

AMHERST TOWN COUNCIL
AGENDA
Wednesday, August 10, 2022
Meeting at 7:00 p.m.
Town Hall, 174 S. Main Street, Amherst, VA 24521
REVISED

- A. Call to Order for the Town Council– 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. Public Hearings and Presentations**
- 1. Public Hearing for Loud Exhaust Ordinance (Pgs. 1-4)** *Eric Lansing- Starting July 1, 2022, there is a local option to adopt an ordinance to address loud exhaust systems. Council has set a public hearing on this issue and the notice has been duly advertised. The draft remains the same as reviewed at last month's meeting.*
- E. 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.*
- F. Consent Agenda** – *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended action or discussed individually.*
- 1. Town Council Minutes (Pgs. 5-21)** - *Drafts of the June 8, 2022 and July 13, 2022 meeting minutes are **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. 22-31)**
1. Town Manager Monthly Report - **attached**
 2. Police Chief Monthly Report - **attached**
 3. Office Manager Monthly Report - **attached**
 4. Clerk of Council Monthly Report- **attached**
 5. Public Works Monthly Reports- **attached**
- 2. Council Committee Reports (Pg. 32)**
1. Finance Committee – *Mrs. Carton- met July 27, 2022, minutes attached*
 2. Utilities Committee – *Mr. Watts*
- 3. Other Reports (Pgs. 33-39)**

1. Planning Commission- *met August 2, 2022, minutes attached*
2. Economic Development Authority
3. Board of Zoning Appeals
4. Property Maintenance Investigation Board- *met July 14, 2022, minutes attached*
5. Robert E. Lee SWCD- *met June 23, 2022, minutes attached*

H. Discussion Items

1. **Police Dog Proposal (Pgs. 40-50)-** *Captain Payne and Officer Rose- The Police Department has proposed the addition of a canine to the Police Department. The dog would be for the purpose of detecting illegal drugs. The cost for the program is approximately \$12,500 in the first year, and \$8,000 each year thereafter.*
2. **Application for Alley Abandonment- (Pgs. 51-54)** *Eric Lansing- The Town has received a request to have an alley abandoned next to Mt. Olive Church. Mr. Lansing has provided a draft application for consideration by the Council.*
3. **Set Public Hearing for Accessory Structures (Pg. 55-56)-** *Sara McGuffin- The Planning Commission has held a public hearing to review the current standards for accessory structures and made a recommendation to Council. If Council wishes to make changes, a public hearing should be set and advertised.*
4. **Economic Development Authority Appointments (Pg. 57-58)-** *Sara McGuffin- There are currently two vacancies on the Economic Development Authority. The Town has received two applications, from Doug Thompson and Mark Milhous.*

I. Matters from Staff

J. Matters from Town Council

K. Citizen Comments

- L. Closed Session- (Pg. 59)** For the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body, namely, the Town Manager and the Town Attorney. - §2.2-3711(A)(1); Consultation with legal counsel pertaining to actual or probable litigation, namely, litigation regarding the derelict building located at 172 Depot Street, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body. - §2.2-3711(A)(7); Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, namely, the process for the Town Council to exercise its power under article IX, § 1(1) of the Town Charter, providing for the Council to compel the abatement or removal of a nuisance. - §2.2-3711(A)(8)

M. Adjournment

TOWN OF AMHERST
Office of the Town Attorney
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P.O. BOX 280
AMHERST, VA 24521

FROM: Eric M. Lansing, Town Attorney
TO: Mayor and Town Council of the Town of Amherst
DATE: July 5, 2022
SUBJECT: Loud Exhaust Ordinance

Dear Mayor and Councilors:

Please find enclosed a draft ordinance regulating loud exhaust from vehicles. This ordinance is patterned after new state legislation that went into effect on July 1.¹ Until July 1, localities have had very limited options in regulating excessive noise from vehicles.²


Laws regulating loud exhaust do not need to “provide for scientific precision to pass constitutional muster.” *Commonwealth v. Dixon*, 50 Va. Cir. 295, 296 (Cir. Ct. 1999) (upholding Va. Code § 46.2-1049 against the contention that the statute was unconstitutionally vague). This ordinance is drafted to provide for ease of enforcement for officers, and to ensure that no scientific or technical criteria are required for an officer to prove his case. Virginia Code § 46.2-1049 requires exhaust systems to “prevent excessive or unusual levels of noise”; but it does not define “excessive or unusual noise.” This ordinance borrows from the language of a Virginia Beach ordinance that the Virginia Supreme Court upheld in *Va. Beach v. Murphy*, 239 Va. 353, 354, 389 S.E.2d 462, 462 (1990), which prohibited noise that would “unreasonably disturb or annoy the quiet, comfort or repose of any person.

¹ 2022 Va. HB 632; 2022 Va. Ch. 490.

² Before July 1, localities throughout Virginia were generally authorized to regulate loud exhaust from vehicles, but only if (1) the vehicle was “a motorcycle, moped, or motorized skateboard or scooter”; (2) the noise level was “hazardous to the health and well-being of its citizens”; and (3) the vehicle was not stopped by the law enforcement officer for violation of the ordinance. Va. Code § 15.2-919 (repealed July 1, 2022 by H.B. 632). Additionally, prior to July 1, 2022, Virginia Code § 46.2-1051 permitted more expansive powers to localities, but only if they were in the Northern Virginia Planning District.

If you have any questions, please do not hesitate to let me know. It is a privilege to serve the Council.

Kind Regards,



Eric M. Lansing
Town Attorney

Enclosures: Draft ordinance to regulate loud exhaust systems

MOTION: _____

SECOND: _____



(Date) _____
Regular Meeting
Ord. No. _____

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 20 (TRAFFIC AND VEHICLES), ARTICLE I (IN GENERAL), BY ENACTING THEREIN § 20-11 (LOUD EXHAUST PROHIBITED), TO PROHIBIT EXCESSIVE OR UNUSUAL LEVELS OF NOISE FROM VEHICLES.

WHEREAS, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950 enables a local governing body to adopt, amend and codify ordinances or portions thereof;

WHEREAS, § 46.2-1051 of the Code of Virginia enables any town to regulate noise from a vehicle operated on a highway that is not equipped with a muffler and exhaust system conforming to the law;

WHEREAS, article IX, § 1, clause 25 of the Charter of the Town of Amherst empowers the Town Council more generally “to regulate the use of automobiles and other automotive vehicles upon the streets,” provided that such regulations as “not prohibited by general law”;

WHEREAS, article IX, § 1, clause 17 of the Town Charter empowers the Town Council to “pass and enforce all . . . ordinances which it may deem necessary for the good order and government of the town . . ., and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers . . . [of the] town”;

WHEREAS, the Town Council deems this ordinance necessary for the good order and government of the Town;

WHEREAS, the full text of this amendment was available for public inspection in the Amherst Town Hall, at 174 S. Main Street, Amherst, VA 24521; and

WHEREAS, on _____ (date), a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, that Chapter 20 (Traffic and Vehicles), Article I (In General), § 20-11 of the Amherst Town Code is hereby amended as follows:

Sec. 20-11. – Loud exhaust prohibited.

- A. Every vehicle driven on a public highway of the Town shall be equipped with a muffler and exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise. No person shall drive a vehicle on a public highway, and no owner of a vehicle shall permit or allow his vehicle to be driven on a public highway, unless the vehicle's muffler and exhaust system conform to the foregoing requirements.
- B. Definitions:
 - 1. "Excessive or unusual levels of noise" mean any noise of such intensity as to unreasonably disturb or annoy the quiet, comfort, or repose of any person.
 - 2. "Exhaust system" means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.
- C. Deemed violations:
 - 1. Every muffler and exhaust system that fails to conform to the requirements of Virginia Code §§ 46.2-1047 and 46.2-1049 shall be deemed in violation of this Section.
 - 2. Any vehicle equipped with chambered pipes shall be deemed in violation of this Section.
- D. Pursuant to Subsection B of Virginia Code § 46.2-1051, a law enforcement officer may stop a motor vehicle for a violation of this ordinance.
- E. It shall be an affirmative defense that the vehicle (1) is an antique motor vehicle licensed pursuant to 35 § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (2) is a converted electric vehicle.



The foregoing Ordinance was adopted on the ____ day of _____, _____.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on June 8, 2022, 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	Sharon W. Turner
P	Rachel A. Carton	P	Janice N. Wheaton
P	Kenneth S. Watts	P	Andra Higginbotham

Also present were the following staff members:

Sara E. McGuffin	Town Manager - Remote	Charles Thompson	Utilities Maintenance Foreman
Vicki K. Hunt	Clerk of Council	Robert Shiflett	Chief of Police
Eric Lansing	Town Attorney	Brandon Payne	Police Captain
Tracie Morgan	Office Manager - Remote	Gary Williams	Director of Plants

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Charles Thompson.

Town Manager McGuffin gave a brief report on a proposal to grant the Virginia Department of Transportation an unrestricted right of way of forty feet along town owned property for the purpose of allowing the construction and maintenance of a road, commonly known as Lynchburg Road.

Mayor Tuggle opened a duly advertised public hearing at 7:03 P.M. on the proposal to grant the Virginia Department of Transportation an unrestricted right of way of forty feet along town owned property, that would, if approved allow the construction and maintenance of a road, commonly known as Lynchburg Road.

There being no one present in person or otherwise who wished to speak on the proposal to grant the Virginia Department of Transportation an unrestricted right of way of forty feet along town owned property for the purpose of allowing the construction and maintenance of a road, commonly known as Lynchburg Road, the public hearing closed at 7:03 P.M.

Mr. Watts made a motion that was seconded by Ms. Turner to approve the proposal and adopt the Resolution granting the Virginia Department of Transportation an unrestricted right of way of 40 feet along town owned property for the purpose of allowing the construction and maintenance of a road, commonly known as Lynchburg Road, pursuant to Sec. 33.2-339 of the Code of Virginia, as recommended by staff.

There being no discussion, the motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

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

Town Manager McGuffin gave a brief report on a proposed amended 2021/22 budget to adjust the aggregate amount to be appropriated during the current fiscal year exceeding one percent of the total

expenditures shown in the current 2021/22 budget, pursuant to §15.2-2507 of the Code. The proposed amended budget accounts for receipt of a grant for police cameras and Cares Act funds and appropriates expenditure of the funds.

Mayor Tuggle opened a duly advertised public hearing at 7:06 p.m. on the proposed amendment of the 2021/22 budget, that would, if approved, account for receipt of a grant for police cameras and Cares Act funds, and appropriate expenditure of the funds.

There being no one present in person or otherwise who wished to speak on the proposed amendment of the 2021/22 budget, the public hearing closed at 7:06 P.M.

Ms. Carton made a motion that was seconded by Mr. Higginbotham to approve the amended 2021/22 as recommended by staff.

There being no discussion, the motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

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

Town Manager McGuffin gave a report on the proposed recodified Town of Amherst Zoning and Subdivision ordinances as recommended by the Planning Commission on June 1, 2022, and by staff.

Town Manager McGuffin gave a brief report on the recodification of the Amherst Town Code the purpose of which was to reorganize, reword, and renumber and clarify various provisions and references throughout the Subdivision and Zoning Ordinance; redefine the terms “cemetery,” “childcare center,” “family,” “highway, primary,” “highway, secondary,” “nonconforming lot,” “nursing home,” “public water system,” and “residential facility”; create definitions for “craft brewery,” “craft distillery,” “mixed use development,” “short term rental,” “town development area,” and “urban development area”; provide that nonconforming leases for oil and gas exploration shall comply with all other applicable state laws and rules; provide that a landowner’s rights shall be deemed vested when the landowner relies in good faith on certain decisions by the zoning administrator; provide for the loss of nonconforming zoning status after discontinuance of two years, or when the nonconformity is enlarged; establish provisions for acquiring lawful nonconformity after obtaining a building permit, payment of taxes for the building or structure for more than 15 years, and other related criteria; require the rebuilding of nonconforming buildings destroyed by acts of God within two years; provide for the replacement of on-site sewage systems for nonconforming structures where otherwise not permitted; provide for the replacement of comparable nonconforming manufactured homes; provide that certain incidental, unobjectionable agriculture under five acres is permitted without a zoning permit in any district that allows residential uses; provide, generally, that no new use shall be commenced without a zoning certificate for that use; amend requirements on how signage must be placed to give notice of certain zoning actions; repeal provisions requiring signage to be posted up to once every 500 feet to notify of certain zoning actions; provide for conditional zoning to require a guarantee or contract for improvements to be completed; provide for appeals from decisions of the zoning

administrator; repeal the prohibition on reconsideration of a petition for a zoning change within twelve months; provide for changes to proffered conditions; providing for administrative fees as adopted by the Town Council; providing for site plan review by the planning commission; establish information required on the map of a proposed development for site plan review; provide that uses not permitted are prohibited; provide for civil penalties and revise the provisions for criminal penalties for violations of the zoning ordinance; provide for appeals from decisions of the board of zoning appeals; revise the description of the intent and characteristics of the Central Business District and General Commercial District; provide for certain helipads as a special use for the B-3 and M-1 district; provide for short-term lodging as a special use in the CBD, B-1 and B-2; provide that adult oriented entertainment that may include alcohol or gambling, (e.g., pool halls, dance halls, or electronic skills games halls are permitted uses in the CBD and B2 districts; provide that family-oriented indoor recreation uses with no alcohol or gambling (e.g., bowling alleys, roller skating, ice-skating, game, pinball, or other electronic game centers) are permitted uses in the B-1, CBD, and B-2 districts, and are special uses in the T-1 district; provide that outdoor entertainment (e.g., golf driving ranges or other sports related entertainment) is a special use in the A, B-1, B-2, and T-1 districts; provide that kennels are a special use in the A-1 district; provide that farmers' markets are a permitted use in the CBD and B-2 districts, and are a special use in the T-1 and B-1 districts; require compliance, in the E-1 district, with all laws and rules applicable to oil and gas exploration, extraction, and production; revise the maximum density requirements for multifamily dwellings, townhouses, and condominiums within a planned unit development (PUD); revise the minimum frontage for single-family dwellings and townhouses for PUDs; repeal the requirement for parking lots, streets, and roadways in multifamily developments to comply with Department of Transportation standards; repeal the requirement that all units in a multifamily development be connected to water and sewerage systems approved by the Health Department and that they shall be open to inspection; repeal regulations regarding site storm drainage for multifamily developments; provide that, in the Central Business District, there shall be no requirement for common open space in multifamily developments, and no special yard requirements for townhouses lots; increase the width of paved common walks to at least five feet for townhouse developments; provide that certain confined livestock facilities shall not be permitted in any mixed use district, but repeal such requirement with respect to commercial districts; provide that certain manufactured houses are permitted in the A-1 district; provide for certain residential facilities for certain disabled, aged, or infirmed individuals, and certain family day homes, to be deemed single-family residences; provide for certain temporary family health care structures to be considered an accessory use in any single-family residential zoning district; revise provisions for property owners to submit a parking master plan in lieu of the general off-street parking requirements; permit such plan to be considered by the planning commission rather than by special use permit; revise the regulations regarding wireless telecommunications facilities; provide for certain wireless telecommunications facilities, including certain small cell facilities and certain wireless facilities under 50 feet, to become permitted zoning uses; eliminate or revise setbacks for wireless communications facilities; repeal certain requirements for a bond or other guarantee for landscaping; establish timeframes and procedures for review, approval, and recordation of a plat or plan; revise requirements for performance bonds and other financial requirements for dedication of a right-of-way for public use; revise requirements for release of bonds and other performance guarantees from subdividers or developers; change the methods by which a plat may be vacated, relocated, or altered; repeal certain requirements regarding the design of subdivision streets, and require instead that the design and installation of streets shall conform to VDOT standards; repeal certain regulations of block lengths, widths, and space; require the conveyance of common or shared easements for cable television,

gas, telephone, and electric service to a proposed subdivision; and replace references to various provisions in the Code of Virginia with references to their successor statutes, as recommended by the Planning Commission on June 1, 2022, and by staff.

Mayor Tuggle opened a duly advertised public hearing at 7:12 p.m., on the proposed recodified Town of Amherst Zoning and Subdivision ordinances.

There being no one present in person or otherwise who wished to speak on the proposed recodified Town of Zoning and Subdivision ordinances, the public hearing closed at 7:12 P.M.

After discussion, the matter was deferred to the July 13, 2022, Town Council meeting to clarify the definition of Intent of CBD Central Business District contained in Sec. 24-232. CBD Central Business District of the proposed recodified Town of Amherst Zoning and Subdivision Ordinances.

Town Attorney Lansing gave a brief report on a proposed amendment to Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks, which would, if approved, change the penalty for each violation from criminal to civil; and Sec. 20-9. - Operation of skateboards on certain sidewalks, which would, if approved, restrict riding of skateboards in the Central Business District only and change the penalty for each violation from criminal to civil; and on a proposed amendment to Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks. The proposed new section would, if approved, require skateboarders and bicyclists to yield to pedestrians, prohibit them from impeding a business or public building, and prohibit the use of sidewalks for tricks or stunts. The proposed new section would also provide related violations, definitions, and penalties.

Mayor Tuggle opened a duly advertised public hearing at 7:18 P.M. on a proposed amendment to Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks, which would, if approved, change the penalty for each violation from criminal to civil; and Sec. 20-9. - Operation of skateboards on certain sidewalks, which would, if approved restrict riding of skateboards in the Central Business District only and change the penalty for each violation from criminal to civil.

There being no one present in person or otherwise who wished to speak on a proposed amendment to Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks; and Sec. 20-9. - Operation of skateboards on certain sidewalks, the public hearing closed at 7:19 PM.

Mayor Tuggle opened a duly advertised public hearing at 7:19 P.M. on a proposed amendment to Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks that would, if approved, require skateboarders and bicyclists to yield to pedestrians, prohibit them from impeding a business or public building, prohibit the use of sidewalks for tricks or stunts, and provide related violations, definitions, and penalties.

Holden Chase, Amherst, VA, came forward in opposition of a prohibition on skateboards.

Sharon Massie, Amherst, VA, came forward in favor of a prohibition on skateboards.

Glenda Hash, Amherst, VA, came forward in favor of bicycles and skateboards yielding to pedestrians.

Angela Sundaramorthy, Amherst, VA, came forward in opposition to a prohibition of bicycles and skateboards and in favor of bicycles and skateboards yielding to pedestrians.

Rachel Thompson, Amherst, VA, came forward in favor of prohibiting skateboards in the Central Business District.

Doug Thompson, Amherst, VA, came forward in favor of prohibiting skateboards in the Central Business District.

Christian Butcher, Amherst, VA, came forward in opposition of a prohibition on skateboards.

Tim Ware, Amherst, VA, came forward in opposition of a prohibition on bicycles and skateboards.

Sam Soghor, Amherst, VA, came forward in favor of amending the ordinances to comply with state code only.

Lucas Butcher, Amherst, VA, came forward in opposition to a prohibition on bicycles and skateboards.

There being no one else present in person or otherwise who wished to speak on the proposed amendment to Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks, the public hearing closed at 7:48 P.M.

Ms. Turner made a motion that was seconded by Mr. Watts to adopt the proposed amendment to Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks, changing the penalty for each violation from criminal to civil; and Sec. 20-9. - Operation of skateboards on certain sidewalks, restricting riding of skateboards in the Central Business District only and changing the penalty for each violation from criminal to civil.

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

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Nay	Janice N. Wheaton	Nay
Kenneth S. Watts	Nay	Andra Higginbotham	Nay

Mr. Watts made a motion that was seconded by Mr. Higginbotham to adopt the proposed amendment to Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks, requiring skateboarders and bicyclists to yield to pedestrians, prohibit them from impeding a business or public building, prohibit the use of sidewalks for tricks or stunts, and providing related violations, definitions, and penalties.

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

D. Dwayne Tuggle		Sharon W. Turner	Nay
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

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

Mayor Tuggle opened the floor for citizen comment.

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

Ms. Turner made a motion that was seconded by Mr. Watts to approve the Minutes of the meeting held on May 11, 2022.

There being no discussion, the motion as to the May 11, 2022, minutes carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

Town Manager McGuffin gave a report on a permit approved by the Amherst County Board of Supervisors for special events venue, wedding venue, short term rentals, and hunting and fishing retreat at Kenmore Farm, just outside of Town limits on Kenmore Road, and how it might impact to the Town's water system and the surrounding community.

Mr. Watts made a motion that was seconded by Mr. Higginbotham to authorize staff to proceed with an appeal to the Amherst County Board of Zoning Appeals of the County's approval of the permit for special events venue, wedding venue, short term rentals, and hunting and fishing retreat at Kenmore Farm, as recommended by staff.

After discussion, the motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

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, the meeting adjourned at 8:27 P.M., until July 13, 2022, at 7:00 p.m., on motion of Ms. Carton seconded by Mr. Watts.

The motion carried 5-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Aye	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

D. Dwayne Tuggle, Mayor

Attest: _____

§33.2-339 – Town Addition to Secondary Route
Extension of Lynchburg Road (Route 1125)

RESOLUTION

WHEREAS, the Town of Amherst has authority pursuant to §33.2-339, *Code of Virginia*, to request the addition of mileage to the Secondary System of State Highways as long as all proposed mileage conforms to specific Virginia Department of Transportation (VDOT) requirements addressing widths of right-of-way and not exceeding the 0.25 mile limitation of maximum allowable new Secondary System mileage per VDOT fiscal year.

WHEREAS, the Town of Amherst and the Virginia Department of Transportation have entered into an agreement on the 23rd day of May, 2022 for stormwater detention for Lynchburg Road, which applies to this request for addition.

NOW THEREFORE BE IT RESOLVED, the Town Council of the Town of Amherst requests the Virginia Department of Transportation to add the segment(s) described on the attached Form AM-4.3 to the Secondary System of State Highways.


BE IT FURTHER RESOLVED, the Town Council of the Town of Amherst does guarantee to the Commonwealth of Virginia a clear and unrestricted right-of-way of 40 feet, as required by VDOT Secondary Highway System policy and including all necessary easements for cuts, fills and drainage structures for the segment(s) requested to be added.

This Resolution was adopted by the Town Council of the Town of Amherst on the 8th day of June, 2022.



Mayor D. Dwayne Tuggle

ATTEST:



Clerk of Council

AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE TOWN OF AMHERST, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022 MAKING REVENUE ESTIMATES AND APPROPRIATIONS FOR SAME.

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

A. SOURCES OF FUNDS

That for the support of the Town Government and its General Fund, for the tax year beginning on January 1, 2021, all taxes, fees, charges and penalties shall remain as heretofore set out by Ordinance, Resolution or other appropriate action of the Town Council except as the Town Council may establish or amend herein.

B. FUND ACCOUNTING

That the following projected sources and use of funds are hereby approved as the FY22 Town of Amherst budget and approved appropriations for the respective funds.

Estimated Revenues

General Fund	\$1,463,489
Water Fund	\$1,271,188
Sewer Fund	\$942,052
Garbage Fund	\$143,642
IDA Fund	\$83,826

Estimated Expenditures

General Fund	\$1,463,489
Water Fund	\$1,271,188
- Operations	\$841,196
- Debt Service and Capital Projects	\$429,992
Sewer Fund	\$942,052
- Operations	\$644,312
- Debt Service and Reserve	\$297,740
Garbage Fund	\$143,642
IDA Fund	\$83,826

C. CONDITIONS

The intent being to authorize spending according to this budget, all appropriations articulated herein are declared to be maximum and conditional such that outlay shall be made only in the event the aggregate revenues collected and other resources available to the Town in the respective funds are sufficient. All debts of the Town shall be paid in full when due and payable. All expenditures shall be made in accordance with the Ordinance, the Town Charter, Town Code and Purchasing Policy and administrative rules and procedures.

This Ordinance was passed by a vote of the Amherst Town Council on the 8th of June, 2021 and shall become effective immediately.

Mayor _____

Attest:

Clerk of Council _____

MOTION: Kenneth S. Watts

SECOND: Andra Higginbotham



June 8, 2022
Regular Meeting
Ord. No. 220608B

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 20 (TRAFFIC AND VEHICLES), ARTICLE I (IN GENERAL), BY CREATING THEREIN § 20-10 (“BICYCLES AND SKATEBOARDS TO YIELD TO PEDESTRIANS ON SIDEWALKS”), TO REQUIRE SKATEBOARDERS AND BICYCLISTS TO YIELD TO PEDESTRIANS, PROHIBIT THEM FROM IMPEDING A BUSINESS OR PUBLIC BUILDING, PROHIBIT THE USE OF SIDEWALKS FOR TRICKS OR STUNTS, AND PROVIDE RELATED VIOLATIONS, DEFINITIONS, AND PENALTIES.

WHEREAS, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950 enables a local governing body to adopt, amend and codify ordinances or portions thereof;

WHEREAS, § 7.01 of the Town Charter empowers the Town Council to “maintain, and clear . . . sidewalks . . . and to regulate the use of all such highways . . . and works”; “to prevent the obstruction of such streets, alleys and highways . . . and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive”; § 9.01(1) of the Town Charter empowers the Town Council to “prevent all things detrimental to the . . . safety, convenience and welfare of the inhabitants of the town”; and § 9.01(17) of the Town Charter empowers the Town Council to “pass and enforce all . . . ordinances which it may deem necessary for the good order and government of the town . . . , and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers . . . [of the] town”;

WHEREAS, the Town Council expresses concern over a tendency to use skateboards on sidewalks for tricks and stunts rather for a legitimate transportation function, and in a manner that impedes or endangers pedestrians, or disrupts business; and

WHEREAS, on June 8, 2022, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, that Chapter 20 (Traffic and Vehicles), Article I (In General) of the Amherst Town Code is hereby amended to enact a new section, § 20-10, as follows:

Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks.

- A. A person riding a bicycle or skateboard on a sidewalk or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

- B. No person riding a skateboard on a sidewalk shall thereby (1) interfere with a business conducting its trade, (2) interfere with access to or egress from any building open to the public (including but not limited to any business, office, school, government building, place of worship, or assembly hall), or (3) use a sidewalk for tricks or stunts without the purpose of transportation.
- C. “Interfere,” for purposes of Subsection B, shall mean to hinder, delay, or obstruct. Factors for determining interference include (1) the extent and duration of the skateboarder’s presence in front of a business or building; (2) whether the skateboarder was traveling to a fixed location, or going back and forth in front of the business or building; (3) whether the skateboarder was asked to leave by any owner, shopkeeper, patron, member, staff person, or other individual having a legitimate interest in the business, building, or its affairs; (4) the extent of hazard or difficulty imposed by the skateboarder on any individual trying to patronize or support the business or building; and (5) the speed of the skateboard and its proximity to any individual, vehicles, windows, or other damageable property in its path.
- D. Each violation of this Section shall be punishable by a civil penalty of not more than \$50.

The foregoing Ordinance was adopted on the 8th day of June, 2022.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on July 13, 2022, 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	Sharon W. Turner
A	Rachel A. Carton	P	Janice N. Wheaton
P	Kenneth S. Watts	P	Andra Higginbotham

Also present were the following staff members:

Sara E. McGuffin	Town Manager		Tracie Morgan	Office Manager
Eric Lansing	Town Attorney		Brandon Payne	Police Captain
Vicki K. Hunt	Clerk of Council		Gary Williams	Director of Plants

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.

Angela Sundaramurthy came forward to offer her appreciation to Council and her assistance to keep the Town a wonderful place.

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

Ms. Turner made a motion to approve the Minutes of the meeting held on June 8, 2022, with a revision that adoption of the proposed recodified Zoning and Subdivision Ordinance was deferred to clarify the definition of Intent of Central Business.

After discussion, Ms. Turner requested to withdraw the motion, Clerk of Council Hunt was directed to make the requested revision for presentation to Council at its August 10, 2022, meeting, and the matter was deferred to that date.

Mr. Watts, Chairman of the Utilities Committee, gave a report on behalf of the committee on the Military Street Pole Banner Program that would honor Town citizens that are on military active duty or military veterans, with proof of good standing. Pole banners for military that meet the criteria would be installed along Main Street for a two year period from Veterans Day to Memorial Day of each year, with the option to renew the request for installation. Cost of flags would be borne by the family and friends of the military honoree.

Mr. Watts made a motion, that was seconded by Ms. Turner to adopt the Military Street Pole Banner Program to honor the Town's military on active duty or military veterans, as recommended by the Utilities Committee.

After discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

Town Manager McGuffin gave a brief report on the proposed recodified Town of Amherst Zoning and Subdivision Ordinances as presented at the public hearing on June 8, 2022. The matter was deferred so that staff could make a requested revision of the definition of Intent of Central Business District contained in the proposed recodified ordinances, Sec. 24-232. CBD Central Business District, as follows:

Sec. 24-232. CBD Central Business District.

Intent of CBD Central Business District. This district covers the portion of the town located in downtown Amherst which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side yards because they are attached to other buildings and these buildings frequently have no setbacks. Uses in the district include retail sales, services, banks, restaurants, and other similar businesses to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of retail goods, or by limited nuisance factors including incidental light and noise of congregation of people and passenger vehicles. The intent of the district is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structure.

Mr. Watts made a motion that was seconded by Ms. Turner to approve the proposed recodified Town of Amherst Zoning and Subdivision Ordinance and adopt An Ordinance of the Town of Amherst Recodifying the Town Subdivisions and Zoning Ordinance; and Providing When Such Ordinance and This Ordinance Shall Becoming Effective, designated Ordinance No. 220713, as recommended by staff.

After discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

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

Town Manager McGuffin gave a report on bids for the Wastewater Treatment Plant sludge dewaterer equipment, with staff's recommendation to accept the proposal and tentatively award the bid to Alfa Laval, dated June 8, 2022, in the amount of \$218,988.00, for Town of Amherst Wastewater Plant Centrifuge Equipment, contingent upon Alfa Laval's agreement to extend the bid proposal to September 15, 2022, and/or having an approved construction project.

Ms. Turner made a motion, seconded by Mr. Watts to accept the proposal of Alfa Laval, dated June 8, 2022, and tentatively award the bid to Alfa Laval, in the amount of \$218,988.00, for Town of Amherst Wastewater Plant Centrifuge Equipment, as recommended by staff.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

Town Manager McGuffin gave a report on the requirements to complete the Town's transition to a new insurance provider. Council members were provided with a Resolution to Adopt the Member Agreement to Join the Virginia Association of Counties and Group Self Insurance Risk Pool that would protect the Town against liability claims and property losses and provide for payment of claims or losses for which it may be liable, and would authorize Town Manager to execute the member agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool and to act on behalf of Town of Amherst in any other matter relative to the Group.

Mr. Watts made a motion that was seconded by Mr. Higginbotham to adopt the Resolution to Adopt the Member Agreement to Join the Virginia Association of Counties and Group Self Insurance Risk Pool.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

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

Town Attorney Lansing gave a report on a proposed Ordinance Amending the Code of the Town of Amherst, Virginia, Chapter 20 (Traffic and Vehicles), Article I (In General), by Enacting Therein § 20-11 (Loud Exhaust Prohibited), to Prohibit Excessive or Unusual Levels of Noise from Vehicles.

Ms. Turner made a motion that was seconded by Ms. Wheaton to set a public hearing on August 10, 2022, on the proposed amended § 20-11 of the Town Code prohibiting excessive or unusual levels of noise from vehicles.

After discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

Town Manager McGuffin gave a brief report on demolition of 173 Depot Street in the Town of Amherst as recommended by the Town's Property Maintenance Investigation Board after having declared the property to be neglected. Discussion of the matter will be held in closed session.

Town Manager McGuffin gave a brief report on a request for abandonment of an alley on Mt. Olive Road adjacent to Mt. Olive Church. Discussion of the matter will be held in closed session.

Town Manager McGuffin gave a report on an application for appointment to the Board of Zoning Appeals to fill the vacancy which will occur on September 1, 2022.

Ms. Turner made a motion that was seconded by Mr. Watts to recommend appointment of the following individual to the following board for the term listed below.

Board	Appointed	Term of Office
Board of Zoning Appeals	Shannan Combs Carter	9-1-2022 – 8-31-2027

After discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

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

At 7:47 PM, Mr. Watts read a resolution to authorize closed meeting, as follows:

WHEREAS, the Town Council of the Town of Amherst desires to discuss in Closed Meeting the following matter(s):

Consultation with legal counsel pertaining to actual and/or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, namely, the declaration of property at 172 Depot St. as a public nuisance, and Amherst Circuit Court Case No. CL22-461; and

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, namely, legal advice regarding the derelict property at 172 Depot St., and legal advice regarding the legal process for abandonment of an alley; and

WHEREAS, pursuant to Virginia Code §§2.2-3711(A)(7) and (A)(8), respectively, such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does hereby authorize discussion of the aforesaid matters in Closed Meeting.

After the reading, Ms. Turner seconded the motion. There being no discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

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

At 7:47 PM, pursuant to the Resolution, Town Council convened in closed session.

At 8:19 PM the meeting reopened to the public.

Clerk of Council Hunt read the following closed session certification to Council:

Do you certify that to the best of your knowledge (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 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?

Responses via the roll call method was as follows:

D. Dwayne Tuggle	Yes	Sharon W. Turner	Yes
Rachel A. Carton	Absent	Janice N. Wheaton	Yes
Kenneth S. Watts	Yes	Andra Higginbotham	Yes

There being no further business, the meeting adjourned at 8:20 P.M., until August 10, 2022, at 7:00 p.m., on motion of Ms. Turner seconded by Mr. Higginbotham.

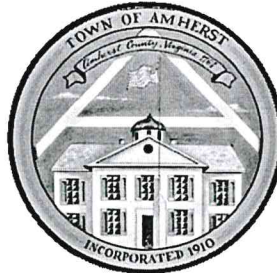
The motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle		Sharon W. Turner	Aye
Rachel A. Carton	Absent	Janice N. Wheaton	Aye
Kenneth S. Watts	Aye	Andra Higginbotham	Aye

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

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



July 13, 2022
Regular Meeting
Ordinance No. 220713

AN ORDINANCE OF THE TOWN OF AMHERST RECODIFYING THE TOWN
SUBDIVISIONS AND ZONING ORDINANCE; AND PROVIDING WHEN SUCH
ORDINANCE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. The Code of the Town of Amherst, Virginia (the "Code"), is hereby amended by adding the attached recodification of the Town's Zoning and Subdivision Ordinance as Chapter 24 of the Code.

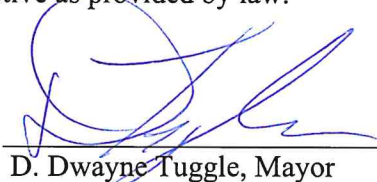
Section 2. Nothing in this ordinance shall effect any ordinance adopted after October 14, 2020.

Section 3. The provisions of Chapter 24 of the Code, so far as they are the same as those of the ordinances of the Town in effect on the adoption date of such chapter, shall be considered as continuations thereof and not as new enactments.

Section 4. Ordinances adopted after October 14, 2020, that amend or refer to ordinances that have been codified in such chapter shall be construed as if they amend or refer to like provisions of such chapter.


Section 5. This ordinance shall become effective as provided by law.

Adopted this 13th day of July, 2022.



D. Dwayne Tuggle, Mayor

ATTEST:



Clerk of Council

RESOLUTION

TOWN COUNCIL OF THE TOWN OF AMHERST, VIRGINIA

MOTION: Kenneth S. Watts

Wednesday July 13, 2022

Regular Meeting

SECOND: Sharon W. Turner

RE: AUTHORIZE CLOSED MEETING

WHEREAS, the Town Council of the Town of Amherst desires to discuss in Closed Meeting the following matter(s):

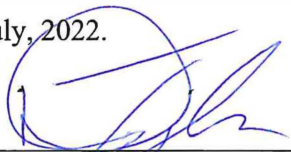
- Consultation with legal counsel pertaining to actual and/or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, namely, the declaration of property at 172 Depot St. as a public nuisance, and Amherst Circuit Court Case No. CL22-461; and
- Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, namely, legal advice regarding the derelict property at 172 Depot St., and legal advice regarding the legal process for abandonment of an alley; and

WHEREAS, pursuant to Virginia Code §§2.2-3711(A)(7) and (A)(8), respectively, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does hereby authorize discussion of the aforesated matters in Closed Meeting.


D. Dwayne Tuggle	Yes	Sharon W. Turner	Yes
Rachel A. Carton	Absent	Janice N. Wheaton	Yes
Kenneth S. Watts	Yes	Andra Higginbotham	Yes

Adopted this 13th day of July, 2022.



D. Dwayne Tuggle, Mayor

ATTEST:



Clerk of Council

Town Manager's Report
August 10, 2022
Status of all items shown in italics

From the Council's Strategic Plan:

Ongoing or immediate

- Discuss Brockman Park development with IDA- *Mini-retreat with IDA on 8.24*
- Advise the IDA about Council's interest in exploring an EDA- *Completed 5.3.21*
- Review the previously developed walkability plan- *Completed 4.15.21*
- Town Manager meet with the County Administrator and brief him on Council's desire to improve relationships with the County- *Completed*

Within three (3) months – by June 1, 2021

- Develop a sidewalk plan in priority blocks downtown- *Additional planning to be completed through Comprehensive Plan and continued grant work.*
- Mayor and Chair of Amherst County Board of Supervisors meeting
- Develop a business visitation plan and commence visits- *All businesses have been visited or had multiple attempts made.*
- Develop a plan for a new Council table/dais, including the layout and components, get price quotes, and report back to Council- *Clerk is reviewing options for construction of a workstation for her at the meetings.*

Within six (6) months – by September 1, 2021

- Bring to Council a plan for a pathway forward for the IDA to become an EDA- *Completed.*
- Convene a joint Town Council/IDA meeting *Held July 6, 2021*
- Explore creating a façade improvement program, with incentives
- Joint Town Council/Board of Supervisors meeting
- Explore the (additional) resources necessary to implement the workplan and report back to Council

By January 1, 2022

- Negotiate and approve a revised utility agreement with Sweet Briar College- *Completed.*

Within one year – by March 1, 2022

- Develop a workplan for the IDA/EDA with goals- *In process.*
- Comprehensive Plan update, including a Downtown Revitalization Component, *In process. Survey is now open to the public.*

Within two (2) years – by March 1, 2023

- Complete initial visitation of town businesses- *Completed.*

- Adopt a revised Comprehensive Plan- *Anticipated completion by Fall, 2022. The citizen engagement survey is now up and all utilities customers are being mailed an invitation to participate as well as having the information on our Facebook page and website.*

Other Major Projects:

Sewer Sliplining Project

Wastewater Treatment Plant improvements are complete. On the collection side of the project, we have worked with the contractor on a plan of action for the remaining work. USDA has approved pipe bursting and working to get a completion schedule.

Water Treatment Plant

The project is proceeding well, although there are time delays due to supply chain issues and a pandemic related shutdown. Staff is working with the Town Engineer and the contractor to prioritize work on the Raw Water Pump Station, as one of the pumps due for replacement has failed.

Brockman Park Engineering Work

Survey and delineation work is complete, and 50% grading plans are complete. Stormwater plans and other regulatory items have been submitted to the state for approval.

Standalone Generator at Waugh's Ferry Water Tank

Site work is proceeding quickly, and the generator has been placed.

Centrifuge Facility (Sludge Dewaterer)

The winning bid will be held until the end of September. Construction plans are going out for bid this month and will be opened in September for award at the next meeting.



July 2022 Monthly Report. Mileage: 5021 Total Calls: 213

CALLS FOR SERVICE	NUMBER
MOTORIST ASSIST	31
ALARM	11
PHONE COMPLAINT	215
BOLO	19
MISSING PERSON	1
SHOPLIFTING	
PROBLEM WITH OTHERS	9
DOMESTIC	2
CHECK WELFARE	2
NOISE OR DOG COMPLAINT	3
TRAFFIC CRASH	4
EMS CALLS	5
SUDDEN DEATH	2
SUSPICIOUS PERSON	9
OTHER	38
CALLS AT AMBRIAR	6

OTHER	NUMBER
ASSIST OTHER OFFICER	31
ASSIST OTHER AGENCY	15
COURT	9
REPORTS	21
SCHOOL / TRAINING	21
MEETINGS	24
TOWED / IMPOUNDED VEH	1

WARNINGS	NUMBER
SPEEDING	1
EQUIPMENT VIOLATION	
RECKLESS DRIVING	2
SUSPENDED LICENSE	2
INSPECTION/REGISTRATION	3
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	3

OFFICER INITIATED	NUMBER
BUILDING CHECKS	227
BUSINESS VISIT	148
BUILDING SEARCH	14
TRAFFIC SUMMONS	24
DRUNK IN PUBLIC	
EXTRA PATROLS/PARKS	311 / 47
WARRANT SERVICE	3
PROPERTY WALK AROUNDS	136
WARRANTS OBTAINED	2
PARKING TICKETS	
MISD. INVESTIGATION	9
FELONY INVESTIGATION	6
NARCOTICS INV.	
SEARCH WARRANT	
PUBLIC RELATIONS	6
CITIZEN CONTACT	450

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	10
EQUIPMENT VIOLATION	
RECKLESS DRIVING	2
SUSPENDED LICENSE	2
INSPECTION/REGISTRATION	6
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	4

ARREST	NUMBER
MISDEMEANOR	2
FELONY	
EPO/PPO	2
ECO	
NARCOTICS VIOLATION	
DUI / DUID	



PLEASE LIST ALL PASS ON'S, INVESTIGATIONS, ARREST, IMPOUNDED VEHICLES WITH REASON AND LOCATION, AND BUSINESSES WITH OPEN DOORS OR ANY OTHER SIGNIFICANT COMPLAINTS.

MONTH OF JULY ACTIVITIES:

7/1/22-Officer Rose completed VCIN online recert
 7/5/22-Captain Payne, Investigator Watts, Officer Rose attended New Law briefing
 7/8/22-Officer Rose conducted K9 training with Amherst Sheriff's Office
 7/8/22-Officer Rose taught Community Policing at Criminal Justice Academy
 7/12-13/22-Officer Rose conducted K9 training with Master Trainer
 7/13/22-Captain Payne attended Town Council meeting
 7/14-17/22-Meetings with Town Council members in reference to K9 proposal
 7/15/22-Investigator Watts attended MDT meeting
 7/18-22/22-Officer Rose taught CIT at University of Lynchburg
 7/20/22-Officer Robinson taught CIT at University of Lynchburg
 7/23/22-Officer Martin attended the TICN meeting
 7/26/22-Captain Payne completed 2 hour online General Instructor Recertification
 7/28/22-Chief Shiflett and Captain Payne hosted RASAC meeting with guest Melissa Lucy from Horizon Behavior Health
 7/28/22-Officer Robinson and Ali Davis conducted annual evidence inspection

Ali Davis attended 8.5 hours of online training ranging from Victim's Rights to FOIA training

Investigator Watts and Officer Martin continue to meet with Commonwealth Attorney regarding Cemetery case and pending charges.

AFTER HOURS CALLS

7/8/22	Alarm	102 Lexington Turnpike	Building Secure
7/10/22	Check Welfare	185 Loch Lane	Building Secure
7/11/22	Alarm	102 Lexington Turnpike	Building Secure
7/16/22	Attempted B&E	156 Town Court Lane	k9 track for suspect



ASSIST COUNTY CALLS

7/15/22
7/27/22

Domestic
Road Hazard

Apple Market
29/Sweetbriar

GOA
Assist



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 Morgan
Date: August 4, 2022
Re: July 2022 Monthly Report

Utilities – July utility billing total was \$203,337.14.

A/P – The total amount of checks cut for July 2022 bills, including payroll deductions were \$510,361.41. The majority of this amount is from payments related to the Water Treatment Plant Project.

Meals and Beverage Tax – 17 Businesses paid \$57,533.38 in Meals and Beverage Tax for the month of July 2022.

Business License – Business License notices and applications were sent out the beginning of March. Applications and payments were due by May 1, 2022 to avoid penalty and interest. Collection efforts will begin in August. After accruing back amounts collected in July and August for the FY22 year, we will end with \$134,531.22 in Business License Tax. That is \$34,531.22 over the anticipated revenue.

CLERK OF COUNCIL REPORT JULY 2022

COMMITTEE MEETINGS

Economic Development Authority

Regular Meeting on 07-05-22: Receive and review agenda materials; distribute and post agenda packet to website; draft minutes for approval; post to Town website.

Planning Commission

Regular Meeting on 07-06-22: Receive and review agenda materials; assemble packet for meeting; distribute and post agenda packet to website; draft minutes for approval; post to Town website.

Town Council

Regular Meeting on 07-13-22: Receive and review agenda materials; assemble packet for meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Quorums: Confirm meetings with board members

TOWN WEBSITE DESIGN AND CONTENT MANAGEMENT

Administration of website generating and continuously uploading information/documents; revising website pages with latest information and links to documents and/or outside sites; examining traffic through the site; design for overall look and feel of the site, including photos, color, graphics, and layout; creating, editing, posting, updating, and cleaning up outdated content.

TOWN FACEBOOK ADMINISTRATOR

- Create content and/or design and post on Facebook with links to Town website including, but not limited to:
 - Procedures for Amherst Town Council July meeting
 - Town of Amherst Comprehensive Plan Survey
 - Sidewalk Clearance – Fallen Tree
 - Town's 22/23 Utility Rate and Fee Policy
 - DMV To-Go service at Amherst Town Hall August 8th and 9th
- Share links to community news and events; Monitor feedback.

FOIA

Receive, review, respond to two FOIA requests

BANNERS AND PARADE PERMITS

Amherst Sheriff's Office National Night Out: Prepare Permit Application Form for road closure; receive and distribute permit.

Amherst Sheriff's Office Car Show: Prepare Permit Application Form for road closure; receive and distribute permit.

Farmer's Market: Banner permit extension for August; correspond with VDOT; receive updated permit

ZONING AND SUBDIVISION ORDINANCE RECODIFICATION

Prepare Memo to Municode re ordinance and revisions to Municode Proof; emails with Municode attorney

OTHER:

- Convert and post audio meeting recording to website
- Prepare legal ads; correspond with News and Advance re publication re accessory buildings and loud exhaust ordinance); post public hearing notices for Town Council, Planning Commission; post meeting notice for Finance Committee
- Discussions with Town Attorney re closed session resolution and new FOIA requirements
- Correspond with Court re Board of Zoning Appeals new member recommendation
- Design and order Development Proposal yard signs
- Draft designs of pole flags
- Emails with Point Source re TV in council chambers
- Research past council member Iseman re dates served on council and committees
- Miscellaneous phone calls, correspondence; miscellaneous research.
- Prepare miscellaneous purchase orders.

Town of Amherst Committees as of JULY 31, 2022

Appointed/Term Expires

TOWN COUNCIL

D. Dwayne Tuggle, Mayor	01/01/19	12/31/22
Rachel A. Carton, Vice	01/01/21	12/31/24
Kenneth S. Watts	01/01/19	12/31/22
Sharon W. Turner	01/01/21	12/31/24
Andra A. Higginbotham	11/11/21	2022 special election (2024 term)
Janice N. Wheaton	11/12/19	12/31/22

PLANNING COMMISSION

June Driskill, Chairperson	05/13/20	06/30/24
Janice N. Wheaton	01/01/21	12/31/22 (TC rep)
William Jones	07/01/19	06/30/23
Nathaniel Holden Case	11/11/21	11/10/25
John Kendrick Vandervelde	07/01/22	06/30/26
Clifford Hart	07/01/19	06/30/23
Anne Webster Day	07/01/22	06/30/26

BOARD OF ZONING APPEALS

June Driskill	11/13/20	08/31/25
Ed Carton	09/01/19	08/31/24
Teresa Tatlock	11/11/21	08/31/26

Marvin Hensley	08/31/17	08/31/22 Pending Order
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R.A. "Tony" Robertson	01/13/21	08/31/23
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ECONOMIC DEVELOPMENT AUTHORITY

Clifford Hart	07/01/19	08/31/23
Sharon Watts Turner	07/01/22	06/30/26
Aaron H. Mahler	07/01/21	06/30/25
Jacob Bailey	07/01/20	06/30/24
Manly Rucker	07/01/21	06/30/25
Kim Odell Stein	07/11/18	06/30/22
Richard Wydner	07/01/19	06/30/23

PROPERTY MAINTENANCE INVESTIGATION BOARD

C. Manly Rucker, III	05/13/20	06/30/24
Bessie H. Kirkwood	07/01/22	06/30/26
Glenda Hash	05/13/20	06/30/24

CENTRAL VIRGINIA PLANNING COMMISSION/MPO

D. Dwayne Tuggle	01/01/21	12/31/22
Sara Carter	01/01/21	12/31/22

Appointed/Term Expires

CENTRAL VIRGINIA TRANSPORTATION COUNCIL (MPO)

D. Dwayne Tuggle	01/01/21	12/31/22
Sara E. Carter	01/01/21	12/31/22

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

Andra Higginbotham	01/01/22	12/31/22
Kenneth S. Watts	01/01/21	12/31/22

TOWN COUNCIL COMMITTEES (FOR THE 01/01/21-12/31/22 TERM)

FINANCE COMMITTEE

Rachel A. Carton (Chairman) and Sharon W. Turner

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

UTILITIES COMMITTEE

Kenneth S. Watts (Chairman) and Andra A. Higginbotham

- 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.

TOWN HALL MEETING ROOM REHABILITATION AD HOC COMMITTEE

Rachel Carton (Chairman) and Sharon Turner

- Oversee and monitor rehabilitation and refurbishment

Utility/Town Maintenance and Construction Report

Jul-22

Water Meter Read	1150
Water Meter Re-Read	25
Disconnects	0
VA-811 Service locations	42
Vehicle PM Work Orders	22
Pump Station/Plant Work Orders	27
Banners Installed/Dismantled	1
Water Services Installed/Replaced	5
Sewer Services Installed/Replaced	0
Minor Leaks Repaired	3
Major Leaks Repaired	0
Minor Sewer Problems Resolved	3
Major Sewer Problems Resolved	2

Man Hours

Meter Reading	144
Street/Sidewalk Maintenance	247
Safety Training	4
Bush gogging/ Right of way water/ sewer	73
Flushing Water	5
Equipment Maintenance	73
Xmas decorations	0

Major Issues & Comments

Routine/Annual Work

Projects/Unusual Work

Service Work Orders
 Meter Reading
 Prev-Maint Work Orders
 Disconnects
 Re-connects
 Flushing Program
 in Select Locations

Locating Un-marked/Unknown Water & Sewer System Assets
 Continue Safety and Shop/Yard Clean-up
 Staff has been working on finding water valves and addressing issues
 Working on clearing water right of ways.



**TOWN OF AMHERST
DEPARTMENT OF PLANTS
MONTHLY PRODUCTION AND OPERATIONAL REPORT
July -- 2022**

**SUBMITTED BY: GARY S. WILLIAMS,
DIRECTOR OF PLANTS
SUBMITTED ON: Wednesday, August 3, 2022**

Grandview Water Filtration Plant,

The Plants Department is happy to welcome Ms. Cash back from her leave of recovery from a broken shoulder. Still, her return is bittersweet: earlier in July, Mr. Simpson departed the Town for a more lucrative position in the private sector. We wish Matt all the best in the endeavor.

As reported by Anderson Construction at the monthly progress meeting at the beginning of July, they are currently in possession of a large percentage of the required building supplies that have been slow to make it down the supply chain to the laydown yard at the water plant. There are still vital pieces not yet arrived, though, and notable of this are the filter valves needed before work on the filter upgrades can commence.

This delay in filter valves has caused the alteration of the building schedule and perhaps for good luck. The June 17th wind storm and subsequent power outage spurred attention to the emergency generator's need. Raw water piping needed to go into the ground before excavation on the generator pad site could begin. This saw tie in's made at the river of new water lines to existing water lines, which had required the plant to be offline and the raw line to the water plant drained. This has been a lucky step. There is some question if current raw water pumping will be able to keep up with demand as schools begin to open. Anderson has recently begun demolishing/construction of the new pump insertion points. Hopefully, new pumping will be installed within a week since both water pumps and their motors are on town property now.



Emergency generator installation at Waughs Ferry Tanl

**FINANCE COMMITTEE
MINUTES**

July 27, 2022
6:15 PM

Attendees: Rachel Carton, Chairman and Sharon Turner
Staff: Sara McGuffin and Tracie Morgan

The meeting was called to order by Ms. Carton at 5:31 pm.

The committee reviewed the costs for the proposed Police K9 unit and discussed the ability of the budget to include the additional cost. It was noted that the insurance proposal approved by Council was at a low enough cost to cover almost the entirety of the new expense for the year.

There being no further business before the committee, the meeting adjourned at approximately 5:46 pm.

**Town of Amherst Planning Commission
Minutes
August 3, 2022**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill on August 3, 2022, at 7:00 P.M. in the Council Chambers of Town Hall at 174 S. Main Street.

It was noted that a quorum was present as indicated below:

P	June Driskill	P	Janice N. Wheaton
P	William Jones	P	John Vandervelde
P	Anne Webster Day	P	Nathaniel Holden Chase
P	Clifford Hart		

Town Manager Sara McGuffin, and Clerk of Council Vicki K. Hunt, in her capacity as Secretary to the Commission, were present.

The Chair opened the floor for citizen comments.

There being no one present to speak; no comments were made.

Ms. Wheaton made a motion that was seconded by Mr. Hart to approve the minutes of the July 6, 2022, meeting.

There being no discussion, the motion to approve the July 6, 2022, minutes carried 7-0 according to the following:

June Driskill	Aye	Anne Webster Day	Aye
Janice Wheaton	Aye	John Vandervelde	Aye
William Jones	Aye	Nathaniel Holden Chase	Aye
Clifford Hart	Aye		

Chairperson Driskill opened a duly advertised public hearing at 7:01 PM on consideration of amending Section 18.1-902.02 of the Zoning and Subdivision Ordinances referring to accessory buildings, that would, if approved, amend setbacks for accessory structures as set out in Section 18.1-901.02 of the Town's Zoning and Subdivision Ordinances,

Town Manager McGuffin gave a brief report on Town Council's request to the Commissioners to determine whether the restrictions contained in Sec. 18.1-901.02 are still reasonable or if there should be any changes to the ordinance.

Terrell Stinson, Amherst, VA, came forward in favor of reducing the setbacks for accessory structures to allow residents more expansion space to make additions and improvements to their properties. Mr. Stinson's request included that the Commission study how surrounding counties and towns have structured their ordinances allowing for flexibility on set-back regulations that the Town does not now have.

There being no one else present who wished to speak on the matter, the public hearing was closed at 7:05 PM.

Mr. Jones made a motion that was seconded by Ms. Wheaton to recommend to Town Council that no changes be made to Section 18.1-901.02 of the Town's Zoning and Subdivision Ordinances.

After discussion, the motion carried 6-1 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Nay
Clifford Hart	Aye			

After Town Manager McGuffin requested guidance from the Commissioners on interpretation of the regulations for temporary signage contained in Section 18.1-908.06, Signs Permitted in all sign districts and whether the language contained in the ordinance is sufficient, it was the consensus of the Commissioners that Section 18.1-908.1 contains sufficient language regulating temporary signage.

There being no further business, the meeting adjourned at 7:25 P.M., until September 7, 2022, at 7:00 p.m., on motion of Ms. Wheaton seconded by Mr. Chase.

The motion carried 7-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Aye			

June Driskill, Chairperson

Attest: _____
Secretary

**TOWN OF AMHERST
PROPERTY MAINTENANCE INVESTIGATION BOARD
MINUTES
JULY 14, 2022
5:15 PM**

A meeting was called to order by Town Manager Sara McGuffin on July 14, 2022, at 5:15 PM in Council Chambers of Town Hall, 174 S. Main Street, Amherst, VA. It was noted that a quorum was present as follows:

A	Glenda Hash	P	C. Manly Rucker
P	Bessie H. Kirkwood		

Town Manager Sara E. McGuffin, in her capacity as Secretary to the Committee was also present.

After a report by Town Manager McGuffin and discussion, Mr. Rucker made a motion to find that property in the Town of Amherst located at Tax Map numbers 96A4-A 108, 109, and 112 be found neglected property and should be mowed by town staff due to high weeds, as recommended by Town Manager. There will be a lien placed on the property for the compensation of the cost if the bill is not paid. This property is all vacant lots owned by Harold and Susan Pitsenbarger and is located in the vicinity of First and Washington Streets.

The motion carried 2-0 as follows:

Glenda Hash	Absent
Bessie H. Kirkwood	Aye
C Manly Rucker	Aye

After a report by Town Manager McGuffin and discussion, Mr. Rucker made a motion to find that property in the Town of Amherst located at 172 Depot Street, owned by Macadam Investments, be found to be neglected property and should be mowed by town staff due to high weeds, as recommended by Town Manager. There will be a lien placed on the property for the compensation of the cost if the bill is not paid.

The motion carried 2-0 as follows:

Glenda Hash	Absent
Bessie H. Kirkwood	Aye
C Manly Rucker	Aye

The meeting adjourned at 5:20 pm.

Robert E. Lee Soil & Water Conservation District
7631-A Richmond Hwy.
Appomattox, VA 24522
Phone 434-352-2819 FAX 434-352-9405
www.releeconservation.com

Board of Directors Regular Meeting Minutes
The Spring House Restaurant
9789 Richmond Hwy
Lynchburg, VA 24504
June 23, 2022 – 6:00 p.m.

Directors: Brandon Schmitt, Assistant Chairman
(Present) Doug Perrow, Treasurer
Chad Barrett, Assistant Treasurer
Joetricia Humbles
Brandon Payne
Karen Angulo
Charles Smith
Bruce Jones

Directors: Bonnie Swanson
(Absent) Jeff Floyd, Chairman

Staff/Partners: Jonathan Wooldridge, RELSWCD District Manager/Sr. Ag BMP Cons. Spec.
(Present) Mark Hollberg, CDC, DCR Conservation District Coordinator
Cindy Miller, RELSWCD Office Administrator
Kelly Burke, NRCS District Conservationist

Staff Absent: Lauran Campbell, Conservation Education Specialist

Others: None

Call to order: The regular meeting of the Robert E. Lee Soil and Water Conservation District Board of Directors was called to order June 23, 2022, at 6:03 p.m., by Brandon Schmitt, Assistant Chairman at The Spring House Restaurant, 9789 Richmond Hwy, Lynchburg, Virginia.

Acknowledgement of Guests: None.

Adopting the Agenda: Brandon Schmitt, Assistant Chairman , asked if there were any changes to the agenda. **Motion was made to approve agenda as listed. Approved (Perrow, Smith passed 8/0)**

Reading and Approving of the May 26, 2022 Minutes: Brandon Schmitt, Assistant Chairman , asked if there were any corrections to the minutes (copy filed with the minutes). **Motion was made to approve the minutes as presented. Approved (Perrow, Payne passed 8/0).**

REPORT OF OFFICERS/PARTNERS/STAFF

1-Treasurer's Report – May 2022 –Doug Perrow, Treasurer, gave the Treasurer's report (copy filed with minutes). Cost Share and Operation Savings bank statements were reconciled to the checkbook and QuickBooks program. No discrepancies noted.

2-DCR Conservation District Coordinator Report - Mark Hollberg, CDC gave the June 2022 report. (Copy filed with minutes).

Administration:

Quarterly Reports are due in my office by **July 15**. Balance sheet and P&L; fourth quarter reports are to include year-end cash balance and carry over reports and the FY21 Attachment E “roll up.” . The signed hardcopy Attachment E can be mailed to me after I have reviewed the electronic submission.

All FY22 deliverables for both the *Administrative & Operational Grant* and *Cost-Share and Technical Assistance Grant* must be satisfied by **June 30**. The FY22 Self-Assessment Questionnaire has a **July 15** due date.

Please make every effort to see that all data in the tracking program is complete and accurate **by July 15**. Please use the canned Logi reports at *Shared Reports>District Year End Reports>QA/QC Reports* to check your data.

FY23 Administrative & Operational and Cost-Share & Technical Assistance Policies & Grant Agreements should be finalized by the State Board at its June 24 meeting if the state budget is approved before then.

See pages II 41 - 44 in the VACS manual for practices eligible to be carried over from one program year to the next.

Letters should be sent to participants informing them of their contract extensions.

Remember that no 2023 VACS contracts can be approved for funding before PY23 secondary considerations are approved by both the District BOD and DCR and the District-approved PY23 average cost list has been submitted to DCR.

Non-Point Source Loading Estimates - The non-point source loading estimates of nitrogen, phosphorus, and sediment by various geographic extents for 2022 are now available online from our updated NPS Assessment web page -

<https://www.dcr.virginia.gov/soil-and-water/npsassmt>. Along with Land use acres and farm animal counts as are the agricultural priority hydrologic units used by the Virginia Agricultural Cost-Share Program.

Miscellaneous:

Nutrient Management Training Schools at the Frontier Culture Museum, Staunton:

June 29–30: Soil Science, Soil Fertility and Crop Production School (required for conservation planner certification);

July 12-14: Agriculture Nutrient Management Plan Writing School,

Fee \$130 each (\$150 after 6/20/22); Contact Susan Jones, 804-443-3803 susan.jones@dcr.virginia.gov

Reminder At Large Director position should be sent to State Board after our September meeting.

Motion was made to allow Doug Perrow to sign our FY23 Administrative & Operational and Cost-Share & Technical Assistance Policies & Grant Agreements for DCR prior to our next Board of Directors Meeting (Smith, Barrett approved 8/0).

3-USDA Natural Resources Conservation Service Report – Kelly Burke, NRCS District Conservationist gave the June 2022 report. (Copy filed with minutes)

Program Updates/ Deadlines:

- August 15, 2022- EQIP Obligation deadline
- August 30 2022- EQIP- CIC Obligation Deadline
- September 16, 2022-CSP Classic Obligations

Environmental Quality Incentives Program (EQIP)

- EQIP Contracts: 35
- EQIP Applications: 32
 - Preapproved: 4
- EQIP-CIC Applications: 3
 - Preapproved 1

Conservation Stewardship Program (CSP)

- Classic Contracts: 15
- Classic Applications: 7
 - Preapproved: 3
- Renewals Contracts: 7
- Renewals Applications: 9
- GCI Contracts: 27

Agricultural Conservation Easement Program ACEP

None at this time

Conservation Reserve Program Conservation Reserve Enhancement Program CRP/CREP

- FY2022
 - Expiring Continuous CRP: 1
 - Expiring General CRP: 6
 - Expiring CREP: 15
- FY2023
 - Expiring Continuous CRP: 0
 - Expiring General CRP: 6
 - Expiring CREP: 12
- Conservation Technical Assistance
 - None at this time

Local Working Groups/ Public Meetings- Looking for other members
 Outreach/ Agency Activities/ Evens- Amherst Co Agricultural Board Meeting
 Training are on file.

4-Virginia Department of Forestry Report – Rick Butler, Appomattox Forester –No June report was provided.

5-Virginia Cooperative Extension Report – Bruce Jones, Appomattox VCE Agent – June 2022 report was provided (Copy filed with minutes).

Upcoming events:

1. Central Virginia Farm Tour- June 26 1-6 PM
2. Planning a late summer field day focusing on precision agriculture and including a tour of grain variety trails.
3. Upcoming Filed Days
 - a. Southern Piedmont AREC (Agricultural Research and Extension Center), Blackstone. Jul 28, 2022 5 pm.
 - b. Shenandoah Valley AREC, Raphine August 3, 2022 1pm
4. Pesticide applicator license issues- letter is on file.

6-RELSWCD District Manager/Sr. Ag BMP Conservation Specialist Report: Jonathan Wooldridge gave the June 2022 report (copy filed with minutes).

Projects:

The weather and supply issues has slowed down field work. Working on plans and designs for new projects. Monitoring progress on projects under construction. Meeting with new producers that are interested in our programs. Working on estimates and maps for new projects for the new program year. Helping out with soil testing questions. Working on Nutrient Management Plans for producers. Completed Tillage Survey for DCR in Amherst and Appomattox CB was certified complete by Stu Blankenship.

Practices and Conservation Plans for Board Approval: Carryover Request

Motion made to approve Carryover for Contract 10-21-0004. Approved(Angulo, Smith passed 8/0).

Contract #	Instance#	Watershed/ County	Est Cost	C/S AMT	Comp Date	Fund	Practice
10-21-0004	393897	CB/AP	\$211,275.04	\$158,456.26 Tax Credit \$13,204.70	June 30, 2023	PY21 CB VACS	WP-4LC

Total PY22 CB Cost Share approved: \$1,334,243.00/ Allocated: \$1,338,379.00. \$4,136 remaining.

Total PY22 OCB Cost Share approved: \$531,489.00/ Allocated: \$532,611.00.

\$1,122.00 remaining

Watershed Dams:

Watershed dams are doing well and in good shape. Checking on the dams as the rainfall events happen. First Watershed mowing can start after June 1st.

Hours/Mileage:

161hrs worked

1988 miles traveled

7-RELSWCD Conservation Education Specialist- Lauran Campbell gave her report for June 2022 (copy filed with minutes).

Education Programs:

Date/Location	Program	# of People Reached
---------------	---------	---------------------

6/6/22 Amherst	Enviroscape	40
6/8 Appomattox	Craft Day	150
6/20- 6/25	Camps Woods and Wildlife	62

Future Programs:

7/4-7/7 Appomattox 4H Camp??? Have offered to help during afternoons. Still haven't gotten a response.

7/12 Soil Babies- Grace Hill

7/13 Craft/Game at Appomattox Library

7/14 Soil Babies – Grace Hill

7/19-7/21 Campbell County 4H (afternoons)

7/30 End of Summer Event @ Rustburg Library

8-RELSWCD Office Administrator Report – Cindy Miller gave the June 2022 report (copy filed with minutes).

Monthly duties are kept up to date.

- Assisted Lauran with activities
- Continued to work thru checkbook issues, all should be resolved now.
- DCR Assessment prepared.
- Assisted with DCR Cash on hand balance report.
- Researched pricing for insurance coverage for employees, life insurance, dental and vision for further reference if the Board wanted to approve a Benefit package.

Action needed: Note review of Annual Plan of Work dated July 2021-June 2022. Emailed to all Directors on 6/16/2022. Review completed by Directors 6/23/2022.

Motion request: To update the Personnel Policy to match State and Local Policy with reference to Hourly Parttime and Hourly Fulltime guidelines of 30-40 hours as fulltime status and 29.9 to 0 as parttime status for hourly employees. Approved (Smith/ Angulo passed 8/0).

Motion request: To hold our July 2022 Board of Directors meeting on July 21st due to staffing issues on July 28, 2022. Approved (Perrow/ Humbles passed 8/0).

9. Timberlake WID – Timberlake WID is progressing with the study of run off to Timberlake lake and Thanks Robert E Lee SWCD, staff and Directors for their support.

REPORT OF COMMITTEES – Agriculture Committee Meeting- See Attached meeting minutes.

Average Cost List Review FY2023 was approved (Payne, Smith passed 8/0). Secondary Consideration for VA Ag Best Management Practice Cost-Share Program (VACS) Program Year 2023 Approved (Perrow, Jones passed 8/0).

Log of Labor and Equipment Time for Conservation Projects updated amounts approved (Payne, Perrow passed 8/0). Cost Share Evaluation Worksheet Program Yr 2023 approved with the addition of Reed Creek & Goose Creek.

Approved (Payne, Smith passed 8/0). Sarah Bottoms with DCR approved new Pricing.

UNFINISHED BUSINESS- Education Specialist position- Lauran will be attending WVU and her last day will be July 22, 2022. Directors asked that staff run the job opening for Conservation Education Specialist for two weeks in the Times Virginian, Amherst New Era Progress and the News & Advance papers, then hold a Personnel Committee meeting on Wednesday June 20, 2022 at 5pm to review applications. Allow Lauran Campbell to be fulltime as long as she can maintain 30 or more hours during the week starting July 1, 2022 while taking summer classes.

NEW BUSINESS- None

PUBLIC COMMENT - None

ANNOUNCEMENTS – None

ADJOURNMENT - The Chairman adjourned the meeting at 7:10 p.m. **Approved (Angulo, Payne passed 8/0)**

Brandon Schmitt, Assistant Chairman

Cindy Miller, Office Administrator

K9 Skye Program Proposal

Presented to:

Chief of Police & Town Council

Prepared by:

Officer Rose LL

Reasons a K9 is needed in town:

Drugs:

Problem: Town has several open complaints from citizens of drug houses in the town with no way to effectively police these issues. The best tool at this point is consent to search which can simply be denied by the suspect. Best practice for police to investigate drug houses, is to effect traffic stops on vehicles seen coming and going after only short periods of time at a house which is consistent with drug activity. Once these vehicles are identified and stopped, probable cause is still needed to search the vehicle and its occupants unless the officer can obtain consent to search.

Solution: A Police K9 would be able to gain probable cause for vehicle searches based on odor detection due to the canine's keen sense of smell. The good old days of the officer searching on the odor of marijuana are gone making it harder to gain probable cause to search without the use of a K9. Majority of all narcotics and criminal enterprise investigations by law enforcement, either started due to items found in a search on a traffic stop or they include numerous traffic stops with searches.

Problem: We have a major highway, route 29, that passes through our Town. A lot of out of state drivers and out of town drivers are passing through our Town daily. Several of these cars are being stopped and ticketed for excessive speed and other infractions, but when we check out community policing data sheets, 98% of the cars our Town Officers stop are not getting searched. If we are not able to develop probable cause to search cars, how much and what are we allowing to enter and pass through our Town without doing our job to police?

Solution: A Police K9 is an instrumental tool in being able to develop probable cause to search vehicles and persons. With laws constantly changing and making it harder for Officers to enforce the laws, we must keep up with the times and provide our officers with the tools needed to continue to do their job.

Problem: Amherst County Sheriff's Office has a K9 program, but they are not always available. There is no other local jurisdiction who could respond with their K9 quick enough without prolonging the extent of the traffic stop and unjustly detaining the driver for extended waits. The courts have ruled that officers can hold suspect/drivers on traffic stops for the arrival of a K9 unit but not for unreasonable amounts of time. This same issue can arise when requesting Amherst County SO K9 units depending on where they are responding from. If a County K9 unit is responding to assist a town officer from Madison heights area, that could be a 20-minute response time when the average traffic stops only last approximately 10-15 minutes.

Solution: Having a Town K9 Unit would drastically cut down the response time being that at worst case scenario the town K9 would be on the other side of town from where a town officer has someone stopped, this is still only a 6-mile response. The furthest Town employed Officer only lives 5 miles outside of the Town and if this officer was the Town K9 Unit he could most likely still respond from home just as quick or quicker than a County K9.

Tracking:

Problem: Town of Amherst has a high percentage of elderly and disabled residents. This is evident with apartment housing such as Newington apartments for elderly and disabled and we have a nursing home facility within the town limits. With a high number of elderly and disabled residents the possibility for dementia and mental patients wandering off and getting lost is a high probability that is faced by the Town Police Department.

Solution: A Police K9 that can track would be greatly beneficial and needed tool to locate these patients in these situations. However, tracking is not limited to search and rescue. Tracking can be applied to criminals as well. Foot pursuits when subjects flee, vehicle pursuits that end in subjects fleeing from the vehicle, and escaped prisoners. A Police K9 with tracking abilities would be greatly needed. There was not to long ago an incident where prisoners escaped in the Town and had residents in a panic as Town, County, and State law enforcement searched for these prisoners in the Town. Again, this was a situation where a County K9 was unavailable and a Town K9 could have been utilized to apprehend these suspects much quicker.

Area/Building Searches:

Problem: Between the town business district and Ambriar shopping center alone there are numerous businesses in the Town. Doors are often left unlocked and found by Town Officers on routine patrol or when alarm calls require Town Officer response. These are extremely dangerous situations for officers to respond too. Be it an alarm call or an open door found by an officer, The Town Police have a duty to intervene and ensure the safety of the businesses in our Town. When these entrances are found open, an officer must enter and clear these buildings. There is always the possibility that a suspect could still be inside the building lying in wait to ambush an officer.

Solution: A Police K9 is a tool needed in these situations as the K9 could go in first and clear the building for possible people inside. Once the K9 has cleared the building, the officers can then go inside and visually clear the building for signs of Break ins. God forbid, but in the scenario that a suspect were to be inside with a weapon in wait to ambush an officer, Would the Town rather lose the life of a k9 which is Town property or possibly lose the life of a Town employee?

Type of K9 Needed and Why?

A Single purpose dog is the answer to the type of K9 needed. The single purpose Police K9 can scent track and scent for narcotics. This is the type of K9 that would be highly recommended for The Town. This dog will accomplish the tasks needed by the town efficiently and does not come with the risks or liabilities that come with a dual-purpose dog. Dual purpose K9s will do everything a single purpose will but they also will do bite work. With lawsuits on the rise over police K9 bites on suspects, this is an area of liability that I would not recommend the Town to take on with such a small department. Even a lot of larger scale police departments across the country are considering and beginning to move away from dual purpose bite dogs.

Other Added Benefits of a Town K9

A Single purpose K9 is a great way to improve community policing. With a K9 that is not trained to bite and not a naturally aggressive type of animal, K9 displays can be done for the public to improve relations between police and citizens, without the worry of the dog getting excited and biting someone. Single purpose dogs are often used for school demonstrations due to them being friendly animals that kids can pet and touch.

There are two Schools, Amherst Elementary School and Amherst County High School, that are located in the Town. As of now, the Town Police do not have a strong connection with these schools as the County Sheriff's Office does the School Resource Officer (SRO) work in those schools. A single purpose k9 could improve this relationship as the K9 could be used on a consistent basis to scent school lockers for drugs in our schools. Although these schools are SRO'd by the County they are in our Town, and we owe it to our town school students to help ensure their safety while at school in our Town.

Crowd control is another good use for a single purpose dog. Even single purpose dogs are used for crowd control and to help move large groups of people along quicker due to citizens not knowing if the dog will actually bite on command or not. This could be another beneficial use for a Town K9 with as many parades, protests, and large gatherings that are often held in the town.

A Single Purpose K9 can also be used for article searches. Due to their keen sense of smell, they can assist in locating articles of evidence that may be hidden or tossed by a suspect. For example, if a suspect ran from Police and was apprehended shortly after, the Town K9 could be utilized to search the area the suspect fled, to ensure no drugs or weapons were tossed onto the ground close by. Can you imagine the bad press if Officers were to arrest a subject on or near school property and the suspect tosses a weapon off onto school property and it is missed in a normal search by an officer?

Our K9 Skye Request:

Meet K9 Skye



Skye is a 7month old Blue Heeler/German Shepard mix puppy. Skye has been tested by Master K9 Trainer Harold Ben Bennett. And the assessment is that she has the drive to do the job. Skye has already started being imprinted on the odor of cocaine and is doing well. Bennett did however recommend that because Skye is so young, He recommended we only train and certify her in drug work for now and then after she gets older around the age of 12-15 months then she will mature enough and have a longer attention span to be able to be trained in tracking and article searches. Skye is currently owned by Luther Rose who is willing to donate her to the Town Police Department. Skye is our first choice as we hope to accomplish our goals of a K9 program while also saving the Town as much money as we can in the process.

Initial Set up Costs:

Cost Comparison:

<u>Item</u>	<u>German Shorthair (SC Kennels)</u>	<u>Skye Mix Breed Puppy</u>
K9	12,500.00	0.00
6-week School	1,000.00	4,700.00- 7,000.00
K9 Transport Cage System	4,000.00- 8,000.00	Free-4,300
Dog Kennel	650.00	250.00
Training Aids	700.00	700.00
Totals	22,850.00	12,250.00

Need to Know: The German Short Hair Pointer is from Shallow Creek Kennels in PA. This Facility is considered one of the best facilities in the Country for Police K9s. The German Shorthair Pointer will come already trained to track and scent for major drugs such as cocaine, Heroin, Meth, & LSD. This facility also provides the 4-week training to get the Handler and the K9 certified. They also allow the Handler to come to the school a couple of days early and choose the K9 that best suits them. This facility also provides lodging while the handler is at the training for no extra cost. When the handler completes this school and returns the K9, and Handler are certified and ready to hit the streets. Shallow Creek also sells Green Untrained German Short haired pointers for 9,800.00.

Skye is the option we are requesting to go with as it saves the Town the most money in initial investment. The school is local school set to start 8/15/22 and will be a 6 -8 week school where completely green untrained dogs are welcome. This School will be held in Lynchburg and Amherst VA and will be put on by Master K9 Trainer Ben Bennett and the cost of the school is 14,000.00 Ben is allowing us to split the cost of the school amongst other attending agencies. As of now ACSO is the only agency attending. If we attend this will cause the bill to split at 7,000.00 per agency. LPD is also trying to get one k9 and handler team into the school and if they do this will cause the bill to split between 3 agencies at approximately 4700.00 per agency. Ben has also stated that if for some reason against the odds that Skye does not work out, he will notify our agency and let us select another dog and attend another school he is hosting for no extra charge or if we can replace the dog quickly, we can continue in this school with another dog. Even if Skye for some reason did not work out, we could go to Ventosa K9 in NC and purchase a green untrained Single purpose dog with a 1-year warranty for approximately 8500.00 (Only single purpose Breeds Ventosa Has available right now are Labs) and bring it back and continue in the current school with Ben and still spend less money than purchasing everything fully trained and brand new.

Maintenance Costs:

Dog Food- Purina Pro Plan Sport Dog Feed (Most expensive brand available) 75.48 per Bag = 981.24
per year

Vet Fees- Normal Yearly Shots (Some Vets do this for LE for free or discounted rates) 300.00 per year

Training Cost- Yearly Certification and monthly maintenance Training (K9 & Handler must be certified yearly done locally) 7000.00 per year to be paid to local Master K9 Trainer. This also guarantee us two 8-hour days per month for our K9 and Handler to train with the Master Trainer in case any issues arise he is there to help correct training issues and to continue teaching the dog new things.

Monthly Training- K9 & Handler would need to train at least two 8-hour training day a month- No extra cost as this normally just gets done on a regular workday.

K9 Handler Maintenance Cost- Law requires that k9 handlers get compensated at least 1 hour per working shift to make up for all the added training and feeding of the k9 that is done off duty by the handler. Most agencies allow k9 & handler to work 1 hour shorter on their shift to keep this from adding extra cost to the budget. Example: If the officer is scheduled to work a 10-hour shift, as a k9 handler he would only work a 9-hour shift but still be compensated for a 10-hour workday.

Total out of pocket: 8,281.25 per year

Would strongly recommend that this be budgeted at 9500 per year so that there will be extra money to replace training aids and pay vet bills if the dog would ever need any vet visits outside of normal shots/vaccines.

Policy

As an Accredited Agency, there must be policy in place to govern the use and Department practices of a K9. See attachment for a policy draft, that meets the basic requirement for accreditation but should still be tweaked and adjusted by Chief of police to ensure that it works best for the Town.

Conclusion

If this K9 Skye proposal passes, the Town would be investing approximately 12,250.00 into the start of a K9 program.

While the initial investment is high, for less than 10,000.00 annually the Town could maintain this program.

In comparison, the K9 program would cost less than adding a new vehicle to the fleet and less than the annual maintenance on one fleet vehicle.

So, for less than the price of a new vehicle, are the benefits that a K9 program could add to the Town worth it?

Now that cost comparison is in our mind set the follow up question should be, do we want to equip our Town Police with the tools to keep the drugs out of our town or not? If we simply watch the news, we can see the problems that our country is facing, and we would be remiss to think that these same problems and crimes are absent from our Town. If we simply look at the County of Amherst, particularly the Madison Heights area has been nick named meth heights due to the drug problems in the area. Do we continue to turn a blind eye to the drug complaints in our Town until we are also called meth town, or do we make an investment to protect our Town, its Residents and the Businesses within?

I believe that with the times constantly changing, and changing not in favor of Law Enforcement, it is imperative that we equip our Police Department with the tools they need to continue to do their jobs while overcoming all the new obstacles being thrown in their way.

Thank You for Your Time & Consideration in this matter!

K9 Assessment

Report # 2

On 7/12/22 & 7/13/22 the Town of Amherst free K9 option #2, which is a 7-month-old GSD & BHD mix puppy named Skye, was evaluated a second time by Master K9 Trainer Harold (Ben) Bennett. Ben is a Nationally certified master k9 Trainer through North American Police Work Dog Association (NAPWDA). NAPWDA is the same organization that the state of Virginia requires all Police K9s to certify yearly through. Ben has been a K9 handler & or trainer for 30 years. Ben currently is the master trainer who does maintenance training twice a month and during these trainings he also certifies K9 teams annually for Lynchburg Police Department and Amherst County Sheriff Office and some other local jurisdictions in our area.

Results of testing:

Skye was put through a series of tests on 7/12/22 by Ben to test the dog to see if she had the drives and the nose to not only be police single purpose K9 but also to be able to perform at high standards. After a Series of test Ben informed that he believes the dog has the drive and the ability to do the job. Ben then informed me that I had already taught the dog the proper amount of obedience for a single purpose dog. Ben then asked if he could perform another test with the dog just to see how strong her nose and hunt drive is. Ben explained that a drug dog must have a good nose and a string drive to hunt to find what their nose is after. Ben then explained the process of how to imprint a dog on the scent of a drug. Ben advised that this process with a good dog and when done in the right way usually takes 2-3 days per drug to get the dog fully understanding that this scent is the scent they are after because that scent is associated with the reward they will receive when they find the scent.

Ben they took a towel that had the scent of cocaine on it and played fetch with Skye about 2 times. Ben then took the towel with cocaine scent and hid it from the dog and asked her to go find it. Ben stated that he does not expect the dog with that little of training to find the towel, but he expects to see her try. Skye completed the test and found the towel with the cocaine scent behind the bleachers where Ben hid it. While all the K9 handlers from Amherst County SO and Lynchburg Police Department were praising the puppy Skye for her find, Skye went past a spot where cocaine had been hidden earlier during the training for the other K9s that were there. When Skye went passed the place, she showed a strong interest in the odor in that area. Ben then had me hold Skye and he placed a clean towel with no cocaine odor in a trash can and some cocaine in the trash can. We then released Skye and asked her to go find it. Skye walked past the trash can and the turned suddenly showing a change in behavior and scented her way back to the trash can where the cocaine and towel was hidden. When Skye showed extreme interest in only this can and not the other 4 that where there she was rewarded with towel and praised. Ben explained that he was not expecting the dog to be able to recognize the scent of cocaine that easily and quickly and stated that Skye is a fast learner with great potential.

Ben then concluded the session this day by informing that be believes Skye would make a great K9 for this Department as she has already shown she has imprinted to the scent of cocaine. Ben then asked me if the town chooses not to use this dog or get a dog would I be willing to donate the dog to another department in need. Ben also asked me to come back to training the next day on 7/13/22 so that he could try some other things with the puppy.

On 7/13/22 Ben hid cocaine on a bus, and we sent Skye onto the bus and gave her the command to go find her toy. Skye was able to make it to the back seat of the bus (where the cocaine was hidden) and she showed a change in behavior, and she sat and began to stare at the rear passenger side seat of the bus. I then encouraged Skye to get up onto the bus seat and continue to search for her toy. Skye then got up on the bus seat and found the bag of Cocaine that was hidden in the seat and began trying to pull the bag of cocaine out from the seat and she was rewarded with her toy.

Later that day Skye was sent into a classroom and asked to search for her toy. Skye went into the room and found a book bag where she showed an instant change in behavior and began trying to get her nose into the bookbag. Skye was then rewarded with her toy as the cocaine was hidden in the bookbag.

Ben informed me that Skye has major potential, and he would love to see her used as a police k9. Ben informed that his only strong recommendation for Skye would be; To put her in a School and only worry about training her and certifying her in drug work for now. I asked Ben to explain the reasoning for this being that my Agency was wanting a Drug and Tracking dog. Ben stated that drug work requires all play drive and hunt drive, and it is fun to the dog. Being that Skye is still so young in age, teaching her to track right away would most likely be hard and too frustrating on her as tracking requires a lot more concentration from the dog. Ben stated that Skye is still very young, and a puppy and her attention span is just not up to par yet. So, his recommendation would be to wait til she is 12-15 months of age and then if we chose to attend the maintenance training with Him and the other agencies, Ben can later teach the dog to track during those trainings and certify the dog in tracking without having to go to another school.

Notes:

Ben offered several times after the initial testing of Skye for the leadership of our Town, (Chief, Captain, Town manager, & Town Mayor) to come meet with him and see the dog in person and hear his recommendation in person. This was relayed to Captain Payne but unfortunately with last minutes notice this was unable to be done.

Ben's School:

Ben will be hosting a 6-8 week school for k9 teams in this area. This school will consist of training the dog and handler and everything that both need to know and certifying the team in the end. Ben charges 14,000.00 for this school. Ben allows agencies to split the cost of the school. This School has been set to start by Amherst County SO on 8/15/22. As of now ACSO will be paying the full 14,000.00 for the school. If we elect to send Skye and a Handler to this school, The bill for the school would be split resulting in 7000.00 our price and 7000.00 ACSO price. There is still a possibility that LPD will enter this school as well and if they do that will result in the bill being split 3 ways instead of two. Ben stated he would love to have us and Skye in this school.

The Lieutenant, Sergeant, and Relief Supervisor over Lynchburg Police Department's K9 unit all highly recommended Ben's School to me. They each stated that every dog they have sent to the School at Shallow Creek does not come back ready to hit the street. But every team they have sent to Ben's School is not only ready to hit the streets but performs much better than they expect. A K9 Handler from

ACSO also informed me that he got his dog from Shallow Creek and although the dog is great the school was not the best and he had to come back and do maintenance training with Ben for two months before ACSO allowed him and his dog to hit the streets.



Application for Abandonment of a Public Right-of-Way

Town of Amherst

P.O. Box 280 174 S. Main Street Amherst, VA 24521

Who should use this form?

You should use this form if you desire for a public right-of-way (such as a road, alley, or sidewalk) owned by the Town of Amherst to be abandoned (or “vacated”). This could involve, for example, redrawing the property lines for a grass-covered alleyway that runs behind the backyards of a neighborhood, so that the alleyway is absorbed into the backyards of the neighborhood; or it could involve scraping up the asphalt of a rarely used road, conveying the land to a private owner, and converting it to a better use.

What is the legal authority for abandoning a public right-of-way?

The Virginia General Assembly has outlined several different processes for abandoning a public right-of-way. These include Va. Code § 15.2-2006; Va. Code § 33.2-925 (“[A] road may be abandoned in accordance with the procedure for vacations in subdivision 2 of § 15.2-2272”); and Town Charter art. VII, § 1(1). The Town Council has sole discretion as to whether a public right-of-way is to be abandoned.

Instructions. Please answer the questions in the spaces provided below. If you need additional space to answer these questions, feel free to attach additional pages. Please label each page as “Attachment *N*,” with “*N*” representing the question number. (For example, if you need additional space to answer Question #2, label the attachment as Attachment 2.) Once you have completed the form, enclose with it a check covering the application fee (\$100.⁰⁰) and the costs of public advertising (\$000.⁰⁰). (Total: \$000.⁰⁰.) Mail or hand-deliver this form, with the enclosed check, to the Town of Amherst at the address at the top of this form. Once a complete application is received, your application will be scheduled for a public hearing before the Town Council.

1. Name of Applicant(s) (individual(s), corporation(s), or other entity(ies)): _____

2. Name/description of the public right-of-way to be abandoned: _____

3. Do you wish for the entire extent of the public right-of-way to be abandoned, or only a portion of it? If you only wish to abandon a portion of the public right-of-way, please describe how much of the right-of-way that you wish the Town to abandon (for example, “The portion of the right-of-way to the north of my property, Tax Map No. 96A4-A-25, located at 174 S. Main Street, Amherst, VA 24521.”)

4. Why do you wish for the right-of-way to be abandoned? What use do you propose for the right-of-way to be put to, if the right-of-way is abandoned?

5. Who do you wish to own or maintain the property, once the public right-of-way is abandoned? (For example, do you wish to purchase the property on which the right-of-way currently sits?)

6. If you wish to purchase the property, what purchase price do you propose for the land? (If multiple applicants would purchase multiple portions of the property, be sure to be specific about the proposed price for each portion.)

7. Do you own land that is near or adjacent to the public right-of-way that you wish to be abandoned?

- ☐ Yes
☐ No

8. If yes, please describe the land you own:

Address: _____

Parcel ID (Tax Map Number): _____

(**TIP:** If you need help finding the Parcel ID for your property, you may be able to find it at amherstgis.timmons.com.)

9. Where is your land in relation to the public right-of-way? _____

10. Please list and describe any utilities, public works, facilities, or other valuable property (hereinafter collectively referred to as “**facilities**”) located in the public right-of-way that you wish to abandon.

11. Please provide any additional information you wish for the Town Council to consider.

12. Enclosures. Please enclose the following:

- A plat of the right-of-way to be abandoned, showing the location of property lines, all utility easements, drainage easements, and other easements, dated no more than three months prior to the date of your application. (Unless you already have such a plat, you will need to hire a surveyor for this purpose.)
- All documents associated with a deed and title search for the ownership of the land. (You will need to hire an attorney for the purpose of conducting this title search.)

13. Date that this application was mailed or hand-delivered: _____

By signing this application, I/we agree to post a bond to cover the estimated expenses for any construction, deconstruction, or other costs for the abandonment of the public right-of-way, as well as any damage to underground utilities or other facilities that we have not fully disclosed in this form and/or its enclosures, regardless of whether those facilities are known to us. I/we understand that the amount of the bond will be determined by the Town Council; and the approval of my/our application by the Town Council will be contingent upon my/our payment of the bond.

APPLICANT #1:

Signature

Date

By: _____ *(if you are signing on behalf of a corporation/entity)*

Title: _____ *(if you are signing on behalf of a corporation/entity)*

APPLICANT #2 (if applicable):

Signature

Date

By: _____ *(if you are signing on behalf of a corporation/entity)*

Title: _____ *(if you are signing on behalf of a corporation/entity)*

APPLICANT #3 (if applicable):

Signature

Date

By: _____ *(if you are signing on behalf of a corporation/entity)*

Title: _____ *(if you are signing on behalf of a corporation/entity)*

(If there are any additional applicants, attach additional signature page(s), as necessary)

FOR OFFICE USE ONLY

Received on (date): _____ Received by (name): _____

Check(s) cleared on (date): _____



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 McGuffin

Date: August 4, 2022

Re: Accessory Structures

A Notice of Violation was issued for an illegal accessory structure on Cedar Street. This structure, a carport, violates the front and side yard setbacks for accessory structures, and was built without a zoning certificate or a building permit. Accessory structures are required to meet the front setbacks and side setbacks for the district, as well as a reduced fifteen foot rear setback. The recipient of the NOV requested that Council review the Code and determine if it is meeting the needs of the Town. As the matter is being reviewed by the Council, the enforcement proceedings have been halted to allow the Council to consider the request.

The Council referred the matter to the Planning Commission to hold a public hearing. The Commission held their public hearing on August 3. At that time, Mr. Stinson came to speak on the matter, and suggested that the Town consider other ordinances from other towns that allow more lenient setbacks for accessory structures. He provided pictures of his structure and copies of ordinances from other localities. The Commission noted the neatness of his property and the work he has put into it. However, the Commission voted 6-1 to retain the existing setbacks for accessory structures in the Town and recommends no changes to the Council.

At this point, the Council may either accept the recommendation of the Commission, at which point, the enforcement action will continue based upon the existing Code, or Council can direct staff to advertise for a public hearing on a revised Code. If Council would like a revision to the Code, discussion at this meeting should direct staff as to the nature of the proposed changes. Mr. Stinson's request would include a five foot side setback and a reduced front yard setback, that would allow structures to be within the front yards of a residence.

Sec. 18.1-901.02 Accessory buildings.

The location of accessory buildings and uses in residential districts must meet the following restrictions:

1. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore such attached accessory building shall comply in all respects with the requirements applicable to the main building.
2. A detached accessory building shall not be closer than fifteen (15) feet to the main building or rear lot line. Accessory building shall not be closer to a lot line than the setback line for side yards for the district in which the lot is located. Additionally, no building housing livestock shall be placed within two hundred (200) feet of a lot line located within or abutting any residential or business district.
3. A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty (30) percent of the rear yard.
4. No detached accessory building may be located in the front yard of a lot.
5. Radio and television antennae, satellite dishes with a dish area larger than 4 square feet, solar panels, wind mills and similar accessory uses shall be permitted as accessory uses provided they conform to all appropriate yard and height requirements for the district in which the lot is located. The installation of a satellite dish antenna shall be permitted in accordance with the Virginia Uniform Statewide Building Code.

TOWN OF AMHERST
APPLICATION FOR APPOINTMENT TO STANDING BOARDS, COMMISSIONS,
AND AUTHORITIES

The following biographical information has been requested by the Amherst Town Council on each nominee for Council appointment. When completed, please return to:
Town of Amherst

Attn: Clerk of the Council

P.O. Box 280, 174 South Main Street, Amherst, VA 24521

Email: vicki.hunt@amherstva.gov.

Authority, Board, or Commission (check all you wish to apply for):

- | | |
|--|---|
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Property Maintenance Investigation Board |
| <input type="checkbox"/> Board of Zoning Appeals | <input type="checkbox"/> Town/Sweet Briar Sewer Use Advisory Commission |
| <input checked="" type="checkbox"/> Industrial Development Authority | |

Full Legal Name: Mark D. Milhous

Mailing Address: PO Box 1080, Amherst, VA 24521

Home Address: 388 Thrashers creek Rd., Amherst VA

E-mail Address: mark.milhous@milhous.com

Phone No: Office 434-946-5302 x103 Work: 434-941-5338

Length of time at present address: 23 Years

Are you over the age of 18? Yes

Employer Name: Milhous Company Address: 144 South Main Street, Amherst VA

Current employment position: President

List specific information which might qualify you for this appointment: _____

I own and operate a business in the town of Amherst.

Why are you interested in serving as a member of this authority, board or commission?

I want the town of Amherst to succeed and I might be able to help.



Signature of Applicant

19Jul2022

Date

**TOWN OF AMHERST
APPLICATION FOR APPOINTMENT TO STANDING BOARDS, COMMISSIONS,
AND AUTHORITIES**

The following biographical information has been requested by the Amherst Town Council on each nominee for Council appointment. When completed, please return to:
Town of Amherst
Attn: Clerk of the Council
P.O. Box 280, 174 South Main Street, Amherst, VA 24521
Email: vicki.hunt@amherstva.gov.

Authority, Board, or Commission (check all you wish to apply for):

- | | |
|--|---|
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Property Maintenance Investigation Board |
| <input type="checkbox"/> Board of Zoning Appeals | <input type="checkbox"/> Town/Sweet Briar Sewer Use Advisory Commission |
| <input checked="" type="checkbox"/> Industrial Development Authority | |

Full Legal Name: DOUGLAS L. Thompson

Mailing Address: PO Box 726, Amherst, VA 24524

Home Address: 268 S. Main Street, Amherst, VA 24524

E-mail Address: DOUG@DLTANDCO.COM

Phone No: Office 434-381-2033 Work: _____

Length of time at present address: 10 years

Are you over the age of 18? Yes

Employer Name: SELF Address: 155 S. Main St., Amherst VA

Current employment position: Managing Member

List specific information which might qualify you for this appointment: C.P.A., Owned my own company for 23 years in the Town of Amherst, worked professionally with Lynchburg & Amherst IPA

Why are you interested in serving as a member of this authority, board or commission?

I WAS ASKED to serve because of two VACANCIES

[Signature]
Signature of Applicant

7/18/22
Date

TOWN COUNCIL OF THE TOWN OF AMHERST, VIRGINIA

MOTION:

**Wednesday, August 10, 2022
Regular Meeting**

SECOND:

RE: AUTHORIZE CLOSED MEETING

WHEREAS, the Town Council of the Town of Amherst desires to discuss in Closed Meeting the following matter(s):

- Assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body, namely, the Town Manager. - §2.2-3711(A)(1)
- Consultation with legal counsel pertaining to actual or probable litigation, namely, litigation regarding the derelict building located at 172 Depot Street, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body. - §2.2-3711(A)(7)
- Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, namely, the process for the Town Council to exercise its power under article IX, § 1(1) of the Town Charter, providing for the Council to compel the abatement or removal of a nuisance. - §2.2-3711(A)(8)

WHEREAS, pursuant to Virginia Code §§ 2.2-3711(A)(1), (A)(7), and A(8), respectively, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does hereby authorize discussion of the aforestated matters in Closed Meeting."

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

CERTIFIED COPY _____
Clerk to the Town Council