

Vice Mayor Andra Higginbotham called a regular monthly meeting of the Amherst Town Council to order on January 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:

A	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	Bobby Shiflett	Police Chief
Kelley Kemp	Town Attorney	Ryan Watts	Police Captain
Vicki K. Hunt	Clerk of Council	Gary Williams	Director of Plants
Tracie Morgan	Office Manager	Becky Cash	Plants Operator

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Sharon Turner.

Allison Jordan, Executive Director of Iron Lives, Incorporated, came forward on behalf of the group to request Town Council’s support for the 13th Annual IRON 5k Run/Walk event that would occur on May 5, 2024, and allow road closures for the event with the understanding that IRON would fully fund sufficient traffic control for the activity as required by the police chief.

Mr. Watts made a motion that was seconded by Ms. Wheaton to support the event and allow road closures.

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

Vice Mayor Higginbotham 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, designating property consisting of 22 acres, 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.

Town Manager McGuffin reported that the Planning Commission, after ratification, held a duly advertised public hearing at its meeting on January 3, 2024, to considered a motion to recommend approval and re-adoption of the amended Comprehensive Plan and the Future Lane Use Map to return property consisting of 22 acres, 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 from public use to B-1 Light Commercial District. The motion failed (3 ayes, 1 nay, 2 abstain) due to a lack of a majority vote, and as such sent a divided recommendation to Council. Staff requested that Council adopt a resolution amending the Town’s Future Land Use Map returning the twenty-two acres of land to its original designation for commercial use.

Paul Kilgore, Town of Amherst resident, came forward in opposition to amending the Town’s existing Comprehensive Plan that would return the property to its original designation for commercial use.

Mark Popovich, Amherst County Attorney, came forward requesting that council not amend the existing Comprehensive Plan that currently designates the property for public use. Mr. Popovich was also present to answer questions from council pertaining to the county’s desired use of the property.

Angela Sundarmurthy, Town of Amherst resident and business owner, came forward requesting that council not amend the existing Comprehensive Plan that currently designates the property as public use.

There being no one else present who wished to speak on the matter, the public hearing was closed at 7:12 p.m.

Ms. Turner made a motion that was seconded by Ms. Wheaton to adopt the resolution approving amendment and re-adoption of the Town of Amherst Comprehensive Plan, Section 13, Land Use Profile, designating property consisting of 22 acres, generally known as the “Ambler property,” 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.

Council members discussed the matter and requested specific information from both Town Attorney Kemp and County Attorney Popovich.

Hugh Dietrich, Town of Amherst resident, who requested and was allowed to speak, questioned who would profit if solar panels were installed on the property.

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

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

Vice Mayor Higginbotham opened the floor to citizen comments.

Steve Martin, Town of Amherst business owner, came forward to encourage all town residents to come to or watch council meetings, and to question why his business was singled out as being non-compliant with the existing code section on commercial surface treatment of driveways and parking.

Jerry Martin, Town of Amherst business owner, came forward questioning why council members are allowed to vote on complaints made by family members and in opposition to the existing ordinance on surface treatment of commercial driveways and parking areas.

Robert Villwock, Town of Amherst resident, came forward in disagreement to Council recent decisions concerning the proposed park, and that council member decisions were made without explanation to citizens.

Sonny Sundaramurthy, Town of Amherst resident, came forward to remind council that good people continue to be hurt by Town ordinances and supporting code amendments that would bring legally non-conforming properties to conforming properties, specifically referring to the ordinances on surface treatment of commercial driveways and parking areas.

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. Watts to approve the consent agenda items consisting of minutes of the meeting held on December 13, 2023, and the December 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 and Office Manager Morgan reported that the Town's current budget appropriated funds in the amount of \$100,000 for an addition to the Town Maintenance Shop, after which bids for the project were received and rejected. Staff having determined that project contract details could be administered by Gordian through a State contract, staff received a contract from Harrisonburg Construction Co. in the amount of \$156,802.33. Staff recommended execution of the contract in the amount of \$156,802.33 and requested appropriation of an additional \$60,000.00 to cover the remaining cost of the project and any possible changes, with \$20,000 to be appropriated to the General Fund, the Water Fund, and the Sewer Fund, respectively.

Ms. Wheaton made a motion that was seconded by Mr. Driskill to execute the contract from Harrisonburg Construction Co. in the amount of \$156,802.33 and appropriate an additional \$60,000.00 to cover the remaining cost of the project and any possible changes, with \$20,000 to be appropriated to the General Fund, the Water Fund, and the Sewer Fund, respectively, 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

Town Manager McGuffin gave a report on renewal of the Town's Water Withdrawal Permit from the Department of Environmental Quality (DEQ) allowing the Town to withdraw raw water from the Buffalo River for treatment at the Water Treatment Plant. Staff requested appropriation in the amount of \$10,000.00 from the Water Fund Reserve for the cost of the permit.

Mr. Watts made a motion that was seconded by Ms. Wheaton to approve appropriation of \$10,000.00 from the Water Fund Reserve for cost of the water withdrawal permit from the Department of Environmental Quality, 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

Vice Mayor Higginbotham opened the floor to citizen comments.

Fred Loving, Amherst Fire Department Archivist, came forward to speak on historical photographs,

documents, and artifacts housed at the Fire Department.

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 Ms. Wheaton that was seconded by Ms. Turner the meeting adjourned at 8:14 P.M., until February 14, 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

FOR APPROVAL