

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on February 8, 2023, 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	Andra Higginbotham
P	Janice N. Wheaton	P	Michael Driskill
P	Sharon W. Turner	P	Douglas Thompson

Also present were the following staff members:

Sara E. McGuffin	Town Manager	Gary Williams	Director of Plants
Kelley Kemp	Town Attorney	Becky Cash	Plants Operator
Vicki K. Hunt	Clerk of Council	Charles Thompson	Utilities Maintenance Foreman
Tracie Morgan	Office Manager/Treasurer	Gary P. Smith, Jr.	Lead Wastewater Operator
Bobby Shiflett	Police Chief	Brandon Payne	Police Captain

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Andra Higginbotham.

Mr. Thompson made a motion that was seconded by Mr. Higginbotham to approve a Resolution honoring W. A. Ogden, and commemorating his life, service, and accomplishments.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

The resolution is attached to and made a part of these minutes.

Police Chief Shiflett presented Investigator Watts with Officer of the Year Award, Investigator Robinson with the MADD Award, and Officer Rose and K9 Skye with Award of Excellence, recognizing their hard work and dedicated service to the Amherst Police Department and the Town of Amherst.

Town Manager McGuffin gave a report on a possible amendment to the Town’s Zoning Ordinance, Table of Uses, Short Term Rental Property, to allow short term rentals in certain residential districts with a Special Use Permit. “Short-term rental” means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy (Town Code §24-2; Code of Virginia §15.2-983). Unlike a bed and breakfast, short term rentals are not occupied by the owner during rental periods.

Town Manager McGuffin also gave a report on an application submitted by Timothy and Emily Wynn to rezone 117 Pine Street (Tax Map 96A414 3940) from R-2 to B-1, with conditions, to allow a short term rental business on the property, and on an application submitted by Timothy and Emily Wynn for a

special use permit to allow short term rental on property described as 117 Pine Street (Tax Map 96A414 3940). The rezoning request is intended for the purpose of having a short term rental property with rezoning from R-2 to B-1 for the time period in which they own the property only.

The Planning Commission held duly advertised public hearings on the matters on December 7, 2022, after which the matters were deferred for discussion and consideration. On February 2, 2023, the Planning Commission voted 4-3 to recommend disapproval of the amendment to the zoning ordinance to Town Council and voted 4-3 to recommend disapproval of the applications submitted by Timothy and Emily Wynn for rezoning and special use permit to allow for short term rental.

Staff recommended Town Council hold public hearings on the matters with discussion and consideration by Council deferred to its March 8, 2023, meeting.

Emily Wynn was present to speak and answer questions.

Mayor Tuggle opened a duly advertised public hearing at 7:21 p.m. on the possible amendment to the Town's Zoning Ordinance, Table of Uses, Short Term Rental Property, to allow short term rentals in certain residential districts with a Special Use Permit.

Rae Hart, 219 Garland Avenue in the Town of Amherst, came forward in opposition of short term rentals in residential areas.

Michelle Curago, 720 Barkwood Farm Road, in Amherst County, came forward in favor of short term rentals in residential areas.

Susan Schjonning, 253 Rosecliff, former Town of Amherst resident and Amherst County business owner, came forward in favor of short term rentals in residential areas.

Kelli Hallowell, 642 S. Main Street, in the Town of Amherst, came forward in support of short term rentals in residential areas.

Jeremiah Kirkland, 146 N. Main Street, in the Town of Amherst, came forward in support of short term rentals in residential areas.

Betsy E'rrore, 245 N. Main Street, in the Town of Amherst, came forward in support of short term rentals in residential areas.

Meredith Nauman, 332 Kenmore Road, Amherst County resident, came forward in support of special use permits for short term rentals in residential areas.

Written statements from the following persons in support of short term rentals in the Town of Amherst were read by Town Manager McGuffin:

Nate Downey, 385 N. Main Street in the Town of Amherst.

Janet Iseman Abbott, resident of the Town of Amherst.

Sherri Temple, 252 Grandview Drive in the Town of Amherst.

Philip Kormoraski, resident of the Town of Amherst.

Jimmy Lawrence, resident of the Town of Amherst.
Susan Parks, resident of the Town of Amherst.
Julie Parrow, resident of Amherst County.
Tanner Amburgey, resident of Amherst County resident and former resident of the Town of Amherst.
Jessie and Renita Kuepfer, Amherst County resident.
Martha Shanaberger, resident of the Town of Amherst.
Virginia Tomlin, Amherst County resident.
Rita Pettigrew, Amherst County resident.

There being no one else present or otherwise who wished to speak on the matter, the public hearing was closed at 7:41 PM.

Mayor Tuggle opened a duly advertised public hearing at 7:41 p.m. on an application submitted by Timothy and Emily Wynn to rezone 117 Pine Street (Tax Map 96A414 3940) from R-2 to B-1, with conditions, to allow a short term rental business on the property.

Emily Wynn was present to speak and answer questions.

There being no one else present who wished to speak the public hearing was closed at 7:43 PM.

Mayor Tuggle opened a duly advertised public hearing at 7:43 p.m. on an application submitted by Timothy and Emily Wynn for a special use permit to allow short term rental on property described as 117 Pine Street (Tax Map 96A414 3940).

Julie Glover, resident of the Town of Amherst, came forward in favor of a special use permit to allow for short term rental.

There being no one else present who wished to speak the public hearing was closed at 7:44 PM.

Further discussion was deferred to the March 8, 2023, meeting.

Mayor Tuggle opened the floor to citizen comments.

Tim Ware, Amherst, VA, came forward to thank Town Council for attending the Amherst Biking Club Community Planning Meeting on January 27, 2023.

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

Mr. Driskill made a motion that was seconded by Mr. Higginbotham to approve the consent agenda items consisting of minutes of the meetings held on January 11, 2023, and January 28, 2023, and the January 2023 check registry, as presented.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

Town Manager McGuffin and Director of Plants Williams gave a report on the necessity for replacement of UV lights required for the Wastewater Treatment Plant. Staff requests approval to purchase new UV lights at an approximate cost of \$20,000. Prior to purchase staff will continue to explore the use of less costly lights.

Ms. Wheaton made a motion that was seconded by Mr. Driskill to approve purchase of UV lights required for the Wastewater Treatment Plant for approximately \$20,000.00 with staff exploring other less costly options.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Nay

Town Manager McGuffin gave a report on proposed changes to the personnel policy to allow the clothing allowance for staff members who wear uniforms to be set by the Town Manager, changing meals policy from a meal basis for travel to a per diem basis, and removing the residency requirement for Police Officers which is not allowed by state code.

Ms. Wheaton made a motion that was seconded by Mr. Higginbotham to approve the changes to the personnel policy as recommended by staff.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

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

Ms. Wheaton made a motion that was seconded by Mr. Thompson to set a public hearing at Council's March 8, 2023, meeting, to consider granting an easement to Appalachian Power Company required to run a new power line to the lower area of the Wastewater Treatment Plant for the new centrifuge facility.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

Ms. Wheaton made a motion that was seconded by Ms. Turner to set a public hearing at Council’s March 8, 2023, meeting to consider amending the Town Code to repeal Section 20-87(b)-Limited-time parking in certain areas, related to two-hour parking limitation.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

Ms. Turner made a motion that was seconded by Mr. Driskill to set a public hearing at Council’s March 8, 2023, meeting to consider proposed amendments to Article IV, Chapter 20, Sections 143-144, Abandoned Vehicles, and to Chapter 24 of the Town Code, Zoning and Subdivisions, to add a new code section, Inoperable Vehicles, to allow enforcement on any property zoned for residential, commercial, or agricultural purposes.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

Mr. Driskill made a motion that was seconded by Ms. Wheaton to set public hearings at Council’s March 8, 2023, meeting to consider an application to rezone 123 Lee Street, Amherst, VA (Tax Map 96A-416-5) from R-2 to B-1; and an application for a special use permit at 123 Lee Street to allow for short term rental (airbnb).

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

Mayor Tuggle opened the floor to citizen comments.

Angela Sundermarthy, a resident and business owner in the Town of Amherst, came forward in support of bike racks, planting of trees on Main Street, and a concern about speeding in the downtown area.

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

There being no further business, the meeting recessed at 8:36 P.M., until February 9, 2023, at 6:30 p.m. on motion of Ms. Wheaton seconded by Mr. Thompson.

The motion carried 5-0 as follows:

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Aye

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

FOR APPROVAL

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, the Town of Amherst Town Council hereby notes the passing of Willie Allen Ogden Jr. “W.A.,” on December 29, 2022; and

WHEREAS, Willie Allen Ogden Jr. “W.A.,” a highly respected citizen of the Town of Amherst was a long-time resident of our community; and

WHEREAS, Willie Allen Ogden, Jr. “W.A.” has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area as a business operator and through his career in public service; and

WHEREAS, Willie Allen Ogden, Jr. “W.A.” was a firefighter joining the Amherst Fire Department in 1971 where he became the First Assistant Chief; and

WHEREAS, as Amherst Fire Department Assistant Chief Willie Allen Ogden, Jr. “W.A.” directed the construction of the new fire station, as well as the specification and purchase of three new fire trucks; and

WHEREAS, Willie Allen Ogden, Jr. “W.A.” served the citizens of Amherst faithfully becoming an honorary member of the Amherst Fire Department after over 30 years of service to the community; and

WHEREAS, Willie Allen Ogden, Jr. “W.A.” is a hero to many, but most importantly to his wife, daughter, grandchildren, and other family members; and,

WHEREAS, the loss of this great man is felt deeply within the Amherst community by his colleagues, his friends, and his family; he will never be forgotten; and

WHEREAS, the Amherst Town Council wishes to acknowledge the services that Willie Allen Ogden, Jr. “W.A.” has given to his community and also to express its appreciation for all that he has done for the Town of Amherst; and

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Council does, on this date, acknowledge the outstanding service that Willie Allen Ogden, Jr. “W.A.” has given to our community; and

BE IT FURTHER RESOLVED by the Town Council of the Town of Amherst, on behalf of the Amherst community, we pause to remember the many contributions of Willie Allen Ogden Jr. “W.A.” to the citizens of the Town of Amherst and his family; we honor and acknowledge him for his dedication and heroic acts; we recognize him for his giving spirit; and we join with his many friends and family in expressing our sorrow at his passing; and

FINALLY, BE IT RESOLVED that the Clerk of Council of the Town of Amherst is directed to prepare a memorial copy of this Resolution for presentation to the family of Willie Allen Ogden, Jr. “W.A.” 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 Friend of the Town of Amherst*.

Adopted February 8, 2023.

D. Dwayne Tuggle, Mayor

Attest:

Clerk of Council

IV. RECRUITMENT AND SELECTION

A. Open Positions

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the pay offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, if the current employee is qualified for the position and if the placement best serves the needs of the Town. The Manager may carry out open competition to fill any vacancy.

Employment decisions shall be handled in a manner consistent with the Virginia Conflicts of Interest Act.

B. Probationary Period

All new full-time and part-time employees serve a three month probationary period. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. At the end of the probationary period the employee will be evaluated by the manager to determine satisfactory performance. If satisfactory performance is attained the employee will be entitled to all the benefits of non-probationary status including utilization of the grievance procedure. In establishing a probationary period, the Town does not abrogate or modify in any way the employment-at-will status that applies to its employment relationship with all employees.

C. Hiring Authority

The manager has complete authority for hiring, promoting and discharging employees in accordance with these policies. The manager has the responsibility and authorization for administering the personnel system established by these policies.

D. Operators of Town-Owned Motor Vehicles

- All drivers of Town owned, leased or otherwise operated vehicles must have a valid and appropriate license for the vehicle to be driven.
- Only Town employees, including those individuals working in a contract employee capacity, are authorized to drive Town vehicles.
- There shall be no personal use made of Town vehicles. Incidental and minimal use, such as travel to or from lunch or for minor personal errands on the way to or from work or during lunch break, if the errand requires only a minor deviation from the normal route traveled, shall be excepted from this provision.
- There shall be no non-employee use of Town vehicles.

- Permission from a supervisor shall be obtained before an individual who is not a Town employee is allowed to ride as a passenger in a Town vehicle.
- Employees are to use hands-free mobile communication devices unless the vehicle is pulled off of the road in a safe location.

~~E. Police Department Residency Policy~~

~~Background:~~

~~The Town Council of the Town of Amherst has determined that it is desirable for police officers employed by the town of Amherst to live in the Town for the following reasons:~~

- ~~1. Availability of such officers to work in the event of emergency, inclement weather, vehicle breakdown, etc.;~~
- ~~2. Enhanced safety of individuals who live in the same neighborhood as a police officer. This will also help make those neighborhoods more desirable and therefore positively influence property values; and~~
- ~~3. Reduced Town costs due to lower gasoline expenses and less wear and tear on police vehicles.~~

~~Policy:~~

~~All sworn officers employed by the town of Amherst Police Department on a full-time basis shall be residents of the Town of Amherst or live in a permanent residence within five miles of the corporate limits of the Town of Amherst within 9 months of their first day on the job and must continue to live within this specified area as a condition of continued employment.~~

VIII. EMPLOYEE DEVELOPMENT

It is the policy of the Town to encourage employees to obtain training designed to develop the employee's value to the organization.

Education leave is discretionary and is normally taken with or without pay. When an employee can demonstrate that the pursuit of the educational program will have an immediate and discernable benefit to the Town, leave with full pay may be granted by the manager. The conditions of such leave shall be subject to a case by case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to Town.

The cost of training and related expenses undertaken at the direction of the manager shall be paid in full by the Town. In such case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the manager and (2) the employee shows successful completion of the course as evidenced by the grade of C or better. If the training was not required by the Town, the hours do not count as hours worked.

While employees are at Town approved training or conferences, the per diem rate shall be \$52/day, with travel days allowing a 75% rate on the per diem. meal reimbursement rate shall not exceed the following for each meal:

Breakfast: \$10

Lunch: \$16

Dinner: \$26

~~When a meal is provided as a part of the training or conference, no reimbursement shall occur for that meal.~~