12/14/21 Katherine Clement (Chief Naturalist), Rachel Smith (Community Recreation Programmer), planning for the 2022 partnership with Lynchburg Parks and Recreation

Been in contact with Holliday Lake and James River State Park to talk about partnering with them with homeschool groups and their programming.

#### **Programs:**

12/13/21 Cub Scouts @ Grace Hill, Rain Garden

12/15/21 Appomattox Library read/craft event

12/17/21 Timbrook Library, snow project

Lynchburg Water Works provided Grease kits for our office to hand out.

Motion Request to donate \$100 to the VASWCD Education Foundation in return for 20 raffle tickets that will be drawn at our annual meeting on December 7<sup>th</sup>. Motion was approved (Smith, Payne 8/0). Suggestion was made that if the district won a prize that we would draw names from the Directors and Staff to distribute prize.

**8-RELSWCD Office Administrator Report** – Cindy Miller gave the November report (copy filed with minutes).

Monthly duties are kept up to date.

- Reviewed continued on files for upcoming audits, no audit date set for December 8, 2021.
- Submit 2022 allocation request to counties and let Jeff Floyd know by email when the request to Amherst has been submitted.

Office rent discussion is in progress. I requested our rent be reduced to \$1500. Per month.

I will update the Board of Directors as I receive information from our landlord. I stated I would update the Board of Directors at the January 2022 meeting. Board of Directors requested the expiration date on our lease. Advised BOD I would email this information to them.

### **Outreach:**

- Appomattox Library Set up display in case for the month of November.
- November 8, Girl Scouts at Grace Hill Baptist Church- Rain Garden in a Cup activity/ 12 Kids.
- November 10, Appomattox Library: read the book Rain, Activity Rain Garden in a cup and provided snacks/ 7 kids.
- Facebook post made twice daily.
- Website updated.

Meetings attended are on file.

Our next Board of Directors meeting will be on Thursday January 27, 2022.

**8. Timberlake WID – No updates provided.**

**REPORT OF COMMITTEES – Nominating Committee- Detailed review of Officers and Committees completed. Copy is on file. Officers to remain the same. Changes to Committees were to add Bonnie Swanson to the Personnel, Agriculture and Legislative Committees. Motion to approve Agenda items 1-10 approved (Payne, Smith 8/0)**

**UNFINISHED BUSINESS – None**


**NEW BUSINESS- None**

**PUBLIC COMMENT - None**

**ANNOUNCEMENTS – None**

**ADJOURNMENT - The Chairman adjourned the meeting at 6:43 p.m. Approved (Humbles, Angulo 8/0)**

  
\_\_\_\_\_  
Jeff Floyd, Chairman

  
\_\_\_\_\_  
Cindy Miller, Office Administrator



## 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:** Sara Carter  
**Date:** February 3, 2022  
**Re:** Final expenditures for the sliplining project

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We are nearing the end of this project. The wastewater treatment plant items have been done, and we are nearing the end of the collection portion. We have been in negotiations with the contractor and USDA to complete a section of pipe that is not accessible. The contractor offered to construct a road for that section, at a price that the Town found acceptable. However, USDA was going to require significant additional environmental review for that. The contractor has proposed a price for a type of pipe lining called "pipebursting," which will allow them to line the pipe without needing to construct a road.

We are awaiting final USDA approval, but they have indicated that it is approvable. This leaves the grant funding for the project with the current status:

Grant funding remaining: \$756,284.58.

From that amount, the Town intends to spend:

\$ 4,800 to close out Frizzell  
= \$751,484.58

\$45,360 for additional engineering costs due to time delay  
= \$706,124.58

\$290,565 for Pipe Burst Union Hill segments  
= \$415,559.58

\$58,000 for Interceptor lining  
= \$357,559.58

\$156,200 for retainage to Insituform  
= \$201,359.58



\$\$131,387 for backhoe  
=\$69,972.58

This work will COMPLETE the total lines anticipated by the project.

Mr. White and I will work with USDA to determine if there is anything additional for the remaining \$69,973.



### Quote Summary

**Prepared For:**

Charles Thompson  
TOWN OF AMHERST  
Charles Thompson  
186 S MAIN ST  
AMHERST, VA 24521  
Home: 434-238-2203  
Business: 434-946-5769  
charles.thompson@amherstva.gov

**Prepared By:**

James Bryant  
James River Equipment  
1953 S Amherst Highway  
Amherst, VA 24521  
Phone: 434-381-6035  
cbryant@jamesriverequipment.com

**USED EQUIPMENT: DISCLAIMER OF WARRANTIES** – All goods are purchased by the purchaser "AS IS" and "WITH ALL FAULTS", and seller makes no representation or warranty, express, or implied, including but not limited to warranties of merchantability or fitness for a particular purpose or other matter with respect to the goods. \_\_\_\_\_ (Initial)

**Quote Id:** 25893729  
**Created On:** 11 January 2022  
**Last Modified On:** 12 January 2022  
**Expiration Date:** 18 January 2022

Equipment Summary	Suggested List	Selling Price	Qty	Extended
2022 JOHN DEERE 310SL BACKHOE LOADER - 038508	\$ 189,275.00	\$ 130,487.00 X	1 =	\$ 130,487.00
2021 TAG 18"/TAG/310SL - 339776-1	\$ 562.10	\$ 900.00 X	1 =	\$ 900.00
<b>Equipment Total</b>				<b>\$ 131,387.00</b>

**Quote Summary**

Equipment Total	\$ 131,387.00
SubTotal	\$ 131,387.00
Total	\$ 131,387.00
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 131,387.00</b>

Salesperson : X \_\_\_\_\_

Accepted By : X \_\_\_\_\_

**JOHN DEERE**

# Selling Equipment

Quote Id: 25893729

Customer: TOWN OF AMHERST

**2022 JOHN DEERE 310SL BACKHOE LOADER - 038508**

Hours: 0

Stock Number: C202591

**Suggested List**

\$ 189,275.00

**Selling Price**

\$ 130,487.00

Code	Description	Qty	Unit	Extended
0A71T	2022 JOHN DEERE FT4/AC/4X4/EX/ PC/7TH VLV/RIDE CONTROL**UPPER OCCOQUAN SERV.AUTH**	1	\$ 138,322.00	\$ 138,322.00

**Standard Options - Per Unit**

170C	JDLINK 5YR TEMP LICENSE 50HR	1	\$ 0.00	\$ 0.00
1065	ENGINE FT4	1	\$ 10,028.00	\$ 10,028.00
2035	CAB STANDARD	1	\$ 13,243.00	\$ 13,243.00
2401	DECAL ENG W/ENG PACKET	1	\$ 0.00	\$ 0.00
3095	AXLE MFWD W/LIM SLIP & AUTO	1	\$ 0.00	\$ 0.00
4466	TIRE GAL 21L24 12.5/80-18	1	\$ 1,389.00	\$ 1,389.00
5285	CONTROL PILOT	1	\$ 2,594.00	\$ 2,594.00
5400	COUPLER LESS	1	\$ 0.00	\$ 0.00
5600	LESS BUCKET W/PINS	1	\$ 0.00	\$ 0.00
6020	DIPPER EXTENDABLE	1	\$ 8,365.00	\$ 8,365.00
6230	HYD,AUX W/2WAY FLOW, THUMB	1	\$ 4,582.00	\$ 4,582.00
7025	LDR SINGLE LEVER NO AUX	1	\$ 0.00	\$ 0.00
7645	LDR BKT 1.3CY LG LIP BKT 92"	1	\$ 4,531.00	\$ 4,531.00
8485	COUNTERWEIGHT 1250LB.	1	\$ 1,758.00	\$ 1,758.00
8685	BATTERY DUAL W/JUMP POST	1	\$ 544.00	\$ 544.00
9060	MIRRORS INTERIOR	1	\$ 82.00	\$ 82.00
9115	RIDE CONTROL	1	\$ 2,335.00	\$ 2,335.00
9140	BUCKET CYLINDER HEAVY DUTY	1	\$ 273.00	\$ 273.00
9210	CONSOLE W/CUP HOLDER - LEFT	1	\$ 81.00	\$ 81.00
9515	FLUID SAMPLING	1	\$ 207.00	\$ 207.00
9919	SUN VISOR	1	\$ 95.00	\$ 95.00
9920	MIRRORS EXTERIOR REAR VIEW 2	1	\$ 343.00	\$ 343.00
9965	SEAT CLOTH AIR SUSPENSION	1	\$ 503.00	\$ 503.00

**Standard Options Total****\$ 50,953.00****Value Added Services Total****\$ 0.00****Suggested Price****\$ 189,275.00****Customer Discounts****Customer Discounts Total****\$ -58,788.00****\$ -58,788.00****Total Selling Price****\$ 130,487.00**



JOHN DEERE

## Selling Equipment

Quote Id: 25893729

Customer: TOWN OF AMHERST

2021 TAG 18"/TAG/310SL - 339776-1				
Hours:	0			Suggested List
Stock Number:	2005050			\$ 562.10
				Selling Price
				\$ 900.00
Code	Description	Qty	Unit	Extended
18" 310SL	2021 TAG 18"/TAG/310SL	1	\$ 562.10	\$ 562.10
Suggested Price				\$ 562.10
Customer Discounts				
Customer Discounts Total			\$ 337.90	\$ 337.90
Total Selling Price				\$ 900.00



# COMMONWEALTH OF VIRGINIA

DIVISION OF PURCHASES & SUPPLY (DPS)  
1111 East Broad Street, Richmond, Virginia 23219

## Contract Number E194-82390 Construction Equipment

CONTRACT PERIOD	June 1, 2019 through April 10, 2023
CONTRACT TYPE	Optional Statewide
RENEWALS REMAINING	N/A
AUTHORIZED USERS	Commonwealth of Virginia state agencies, institutions of higher education & other public bodies as authorized and defined in the Code of Virginia §2.2-1110, 2.2-1120, and 2.2-4301
CONTRACTOR & eVA ID #	John Deere Construction Retail Sales VS0000085750
CONTRACTOR(S) POINT OF CONTACT	Richard Murga   Phone # 309-765-0260 <a href="mailto:Murgarichard@johndeere.com">Murgarichard@johndeere.com</a>
MINIMUM ORDER	\$0.00
PAYMENT TERMS	Net 30
DELIVERY	Equipment: 120 Calendar Days ARO Parts: Within 30 Calendar Days ARO
DPS CONTRACT OFFICER	Tracy Wrenn   Phone # 804-786-5410 <a href="mailto:Tracy.Wrenn@dgs.virginia.gov">Tracy.Wrenn@dgs.virginia.gov</a>
COMMODITY CODE(S)	54531
LAST UPDATE & PURPOSE	April 22, 2021 SCCO Update

### **INFORMATION:**

1. Ordering Method: Unless otherwise instructed or exempted by DPS, all Authorized Users placing orders against this Contract must place purchase orders through eVA.
2. Purchase Order Information: When placing an eVA order, follow the Buyer Guide. This guide may be found on eVA (Click on "I Buy For Virginia", then on "eVA Buyer Training", then on "Buyer Guide").
3. Authorized User Acceptance: Inspection and acceptance upon delivery and approval of Contractor's invoice is the responsibility of the receiving Authorized User.

### **OVERVIEW:**

Please see the attached Participating Agreement and Oklahoma Master Agreement for all information on the contract. Any questions on the contract should be directed to the contract officer.

### **PRICING**

The John Deere Industrial Discount Schedule is attached separately (Excel spreadsheet) under the E194-82390 contract number. It reflects a selection of commonly purchased goods to be provided to the Commonwealth under this Contract. This list is not all-inclusive. Any items categorized by the discount structure shall also be considered part of the Contract.

This document is provided only as a summary of the Contract. A complete and official copy of the Contract and any associated changes are available on the eVA State Contracts webpage OR at the offices of the Division of Purchases and Supply.

Contract Summary: E194-82390

Page 1 of 1

CONSIDERATION OF TRASH CAN ORDINANCE SURVEY

Survey ID	Name - Optional	Phone - Optional	Email - Optional	1 -Are trash cans being left out on the public right of way a problem ?	1a If you think it is a problem, is your concern the appearance or safety?	2 Do you believe that an ordinance that would require people to remove their trash cans from the public right of way (to include sidewalks, roads, bike lanes, and the strip of grass between the sidewalk and the road) would be helpful?	3 Do you believe that there should be a requirement to store trash cans (when not in use) to the side or rear of the house?	4 If a requirement is made to limit the amount of time that trash cans can be on the street, does Sunday-Tuesday seem reasonable?	5 you have comments for Council about this issue or suggestions for how it should be handled?	6 I am a resident of the Town of Amherst, I own a business in the Town of Amherst, I am a visitor of the Town of Amherst, None of the above, Other
165	No Response	No Resonse	No Response	Yes	Both	Yes	Yes	Yes	No	Resident
166	No Response	No Resonse	No Response	No	N/A	No	No	Yes	I don't feel as though it's a big enough deal to have an ordinance. If a trash can is in the way simply move it out of your way, and move along	Resident



CONSIDERATION OF TRASH CAN ORDINANCE SURVEY

167	No Response	No Resonse	No Response	Yes	Safety	No	No	Yes	I don't think trash cans should be left on the road and/or sidewalks for days on end. They fall over and create a nuisance. I'm not sure there is much you can really say about cans that are stored on private property, unless they, too, become a nuisance, are dirty, and spread trash over the surrounding properties. There may be a reason for keeping it near the road (steep hills, elders doing the best they can, etc.) Would it be possible to require a receptacle to hold the trash bins, much like what they do at beach properties? I do think that setting a time limit would be helpful, especially for clearing the bike lanes (if they are not kept clear, why have them?). I also want to say how much cleaner the sidewalks on Main Street have been since the doggy bag stands and trashcans have been installed. Kudos to you all for taking a proactive stance. Our town is so pretty, let's keep it that way!	Resident
168	Charlene Wood	4342291264	<a href="mailto:ms.tabb57@yahoo.com">ms.tabb57@yahoo.com</a>	Yes	Both	Yes	Yes	Yes	Give them until 7 pm on Mondays because people working and doesn't get home until after 5pm. Also include all the town of Amherst, side streets. It looks a mess with trash cans and trash on the roads.	

CONSIDERATION OF TRASH CAN ORDINANCE SURVEY

169	Michael Driskill	4345469191	<a href="mailto:mandldriskill@comcast.com">mandldriskill@comcast.com</a>	Yes	Appearance	Yes	Yes	Yes	Trash cans left at the curb or beside the sidewalk do not fit in with a clean, pleasant neighborhood. The effort required to roll them back to the house is minimal.	
170	No Response	No Response	No Response	Yes	Both	Yes	Yes	Yes	No	Resident
171	Derin Foor	No Response	shoe4ya@gmail.com	Yes	Both	Yes	No	Yes	Like any ordinance, it's useless unless the town intends to enforce it. Who is going to do that? Does the Police Department have enough resources (time) to see this through?	Resident
172	No Response	No Response	No Response	Yes	Safety	Yes	Yes	Yes	Not only in town but all trash and recycling cans, even in the country. Can be a problem when passing on a narrow road as well as an eyesore.	I live outside of Town limits but do have trash pickup
173	No Response	No Response	No Response	No	N/A	No	No	No	No	Resident
174	No Response	No Response	No Response	Yes	Both	Yes	No	No	No	Resident
175	No Response	No Response	No Response	Yes	No Response	No	No	No	There may be people that are not able to get trash cans in and they have to wait for someone to do it	Resident
176	No Response	No Response	No Response	No	N/A	No	No	No Response	No	Resident



CONSIDERATION OF TRASH CAN ORDINANCE SURVEY

177	Debbie and Tom Shrader	4349462209	<a href="mailto:sharderhome@comcast.net">sharderhome@comcast.net</a>	Yes	Both	Yes	No	Yes	We have neighbors who leave their cans on the street 24/7/365, often with overflow on the ground for weeks at a time. As for where the cans are stored, some people have homes far back off the street. In those instances, pulling the cans out of the sight line of the street or VDOT right of way would be ok. Overflow refuse not picked up by the garbage trucks should also be addressed. (ie, rugs, mattresses, furniture left out for long periods of time)	Resident -We live at 176 sunset Drive in the Town of Amherst
178	No Response	No Response	No Response	Yes	Safety	Yes	No	No	They need to be off by Monday night. They block the mailboxes and really inconvenience the mail deliverer.	Resident
179	No Response	No Response	No Response	No	Appearance	No	No	Yes	No	Resident
180	No Response	No Response	No Response	Yes	Both	Yes	Yes	Yes	Trash cans should be put out on the day of trash pick-up and returned to the home the same day. It's ridiculous people leave them out for days!	Resident

CONSIDERATION OF TRASH CAN ORDINANCE SURVEY

181	Aaron Mahler	4344269548	<a href="mailto:amahler@halfpress.com">amahler@halfpress.com</a>	Yes	Both	Yes	Yes	Yes	We are lucky in that our cans are picked up behind our building and present fewer of these issues, so I admit that I am speaking from a position of greater convenience here. However, it does not seem unreasonable to have the proposed timeframe both for safety and beautification of the town. A few cans do partially block already tight sidewalks for days at a time, if not perpetually. This would seem to help alleviate that to a sufficient degree. As someone who walks daily on Main St, I will certainly endeavor to lend a hand with righting tipped bins that sometimes block the sidewalk after being emptied (which is no fault of the owners, of course).	Resident/Business Owner
182	No Response	No Response	No Response	Yes	Both	Yes	Yes	Yes	Trash cans should be put out on the day of trash pick-up and returned to the home the same day. It's ridiculous people leave them out for days!	Amherst County Resident
183	No Response	No Response	No Response	No	Appearance	No	No	No	No	No Response
184	No Response	No Response	No Response	Yes	Safety	Yes	Yes	Yes	No	Resident
185	No Response	No Response	No Response	Yes	Both	No	Yes	Yes	No	Resident/Business Owner
186	No Response	No Response	No Response	Yes	Both	No	Yes	Yes	No	
187	*Mannino									Marketing

CONSIDERATION OF TRASH CAN ORDINANCE SURVEY

188	Michael Driskill	4349469848	<a href="mailto:mandldriskill@comcast.com">mandldriskill@comcast.com</a>	Yes	Both	Yes	Yes	Yes	For those of us with long driveways, storing the bins beside or behind the house is impractical. For the two of us who share our driveway, we store the bins behind nearby shrubs and fences. Perhaps a distance requirement of 20 feet or 30 feet from the curb or pavement would be appropriate and an allowance for closer if the bins are concealed behind shrubs or fences.	Resident
189	No Response	No Response	No Response	No	No Response	No Response	No Response	No Response	No Response	No Response
190	No Response	No Response	<a href="#">No Response</a>	No	Safety	Yes	No	Yes	Take care of your elderly neighbors if they can't pull the cans to the curb or away from curb help. I don't like my cans at my house in summer because of smells and flies. I leave mine at top of driveway but off curb under trees.	Resident
191	Charlene Wood	4342291264	<a href="mailto:ms.tabb57@yahoo.com">ms.tabb57@yahoo.com</a>	Yes	Both	Yes	Yes	Yes	Give them to 7pm on Monday's. That will give people who work time to get home and to remove them. I live on Walnut Street and people leave trash cans on the street forever. Ride down on Tuesdays and you will see.	Resident
192	No Response	No Response	No Response	Yes	Both	Yes	Yes	Yes	No	Resident
193	No Response	No Response	No Response	No	N/A	No	No	No	There's no need to move trash cans when it's on private property. That is our own personal property. They aren't in the way	Resident

CONSIDERATION OF TRASH CAN ORDINANCE SURVEY

194	No Response	No Response	No Response	No Response	N/A	No	No Response	No Response	We also need to be concerned about the amount of household items that are left out in front yards. Yards that are covered in crap. This is much more of a problem than empty trash cans.	Resident
195			<a href="mailto:nfntwrk@gmail.com">*nfntwrk@gmail.com</a>							Marketing
196	No Response	No Response	No Response	Yes	Safety	Yes	Yes	Yes	No	Resident
197	*Eric Jones									Marketing
198	*Olivia Pointon									Marketing
199	*Montoya									Marketing
200	No Response	No Response	No Response	No	N/A	Yes	Yes	Yes	As small a concern this may seem it gives the wrong message about the TOA. And could be a safety issue when first responders may have access blocked by trash cans left in the street. If it is not possible for the homeowners to store their cans at the rear of their homes they could be stored out of site i.e. behind hedges	Resident
201	*Palacios									Marketing
202	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	Most town residents pay their town taxes every year. When it comes to improvements, upgrades or ordinances, it would seem that if you don't live on Main Street, the town does not care as much. If this trashcan issue was not on Main Street, we would not even be having a discussion.	Resident
203	*Kyle Hart									Marketing

CONSIDERATION OF TRASH CAN ORDINANCE SURVEY

204	Andrea Tolley	4348419146	<a href="mailto:tolley.an@gmail.com">tolley.an@gmail.com</a>	No	N/A	No	No	No	I would ask all those complaining if they have put the same effort into seeing why a neighbor might be leaving their trash cans near the street on their property, but not obstructing the sidewalks, grass, etc. We do have a large percentage of elderly neighbors that have difficulty lugging the large receptacles back and forth. If it bothers people to see the trash/recycling receptacles, instead of complaining, do the neighborly thing and offer help!	Resident
205	No Response	No Response	No Response	Yes	Appearance	Yes	No	Yes	No	Resident
206	*Kori									Marketing
207	*Nancy Gupta									Marketing
208	*Nancy Gupta									Marketing
209	Aaro Temple	4349443854	<a href="mailto:aarontemple54@yahoo.com">aarontemple54@yahoo.com</a>	Yes	Appearance	Yes	Yes	Yes	Trash cans should be put away but the greater eyesore is people in the town not keeping up their property. Also displays of rebel flags near the traffic circle (preachers house) do not put Amherst in a good light. Grandview drive first house on right, and another house down the street is a pigstye. Trash can ordinance won't fix the other glaring issues with 10 year construction projects and inability to pick up yards.	Resident
210	*Eric Jones									Marketing

**FROM:** Eric M. Lansing, Town Attorney  
**TO:** Mayor and Town Council of the Town of Amherst  
**DATE:** January 31, 2021  
**SUBJECT:** Draft amendments to Town Code §§ 20-8 and 20-9

Dear Mayor and Councilors:

Per the Council's discussion on January 12, I have drafted two ordinances, each representing the distinct views on the Town's prohibition on bicycles and skateboards Downtown.

**Option A: Prohibits skateboards only on sidewalks in the Downtown Area, and only during business hours. (Prohibits bicycles on all sidewalks in the Town, at all times.)**

**Overview.** This draft ordinance would revise the prohibition on skateboards on sidewalks, so that the restriction applies only to the Downtown Area during business hours, as requested by members of Council on January 12. It would also change the penalty (for both skateboards and bicycles on sidewalks) from a class 4 misdemeanor to a \$50 civil penalty.

**Definition of "Business Hours."** I have followed the advice of Chief Shiflett in establishing the exact times for business hours. Chief Shiflett advises that the time-period "from 7:00 am until 6:00 pm during business hours . . . is the time where we see the most foot traffic on the sidewalks."

**Definition of "Downtown."** Since "Downtown" is not presently defined in the Town Code or the Zoning Ordinance, I have solicited the advice of Sara Carter and Chief Bobby Shiflett in establishing a definition of "Downtown." Sara Carter suggested defining the Downtown as the Central Business District, as covered on the Zoning Map. Chief Shiflett suggested the area "from (North) Hanger Road to (South) Second Street" (an area that is nearly the same as the Central Business District, but slightly smaller). I have adopted Sara Carter's suggestion, since the exact boundaries of the Central Business District are already laid out in the Town of Amherst Zoning Map.<sup>1</sup>

**Bicycles.** The Town Council's discussion focused on skateboards (not bicycles) when Council members suggested limiting the prohibition to the Downtown Area during business hours.

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<sup>1</sup> A third option is a "practical definition" (rather than a "geographic definition") of Downtown: "'Downtown Area' means any part of the Town where a sidewalk fronts a building open to the public (including but not limited to any business, office, school, government building, place of worship, or assembly hall), and where there is no parking lot or yard between such building and sidewalk." Simply put, the "practical definition" centers on the chief characteristic of sidewalks in the Downtown area that makes skateboards more dangerous than in other parts of Town.

Therefore, this draft ordinance would still prohibit bicycles on all sidewalks, at all times, throughout the Town. Notably, bicycles may be legally driven on public roadways. *See* Va. Code § 46.2-905.

### **Option B. Repeals the prohibition on skateboards and bicycles on sidewalks.**

Option B would repeal §§ 20-8 and 20-9 of the Town Code.

### **Option C. Requires skateboarders and bicyclists to yield to pedestrians, and prohibits them from impeding a business or other public building.**

This optional revision is based on a suggestion from Sara Carter. Subsection A is based on language from Virginia Code § 46.2-904, ¶ 2, except that instead of applying only to a “motorized skateboard” (as the State Code does), this ordinance would apply to skateboards generally.

Rather than relying on the enabling legislation in Virginia Code § 46.2-904, this ordinance would derive its authority from Town Charter art. VII, § 7 (empowering 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.”

## **OPTION A**

### **§ 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.

### **§ 20-9. – Operation of skateboards on certain sidewalks.**

- A. No person shall ride a skateboard on a sidewalk in the Central Business District (as that district is defined in the Amherst Zoning Map) from Monday through Friday, from 7am to 6pm. Each violation of this article shall be punishable by a civil penalty of \$50.

## **OPTION B**

- A. —

## **OPTION C**

### **Sec. 20-8. – Bicycles and skateboards to yield to pedestrians on sidewalks.**

~~No person shall ride a bicycle on a sidewalk. Each violation of this section shall constitute a Class 4 misdemeanor.~~

- A. A person riding a bicycle or skateboard on a sidewalk or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.
- B. No person riding a skateboard on a sidewalk shall thereby (1) interfere with a business conducting its trade, or (2) interfere with access to or egress from any building open to the public (including but not limited to any business, office, school, government building, place of worship, or assembly hall).
- C. “Interfere,” for purposes of Subsection B, shall mean to hinder, delay, or obstruct. Factors for determining interference include (1) the extent and duration of the skateboarder’s presence in front of a business or building; (2) whether the skateboarder was traveling to a fixed location, or going back and forth in front of the business or building; (3) whether the skateboarder was asked to leave by any owner, shopkeeper, patron, member, staff person, or other individual having a legitimate interest in the business, building, or its affairs; (4) the extent of hazard or difficulty imposed by the skateboarder on any individual trying to patronize or support the business or building; and (5) the speed of the skateboard and its proximity to any individual in its path.
- D. Each violation of this Section shall be punishable by a civil penalty of not more than \$50.