

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on July 11, 2018, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. It was noted that a quorum was present as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Tuggle recessed the meeting at 8:08 PM.

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

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

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

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

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

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

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D. Dwayne Tuggle  
Mayor

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

DRAFT FOR APPROVAL

**#1**

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

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

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

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

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

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

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

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

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

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

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

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

*Adopted in the Town of Amherst, Virginia this 11<sup>th</sup> day of July, 2018.*

\_\_\_\_\_  
Mayor Dwayne Tuggle

Attest:

\_\_\_\_\_  
Clerk of Council