

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on February 18, 2014 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street. It was noted that this meeting had been rescheduled from February 12, 2014 due to the weather. Council members Kenneth Bumgarner, Mike Mozingo, Rachel Thompson, Kenneth Watts and Richard Wydner were present. Town Manager Jack Hobbs, Town Attorney Tom Berry, Police Chief Kelvin Brown, Director of Public Utilities Tom Fore and Office Manager Colan Davis were present.

Mayor Kilgore asked for a moment of silence.

Larry Jackson from AEP came forward to give a report on the reliability of the local electrical utility service and the upgrade to the streetlights along S. Main Street as requested by the Town.

A letter regarding the Town's franchised dumpster service from Wilton Burgess, the operator of the Quik-E convenience store at the traffic circle, was discussed. The Utilities Committee was asked to review the Town's refuse collection contracting practices.

At 7:52 P.M., a duly advertised public hearing on an ordinance affecting setbacks and downtown parking was opened. There being no one present who wished to speak, the public hearing was closed at 7:53 P.M. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to approve the ordinance as recommended by the Planning Commission. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". A copy of the ordinance is attached and made a copy of these minutes.

Mr. Wydner made a motion that was seconded by Mrs. Thompson and approved 5-0 to approve the minutes from the January 8 and 15, 2014 meetings. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

The Police Chief's request for an additional policeman and the issue of a pay plan with merit increases were referred to the Personnel Committee.

Mayor Kilgore gave a report on the renovation of the new Town Hall at 174 S. Main on behalf of the Town Hall Renovations Committee. Mr. Mozingo made a motion that was seconded by Mr. Watts and approved 5-0 to approve change orders involving HVAC ductwork, insulation, network wiring and the Police Department's exterior door. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to authorize a contract for the FY13/14 fiscal year audit, a landscape maintenance contract for the 2014 season, and the replacement of a pickup truck as budgeted. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mr. Bumgarner gave a report on the recently received shop site lease proposal and made a motion that the Town turn down Verizon Wireless's offer and advise that the Town is open to negotiating with Crown Castle for leasing additional square footage. Mr. Mozingo seconded the motion which was approved 5-0. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mrs. Thompson made a motion that was seconded by Mr. Bumgarner and approved 5-0 to approve a resolution having the effect of authorizing funding applications to the Virginia Department of Health. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". A copy of the resolution is attached and made a part of these minutes.

The Town Council discussed different credit card payment systems available to the Town. Mr. Watts made a motion that was seconded by Mr. Mozingo and approved 4-0-1 to proceed with the acceptance of utility bill payments at the Town Hall. Messrs. Mozingo, Thompson, Watts and Wydner voted "Aye"; Mr. Bumgarner abstained.

The Town Manager gave a report on the Town's construction projects.

The Town Manager reminded the Town Council that budget requests are due on February 28 and that the full budget proposal is to be delivered by the end of March.

The Police Chief reminded Town Council that effective March 1, 2014 he will be losing the majority of his reserve officers due to the new laws taking effect.

The Utilities Committee was asked to review the current weather emergency priority list.

There being no further business, Mrs. Thompson made a motion that was seconded by Mr. Watts and approved 5-0 to adjourn the meeting at 9:45 P.M. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING CHAPTER 18.1 TO ELIMINATE PARKING REQUIREMENTS FOR OLD BUILDINGS WHEN THE USE OF THE BUILDING IS CHANGED AND ADJUSTING THE SETBACK REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT CBD.

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

1. That the Code of the Town of Amherst is hereby adding a Sec. 18.1-602.08 to read as follows:

Sec. 18.1-602.08. Parking requirements in the Central Business District

- (a) Consistent with the purpose of the Zoning and Subdivision Ordinance, the Town Council and Planning Commission desire to preserve and enhance downtown Amherst. As such, the role of downtown Amherst as a desired location for community activities and local businesses will be encouraged.
- (b) To encourage the use of older buildings in the downtown area, no off-street parking will be required in the case of a change in use of a building that is more than 30 years old and in the Central Business District. However, this relief shall not apply when calculating the parking required for any new building footprint.

2. That the Code of the Town of Amherst is hereby adding a Sec. 18.1-804 is amended to read as follows:

Sec. 18.1-804 Minimum yard requirements.

- a. Within the district herein defined, the following minimum yard requirements shall apply:

	Front Yard Setback	Side-Yard Setback		Rear Yd Setback
		Corner Lot	Other Lots	
A-1 Agricultural	50'	15'	15'	25'
R-1 Limited Residential	60'	20'	15'	35'
R-2 General Residential	50'	15'	10'	35'
T-1 Transitional Use Zone	50'	(b)	(b)	35'
R-3 High Density Res.	30'	15'	15'	35'
R-4 Manufactured Home	30'	15'	15'	35'
B-1 Light Commercial	50'	(c)	(c)	(c)
CBD Central Business District	50' None	(c)	(c)	(c)
B-2 General Commercial	50'	(c)	(c)	(c)
E-1 Business Park	50'	(c)	(c)	(c)
M-1 Industrial	50'	(c)	(c)	(c)

- b. The minimum side yard shall be 15' on corner lots and 10' on other lots, except that no building or structure shall be erected within twenty-five (25) feet of a residentially zoned lot ~~or a lot on which a residence exists.~~
- c. No minimum requirement except that no building or structure shall be erected within twenty-five (25) feet of a residentially zoned lot ~~or a lot on which a residence exists.~~
- d. The front yard setback requirement for any lot in the Agricultural District A-1,

Limited Residential District R-1, General Residential District R-2, High Density Residential District R-3, or Manufactured Home District R-4 shall be reduced when 50 percent or more of the building lots on the same side of the street within the same block are improved with buildings, and no building on that same side of the street within the same block shall be required to have a front yard setback greater than the average front yard setback of the existing buildings on the same side of the street. However, when there are buildings on the lots on both sides of the lot, the required front yard setback for that lot shall not be greater than the average of the front yard setbacks of the buildings on such adjacent lots. The side line of a building on a corner lot shall not be a factor in these calculations. For the purposes of this section, a block shall be defined as the area between the next adjacent street intersection or 500' of the lot in question, whichever is less, on both sides of the lot in question. A property owner shall be responsible for providing the appropriate documentation to support the reduction in front yard setback requirement prior to issuance of a zoning certificate.

3. *That this Ordinance shall be effective on February 18, 2014.*

This ordinance was adopted on February 18, 2014.

Mayor

ATTEST:

Clerk of Council

A RESOLUTION ENDORSING APPLICATIONS FOR FUNDING BY THE VIRGINIA DEPARTMENT OF HEALTH – OFFICE OF DRINKING WATER.

WHEREAS, the Town of Amherst intends to apply for funding for various drinking water projects; and

WHEREAS, the Virginia Department of Health-Office of Drinking Water is able to provide funds for the planning and construction of drinking water projects; and

WHEREAS, the Town Council of the Town of Amherst has determined that this type of funding would be appropriate for the work that is being considered;

THEREFORE, BE IT RESOLVED, the Town Council of the Town of Amherst hereby authorizes the Town Manager to seek funds from Virginia Department of Health-Office of Drinking Water for:

1. **Asset Sustainability Planning,**
2. **Main Street Water Line Replacement Project Planning,** and
3. **Main Street Water Line Replacement Project Design & Construction.**

BE IT FURTHER RESOLVED that the Town Manager is directed to pursue such funding and is hereby authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the Town Attorney.

Adopted in the Town of Amherst, Virginia this 18th day of February, 2014.

Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council