

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on May 9, 2018, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. It was noted that a quorum was present as follows:

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

Town Manager Sara E. Carter, Town Attorney W. Thomas Berry, Office Manager Tracie Wright, Clerk of Council Vicki K. Hunt, Police Chief Robert A. Shiflett, II, Lead Water Treatment Plant Operator Becky Cash, and Lead Sewer Treatment Plant Operator Gary Williams, were present.

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by André Higginbotham.

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

After the Town Manager gave a background report, a duly advertised public hearing on an amendment to Section 8.1-401 of Chapter 8.1 of the Town Code that would, if approved, allow an increase of the amount of tax levied by the Town on each person on the amount charged for food and beverage sold for human consumption from four (4) to six (6) percent of the amount charged, was opened at 7:06 P.M.

There being no one present who wished to speak on the matter, the public hearing closed at 7:07 P.M.

After some discussion, Mrs. Carton made a motion that was seconded by Mr. Higginbotham and carried 5-0 to approve adoption of an ordinance to amend Section 8.1-401 of Chapter 8.1 of the Town Code allowing an increase of the amount of tax levied by the Town on each person on the amount charged for food and beverage sold for human consumption from four (4) to six (6) percent of the amount charged. Mrs. Carton and Messrs. Higginbotham, Watts, Bunch and Stinnett voted "Aye." A copy of the ordinance is attached and made a part of these minutes.

After Mrs. Carton gave a brief report on the development of the FY18/19 budget proposal, a duly advertised public hearing on the Town's proposed FY18/19 budget was opened at 7:08 P.M. There being no one present who wished to speak on the budget matter, the public hearing closed at 7:09 P.M.

James E. Sanderson, Jr., Sr. Vice President, Davenport and Company, and Daniel M. Siegel, Esq., Shareholder, Sands Anderson, PC, presented an overview on the Town's outstanding debt related to the Series 2005 and 2010 loans with the goal to reduce the overall debt service costs to the Town.

After discussion, Mr. Watts made a motion that was seconded by Mrs. Carton and carried 5-0 to direct Davenport and Company to proceed with a direct bank loan with interest rates determined through a competitive RFP process with the refunding option being pursued based on the scenario that states that bonds are shortened to a 12-year final maturity, debt service structured to achieve level debt service after an approximately \$50,000 step-up and total debt service decreases by approximately \$950,000. With this refunding option the assumed rate would be 2.75% (5 year) or 3.5% (12-year), as recommended by the Finance Committee. Mrs. Carton and Messrs. Higginbotham, Watts, Bunch and Stinnett voted "Aye."

Mrs. Carton made a motion that was seconded by Mr. Bunch and carried 5-0 to approve the minutes from the April 11, 2018, meeting. Mrs. Carton and Messrs. Higginbotham, Watts, Bunch and Stinnett voted "Aye."

Mr. Bunch made a motion that was seconded by Mr. Watts and carried 5-0 to authorize Mayor Tuggle to sign a Proclamation declaring May 13-19, 2018, Police Week and May 15, 2018, Peace Officer Memorial Day in the Town of Amherst. Mrs. Carton and Messrs. Higginbotham, Watts, Bunch and Stinnett voted "Aye." Mayor Tuggle recognized Virginia Police Special Agent Mike Walters and Lt. H. Jay Cullen, helicopter surveillance pilot for the Virginia State Police after the reading of the Proclamation.

Town Manager Carter gave an oral report on the Documentation of 2017 Review of the 2012 Memorandum of Understanding between the Robert E. Lee Soil & Water Conservation District, Amherst County and the Town of Amherst.

After discussion, Mr. Higginbotham made a motion which was seconded by Mr. Stinnett to authorize Town Manager Carter to accept the West Court Street – Change Order Proposal #1 from George E. Jones & Son, Inc., in the amount of \$5,040.00 to extend 2" PVC Water Main (\$2,400) and add ¾" Meter Assemblies (\$2,640) as recommended by staff and to authorize Town Manager Carter to execute Change Order No. 1 as it relates to the project. Mrs. Carton and Messrs. Higginbotham, Watts, Bunch and Stinnett voted "Aye."

Town Manager Carter gave a progress report on the Town's new website; reported on APCO tree trimming services to maintain power reliability; and, reported that the local registrar has indicated that the ballot for the upcoming council election in November 2018 will list candidate names in the order submitted. The deadline for candidates to file qualifying forms with the local general registrar is June 12, 2018, at 7 PM.

By consensus of Council, Town Manager will advertise for one FTE waste water operator as recommended by staff.

Mayor Tuggle thanked everyone who attended the Town employee recognition picnic.

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

Clifford Hart, Amherst, Virginia, came forward to suggest certain items that might be helpful for citizens to view on the Town's website and also asked about the possibility of educating citizens on how to negotiate the traffic circle.

Mr. Watts congratulated and commended Lead Water Treatment Plant Operator Becky Cash and her staff on the results of the recent water quality test.

At 8:20 PM, Mr. Stinnett made the following motion which was seconded by Mr. Watts and carried 5-0 with Mrs. Carton and Messrs. Higginbotham, Watts, Bunch and Stinnett voting in favor: I move that the Town Council convene in closed session for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body per the exemption at §2.2-3711A.3 of the Code of Virginia.

At 8:57 PM, Mr. Stinnett read the certification, that the Town Council certify that to the best of each councilors' knowledge that (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 and §15.2-2907 of the Code of Virginia and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the session. The motion 5-0 via the roll call method with Mrs. Carton and Mr. Higginbotham, Watts, Bunch and Stinnett voting "Aye."

There being no further business, the meeting adjourned on a motion by Mrs. Carton seconded by Mr. Higginbotham at 8:58 P.M.

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D. Dwayne Tuggle  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

DRAFT FOR APPROVAL

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING SECTION 8.1-401 OF CHAPTER 8.1 OF THE TOWN CODE, THE AMENDED CODE REFERRING TO THE AMOUNT OF TAX LEVIED.**

Be it Ordained by the Council of the Town of Amherst:

*1. That Section 8.1-401 of the Code of the Town of Amherst is hereby amended to read as follows:*

**Sec. 8.1-401. Amount of tax levied.**

There is hereby imposed and levied by the town on each person a tax as set out in this article on the amount charged for food and beverage sold for human consumption. The tax shall be six (6) ~~four (4)~~ percent of the amount charged.

*2. That this Ordinance shall be effective on July 1, 2018.*

This Ordinance was adopted on May 9, 2018.

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Mayor

ATTEST:

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Clerk of Council