

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order December 12, 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	Andrá Higginbotham	A	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, Office Manager Tracie L. Wright, Police Chief Robert A. Shiflett, II, Director of Plants Gary Williams, and Wastewater Treatment Plant Operator Gary P. Smith, Jr., were present.

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

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

Mr. Watts made a motion which was seconded by Mrs. Carton and carried 4-0-1 to approve resolutions honoring Vice Mayor Andrá A. Higginbotham and Councilor Mark A. “Tony” Stinnett. Mrs. Carton and Messrs. Higginbotham, Watts and Bunch voted “Aye.” Mr. Stinnett was absent. Copies of the resolutions are attached and made a part of these minutes.

Mayor Tuggle presented Mr. Higginbotham with a commemorative Town of Amherst cup and thanked him for his service to the Town of Amherst. Condolences were sent to Mr. Stinnett and his family on the recent death of his father.

Mayor Tuggle recognized Fred Adams, Operator In Training, Wastewater Department of Plants, presenting him with the Town pin.

Police Chief Shiflett, after giving recognition to Officer Ryan Watts for his hard work and dedicated service to the Amherst Police Department and the Town of Amherst, announced his promotion to Investigator. Police Chief Shiflett introduced and welcomed new Officer Caleb Martin to the Town’s Police Department and the Town of Amherst.

After Town Manager Carter gave a background report, a duly advertised public hearing was opened at 7:09 PM on proposed Town Code Sec. 8.1-410 that would, if approved, allow partial rebates of food and beverage tax collected for a limited period of time to new and expanding businesses.

There being no one present who wished to speak on the matter, the public hearing closed at 7:10 PM.

After discussion, Mr. Watts made a motion that was seconded by Mrs. Carton and carried 4-0-1 to approve adoption of the proposed Town Code Sec. 8.1-410 that would allow partial rebates of food and beverage tax collected for a limited period of time to new and expanding businesses. Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voted “Aye.” Mr. Stinnett was absent. A copy of the amended ordinance is attached and made a part of these minutes.

Mrs. Carton made a motion that was seconded by Mr. Bunch and carried 4-0-1 to approve the minutes from the November 14, 2018, meeting. Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voted “Aye.” Mr. Stinnett was absent.

After discussion, Mr. Watts made a motion that was seconded by Mr. Bunch and carried 4-0-1 to hold a public hearing on January 9, 2019, on a proposed amendment to Article IX, Special Provisions, Section 18.1-908 of the Zoning Ordinance, that would, if approved, make the ordinance content neutral, in compliance with case law, allow certain types of additional signage for businesses, and address the use of temporary signs. Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voted "Aye." Mr. Stinnett was absent.

Town Manager Carter gave an oral report on the Potential Leash Law Survey stating that out of 97 responses to date, 73 were pro, 17 were con, 5 somewhere in the middle. Among those responding were citizens, business owners and visitors to the Town. The survey will remain on the Town's website at amherstva.gov. Discussion was deferred to the January meeting.

After Director of Plants Gary Williams gave an oral report and quotes received for testing for cryptosporidium for the Town's water system, and discussion, Mrs. Carton made a motion which was seconded by Mr. Bunch and carried 4-0-1 to authorize Town Manager to accept the proposal from Scientific Methods, Inc., for cryptosporidium test, matrix spike, in the total amount of \$10,500, as recommended by staff. Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voted "Aye." Mr. Stinnett was absent.

After discussion, Mrs. Carton made a motion that was seconded by Mr. Watts to approve appropriation of the \$50,000 Site Assessment and Planning Grant from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund, approved by the Virginia Department of Environmental Quality, to Waukeshaw Development, to be used in support of the redevelopment of the Old Mill Property, 140 Union Hill Road, Amherst, VA, owned by Lazy River, LLC, owned by developer Dave McCormack (Tax ID# 96 1 1A, 96 1 1-7), as recommended by staff. The motion 4-0-1 via the roll call method with Mrs. Carton and Messrs. Higginbotham, Watts, and Bunch voting "Aye," and Mr. Stinnett absent.

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

There being no further business, the meeting adjourned on a motion by Mr. Watts seconded by Mr. Bunch at 7:45 PM. The motion carried 4-0-1 with Mrs. Carton and Messrs. Watts, Higginbotham and Bunch voting "Aye," and Mr. Stinnett absent.

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Andr A. Higginbotham is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS, Andr A. Higginbotham was a member of the Town Council of the Town of Amherst from January 1, 2015, through December 31, 2018, and during that time he was Vice Mayor of the Town of Amherst from January 1, 2017, thru December 31, 2018, and represented the Town Council on the Public Safety and Community Relations Committee, the Personnel Committee and the Joint Committee on Cooperation; and

WHEREAS, Andr A. Higginbotham has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service, civic efforts including his various positions of leadership, authority, and community involvement through his church; and

WHEREAS, Andr A. Higginbotham is a prominent businessman who has a keen interest in the promotion of the Town of Amherst; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Andr A. Higginbotham has given to his community and also to express its appreciation for all that Andr A. Higginbotham has done, is doing, and will probably do for years to come for the Town of Amherst; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Andr A. Higginbotham has given to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been greatly improved as a result of Andr A. Higginbotham’s tenure on the Town Council of the Town of Amherst; and

FINALLY, BE IT RESOLVED the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Andr A. Higginbotham as a token of the Council’s deep appreciation for his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

Adopted December 12, 2018.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Mark A. “Tony” Stinnett is a highly respected citizen and a long-time resident of the Town of Amherst; and

WHEREAS, Mark A. “Tony” Stinnett was a member of the Town Council of the Town of Amherst from January 1, 2017, through December 31, 2018, and during that time he has represented the Town Council on the Public Safety and Community Relations Committee; and

WHEREAS, Mark A. “Tony” Stinnett has rendered loyal and dedicated service to the residents of the Town of Amherst and the surrounding area through his career in public service, civic efforts including his various positions of leadership, authority, and community involvement; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Mark A. “Tony” Stinnett has given to his community and also to express its appreciation for all that Mark A. “Tony” Stinnett has done, is doing, and will probably do for years to come for the Town of Amherst; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Mark A. “Tony” Stinnett has given to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been greatly improved as a result of Mark A. “Tony” Stinnett’s tenure on the Town Council of the Town of Amherst; and

FINALLY, BE IT RESOLVED the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Mark A. “Tony” Stinnett as a token of the Council’s deep appreciation for his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

Adopted December 12, 2018.

Mayor Dwayne Tuggle

Attest:

Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING SECTION 8.1-410 OF CHAPTER 8 OF THE TOWN CODE, THE AMENDED CODE REFERRING TO REBATES.

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

1. That Sec. 8.1-410 of the Code of the Town of Amherst is hereby amended to read as follows:

Sec. 8.1-410. Rebates.

- (a) When a new restaurant is opened, the restaurant shall be entitled to a rebate of 20% of the food and beverage tax collected for a period of three months.
- (b) When an existing restaurant expands by at least 50% of its previous gross square footage, the restaurant shall be entitled to a food and beverage tax rebate of 20% of the increase over the monthly average for the twelve months prior to the expansion for a period of six months.
- (c) Rebates shall not apply to temporary vendors, such as food trucks.
- (d) Rebates shall apply to all new or business expansions after July 1, 2018.

2. That this Ordinance shall be effective on December 12, 2018.

This ordinance was adopted on December 12, 2018.

Mayor

ATTEST:

Clerk of the Council