

The regular meeting of the Amherst Town Council was called to order on April 8, 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, Office Manager Colan Davis and Town Attorney Tom Berry were also present.

The Rev. Allan Monfils from Blue Ridge Baptist Church gave an invocation.

The Town Manager reported that Crystal Staton has asked the Town to amend the Town Code so that signs that are allowed in the commercial and industrial zones would be allowed in the Transitional Use Zone District (T-1). Her petition originated from a desired new sign at her property at 807 S. Main Street; the Town Code limits freestanding signs there to 8 SF since it is in the T-1 zone but would allow up to 40 SF if it were zoned to a commercial category. Since a code amendment was proposed, the larger signs would have been allowed on the Staton property but also throughout the T-1 zone. A motion to recommend Town Council approval of that proposal failed at the March 4 Planning Commission meeting.

A duly advertised public hearing was opened at 7:05 P.M. There being no one present who wished to speak, the hearing was closed at 7:06 P.M.

Mr. Wydner made a motion that was seconded by Mr. Swisher to not revise the ordinance as proposed. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye".

The Town Manager reported that on March 4, 2009 the Planning Commission initiated an amendment to the Town Code that would limit outside storage. Specifically, the "Farm machinery display, sales and services" use category of the Zoning and Subdivision Ordinance, which is listed as a permitted use in the B-2 and CBD districts, would be amended to read "Agricultural, farm and lawn machinery display, sales and services, provided that all inoperable machinery must not be visible from any public right of way." The Planning Commission recommended approval of this proposal after its public hearing on April 1, 2009.

A duly advertised public hearing was opened at 7:12 P.M. There being no one present who wished to speak, the hearing was closed at 7:13 P.M.

Mr. Mottley made a motion that was seconded by Mr. Wydner to adopt an ordinance to revise the Town Code as proposed. The motion passed 4-1. Messrs. Bondurant, Mottley, Swisher and Wydner voted "Aye". Mr. Kilgore voted "Nay". A copy of the ordinance is attached and made a part of these minutes.

The Town Manager reported that on March 4, 2009 the Planning Commission initiated a rezoning of land located on the east side of S. Main Street between Macadam Road and Amherst County High School shown on Tax Map # 110-A-98 (Staton, zoned T-1 Transitional Use Zone District), 110-A-98A, 99 (Jenkins, zoned T-1 Transitional Use Zone District) and 110-A-100 (Elliot, zoned R-2 General Residential District). The Planning Commission proposed B-2 General Commercial District Zoning for these parcels.

There is a small water line that serves the area along S. Main Street and the house on Macadam Road. There is no good access to sewer for any of these parcels. Traffic impact on the post-development parcels has been estimated to be below the threshold for what is required for mandatory VDOT review of the rezoning proposal. The Town is in the process of installing sidewalk along S. Main Street in the area in question.

The comprehensive plan indicates that the area south of the high school should be rezoned to B-2 commercial after arrangements are made for water and sewer infrastructure. However, the Town has applied for “stimulus” grants to fund this new infrastructure. The long-term plan is for the property to be rezoned to commercial, but timing and determining who will pay for the water, sewer, and street (i.e. stop lights and road widening) infrastructure that will be needed to support it has not been determined.

The Planning Commission recommended approval of this proposal after its public hearing on April 1, 2009.

A duly advertised public hearing was opened at 7:23 P.M.

Dr. John Dean of 698 S. Main Street came forward to advise Council to “look at the bigger picture and not just individual requests and to look at the longer view of how the Town will grow”.

There being no one else present who wished to speak, the hearing was closed at 7:25 P.M.

Mr. Swisher made a motion that was seconded by Mr. Mottley to adopt an ordinance to rezone the property 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.

Mr. Kilgore made a motion that was seconded by Mr. Swisher to approve the minutes for the March 11, 2009 meeting as previously submitted with one spelling correction. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted “Aye”.

The status of the Town’s bank balances and debt structure was discussed. Mr. Mottley made a motion that was seconded by Mr. Swisher to authorize the Office Manager to pay off the Brockman Park note when the April 19 certificate of deposit matures. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted “Aye”.

The Town Manager reported that the Amherst Centennial Program Committee is soliciting input on the centennial project at a public meeting on April 20 and that members of the Town Council are encouraged to attend.

The Town Manager reported that a request to endorse an application for an estimated \$1,690,620 tax-credit financed renovation of the Amherst Village Apartments complex has been received and that he planned to write a letter expressing the Town’s support of the application.

Mr. Mottley made a motion that was seconded by Mr. Kilgore to authorize the purchase of a storage shed for the Office Manager’s “dead files”. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted “Aye”.

The Town Manager gave a report on the status of the Town’s construction program and “stimulus” grant applications. By consensus, Town Council agreed to solicit bids for the 2008 Sewer Line Project.

By consensus, the Town Manager was asked to continue studying the water and sewer infrastructure to serve the Ambriar area.

The Town Council discussed the one vacant seat on the Planning Commission and the fact that terms are scheduled to expire on the Property Maintenance Investigation Board (Canada) and IDA (Jennings and Rucker) as of June 30, 2009.

After some discussion on the draft budget, the Council was reminded that it is scheduled to have the required public hearing on it at the May meeting.

After some discussion on sprinkler charges, the issue was referred to the Utilities Committee.

The Town Manager reported on a grit pump failure at the waste water treatment plant and recommended replacement of the pump. Mr. Mottley made a motion that was seconded by Mr. Swisher to authorize the staff to replace the pump. The motion passed 5-0. Messrs. Bondurant, Kilgore, Mottley, Swisher and Wydner voted "Aye".

The Town Manager reported that Mr. Fore has completed the Consumer Confidence Report and they will be mailed within the next week.

The Council was reminded of the Centennial meeting on April 20th at 7:00 P.M. and that it is scheduled to meet with the Board of Supervisors over dinner at Sweet Briar College on April 23 at 6:30 P.M.

There was some discussion on engineering firms and pricing.

There being no further business, the meeting adjourned at 9:06 P.M.

Jacob P. Bailey
Mayor

Attest:

Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING TABLE 7.1 OF THE ZONING AND SUBDIVISION ORDINANCE TO REDEFINE USES ALLOWED IN THE B-2 AND CBD DISTRICTS.

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

1. That the Code of the Town of Amherst is hereby amended by changing the “Farm machinery display, sales and services” use category shown on Table 7.1 of the Zoning and Subdivision Ordinance, which is listed as a permitted use in the B-2 and CBD districts, to read “Agricultural, farm and lawn machinery display, sales and services, provided that all inoperable machinery must not be visible from any public right of way.”
2. That this Ordinance shall be effective on April 8, 2009.

This ordinance was adopted on April 8, 2009.

Mayor

ATTEST:

Clerk of the Council

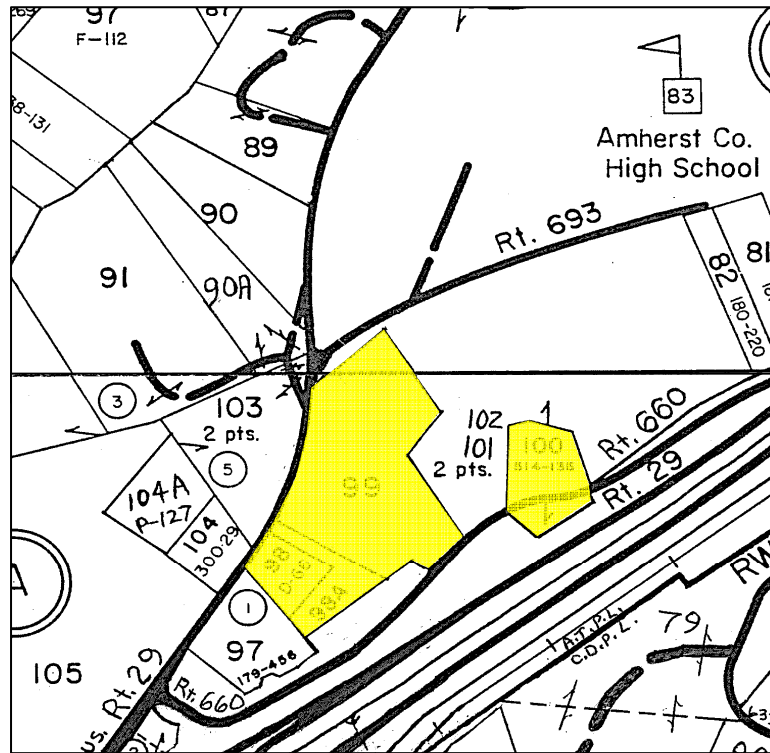
AN ORDINANCE CHANGING THE ZONING OF PROPERTY ON S. MAIN STREET FROM R-2 GENERAL RESIDENTIAL DISTRICT AND T-1 TRANSITIONAL USE ZONE DISTRICT TO B-2 GENEAL COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL of the Town of Amherst:

1. That the property located in the Town of Amherst on between Macadam Road and Amherst County High School and identified as the Tax Parcels and in greater detail as shaded on the map below:

<u>Tax Map #</u>	<u>Current Zone</u>
110-A-98	T-1 Transitional Use Zone District
110-A-98A, 99	T-1 Transitional Use Zone District
110-A-100	R-2 General Residential District

is hereby rezoned to B-1 General Commercial District.



2. Be it also ordained that the Zoning Administrator shall forthwith cause the "Official Zoning Map of the Town of Amherst" to be amended accordingly.
3. Be it also ordained that this Ordinance shall be effective on April 8, 2009.

This ordinance was adopted on April 8, 2009.

Mayor

ATTEST:

Clerk of the Council