

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on June 8, 2022, 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	Sharon W. Turner
P	Rachel A. Carton	P	Janice N. Wheaton
P	Kenneth S. Watts	P	Andra Higginbotham

Also present were the following staff members:

Sara E. McGuffin	Town Manager - Remote	Charles Thompson	Utilities Maintenance Foreman
Vicki K. Hunt	Clerk of Council	Robert Shiflett	Chief of Police
Eric Lansing	Town Attorney	Brandon Payne	Police Captain
Tracie Morgan	Office Manager - Remote	Gary Williams	Director of Plants

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Charles Thompson.

Town Manager McGuffin gave a brief report on a proposal to grant the Virginia Department of Transportation an unrestricted right of way of forty feet along town owned property for the purpose of allowing the construction and maintenance of a road, commonly known as Lynchburg Road.

Mayor Tuggle opened a duly advertised public hearing at 7:03 P.M. on the proposal to grant the Virginia Department of Transportation an unrestricted right of way of forty feet along town owned property, that would, if approved allow the construction and maintenance of a road, commonly known as Lynchburg Road.

There being no one present in person or otherwise who wished to speak on the proposal to grant the Virginia Department of Transportation an unrestricted right of way of forty feet along town owned property for the purpose of allowing the construction and maintenance of a road, commonly known as Lynchburg Road, the public hearing closed at 7:03 P.M.

Mr. Watts made a motion that was seconded by Ms. Turner to approve the proposal and adopt the Resolution granting the Virginia Department of Transportation an unrestricted right of way of 40 feet along town owned property for the purpose of allowing the construction and maintenance of a road, commonly known as Lynchburg Road, pursuant to Sec. 33.2-339 of the Code of Virginia, as recommended by staff.

There being no discussion, the motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

A copy of the Resolution is attached to and made a part of these minutes.

Town Manager McGuffin gave a brief report on a proposed amended 2021/22 budget to adjust the aggregate amount to be appropriated during the current fiscal year exceeding one percent of the total

expenditures shown in the current 2021/22 budget, pursuant to §15.2-2507 of the Code. The proposed amended budget accounts for receipt of a grant for police cameras and Cares Act funds and appropriates expenditure of the funds.

Mayor Tuggle opened a duly advertised public hearing at 7:06 p.m. on the proposed amendment of the 2021/22 budget, that would, if approved, account for receipt of a grant for police cameras and Cares Act funds, and appropriate expenditure of the funds.

There being no one present in person or otherwise who wished to speak on the proposed amendment of the 2021/22 budget, the public hearing closed at 7:06 P.M.

Ms. Carton made a motion that was seconded by Mr. Higginbotham to approve the amended 2021/22 as recommended by staff.

There being no discussion, the motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

A copy of the Ordinance is attached to and made a part of these minutes.

Town Manager McGuffin gave a report on the proposed recodified Town of Amherst Zoning and Subdivision ordinances as recommended by the Planning Commission on June 1, 2022, and by staff.

Town Manager McGuffin gave a brief report on the recodification of the Amherst Town Code the purpose of which was to reorganize, reword, and renumber and clarify various provisions and references throughout the Subdivision and Zoning Ordinance; redefine the terms “cemetery,” “childcare center,” “family,” “highway, primary,” “highway, secondary,” “nonconforming lot,” “nursing home,” “public water system,” and “residential facility”; create definitions for “craft brewery,” “craft distillery,” “mixed use development,” “short term rental,” “town development area,” and “urban development area”; provide that nonconforming leases for oil and gas exploration shall comply with all other applicable state laws and rules; provide that a landowner’s rights shall be deemed vested when the landowner relies in good faith on certain decisions by the zoning administrator; provide for the loss of nonconforming zoning status after discontinuance of two years, or when the nonconformity is enlarged; establish provisions for acquiring lawful nonconformity after obtaining a building permit, payment of taxes for the building or structure for more than 15 years, and other related criteria; require the rebuilding of nonconforming buildings destroyed by acts of God within two years; provide for the replacement of on-site sewage systems for nonconforming structures where otherwise not permitted; provide for the replacement of comparable nonconforming manufactured homes; provide that certain incidental, unobjectionable agriculture under five acres is permitted without a zoning permit in any district that allows residential uses; provide, generally, that no new use shall be commenced without a zoning certificate for that use; amend requirements on how signage must be placed to give notice of certain zoning actions; repeal provisions requiring signage to be posted up to once every 500 feet to notify of certain zoning actions; provide for conditional zoning to require a guarantee or contract for improvements to be completed; provide for appeals from decisions of the zoning

administrator; repeal the prohibition on reconsideration of a petition for a zoning change within twelve months; provide for changes to proffered conditions; providing for administrative fees as adopted by the Town Council; providing for site plan review by the planning commission; establish information required on the map of a proposed development for site plan review; provide that uses not permitted are prohibited; provide for civil penalties and revise the provisions for criminal penalties for violations of the zoning ordinance; provide for appeals from decisions of the board of zoning appeals; revise the description of the intent and characteristics of the Central Business District and General Commercial District; provide for certain helipads as a special use for the B-3 and M-1 district; provide for short-term lodging as a special use in the CBD, B-1 and B-2; provide that adult oriented entertainment that may include alcohol or gambling, (e.g., pool halls, dance halls, or electronic skills games halls are permitted uses in the CBD and B2 districts; provide that family-oriented indoor recreation uses with no alcohol or gambling (e.g., bowling alleys, roller skating, ice-skating, game, pinball, or other electronic game centers) are permitted uses in the B-1, CBD, and B-2 districts, and are special uses in the T-1 district; provide that outdoor entertainment (e.g., golf driving ranges or other sports related entertainment) is a special use in the A, B-1, B-2, and T-1 districts; provide that kennels are a special use in the A-1 district; provide that farmers' markets are a permitted use in the CBD and B-2 districts, and are a special use in the T-1 and B-1 districts; require compliance, in the E-1 district, with all laws and rules applicable to oil and gas exploration, extraction, and production; revise the maximum density requirements for multifamily dwellings, townhouses, and condominiums within a planned unit development (PUD); revise the minimum frontage for single-family dwellings and townhouses for PUDs; repeal the requirement for parking lots, streets, and roadways in multifamily developments to comply with Department of Transportation standards; repeal the requirement that all units in a multifamily development be connected to water and sewerage systems approved by the Health Department and that they shall be open to inspection; repeal regulations regarding site storm drainage for multifamily developments; provide that, in the Central Business District, there shall be no requirement for common open space in multifamily developments, and no special yard requirements for townhouses lots; increase the width of paved common walks to at least five feet for townhouse developments; provide that certain confined livestock facilities shall not be permitted in any mixed use district, but repeal such requirement with respect to commercial districts; provide that certain manufactured houses are permitted in the A-1 district; provide for certain residential facilities for certain disabled, aged, or infirmed individuals, and certain family day homes, to be deemed single-family residences; provide for certain temporary family health care structures to be considered an accessory use in any single-family residential zoning district; revise provisions for property owners to submit a parking master plan in lieu of the general off-street parking requirements; permit such plan to be considered by the planning commission rather than by special use permit; revise the regulations regarding wireless telecommunications facilities; provide for certain wireless telecommunications facilities, including certain small cell facilities and certain wireless facilities under 50 feet, to become permitted zoning uses; eliminate or revise setbacks for wireless communications facilities; repeal certain requirements for a bond or other guarantee for landscaping; establish timeframes and procedures for review, approval, and recordation of a plat or plan; revise requirements for performance bonds and other financial requirements for dedication of a right-of-way for public use; revise requirements for release of bonds and other performance guarantees from subdividers or developers; change the methods by which a plat may be vacated, relocated, or altered; repeal certain requirements regarding the design of subdivision streets, and require instead that the design and installation of streets shall conform to VDOT standards; repeal certain regulations of block lengths, widths, and space; require the conveyance of common or shared easements for cable television,

gas, telephone, and electric service to a proposed subdivision; and replace references to various provisions in the Code of Virginia with references to their successor statutes, as recommended by the Planning Commission on June 1, 2022, and by staff.

Mayor Tuggle opened a duly advertised public hearing at 7:12 p.m., on the proposed recodified Town of Amherst Zoning and Subdivision ordinances.

There being no one present in person or otherwise who wished to speak on the proposed recodified Town of Zoning and Subdivision ordinances, the public hearing closed at 7:12 P.M.

After discussion, the matter was deferred to the July 13, 2022, Town Council meeting to clarify the definition of Intent of CBD Central Business District contained in Sec. 24-232. CBD Central Business District of the proposed recodified Town of Amherst Zoning and Subdivision Ordinances.

Town Attorney Lansing gave a brief report on a proposed amendment to Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks, which would, if approved, change the penalty for each violation from criminal to civil; and Sec. 20-9. - Operation of skateboards on certain sidewalks, which would, if approved, restrict riding of skateboards in the Central Business District only and change the penalty for each violation from criminal to civil; and on a proposed amendment to Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks. The proposed new section would, if approved, require skateboarders and bicyclists to yield to pedestrians, prohibit them from impeding a business or public building, and prohibit the use of sidewalks for tricks or stunts. The proposed new section would also provide related violations, definitions, and penalties.

Mayor Tuggle opened a duly advertised public hearing at 7:18 P.M. on a proposed amendment to Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks, which would, if approved, change the penalty for each violation from criminal to civil; and Sec. 20-9. - Operation of skateboards on certain sidewalks, which would, if approved restrict riding of skateboards in the Central Business District only and change the penalty for each violation from criminal to civil.

There being no one present in person or otherwise who wished to speak on a proposed amendment to Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks; and Sec. 20-9. - Operation of skateboards on certain sidewalks, the public hearing closed at 7:19 PM.

Mayor Tuggle opened a duly advertised public hearing at 7:19 P.M. on a proposed amendment to Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks that would, if approved, require skateboarders and bicyclists to yield to pedestrians, prohibit them from impeding a business or public building, prohibit the use of sidewalks for tricks or stunts, and provide related violations, definitions, and penalties.

Holden Chase, Amherst, VA, came forward in opposition of a prohibition on skateboards.

Sharon Massie, Amherst, VA, came forward in favor of a prohibition on skateboards.

Glenda Hash, Amherst, VA, came forward in favor of bicycles and skateboards yielding to pedestrians.

Angela Sundaramorthy, Amherst, VA, came forward in opposition to a prohibition of bicycles and skateboards and in favor of bicycles and skateboards yielding to pedestrians.

Rachel Thompson, Amherst, VA, came forward in favor of prohibiting skateboards in the Central Business District.

Doug Thompson, Amherst, VA, came forward in favor of prohibiting skateboards in the Central Business District.

Christian Butcher, Amherst, VA, came forward in opposition of a prohibition on skateboards.

Tim Ware, Amherst, VA, came forward in opposition of a prohibition on bicycles and skateboards.

Sam Soghor, Amherst, VA, came forward in favor of amending the ordinances to comply with state code only.

Lucas Butcher, Amherst, VA, came forward in opposition to a prohibition on bicycles and skateboards.

There being no one else present in person or otherwise who wished to speak on the proposed amendment to Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks, the public hearing closed at 7:48 P.M.

Ms. Turner made a motion that was seconded by Mr. Watts to adopt the proposed amendment to Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks, changing the penalty for each violation from criminal to civil; and Sec. 20-9. - Operation of skateboards on certain sidewalks, restricting riding of skateboards in the Central Business District only and changing the penalty for each violation from criminal to civil.

After discussion, the motion failed 1-4 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Nay	Janice N. Wheaton	Nay
Kenneth S. Watts	Nay	Andra Higginbotham	Nay

Mr. Watts made a motion that was seconded by Mr. Higginbotham to adopt the proposed amendment to Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks, requiring skateboarders and bicyclists to yield to pedestrians, prohibit them from impeding a business or public building, prohibit the use of sidewalks for tricks or stunts, and providing related violations, definitions, and penalties.

After discussion, the motion carried 4-1 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Nay
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

A copy of the Ordinance is attached to and made a part of these minutes.

Mayor Tuggle opened the floor for citizen comment.

There being no one listed to speak on the citizen comment sign-in sheet or otherwise, no comments were made.

Ms. Turner made a motion that was seconded by Mr. Watts to approve the Minutes of the meeting held on May 11, 2022.

There being no discussion, the motion as to the May 11, 2022, minutes carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

Town Manager McGuffin gave a report on a permit approved by the Amherst County Board of Supervisors for special events venue, wedding venue, short term rentals, and hunting and fishing retreat at Kenmore Farm, just outside of Town limits on Kenmore Road, and how it might impact to the Town’s water system and the surrounding community.

Mr. Watts made a motion that was seconded by Mr. Higginbotham to authorize staff to proceed with an appeal to the Amherst County Board of Zoning Appeals of the County’s approval of the permit for special events venue, wedding venue, short term rentals, and hunting and fishing retreat at Kenmore Farm, as recommended by staff.

After discussion, the motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

There being no one listed to speak on the citizen comment sign-in sheet or otherwise, no comments were made.

There being no further business, the meeting adjourned at 8:27 P.M., until July 13, 2022, at 7:00 p.m., on motion of Ms. Carton seconded by Mr. Watts.

The motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

D. Dwayne Tuggle, Mayor

Attest: _____

**§33.2-339 – Town Addition to Secondary Route
Extension of Lynchburg Road (Route 1125)**

RESOLUTION

WHEREAS, the Town of Amherst has authority pursuant to §33.2-339, *Code of Virginia*, to request the addition of mileage to the Secondary System of State Highways as long as all proposed mileage conforms to specific Virginia Department of Transportation (VDOT) requirements addressing widths of right-of-way and not exceeding the 0.25 mile limitation of maximum allowable new Secondary System mileage per VDOT fiscal year.

WHEREAS, the Town of Amherst and the Virginia Department of Transportation have entered into an agreement on the 23rd day of May, 2022 for stormwater detention for Lynchburg Road, which applies to this request for addition.

NOW THEREFORE BE IT RESOLVED, the Town Council of the Town of Amherst requests the Virginia Department of Transportation to add the segment(s) described on the attached Form AM-4.3 to the Secondary System of State Highways.


BE IT FURTHER RESOLVED, the Town Council of the Town of Amherst does guarantee to the Commonwealth of Virginia a clear and unrestricted right-of-way of 40 feet, as required by VDOT Secondary Highway System policy and including all necessary easements for cuts, fills and drainage structures for the segment(s) requested to be added.

This Resolution was adopted by the Town Council of the Town of Amherst on the 8th day of June, 2022.



Mayor D. Dwayne Tuggle

ATTEST:



Clerk of Council

AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE TOWN OF AMHERST, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022 MAKING REVENUE ESTIMATES AND APPROPRIATIONS FOR SAME.

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

A. SOURCES OF FUNDS

That for the support of the Town Government and its General Fund, for the tax year beginning on January 1, 2021, all taxes, fees, charges and penalties shall remain as heretofore set out by Ordinance, Resolution or other appropriate action of the Town Council except as the Town Council may establish or amend herein.

B. FUND ACCOUNTING

That the following projected sources and use of funds are hereby approved as the FY22 Town of Amherst budget and approved appropriations for the respective funds.

Estimated Revenues

General Fund	\$1,463,489
Water Fund	\$1,271,188
Sewer Fund	\$942,052
Garbage Fund	\$143,642
IDA Fund	\$83,826

Estimated Expenditures

General Fund	\$1,463,489
Water Fund	\$1,271,188
- Operations	\$841,196
- Debt Service and Capital Projects	\$429,992
Sewer Fund	\$942,052
- Operations	\$644,312
- Debt Service and Reserve	\$297,740
Garbage Fund	\$143,642
IDA Fund	\$83,826

C. CONDITIONS

The intent being to authorize spending according to this budget, all appropriations articulated herein are declared to be maximum and conditional such that outlay shall be made only in the event the aggregate revenues collected and other resources available to the Town in the respective funds are sufficient. All debts of the Town shall be paid in full when due and payable. All expenditures shall be made in accordance with the Ordinance, the Town Charter, Town Code and Purchasing Policy and administrative rules and procedures.

This Ordinance was passed by a vote of the Amherst Town Council on the 8th of June, 2021 and shall become effective immediately.

Mayor _____

Attest:

Clerk of Council

MOTION: Kenneth S. Watts

SECOND: Andra Higginbotham



June 8, 2022
Regular Meeting
Ord. No. 220608B

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 20 (TRAFFIC AND VEHICLES), ARTICLE I (IN GENERAL), BY CREATING THEREIN § 20-10 (“BICYCLES AND SKATEBOARDS TO YIELD TO PEDESTRIANS ON SIDEWALKS”), TO REQUIRE SKATEBOARDERS AND BICYCLISTS TO YIELD TO PEDESTRIANS, PROHIBIT THEM FROM IMPEDING A BUSINESS OR PUBLIC BUILDING, PROHIBIT THE USE OF SIDEWALKS FOR TRICKS OR STUNTS, AND PROVIDE RELATED VIOLATIONS, DEFINITIONS, AND PENALTIES.

WHEREAS, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950 enables a local governing body to adopt, amend and codify ordinances or portions thereof;

WHEREAS, § 7.01 of the Town Charter empowers the Town Council to “maintain, and clear . . . sidewalks . . . and to regulate the use of all such highways . . . and works”; “to prevent the obstruction of such streets, alleys and highways . . . and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive”; § 9.01(1) of the Town Charter empowers the Town Council to “prevent all things detrimental to the . . . safety, convenience and welfare of the inhabitants of the town”; and § 9.01(17) of the Town Charter empowers the Town Council to “pass and enforce all . . . ordinances which it may deem necessary for the good order and government of the town . . ., and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers . . . [of the] town”;

WHEREAS, the Town Council expresses concern over a tendency to use skateboards on sidewalks for tricks and stunts rather for a legitimate transportation function, and in a manner that impedes or endangers pedestrians, or disrupts business; and

WHEREAS, on June 8, 2022, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, that Chapter 20 (Traffic and Vehicles), Article I (In General) of the Amherst Town Code is hereby amended to enact a new section, § 20-10, as follows:

Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks.

- A. A person riding a bicycle or skateboard on a sidewalk or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

- B. No person riding a skateboard on a sidewalk shall thereby (1) interfere with a business conducting its trade, (2) interfere with access to or egress from any building open to the public (including but not limited to any business, office, school, government building, place of worship, or assembly hall), or (3) use a sidewalk for tricks or stunts without the purpose of transportation.
- C. “Interfere,” for purposes of Subsection B, shall mean to hinder, delay, or obstruct. Factors for determining interference include (1) the extent and duration of the skateboarder’s presence in front of a business or building; (2) whether the skateboarder was traveling to a fixed location, or going back and forth in front of the business or building; (3) whether the skateboarder was asked to leave by any owner, shopkeeper, patron, member, staff person, or other individual having a legitimate interest in the business, building, or its affairs; (4) the extent of hazard or difficulty imposed by the skateboarder on any individual trying to patronize or support the business or building; and (5) the speed of the skateboard and its proximity to any individual, vehicles, windows, or other damageable property in its path.
- D. Each violation of this Section shall be punishable by a civil penalty of not more than \$50.

The foregoing Ordinance was adopted on the 8th day of June, 2022.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council