

The regular meeting of the Amherst Town Council was called to order on January 14, 2009 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street with Mayor Jacob P. Bailey presiding. Council members Bobby J. Bondurant; J. Paul Kilgore; Haney Mottley; Harold Swisher; and Richard Wydner were present. Town Manager Jack Hobbs, Police Chief Kenneth Watts, Director of Public Utilities Tom Fore and Office Manager Colan Davis were also present.

The Rev. Dr. Tim Hazlett from Emmanuel United Methodist Church gave an invocation.

At 7:03 P.M. a public hearing was opened on an ordinance that would repeal regulations pertaining to parking meters and install one that would establish a two-hour parking limit on downtown, on-street parking spaces. There being no one present who wished to speak, the hearing was closed at 7:04 PM. The Councilors discussed the proposed ordinance and information on a signage plan that would implement the ordinance if it were to be adopted. Mr. Swisher made a motion that was seconded by Mr. Mottley to approve the ordinance as proposed. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye". A copy of the ordinance is attached and made a part of these minutes.

Suny Monk came forward to present a status report on her group's idea for a "parking meter art" project. Following is an outline of the project understandings:

- The ARTMETERS group (the "group") is composed of Suny Monk, Joe Bondurant, Lynn Kable, Hilary Jenkins, Brian Mays, Steve Preston, Charlene Ryan.
- The scope of the project involves the group painting or otherwise enhancing the Town's old parking meter heads as a public art project. Although all of the Town's old parking meter heads may be enhanced in this program, the group's efforts will focus on the more highly trafficked S. Main Street area first then spread to other areas of S. Main Street, Second Street, E. Court Street and Goodwin Avenue as the project grows.
- The Town will retain ownership of the meter heads and glasses and will supply new "glasses".
- The Town Hall will be available to serve as a clearing house for the group's correspondence and information. As such, information for interested parties may be left in the Town Hall for distribution, the Town staff will collect correspondence for pickup at regular intervals, and reasonable space on the Town's web site will be made available to promote the group's activities.
- The group will supply the artists, art supplies, and manpower to remove the old meter heads and replace them with the enhanced meter heads.
- The meter poles will not be used for this program as they are needed for the flag holders and improved notification of the Town's two-hour parking program.
- The group will censor the program to ensure that appropriate art is installed. The Town Council of the Town of Amherst reserves the right to remove any enhanced meter head that is, in the sole opinion of the Town Council, offensive in any way. The group is assured that the Town Council will not unreasonably exercise this prerogative.
- The group may sell sponsorships or raise funds to support the enhancement program or other purposes. The Town requests that your group make it clear to patrons that any funds provided are for the group and these are not to be considered Town funds in any way. The funds will be held by the group and not the Town of Amherst. Donor or sponsorship may include small placards on or in each meter head. The group will have the authority to decide upon the location of each enhanced meter and sponsor.
- The group will interface with local media, local merchants and other interested parties to explain the program to each.

- The group asks the Town Council of the Town of Amherst for approval to operate this project until June 30, 2010 after which all approvals expire. It is envisioned that the Town Council will evaluate the program and negotiate adjustments with the group at that time.

Mr. Bondurant made a motion that was seconded by Mr. Wydner to approve the proposal. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye".

A petition from Mrs. Shirley Sullivan, a resident of 171 Maple Lane, requesting a street light at her residence was received. Mr. Mottley made a motion that was seconded by Mr. Kilgore to approve a streetlight on AEP pole number 1043D4-371. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye".

Mayor Bailey gave a report on the evolution of the Town Square project.

Rebecca Wyland, a resident of 162 Maple Lane, came forward to answer questions about the petition in opposition to the Town Square project that she delivered on January 5. It was noted that the petition was signed by 45 residents of the Gannaway Subdivision.

Barry Thompson, a resident of 287 Waughs Ferry Road, came forward to ask the Town Council "stop all expenditure of taxpayer funds" on the Town Square project.

Mrs. Carol Dziak, a resident of 211 Sunset Drive, suggested that improvements need to be made to the downtown area.

Ms. Martha Brown, a resident of 207 Garland Ave., suggested that Town Council work to improve relations with new businesses.

Mr. Wydner made a motion that was seconded by Mr. Bondurant to approve the December 10, 2008 minutes as distributed earlier. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye".

Mr. Wydner gave a status report on the following items that were addressed at a Utility Committee meeting: Staton sign request, raw water line extension project, water availability for a proposed development on Kenmore Road, the capital improvement plan and utility bill collection enforcement efforts.

Mr. Wydner made a motion that was seconded by Mr. Kilgore to change the utility billing policy to state that all utility customers will be billed monthly effective July 1, 2009. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye".

The Town Centennial was discussed.

After some discussion, the Town Council agreed to hold a budget workshop at Sweet Briar College on February 21.

The Town Manager reported that the Town's water withdrawal permit expired on November 18, 2004. A preliminary application for a permit renewal has been filed, but the new 10-year permit will require an unplanned expenditure of \$10,000. Mr. Kilgore made a motion that was seconded by Mr. Wydner to approve the expenditure of \$10,000 in unbudgeted

application fee monies for the renewal of the Town's water withdrawal permit. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye".

It was noted that one Planning Commission seat is vacant due to Lyle Garrette's resignation and that Richard Wydner's term on the Joint Committee on Cooperation had expired. Mr. Mottley made a motion that was seconded by Mr. Bondurant to reappoint Mr. Richard Wydner to the Joint Committee on Cooperation with a term to expire 12/31/2011. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye".

By consensus, Council agreed to hold a public hearing on a proposal to vacate a subdivision plat involving Dameron Subdivision lots 6, 7 & 8 at its next meeting.

Mr. Kilgore gave a report on his work with the Town Attorney on the potential disposal of a portion of the Town Shop property. Mr. Kilgore agreed to continue his negotiations with a proposer.

Mr. Wydner reported that he received a complaint from a Town resident regarding abandoned vehicles. The matter was referred to the police department.

There being no further business, the meeting adjourned at 9:25 P.M.

Jacob P. Bailey
Mayor

Attest:

Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING ARTICLE III OF CHAPTER 16 (SECTION 16-53 THROUGH SECTION 16-68) OF THE TOWN CODE, THE AMENDED CODE REFERRING TO STOPPING, STANDING AND PARKING.

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

- 1. That Sec. 16-53 through Sec. 16-68 of the Code of the Town of Amherst, which reads as follows, is hereby repealed:**

Sec. 16-53. ~~Establishment of parking meter zones and regulations governing; preexisting zones continued.~~

~~Parking meter zones shall be as established by the Town Manager; and all parking meter zones existing and the rules and regulations pertaining thereto and in effect immediately prior to the effective date of this Code are hereby continued in existence and in effect until such time as the Town Council may provide otherwise.~~

~~(Code 1965, 7-129.)~~

Sec. 16-54. ~~Information to be displayed on meters; adjustment and operation of meters.~~

~~Each parking meter shall bear a legend indicating the period of parking time, within the parking space to which such meter relates, which shall be lawful upon the deposit within such meter of a specified amount or amounts in coin or coins of the United States, as provided in the ordinance establishing the parking meter zone wherein such parking meter space is located.~~

~~Each parking meter shall be placed or set in such a manner as to show or display a signal that the parking space assigned to it is or is not legally in use, and it shall be installed and set to display, upon deposit of a coin or coins of the United States therein, a signal indicating legal parking time for the time allotted for such coin or coins for the parking space to which such meter relates; and each meter shall be so arranged that upon expiration of such parking limit, or the portion thereof for which the necessary coin or coins have been deposited, it will indicate by mechanical operation and proper signal that the lawful parking period has expired.~~

~~(Code 1965, 7-129.)~~

Sec. 16-55. ~~Marking of parking spaces; installation of meters.~~

~~The Town Manager shall cause parking meter spaces to be marked within each parking meter zone, such markings to indicate clearly the limits of each space wherein a vehicle may lawfully be parked; and for each such parking space a parking meter shall be installed upon the curb or sidewalk adjacent thereto, and in such location as to indicate the parking space to which it relates.~~

Sec. 16-56. ~~Manner of parking.~~

- ~~A. It shall be unlawful for any person to park any vehicle in any parking space referred to in Section 16-55 except within the lines and markings so established.~~
- ~~B. When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of the vehicle shall be alongside of and nearest to the parking meter; and shall be oriented in the direction of the flow of traffic when a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directed at and nearest to such meter.~~
- ~~C. In areas where there are no parking meters, a vehicle parked on a public street shall be oriented in the direction of traffic flow.~~

~~(Amended July 11, 2007.)~~

Sec. 16-57. ~~Deposit of coins; meter to indicate expiration of parking time, etc.~~

~~When any vehicle shall be parked in any parking space alongside of or next to which a parking meter is located, the operator of such vehicle shall, upon entering the parking space, immediately deposit, or cause to be deposited, one or more coins of the United States of America in such parking meter, in accord with the notice in the legend attached to such meter, but not to exceed the time limits provided in the legend, and the parking space may then be lawfully occupied by such vehicle during the period prescribed as the parking time allowed therefore, or the portion thereof for which the necessary coins have been deposited, the parking meter shall display a sign or signal showing illegal parking, in which event the vehicle parked in such parking space shall be considered as parking overtime in any such part of a street where such meter is located shall be a violation of this section and punished as provided in Section 16-67.~~

Sec. 16-58. ~~Parking overtime.~~

~~It shall be unlawful for any person to permit a vehicle to remain or to be parked in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking space. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name to be parked overtime or beyond the period of legal parking time established for any parking meter zone.~~

Sec. 16-59. ~~Periods during which meters not to be in operation and deposit of coins not required.~~

~~Parking meters shall be regarded as not in operation, and the deposit of coins therein shall not be required, for the parking of vehicles in parking meter zones between the hours of 6:00 P.M. and 8:00 A.M. and on Sundays and legal holidays.~~

~~(Code 1965, 7-129.)~~

Sec. 16-60. ~~Depositing slugs, etc., in meters.~~

~~It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States.~~

Sec. 16-61. ~~Injuring, defacing, etc., meters.~~

~~It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.~~

Sec. 16-62. ~~Bus Stops, etc., in meter zones.~~

~~The Town Council is authorized to set apart, within the parking meter zones defined in this division, spaces for loading zones, bus stops, and other places in which no parking shall be permitted or in which parking is restricted.~~

~~(Amended 8/13/86.)~~

Sec. 16-63. ~~Loading and unloading; receiving and discharging passengers.~~

~~Operators of delivery vehicles may use without deposit any parking meter space during the actual loading and unloading of such delivery vehicles. Operators of passenger vehicles, commercial or private, may use without deposit a parking meter space for the purpose of promptly receiving or discharging any passenger.~~

~~(Code 1965, 7-131.)~~

Sec. 16-64. ~~Deposits required levied as fees for certain purposes.~~

~~The coins required to be deposited in parking meters, as provided in this division, are hereby levied and assessed as fees to provide for the proper regulation and control of traffic on the public streets and to cover the cost of the supervision, inspection, installation, operation, maintenance, control and use of the parking spaces and regulating the parking of vehicles in the parking meter zones hereby created.~~

Sec. 16-65.1 ~~Penalty for parking violations; ticketing procedure; etc.~~

~~(a) — When voluntarily paid in accordance with the provisions of subsection (b) below, the penalty for a parking meter violation shall be as follows: Parking at a meter on which the time has expired: Ten dollars (\$10.00)~~

~~(b) — Each police officer charged with the duty of enforcing this division shall take the registration number of any vehicle found parked in violation of any provision of this article and may take any other information which may identify its owner. Such officer shall conspicuously affix to such vehicle a parking ticket, with an envelope attached thereto, in a form provided by the Treasurer, instructing each owner when and where to report with reference to such violation. Each such owner may, within forty eight hours of the time when such notice was attached to such vehicle, pay to the Treasurer a penalty for and in full satisfaction of such violation, the fine as specified by section 16-67.1. The failure of such owner to make such payment to the Treasurer within such forty eight hour period, shall render such owner subject to the penalties provided for by a court of law, after issuance of a summons to appear in court.~~

~~(Adopted May 8, 2002)~~

~~**Sec. 16-66. — Same — Presumption where vehicle illegally parked.**~~

~~In any prosecution charging a violation of any parking meter regulation contained in this division, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Chapter 3 of Title 46.2 of the Code of Virginia, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at a place where, and for the time during which, such violation occurred.~~

~~(Code 1965)~~

~~**Sec. 16-67.1. — Same — Penalty for certain violations.**~~

~~Any person who shall violate or fail to comply with any of the provisions of this division other than sections 16-60 and 16-61 and 16-65.1 shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. As specified herein for each offense:~~

Parking within a designated bus stop	\$ 10.00
Parked where official sign erected:	\$20.00
Improper parking:	\$ 20.00
Double parked:	\$ 50.00
Parked at a fireplug:	\$ 50.00
Blocking driveway:	\$ 20.00
Handicap parking zone without proper permit:	\$100.00
Parking within designated fire lane:	\$ 50.00
Loading Zone:	\$20.00
Parked Opposite to Flow of Traffic:	\$10.00

~~(Amended May 8, 2002 and July 11, 2007)~~

~~**Sec. 16-68 — Effect of parking meter regulations upon other traffic and parking regulations.**~~

~~Nothing in this division shall alter or affect any other provision of this chapter or any existing ordinance, rule or regulation hereafter adopted, relating to traffic or parking on any street, alley, lane or highway, within the municipality, other than those included within the parking meter zones herein established.~~

- ~~2. That the following Sec. 16-53 through Sec. 16-68 of the Code of the Town of Amherst is hereby adopted:~~

~~Sec. 16-53. Repealed.~~

Sec. 16-54. Repealed.

Sec. 16-55. Marking of parking spaces.

The Town Manager shall cause parking spaces to be marked in areas he/she deems appropriate, or as directed by Council. Such markings to indicate clearly the limits of each space wherein a vehicle may lawfully be parked.

Sec. 16-56. Manner of Parking.

A. It shall be unlawful for any person to park any vehicle in any parking space referred to in Section 16-55 except within the lines and markings so established.

B. When a parking space is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of the vehicle shall be oriented in the direction of the flow of traffic. When a parking space is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directed at and nearest to the curb.

C. In areas where there are no parking spaces marked, a vehicle parked on a public street shall be oriented in the direction of traffic flow. (Amended July 11, 2007.)

Sec. 16-57. Repealed.

Sec. 16-58. Limited Time Parking in Certain Areas.

A. It shall be unlawful for any person to permit a vehicle to remain or to be parked in any parking space designated for limited time parking by signs, decals, or painted markings if such vehicle has already been parked beyond the period of time prescribed for such parking space. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name to be parked overtime or beyond the period of legal parking time established for any parking zone.

B. The following areas are designated as two hour parking zones and shall be in effect from 9:00am until 5:00 pm Monday through Saturday: South Main Street from the intersection of Lee Street to the Intersection of Star Street, Second Street from South Main Street to Depot Street, the entirety of East Court Street and the entirety of Goodwin Street. There shall be no time limit in effect during Town Holidays.

C. Members of recognized public safety agencies shall not be subject to the provisions of this section while responding to emergency calls but shall be subject to its provisions at all other times.

Sec. 16-59. Repealed.

Sec. 16-60. Repealed.

Sec. 16-61. Repealed.

Sec. 16-62. Bus Stops, loading zones etc.

The Town Council is authorized to set apart, spaces for loading zones, bus stops, and other places in which no parking shall be permitted or in which-parking is restricted.

(Amended 8/13/86.)

Sec. 16-63. Repealed.

Sec. 16-64. Repealed.

Sec. 16-65. Penalty for parking violations; ticketing procedure; etc.

Each police officer charged with the duty of enforcing this division shall take the registration number of any vehicle found parked in violation of any provision of this article and may take any other

information which may identify its owner. Such officer shall conspicuously affix to such vehicle a parking ticket, with an envelope attached thereto, in a form provided by the Treasurer, instructing each owner when and where to report with reference to such violation. Each such owner may, within forty-eight hours of the time when such notice was attached to such vehicle, pay to the Treasurer a penalty for and in full satisfaction of such violation, the fine as specified by section 16-67.1. The failure of such owner to make such payment to the Treasurer within such forty-eight hour period, shall render such owner subject to the penalties provided for by a court of law, after issuance of a summons to appear in court.

(Adopted May 8, 2002)

Sec. 16-66. Same - Presumption where vehicle illegally parked.

In any prosecution charging a violation of any parking regulation contained in this division, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Chapter 3 of Title 46.2 of the Code of Virginia, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at a place where, and for the time during which, such violation occurred.

(Code 1965)

Sec. 16-67. Same - Penalty for certain violations.

Any person who shall violate or fail to comply with any of the provisions of this division other than sections 16-60 and 16-61 and 16-65.1 shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. As specified herein for each offense:

Parking within a designated bus stop	\$ 10.00
Parked where official sign erected:	\$20.00
Improper parking:	\$ 20.00
Double parked:	\$ 50.00
Parked at a fireplug:	\$ 50.00
Blocking driveway:	\$ 20.00
Handicap parking zone without proper permit:	\$100.00
Parking within designated fire lane:	\$ 50.00
Loading Zone:	\$20.00
Parked Opposite to Flow of Traffic:	\$10.00

(Amended May 8, 2002 and July 11, 2007)

Sec. 16-68 Effect of parking regulations upon other traffic and parking regulations.

Nothing in this division shall alter or affect any other provision of this chapter or any existing ordinance, rule or regulation hereafter adopted, relating to traffic or parking on any street, alley, lane or highway, within the municipality, other than those included within the parking zones herein established.

3. That this Ordinance shall be effective on January 14, 2009.

This ordinance was adopted on January 14, 2009.

Mayor

ATTEST:

Clerk of the Council