

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on July 12, 2023, 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	Andra Higginbotham
P	Janice N. Wheaton	P	Michael Driskill
P	Sharon W. Turner	A	Douglas Thompson

Also present were the following staff members:

Sara E. McGuffin	Town Manager		Gary Williams	Director of Plants
Kelley Kemp	Town Attorney		Becky Cash	Plants Operator
Vicki K. Hunt	Clerk of Council			

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

Town Manager McGuffin gave a report on an Application for Abandonment of Public Right-of-Way submitted by Mount Olive Baptist Church which, if approved, would abandon that portion of an alleyway between Mount Olive Road and West Court Street on the north side of and adjacent to Mount Olive Baptist Church.

Town Attorney Kemp added that an Ordinance to abandon the alleyway would have to be approved by Council after Mount Olive Baptist Church notified adjacent landowners of the requested abandonment and present a required survey and proposed deed to Council.

Mayor Tuggle opened a duly advertised public hearing at 7:05 P.M. on the application of Mount Olive Baptist Church to abandon that portion of an alleyway between Mount Olive Road and West Court Street on the north side of and adjacent to Mount Olive Church.

Cal C. Gamble, Trustee of Mount Olive Baptist Church, was present to comment and answer questions.

There being no one else present in person or otherwise who wished to speak on the matter, the public hearing closed at 7:08 P.M.

By consensus the matter was deferred to allow Mount Olive Baptist Church time to present a required survey and a proposed deed.

Town Manager McGuffin gave a report on an Application for Rezoning submitted by McDonald’s Corporation which, if approved, would rezone 2,193 square feet of property adjacent to the existing McDonalds (Tax Map No. 96A4-A174) from T-1 to B-2. The rezoning is intended for the purpose of redevelopment of the applicant’s drive-thru. The Planning Commission held a duly advertised public hearing at its meeting on June 7, 2023, at which time the Commission recommended that Town Council approve the application for rezoning.

McDonald’s representative Tammy Kahm was present to answer questions.

Mayor Tuggle opened a duly advertised public hearing at 7:09 P.M. on the Application for Rezoning submitted by McDonald’s Corporation which, if approved, would rezone 2,193 square feet of property adjacent to the existing McDonalds (Tax Map No. 96A4-A174) from T-1 to B-2

There being no one present in person or otherwise who wished to speak on the matter, the public hearing closed at 7:09 P.M.

Ms. Turner made a motion that was seconded by Mr. Higginbotham to approve the Application for Rezoning submitted by McDonald’s Corporation to rezone 2,193 square feet of property adjacent to the existing McDonalds (Tax Map No. 96A4-A174) from T-1 to B-2, as recommended by the Planning Commission and by staff.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Absent

A copy of the Ordinance approving the rezoning is attached hereto and made a part of these minutes.

Mayor Tuggle opened the floor to citizen comments.

D. S. Watts, South Main Street, came forward with concerns of a noise problem where he resides coming from many businesses located in the area.

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

Ms. Turner motion that was seconded by Mr. Driskill to approve the consent agenda items consisting of minutes of the meeting held on June 14, 2023, and the June 2023 check registry, as presented by staff.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Absent

Town Manager McGuffin gave a report on a grant offer to the Town from the Virginia Health Department Office of Drinking Water in the amount of \$1,304,576.00 that would fund the entirety of the estimated replacement costs of the water line on Sunset Drive.

Ms. Turner made a motion that was seconded by Mr. Higginbotham to accept the Virginia Health Department Office of Drinking Water grant in the amount of \$1,304,576.00 for replacement of the waterline on Sunset Drive, and to authorize staff to execute the funding agreement, as recommended by staff.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Absent

Town Manager McGuffin gave a report on a fee proposal from WW Associates for the engineering design, bid assistance and contract administration work for replacement of the Sunset Drive water line as defined by a Preliminary Engineering Report prepared in November 2010 and as approved by VDH ARPA award dated June 22, 2023.

Ms. Wheaton made a motion that was seconded by Mr. Driskill to approve the fee proposal from WW Associates as presented and recommended by staff.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Absent

Town Manager McGuffin gave a report on a proposed agreement between the Town and Green Leaf Golf Club Association, LLC, for provision of sewer services at Poplar Grove.

John T. Matteo, attorney for Green Leaf Golf Club Association, was present remotely to answer questions.

After discussion, Mr. Matteo was requested to revise the agreement specifying that water and sewer services will be provided only for commercial development at Poplar Grove for presentation and consideration by Council.

By consensus the matter was deferred to the September 13, 2023, Town Council meeting for further discussion and consideration.

Town Manager McGuffin gave a report on an EPA requirement regarding Lead Service Line Inventory and draft Lead Service Line Replacement Plan to be completed by October 16, 2024, and staff's plan of action including application to VDH for grant funds specific to performing the lead inventory. No action was required by Council at this time.

Town Manager McGuffin gave a report on Council's previous approval for purchase of a new truck for the Town Maintenance Department and staff's difficulty in purchasing the truck at that time. Due to the increase in purchase price since approval staff requests authorization to purchase a new truck at the increased price.

After discussion, by consensus Council authorizes staff to proceed with the purchase of a new truck for the Town's Maintenance Department.

Town Manager was directed to present information on the necessity of twenty-four hour continuous Town Police Department service and necessary steps to implement such service.

Mayor Tuggle opened the floor to citizen comments

Sam Soghur, resident of the Town of Amherst, came forward commending the Police Department and the Town on the First Responders Parade and Celebration.

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

Town Attorney Kemp 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):

- Discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning the Town Manager and the Town Attorney.
- Discussion or consideration of the acquisition of real property for a public purpose, namely emergency services, 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.

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

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

After the reading, Mr. Higginbotham made a motion that was seconded by Ms. Turner to approve the resolution and go into closed session.

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

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Absent

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

At 7:44 PM, pursuant to the Resolution, Town Council convened in closed session.

At 8:32 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 were as follows:

D. Dwayne Tuggle	Yes	Andra Higginbotham	Yes
Janice N. Wheaton	Yes	Michael Driskill	Yes
Sharon Turner	Yes	Douglas Thompson	Absent

There being no further business, on motion of Ms. Turner seconded by Mr. Higginbotham, the meeting adjourned at 8:33 P.M., until August 9, 2023, at 7:00 p.m.

The motion carried 4-0 as follows:

D. Dwayne Tuggle		Andra Higginbotham	Aye
Janice N. Wheaton	Aye	Michael Driskill	Aye
Sharon Turner	Aye	Douglas Thompson	Absent

D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

AT A MEETING OF THE AMHERST TOWN COUNCIL, HELD ON JULY 12, 2023, IN THE TOWN HALL BUIDLING LOCATED AT 174 S. MAIN STREET, AMHERST, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance rezoning 2,193 square feet to the east of 135 Richmond Highway in the Town of Amherst, Virginia Tax Map 96A4-A174 from T-1 to B-2 to accommodate an expanded drive through lane at the McDonalds Restaurant.

WHEREAS, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, Golden Arch Limited Partnership, owner of property at 135 Richmond Highway (Tax Map 96A4-A174B) filed an application requesting a second drive through lane at the McDonalds restaurant; and

WHEREAS, to safely have a second drive through lane, Golden Arch Limited Partnership needed to acquire 2,193 square feet of additional land to the east of its property (Tax Map 96A4 A174); and

WHEREAS, the property at 135 Richmond Highway, currently a McDonalds restaurant, is zoned Business (B-2), but the additional 2,193 square feet needed on the adjacent property is zoned T-1; and

WHEREAS, the adjacent, additional property needs to be rezoned to B-2 to accommodate a drive through restaurant; and

WHEREAS, pursuant to Virginia Code Section 15.2-2204, the Town of Amherst Planning Commission advertised as required by law and held a public hearing on this application on June 7, 2023, and voted 6-0 to recommend approval of this request to Council; and

WHEREAS, pursuant to Virginia Code Section 15.2-2204, the Amherst Town Council advertised as required by law and held a public hearing on July 12, 2023.

NOW, THEREFORE, BE IT ORDAINED, by the Amherst Town Council in accordance with Section 24-235 of the Amherst Zoning Ordinance, public necessity, convenience, general welfare, and good zoning practice, Rezoning 2023-01 is approved to rezone a small portion of Tax map 96A4 -A174 to B-2 to allow for an expanded drive through.

This ordinance was adopted July 12, 2023.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council

TOWN COUNCIL OF THE TOWN OF AMHERST

MOTION: Andre Higginbotham

Wednesday, July 12, 2023
Regular Meeting

SECOND: Sharon Turner

RE: AUTHORIZE CLOSED MEETING

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

- Discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning the Town Manager and the Town Attorney.
- Discussion or consideration of the acquisition of real property for a public purpose, namely emergency services, 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.

WHEREAS, pursuant to: §2.2-3711 (A)(1) and (A)(3) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

Adopted this 12th day of July 2023.

D. Dwayne Tuggle, Mayor

ATTEST:

Clerk of Council