

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on March 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 Charles Thompson.

Ms. Turner made a motion that was seconded by Mr. Higginbotham to approve a Resolution honoring Jacob P. Bailey, commemorating his service and accomplishments to the Town of Amherst.

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

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

Town Manager McGuffin reported that Amherst County Sheriff E. W. Viar has requested that Council support having the annual Amherst Night Out on August 5, 2023, from 5pm to 9pm in the town and allow for the closure of Main Street, East Court Street, and Goodwin Street for the celebration.

Lieutenant Dallas Hill of the Amherst County Sheriff's Office was present to represent the department and answer questions about the request.

Mr. Higginbotham made a motion that was seconded by Ms. Wheaton to allow the requested street closures for the Amherst Night Out celebration and provide necessary participation in the event by town staff.

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 gave a report on a proposal to grant a right of way and easement to Appalachian Power for an electric power line or lines and communication lines at the lower Wastewater Treatment Plant for provision of power for the new centrifuge facility. Staff recommended that Town Council grant the easement to Appalachian Power and authorize staff to execute the agreement.

Mayor Tuggle opened a duly advertised public hearing at 7:08 p.m. on the proposal to grant Appalachian Power a right of way and easement for an electric power line or lines, and communication lines for power for the new centrifuge facility.

There being no one present, or otherwise, who wished to speak the public hearing was closed at 7:08 PM.

Ms. Turner made a motion that was seconded by Ms. Wheaton to grant Appalachian Power a right of way and easement for an electric power line or lines and communication lines at the lower Wastewater Treatment Plant for provision of power for the new centrifuge facility and authorize staff to execute the agreement, as recommended by staff.

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 gave a report on a proposed Ordinance amending the Town of Amherst Code of Ordinances Chapter 20 – Traffic and Vehicles, Section 87(b) – limited time parking in certain areas. If approved, the amendment would remove the two hour parking limitations on Main Street in the Town of Amherst.

Mayor Tuggle opened a duly advertised public hearing at 7:10 p.m. on the proposed amendment to Chapter 20, Section 87(b).

Town Manager McGuffin read a written statement from Carl Jackson, Town of Amherst resident and owner of Ladle and Blade, in support of removal of two hour parking limitation on Main Street and in support of new regulated parking requirements prohibiting extended overnight parking on Main Street.

There being no one present, or otherwise, who wished to speak the public hearing was closed at 7:12 PM.

Mr. Driskill made a motion that was seconded by Ms. Wheaton to approve the Ordinance amending the Town of Amherst Code of Ordinances Chapter 20 – Traffic and Vehicles, Section 87(b) – limited time parking in certain areas, to be reviewed after one year, as recommended by staff.

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

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

Town Manager McGuffin gave a report on proposed amendments to Town Code Chapter 20 – Traffic and Vehicles, Section 143 – inoperative motor vehicles on residential, commercial, or agricultural property, and Section 144 – removal of in operative vehicles, that would, if approved, remove zoning district designations making it unlawful to keep an inoperable vehicle in all zoning districts; and proposed addition of a new section in Chapter 24, Zoning and Subdivisions, Inoperable Vehicles, that would, if approved, allow enforcement on any property zoned for residential, commercial, or agricultural purposes.

Mayor Tuggle opened a duly advertised public hearing at 7:13 p.m. on the proposed amendments to Chapter 20 – Sections 143 and 144, and new section, Chapter 24 – Inoperable Vehicles.

There being no one present, or otherwise, who wished to speak the public hearing was closed at 7:13 PM.

Ms. Turner made a motion that was seconded by Ms. Wheaton to approve the Ordinance amending the Town of Amherst Code of Ordinances Chapter 20 – Sections 143 and 144, and new Code Section, Chapter 24 – Inoperable Vehicles, as recommended by staff.

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

Copies of the ordinances are attached to and made a part of these minutes.

Town Manager McGuffin gave a report on an application submitted by Svet and Shah Kanev to rezone 123 Lee Street (Tax Map 96A-416-5) from R-2 to B-1, to allow for short-term rentals, and on an application submitted by Svet and Shah Kanev for a special use permit to allow short term rental on property described as 123 Lee Street (Tax Map 96A-416-5).

The Planning Commission held duly advertised public hearings on the matters on March 1, 2023, after which the Commission voted 4-3 to recommend approval of the applications submitted by Svet and Shah Kanev for rezoning 123 Lee Street (Tax Map 96A-416-5) from R-2 to B-1, and special use permit to allow for short term rental on the property.

Staff recommended Town Council hold public hearings on the matters but defer discussion and consideration by Council until later in the meeting after discussions could be held on consideration of the proposed amendment to the Town’s Zoning Ordinance to allow for short term rental as a special use permit in the R-1 and R-2 districts.

Svet and Shah Kanev were present to speak and answer questions.

Mayor Tuggle opened a duly advertised public hearing at 7:15 p.m. on an application submitted by Svet and Shah Kanev to rezone 123 Lee Street (Tax Map 96A-416-5) from R-2 to B-1.

There being no one else present, or otherwise, who wished to speak on the matter, the public hearing was closed at 7:15 PM.

Mayor Tuggle opened a duly advertised public hearing at 7:15 p.m. on an application submitted by Svet and Shah Kanev for a special use permit to allow short term rental on property described as 123 Lee Street (Tax Map 96A-416-5).

A written statement from the Nathaniel Holden Chase, Amherst Town Resident, in support of short term rentals in the Town of Amherst was read by Town Manager McGuffin.

There being no one else present, or otherwise, who wished to speak on the matter, the public hearing was closed at 7:17 PM.

Mayor Tuggle opened the floor to citizen comments.

Leslie Sprouse, Treasurer of the Amherst Wolverines, came forward on behalf of the Amherst Wolverines, seeking support for upcoming events, Movies on the Field. Dawn Smith, Amherst Wolverine’s General Manager was also present.

John Vandervelde, Second Stage Board Member, came forward on behalf of Second Stage to extend an invitation to Second Stage Live From Rosewood event on March 11, 2023.

Tim Ware, Town of Amherst, VA, came forward in support of Airbnb’s in the Town of Amherst.

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

Mr. Thompson made a motion that was seconded by Mr. Higginbotham to approve the consent agenda items consisting of minutes of the meetings held on February 8, 2023, and February 9, 2023, and the February 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 gave a report on consideration of an amendment to the Town’s Zoning Ordinance to allow for short term rental as a special use permit in the R-1 and R-2 districts. A public hearing was held on the matters at Council’s February 8, 2023, at which time the matter was deferred for discussion and consideration.

Mr. Driskill made a motion that was seconded by Mr. Higginbotham to approve amendment to the zoning ordinance to allow for short term rental as a special use permit in the R-1 and R-2 districts.

After discussion, Mr. Driskill was allowed to withdraw his motion and the matter was deferred to Town Council’s April 12, 2023, meeting to allow time for Messrs. Driskill and Thompson to present Council with specific requirements or conditions for short term rental permitted use in R-1 and R-2 districts.

Town Manager McGuffin gave a report on consideration of applications to rezone 117 Pine Street from R-1 to B-2 and for a special use permit to allow short term rental on property described as 117 Pine Street (Tax Map 96A414 3940). Public hearings on the matters were held by Council at its meeting on February 8, 2023, at which time the matters were deferred for discussion and consideration.

By consensus the matters were deferred to the Town Council April 12, 2023, meeting.

By consensus discussion and consideration of the applications to rezone 123 Lee Street from R-1 to B-2 and for a special use permit to allow short term rental on property described as 123 Lee Street (Tax Map 96A-416-5), were deferred to the Town Council April 12, 2023, meeting.

Town Manager McGuffin gave a report on a new grit pump for the Wastewater Treatment plant. Staff requested approval of the purchase of the new grit pump from Buchanan Pump Service and Supply in the amount of \$13,315.93.

Ms. Turner made a motion that was seconded by Mr. Higginbotham to approve purchase of the new grit pump from Buchanan Service and Supply in the amount of \$13,315.93, as recommended by staff.

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 gave a report on the proposed 2023 two year Strategic Plan prepared by Stephanie D. Davis, Ph.D., Virginia Tech Collegiate Assistant Professor and Program Director for Graduate Certificate in Local Government Management, setting out the Mission, Vision, Values and Goals for the Town of Amherst as discussed by Council at its January 11, 2023, strategic planning session.

Ms. Turner made a motion that was seconded by Mr. Thompson to approve and adopt the 2023 two year Strategic Plan setting out the Mission, Vision, Values, and Goals for the Town of Amherst.

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

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

Office Manager/Treasurer Morgan gave a report on proposed changes to the Town’s procurement policy to allow for an increase in purchase amounts requiring submittal of purchase orders, and deletion of the requirement to obtain purchase approval from Council for items whose funds have been appropriated and are available within the requesting department’s budget.

Mr. Higginbotham made a motion that was seconded by Ms. Wheaton to approve the changes to the procurement 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 to and made a part of these minutes.

Town Manager McGuffin gave a report on an application submitted by McDonald’s Corporation to rezone 2,193 square feet of property adjacent to the existing McDonalds (Tax Map No. 96A4-A-174) from T-1 to B-2 for the purpose of redevelopment of the applicant’s drive-thru.

Ms. Turner made a motion that was seconded by Mr. Higginbotham to set public hearings at Council’s April 12, 2023, meeting to consider an application submitted by McDonald’s Corporation to rezone 2,193 square feet of property adjacent to the existing McDonalds (Tax Map No. 96A4-A-174) from T-1 to B-2 for the purpose of redevelopment of the applicant’s drive-thru, as recommended by staff.

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. Turner to set public hearings at Council’s April 12, 2023, meeting on the Town’s 23-24 Capital Improvement Program and the Fiscal Year 2023/2024 Town of Amherst Budget, as recommended by staff.

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

Chief Shifflett gave a report on funds available through the of Virginia Department of Criminal Justice Services (DCJS) federal American Rescue Plan Act (“ARPA”) law enforcement equipment grant program.

By consensus staff will apply for DCJS ARPA grant funds which, upon receipt and contingent upon the terms of the grant, are to be first applied to the purchase of items contained in the CIP.

Mayor Tuggle opened the floor to citizen comments.

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 8:08 P.M., until April 12, 2023, at 7:00 p.m. on motion of Ms. Wheaton seconded by Ms. Turner.

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

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Jacob P. Bailey is a highly respected citizen and community leader, and long-time resident of the Town of Amherst; and

WHEREAS, Jacob P. Bailey has served on the Industrial Development Authority, now the Economic Development Authority, from July 1998, to February 2023; and as its chair from April 2000, to May 2021; and,

WHEREAS, Jacob P. Bailey served on the Amherst Town Council from July 1994, to June 1998, and again from July 2002, to October 2012; and as Vice Mayor from July 1994, to June 1996, and from August 2002, to October 2003, and as Mayor from October 2003, to December 2012; and,

WHEREAS, serving as Mayor of the Town of Amherst and Chairman of the Economic Development Authority, Jacob P. Bailey provided strong leadership to ensure the efficient and effective operation of local government; and

WHEREAS, committed to the economic growth and development of the Town of Amherst, Jacob P. Bailey played an important role in the purchase and development of the L. Barnes Brockman, Sr. Business and Industrial Park; and

WHEREAS, Jacob P. Bailey, through his faithful service, consistently demonstrated essential qualities of leadership and diplomacy while rendering loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service, civic efforts and community involvement; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Jacob P. Bailey has given to his community and also to express its appreciation for all that Jacob P. Bailey has done for the Town of Amherst.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Jacob P. Bailey 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 Jacob P. Bailey's tenure on the Economic Development Authority and as a member of the Town Council; 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 Jacob P. Bailey 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 March 8, 2023.

Mayor D. Dwayne Tuggle

Attest:

Clerk of Council

AN ORDINANCE AMENDING THE TOWN OF AMHERST CODE OF ORDINANCES TO AMEND CHAPTER 20 – TRAFFIC AND VEHICLES, SECTION 87(b) – LIMITED-TIME PARKING IN CERTAIN AREAS. THIS AMENDMENT WILL REMOVE THE TWO-HOUR PARKING LIMITATIONS IN TOWN.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, this amendment will repeal the two hour parking limitations on Main Street, Second Street, East Court Street, and Goodwin Street; and

WHEREAS, Council created a committee to review parking limitations in the Town; and

WHEREAS, it was recommended by the parking committee to eliminate the two-hour parking in Town; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Town Hall located at 174 S. Main Street, Amherst, Virginia.

NOW THEREFORE, BE IT ORDAINED BY THE AMHERST TOWN COUNCIL that Chapter 20, Section 87(b) be amended and reenacted as follows:

**CODE OF THE TOWN OF AMHERST, VIRGINIA
CHAPTER 20 - TRAFFIC AND VEHICLES**

Sec. 20-87. - Limited-time parking in certain areas.

(a) It shall be unlawful for any person to permit a vehicle to remain or to be parked in any parking space designated for limited-time parking by signs, decals, or painted markings if such vehicle has already been parked beyond the period of time prescribed for such parking space. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name to be parked overtime or beyond the period of legal parking time established for any parking zone.

~~(b) The following areas are designated as two-hour parking zones and shall be in effect from 9:00 a.m. until 5:00 p.m., Monday through Saturday: South Main Street from the intersection of Lee Street to the Intersection of Star Street, Second Street from South Main Street to Depot Street, the entirety of East Court Street and the entirety of Goodwin Street. There shall be no time limit in effect during town holidays.~~

(c) Members of recognized public safety agencies shall not be subject to the provisions of this section while responding to emergency calls, but shall be subject to its provisions at all other times.

AN ORDINANCE AMENDING THE TOWN OF AMHERST CODE OF ORDINANCES TO AMEND CHAPTER 20 – TRAFFIC AND VEHICLES, SECTION 143 – INOPERATIVE MOTOR VEHICLES ON RESIDENTIAL, COMMERCIAL, OR AGRICULTURAL PROPERTY AND SECTION 144 – REMOVAL OF INOPERATIVE VEHICLES. THIS AMENDMENT WILL REMOVE ZONING DISTRICT DESIGNATIONS MAKING IT UNLAWFUL TO KEEP AN INOPERABLE VEHICLE IN ALL ZONING DISTRICTS.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, this amendment will remove the zoning districts from the ordinance; thereby not allowing inoperable vehicles in the Town regardless of zoning district; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Town Hall located at 174 S. Main Street, Amherst, Virginia.

NOW THEREFORE, BE IT ORDAINED BY THE AMHERST TOWN COUNCIL that Chapter 20, Section 143 and Section 144 be amended and reenacted as follows:

**CODE OF THE TOWN OF AMHERST, VIRGINIA
CHAPTER 20 - TRAFFIC AND VEHICLES**

Sec. 20-143. - Inoperative motor vehicles on residential, commercial or agricultural property.

It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from public view, ~~on any property zoned Restricted Residential (R-1), General Residential (R-2), Light Business (B-1), or General Business (B-2)~~, any motor vehicle, trailer or semitrailer, as such is defined in Code of Virginia, § 46.2-100 et seq., or its successor statute, which is inoperative. As used in this section, the term "inoperative motor vehicle" means any motor vehicle which is not in operating condition; or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this section shall not apply to any licensed business which, subsequent to June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Any violation of this section shall be a Class 4 misdemeanor with a fine of not more than \$100.00 for each offense.

Sec. 20-144. - Removal of inoperative motor vehicles.

The owner of any property in any zoning district within the Town ~~zoned Restricted Residential (R-1), General Residential (R-2), Light Business (B-1), or General Business (B-2)~~ shall remove from its property any inoperative motor vehicles, trailers or semitrailers as defined in Code of Virginia, title 46.2 et seq., that are not kept within a fully enclosed building or

structure. Any owner of property must remove any such vehicles, trailers or semitrailers within seven days after having received notice from the chief of police, the town manager or the town council. In the event that such vehicle, trailer or semitrailer is not removed within seven days of notice to remove the same, the town, through its agents or employees, may remove any such inoperative motor vehicle, trailer or semitrailer. In the event that the town removes any such inoperative motor vehicle, trailer or semitrailer after having given notice to remove the same, the town may sell, dispose, destroy or store such inoperative vehicle, trailer or semitrailer, as the town deems appropriate, after having given 15 days of advance notice to the owner. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle and/or the owner of the premises upon which the inoperative vehicle, trailer or semitrailer was located, and may be collected when the taxes of the town are collected. The cost of removal and disposal as authorized by this section shall constitute a lien on the real estate from which the vehicle was removed and the lien shall continue until the payment of such costs have been made to the town.

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 24 (ZONING AND SUBDIVISIONS) BY CREATING THEREIN NEW ARTICLE ____ (INOPERABLE VEHICLES) , § 24 - ____ (KEEPING OF INOPERABLE VEHICLES) AND § 24 - ____ (NOTICE OF VIOLATION).

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, this amendment will allow enforcement on any property zoned for residential, commercial, or agricultural purposes; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Town Hall located at 174 S. Main Street, Amherst, Virginia.

NOW, THEREFORE, be it Ordained by the Council of the Town of Amherst that Chapter 24 of the Code of the Town of Amherst is hereby amended to enact a new Article ____ (Inoperable Vehicles), § 24 - _____ (Keeping of Inoperable Vehicles) and § 24 - ____ (Notice of Violation), as follows:

ARTICLE xxx - INOPERABLE VEHICLES

24-xxx Keeping of inoperable vehicles.

(1) Definitions as used in this section:

- a. *Motor vehicle or vehicle* means any motor vehicle, trailer or semi-trailer, or any part thereof, as defined in Code of Virginia, § 46.2-100, as amended.
- b. *Inoperable vehicle* means any vehicle:
 1. Which is not in operating condition; or
 2. Which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or
 3. On which there are displayed no valid state license plates; or
 4. On which there is displayed no valid state inspection decal; or
 5. This definition of "inoperable vehicle" shall not include a registered and licensed antique vehicle, classic vehicle, or prestige vehicle so long as the vehicle is in operating condition.
- c. *Shielded or screened from view* means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located by using one of the following methods:

1. A form fitted, defect-free cover specifically designed and manufactured to completely shield the motor vehicle, trailer or semi-trailer from view;
 2. A hedge or dense evergreen landscape planting not less than six feet high and ten feet wide that is neat and well maintained; or
 3. An opaque masonry wall or treated wood fence of stockade, board and batten, panel or similar type design in good repair of not less than six feet high and ten feet wide.
- (2) The keeping by any person, firm or corporation, except within a fully enclosed building or structure or otherwise shielded or screened from view, of any inoperable motor vehicle on any property zoned for residential, commercial or agricultural purposes is detrimental to the public health, safety and welfare, and is hereby declared to constitute a public nuisance.
- (3) It shall be unlawful for any person, firm or corporation to keep on any property zoned for residential, commercial or agricultural purposes any vehicle which is inoperable, except as follows:
- a. On property less than two acres, one inoperable vehicle, including any portions thereof, may be kept provided they are shielded or screened from view; or
 - b. On property two acres and larger, two inoperable vehicles, including any portions thereof, may be kept provided they are shielded or screened from view; or
 - c. The inoperable vehicle is kept at a commercial business in compliance with the county's zoning regulations covering such business and/or a conditional use permit has been issued for the operation of such business; or
 - d. An inoperable vehicle being repaired at an automobile repair business may be kept at such property for no more than 60 continuous days; or
 - e. The inoperable vehicle is kept within a fully enclosed building or structure.
- (4) The provisions of this section shall not apply to any entity which was licensed and regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, as of June 26, 1970.
- (5) The zoning administrator or his designee is hereby authorized to take any action necessary to ensure compliance with this Code section.

24-xxx Notice of violation. Property owner's, permit applicants, and/or establishment owners/managers, as applicable, and shall be notified in writing of violations of the provisions of this article. The zoning administrator or his designee shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The zoning administrator or his designee may establish a

reasonable time period for the correction of the violation. The procedure for any violations of this section will follow the procedures and penalties outlined in section 24-168 General Penalties for Zoning Violations.

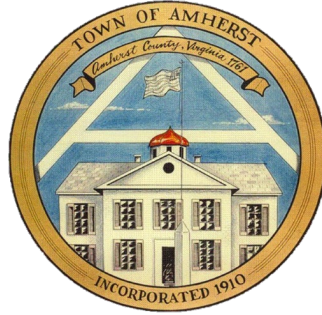
That this Ordinance shall be effective on March 8, 2023.

This ordinance was adopted on March 8, 2023.

Mayor

ATTEST:

Clerk of the Council



Mission

The Town of Amherst strives to provide efficient and effective services that improve the quality of life for our community.

Vision

The Town of Amherst has charming neighborhoods and a vibrant downtown making us the best small town in Virginia to visit and call home.

Values

Integrity, Community, Transparency, Efficacy

Goals

Develop Recreational Facilities and Entertainment Venues

Promote Business and Economic Develop

Revitalize Downtown Area

Continuously Improve and Enhance Services

Goals and Strategies

Goal #	Goals	Strategy #	Workshop Council Proposed Strategies - 2-year time frame
1	Develop Recreational Facilities and Entertainment Venues	1.a	Define the purpose and events in Downtown, Evaluate Town Square Concept (sites, purpose, etc.), including investigation of purchase of land (10 acres on North Main-Presbyterian Church), car wash property, all options, addresses Parks and 2022 Vision Survey, Town Clock
		1.b	Community Relations Committee expand /create a broad group of people; main street businesses, all others
		1.c	Signage/Promotion/for Scotts Mill Park (passive park)
2	Promote Business and Economic Development	2.a	Update from EDA to promote industry at the Industrial Park
		2.b	Explore creation of one pad ready site and have ready by end of two years
		2.c	Evaluate business license tax/revenue
		2.d	Joint Goals and Strategies Meeting with EDA members (guidance on path forward for Economic Development in Town)
4	Revitalize Downtown Area	4.a	Investigate other towns on beautification and revitalization projects
		4.b	Investigate grants for underground lighting, new brick, trees, street lamps, greenery
		4.c	Coordinate with VDOT on sidewalk widening
		4.d	Evaluate tax incentives for beautification efforts
		4.e	See 2.d
		4.d	Explore parking space elimination to extend more public space
5	Continuously Improve and Enhance Services	5.a	Support continuing education for employees
		5.b	Facility improvements identified in the CIP

**TOWN OF AMHERST
PROCUREMENT POLICY
Approved 3/8/2023**

I. Introduction

This purchasing policy and procedures manual is intended for use as a general guide to the Town of Amherst's procurement methods and practices. The understanding and cooperation of all employees is essential if the Town is to obtain the maximum value for each tax and utility dollar spent.

If the procedures and guidelines established in this manual are followed, each department can efficiently manage, control and plan its' available resources to meet present and future department needs.

1.1 Procurement Authority

The Town Manager or his designee shall serve as the principal public purchasing official for the Town and shall be responsible for the procurement of goods, services, insurance, and construction. The Town Manager has delegated to all department heads the authority to make purchases with the guidelines of this policy.

1.3 Prevailing Policy

The Town Procurement Policy and the Virginia Public Procurement Act shall prevail should there be a conflict between their requirements and the policies and procedures set forth in this manual.

1.4 Basic Goals of Procurement

The basic goals for competitive procurement are establish in § 2.2.4300 B & C of the Virginia Public Procurement Act:

- Obtain high quality goods and services at reasonable cost
- Procurement procedures are to be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety
- All qualified vendors have access to public business and that no offeror is arbitrarily or capriciously excluded
- Completion is to be sought to the maximum feasible degree
- Procurement procedures involve openness and administrative efficiency
- Rules governing contract award are to be made clear in advance of the competition
- Procurement specification should reflect the need of the purchasing body rather than being drawn to favor a particular vendor
- Purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered.

1.5 Local Buying

It is the desire of the Town to purchase from vendors located within the Town of Amherst whenever possible. This can be accomplished by insuring that local vendors who have goods or services available which are needed by the Town are included in the competitive purchasing process. The Town has a responsibility to its residents to insure that maximum

value is obtained for each public dollar spent; however, the Town cannot and will not make purchasing decisions solely on the basis of vendor residence. Rather, the Town will endeavor to encourage local vendors and suppliers to compete for all Town business.

1.6 Planning

Planning for purchases should be done on a short-term and long-term basis, thereby minimizing small orders and last minute purchases. Planning will also reduce the number of trips required to obtain materials and minimize clerical and supervisory time spent on documenting purchases.

II. AUTHORITY TO SIGN CONTRACTS AND CHANGE ORDERS

The Town Manager's signature, or his designee, is required on all contracts and change orders.

III. PURCHASING PROCEDURES

This section covers the purchase of supplies, materials, equipment and/or services. Departments are urged to be as cost conscience as possible and try to always obtain the best price for items purchased, without sacrificing value.

3.1 Methods of Procurement

The standard methods of procurement used are listed below. Purchases made in methods 3.1.1 through 3.1.3 are contingent on if there are enough funds already appropriated within the departments' approved budget:

3.1.1 Purchases up to \$ 5,000 in value - should be done solely by the Department Head, or designee. This amount applies to the total of all items purchased on an invoice. No competition or documentation required.

3.1.2 Purchases equal to \$5,001 , up to \$ 10,000 - For purchases of this type, the Department Head should obtain at least 3 verbal quotes and document those quotes in writing to be filed. Documentation of the three verbal quotes are to be submitted with an attached purchase order.

3.1.3 Purchases equal to \$10,001 up to \$ 30,000 - Purchases in the group are required to have three quotes in writing. Documentation of the three written quotes are to be submitted with an attached purchase order.

3.1.3 Purchases over \$30,000 – All Purchases of goods or services over \$30,000 are to be procured using an Invitation for Bid or Request for Proposals that will be advertised in a paper of local circulation and the Town website. The low bid amount, payment and possible appropriation of funds will need to be approved by Town Council.

3.3 Purchase Orders

To be valid, a Town purchase order must be completed and signed by a Department Head.

Purchase Orders are not required for the following transactions:

1. Any purchase below \$ \$5,000 does not require a purchase order to be submitted for the purchase, however, additional notes and explanations should be provided on the invoice itself.
2. Any invoice received on a monthly or quarterly reoccurring basis such as utilities.
3. Any purchase made on a Town credit card. Purchases with reoccurring vendors should not be made on a Town credit card.

VII. Special Procurement Procedures

7.1 Emergency Purchases - In case of emergencies, the Department Head may purchase directly from any vendor supplies or services where immediate procurement is essential to prevent delays in work which may affect the life, health, safety or convenience of the Town of Amherst employees or citizens.

After determining that a true emergency does exist, the department shall exercise good judgment and use established vendors when making emergency purchases. The department must always obtain the best possible price, and limit purchases to those items which are related to an emergency. Not anticipating needs does not constitute an emergency situation. Needs should be anticipated in order to avoid emergency purchases whenever possible.

7.1.1 Emergency Purchase Procedures

During working hours, the following procedures shall be used for emergency purchases:

Submit a purchase order request to the Finance Division/Buyer with all pertinent information. Information submitted should include documentation showing why the purchase is an emergency. After verifying the available funds, a purchase order will be originated and forwarded to the user department. Should the purchase over-encumber the account balance, a Request for Transfer of Funds form shall be completed as soon as possible.

After working hours, the following procedure shall be used for emergency purchases:

As soon as practicable, after directing the contractor/vendor to proceed, the procedures outlined above shall be followed.

Emergency purchases, although at times are necessary, are costly both in time and money. The use of emergency procedures should be limited and will be monitored for abuse.

7.2 Sole Source Purchases – In the event there is only one vendor capable of providing a particular good or service, the competitive pricing procedures outlined in this policy may be waived.

VIII. Alternative Sources of Procurement

8.1 Virginia State Contracts – Departments may utilize state contracts whenever possible for procurement of capital and non-capital items. The use of state contracts expedites the purchase of goods, offers pricing generally lower than quotes by formal and informal bids, and satisfies the requirements of the Town's procurement policy.

8.2 Local and National Public Agency Contracts – All public agencies that specially include within their bid documents the cooperative phrase which allows any resulting contract to be utilized by other public bodies and municipalities.

XIV. Surplus Property

The transfer of surplus property from one department to other within the Town is encouraged.

Property that is no longer useful to a department or to the Town shall be disposed of by one of the following methods:

- Public sale/auction – The preferred method of sale of surplus property to the general public is by auction. Auctions are scheduled by the Director of Public Services and the Town Buyer.
- Sale to other political subdivisions – Prior to an auction, the Town may offer the surplus item(s) to other political subdivisions within the Commonwealth of Virginia at the item(s) fair market value.
- Sale by competitive bid – Property may also be sold by competitive bid. A list of available items shall be mailed to all interested bidders.
- Negotiated sale – This method is used only when the property does not sale by public auction or sealed bid.