

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on October 11, 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	Officer Martin	Police Officer
Kelley Kemp	Town Attorney	Gary Williams	Director of Plants
Vicki K. Hunt	Clerk of Council	Gary P. Smith, Jr.	Plants Maintenance Supervisor
Tracie Morgan	Office Manager/Treasurer	Charles Thompson	Utilities Maintenance Foreman

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

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 at 146 N. Main Street, Amherst, Virginia. A public hearing was held on the matter by the Planning Commission on August 2, 2023, and at its meeting on September 6, 2023, the Commission unanimously voted to recommend approval of the special use permit with conditions.

Jeremiah Kirkland was present to answer questions.

Mayor Tuggle opened a duly advertised public hearing at 7:03 p.m. on the application of Jeremiah and Andrea Kirkland for a special use permit allowing a bed and breakfast at their residence at 146 N. Main Street, Amherst, Virginia.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:05 p.m.

Mr. Higginbotham made a motion that was seconded by Mr. Driskill to approve an ordinance granting a Special Use Permit SUP-2023-0xx allowing a bed and breakfast at 146 North Main Street, Amherst, Virginia, 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 a conflict contained in Chapter 20 of the Town Code §§Sec. 20-8 and 20-9 referring to bicycles and skateboards on sidewalks created by the adoption of §20-10. - Bicycles and skateboards to yield to pedestrians on sidewalks. Staff recommended repeal of Chapter 20 of the Town Code §§Sec. 20-8 and 20-9 to resolve the conflict.

Mayor Tuggle opened a duly advertised public hearing at 7:07 p.m. on consideration of an amendment to Chapter 20 of the Town Code to repeal §§Sec. 20-8 and 20-9 referring to bicycles and skateboards on sidewalks.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:07 p.m.

Ms. Wheaton made a motion that was seconded by Mr. Driskill to approve an ordinance amending Chapter 20 of the Town Code to repeal §§Sec. 20-8 and 20-9 referring to bicycles and skateboards on sidewalks, as recommended by staff.

There being no discussion, the motion carried 3-2 via the roll call method as follows:

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

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

Town Manager McGuffin gave a report on a proposed amendment to the Town’s Zoning and Subdivision Ordinances, Chapter 24, 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. Following a public hearing held on the matter by the Planning Commission on September 6, 2023, the Commission unanimously voted to recommend approval of the proposed ordinance.

Mayor Tuggle opened a duly advertised public hearing at 7:09 p.m. on consideration of an amendment to the Town’s Zoning and Subdivision Ordinances, Chapter 24, 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.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:09 p.m.

Mr. Driskill motion that was seconded by Ms. Wheaton to approve an ordinance amending the Town’s Zoning and Subdivision Ordinances, Chapter 24, 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, as recommended by the Planning Commission and 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 and made a part of these minutes.

Mayor Tuggle opened the floor to citizen comments.

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.

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.

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. Higginbotham to approve the consent agenda items consisting of minutes of the meetings held on September 13, 2023, and September 28, 2023, and the September 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 reported that at its meeting on October 4, 2023, the Planning Commission made a finding that use of 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 for a town park is in substantial accord with the Comprehensive Plan in accordance with §15.2-2232 of the Code of Virginia. Staff recommended that Town Council confirm the Commission’s finding.

Ms. Wheaton made a motion that was seconded by Mr. Driskill to confirm the finding of the Planning Commission that se of 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 for a town park is in substantial accord with the Comprehensive Plan, as recommended by staff.

There being no discussion, the motion carried 4-1 via the roll call method as follows:

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

Town Manager gave a report on proposed change orders submitted by Anderson Construction for completion of improvements to the Water Treatment Plant. Staff recommended appropriation of funds from the Water Reserve in the amount of \$101,110.00 for the completion of the project.

Ms. Wheaton made a motion that was seconded by Ms. Turner to appropriate \$101,110.00 from the Water Reserve for the completion of improvements to the Water Treatment Plan, as recommended by staff.

There being no 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	Abstain

Town Manager McGuffin gave a report on two bids received in response to the Town’s Request for Bid for improvements to the Maintenance Shop that would create a better work environment for the maintenance staff. Although both bids were more than anticipated for the project, staff determined that neither were close to design standards and that more specific design standards for the improvements could be included in a rebidding process. Council could either accept the lower bid or start the rebidding process with more specific design standards.

Mr. Driskill made a motion that was seconded by Mr. Thompson not to award the bid for Maintenance Shop improvements and to start a rebidding process to include more specific design standards and inclusion of mandatory attendance at a preproposal conference.

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

Town Manager McGuffin gave a report on consideration of a code amendment to enact a new code section, Dwelling Units Accessory to Single-Household Residences, which would, if approved, allow up to two accessory units on a lot based on the underlying zoning district and/or size of parcel for a total of three dwellings on a lot. A public hearing was held on the matter by the Commission on August 2, 2023, and at its meeting on October 4, 2023, the Commission unanimously voted to recommend approval of the proposed amendment.

Mr. Driskill made a motion that was seconded by Ms. Wheaton to hold a public hearing at the November 8, 2023, Town Council Meeting on consideration of an amendment to the Town’s zoning ordinance that, if approved, enact a new code section, Dwelling Units Accessory to Single-Household Residences, which would, if approved, allow up to two accessory units on a lot based on the underlying zoning district and/or size of parcel for a total of three dwellings on a lot.

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.

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, on motion of Mr. Driskill that was seconded by Ms. Wheaton the meeting adjourned at 7:36 P.M., until November 8, 2023, at 7:00 p.m.

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

AT A MEETING OF THE AMHERST TOWN COUNCIL, HELD ON OCTOBER 11, 2023, IN THE TOWN HALL BUIDLING LOCATED AT 174 S. MAIN STREET, AMHERST, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting a Special Use Permit SUP-2023-0xx to allow a bed and breakfast at 146 North Main Street, Amherst, Virginia.

WHEREAS, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, Section 15.2-2286(A)(3) of the Code of Virginia enables the Amherst Town Council to grant special use permits under suitable regulations and safeguards; and

WHEREAS, Jeremiah and Andrea Kirkland filed an application requesting to amend the zoning ordinance to allow a bed and breakfast in a residential district and an application for said special use permit; and

WHEREAS, the subject property is zoned Residential (R-2); and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impacts of the SUP; and

WHEREAS, pursuant to Virginia Code Section 15.2-2204, the Amherst Planning Commission advertised as required by law and held a public hearing on this application on August 2, 2023 and voted to recommend not approving this request to Council; and

WHEREAS, pursuant to Virginia Code Section 15.2-2204, the Amherst Town Council advertised as required by law and held a public hearing on October 11, 2023.

NOW, THEREFORE, BE IT ORDAINED, by the Amherst Town Council in accordance with Sections 24-227 and 24-235 of the Amherst Zoning Ordinance, public necessity, convenience, general welfare, and good zoning practice, SUP-2023-0xx is approved to allow short term rentals at 146 North Main Street, Amherst, Virginia with the following conditions:

- (1) The Special Use Permit shall only apply to the use of the duplex unit as a bed and breakfast unit, and shall only apply to the garage structure if the living space is compliant with the Accessory Dwelling Unit zoning and Building Code requirements.
- (2) A maximum of two rental units shall be allowed on the property, and only if all dwelling units on the property meet zoning requirements.
- (3) The property owner shall live on the property while the short-term rental use is in effect.
- (4) If the property owner will not be home for the night while the property is being rented, they will have a responsible property manager on site for the night.
- (5) Quiet hours shall be from 10 p.m. to 7 a.m., consistent with the Town’s adopted noise ordinance.
- (6) Occupancy in the duplex rental unit shall be limited to four people.
- (7) Occupancy in the garage unit shall be limited to two people.
- (8) Camping, overnight stays in RV's or other motor vehicles is prohibited.

(9) All guest parking must be off-street parking.

ADOPTED BY THE AMHERST TOWN COUNCIL ON OCTOBER 11, 2023.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of the Council



MOTION: Janice N. Wheaton
SECOND: Michael Driskill

Regular Meeting
October 11, 2023
Ord. No. 231011A

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 20 ("TRAFFIC AND VEHICLES"), ARTICLE I (IN GENERAL), BY REPEALING THEREIN §20-8 ("OPERATION OF BICYCLES ON CERTAIN SIDEWALKS") AND §20-9 ("OPERATION OF SKATEBOARDS ON CERTAIN SIDEWALKS"), TO RESOLVE A CONFLICT WITH §20-10 ("BICYCLES AND SKATEBOARDS TO YIELD TO PEDESTRIANS ON SIDEWALKS").

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

WHEREAS, Amherst Town Code Sections 20-8 and 20-9 regulating bicycles and skateboards on sidewalks were previously adopted by the Amherst Town Council on August 8, 2007; and

WHEREAS, on June 8, 2022, Town Council passed Ordinance Section 20-10 regarding bicycles and skateboards on sidewalks that is in contradiction to Sections 20-8 and 20-9; and

WHEREAS, at the time it passed Ordinance §20-10, Council did not repeal Ordinance §§20-8 and 20-9; and

WHEREAS, the Amherst Town Council desires to repeal Sections 20-8 and 20-9 of the Amherst Town Code to eliminate the conflict; and

WHEREAS, the proper advertisement and public hearing were 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 Sections 20-8 and 20-9 of the Amherst Town Code of Ordinances are hereby repealed.

~~Sec. 20-8 Operation of Bicycle on Certain Sidewalks~~

~~No person shall ride a bicycle on a sidewalk. Each violation of this section shall constitute a class 4 misdemeanor.~~

~~Sec. 20-9 Operation of Skateboards on Certain Sidewalks~~

~~No person shall ride a skateboard on a sidewalk. Each violation of this section shall constitute a class 4 misdemeanor.~~

ADOPTED BY THE AMHERST TOWN COUNCIL ON October 11, 2023.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council



MOTION: Michael Driskill
SECOND: Janice N. Wheaton

Regular Meeting
October 11, 2023
Ord. No. 231011B

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE TOWN OF AMHERST CODE OF ORDINANCES TO ADD PROVISIONS TO CHAPTER 24 – ZONING AND SUBDIVISIONS TO INCLUDE PROVISIONS FOR FLAG LOTS.

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, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, this amendment of the Town of Amherst Zoning Ordinance is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, as amended; 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 the Town of Amherst Zoning Ordinance is amended and reenacted as follows:

Sec. xx.xx Flag Lots

The creation of flag lots will only be considered in those instances where topographic constraints or unusual existing lot lines make this type of arrangement the only feasible way to develop the tract.

Flag lots must meet the following criteria:

- a. Each flag lot must have a minimum of 25 feet of frontage on the street.
- b. The required minimum lot area shall meet the zoning ordinance requirement of the district in which it is located and shall not include the area of the long narrow “flagpole” portion.
- c. The development of one flag lot behind another flag lot shall be prohibited.
- d. A home on a flag lot must meet all setbacks within the “flag” portion of the lot, not including the “pole” portion of the lot.

- e. Additional prohibitions regarding lots apply to the Ambriar Access Area, as outlined in Section 24-435.

This ordinance was adopted on October 11, 2023.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of the Council