

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on July 13, 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
A	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		Tracie Morgan	Office Manager
Eric Lansing	Town Attorney		Brandon Payne	Police Captain
Vicki K. Hunt	Clerk of Council		Gary Williams	Director of Plants

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

Mayor Tuggle opened the floor to citizen comments.

Angela Sundaramurthy came forward to offer her appreciation to Council and her assistance to keep the Town a wonderful place.

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

Ms. Turner made a motion to approve the Minutes of the meeting held on June 8, 2022, with a revision that adoption of the proposed recodified Zoning and Subdivision Ordinance was deferred to clarify the definition of Intent of Central Business.

After discussion, Ms. Turner requested to withdraw the motion, Clerk of Council Hunt was directed to make the requested revision for presentation to Council at its August 10, 2022, meeting, and the matter was deferred to that date.

Mr. Watts, Chairman of the Utilities Committee, gave a report on behalf of the committee on the Military Street Pole Banner Program that would honor Town citizens that are on military active duty or military veterans, with proof of good standing. Pole banners for military that meet the criteria would be installed along Main Street for a two year period from Veterans Day to Memorial Day of each year, with the option to renew the request for installation. Cost of flags would be borne by the family and friends of the military honoree.

Mr. Watts made a motion, that was seconded by Ms. Turner to adopt the Military Street Pole Banner Program to honor the Town’s military on active duty or military veterans, as recommended by the Utilities Committee.

After discussion, the motion carried 4-0 via the roll call method as follows:

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

Town Manager McGuffin gave a brief report on the proposed recodified Town of Amherst Zoning and Subdivision Ordinances as presented at the public hearing on June 8, 2022. The matter was deferred so that staff could make a requested revision of the definition of Intent of Central Business District contained in the proposed recodified ordinances, Sec. 24-232. CBD Central Business District, as follows:

Sec. 24-232. CBD Central Business District.

Intent of CBD Central Business District. This district covers the portion of the town located in downtown Amherst which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side yards because they are attached to other buildings and these buildings frequently have no setbacks. Uses in the district include retail sales, services, banks, restaurants, and other similar businesses to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of retail goods, or by limited nuisance factors including incidental light and noise of congregation of people and passenger vehicles. The intent of the district is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structure.

Mr. Watts made a motion that was seconded by Ms. Turner to approve the proposed recodified Town of Amherst Zoning and Subdivision Ordinance and adopt An Ordinance of the Town of Amherst Recodifying the Town Subdivisions and Zoning Ordinance; and Providing When Such Ordinance and This Ordinance Shall Becoming Effective, designated Ordinance No. 220713, as recommended by staff.

After discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	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 bids for the Wastewater Treatment Plant sludge dewaterer equipment, with staff's recommendation to accept the proposal and tentatively award the bid to Alfa Laval, dated June 8, 2022, in the amount of \$218,988.00, for Town of Amherst Wastewater Plant Centrifuge Equipment, contingent upon Alfa Laval's agreement to extend the bid proposal to September 15, 2022, and/or having an approved construction project.

Ms. Turner made a motion, seconded by Mr. Watts to accept the proposal of Alfa Laval, dated June 8, 2022, and tentatively award the bid to Alfa Laval, in the amount of \$218,988.00, for Town of Amherst Wastewater Plant Centrifuge Equipment, as recommended by staff.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

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

Town Manager McGuffin gave a report on the requirements to complete the Town’s transition to a new insurance provider. Council members were provided with a Resolution to Adopt the Member Agreement to Join the Virginia Association of Counties and Group Self Insurance Risk Pool that would protect the Town against liability claims and property losses and provide for payment of claims or losses for which it may be liable, and would authorize Town Manager to execute the member agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool and to act on behalf of Town of Amherst in any other matter relative to the Group.

Mr. Watts made a motion that was seconded by Mr. Higginbotham to adopt the Resolution to Adopt the Member Agreement to Join the Virginia Association of Counties and Group Self Insurance Risk Pool.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	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 Attorney Lansing gave a report on a proposed Ordinance Amending the Code of the Town of Amherst, Virginia, Chapter 20 (Traffic and Vehicles), Article I (In General), by Enacting Therein § 20-11 (Loud Exhaust Prohibited), to Prohibit Excessive or Unusual Levels of Noise from Vehicles.

Ms. Turner made a motion that was seconded by Ms. Wheaton to set a public hearing on August 10, 2022, on the proposed amended § 20-11 of the Town Code prohibiting excessive or unusual levels of noise from vehicles.

After discussion, the motion carried 4-0 via the roll call method as follows:

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

Town Manager McGuffin gave a brief report on demolition of 173 Depot Street in the Town of Amherst as recommended by the Town’s Property Maintenance Investigation Board after having declared the property to be neglected. Discussion of the matter will be held in closed session.

Town Manager McGuffin gave a brief report on a request for abandonment of an alley on Mt. Olive Road adjacent to Mt. Olive Church. Discussion of the matter will be held in closed session.

Town Manager McGuffin gave a report on an application for appointment to the Board of Zoning Appeals to fill the vacancy which will occur on September 1, 2022.

Ms. Turner made a motion that was seconded by Mr. Watts to recommend appointment of the following individual to the following board for the term listed below.

Board	Appointed	Term of Office
Board of Zoning Appeals	Shannan Combs Carter	9-1-2022 – 8-31-2027

After discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	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.

At 7:47 PM, Mr. Watts read a resolution to authorize closed meeting, as follows:

WHEREAS, the Town Council of the Town of Amherst desires to discuss in Closed Meeting the following matter(s):

Consultation with legal counsel pertaining to actual and/or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, namely, the declaration of property at 172 Depot St. as a public nuisance, and Amherst Circuit Court Case No. CL22-461; and

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, namely, legal advice regarding the derelict property at 172 Depot St., and legal advice regarding the legal process for abandonment of an alley; and

WHEREAS, pursuant to Virginia Code §§2.2-3711(A)(7) and (A)(8), respectively, such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does hereby authorize discussion of the aforesaid matters in Closed Meeting.

After the reading, Ms. Turner seconded the motion. There being no discussion, the motion carried 4-0 via the roll call method as follows:

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

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

At 7:47 PM, pursuant to the Resolution, Town Council convened in closed session.

At 8:19 PM the meeting reopened to the public.

Clerk of Council Hunt read the following closed session certification to Council:

Do you certify that to the best of your knowledge (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 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?

Responses via the roll call method was as follows:

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

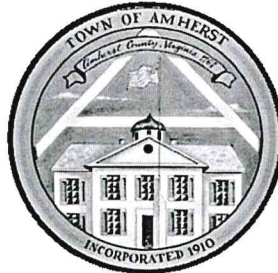
There being no further business, the meeting adjourned at 8:20 P.M., until August 10, 2022, at 7:00 p.m., on motion of Ms. Turner seconded by Mr. Higginbotham.

The motion carried 4-0 via the roll call method as follows:

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

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council



MOTION: Kenneth S. Watts
SECOND: Sharon W. Turner

July 13, 2022
Regular Meeting
Ordinance No. 220713

AN ORDINANCE OF THE TOWN OF AMHERST RECODIFYING THE TOWN
SUBDIVISIONS AND ZONING ORDINANCE; AND PROVIDING WHEN SUCH
ORDINANCE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. The Code of the Town of Amherst, Virginia (the "Code"), is hereby amended by adding the attached recodification of the Town's Zoning and Subdivision Ordinance as Chapter 24 of the Code.

Section 2. Nothing in this ordinance shall effect any ordinance adopted after October 14, 2020.

Section 3. The provisions of Chapter 24 of the Code, so far as they are the same as those of the ordinances of the Town in effect on the adoption date of such chapter, shall be considered as continuations thereof and not as new enactments.

Section 4. Ordinances adopted after October 14, 2020, that amend or refer to ordinances that have been codified in such chapter shall be construed as if they amend or refer to like provisions of such chapter.


Section 5. This ordinance shall become effective as provided by law.

Adopted this 13th day of July, 2022.



D. Dwayne Tuggle, Mayor

ATTEST:



Clerk of Council

RESOLUTION

TOWN COUNCIL OF THE TOWN OF AMHERST, VIRGINIA

MOTION: Kenneth S. Watts

Wednesday July 13, 2022

Regular Meeting

SECOND: Sharon W. Turner

RE: AUTHORIZE CLOSED MEETING

WHEREAS, the Town Council of the Town of Amherst desires to discuss in Closed Meeting the following matter(s):

Consultation with legal counsel pertaining to actual and/or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, namely, the declaration of property at 172 Depot St. as a public nuisance, and Amherst Circuit Court Case No. CL22-461; and
Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, namely, legal advice regarding the derelict property at 172 Depot St., and legal advice regarding the legal process for abandonment of an alley; and

WHEREAS, pursuant to Virginia Code §§2.2-3711(A)(7) and (A)(8), respectively, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does hereby authorize discussion of the aforesated matters in Closed Meeting.

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

Adopted this 13th day of July, 2022.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council