

AMHERST TOWN COUNCIL
AGENDA – WEDNESDAY, DECEMBER 12, 2018
REVISED
Meeting at 7:00 p.m.
Town Hall, 174 S. Main Street, Amherst, VA 24521

- A. Call to Order – 7:00 p.m. - Mayor Tuggle**
- B. Pledge of Allegiance** - *I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.*
- C. Invocation** - *Any invocation that may be offered before the official start of the Amherst Town Council meeting shall be the voluntary offering to, and for, the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the audience is required to attend or participate in the invocation, and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure by which a volunteer may deliver an invocation are available upon request at the Town Hall.*
- D. Citizen Comments** - *Per the Town Council's policy, any individual desiring to speak before the Council who has not met the agenda deadline requirement will be allowed a maximum of three minutes to speak before the Town Council. Any individual representing a bona fide group will be allowed a maximum of five minutes to speak before the Town Council. Placement on the agenda is at the Mayor's discretion.*
- E. Public Hearings and Presentations**
- 1. Recognition of Outgoing Council Members (Pgs. 1-2)-** *Two Council members, Vice-Mayor Higginbotham and Councilor Stinnett, did not run for reelection, and tonight's meeting is their last one. We thank them for their service.*
 - 2. Recognition of Ryan Watts as the new Police Investigator-** *Chief Shiflett is coming before Council to recognize Ryan Watts as the new investigator for the Police Department, and to introduce the Town's newest officer, Caleb Martin.*
 - 3. Public Hearing for the Meals Tax Rebate (Pgs. 3-7)-** *A public hearing has been set and advertised for a proposed partial rebate on meals taxes for new and expanding restaurants.*
- F. Consent Agenda** – *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended actions or discussed individually.*
- 1. Town Council Minutes (Pgs. 8-12)–** *Draft of the November 14, 2018 meeting is **attached**. Please let Vicki Hunt know of any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.*
- G. Correspondence and Reports**
- 1. Staff Reports (Pgs. 13-24)**
 - a. Town Manager Monthly Report – **attached**
 - b. Police Chief Monthly Report - **attached**
 - c. Office Manager Monthly Report - **attached**
 - d. Clerk of Council Monthly Report- **attached**
 - e. Public Works Monthly Reports- **attached**

f. Town Attorney Monthly Report – **attached**

2. Council Committee Reports (Pg. 25)

- a. Finance Committee– *Mrs. Carton*
- b. Community Relations – *Mr. Higginbotham*
- c. Utilities Committee – *Mr. Watts, minutes of meeting attached*
- d. Recodification Committee – *Mr. Bunch, minutes of meeting as a handout*

3. Other Reports (Pgs. 26-27)

- a. Robert E. Lee Soil and Water Conservation District
- b. Planning Commission Minutes

H. Discussion Items

- 1. **Sign Ordinance (Pgs. 28-32)** *Sara Carter- The Planning Commission held a public hearing on the proposed Sign Ordinance revisions on December 5th, and staff recommends that the Council hold a public hearing at their regular meeting on January 9, 2019.*
- 2. **Report on survey for Leash Law Proposal-** *Sara Carter- Update on the responses to date regarding the leash law survey.*
- 3. **Water Testing Quotes- (Handout)-** *Gary Williams- Staff has obtained quotes for testing for cryptosporidium for the Town's water system. None of the usual vendors provide this service. Staff will have quotes available at the meeting.*
- 4. **Request for Appropriation (Handout)- Roll Call Vote-** *Sara Carter- Staff requests an appropriation of \$50,000 for a Virginia Brownfields Grant that has been submitted and approved on behalf of Waukeshaw Development.*

I. Matters from Staff

J. Matters from Town Council

K. Anticipated Town Council Agenda Items for Next Month

L. Citizen Comments

M. Adjournment

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Andr A. Higginbotham is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS, Andr A. Higginbotham was a member of the Town Council of the Town of Amherst from January 1, 2015, through December 31, 2018, and during that time he was Vice Mayor of the Town of Amherst from January 1, 2017, thru December 31, 2018, and represented the Town Council on the Public Safety and Community Relations Committee, the Personnel Committee and the Joint Committee on Cooperation; and

WHEREAS, Andr A. Higginbotham has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service, civic efforts including his various positions of leadership, authority, and community involvement through his church; and

WHEREAS, Andr A. Higginbotham is a prominent businessman who has a keen interest in the promotion of the Town of Amherst; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Andr A. Higginbotham has given to his community and also to express its appreciation for all that Andr A. Higginbotham has done, is doing, and will probably do for years to come for the Town of Amherst; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Andr A. Higginbotham has given to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been greatly improved as a result of Andr A. Higginbotham’s tenure on the Town Council of the Town of Amherst; and

FINALLY, BE IT RESOLVED the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Andr A. Higginbotham as a token of the Council’s deep appreciation for his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

Adopted December 12, 2018.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Mark A. “Tony” Stinnett is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS, Mark A. “Tony” Stinnett was a member of the Town Council of the Town of Amherst from January 1, 2017, through December 31, 2018, and during that time he has represented the Town Council on the Public Safety and Community Relations Committee; and

WHEREAS, Mark A. “Tony” Stinnett has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service, civic efforts including his various positions of leadership, authority, and community involvement; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Mark A. “Tony” Stinnett has given to his community and also to express its appreciation for all that Mark A. “Tony” Stinnett has done, is doing, and will probably do for years to come for the Town of Amherst; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Mark A. “Tony” Stinnett has given to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been greatly improved as a result of Mark A. “Tony” Stinnett’s tenure on the Town Council of the Town of Amherst; and

FINALLY, BE IT RESOLVED the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Mark A. “Tony” Stinnett as a token of the Council’s deep appreciation for his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

Adopted December 12, 2018.

Mayor Dwayne Tuggle

Attest:

Clerk of Council



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Sara Carter
Date: December 7, 2018
Re: Food and Beverage Tax Rebate

Council has set and advertised a public hearing on the proposed food and beverage tax rebate program for December 12, 2018.

Please see attached language for Council's consideration.

IV. FOOD AND BEVERAGE TAX

Sec. 8.1-400. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beverage means alcoholic beverage as defined in Code of Virginia, § 4.1-100, and nonalcoholic liquid served as part of a meal.

Food means any and all prepared edible refreshments and nourishments which are consumed.

Person means any individual, firm, copartnership, cooperative, nonprofit membership corporation, joint venture, association, corporation, estate, trust, business trust, trustee in bankruptcy, receiver, syndicate, assignee, club, society, or other group or combination acting as a unit, and the plural of such term shall mean the same as the singular.

Restaurant means any one (1) of the following:

- (1) Any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include, but are not limited to, lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes and dining accommodations of public and private schools and colleges. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.
- (2) Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include but are not limited to operations preparing or storing food for catering services, pushcart operations, hotdog stands, and other mobile points for service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence.

Convenience stores and grocery stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax for that portion of the grocery store or convenience store selling such items. The food and beverage tax levied on meals sold by grocery store delicatessens and convenience stores shall be limited to prepared sandwiches and single meal platters.

Sec. 8.1-401. Amount of tax levied.

There is hereby imposed and levied by the town on each person a tax as set out in this article on the amount charged for food and beverage sold for human consumption. The tax shall be six (6) percent of the amount charged.

(Amended July 1, 2018)

Sec. 8.1-402. Duty to collect.

Every person charging any amount for food and beverage with respect to which a tax is levied by the provisions of this article shall collect the amount of such tax from the person on whom the same is levied or from the person paying for such food and beverage at the time the charge for such food and beverage is made.

Sec. 8.1-403. Tax held in trust.

The taxes to be collected under the provisions of this article shall be deemed to be held in trust by the person required to collect such taxes until remitted to the treasurer.

Sec. 8.1-404. Reports; remittance.

The person collecting the tax shall use such forms and make a record thereof, setting forth such information as the treasurer may prescribe and require showing the amount of food and beverage charges collected and the tax required to be collected, and shall sign and deliver such reports to the treasurer with a remittance of such tax. Such report shall be made on or before the twentieth day of each month for taxes collected the preceding month. All payment of monies shall be made payable to the treasurer.

Sec. 8.1-405. Records.

It shall be the duty of every person liable for the collection and payment to the town of any tax imposed by this article to keep and preserve all records as may be necessary for a period of five (5) years. Those records should show accurately the amount of tax such person may have been responsible for collecting and the amount paid to the town. The treasurer may inspect such records at any reasonable time.

Sec. 8.1-406. Penalties; interest.

If any person shall fail or refuse to remit to the treasurer the tax required to be collected and paid under this article within the time and in the amount specified in this article there shall be added to such tax by the treasurer, a penalty in the amount of ten (10) percent thereof and interest thereon at the rate of eight (8) percent per annum which shall be computed upon the taxes and penalty from the date such taxes are due and payable.

Sec. 8.1-407. Enforcement.

If any person shall fail or refuse to collect the tax imposed by the provisions of this article and to make monthly reports and remittances required by this article, the treasurer shall proceed in such manner as he may deem best to obtain the facts and information on which to base his estimate of the tax due. As soon as the treasurer procures such facts and information as he is able to obtain upon which to base the assessment of any tax payable by any person who shall fail or refuse to collect such tax and to make such report and remittance, he shall proceed to determine and assess against such person such tax and penalty and interest provided by this article, and shall notify such person by registered mail sent to his last known place of address of the amount of such tax and penalty and interest, and the total amount thereof shall be payable within ten (10) days from

the date of mailing of such notice. The treasurer shall have the power to examine such records for the purpose of administering and enforcing the provisions of this article.

(Amended December 9, 2015)

Sec. 8.1-408. Exemptions.

Food and beverage furnished employees in the course of or in connection with their employment in establishments serving food and beverage and food and beverage sold or purchased under nonprofit nutrition programs for the elderly qualifying under 42 U.S.C. Section 3030(e) through (g), as amended, as administered by the Office of Aging of the Commonwealth of Virginia and food and beverage sold by educational institutions to students and employees for school lunches shall be exempt from the provisions of this article.

Sec. 8.1-409. Compensation.

For the purpose of compensating, a person for collecting, accounting or remitting the tax levied by this article, such person shall be allowed three (3) percent of the amount of the tax due and accounted for in the form of a deduction in submitting a return and paying the amount due by such person; providing the amount due was not delinquent at the time of payment. No commission shall be allowed if the account due is delinquent.

Sec. 8.1-410. Rebates.

- a. When a new restaurant is opened, the restaurant shall be entitled to a rebate of 20% of the food and beverage tax collected for a period of three months.
- b. When an existing restaurant expands by at least 50% of its previous gross square footage, the restaurant shall be entitled to a rebate of 20% of the increase in food and beverage tax over the monthly average for the twelve months prior to the expansion for a period of six months.
- c. Rebates shall not apply to temporary vendors, such as food trucks.
- d. Rebates shall apply to all new or business expansions after July 1, 2018.

Sec. 8.1-411. Penalty.

Any person willfully failing or refusing to file the return required by section 8.1-404 of this article at the time, or times required therein or making false statements with intent to defraud in such return, shall be guilty of a class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the return is one thousand dollars (\$1,000.00) or less, or a class 1 misdemeanor if the amount of the tax lawfully assessed in connection with the return is more than one thousand dollars (\$1,000.00).

Any person violating or failing to comply with any of the other provisions of this article shall be guilty of a class 3 misdemeanor. Each violation or failure shall constitute a separate offense and conviction shall not relieve any person from payment, collection or remittance of the tax as provided in this article.

Sec. 8.1-412. Exemption from state law.

- (a) The provisions of Code of Virginia, Title 35.1, as amended, pertaining to the regulation of restaurants, shall not apply to concession stands at youth athletic

activities when such stands are promoted or sponsored by either a youth athletic association or by any charitable nonprofit organization or group thereof.

- (b) It shall be the duty of the county's director of health, or a qualified person designated by him, to provide education and consultation, establish advisory standards and exercise appropriate supervision regarding the safe preparation, handling, protection and preservation of food at concession stands at youth athletic activities, to protect the public health.

Sec. 8.1-413. Procedure for cessation of business.

Whenever any person required to collect and pay to the town any tax imposed by this article, shall cease to operate or dispose of his business, he shall notify the town treasurer of such fact in writing and any tax payable under this article shall become immediately due and payable on the date such person shall cease to operate or dispose of his business. Otherwise such person who fails to properly notify the treasurer of such cessation of business shall be liable for such taxes through the succeeding collection date.

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order November 14, 2018, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. It was noted that a quorum was present as follows:

P	D. Dwayne Tuggle	P	Kenneth G. Bunch
A	Andr Higginbotham	A	Mark A. Stinnett
P	Kenneth S. Watts	P	Rachel A. Carton

Town Manager Sara E. Carter, Town Attorney W. Thomas Berry, Clerk of Council Vicki K. Hunt, Office Manager Tracie L. Wright, Police Chief Robert A. Shiflett, II, Director of Plants Gary Williams, Lead Water Operator Becky L. Cash, and Utilities Maintenance Foreman Charles Thompson, were present.

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Kenneth S. Watts.

Mayor Tuggle welcomed Janice Wheaton and Sarah Ogden who will take their seats as new council members beginning January 1, 2019.

Mayor D. Dwayne Tuggle opened the floor for citizen comments. No comments were made.

Mr. Watts made a motion that was seconded by Mrs. Carton and carried 3-0-2 to approve the minutes from the October 10, 2018, meeting. Mrs. Carton and Messrs. Watts and Bunch voted "Aye." Messrs. Higginbotham and Stinnett were absent.

After discussion, a motion was made by Mr. Bunch that was seconded by Mr. Watts and carried 3-0-2 to adopt a new Town of Amherst Brockman Park Hunting Policy as recommended by staff. Mrs. Carton and Messrs. Watts and Bunch voted "Aye." Messrs. Higginbotham and Stinnett were absent. A copy of the approved policy is attached and made a part of these minutes.

After discussion, Town Manager Carter was authorized to continue to work with staff to monitor and link from social media a survey published on the Town website concerning a potential leash law in the Town. Further discussion was deferred to the December meeting.

Mayor Tuggle adjourned the meeting at 7:12 PM.

Mayor Tuggle reconvened the meeting at 7:15 PM. A quorum was present as noted above.

After discussion, Mrs. Carton made a motion to hold a public hearing at the December meeting on proposed Town Code Sec. 8.1-410 which, if approved, would allow partial rebates of food and beverage tax collected for a limited period of time to new and expanding businesses, as recommended by staff. The motion was seconded by Mr. Watts and carried 3-0-2 with Mrs. Carton and Messrs. Watts and Bunch voting "Aye." Messrs. Higginbotham and Stinnett were absent.

After discussion, Mr. Watts made a motion that was seconded by Mr. Bunch and carried 3-0-2 to authorize Town Manager Carter to accept the proposal from Appalachian Power Company to install a receptacle, small breaker, wiring and connection to the APCO secondary service on 33 poles on N. Main Street, from Greenview Drive to Lexington Drive and to make an expenditure associated thereto in the amount of \$7,430, for the purpose of installing Christmas decorations, as recommended by staff.

Mrs. Carton and Messrs. Watts and Bunch voted “Aye.” Messrs. Higginbotham and Stinnett were absent.

After Town Manager Carter gave a background report on a proposal received from County Administrator Dean Rogers prepared by PB&A Marketplace Intelligence on the feasibility of a YMCA/Healthy Living Center in Amherst, and the Town’s possible interest in participation in the market study analysis and partial funding to research an estimate for membership demand and program participation for the center at two potential sites, i.e. Town of Amherst and Madison Heights, Town Council, after discussion and by consensus, directed Town Manager Carter to prepare a response to the County Administrator that the Town would: (a) require that there is a reevaluation of sampling methodology to include Nelson and Lovington areas; (b) require that all active members of the Town’s YMCA Exploratory Committee shall be included in the study focus group; (c) require that the Town will be provided a written true cost estimate of the project; and (d) indicate the Town’s willingness to cover 25% of the cost in view that town residents are also citizens of the county.

Mayor Tuggle established a Recodification Committee appointing Kenneth S. Watts and Kenneth G. Bunch to work with Clerk of Council Vicki K. Hunt and Town Attorney W. Thomas Berry on finalization of code recodification.

By consensus, Town Manager Carter was directed to task Vicki Hunt on a plan for staff service recognition. Ms. Carter requested that Ms. Hunt be allowed to finish recodification of Town Code before taking on another project.

Mayor Tuggle reported that a Strategic Planning Session for Town Council Members will be set for December/January with Stephanie Davis as facilitator.

Mayor Tuggle adjourned the meeting at 7:51 PM.

Mayor Tuggle reconvened the meeting at 7:56 PM. A quorum was present as noted above.

Mayor D. Dwayne Tuggle opened the floor for citizen comments.

Isiah Lewis, Amherst County, VA, WAMV Radio Account Executive and Creative Consultant, came forward stating that WAMV is moving toward a more community-based approach sharing knowledge about what is going on in the community and would like to offer free public service announcements on matters such as the potential leash law survey and how to access the survey via the town’s website.

At 7:59 PM Mr. Watts made the following motion that was seconded by Mrs. Carton and carried 3-0-2 with Mrs. Carton and Messrs. Watts and Bunch voting in favor and Messrs. Higginbotham and Stinnett absent: I move that Town Council convene in closed session, for discussion or consideration relating to a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry’s interest in locating or expanding its facilities in the community, per the exemption at §2.2-3711A.5 of the Code of Virginia.

At 8:22 PM Mr. Watts made a motion, seconded by Mrs. Carton, that Council adjourn the closed session and enter open session, certifying to the best of each member’s 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.

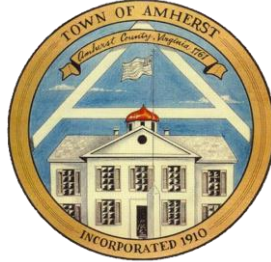
The motion 3-0-2 via the roll call method with Mrs. Carton and Messrs. Watts and Bunch voting “Aye”. Messrs. Higginbotham and Stinnett were absent.

There being no further business, the meeting adjourned on a motion by Mr. Bunch seconded by Mrs. Carton at 8:23 PM.

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

DRAFT FOR APPROVAL



TOWN OF AMHERST

Office of the Town Manager
Amherst Police Department
and
Town Council

174 S. Main Street, Virginia 24572
Telephone (434) 946-7885
Fax - (434) 946-2087

TOWN OF AMHERST HUNTING POLICY Adopted by Council: November 14, 2018

- (1) RULES: All hunters must abide by all rules and regulations set forth by Virginia Department of Game and Inland Fisheries.

NOTE: NO HUNTING ALLOWED ON PUBLIC PROPERTY ON SUNDAY'S.

- (2) PERMITS: All hunting permits will be given out by the Chief of Police or his designee. Each hunter will be given written permission that he/she must have on their person at all times while hunting Town Property. Also, a colored placard will be given to each hunter, so it can be placed on the dashboard of the vehicle driven while hunting Town Property. This will assist law enforcement when patrolling and when calls come in about suspicious vehicles. There will be no guest permits issued, all hunters must have their own permission letter.

NOTE: PERMISSION IS VALID DURING THE CURRENT HUNTING SEASON ONLY AS OF THE DATE OF THE PERMISSION LETTER.

- (3) LICENSE: Upon receiving the written permit, each hunter will be charged a \$25.00 fee. All town employees are exempt from the \$25.00 permit fee.

(4) WEAPONS OF USE: No FIREARM'S are allowed for hunting purposes on Town Property. The use of firearms is strictly prohibited upon Town Property. Only traditional archery and crossbows will be allowed for hunting purposes.

(5) TREESTANDS AND GROUND BLINDS USUAGE: Treestands and ground blinds can be used but they must be removed at the conclusion of the hunting season. It is recommended that stands be labeled with the owner's name.

NOTE: The Town is not responsible for any lost or stolen items.

(6) LIABILITIES: The Town of Amherst is not responsible for any accidents or injuries that occur while hunting on Town Property. The hunting permission letter will serve as notification for the release of Town responsibility If such incidents occur. A copy of each hunting permission letter will be kept on file in the Amherst Police Department.

DRAFT FOR APPROVAL

Town Manager's Report for the December 5, 2018 Town Council Meeting

Committee	Report
A. Industrial Development Authority	No meeting/no report
B. Planning Commission	Meeting minutes from December 5, 2018 included
C. Board of Zoning Appeals	No meetings/no report
D. Property Maintenance Investigation Board	No meetings/no report
E. Community Relations Committee	No meetings/no report
F. Finance Committee	No meetings/no report
G. Utilities Committee	Meeting minutes from December 5, 2018 included
H. Personnel Committee	No meetings/no report
I. Town/Sweet Briar Sewer Use Advisory Commission	No meetings/no report
J. Lynchburg Regional Business Alliance	Attended quarterly meeting on November 29, 2018
K. Central Virginia Metropolitan Planning Organization	The Mayor attended the November 15 th meeting



AMHERST POLICE DEPARTMENT



Monthly SHIFT REPORT

November 2018

DATE:	SHIFT WORKING:
OFFICER:	VEHICLE:
MILEAGE START OF SHIFT:	MILEAGE END OF SHIFT

CALLS FOR SERVICE	NUMBER
KEYS LOCKED IN VEHICLE	15
ALARM	9
PHONE COMPLAINT	27
BOLO	19
MISSING PERSON	
SHOPLIFTING	
PROBLEM WITH OTHERS	6
DOMESTIC	
CHECK WELFARE	6
NOISE OR DOG COMPLAINT	6
TRAFFIC CRASH	8
EMS CALLS	2
SUDDEN DEATH	
ECO	
FUNERAL TRAFFIC	1
OTHER	41

OFFICER INITIATED	NUMBER
BUILDING CHECKS	40
CHECKING DETAIL	
BUILDING SEARCH	1
TRAFFIC SUMMONS	15
DRUNK IN PUBLIC	
EXTRA PATROLS	51
WARRANT SERVICE	6
PROPERTY WALK AROUNDS	12
WARRANTS OBTAINED	
PARKING TICKETS	
MISD. INVESTIGATION	2
FELONY INVESTIGATION	2
NARCOTICS INV.	2
SEARCH WARRANT	
PUBLIC RELATIONS	6
CITIZEN CONTACT	96

ARREST	NUMBER
MISDEMEANOR	3
FELONY	
EPO	
ECO	
PPO	
NARCOTICS VIOLATION	1
DUI / DUID	

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	7
EQUIPMENT VIOLATION	
RECKLESS DRIVING	1
SUSPENDED LICENSE	1
INSPECTION STICKER	
REGISTRATION	5
SEAT BELT / TEXTING	

WARNINGS	NUMBER
SPEEDING	5
EQUIPMENT VIOLATION	9
RECKLESS DRIVING	
SUSPENDED LICENSE	2
INSPECTION STICKER	1
REGISTRAION	
SEAT BELT / TEXTING	

OTHER	NUMBER
ASSIST OTHER OFFICER	12
ASSIST OTHER AGENCY	20
COURT	4
REPORTS	7
SCHOOL / TRAINING	42Hrs
MEETINGS	15
TOWED / IMPOUNDED VEH	



AMHERST POLICE DEPARTMENT



Monthly SHIFT REPORT

PLEASE LIST ALL PASS ON'S, INVESTIGATIONS, ARREST, IMPOUNDED VEHICLES WITH REASON AND LOCATION, AND BUSINESSES WITH OPEN DOORS OR ANY OTHER SIGNIFICANT COMPLAINTS.

Field training new officer.

Miles Patrolled- 4,386

Calls for service- 226



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Tracie Wright
Date: December 4, 2018
Re: November 2018 Monthly Report

Utilities – 1159 bills were cut totaling \$200,170.00

A/P – A total of 49 checks were cut totaling \$66,123.03 for November 2018 bills.

Meals and Beverage Tax – 14 Businesses paid \$44,544.73 in Meals and Beverage Tax for the month of October. McDonald's closed roughly around the November 26, 2018. I am expecting with their closure we will lose over \$22,000 in Meals and Beverage Taxes.

Taxes – 2018 Vehicle License Fee bills were mailed out around October 26th. They are due by December 5, 2018. As of December 4, 2018 we still had \$17,126.49 to collect. We have a long way to go!

Investments – I did meet with Edward Jones regarding investments and I do not believe that will work for the Town. After some reading through the Code of Virginia, I learned that local governments can only invest and hold money with banks approved by the Virginia Treasury. Edwards Jones is not on that list. We did get a rate update today from Beau Blevins with the VML/VACo Virginia Investment Pool and the rate for a 1-3 year bond is now at 2.87% with at this point is already higher than the local banks standing at 2.21%. If the Finance Committee is ready to meet we can at any time.

Financial Software – Still ready to discuss this as well when the Finance Committee meets regarding investments.

Johnson Sr. Center – A new representative did come in and completely caught Johnson Sr. Center up on all utilities. The lien has been removed on that property.

Clerk of Council Report November 2018

Committee Meetings

Industrial Development Authority

Receive and review agenda packet for 11-5-18 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

Planning Commission

Receive and review agenda packet for 11-7-18 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

Town Council

Receive and review agenda packet for 11-14-18 meeting; post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website

Quorums: Confirm quorum Industrial Development Authority, Planning Commission and Town Council meetings

Town Website Maintenance and Management

- Maintain and update content
- Research formats, prepare, post and monitor Potential Leash Law Survey for Town of Amherst
- Posted:
 - Forms
 - Agendas and Minutes
 - Public Hearings
 - Calendar events
 - Update Hot Topics

Town Facebook Administrator

Post to Town's Facebook page; monitor feedback

Recodification of Town Code

- Follow-up status report to Municode
- Schedule and meet with Town Attorney Berry on 11/5/18 in preparation of future conference with Municode Attorney
- Schedule recodification committee meeting with Messrs. Watts, Bunch and Berry; continue review of proof in preparation for committee meeting
- Follow-up with Chief of Police Shiflett Re Criminal Code
- Follow-up with Director of Plants Williams re Water, Sewer and Sewage
- Work on Weed and Outdoor Events edits for recodification
- Miscellaneous research

Outdoor and Banner Permits

Christmas Parade

Telephone conferences with Ronnie Unruh; preparation of permit application forms; correspond with VDO; receive permit; attention to detail

Town Christmas Banner

Preparation of Permit Application forms; correspond with VDOT; receive permit; attention to detail

Other:

- Prepare Oath of Office for newly elected council members; correspond with Clerk of Court

- Order Commemorative Cups
- Preparation of Resolutions for reading
- Schedule and attend November 14, 2018 meeting with Town Staff re preparation of Town Christmas Events
- Miscellaneous e-mails with Octavia Starbuck re Tree Lighting Ceremony (follow-up)

Town of Amherst Committees as of November 30, 2018 – Update; See Attached.

Town of Amherst Committees as of November 30, 2018

	<u>Appointed/Term Expires</u>
<u>TOWN COUNCIL</u>	
D. Dwayne Tuggle, Mayor	01/01/17 12/31/18
Kenneth S. Watts	01/01/17 12/31/18
Andra A. Higginbotham	01/01/17 12/31/18
Mark A. Stinnett	01/01/17 12/31/18
Rachel A. Carton	01/01/17 12/31/18
Kenneth G. Bunch	11/08/17 12/31/18

<u>PLANNING COMMISSION</u>		
June Driskill, Chairperson	06/08/16	06/30/20
Kenneth G. Bunch	12/13/17	12/31/18 (TC rep)
William Jones	04/08/15	06/30/19
Ted Finney	07/01/17	06/30/21
Kevin Belcher	07/01/18	06/30/22
Clifford Hart	04/08/15	06/30/19
VACANT		06/30/18

<u>BOARD OF ZONING APPEALS</u>		
Gary Mays, Chairman	04/08/15	08/31/20
Ed Carton	11/10/14	08/31/19
Teresa Tatlock	07/10/16	08/31/21
Marvin Hensley	08/31/17	08/31/22
Kevin James Akershoek	12/11/13	08/31/18

<u>INDUSTRIAL DEVELOPMENT AUTHORITY</u>		
Lewis Addison, Chairman	04/08/15	06/30/19
Sharon Watts Turner	07/01/18	06/30/22
Gary Jennings	05/10/17	06/30/21
Jacob Bailey	06/08/16	06/30/20
Manly Rucker	05/10/17	06/30/21
Kim Odell Stein	07/11/18	06/30/22
Richard Wydner	04/08/15	06/30/19

<u>PROPERTY MAINTENANCE INVESTIGATION BOARD</u>		
C. Manly Rucker, III	05/10/17	06/30/20
Bessie H. Kirkwood	07/01/18	06/30/21
Glenda Hash	06/08/16	06/30/20

<u>REGION 2000 REGIONAL COMMISSION/MPO</u>		
D. Dwayne Tuggle	01/11/17	12/31/18
Sara Carter	01/11/17	12/31/18

<u>Appointed/Term Expires</u>		
<u>TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION</u>		
Clifford Hart	02/08/17	12/31/18
Kenneth S. Watts	01/11/17	12/31/18
<u>YMCA EXPLORATORY COMMITTEE</u>		
Erin Minter, Chairperson		05/10/17
Tracy Wilburn		05/10/17
Erin Calhoun		05/10/17
Paul Robert Munn		08/09/17
Rebecca A. Fitzgerald		08/09/17

TOWN COUNCIL COMMITTEES (FOR THE 01/01/17-12/31/18 TERM)

- FINANCE COMMITTEE**
 Rachel A. Carton (Chairman) and Kenneth S. Watts
- Monitor the budget development process.
 - Review accounting procedures, budgets, and bookkeeping activities.
 - Interface with auditors.

- COMMUNITY RELATIONS COMMITTEE**
 Andra Higginbotham (Chairman) and Mark A. Stinnett
- Review Town beautification efforts and programs.
 - Interface with citizens, business operators, Sweet Briar College, and VDOT.

- UTILITIES COMMITTEE**
 Kenneth S. Watts (Chairman) and Kenneth G. Bunch
- Monitor the development and construction of capital improvement projects.
 - Review proposed utility system upgrades and extensions.
 - Interface and assist developers in coordinating Town policies with proposed new developments.

- RECODIFICATION COMMITTEE**
 Kenneth G. Bunch (Chairman) and Kenneth S. Watts
- Monitor the recodification of Town Code process
 - Review proposed proof and edits

Utility/Town Maintenance and Construction Report

Nov-18

Water Meter Read	1150
Water Meter Re-Read	55
Disconnects	11
VA-811 Service locations	28
Vehicle PM Work Orders	22
Pump Station/Plant Work Orders	21
Banners Installed/Dismantled	1
Water Services Installed/Replaced	5
Sewer Services Installed/Replaced	0
Minor Leaks ks Repaired	1
Major Leaks Repaired	2
Minor Sewer Problems Resolved	5
Major Sewer Problems Resolved	0

Man Hours

Meter Reading	71
Street/Sidewalk Maintenance	127
Safety Training	4
Bush Hogging	7
Flushing Water	0
Equipment Maintenance	28
Xmas decorations	290

Major Issues & Comments

Tis the season, staff has busy finishing the street marking on main and side streets with parking and no parking spaces
 we are hanging Christmas derocations as well as assisting Garden Club. Routine maint t and work orders has taken most of the month.

4

Routine/Annual Work

Projects/Unusual Work

Service Work Orders	Locating Un-marked/Unknown Water & Sewer System Assets
Meter Reading	Continue Safety and Shop/Yard Clean-up
Prev-Maint Work Orders	Staff has been working on finding water valves and addressing issues
Disconnects	Working on clearing water right of ways.
Re-connects	
Flushing Program in Select Locations	



TOWN OF AMHERST
DEPARTMENT OF PLANTS

MONTHLY PRODUCTION AND OPERATIONAL REPORT
 NOVEMBER 2018

SUBMITTED BY: GARY S. WILLIAMS,
 DIRECTOR OF PLANTS

Grandview Water Filtration Plant,

Daily Water Withdrawal and Production:

	Total, million gallons	Average, million gallons	Max, million gallons	Min, million gallons
Raw Water	9.210	0.310	0.630	0.120
Produced	7.990	0.270	0.570	0.120
Delivered	7.680	0.260	0.540	0.120

Monthly Activities and Upcoming Highlights:



- Underwater Solutions Inc. out of Mattapoisett, MA was in Town on November 6, 7, and 8 performing cleaning and inspections on the Waughs Ferry water tank, the Union Hill water tank and the clear well at the Grandview Filtration Plant. Staff is pleased to report there were no significant issues found with either of the water storage structures. As of this report the comprehensive report from Underwater Solutions has not been received but a full report will be forth coming when received. Since there were no unforeseen issues with the cleaning operations, there were not expense overruns of the approved \$8,880.00.
- As part of the U.S. Environmental Protection Agency (EPA) Long Term 2 Enhanced Surface Water Treatment Rule (LT2 Rule) and the Water Works Regulations, Section 12VAC5-590-420 B 3 a, staff is preparing to begin sampling for Cryptosporidium beginning in April 2019. By January 1st staff will have to have filed with the Danville field office of VDH the Towns Round 2 LT2 Source Water Monitoring Plan. There is an RFP out to secure a testing laboratory to run the test for cryptosporidium. Our normal contract lab does not run this test, DCLS in Richmond does not run the test, simple put there are no labs in the state of Virginia currently certified to

perform this testing procedure. RFP's have been sent to five labs throughout country, Tennessee, Indiana, Iowa, Florida, and Vermont. The sampling/testing will run 12 or 24 months depending on the laboratory chosen.

- Met with Herb White of WW and Associates to review water plant needs and to see if any part of the Bowmen Water Plant Assessment Report could be salvaged. Original this report was generated to be used as a PER with the Health Department to cover multiple ongoing In-House and Contracted upgrade projects.

Rutledge Creek Wastewater Treatment Plant,

Daily Received and Treated Waste Stream:

	Total, million gallons	Average, million gallons	Max, million gallons	Min, million gallons
Final Effluent	12.268	0.409	1.240	0.233

Monthly Activities and Upcoming Highlights:

- Staff is watching weather conditions a little more closely after November's flow totals have been calculated. The calculated average flow was 409,000gpd. By permit, if Rutledge Creek WWTP meets or exceeds 380,000gpd for 3 consecutive months increased testing will be required.

Submitted: December 3, 2018

W. THOMAS BERRY
ATTORNEY AT LAW
TAN BARK PROFESSIONAL BUILDING, COURT STREET
P.O. BOX 354 * 402 COURT STREET
LOVINGSTON, VIRGINIA 22949

W. THOMAS BERRY

OFFICE PHONE
434-263-4886
Fax: 434-263-4285

December 3, 2018

Town of Amherst
P.O. Box 280
Amherst, VA 24521

Attn: Sara Carter- Town Manager

Re: Monthly Report to Town Council
(November 2018)

Dear Ms. Carter, and Council,

My report on work regarding the following matters:

1. Recodification: Review of recodification documents and met with Vickie Hunt. Working on several areas; nuisance, weeds, and special events.
2. IDA/ Town: Attended the meeting this month. Discussion on the proposed lease.
3. Town Council Meeting: Attendance at the monthly scheduled meeting on November 14th, 2018.
4. Land Acquisition: Review of Lazy River property in land records. Discussed work on Right of Way and property description in the James C. May survey.
5. Personnel: Grievance issue. Discussions with Police Chief, Amherst County Commonwealth Attorney. Reviewed issues with Nelson County Commonwealth Attorney.
6. Meals Tax: Reviewed Policy.
7. Access to Town Attorney: My email address is tammy@tomberryllaw.com. Please feel free to use this email access provided, and I will promptly return any communication. My home phone (434) 946-9501; office phone (434) 263-4886.

Respectfully Submitted,

W. Thomas Berry
Attorney at Law

WTB/tpg

Invoice

W. THOMAS BERRY, LLC
 ATTORNEY-AT-LAW
 P.O. BOX 354/ 402 COURT STREET
 LOVINGSTON, VA 22949
 PHONE: (434) 263-4886

Date	Invoice #
12/3/2018	8696

Bill To
Town of Amherst c/o Sara Carter P.O. Box 280 Amherst, VA 24521

Terms
Due on receipt

Description	Qty	Rate	Amount
10/31 REVIEW LEASE	0.3	175.00	52.50
11/01 REVIEW LEASE AND MEMO	1.3	175.00	227.50
10/31 NOTE TO VICKIE ON CODE	0.3	175.00	52.50
10/31 NOTE FROM GARRY WILLIAMS	0.2	175.00	35.00
11/15 CODE REVIEW WITH VICKI	1.2	175.00	210.00
11/05 IDA MEETING	1	175.00	175.00
11/08 REVIEW REVISION TO CODE W/VICKIE	2	175.00	350.00
11/10 RESEARCH ON CODE	1.2	175.00	210.00
11/10 WORK ON LEASE	0.5	175.00	87.50
11/13 LEASE	0.5	175.00	87.50
11/14 MONTHLY MEETING	1.5	175.00	262.50
11/15 REVIEW LEASE TELEPHONE CALL TO JIM MAY	1	175.00	175.00
11/27 LAZY RIVER LEASE	0.8	175.00	140.00

Total	\$2,065.00
Payments/Credits	\$0.00
Balance Due	\$2,065.00

**UTILITIES COMMITTEE
MINUTES**

December 5, 2018
9:30 AM

Attendees: Ken Watts, Chairman and Kenneth Bunch
Staff: Sara Carter and Tracie Wright

The meeting was called to order by Mr. Watts at 9:45 am.

The committee discussed the fees that are charged for new connections and accounts, and whether a change should occur for different account types.

The committee further discussed the overall fee and rate schedule and the timeframe for its reevaluation. There will be suggested changes that will be reviewed as part of the budget process.

The meeting adjourned at 10:30 am.

November 2018

To: Gary Williams, Sara Carter, Amherst Town Council Members

Re: Amherst Watershed Protection Program: Buffalo River Watershed Monthly Report

Buffalo River Watershed Initiatives

Watershed Initiatives:

Working with landowners within the protected watershed to find conservation programs that fit their objectives on their land and protect drinking water sources. One BRWS landowner is in the planning stage of their conservation project (Kay-VACS). Two BRWS landowners are in the installation phase of their conservation projects (Duff –EQIP, Campbell-VACS) Two BRWS landowners have completed their pollinator conservation projects (Fritzler-APBP, Jenkins-APBP).

Working with project team on the Amherst depot pollinator garden project installation and planning.

Completed maintenance on five BRWS Amherst Tree Buffer projects this month.

Working with the Amherst Parks and Recreation on a riparian buffer sign initiative to be placed at three of the Amherst County parks, including Mill Creek Lake.

Education:

Attended the Land Trust Alliances workshop: Closing the deal with rural landowners. Presenters included Bobby Whitescarver with Whitescarver Natural Resources Management LLC and Eric Eckl with Water Words that Work.

Participated in a panel for Dr. Sabo's Sustainable ecosystems class with D. Yancey and A. Elliott at Sweet Briar College.

Upcoming:

Continue to work with watershed landowners and find conservation programs that meet their objectives and water quality goals. Continue to work with landowners participating in the Amherst Pollinator Buffer program, Amherst Tree Buffer Program and VA Ag. Cost-share Program.

The names included in this report are for the Town Council member's information only and should not be shared with the public at the meetings.

11/30/18: Submitted by: Anne Marie Roberts, Amherst Watershed Coordinator, Robert E. Lee Soil & Water Conservation District

**Town of Amherst
Planning Commission Minutes
December 5, 2018**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of the Town Hall at 174 S. Main Street at 7:00 PM on December 5, 2018.

It was noted that one seat on the Planning Commission is vacant and that a quorum was present as indicated below:

P	June Driskill	P	William Jones
A	Kevin Belcher	P	Kenneth Bunch
A	Ted Finney	P	Clifford Hart

Town Manager Sara Carter and Clerk of Council Vicki Hunt, in her capacity as Secretary to the Commission, were present.

The minutes from the November 7, 2018, Commission meeting were approved on a motion by Mr. Hart, seconded by Mr. Bunch, and carried 4-0-2 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Absent	William Jones	Aye

Public Hearing – Sign Ordinance Amendments

The Chair opened a duly advertised public hearing at 7:01 PM on a proposed new Town of Amherst Zoning Ordinance Article IX. Special Provisions, Section 18.1-908 Signs, which would, if approved, comply with the Supreme Court’s rulings in *Reed v. Town of Gilbert* (576 U.S., June 2015), and allow certain types of additional signage for businesses, and address the use of temporary signs.

There being no one present who wished to speak on the matter the hearing was closed at 7:02 P.M

After an oral report was given by Town Manager Carter and discussion, on motion by Mr. Hart which was seconded by Mr. Jones, the Commission agreed to recommend to Town Council to approve the proposed new Town of Amherst Ordinance Article IX. Special Provisions, Section 18.1-908 Signs to comply with the Supreme Court’s rulings in *Reed v. Town of Gilbert* (576 U.S., June 2015), and allow certain types of additional signage for businesses, and address the use of temporary signs. The motion carried 4-0-2 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Absent	William Jones	Aye

There being no further business, on motion of Mr. Bunch seconded by Mr. Hart and carried 4-0-2 the meeting adjourned at 7:24 PM.

June Driskill, Chairperson

Attest: _____
Secretary



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Sara Carter
Date: December 5, 2018
Re: Sign Ordinance Revision

As Council knows, there has been an on-going, long term effort to update the Sign Ordinance to reflect the new requirements that came from the U. S. Supreme Court *Reed vs. Town of Gilbert* decision. The Planning Commission has been working hard on the revision and held a second public hearing on December 5, 2018.

The Commission recommends approval of the following draft. Staff recommends that Council set a public hearing for January 9, 2019 for consideration and adoption of the revised Ordinance.

Sec. 18.1-908. Signs.

Sec. 18.1-908.01. Intent.

The intent of this section is to establish limitations on signs to ensure that they are appropriate to the neighborhood, building or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area; to ensure that signs are compatible with their surroundings; to maintain and enhance the aesthetic environment of the Town of Amherst and its entrance corridors; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, and community appearance; to establish reasonable time, place, and manner provisions to facilitate the appropriate exercise of free speech; and to enable the fair and consistent enforcement of these sign regulations. Any display of off-premises signs is considered inappropriate to the character and sound development of the Town, and it is intended by this article that street and highway rights-of-way in the Town shall not be made available for such display unless erected and maintained by the Town of Amherst or another governmental entity. It is the policy of the Town of Amherst that the purpose of commercial signs is to attract patrons onto the site of business activity and not for brand promotion, advertising goods and services, or directing traffic to other locations.

Sec. 18.1-908.02. Calculation of sign area.

- (a) Sign area shall be calculated as the area within a single rectangle, triangle, or circle and shall include all letters, figures, graphics or other elements of the sign together with the framework or background of the sign. Double faced signs (two sign faces back to back at not more than a 60 degree angle) shall be counted as one sign.
- (b) Whenever an individual lot has not used all of its permissible sign area, then the unused portion may be used for displaying noncommercial messages.

Sec. 18.1-908.03. Signs shall pertain to the property.

Any commercial message carried by permitted signs shall pertain to the business located on the same premises as the sign; or to any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, provided that signs erected on contiguous properties with the same owner may pertain to a business located on any such contiguous property. Billboards and other off-premises signs are prohibited except as expressly permitted by this ordinance.

Sec. 18.1-908.04. Permit required.

- (a) Compliance. No sign, except those qualifying for permit exceptions, shall be constructed, erected, relocated, expanded or otherwise altered until a sign permit has been obtained from the zoning administrator in accordance with the provisions of this section.
- (b) Permit exceptions. A permit shall not be required for the following signs, but they shall be subject to all other applicable provisions of this article:
 - (1) Repainting or refacing an existing sign or minor nonstructural repairs.
 - (2) Signs specifically excluded from permit requirements.
 - (3) Signs permitted in all sign districts as outlined in Sec. 18.1-908.06.

Sec. 18.1-908.05. Sign districts.

In order to meet the intent of this section, sign districts are hereby created to reflect the character of various areas in the Town. These districts are:

- (1) *Commercial and industrial sign district.* This district is designed to support retail and service businesses in the Town's commercial areas. As such, it encompasses all Town lands zoned commercial or industrial.
- (2) *Mixed Use district.* This district is designed to support smaller scale retail and service businesses that are consistent with residential development. This district encompasses the Central Business and Transitional zoning district.s
- (3) *Residential and agricultural sign district.* This district encompasses residential and non-

commercial areas to ensure that signage is in keeping with the character of these areas. As such, it includes all Town lands not included in the aforementioned sign district.

Sec. 18.1-908.06. Signs permitted in all sign districts.

- (a) The following signs shall be permitted in all sign districts and shall not require a sign permit, unless otherwise indicated. The area of any sign described in this subsection shall not be included in computing the aggregate sign areas specified for individual districts.
- (1) *Temporary signs.* Temporary signs, which shall be non-illuminated and limited to the following types:
- a. When buildings are under construction or sites are under development, signs may be displayed provided that they are removed upon issuance of a certificate of occupancy. The maximum sign area of each such sign shall be 32 square feet.
 - b. When a property is offered for lease or for sale, signs may be displayed provided that they are removed within five days of the date of closing or within five days of the beginning of the lease.
 - 1. In the residential sign district, the maximum aggregate sign area shall be four square feet and the maximum height shall be twelve feet.
 - 2. In the commercial and industrial sign district, the maximum aggregate sign area shall be thirty-two square feet and the maximum height shall be twelve feet.
 - c. When a business in the mixed use or commercial and industrial sign district opens, temporary building-mounted signs and banners shall be permitted, provided that such sign or signs shall not be displayed for more than 30 days. The maximum aggregate sign area shall be 32 square feet.
 - d. When a dwelling in a residential sign district is holding a yard sale, signs may be displayed for only 48 hours and only on the property where the yard sale will be held.
 - e. For special events within the Town, any property owner may display up to two signs of up to four square feet each for up to five days in any 60 day period.
 - f. Signs on private property that exercise the property owner's right to right to free speech and express non-commercial messages such as ideals, causes, policies or candidates, provided that such signs are not larger than 40 square feet in the mixed use and commercial and industrial sign districts or 16 square feet in the residential and agricultural sign district. Such signs shall be removed within 60 days of installation.
- (2) *Permanent signs.*
- a. One sign at each parking lot entrance with no commercial logo or other message and not exceeding three square feet in area.
 - b. Non-illuminated names of buildings, dates of erection, monumental citations, commemorative tablets, insignia of local, state or federal government, and like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of a building structure. The maximum size of such sign shall be 32 square feet.
 - c. Usual and customary signs identifying disabled parking, rest rooms, directions, driving instructions or other facilities relating to such places or activities.
 - d. Signs not visible from adjacent properties or public rights-of-way.
- (3) *Flags.* Flags containing no commercial message are not regulated.
- (4) *Signs installed on VDOT right of way under a VDOT permit.* All signs permitted by VDOT for their right of way require no Town permit. The Town will only assist in the VDOT permitting process with Town approved banners installed above S. Main Street on the existing banner bracket.
- (5) *Nonconforming.* Any sign may remain in use provided that it was lawful at the time this ordinance was enacted. However, signage for any business shall be required to conform to all requirements of this ordinance as a condition of approval before any change to the signage for that business.

Sec. 18.1-908.07. Signs located in the commercial and industrial sign district.

For residential uses in the commercial and industrial sign district, signs shall be regulated as in the residential and agricultural sign district. For all other uses, the following regulations shall apply:

- (1) *Freestanding signs.*

- a. *Number of freestanding signs permitted:* One.
- b. *Maximum sign area:*
 - i. 40 square feet .
 - ii. For shopping centers of 60,000 square feet or greater of retail space, or single users of 40,000 square feet or greater, 200 square feet total
- c. *Maximum height:* Twelve feet, or in the case of (ii) above, 25 feet.
- d. *Setback:* Seven feet.

(2) *Building-mounted signs in the commercial and industrial sign district.*

- a. *Number of building-mounted signs permitted:* Up to four on a single building, with a cumulative area of allowable size as listed in (2)b, or one per business in a shopping center. b. *Maximum sign area:*
 - i. Mounted flat against the building: 60 square feet.
 - ii. Projecting configuration: 12 square feet.
 - iii. For shopping centers or large users, as defined in (1)b.ii, 120 square feet
 - iv. Restaurants located in a B-2 district are also permitted to have up to 30 square feet of signage in menu boards, that is not counted against their cumulative sign average.
- c. *Maximum height:* All areas of building mounted signs shall be located below the ridge line of a gable roof building or the top of the parapet of a flat-roofed building.

Sec. 18.1-908.08. Signs located in the mixed use district.

For residential uses in the mixed use district, signs shall be regulated as in the residential and agricultural sign district. For all other uses, the following regulations shall apply:

(1) *Freestanding signs.*

- a. *Number of freestanding signs permitted:* One.
- b. *Maximum sign area:* 20 square feet.
- c. *Maximum height:* 10 feet
- d. *Setback:* 7 feet
- e. *Placement requirement:* Freestanding signs in this district shall be placed within a grass or landscaped area of at least 200 square feet.

(2) *Building-mounted signs in the mixed use sign district.*

- a. *Number of building mounted signs allowed:* Up to four on a single building, or one per business in a multi tenant building.
- b. *Maximum sign area:* 60 square feet.
- c. *Projecting configuration:* 12 square feet.
- d. *Maximum height:* All areas of building mounted signs shall be located below the ridge line of a gable roof building or at the top of the parapet of a flat-roofed building.

Sec. 18.1-908.09 Signs located in the residential and agricultural sign district.

The following regulations shall apply in the residential and agricultural sign district:

- (1) *Single family, duplex and townhouse dwelling units.* One building-mounted or freestanding sign, not exceeding two square feet in area for each dwelling unit, indicating only the street address of the property, shall be permitted.
- (2) *Multi-family buildings.* One or more building-mounted signs, not exceeding in the aggregate ten square feet per building, shall be permitted.
- (3) *Subdivisions, apartment or condominium complexes and planned developments.* Freestanding signs, with maximum total area of 24 square feet, shall be permitted. No more than two signs shall be permitted for each street frontage.

Sec. 18.1-908.10. Signs prohibited in all sign districts.

The following types of signs are prohibited in all sign districts:

- (1) Any sign that impedes sight distance for a VDOT owned right-of-way.
- (2) Any sign that obscures a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.

Planning Commission Recommended Version

- (3) Any sign, except official notices and advertisements, that is nailed, tacked, posted or in any other manner attached to any utility pole or structure or supporting wire, cable, or pipe; or to any tree on any street or sidewalk or to public property of any description.
- (4) Any sign that is attached to or mounted on a roof or projects above the plane of the building façade. This shall include decorative roofs such as a mansard roof.
- (5) Portable freestanding signs larger than twenty-four square feet or displayed for more than 60 days per year.
- (6) Except for time and temperature, no sign shall display flashing or intermittent lights, moving signs, inflatables or other lights of changing degrees of intensity, brightness or color. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related. Neither the direct nor reflected light from an illuminated sign shall be located so as to create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (7) Off premises signs, other than those specifically permitted.