

The regular meeting of the Amherst Town Council was called to order on February 10, 2010 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street with Mayor Jacob P. Bailey presiding. Council members Bobby J. Bondurant, Harold Swisher and Richard Wydner were present. Councilor J. Paul Kilgore arrived late as noted below. Councilor Haney Mottley was absent. Town Manager Jack Hobbs, Police Chief Kenneth Watts, Director of Public Utilities Tom Fore, Office Manager Colan Davis and Town Attorney Tom Berry were also present.

The Rev. Decatur Rodgers from Amherst Presbyterian Church gave an invocation.

Jeff Carr, 124 Dogwood Street, came forward to express concern about the safety problems and noise being created by four wheelers that are being ridden on Walnut Street. It was noted that Walnut Street is not a VDOT-maintained road. This issue was referred to the Police Chief and the Town Attorney.

Mr. J. Paul Kilgore entered the meeting.

Mr. Swisher made a motion that was seconded by Mr. Wydner to approve the minutes for the January 13, 2010 meeting as previously submitted. The motion passed 4-0. Messrs. Bondurant, Kilgore, Swisher and Wydner voted "Aye" and Mr. Mottley was absent.

As requested by the Region 2000 Regional Commission, the Council discussed a list of potential regional project ideas. No action was taken on this item.

The Director of Public Utilities gave a report outlining current utility operation projects and concerns. He advised that work is underway on repairs to the portion of the sewer interceptor behind Buffalo Air Handling that was undermined during a recent flood event.

On behalf of the Utilities Committee, the Town Manager gave a report on discussions with APCO personnel on the S. Main Street streetlight project and explained the difference in capital cost and annual maintenance cost for overhead wiring versus underground wiring fixtures. The Committee was asked to continue working on the project.

On behalf of the Utilities Committee, the Town Manager gave a report on a proposed Ridge Drive sewer line extension proposal. Mr. Wydner made a motion, which was seconded by Mr. Bondurant, to authorize the Town Manager to enter into a contract for the work with the understanding that the property owners would be responsible for all out of pocket costs, the Town would not be responsible for any cost overruns, and the customers would be invoiced after the work is complete. The motion passed 4-0. Messrs. Bondurant, Kilgore, Swisher and Wydner voted "Aye" and Mr. Mottley was absent.

On behalf of the Utilities Committee, the Town Manager gave a report on a proposed sewer system preliminary engineering report project. Although the Town asked for \$25,000 in grant monies to fund a \$33,334 study that would have included a capital improvement plan component last fall, it now appears that only \$15,000 will be available. A revised proposal from the Town Engineer outlining the minimum study required for a construction grant application was presented and it was noted that such a study would cost \$22,500. Mr. Kilgore made a motion that was seconded by Mr. Wydner to authorize the Town Manager to revise the Town's original grant request and, if that is approved, to contract with the Town Engineer to do the study. The motion passed 4-0. Messrs. Bondurant, Kilgore, Swisher and Wydner voted "Aye" and Mr. Mottley was absent.

Mr. Kilgore made a motion that was seconded by Mr. Bondurant to approve a new street lighting policy. The motion passed 4-0. Messrs. Bondurant, Kilgore, Swisher and Wydner voted "Aye" and Mr. Mottley was absent. The policy is attached and made a part of these minutes.

On behalf of the Utilities Committee, the Town Manager gave the following report on a proposed development:

Charles Brown has asked the Town for approval to connect seven new building lots on Kenmore Road to the end of the Town's water main there. Documents pertaining to this matter include:

- letters from the Town to Brown dated December 22, 2008 and January 13, 2009;
- two reports describing efforts by Brown's consultants to model the Town's water system;
- a preliminary lot layout drawing;
- a January 27, 2010 letter report from the Town Engineer; and
- the December 22, 2009 and February 3, 2010 Utilities Committee meeting minutes.

Although Brown's consultant has certified that there will be no problems if the dwellings in the new development are allowed to connect to the Town's water system, it appears that the water modeling reports provided are inadequate. However, the Town Engineer has advised that sufficient water capacity exists to serve the development proposed, but this capacity is quite limited. In other words, with the Town's "first come, first served" philosophy, if a significant number of other users connect to the Town's water system in that area then the Town could be forced to stop allowing connections until costly improvements are installed. This could result in a situation where the new lots created by the Brown development could not be served with Town water.

It appears that six of the seven proposed building lots are readily accessible to the existing Town water main that is located across Kenmore Road from the proposed development. The water main must be extended to serve the other lot (Lot 1).

The following should be required before the Town will be able to complete its review:

- current mapping showing the lot layout and drawings indicating how the Town's existing water facilities would be extended to serve the development;
- information as to whether the pipe extensions will be installed initially by the developer or if surety bonding is proposed; and
- a finding that annexation petitions filed earlier are acceptable to the Town Attorney.

Charles and Phyllis Brown came forward and expressed their concerns regarding the county requirement that the Town guarantee water availability for the seven building lots in the proposed development. The Mayor reminded them that the Town's capacity to provide water service to new users at the end of the Town's water system on Kenmore Road is limited and that the Town's past practice has been to make water available on a first come first served basis. The Utilities Committee was asked to continue working with Mr. Brown on the project.

Mr. Bondurant made a motion that was seconded by Mr. Swisher to authorize the Town Manager to contract with the Lynchburg accounting firm Davidson, Doyle & Hilton for the Town's FY10 audit work at a fee of \$7,950. The motion passed 4-0. Messrs. Bondurant, Kilgore, Swisher and Wydner voted "Aye" and Mr. Mottley was absent.

Mr. Wydner made a motion that was seconded by Mr. Bondurant to authorize the Town Manager to extend the contract with Dalton's Lawn Care of Madison Heights for the Town's 2010 landscape maintenance work at an estimated cost of \$14,768. The motion passed 4-0. Messrs. Bondurant, Kilgore, Swisher and Wydner voted "Aye" and Mr. Mottley was absent.

Mr. Swisher made a motion that was seconded by Mr. Wydner to authorize the Town Manager to execute letters endorsing an application for an estimated \$1,725,734 tax-credit financed renovation of the Amherst Village Apartments complex. The motion passed 4-0. Messrs. Bondurant, Kilgore, Swisher and Wydner voted "Aye" and Mr. Mottley was absent.

As requested by the Town Manager, the Town Council had a discussion on the FY11 budget. It was noted that anticipated issues this year include declining general fund revenues, raising monies for water and

sewer construction projects, use of part-time staff and raises. The Council scheduled a financial planning worksession with Springsted for March 17 at 7:00 P.M. in the Town Hall.

The Council was reminded of the series of committee assignments that lapse on June 30, 2010.

Due to safety concerns about the inability of fire and rescue vehicles being able to navigate Dogwood Street due to its narrow width, and since parking is allowed on both sides of the street, the Police Chief was asked to request VDOT to review of the situation.

There being no further business, the meeting adjourned at 8:58 P.M.

Jacob P. Bailey
Mayor

Attest:

Clerk of Council

Town of Amherst Street Lighting Policy

The Town of Amherst desires to provide adequate lighting to the VDOT-maintained streets and sidewalks within the Town while discouraging excessive lighting and constraining increases in street light expenditures. As such, secondary benefits of street lighting that involve the illumination of yards, porches, driveways, alleyways and other private property areas are to be considered coincidental and not a service funded by the Town.

The Town will endeavor to provide a street light at each street intersection and near the dead end of a street on an as-requested basis and as funds are available. Mid-block street lights may be justified when there is a distance of 300 feet or more between lights with the understanding that distance may be reduced due to horizontal or vertical curvatures in the roadway or other unusual circumstances. Such unusual circumstances might include the proximity to a church, park, school, or high pedestrian traffic area and locations where there is a high probability that the installation of a street light will reduce crime or vehicle accident rates. Factors such as the age or tenure of residents or presence of trees shall not be considered when justifying new street lights.

The Town has contracted with APCO to provide the street light service in the Town. It is noted that APCO's monthly rate for street lights has an included "aid to construction" allowance. Therefore, except in the most unusual circumstances, the Town will not provide up-front construction monies to fund the installation of new street lights.

Individuals requesting a street light or lights must apply via a form provided by the Town Manager and include the names and contact information for all residents and business operators within 300' of the proposed light along with verification as to whether those residents support the installation of a new light or lights.

In the case of new subdivisions, developers are referred to Sec. 18.1-1302.04 of the Town Code which indicates that "the subdivider shall obtain approval from the Town Council for the design of a street lighting system. The subdivider shall fund the installation, install or have installed any street lighting system serving the subdivision and make appropriate arrangements for its maintenance."

The Police Chief shall review all street light matters and recommend whether individual street lights should be installed or removed based on the criteria described in this policy. The Town Manager shall have the authority to approve normal installations that conform to this policy as recommended by the Police Chief that are within the capacity of the then-current budget. Irregular situations and appeals will be forwarded to the Town Council for resolution.