

The regular meeting of the Amherst Town Council was held on April 11, 2007 at 7:00 P.M. in Council Chambers with Mayor Jacob Bailey presiding. Council Members present were: Bobby J. Bondurant; Jason D. Campbell; Haney Mottley; and C. Manly Rucker, III. Councilor Harold Swisher was absent.

Also present were Town Manager Jack Hobbs, Town Attorney W. Thomas Berry, Police Chief Kenneth Watts, Superintendent of Plants Thomas W. Fore and Office Manager Colan R. Davis.

The Rev. Barbara Rodgers gave an invocation.

Mr. Rucker made a motion that was seconded by Mr. Mottley to approve the agenda as presented. The motion passed 4-0. Messrs. Bondurant, Campbell, Mottley and Rucker voted "Aye". Mr. Swisher was absent.

A duly advertised public hearing on rezoning portions of the downtown area to Central Business District CBD, as recommended by the Planning Commission, was opened at 7:01 P.M. There being no one present who wished to speak, the public hearing was closed at 7:02 P.M. Mr. Rucker made a motion that was seconded by Mr. Bondurant to adopt an ordinance to rezone the area as proposed. The motion passed 4-0. Messrs. Bondurant, Campbell, Mottley and Rucker voted "Aye". Mr. Swisher was absent. A copy of the ordinance is attached and made a part of these minutes.

It was reported that the Planning Commission had recommended that the Town Council approve the rezoning of the Dr. Arnold property at 350 S. Main Street from R-2 to T-1 during its meeting on April 4. The Council decided to have the required hearing on the matter during its May 9 meeting.

Gary Christie, from the Region 2000 Local Government Council, came forward to present a proposal for a grant that would help fund the required source water supply plan for the Town. Mr. Campbell made a motion that was seconded by Mr. Rucker to adopt a resolution that would have the effect of approving the proposal. The motion passed 4-0. Messrs. Bondurant, Campbell, Mottley and Rucker voted "Aye". Mr. Swisher was absent. A copy of the resolution is attached and made a part of these minutes.

Mr. Rucker made a motion that was seconded by Mr. Mottley to approve the minutes of the March 14 and March 31, 2007 Town Council meetings as previously submitted. The motion passed 4-0. Messrs. Bondurant, Campbell, Mottley and Rucker voted "Aye". Mr. Swisher was absent.

It was reported that the Town Council had updated the animal control ordinance to mirror the Amherst County ordinance on May 25, 2005. However, the county has revised its ordinance since that time and the county animal control officer has suggested that the Town Code should be updated to improve the consistency of the laws he is to enforce. Mr. Rucker made a motion that was seconded by Mr. Bondurant to adopt an ordinance to amend Chapter 3 of the Town Code that would bring the Town Code more into line with the county ordinance. The motion passed 4-0. Messrs. Bondurant, Campbell, Mottley and Rucker voted "Aye". Mr. Swisher was absent. A copy of the ordinance is attached and made a part of these minutes.

Mr. Rucker made a motion that was seconded by Mr. Campbell to authorize the installation of a wireless hotspot in the Town Hall. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley and Rucker voted "Aye". Mr. Swisher was absent.

Mr. Mottley made a motion that was seconded by Mr. Bondurant to authorize the payment of assessments in connection with the VML/VACO committee that is negotiating electrical power rates with APCO. The motion passed 4-0. Messrs. Bondurant, Campbell, Mottley and Rucker voted "Aye". Mr. Swisher was absent.

The Town Manager gave a report on the need to update the Town's flood plain regulation program.

A preliminary response to the notice sent in connection with the dilapidated buildings at 135 Gregory Lane was received and reviewed. The Town Manager was asked to make a report on the matter at the July 11 meeting.

The Town Manager reported that Tom Shrader, a resident of 176 Sunset Drive who has served as a volunteer fireman for many years, has asked to purchase an old fire hydrant for landscaping purposes. By consensus, the Town Council agreed to exchange the fire hydrant in exchange for Mr. Shrader's services in auctioning off the "Green House" property.

The Town Manager reported that the Town has been selected for a 2006 Virginia's Excellence in Waterworks Operations Award. The Council agreed that the Virginia Department of Health should be asked to present this award to the Town Council at its June 13 Meeting.

A work session on the FY08 budget was planned for the May 9 meeting and the required public hearing on the proposed FY08 budget was tentatively scheduled for the June 13 meeting.

There being no further business to discuss, the meeting adjourned at 8:10 P.M.

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Jacob P. Bailey, Mayor

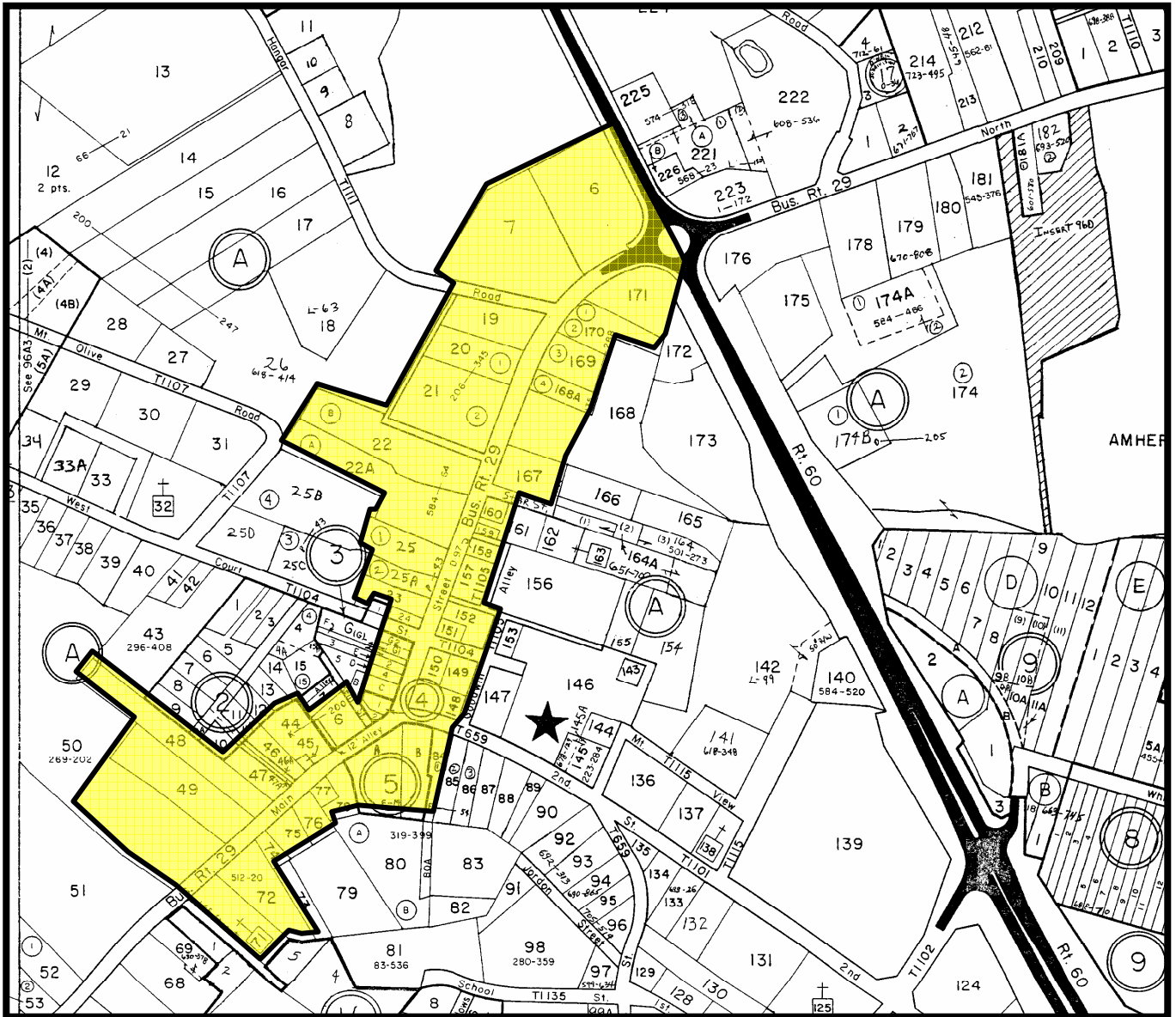
Attest:

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Clerk of Council

**AN ORDINANCE CHANGING THE ZONING OF PROPERTY IN THE DOWNTOWN AREA TO CENTRAL BUSINESS DISTRICT CBD.**

BE IT ORDAINED BY THE COUNCIL of the Town of Amherst that the property located in the Town of Amherst and shaded on the map below is hereby zoned Central Business District CBD.



Be it also ordained that the Zoning Administrator shall forthwith cause the "Official Zoning Map of the Town of Amherst" to be amended accordingly.

This Ordinance was adopted on the 11<sup>th</sup> day of April, 2007 and shall become effective immediately upon passage.

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Mayor

ATTEST:

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Clerk of Council

**A RESOLUTION AUTHORIZING THE PARTICIPATION IN A REGIONAL GRANT APPLICATION FOR WATER SUPPLY PLANNING FUNDS FROM THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY.**

**WHEREAS**, the Virginia General Assembly has mandated the development of source water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process, and

**WHEREAS**, based upon these regulations, the Town of Amherst is required to complete a water supply plan that fulfills these regulations by November 2, 2010, and

**WHEREAS**, all local or regional water supply program must include a variety of elements including:

- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100
- A description of water management actions in accordance with the requirements of 9 VAC 25-800-110 and 9 VAC 780-120, and

**WHEREAS**, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans, and

**WHEREAS**, the Town of Amherst has recently participated in regional water supply planning with Region 2000 and neighboring jurisdictions and service authorities, and

**WHEREAS**, the region, through the Virginia's Region 2000 Local Government Council, desires to secure DEQ grant funds to help offset a portion of the cost of the plan's development and the Virginia's Region 2000 Local Government Council has offered to coordinate the grant process.

**NOW THEREFORE BE IT RESOLVED** that the Virginia's Region 2000 Local Government Council is authorized to develop an application for source water planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan, and

**BE IT FURTHER RESOLVED** that the Virginia's Region 2000 Local Government Council Executive Director is authorized to sign the DEQ grant contract and other appropriate documents related to the regional source water planning grant, and

**BE IT FINALLY RESOLVED** that the Town of Amherst intends to provide up to \$325 in matching funds for the project for work performed to meet the requirements of the regional water supply planning grant effort.

This Resolution was adopted by the Town Council of the Town of Amherst on April 11, 2007.

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*Mayor Jacob P. Bailey*

*Attest:*

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**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING CHAPTER 3.1 WHICH REFERS TO ANIMAL CONTROL.**

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

***1. That the Code of the Town of Amherst is hereby amended by amending the definition of Dangerous dog found in Section 3.1-16, Animal Control/Definitions, of the Town Code to read as follows:***

*Dangerous dog* means any dog, canine, canine crossbreed or canine hybrid which has bitten, attacked, or inflicted injury on a person or companion animal, ~~other than a dog, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous~~ (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or(ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event which has been declared dangerous by any general district court or circuit court of this Commonwealth or any animal control officer.

***2. That the Code of the Town of Amherst is hereby amended by adding a section 3.1-30 to read as follows:***

**Sec. 3.1-30. Dogs constituting public nuisance.**

- (a) No owner or custodian shall fail to exercise proper care and control of his or her dog to prevent it from becoming a public nuisance. Acts deemed nuisances shall include but are not limited to the following:
  - (1) Biting a person;
  - (2) Chasing vehicles or menacing a person upon premises other than that occupied exclusively by the owner or custodian of the dog;
  - (3) Damaging or destroying property belonging to persons other than the owner or custodian of the dog; or
  - (4) Scattering or causing to be scattered, garbage upon premises other than that occupied exclusively by the owner or custodian of the dog; or
  - (5) Injuring or killing a companion animal as defined in Code of Virginia, § 3.1-796.66.
- (b) Any person violating this section shall be subject to a fine of not more than one hundred fifty dollars (\$150.00) for a first offense, and shall be guilty of a class 1 misdemeanor for a second or subsequent offense.
- (c) This section shall not apply to any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; during formally sanctioned field trials; while engaged in lawful hunting

with a dog or dogs during open season; during bona fide hunting or field trial dog training; while controlling or protecting livestock or engaged in other agricultural activities; or when the dog in question is contained within a vehicle.

(d) As used in this section:

**Menacing** means lunging, growling, snarling, or otherwise behaving in a manner that would cause a reasonable person to fear for his or her safety.

**Owner** shall mean any person who has a right of property in the dog in question; keeps or harbors the dog in question; has the dog in question in his/her care; or acts as custodian of the dog in question.

***3. That this Ordinance shall be effective on April 11, 2007.***

*This ordinance was adopted on April 11, 2007.*

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Mayor

ATTEST:

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*Clerk of Council*