

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on December 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	P	Andra Higginbotham
P	Janice N. Wheaton	P	Michael Driskill
P	Sharon W. Turner	P	Kenneth S. Watts

Also present were the following staff members:

Sara E. McGuffin	Town Manager	Ryan Watts	Police Captain
Kelley Kemp	Town Attorney	Gary Williams	Director of Plants
Vicki K. Hunt	Clerk of Council	Gary P. Smith, Jr.	Plants Maintenance Supervisor
Bobby Shiflett	Police Chief	Becky Cash	Plants Operator

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

Mayor Tuggle opened the floor to citizen comments.

Sonny Sundaramurthy, Town of Amherst resident, came forward in support of code amendments that would bring legally non-conforming properties to conforming properties.

Jerry Martin, Town of Amherst business owner, came forward in opposition to the existing ordinance on surface treatment of commercial driveways and parking areas which, if enforced due to a complaint, could close a business.

Steve Martin, Town of Amherst business owner, came forward in opposition of the existing code section on commercial surface treatment of driveways and parking areas expressing concern that enforcement of the existing code due to a complaint could be financially detrimental to small business owners and close businesses.

Clerk of Council Hunt read a written statement from Chad Eby, Town of Amherst resident, in favor of approval of the Deed of Gift of Easement for a future park.

Bill Kershner, Town of Amherst resident, came forward in favor of approval of the Deed of Gift of Easement for a future park to protect the beauty of the land, reminding Council that it is their job to keep good the well-being of the Town citizens as well as the economy.

Harold Thompson, Town of Amherst resident, came forward in favor of approval of the Deed of Gift of Easement for a future park sharing that the location has much to offer to Town citizens and will attract visitors to the Town.

David Thomas, Town of Amherst resident, came forward in favor of approval of the Deed of Gift of Easement for a future park providing young adults and senior citizens with activities and helping Amherst grow.

Tim Ware, Town of Amherst business owner, came forward in favor of approval of the Deed of Gift of Easement for a future park which could include bike trails and other activities as requested by Town citizens.

Barry Thompson, Town of Amherst resident, came forward in opposition to approval of the Deed of Gift of Easement for a future park requesting due diligence assessment of future cost involved in a park project.

Sara Pope, Town of Amherst resident, came forward in favor of approval of the Deed of Gift of Easement that could provide a future destination park for visitors and connection of trails.

Suny Monk, Town of Amherst resident and President of Second Stage, came forward in favor of an additional park in the Town for outdoor activities.

Bridgett Campbell, Town of Amherst resident, came forward in favor of approval of the park sharing how important it is that her children and others have a place to enjoy the outdoors.

Paul Kilgore, Town of Amherst resident, came forward in favor of approval of the Deed of Gift of Easement for a future park explaining that his intention was only to make a gift to the Town.

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

Ms. Turner made a motion that was seconded by Mr. Driskill to approve the minutes of the meeting held on November 8, 2023, as presented.

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	Kenneth Watts	Abstain

Ms. Turner made a motion that was seconded by Mr. Higginbotham to approve the minutes of the meeting held on November 29, 2023, 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	Kenneth Watts	Aye

Ms. Turner made a motion that was seconded by Mr. Watts to approve the November 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	Kenneth Watts	Aye

Town Manager McGuffin gave an update on conditions and language contained in a proposed Deed of Gift of Easement by and between Ambler Farm, L.L.C. and Town of Amherst, Virginia, conveying to the town for public purposes property consisting of 22.157 acres, more or less, located in the Town of Amherst, Amherst County, Virginia, fronting on Route 29 (South Main Street). Staff recommended approval of the Deed of Gift of Easement.

Mr. Watts made a motion that was seconded by Mr. Driskill to approve the Deed of Gift of Easement by and between Ambler Farm, L.L.C. and Town of Amherst, Virginia, conveying to the town for public purposes property consisting of 22.157 acres, more or less, located in the Town of Amherst, Amherst County, Virginia.

After discussion, the motion failed 2-3 via the roll call method as follows:

D. Dwayne Tuggle		Andra Higginbotham	Nay
Janice N. Wheaton	Nay	Michael Driskill	Aye
Sharon Turner	Nay	Kenneth Watts	Aye

Town Manager McGuffin reported that with the failure of acceptance of the Deed of Gift of Easement of 22.157 acres, staff recommends setting a public hearing on consideration of an amendment to the Town’s Future Land Use, Section 13, Land Use Profile on the property from public use to B-1 Light Commercial District.

Ms. Turner made a motion that was seconded by Ms. Wheaton to hold a public hearing at the January 10, 2024, Town Council meeting on consideration of an amendment of the Town’s Future Land Use, Section 13, Land Use Profile, on property generally known as the “Ambler property,” and designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, from public use to B-1 Light Commercial District, 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	Kenneth Watts	Nay

Ms. Turner made a motion that was seconded by Mr. Higginbotham to reimburse Paul Kilgore for expenses he incurred related to the proposed gift of 22.157 acres located in the Town of Amherst.

Town Manager McGuffin requested that if the motion is passed that an \$18,000.00 cap be placed on the amount to be reimbursed.

Ms. Turner amended the motion, which was seconded by Mr. Higginbotham, to reimburse Paul Kilgore for expenses that he incurred related to the proposed gift not to exceed \$18,000.00.

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

D. Dwayne Tuggle		Andra Higginbotham	Nay
Janice N. Wheaton	Nay	Michael Driskill	Abstain
Sharon Turner	Aye	Kenneth Watts	Nay

Town Manager McGuffin reported that public hearings were held by the Planning Commission on August 2, 2023, and by Town Council on November 8, 2023, on consideration of a proposed amendment to the Town’s zoning ordinance that, if approved, would allow more than one accessory unit on a residential lot, and on consideration of a proposed amendment to the Town’s zoning ordinance that would, if approved, allow more than one dwelling unit on a lot based on the underlying zoning district and/or size of parcel. At its meeting on October 4, 2023, the Planning Commission unanimously voted to recommend approval of the amendment allowing up to two accessory units based on the underlying zoning district and/or size of parcel for a total of three dwellings on a lot. At its meeting on November 8, 2023, Town Council directed that the matter be returned to the Planning Commission for clarification on their recommendation pertaining to number of accessory dwellings allowed. On December 6, 2023, Town Manager was directed by the Planning Commission to report a divided recommendation of 4-2 that a lot may contain a single family residence containing two dwelling units and one additional building containing one dwelling unit, for a total of three dwelling units.

Ms. Turner made a motion that was seconded by Mr. Watts to approve a code amendment to enact a new code section, Dwelling Units Accessory to Single-Household Residences, allowing no more than three dwelling units contained in no more than two structures, as recommended by the Planning Commission and 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	Kenneth Watts	Aye

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

Town Manager McGuffin reported that The Virginia Department of Health (VDH) has granted the Town’s application for drinking water construction funds under the Federal Bipartisan Infrastructure Law (BIL) and awarded funds in the amount of \$250,000.00 as principal forgiveness to assist in the required Land Service inventory. Staff recommended acceptance of the award.

Mr. Driskill made a motion that was seconded by Ms. Wheaton to accept the award of \$250,000.00 from VDH to assist in the required Land Service Inventory, 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	Kenneth Watts	Aye

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, on motion of Mr. Higginbotham that was seconded by Ms. Wheaton the meeting adjourned at 8:17 P.M., until January 10, 2024, 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	Kenneth S. Watts	Aye

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council



MOTION: Sharon Turner
SECOND: Kenneth Watts

Regular Meeting
December 13, 2023
Ord. No. 231213

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 DWELLING UNITS ACCESSORY TO SINGLE-HOUSEHOLD RESIDENCES.

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- Dwellings units accessory to single-household residences.

Dwelling units, which include guest houses, garage apartments, additional dwellings within a home, mother-in-law dwellings, and other residential accommodations, may be established accessory to a single-household residence either in the principal dwelling or as a detached accessory structure subject to the following provisions:

- (a) Accessory dwelling units within the home shall retain the appearance of a single household residence, or be located in an accessory structure located in the rear yard and outside the required setback lines for principal structures.
- (b) The number of dwellings shall not exceed the limits established in the applicable zoning district.

- (c) One additional accessory dwelling may be allowed above the limits established in the applicable zoning ordinance, if the additional unit meets the area requirements for subdivision for the district, meets all primary dwelling setbacks, and meets the requirements for water and wastewater provision.
- (d) Accessory dwellings shall comply with all applicable parking, building coverage and density requirements.
- (e) No lot shall contain more than two accessory dwellings, for a total of three dwellings on a lot, which in the case of three total dwellings, shall be contained in no more than two structures, in that where there are a total of three dwelling units on a lot, two of them must be contained within the same structure.
- (f) Before a zoning certificate will be issued for development of an accessory dwelling unit, acceptable provision for water and wastewater must be obtained.

This ordinance was adopted on December 13, 2023.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of the Council