

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on December 11 , 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
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	Dante Robinson	Police Captain
Tracie Morgan	Dep. Town Manager/Treas.	Charles Thompson	Utilities Maintenance Foreman
Kelley Kemp	Town Attorney-Remote	Becky Cash	Water/Wastewater Operator
Vicki K. Hunt	Clerk of Council		

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

Mayor Tuggle opened the floor to citizen comments.

Mr. Watts made a motion that was seconded by Mr. Driskill to approve a Resolution honoring Sharon Watts Turner, commemorating her service on Town Council and accomplishments to the Town of Amherst.

There being no discussion the motion carried 4-0 as follows:

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

The resolution was presented to Ms. Turner by Mayor Tuggle.

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

Town Manager McGuffin gave a report on a proposed lease between Town of Amherst and Amherst Mountain Biking Club. The purpose of the lease is to allow Amherst Mountain Biking Club to construct a trail system in certain areas within Brockman Industrial Park, consisting of portions of TM# 96-5-1, 2, 3, 4, 5, 6, 7, 8, 9A, 12, 13, 14, 15, 16, 96A13, 96A36 and 96A37. The trail system would include beginner, intermediate and advanced biking trails.

Mayor Tuggle opened a duly advertised public hearing at 7:07 p.m. on the proposed lease between Town of Amherst and Amherst Mountain Biking Club which would, if approved, would allow Amherst Mountain Biking Club to construct a multiuse trail system within certain areas of Brockman Industrial Park.

Mike Hansen, President of Amherst Mountain Mike Club, was present to speak on behalf of the Club and to answer questions.

There being no one else present in person or otherwise who wished to speak, the public hearing closed at 7:12 P.M.

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.

Ms. Wheaton made a motion that was seconded by Ms. Turner to approve the minutes of the meeting held on November 13, 2024, 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	Kenneth Watts	Aye

Mr. Watts made a motion that was seconded by Mr. Driskill to approve the November 2024 check registry as presented with the exception of Item #6417 Hill Hardware in the amount of \$232.06.

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	Kenneth Watts	Aye

Ms. Wheaton made a motion that was seconded by Mr. Watts to approve Item #6417 Hill Hardware, in the amount of \$232.06, on the November 2024 check registry, as presented.

There being no discussion, the motion carried 3-0-1 via the roll call method, as follows:

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

Town Manager McGuffin gave a report on a proposed Resolution requesting the Virginia Department of Transportation to conduct a speed reduction study for that portion of Sunset Drive situated in the Town of Amherst, Virginia. Staff recommended that Council adopt the Resolution for VDOT to evaluate the possibility of reducing the speed limit on Sunset Drive.

Mr. Watts made a motion that was seconded by Ms. Turner to adopt the Resolution requesting that VDOT conduct a speed reduction study for Sunset Drive, 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	Kenneth Watts	Aye

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

Town Manager McGuffin gave a report on consideration of a Finding of Substantial Accord for the use of Brockman Industrial Park for multiuse trails by the Amherst Mountain Biking Club, noting that §15.2-2232 of the Code of Virginia indicates that no public utility facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof, and in connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing after notice. After holding a public hearing on December 5, 2024, the Planning Commission made a finding that the use of portions of the property located in Brockman Park, designated as TM# 96-5-1, 2, 3, 4, 5, 6, 7, 8, 9A, 12, 13, 14, 15, 16, 96A13, 96A36 and 96A37, suitable for a bike trail system, is in substantial accord with the Comprehensive Plan. Staff requested that Council validate the finding of substantial accord.

By consensus Council affirmed that the use of portions of property located in Brockman Industrial Park, suitable for a bike trail system, is in substantial accord with the Town's Comprehensive Plan, as recommended by the Planning Commission and by staff.

Town Manager McGuffin requested that Council approve adoption of the proposed lease between Town of Amherst and Amherst Mountain Biking Club which would allow the Club to construct a multiuse trail system within certain areas of Brockman Industrial Park.

Mr. Wheaton made a motion that was seconded by Ms. Turner to approve the lease between Town of Amherst and Amherst Mountain Biking Club and allow the Club to construct a multiuse trail system within certain areas of Brockman Industrial Park.

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	Kenneth Watts	Aye

Town Attorney Kemp and Town Manager McGuffin reported on a proposed Resolution to request an opinion from the Virginia Attorney General regarding the scope of authority extended to localities under Virginia Code §46.2-1300. The resolution requests clarification of the law contained in §46.2-1300 on the ability of localities to change speed limits within their jurisdiction.

Mr. Watts made a motion that was seconded by Mr. Driskill to adopt the Resolution to request an opinion from the Virginia Attorney General on clarification of the law contained in §46.2-1300, 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	Kenneth Watts	Aye

A copy of the Resolution is attached hereto 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 comments were made.

There being no further business, on motion of Ms. Wheaton and seconded by Ms. Turner at 7:27 PM, the meeting adjourned until January 8, 2025, 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	Kenneth S. Watts	Aye

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D. Dwayne Tuggle, Mayor

ATTEST:

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Clerk of Council

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

**WHEREAS**, Sharon Watts Turner, is a highly respected citizen and a long-time resident of the Town of Amherst; and

**WHEREAS**, Sharon Watts Turner was first appointed to Town Council as an interim council member serving from August 2019 through December 2019. She was then elected and agreed to serve as a council member from November 2020 through December 31, 2024; and,

**WHEREAS**, Sharon Watts Turner, was first appointed and agreed to serve on the Town of Amherst Industrial Development Authority, now the Economic Development Authority, on January 11, 2017, and continues to serve as Chairman of the Authority; and,

**WHEREAS**, Sharon Watts Turner, has demonstrated a great interest in the welfare of this community through loyal and dedicated service to the residents of the Town of Amherst during her career in public service; and,

**WHEREAS**, the Town Council of the Town of Amherst wishes to acknowledge the services that Sharon Watts Turner, has given to this community and also to express its appreciation for all that she 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 Sharon Watts Turner, 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 Sharon Watts Turner's tenure on the Town Council of 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 Sharon Watts Turner, as a token of the Council's deep appreciation for her 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 December 11, 2024.

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D. Dwayne Tuggle, Mayor

ATTEST:

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Clerk of Council

**TOWN COUNCIL OF THE TOWN OF AMHERST**

MOTION: Kenneth S. Watt  
SECOND: Sharon W. Turner

Wednesday, December 11, 2024  
Regular Meeting  
Resolution No.: 2024-12-11A

**RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTION  
TO CONDUCT A SPEED REDUCTION STUDY FOR THAT PORTION OF SUNSET  
DRIVE SITUATED IN THE TOWN OF AMHERST, VIRGINIA**

**WHEREAS**, pursuant to §46.1-1300(A)(1), Code of Virginia, the Town of Amherst has authority to increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon a traffic engineering investigation; and,

**WHEREAS**, pursuant to §46.2-878(A) the Commissioner of Highways or other authority having jurisdiction over highways may increase and decrease the speed limits on any highway under its jurisdiction after a traffic engineering investigation; and,

**WHEREAS**, Sunset Drive is partially situated within the boundaries of the Town of Amherst; and,

**WHEREAS**, that portion of Sunset Drive situated within the boundaries of the Town of Amherst has multiple public ingresses and egresses that access multiple houses along its entire length; and,

**WHEREAS**, that portion of Sunset Drive situated within the boundaries of the Town of Amherst has multiple individual driveways on both sides, and

**WHEREAS**, that portion of Sunset Drive situated within the boundaries of the Town of Amherst is a two-lane highway with no divider separating opposing lanes, and,

**WHEREAS**, the Virginia Department of Transportation has established speed limits for motorist traveling along Sunset Drive; and,

**WHEREAS**, the current speed limit of 35 mph on that portion of Sunset Drive situated within the boundaries of the Town of Amherst is too high and poses a traffic safety hazard; and,

**WHEREAS**, it is the desire of the Town of Amherst Town Council to request Virginia Department of Transportation officials to consider reducing speed limits in certain areas of Sunset Drive to provide a safer traveling experience for motorists and pedestrians; and,

**NOW THEREFORE BE IT RESOLVED** that the Town of Amherst Town Council hereby requests that the Virginia Department of Transportation conduct a speed reduction study on that portion of Sunset Road situated within the boundaries of the Town of Amherst, Virginia.

Adopted this 11<sup>th</sup> day of December 2024.

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D. Dwayne Tuggle, Mayor

ATTEST:

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Clerk of Council

FOR APPROVAL

**TOWN COUNCIL OF THE TOWN OF AMHERST**

MOTION: Kenneth S. Watts  
SECOND: Michael Driskill

Wednesday, December 11, 2024  
Regular Meeting  
Resolution No.: 2024-12-11B

**RESOLUTION TO REQUEST AN OPINION FROM THE VIRGINIA  
ATTORNEY GENERAL REGARDING THE SCOPE OF AUTHORITY  
EXTENDED TO LOCALITIES UNDER VIRGINIA CODE §46.2-1300**

**WHEREAS**, on September 11, 2024, the Town of Amherst passed three ordinances that allow the Town to lower the speed limits on roads within the Town in certain, narrow circumstances; and

**WHEREAS**, the Town passed these ordinances under the enabling authority of Section 46.2-1300 of the Code of Virginia (1950) as amended; and

**WHEREAS**, the Virginia Department of Motor Vehicles disagrees that Virginia Code §46.2-1300 gives the Town the authority to change the speed limits within Town; and

**WHEREAS**, the Town of Amherst and the Virginia Department of Motor Vehicles have had numerous discussions and cannot come to an agreement as to the authority extended to the Town by Virginia Code §46.2-1300; and

**WHEREAS**, both parties would like to have guidance and clarity on the authority provided by Virginia Code §46.2-1300; and

**WHEREAS**, Section 2.2-505 of the Code of Virginia, (1950) as amended, states that the Attorney General shall render an advisory opinion when requested to do so by a town attorney if the question is directly related to the discharge of duties of the official requesting the opinion.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF AMHERST**, on this 11<sup>th</sup> day of December 2024, the Amherst Town Council does hereby direct the Town Attorney to request an official advisory opinion form the Virginia Attorney General under Virginia Code §2.2-505 as to the scope of authority extended to localities under Virginia Code §46.2-1300.

Adopted this 11<sup>th</sup> day of December 2024.

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D. Dwayne Tuggle, Mayor

ATTEST:

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Clerk of Council