

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on July 10, 2024, 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 |
| A | 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            |
| Tracie Morgan    | Dep. Town Manager/Treas. | Gary Smith    | Plants Maintenance Supervisor |
| Vicki K. Hunt    | Clerk of Council         | Becky Cash    | Water/Wastewater Operator     |

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Harold Thomas.

Mayor Tuggle gave a report on completion of the process to select a new Police Chief. The process included recruitment, screening, and interviews by a qualified firm, followed by interviews by Town Council.

Mr. Driskill made a motion that was seconded by Ms. Turner to approve and appoint Ryan Watts as the Amherst Police Chief.

There being no discussion, the motion carried 2-0-1 via the roll call method as follows:

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

The appointment was followed by the award and pinning of new Police Chief Watts by his wife, Kristina, and Interim Police Chief Greg Harler.

Plants Maintenance Supervisor Smith gave a report on a proposed amendment to Town Code Chapter 12, Offenses and Miscellaneous Provisions that would, if approved, add new provisions for unauthorized use of water from fire hydrant, and tampering, damaging Town property.

Mayor Tuggle opened a duly advertised public hearing on the proposed amendments to Town Code Chapter 12, Offenses and Miscellaneous Provisions at 7:06 P.M.

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

Mr. Watts made a motion that was seconded by Mr. Driskill to approve the proposed amendments to Town Code Chapter 12, Offenses and Miscellaneous Provisions adding new provisions to include unauthorized use of water from fire hydrant, and tampering, damaging Town property, as recommended by staff.

There being no discussion the motion carried 3-0 via the roll call method as follows:

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

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

Town Manager McGuffin gave a report on the following proposed sign amendments:

- (a) Sec. 24-576(g) – Signs permitted in all sign districts, allowing provisions for signs and/or flags to be displayed during business hours, and (h) providing for LED signs inside of business windows;
- (b) Sec. 24-580(7) - Signs prohibited in all sign districts, prohibiting flutter flags as permanent signs;
- (c) Section 24-2(g) – Definitions and Rules of Construction, to amend the definition of “signs.”

Mayor Tuggle opened a duly advertised public hearing at 7:18 PM on the proposed amendment to Town Zoning Ordinance Chapter 24-2(g), Definitions and Rules of Construction, that would, if approved, amend the definition of “signs.”

Sonny Sundaramurthy, Town of Amherst resident, came forward in opposition of the proposed amended definition of signs and proposed restrictions placed on inside LED signs.

Angela Sundaramurthy, Town of Amherst resident and business owner, came forward in opposition to limiting the amount of LED signs inside of a business.

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

Mayor Tuggle opened a duly advertised public hearing at 7:15 PM on the proposed new provision to Town Zoning Ordinance Sec. 24-580(7) - Signs prohibited in all sign districts, prohibiting flutter flags as permanent signs.

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

Mayor Tuggle opened a duly advertised public hearing at 7:16 PM on the proposed new provision to Town Zoning Ordinance Sec. 24-576(g) – Signs permitted in all sign districts, allowing provisions for signs and/or flags to be displayed during business hours, and (h) providing for LED signs inside of business windows.

There being no one present or otherwise who wished to speak on the matter, the public hearing closed at 7:16 p.m.

Town Manager McGuffin recommended that the entirety of the sign ordinance be remanded to the Planning Commission for review and revision for presentation to Town Council.

Ms. Turner made a motion that was seconded by Mr. Watts to direct the Planning Commission to review and revise the sign ordinances, as recommended by staff.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

The matter was deferred.

Tobey Thurston came forward on behalf of the Apple Harvest Festival to request permission for a partial street closure of Lancer Lane for the festival to be held on October 19-20, 2024.

Ms. Turner made a motion that was seconded by Mr. Driskill to approve the request for the partial street closure and direct staff to prepare the application for street closure permit from VDOT.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

Ms. Turner made a motion that was seconded by Mr. Watts to approve a Resolution honoring former Police Chief Robert A. Shiflett II, commemorating his service and accomplishments to the Town of Amherst.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

The resolution was presented to Robert A. Shiflett by Mayor Tuggle.

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

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 other comments were made.

Ms. Turner made a motion that was seconded by Mr. Watts to approve the minutes of the meeting held on June 12, 2024, as presented.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

Ms. Turner made a motion that was seconded by Mr. Driskill to approve the minutes of the meeting held on June 27, 2024, as presented.

There being no discussion, the motion carried 2-0-1 via the roll call method as follows:

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

Mr. Watts made a motion that was seconded by Mr. Driskill to approve the June 2024 check registry as presented with the exception of Item #6160 Hill Hardware.

There being no discussion, the motion carried 3-0 via the roll call method as follows:

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

Mr. Watts made a motion that was seconded by Mr. Driskill to approve Item #6160 Hill Hardware on the June 2024 check registry, as presented.

There being no discussion, the motion carried 2-0-1 via the roll call method, as follows:

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

Deputy Town Manager/Treasurer Morgan gave a report on bids received in response to the Request for Proposal for Advanced Metering Infrastructure. Staff recommended award of the bid to Consolidated Pipe in the amount of \$511,992.00 with an annual cost of \$16,300.00 as stated in the proposal, and further requested an appropriation of \$572,000.00 from the water fund to cover the cost of the proposed contract plus an additional \$60,000.00 in contingencies for any unexpected costs associated with the project.

Mr. Driskill made a motion that was seconded by Mr. Watts to award the bid for Advanced Metering Infrastructure to Consolidated Pipe in the amount of \$511,992.00 and appropriate \$572,000.00 to the project from the water fund.

After discussion, the motion carried 3-0 via the roll call method, as follows:

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

Town Manager McGuffin gave a report on existing vacancies on various boards.

Mr. Driskill made a motion that was seconded by Mr. Watts to make a recommendation to the Circuit Court for the appointment of the following individual to the board and for the term listed below subject to his willingness to serve.

| Board                   | Appointed         | Term of Office      |
|-------------------------|-------------------|---------------------|
| Board of Zoning Appeals | Jason David Eagle | 09/01/24 – 08/31/29 |

There being no discussion, the motion carried 3-0 via the roll call method, as follows:

|                   |        |                    |        |
|-------------------|--------|--------------------|--------|
| D. Dwayne Tuggle  |        | Andra Higginbotham | Absent |
| Janice N. Wheaton | Absent | 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. Driskill and seconded by Ms. Turner at 7:37 PM the meeting adjourned until August 14, 2024, at 7:00 p.m.

The motion carried 3-0 as follows:

|                   |        |                    |        |
|-------------------|--------|--------------------|--------|
| D. Dwayne Tuggle  |        | Andra Higginbotham | Absent |
| Janice N. Wheaton | Absent | Michael Driskill   | Aye    |
| Sharon Turner     | Aye    | Kenneth S. Watts   | Aye    |

\_\_\_\_\_  
D. Dwayne Tuggle, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council



**MOTION:** Kenneth Watts  
**SECOND:** Michael Driskill

**Regular Meeting**  
**July 10, 2024**  
**Ord. No.240710**

## **ORDINANCE OF THE TOWN OF AMHERST**

### **AN ORDINANCE AMENDING THE TOWN OF AMHERST CODE OF ORDINANCES TO ADD PROVISIONS TO CHAPTER 12 – OFFENSES AND MISCELLANEOUS PROVISIONS TO INCLUDE UNAUTHORIZED USE OF WATER FROM FIRE HYDRANT, AND TAMPERING, DAMAGING TOWN PROPERTY.**

**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**, the Town Council wishes to add new provisions to include unauthorized use of water from fire hydrants and to protect the town's utilities; 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 12 of Town of Amherst Town Code is amended and reenacted as follows:

#### **SEC. xx-xx UNAUTHORIZED USE OF WATER FROM FIRE HYDRANT.**

No person shall take or use any water from a fire hydrant or other outlet connected with mains supplied with water by the waterworks of the Town for any purpose other than the extinguishing of a fire by duly recognized fire department personnel, unless such use shall have been first authorized by the Town Manager in writing, and in the event such use is not for a public purpose in the Town, until and unless the charge for any such water to be so taken or used shall be paid in advance or agreed to be paid. Unless otherwise specifically provided, any person convicted of a violation of this section shall be held responsible for any fiscal liabilities associated with the unauthorized use and shall be guilty of a class one misdemeanor.

#### **SEC. xx-xx TAMPERING, DAMAGING TOWN PROPERTY.**

It shall be unlawful for any person to open or tamper with, including the obstruction of, any water meter, meter box, lid, valve, valve box, manhole, fire hydrant, pipe, fence, building, reservoir or any property of the town used in connection with the town's water and sewer system. The town shall have the right to discontinue service to the property on which the tampering occurred and/or remove the obstruction, including, but not limited to, the towing of vehicles blocking access to the

towns water meters or other facilities, without liability therefore, in order to protect the health and safety of its customers, prevent or stop the theft of service and to access, repair or maintain its infrastructure, incidents of tampering with or obstruction of town utility facilities shall be reported to the town police department or other appropriate law enforcement agency for investigation and may be prosecuted civilly or criminally pursuant to the code of Virginia.

This ordinance was adopted on July 10, 2024.

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D. Dwayne Tuggle, Mayor

ATTEST:

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Clerk of the Council

**Resolution**  
of the  
**Town Council of the Town of Amherst**

**WHEREAS**, Robert A. Shiflett II was appointed and agreed to serve as the Town of Amherst Police Chief from November 27, 2017, through March 31, 2024; and

**WHEREAS**, Robert A. Shiflett, II, during his career in law enforcement, worked at the Albemarle County Sheriff's Office and the Louisa Police Department; and

**WHEREAS**, Robert A. Shiflett II, through dedication and hard work, led the Town of Amherst Police Department in becoming the smallest police department to become a State Accredited law enforcement agency; and

**WHEREAS**, Robert A. Shiflett, II, for the betterment of the police department and the Town, worked with passion and perseverance to grow the department by keeping it current with state of the art equipment and vehicles and overseeing renovations of the new police department building; and

**WHEREAS**, Robert A. Shiflett, II has rendered loyal and dedicated service to the residents of the Town of Amherst and surrounding area through the establishment of programs and events that gave the department the opportunity to interact with the community in a positive way. The annual Toy Drive, Halloween Trunk or Treat, and the First Responders Parade and Celebration have become long-standing traditions bringing joy to residents and visitors alike because of his efforts; and,

**WHEREAS**, the Town Council of the Town of Amherst wishes to acknowledge the services that Robert A. Shiflett, II has given to his community and also to express its appreciation for all that he has done and will continue to do for the Town of Amherst; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Robert A. Shiflett, II 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 Robert A. Shiflett, II's tenure as Police Chief for the Town of Amherst; 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 Robert A. Shiflett, II 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 July 10, 2024.

\_\_\_\_\_  
D. Dwayne Tuggle, Mayor

Attest:

\_\_\_\_\_  
Clerk of Council