

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on December 10, 2014 at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. Council members Kenneth Bumgarner, Michael Mozingo, Rachel Thompson, Kenneth Watts and Richard Wydner were present. Town Manager Jack Hobbs, Town Attorney Tom Berry, Police Chief Robert Kimbrel, Director of Public Utilities Tom Fore and Office Manager Colan Davis were present.

Mayor Kilgore asked for a moment of silence.

At 7:03 P.M. a public hearing on the designation of U.S. Route 60 as Midland Trail was opened. Fulton deLamorton and Don Austin from VDOT came forward to discuss the impact and benefits of the potential VDOT action. There being no one else present who wished to speak, the hearing was closed at 7:07 P.M. Mr. Wydner made a motion that was seconded by Mr. Bumgarner and approved 5-0 to authorize the Mayor to sign a letter expressing the Town's support for extending Midland Trail as a National Scenic Byway into Virginia. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Bill Gillespie from MRG Consultants came forward to give a report on the status of the Mill Race project, a runout budget and the remaining items that need to be handled administratively or acted upon by the Town Council.

At 7:16 P.M. a public hearing on the vacation of a drainage easement in the Mill Race subdivision was opened. There being no one present who wished to speak, the hearing was closed at 7:17 P.M. Mrs. Thompson made a motion that was seconded by Mr. Watts and approved 5-0 that the Town Council authorize the Mayor and/or the Town Manager to execute the necessary documents required by the Virginia Department of Transportation which would facilitate the acceptance of Mill Race Drive and Montfair Drive, located in the Mill Race Subdivision, into the Virginia State Highway System and submit those documents to Amherst County for preparation of the appropriate resolution/resolutions to accomplish the acceptance by VDOT of these streets into the Virginia public transportation system. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". It was understood that the following was included in the approval:

1. The roadway or subdivision plat,
2. Agreements absolving VDOT from responsibility for stormwater facility maintenance,
3. VDOT's in-place utility permit,
4. The ordinance vacating the 15 foot wide drainage easement,
5. As-built drawings required by VDOT,
6. Deeds of dedication required for recording plats,
7. A VDOT resolution requesting the addition of new subdivision streets,
8. Other documents needed to complete the VDOT acceptance process, and
9. Forwarding necessary documents to the Amherst County Board of Supervisors for additional processing as required by VDOT procedures.

At 7:18 P.M. a public hearing on a proposed amendment to Sec. 18.1-1102 of the Town Code was opened. It was reported that the purpose of the amendment is to clarify that the Planning Commission must review and approve most major developments plans. There being no one present who wished to speak, the hearing was closed at 7:19 P.M. Mrs. Thompson made a motion that was seconded by Mr. Bumgarner and approved 5-0 to adopt an ordinance that would amend the Town Code as proposed. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye. A copy of the ordinance is attached and made a copy of these minutes.

A request by Michael Scott, Walter and Sharon Turner, and Mike and Ruth Martineau to transfer the ownership of Ellis Street to adjacent property owners was received. After it was noted that right of way could not be vacated until after a public hearing process, the Councilors discussed

whether it would expect reimbursement for the advertising, legal and surveying work costs, the need to identify and reserve Town utility easements across the property and what sort of deed (i.e. general warranty, special warranty or quitclaim) would be appropriate. Mr. Martineau was asked to represent the request with details outlining how the expenses associated with the traction would be paid.

A request by Derrick Brown from IRON Lives, Inc. for the Town to sponsor a proposed 5th annual IRON 5k Run/Walk Event on April 12, 2015 was discussed. Mr. Bumgarner made a motion that was seconded by Mr. Mozingo to endorse the event and to have Mr. Brown work with the Police Chief to provide sufficient traffic control for the activity. It was understood that the IRON group would be responsible for obtaining permission from VDOT to close some or all of S. Main Street for the event; for notifying residents, businesses and public safety agencies that would be affected by the closure; and that traffic control services would be provided by the Police Department. The motion was approved 5-0 with Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voting "Aye".

A petition from the Ridgeview Terrace neighborhood asking the Town Council for an ordinance that would prevent large trucks from travelling through and parking in that area was received. After discussion, this matter was referred to the Police Chief.

After a proposed prayer policy was discussed, Mrs. Rachel Carton offered a prayer as a citizen comment.

Mr. Bumgarner made a motion that was seconded by Mr. Watts and approved 5-0 to approve the minutes from the November 12, 2014 meeting. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

A copy of a letter from the Amherst County EDA regarding the possible closure of the Amherst Branch of Central Virginia Community College was received. Mr. Wydner made a motion that was seconded by Mr. Watts to authorize Mayor Kilgore to write a letter to Delegate Cline expressing the Town's support for retaining the facility. Mr. Wydner & Mr. Watts both withdrew their motions. The Town Manager was asked to contact Central Virginia Community College and obtain statistics and financial data for the Amherst location.

After a report by the Police Chief, Council agreed that accrued compensatory time for the police department should be paid out in order to clear the books and to purchase electronic road flares using the VML Insurance program's safety grant monies.

Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 5-0 to purchase and install a flag pole at the Town Hall in an amount not to exceed \$1,200. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mayor Kilgore led a discussion on Town Council pay. Mr. Watts made a motion that was seconded by Mr. Mozingo and approved 3-2 to increase the Mayor's compensation to \$200 per month and the Town Councilor compensation to \$150 per month effective January 1, 2015. Messrs. Mozingo, Watts and Wydner voted "Aye"; Messrs. Bumgarner and Thompson voted "Nay".

After the Town Manager gave a presentation on a proposed update to the Town's banner program and supporting forms, the Council accepted the proposal by consensus.

The Office Manager gave a report on recently proposed changes to the Town's bookkeeping and utility billing policies such as receipt of utility payments at banks; how penalties are assessed on late utility bills; clearer articulation of out-of-town utility rates; and better articulation of the refuse collection/water service "package". By consensus, Council agreed to suspend the acceptance of utility payments at banks. It was understood that these policies would be discussed further for adoption concurrent with the FY16 budget. The Office Manager agreed to publish monthly financial statements by the 20th of the following month.

The Director of Public Utilities gave a report on the Virginia Water and Wastewater Agency Response Network which would formalize and introduce structure into the Town's water and sewer utility mutual aid efforts. It was understood that the matter would be discussed at the January meeting.

The Town Manager gave a report on an offer from the Virginia Department of Health's Drinking Water State Revolving Loan Fund to finance the Main Street water line replacement project with loan funds. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to authorize the Town Manager to pursue the 30-year, 2.25% loan offered. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

After a discussion about the FY16 budget calendar, the Town Manager was asked to organize a pre-budget worksession that would be held at 9 A.M. on February 5 in the Town Hall.

The Town Manager discussed his plans to close the Town Hall on December 26, not as an extra staff holiday but so the Town Hall and Town shop staff could take a 4-day holiday weekend instead of having to keep the doors open that day. Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 5-0 to close the Town Hall at noon on December 24, 2014 and to give all full-time employees 4 hours of extra holiday time.

Mr. Bumgarner made a motion that was seconded by Mr. Watts and approved 5-0, with Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voting "Aye" to go into closed session for (a) discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body per the exemption at §2.2-3711A.3 of the Code of Virginia, and (b) discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation per the exemption at §2.2-3711A.1 of the Code of Virginia.

Mr. Watts made a motion that was seconded by Mrs. Thompson and approved 5-0 by a roll call vote that the Councilors certify that to the best of each councilors' knowledge that (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 and §15.2-2907 of the Code of Virginia and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the session. 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 give Sergeant Harler a \$1,500 bonus as compensation for serving as Acting Police Chief. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

There being no further business, at 10:15 P.M., Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to adjourn the meeting. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

AN ORDINANCE VACATING A 15' WIDE DRAINAGE EASEMENT OFF MILL RACE DRIVE AS SHOWN ON THE MILL RACE SECTION 3 PHASE 1 PLAT.

WHEREAS, a plat of the Mill Race Section 3 Phase 1 Subdivision was filed in the Clerk's Office of the Circuit Court of Amherst County, Virginia, under a deed at DB933 PG604 (reference Plat Cabinet 1, Slide 1-5) on July 30, 2003; and

WHEREAS, First Bank and Trust Company became the owner of Tax Map Nos. 96-4-A, 96E-1-3, 4, 5, 6, 7, 9, 10, 35, 36, 48, 55, 68, 82, 83, 85, 86 and 87 via a deed recorded at DB1257 PG262 in the Clerk's Office of the Circuit Court of Amherst County, Virginia on June 27, 2014; and

WHEREAS, VDOT has requested the vacation of a 15' wide drainage easement located near the southerly end of Mill Race Drive as shown on the aforementioned plat and highlighted below;



WHEREAS, VDOT will require an adjusted plat or other appropriate document reflecting the vacated easement to be recorded prior to accepting roads in this subdivision into its road maintenance program; and,

WHEREAS, the Town Council of the Town of Amherst desires to approve the vacation of this 15' wide drainage easement off the southerly end of Mill Race Drive; and

WHEREAS, pursuant of Section 15.2-2204 of the Code of Virginia and Section 18.1-1202.02(2) of the Town Code of the Town of Amherst, the Amherst Town Council held a duly advertised public hearing on December 10, 2014 at 7:00 P.M. in the Council Chamber of the Town Hall to receive comments on the proposed vacation of a 15' wide drainage easement located near the southerly end of Mill Race Drive;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, VIRGINIA:

Section 1. The Town hereby approves the proposed vacation of a 15' wide drainage easement located near the southerly end of Mill Race Drive in the Mill Race Section 3 Phase 1 Subdivision.

Section 2. The Town hereby vacates the platted of a 15' wide drainage easement located near the southerly end of Mill Race Drive in the Mill Race Section 3 Phase 1 Subdivision.

Section 3. The Town hereby directs that a plat or other appropriate document showing the vacated easement to be placed on record in the Clerk's Office for the Circuit Court of the County of Amherst, VA.

Section 4. No other easements or lot lines in Mill Race Section 3 Phase 1 Subdivision are altered or amended by virtue of this ordinance.

Section 6. The Mayor and Town Manager are authorized to execute such additional documents as may be necessary to evidence the vacation of this 15' wide drainage easement located near the southerly end of Mill Race Drive in the Mill Race Section 3 Phase 1 Subdivision.

This ordinance is to become effective immediately upon adoption.

Adopted this 10th day of December, 2014.

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, UPDATING THE PROCEDURE FOR SITE PLAN REVIEW.

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

1. That Sec. 18.1-1102 of the Code of the Town of Amherst is hereby amended to read as follows:

Sec. 18.1-1102. Procedure for site plan review.

Whenever the owner or proprietor of any tract of land located within the Town desires to develop any class of use listed in Section 18.1-1103 herein, he shall submit a plan of the proposed development to the zoning administrator for processing.

The owner or his representative is encouraged to consult with the zoning administrator for advice and assistance on the development. The owner may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout of the development. The zoning administrator shall return a copy of the submitted sketch plans to the developer with written comments indicating where the plans do not comply with the requirements set forth herein. Submission of said sketch plans and accompanying data shall not constitute the official filing of a proposed subdivision.

When the zoning administrator determines that an application involves development requiring site plan review, the zoning administrator shall notify the applicant that such review is required and shall require the documentation listed in this section. Any development meeting the criteria in Section 18.1-1103 **may shall** be reviewed and be made subject to approval by the Planning Commission. The Planning Commission may approve, approve with conditions, or deny approval of a site plan.

Any person proposing a development that requires a site plan under Section 18.1-1103 shall submit to the zoning administrator six (6) copies of a site plan showing the general design and layout of the development. The zoning administrator shall transmit copies of the site plan to VDOT, the health department, the erosion and sediment control officer, or any other relevant agency or department.

The site plan shall be reviewed in accordance with the procedures set forth in this section.

Within forty-five (45) days after submission of the site plan and accompanying documents to the zoning administrator, the commission shall approve, approve with conditions, or disapprove the site plan; the commission shall cause to have prepared two (2) copies of a statement noting reasons for commission disapproval or conditional approval, if applicable, and shall return one (1) copy of statement and plat to the developer with notification in writing of the action of the commission. One (1) copy of said statement and preliminary plat shall be retained by the zoning administrator for comparison with future site plans, where applicable, submitted by the developer.

The approval for any site plan approved by the Planning Commission shall expire and be null and void 12 months after the vote for approval if construction has not begun.

2. That this Ordinance shall become effective on December 10, 2014.

This ordinance was adopted on December 10, 2014.

Mayor

ATTEST:

Clerk of Council