

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on September 13, 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	A	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		Officer Martin	Police Officer
Kelley Kemp	Town Attorney		Gary Williams	Director of Plants
Vicki K. Hunt	Clerk of Council		Fred Adams	Water Operator

Recitation of the Pledge of Allegiance to the Flag was followed by a moment of silence.

Town Manager McGuffin gave a report on a proposed donation to the Town of Amherst from Paul Kilgore of 22 acres of land which is a portion of the property generally known as the “Ambler property,” designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School. Mr. Kilgore is seeking to place a conservation easement on the land. To be compliant with the Town’s adopted Comprehensive Plan staff requested that the 22 acres of land be designated for public/semi-public uses.

The proposal was advertised for public hearing for two consecutive weeks, as required by State Code. Because the public hearing was not set by the Town Council, staff requested ratification of the public hearing.

Mr. Driskill made a motion that was seconded by Mr. Thompson to ratify the setting of a public hearing on determination of whether to amend the adopted Town of Amherst Comprehensive Plan, Section 13, Land Use Profile, to include a provision to address parks in specific suitable areas; and whether to amend the Town’s Future Land Use Map to include a proposed public use designation on a portion of the property generally known as the “Ambler property,” designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School, as recommended by staff.

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

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

Town Manager McGuffin reported that the Planning Commission, after ratification, held a duly advertised public hearing at its meeting on September 6, 2023, at which time the Commission recommended approval of an amendment to the adopted Town of Amherst Comprehensive Plan, Section 13, Land Use Profile, to include a provision to address parks in specific suitable areas and to amend the Town’s Future Land Use Map to include a proposed public use designation on a portion of the property

generally known as the “Ambler property,” designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School.

Mayor Tuggle opened a duly advertised public hearing at 7:03 p.m. on determination of whether to amend the adopted Town of Amherst Comprehensive Plan, Section 13, Land Use Profile, to include a provision to address parks in specific suitable areas; and whether to amend the Town’s Future Land Use Map to include a proposed public use designation on a portion of the property generally known as the “Ambler property,” designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School.

Mr. Kilgore was present to answer questions.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:03 p.m.

Mr. Thompson made a motion that was seconded by Mr. Driskill to approve an amendment to the adopted Town of Amherst Comprehensive Plan, Section 13, Land Use Profile, to include a provision to address parks in specific suitable areas and to amend the Town’s Future Land Use Map to include a proposed public use designation on a portion of the property generally known as the “Ambler property,” designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School, as recommended by the Planning Commission and staff.

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

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

Mayor Tuggle opened the floor to citizen comments.

Jerry N. Martin, owner of Martin’s Paint and Body Shop, came forward in opposition to an existing ordinance in the Town code that governs regulations on hard surface treatment of business parking areas.

Steve T. Martin, owner of Martin’s Paint and Body Shop, came forward in opposition to an existing ordinance in the Town code that governs regulations on hard surface treatment of business parking areas.

Tim Ware, owner of Warehouse Antiques, came forward with a request that council revisit bike trail extensions.

Jacob DeMala, owner of The Yard Spot, came forward in opposition to an existing ordinance in the Town code that governs regulations on hard surface treatment of business parking areas.

Kathy Beck, Town of Amherst resident, came forward in opposition to an existing ordinance in the Town code that governs regulations on hard surface treatment of business parking areas.

There being no one else 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. Driskill to approve the consent agenda items consisting of minutes of the meetings held on August 9, 2023, and August 30, 2023, and the August 2023 check registry, as presented.

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

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

Town Manager McGuffin gave a report on the additional cost of purchasing and outfitting two new Police vehicles to bring them to standard. One of the two vehicles is being funded completely with grant funds. Because the remaining vehicle will exceed the amount budgeted and appropriated, staff recommended appropriation of an additional \$12,000.00 for the second vehicle.

There being no discussion, Mr. Driskill made a motion that was seconded by Ms. Wheaton to approve appropriation of \$12,000.00 for police vehicles, as recommended by staff.

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

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

Town Manager McGuffin gave a report on a proposed change order submitted by Littleton & Associates, Inc., in the amount of \$39,950.00 adding replacement of a culvert and demolition of a sludge drying bed related to construction of the new centrifuge facility at the Wastewater Treatment Plant. Staff requested appropriation of funds in the amount of \$39,950.00.

After discussion, Mr. Driskill made a motion that was seconded by Ms. Turner to approve appropriation of \$39,950.00 for replacement of a culvert and demolition of a sludge drying bed related to the new centrifuge facility, as recommended by staff.

There being no discussion, the motion carried 3-1 via the roll call method as follows:

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

Town Manager McGuffin gave a report on a proposed agreement between the Town and Green Leaf Golf Club Association, LLC, for provision of sewer services at Poplar Grove. At its July 12, 2023, meeting the matter was deferred by Council to allow Poplar Grove sufficient time to consider the addition of more specific language in the agreement stating that water and services will only be provided for commercial development at Poplar Grove.

John T. Matteo, attorney for Green Leaf Golf Club Association, was present remotely to answer questions.

After discussion, Mr. Thompson made a motion that was seconded by Mr. Driskill to approve the agreement between the Town and Green Leaf Golf Club Association, LLC, for provision of sewer services to Poplar Grove, as recommended by staff.

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

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

Town Manager McGuffin gave a report on the 2023 Christmas Parade preparations. The parade is being planned for the first Friday in December (December 1, 2023), at 6:30 p.m., beginning at Kenmore Road, proceeding up S. Main Street and ending at the traffic circle. The theme of the parade is “Cartoon Christmas.” Staff requested approval of the parade route and associated street closures.

Ms. Wheaton made a motion that was seconded by Mr. Driskill to approve the 2023 parade route and associated street closures, as recommended by staff.

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

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

Town Manager McGuffin gave a report on the FY2024-2025 budget timetable and capital improvement plan that staff would like to follow.

Ms. Wheaton made a motion that was seconded by Ms. Turner to adopt the FY2024-2025 Budget Calendar and Capital Improvement Plan as presented by staff.

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

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

A copy of the 2024-2025 Budget Calendar is attached to and made a part of these minutes.

Town Manager McGuffin gave a report on a conflict that was created between Chapter 20, Article 1, Sec. 20-8 and Sec. 20-9 referring to bicycles and skateboards on sidewalks and Sec. 20-10. - Bicycles and skateboards to yield to pedestrians on sidewalks at the time that Sec. 20-10 was approved. Staff requested that Council set a public hearing on repeal of Chapter 20, Article 1, Sec. 20-8 and Sec. 20-9 to resolve the conflict.

Ms. Wheaton made a motion that was seconded by Mr. Driskill to hold a public hearing at the October 11, 2023, Town Council Meeting on the proposed repeal of Chapter 20, Article 1, Sec. 20-8 and Sec. 20-9 referring to bicycles and skateboards on sidewalks, as recommended by staff.

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

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

Town Manager McGuffin gave a report on a proposed amendment to the Town’s Zoning and Subdivision Ordinances, Chapter 24. The purpose of the amendment is to allow the creation of flag lots in those instances where severe topographic constraints or unusual existing lot lines make this type of lot arrangement the only feasible way to develop the tract and which meet certain criteria.

Ms. Turner made a motion that was seconded by Mr. Driskill to hold a public hearing at the October 11, 2023, Town Council Meeting consideration of an amendment to the Town’s Zoning and Subdivision Ordinances, Chapter 24, that would, if approved, allow the creation of flag lots in those instances where severe topographic constraints or unusual existing lot lines make this type of lot arrangement the only feasible way to develop the tract and which meet certain criteria., as recommended by staff.

There being discussion the motion carried 4-0 via the roll call method as follows:

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

Town Manager McGuffin gave a report on the application of Jeremiah and Andrea Kirkland for a special use permit to allow a bed and breakfast at their residence 146 N. Main Street, Amherst, Virginia, in the R-2 district. The Planning Commission, after ratification held a duly advertised public hearing at its meeting on September 6, 2023, at which time the Commission recommended approval of the special use permit. Staff requested Council set a public hearing on the matter at its October meeting.

Ms. Wheaton made a motion that was seconded by Mr. Thomson to hold a public hearing at the October 11, 2023, Town Council Meeting on the application of Jeremiah and Andrea Kirkland for a special use permit to allow a bed and breakfast at their residence 146 N. Main Street, Amherst, Virginia, in the R-2 district, as recommended by staff.

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

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

Mayor Tuggle opened the floor to citizen comments.

Tim Ware, owner of Warehouse Antiques, came forward to thank everyone for their support with the recent car show.

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

At 7:42 PM, Town Attorney Kemp 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):

Discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning the Town Manager and the Town Attorney.

Discussion or consideration of the acquisition of real property for a public purpose, namely emergency services, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically real property owned by the Amherst Lifesaving Crew.

WHEREAS, pursuant to: §2.2-3711 (A)(1) and (A)(3) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

After the reading, Ms. Wheaton made a motion that was seconded by Ms. Turner to approve the resolution and go into closed session.

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

D. Dwayne Tuggle		Andra Higginbotham	Absent
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.

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

At 8:31 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 were as follows:

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

There being no further business, on motion of Mr. Thompson, seconded by Ms. Wheaton the meeting adjourned at 8:32 P.M., until October 11, 2023, at 7:00 p.m.

The motion carried 4-0 as follows:

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

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

TOWN OF AMHERST

BUDGET CALENDAR FOR FY 2024-2025

December 2023 – Treasurer prepares budget worksheets for department heads and mails out donation request forms to local organizations.

January 26, 2024– Deadline for budget requests from department heads and local organizations.

February 5, 2023 – Treasurer presents prepared budget documents to Town Manager for recommendations.

March 2023- Council, Town Manager and Treasurer will meet prior to regular Council Meeting to go over Town Manager proposed FY25 Budget.

March 18-22, 2023 – Town Council meets with Treasurer and Town Manager to review budget documents and recommendations.

April 10, 2023 – Public hearing of FY25 budget at regular Council meeting.

May 8, 2023 – Adoption and appropriation of FY25 budget at regular Council meeting.

CAPITAL IMPROVEMENTS PLAN FY 2024-2025

October 2023 – Treasurer sends out CIP requests documents to department heads.

November 17, 2023 – Department heads submit CIP requests to Treasurer.

December 2023 – Department heads and Town Manager meet to discuss CIP requests.

January 2023 – Town Manager Presents CIP recommendations to Planning Commission.

March 6, 2023 – Planning Commission public hearing on CIP requests.

April 10, 2023 – Council public hearing on CIP requests.

May 8, 2023 – Council adopts Capital Improvements Plan.

TOWN COUNCIL OF THE TOWN OF AMHERST

MOTION: Janice Wheaton

Wednesday, September 13, 2023

SECOND: Sharon Turner

Regular Meeting

RE: AUTHORIZE CLOSED MEETING

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

- Discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning the Town Manager and the Town Attorney.
- Discussion or consideration of the acquisition of real property for a public purpose, namely emergency services, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically real property owned by the Amherst Lifesaving Crew.

WHEREAS, pursuant to: §2.2-3711 (A)(1) and (A)(3) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

Adopted this 13th day of September 2023.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council