

AMHERST TOWN COUNCIL
AGENDA – WEDNESDAY, AUGUST 8, 2018
REVISED
Meeting at 7:00 p.m.
Town Hall, 174 S. Main Street, Amherst, VA 24521

- A. Call to Order – 7:00 p.m. - Mayor Tuggle**
- B. Pledge of Allegiance** - *I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.*
- C. Invocation** - *Any invocation that may be offered before the official start of the Amherst Town Council meeting shall be the voluntary offering to, and for, the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the audience is required to attend or participate in the invocation, and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure by which a volunteer may deliver an invocation are available upon request at the Town Hall.*
- D. Citizen Comments** - *Per the Town Council's policy, any individual desiring to speak before the Council who has not met the agenda deadline requirement will be allowed a maximum of three minutes to speak before the Town Council. Any individual representing a bona fide group will be allowed a maximum of five minutes to speak before the Town Council. Placement on the agenda is at the Mayor's discretion.*
- E. Public Hearings and Presentations**
- 1. Recognition of staff-** *Council wishes to recognize the hard work and effort made by staff members to improve quality of life in the Town.*
 - 2. Local Government Council and Workforce Development Board-** *Mr. Gary Christie and Mr. Ben Bowman will be present from the Local Government Council and the Workforce Development Boards, respectively, to present their annual updates.*
- F. Consent Agenda** – *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended actions or discussed individually.*
- 1. Town Council Minutes (Pgs. 1-5)–** *Draft of the July 11, 2018 meeting is **attached**. Please let Vicki Hunt know of any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.*
- G. Correspondence and Reports**
- 1. Staff Reports (Pgs. 6-13)**
 - a. Town Manager Monthly Report – **attached**
 - b. Police Chief Monthly Report - **handout**
 - c. Office Manager Monthly Report - **attached**
 - d. Clerk of Council Monthly Report- **attached**
 - e. Public Works Monthly Reports- **attached**
 - f. Town Attorney Monthly Report – **attached**
 - 2. Council Committee Reports (Pgs. 14)**
 - a. Finance Committee– *Mrs. Carton*

- b. Community Relations – *Mr. Higginbotham*
- c. Utilities Committee – *Mr. Watts, minutes of meeting attached*

3. Other Reports (Pgs. 15-17)

- a. Robert E. Lee Soil and Water Conservation District
- b. Planning Commission Minutes, August 1, 2018

H. Discussion Items

1. **Substantial Accord for a potential Police Station-(Pg. 18-19)-** *Sara Carter- The Planning Commission considered the Substantial Accord determination for a police station to be considered for 127 West Court Street. They recommended approval unanimously. Staff recommends that the Council consider the Commission's recommendation and either confirm or deny their finding.*
2. **Resolution for purchase of 127 W. Court Street- (handout- roll call vote)-** *Sara Carter- Staff has prepared a resolution approving the purchase of 127 West Court Street, along with the attendant costs (surveying, appraisal, and title and deed work). Staff recommends approval of the resolution for the purchase.*
3. **Potential Code Amendment for Nonconforming lots- (Pg. 20)** *Sara Carter- The Planning Commission is having a public hearing regarding a possible code amendment to allow additional non-conforming lots to be developed in the Town, if property owners can meet setbacks and water and wastewater provisions. The Council is requested to set a public hearing for their September 12 meeting to consider the same.*
4. **End of Year Appropriation- (Pg. 21– roll call vote)-** *Tracie Wright- End of year financial reports show the water fund out of balance in the previous year's budget. Staff recommends appropriating \$44,668.56 from the water fund cash balance to the water fund for FY 2018.*

I. Matters from Staff

J. Matters from Town Council

K. Anticipated Town Council Agenda Items for Next Month

L. Citizen Comments

M. Adjournment

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on July 11, 2017, 2018, 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 Kenneth G. Bunch
A Andrá Higginbotham	P Mark A. Stinnett
P Kenneth S. Watts	P Rachel A. Carton

Town Manager Sara E. Carter, Town Attorney W. Thomas Berry, Clerk of Council Vicki K. Hunt, Police Chief Robert A. Shiflett, II, Director of Plants Gary Williams, Lead Water Operator Becky Cash, and Utilities Maintenance Foreman Charles Thompson, were present.

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

Mayor D. Dwayne Tuggle opened the floor for citizen comments. No comments were made.

Police Chief Shiflett, after giving special oral recognition to Lt. Greg Harler for his hard work and dedicated service to the Amherst Police Department and the Town of Amherst, promoted Lt. Greg Harler to Major.

Following a brief personal background summary from Kim Odell Stein on his application to serve on the Industrial Development Authority, Mr. Bunch made a motion that was seconded by Mr. Watts and carried 4-0-1 to approve Kim Odell Stein to the Industrial Development Authority for the term listed below. Mrs. Carton and Messrs. Watts, Bunch and Stinnett voted "Aye." Mr. Higginbotham was absent.

Board	Appointed	Term of Office
Industrial Development Authority	Kim Odell Stein	7/11/18 - 6/30/22

Anne Marie Roberts, Amherst Watershed Coordinator from the Robert E. Lee Soil and Water Conservation District, gave a presentation on the Memorandum of Understanding concerning the relationship between the District and the Town.

Larry Jackson, from Appalachian Power Company, presented an overview on the process to sell and grant a franchise for an electric power transmission and distribution system in the Town of Amherst which would, if approved, provide Appalachian Power Company actual legal standing to operate within rights of way issues.

After discussion, Mr. Watts made a motion that was seconded by Mr. Stinnett to approve an Ordinance Proposing to Sell and Grant a Franchise for an Electric Power Transmission and Distribution System in the Town of Amherst, Virginia, and Inviting Bids Therefore, as recommended by staff. The motion carried 4-0-1 with Mrs. Carton and Mr. Watts, Bunch and Stinnett voting "Aye" and Mr. Higginbotham absent. A copy of the Ordinance is attached and made a part of these minutes.

Derrick Brown, 112 Shadwell Lane, Madison Heights, VA, and Alonzo Matthews, 227 S. Coolwell Road, Madison Heights, VA, came forward to request Town Council support for the 8th Annual IRON 5k Run/Walk event that would occur on or about April 14, 2019, from 3pm to 5pm. Mrs. Carton made a motion that was seconded by Mr. Stinnett and carried 4-0-1 to endorse the event with the understanding that IRON would fully fund sufficient traffic control for the activity as required by the Police Chief and that confirmation of the specific date for the 5k Run/Walk will be made to Council by September 2018. Mrs. Carton and Messrs. Watts, Bunch and Stinnett voted "Aye." Mr. Higginbotham was absent.

Mrs. Carton made a motion that was seconded by Mr. Watts and carried 4-0-1 to approve the minutes from the June 13, 2018, meeting. Mrs. Carton and Messrs. Watts, Bunch and Stinnett voted "Aye." Mr. Higginbotham was absent.

Town Manager Carter reported that the Amherst Milling Company project cannot be required to use sprinklers for fire suppression as it does not meet the standard for sprinklers in the building code, yet sprinklers would enhance the safety of everyone who visits and provide additional protection to the property. Nate Young, Amherst County Building Official, was present to address questions from Council regarding the issue.

After discussion, Mr. Bunch made a motion that was seconded by Mrs. Carton to approve a Resolution to Authorize the Waiver and Sewer Availability and Connection Fees for the Amherst Milling Company as recommended by staff. The motion 4-0-1 via the roll call method with Mrs. Carton and Messrs. Watts, Bunch and Stinnett voting "Aye." Mr. Higginbotham was absent. A copy of the Resolution is attached and made a part of these minutes.

Mattie Nicholson, Sweet Briar Intern, presented a power point presentation on preliminary work on a new look for the Town's website stating that the go-live date is schedule for July 27, 2018.

By consensus of Council, Town Manager Carter is authorized to implement changes to the Water Truck Permit Application Fees & Water Accountability as recommended by Department of Utility Plants and staff.

Mayor D. Dwayne Tuggle opened the floor for citizen comments.

Utilities Maintenance Foreman Charles Thompson came forward in support of Sara Carter in her role as Town Manager.

Mayor Tuggle recessed the meeting at 8:08 PM.

Mayor Tuggle reconvened the meeting at 8:17 PM. The following members were present.

P D. Dwayne Tuggle	P Kenneth G. Bunch
A André Higginbotham	P Mark A. Stinnett
P Kenneth S. Watts	P Rachel A. Carton

At 8:17 PM, Mr. Stinnett made the following motion which was seconded by Mrs. Carton and carried 4-0-1 with Mrs. Carton and Messrs. Watts, Bunch and Stinnett voting in favor and Mr. Higginbotham absent: I move that the Town Council go into closed session pursuant to §2.2-3711A.1 of the Code of

Virginia as it relates to the evaluation of performance of the town manager; and pursuant to §2.2-3711A.3 of the Code of Virginia as it relates to the acquisition of real property for a public purpose.

At 8:42 PM, Mr. Stinnett read the certification, that the Town Council certify that to the best of each councilors' knowledge that (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 and §15.2-2907 of the Code of Virginia and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the session. The motion 4-0-1 via the roll call method with Mrs. Carton and Mr. Watts, Bunch and Stinnett voting "Aye." Mr. Higginbotham was absent.

There being no further business, the meeting adjourned on a motion by Mrs. Carton seconded by Mr. Watt at 8:42 P.M.

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

#1

AN ORDINANCE PROPOSING TO SELL AND GRANT A FRANCHISE FOR AN ELECTRIC POWER TRANSMISSION AND DISTRIBUTION SYSTEM IN THE TOWN OF AMHERST, VIRGINIA, AND INVITING BIDS THEREFORE.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF AMHERST, VIRGINIA:

That a franchise granting permission for the construction, maintenance and operation of an electric power transmission and distribution system, with all rights incident thereto, on, along, over, upon and under the streets and other public places of the said Town, subject to the conditions as hereinafter more specifically set forth, be and the same is hereby proposed to be sold and that written bids addressed and delivered to the Mayor of said Town, and as such, are hereby invited and will be received for such franchise, on the ___th day of _____, at ___ A.M./P.M., and upon the passage of this ordinance the Clerk of Council thereof is hereby directed to cause a descriptive notice of the ordinance proposing to make the grant, be published once a week for two consecutive weeks in the Amherst New Era-Progress, a newspaper published of general circulation in Amherst County, Virginia, prior to the said ___th day of _____, the cost of said advertisement to be paid by the Town of Amherst, Virginia, which shall be reimbursed by the person or corporation to whom the grant of such franchise is finally made, if made, but the right to reject any and all bids is hereby reserved to said Town.

The said franchise proposed to be sold and for which bids will be received on the day and hour aforesaid, and if sold, proposed to be granted, shall be substantially as follows:

A RESOLUTION TO AUTHORIZE THE WAIVER OF WATER AND SEWER AVAILABILITY AND CONNECTION FEES FOR THE AMHERST MILLING COMPANY.

Whereas, the Amherst Milling Company has been an important part of the fabric of the Town of Amherst for generations, and

Whereas, the conversion of the Mill from a feed mill to a hydro powered brewery and pizzeria will allow the continuance of a historic structure and provide for its maintenance and upkeep for the foreseeable future, and

Whereas, without the action of the development company, Lazy River, LLC, the mill may have been lost due to the deteriorating structural conditions, and

Whereas, the age of the mill and type of construction make it more susceptible to fire damage, and

Whereas, this project is partially funded through a historic tax credit program, and

Whereas, the project cannot be required to use sprinklers for fire suppression as it does not meet the standard for sprinklers in the building code, yet sprinklers would enhance the safety of everyone who visits and provide additional protection to the property,

Now, Therefore, Be it Resolved that the Town Council authorizes staff to waive water and sewer availability and connection fees, pursuant to Code section 17-12 (c), if the developer voluntarily provides sprinklers for fire suppression in the public portion of the mill.

Adopted in the Town of Amherst, Virginia this 11th day of July, 2018.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

Town Manager's Report for the August 8, 2018 Town Council Meeting

Committee	Report
A. Industrial Development Authority	No meetings/no report
B. Planning Commission	Meeting minutes from August 1, 2018 included
C. Board of Zoning Appeals	No meetings/no report
D. Property Maintenance Investigation Board	No meetings/no report
E. Community Relations Committee	No meetings/no report
F. Finance Committee	No meetings/no report
G. Utilities Committee	Meeting minutes from July 17, 2018 included
H. Personnel Committee	No meetings/no report
I. Town/Sweet Briar Sewer Use Advisory Commission	No meetings/no report
J. Lynchburg Regional Business Alliance	No meetings/no report
K. Central Virginia Metropolitan Planning Organization	Met July 19, 2018



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Tracie Wright
Date: August 2, 2018
Re: July 2018 Monthly Report

Utilities – 1135 bills were cut totaling \$217,388.

A/P – A total of 57 checks were cut totaling \$171,168.96 for July 2018 bills. A total of 36 checks were cut totaling \$53,865.79 for June 2018 bills that were posted back to FY18.

Meals and Beverage Tax – 15 Businesses paid \$30,672.21 in Meals and Beverage Tax for the month of June.

Taxes – \$3,371.36.00 is still owed out of the original \$46,370 billing total. I have already done the bank lien process for all outstanding that we had information for. Dee has put DMV stops on the remaining accounts. I will also enter the outstanding in the Virginia Department of Taxation IRMS site in case they are issued a state tax refund next year.

Business License – Dee will begin the process of calculating an assessment on any businesses we still have outstanding for 2018. After that I will start issuing bank liens for those assessment amounts. I have a hand full of businesses that still have not reached out or attempted to comply with our Code on Business License requirements. I will proceed at some point with charging those businesses with “Operating with a License” if there are still no objections from Council.

Clerk of Council Report

July 2018

Committee Meetings

Town Council

Receive and review agenda packet for 7-11-18 meeting; post agenda packet to website; prepare for and attend meeting on 7-11-18; draft minutes for approval; post to Town website

Quorums: Confirm quorum for Town Council meeting; confirmation and notification of cancellation of Planning Commission due to holiday and IDA meeting due to anticipated lack of business.

Recodification of Town Code

Follow-up status report to Municode Attorney

Town Website Management

- Existing Website: Monitor, develop and update design and content
- New Website:
 - Meet with Mattie Nicholson to determine additional plug-ins for home page content and quick links use; miscellaneous e-mails with Mattie;
 - Continue work including preparation and insertion of content and images on main and sub-pages; insertion of parent and sub-page side bar links, and insert out-side web links and other links into individual page content;
 - Go over existing website prior to launch to ensure content has been transferred as is or updated and transferred; save unused content documents and links for possible future use;
 - E-mails and telephone conference with website administrator in re launch;
 - Prepare for launch – checking all links and content;
 - Confirm ready to launch with website administrator on 7/27/18;
 - Check website pages and links during and immediately after launch and make corrections; and
 - Continue maintenance

Town Facebook Administrator

Post to Town's Facebook page; monitor feedback

Amherst County Fair Banner Permit

Miscellaneous e-mails with applicant and VDOT re waiver of fees and banner criteria; receive and review banner request form and all necessary attachments; preparation of banner application permit request and forward same to VDOT; receive banner permit from VDOT; attention to detail

Other:

Confirm appointment to Industrial Development Authority with Clerk of Court and Mr. Stein; Notify Member of Board of Zoning re Order confirming appointment

Post meeting notice and agenda for Utilities Committee

Place order for Town Attorney Polo Shirt

Town of Amherst Committees as of July 31, 2018 – Update; See Attached.

Town of Amherst Committees as of July 31, 2018

	<u>Appointed/Term Expires</u>	
<u>TOWN COUNCIL</u>		
D. Dwayne Tuggle, Mayor	01/01/17	12/31/18
Kenneth S. Watts	01/01/17	12/31/18
Andra A. Higginbotham	01/01/17	12/31/18
Mark A. Stinnett	01/01/17	12/31/18
Rachel A. Carton	01/01/17	12/31/18
Kenneth G. Bunch	11/08/17	12/31/18

PLANNING COMMISSION

June Driskill, Chairperson	06/08/16	06/30/20
Kenneth G. Bunch	12/13/17	12/31/18 (TC rep)
William Jones	04/08/15	06/30/19
Ted Finney	07/01/17	06/30/21
Kevin Belcher	07/01/18	06/30/22
Clifford Hart	04/08/15	06/30/19
VACANT		06/30/18

BOARD OF ZONING APPEALS

Gary Mays, Chairman	04/08/15	08/31/20
Ed Carton	11/10/14	08/31/19
Teresa Tatlock	07/10/16	08/31/21
Marvin Hensley	08/31/17	08/31/22
Kevin James Akershoek	12/11/13	08/31/18

INDUSTRIAL DEVELOPMENT AUTHORITY

Lewis Addison, Chairman	04/08/15	06/30/19
Sharon Watts Turner	07/01/18	06/30/22
Gary Jennings	05/10/17	06/30/21
Jacob Bailey	06/08/16	06/30/20
Manly Rucker	05/10/17	06/30/21
Kim Odell Stein	07/11/18	06/30/22
Richard Wydner	04/08/15	06/30/19

PROPERTY MAINTENANCE INVESTIGATION BOARD

C. Manly Rucker, III	05/10/17	06/30/20
Bessie H. Kirkwood	07/01/18	06/30/21
Glenda Hash	06/08/16	06/30/20

REGION 2000 REGIONAL COMMISSION/MPO

D. Dwayne Tuggle	01/11/17	12/31/18
Sara Carter	01/11/17	12/31/18

Appointed/Term Expires

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

Clifford Hart	02/08/17	12/31/18
Kenneth S. Watts	01/11/17	12/31/18

YMCA EXPLORATORY COMMITTEE

Erin Minter, Chairperson	05/10/17
Tracy Wilburn	05/10/17
Erin Calhoun	05/10/17
Paul Robert Munn	08/09/17
Rebecca A. Fitzgerald	08/09/17

TOWN COUNCIL COMMITTEES (FOR THE 01/01/17-12/31/18 TERM)

FINANCE COMMITTEE

Rachel A. Carton (Chairman) and Kenneth S. Watts

- Monitor the budget development process.
- Review accounting procedures, budgets, and bookkeeping activities.
- Interface with auditors.

COMMUNITY RELATIONS COMMITTEE

Andra Higginbotham (Chairman) and Mark A. Stinnett

- Review Town beautification efforts and programs.
- Interface with citizens, business operators, Sweet Briar College, and VDOT.

UTILITIES COMMITTEE

Kenneth S. Watts (Chairman) and Kenneth G. Bunch

- Monitor the development and construction of capital improvement projects.
- Review proposed utility system upgrades and extensions.
- Interface and assist developers in coordinating Town policies with proposed new developments.

Department of Plants
Monthly Production and Operational Report
For July 2018
Submitted By: Gary S. Williams

Grandview Water Filtration Plant,

Daily Water Withdrawal and Production:

	Total, million gallons	Average, million gallons	Max, million gallons	Min, million gallons
Raw Water	10.54	0.380	0.620	0.130
Produced	9.36	0.330	0.590	0.120
Delivered	8.90	0.320	0.550	0.110

Monthly Activities Highlights:

- Haloacetic Acid results were the topic of concern this month as sample for the third quarter was here. After the earlier meeting with Health Department representative, staff had set a goal of 0.033mg/L HAA5. This number would have brought the running average down to 0.060mg/L HAA5 which is the limit. Through great effort by the Plants staff the monthly result came in at 0.021mg/L which put the running average at 0.057mg/L which was below the limit of 0.060mg/L.
- A corrective action plan for the remediation of the ongoing elevated lead results at some sampling sites has been discussed at length and will be put in place shortly once all staff members are briefed on responsibilities. The corrective action plan will entail the location of low use areas in the distribution system and being a flushing operation that will also see an increased addition of the corrosion inhibitor so the inhibitor will dose low use lines and thus be more readily available household in such areas.

Rutledge Creek Wastewater Treatment Plant,

Daily Received and Treated Waste Stream:

	Total, million gallons	Average, million gallons	Max, million gallons	Min, million gallons
Raw Influent	6.42	0.207	0.260	0.171
Finial Effluent	7.54	0.243	0.362	0.167

Monthly Activities Highlights:

- The selection/hire process for the new wastewater operator is coming to a close. A letter of offer was mailed Monday to the prospective candidate. If the terms of employment are received favorable we hope to begin training the candidate in the next 3 weeks.

Report Date: August 2, 2018

Utility/Town Maintenance and Construction Report

Jul-18

Water Meter Read	1150
Water Meter Re-Read	48
Disconnects	18
VA-811 Service locations	27
Vehicle PM Work Orders	17
Pump Station/Plant Work Orders	20
Banners Installed/Dismantled	1
Water Services Installed/Replaced	4
Sewer Services Installed/Replaced	1
Minor Leaks Repaired	0
Major Leaks Repaired	2
Minor Sewer Problems Resolved	0
Major Sewer Problems Resolved	3

Man Hours

Meter Reading	53
Street/Sidewalk Maintenance	278
Safety Training	2
Bush Hogging	68
Flushing Water	0
Equipment Maintenance	89
Xmas decorations	0

Major Issues & Comments

Aging water services through out system Continue addressing sewer problems with failing areas.
Starting to mow grass and landscaping throughout Town. Staff is now sweeping bike trails or ls on North
and South main street. et

4

Routine/Annual Work

Projects/Unusual Work

Service Work Orders	Locating Un-marked/Unknown Water & Sewer System Assets
Meter Reading	Continue Safety and Shop/Yard Clean-up
Prev-Maint Work Orders	Staff has been working on finding water valves and addressing issues
Disconnects	Working on clearing water right of ways.
Re-connects	
Flushing Program in Select Locations	

W. THOMAS BERRY
ATTORNEY AT LAW
TAN BARK PROFESSIONAL BUILDING, COURT STREET
P.O. BOX 354 * 402 COURT STREET
LOVINGSTON, VIRGINIA 22949

W. THOMAS BERRY

OFFICE PHONE
434-263-4886
Fax: 434-263-4285

July 26, 2018

Town of Amherst
P.O. Box 280
Amherst, VA 24521

Attn: Sara Carter- Town Manager

Re: Monthly Report to Town Council
(July 2018)


Dear Ms. Carter, and Council,

My report on work regarding the following matters:

1. Recodification: No Meeting
2. Planning Commission: Did not attend meeting this month.
3. Town Council Meeting: Attendance at the monthly scheduled meeting on July 11th, 2018
4. Land Acquisition: Researched land records re: Brown Property and Lazy River, LLC.
5. Collections: Filed documents relative to specific collections in Amherst General District Court.

Access to Town Attorney: My email address is tberry@tomberrylaw.com. Please feel free to use this email access provided, and I will promptly return any communication. My home phone (434) 946-9501; office phone (434) 263-4886.

Respectfully Submitted,



W. Thomas Berry
Attorney at Law

WTB/tpg

W. THOMAS BERRY, LLC

ATTORNEY-AT-LAW
P.O. BOX 354/ 402 COURT STREET
LOVINGSTON, VA 22949
PHONE: (434) 263-4886

Invoice

Date	Invoice #
7/26/2018	8529

Bill To
Town of Amherst c/o Sara Carter P.O. Box 280 Amherst, VA 24521

Terms
Due on receipt

Description	Qty	Rate	Amount
7/9/2018 REVIEW WATER/SEWER	1	175.00	175.00
7/10/2018 MEET WITH MAYOR	1	175.00	175.00
7/10/2018 AGREEMENTS, TALK TO STAFF	1	175.00	175.00
7/11/2018 MONTHLY MEETING	1.5	175.00	262.50
7/13/18 BROWN CONTRACT	1	175.00	175.00
7/14/2018 BROWN LEASE SEARCH	1.2	175.00	210.00
7/17/2018 REVIEW LAND RECORDS ON BROWN	1	175.00	175.00
7/17/2018 REVIEW LAZY RIVER	1	175.00	175.00
7/26/2018 REVIEW 15.122-32 SUBSTANTIAL ACCORD	1.2	175.00	210.00

Total	\$1,732.50
Payments/Credits	\$0.00
Balance Due	\$1,732.50

**UTILITIES COMMITTEE
MINUTES**

July 17, 2018
1:00 PM

Attendees: Ken Watts, Chairman and Kenneth Bunch
Staff: Sara Carter and Tracie Wright

The meeting was called to order by Mr. Watts at 1:00 pm.

The Committee met to discuss whether there should be any reduced rate to businesses that occupy multiple storefronts in a shopping center. For example, Harman Eye Center and What a Blessing both occupy two fronts, and pay full double bills. The question was brought up by Derrin Fore, who is considering expanding Loose Shoe. The committee stated that their interpretation of the Code was the same as staff. The dormant fee could be used for the second front, if the occupant ran the lines internally to serve the use. If they are using two meters, then they need to pay two bills.

Staff was directed to look into residential and multi-tenant properties and how they are billed, to ensure that the existing methods are fair and equitable.

The meeting adjourned at 1:45 pm.

July 2018

To: Gary Williams, Sara Carter, Amherst Town Council Members

Re: Amherst Watershed Protection Program: Buffalo River Watershed Monthly Report

Buffalo River Watershed Initiatives

Watershed Initiatives:

Working with landowners within the protected watershed to find conservation programs that fit their objectives on their land and protect drinking water sources. Six BRWS landowners are in the installation phase of their conservation projects (Duff –EQIP, Coffey-VACS, Campbell-VACS, Patteson-VACS, Jenkins-APBP, Fritzler-APBP).

Working with two watershed landowners on preliminary ground work for their Ag. BMP project.

Followed up with Amherst BMP spot check maintenance on two projects.

Utilizing the Chesapeake Conservancy toolbox and Amherst GIS to pinpoint protected watershed land parcels in need of riparian buffers.

Sent 210 postcards about Ag. BMPs and the local incentive program to priority producers within the watersheds

Presented information about the Amherst Watershed Protection Program and the District/Town/County MOU to the Amherst Town Council.

Upcoming:

Continue to work with watershed landowners and find conservation programs that meet their objectives and water quality goals. Continue to work with landowners participating in the Amherst Pollinator buffer program and VA Ag. Cost-share Program.

The names included in this report are for the Town Council member's information only and should not be shared with the public at the meetings.

7/31/18: Submitted by: Anne Marie Roberts, Amherst Watershed Coordinator, Robert E. Lee Soil & Water Conservation District

**Town of Amherst
Planning Commission Minutes
August 1, 2018**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of the Town Hall at 174 S. Main Street at 7:00 PM on August 1, 2018.

It was noted that one seat on the Planning Commission is vacant and that a quorum was present as indicated below:

A Kevin Belcher	P William Jones
P June Driskill	P Kenneth Bunch
A Ted Finney	P Clifford Hart

Town Manager Sara Carter was present.

The minutes from the June 6, 2018, Commission meeting were approved on a motion by Mr. Hart seconded by Mr. Jones and carried 4-0-2 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Absent	William Jones	Aye

Possible Special Use Permit for Brockman Building

Town Manager Carter brought to the Commission's attention a possible user for the old Brockman Subaru building that would require a Special Use Permit for an auto repair shop. The Commission discussed the possible application and agreed that the primary concerns would be appearance related, rather than use related. Ms. Carter will follow up with the potential applicant.

Possible Code Amendment to 601.01

Town Manager Carter reviewed the language related to non-conforming lots in 601.01 of the Zoning Ordinance and stated that the language did limit the opportunities for redevelopment on infill lots. She asked the Commission if the language matched the intent of the Commission, or if the Town should prioritize growth and development opportunities on infill lots. The Commission requested that Ms. Carter prepare a draft Ordinance for public hearing at next month's meeting.

Site Plan Review for the Amherst Mill/Lazy River LLC

The applicant requested a deferral to the September meeting.

Purchase of 127 W. Court Street for a Police Station

After 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, the Town Manager reported that the Town has entered into a contract to purchase a 127 W. Court Street for the purpose of a Police Station. The parcel was offered to the Town for \$190,000.

After discussion, Mr. Hart made a motion that was seconded by Mr. Bunch that the commission determines that the use of 127 W. Court Street for a Police Station is found to be substantially in accord with the adopted Town of Amherst Comprehensive Plan and agreed to recommend that the Town Council purchase 127 W. Court Street as recommended by staff.

The motion carried 4-0-2 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Absent	William Jones	Aye

There being no further business, on motion of Mr. Bunch seconded by Mr. Hart and carried 4-0-2 the meeting adjourned at 7:40 PM.

June Driskill, Chairperson

Attest: _____



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council

From: Sara Carter

Date: August 3, 2018

Re: Substantial Accord Process for Police Station

Background: The Town Council has expressed interest in finding property that would be suitable for a Police Department. An opportunity was made available to the Town to purchase the building at 127 West Court Street, currently owned by Skippy and Phyllis Brown, and in use as Charlie's Chicken. The building is approximately 2000 square feet, with a full basement, and has ample parking. It is currently used as a restaurant, and is zoned for business. There is a contract on the property for \$190,000.

Substantial Accord: State Code requires that any public facility be found to be "substantially in accord" with the adopted Comprehensive Plan. The determination is made by the Planning Commission, and procedurally is then accepted or rejected by the elected body. A public hearing may be held, but is not required.

From State Code:

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide

Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

The Comprehensive Plan: The Comprehensive Plan does not address the provision of any additional public facilities in the Town.

Determination: The Planning Commission finds that the site is in substantial accord with the Comprehensive Plan for a police station. It is within an area designated for business development, and is extremely convenient to Town Hall.

A RESOLUTION TO ENABLE STAFF TO PROCEED WITH THE PURCHASE OF 127 WEST COURT STREET FROM CHARLES AND PHYLLIS BROWN FOR THE PURPOSE OF A TOWN POLICE STATION.

Whereas, a safe and secure community make the Town a desirable place to live and work, and

Whereas, Town Council expressed their desire to have an independent police department building, and

Whereas, a variety of options have been considered, and

Whereas, there are limited locations in appropriate locations, with the correct square footage and zoning within the Town for the purposes of a police station, and

Whereas, this property is convenient to downtown, zoned B-1, and contains 2000 square feet of space with excellent parking and access, and

Whereas, the property has been offered to the Town for a purchase price of \$190,000,

Now, Therefore, Be it Resolved that the Town Council authorizes staff to proceed with the purchase of said property, subject to the conditions constrained in the real estate contract, and to pay for the cost of the purchase, including surveying and legal fees, as well as any other ancillary costs from the Town's capital funds.

Adopted in the Town of Amherst, Virginia this 8th day of August, 2018.

Mayor Dwayne Tuggle

Attest:

Clerk of Council



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council

From: Sara Carter

Date: August 3, 2018

Re: Set Public Hearing for Code Amendment to 18.1-601.01

Background: Section 601.01 of the Zoning Ordinance sets out the conditions under which non-conforming lots within the Town may be developed. 601.01 differentiates between lots that have been conveyed together at the time of enactment of the Ordinance, and those that were conveyed individually. This presents an issue that two lots with the same dimensions may be treated differently. The Planning Commission is taking up an amendment that would allow non-conforming lots to be used for single family residential development if they were legal at the time of subdivision, can meet all setback requirements, and provide for the safe provision of water and wastewater. The Planning Commission will hold their public hearing on September 5, 2018.

Recommendation: Staff recommends setting a public hearing to consider this amendment at the next Town Council meeting of September 12, 2018.



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Tracie Wright
Date: August 2, 2018
Re: FY18 Water Fund Appropriation

On the June 2018 financial report I sent to everyone, the water fund budget was over by \$44,668.56. This overage is a result in an error in budgeting of the debt payments for our water loans. It appears that the first interest payment that was due 7/1/2017 for the Main Street Water Line project was not taken into account with the debt totals.

Due to the fact that we were over on the entire budget, an appropriation of additional funds is required. I request that Council appropriate the additional \$44,668.56 in the water fund from the water fund cash that is available for the 2018 fiscal year.