

Vice Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on September 12, 2012 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street. Other council members Kenneth Bumgarner, Mike Mozingo and Richard Wydner were present. Mayor Jacob P. Bailey and Councilor Haney Mottley were absent. Town Manager Jack Hobbs, Police Chief Kelvin Brown, Director of Public Utilities Tom Fore, Office Manager Colan Davis, and Town Attorney Tom Berry were present.

Pastor Francisco Mayo from Morning Star Baptist Church gave an invocation.

Mrs. Eva Lee Shober came forward to read the preamble to the constitution. Vice Mayor Kilgore read a proclamation that declared September 17 through 23 to be Constitution Week in the Town of Amherst. The Town Council approved the proclamation by consensus and a copy was presented to Mrs. Shober. Mrs. Shober reminded the Councilors that a Veterans Day event will be held on November 11 in the courthouse.

A duly advertised public hearing on the financing plan for the 60 West water line replacement project was opened at 7:10 P.M. Mr. Charles Brown spoke in favor of the project. The public hearing was closed at 7:11 P.M. Mr. Bumgarner made a motion that was seconded by Mr. Wydner and carried 4-0 to authorize the Town Manager to sign a letter from the Virginia Resources Authority dated September 4, 2012 to indicate the Town's intent to finance the project through that agency's program. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent. It was understood that other actions on the financing plan would be considered at the October meeting.

Region 2000 Local Government Council Executive Director Gary Christie and Region 2000 Economic Development Council Executive Director Bryan David came forward to give a presentation on regional activities.

Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 4-0 to approve the minutes from the August 8, 2012 meeting. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

By consensus, Town Council agreed to not pursue a proposal from Charles Brown to allow golf carts on streets in the Town of Amherst.

Mr. Bumgarner made a motion that was seconded by Mr. Mozingo to (a) apply for a VDOT permit for the annual Ray Puckett Lions Club Christmas Parade that would be held on Friday, December 7, 2011 starting at about 6:30 P.M., (b) provide traffic control via the Town police department for the event and (c) donate \$100 to the Amherst Lion's Club for the purpose of defraying the cost of installing and removing a banner across S. Main Street to advertise the event. The motion passed 4-0. Messrs. Bumgarner, Kilgore, Mozingo and Wydner voted "Aye"; Mr. Mottley was absent.

Office Manager Davis proposed an adjustment to the utility billing policy and suggested that the current special cutoff notice practice is costly, time consuming and ineffective and that it would be appropriate to make this change concurrent with switch to the new computer system. Mr. Bumgarner made a motion that was seconded by Mr. Wydner and approved 4-0 to approve an adjusted utility billing policy. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent. A copy of the revised policy is attached and made a part of these minutes.

Vice Mayor Kilgore discussed the Town Hall space study he and Mr. Bumgarner have been working on. The Town Manager was asked to prepare information for further consideration of this matter in January.

Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 4-0 to decline an offer of loan from the Virginia Department of Health to fund the replacement of the water mains on Lake Drive and Vista Drive and to indicate that the Town Council is willing to reconsider if significant grant monies are made available for the project. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

Town Manager Hobbs reported that the Mill Race developer has not directly responded to the request for a plan to complete the infrastructure in the first phase of the Mill Race subdivision and that follow up in November is anticipated.

Mr. Bumgarner discussed his work on the Beacon Towers proposal to rent a portion of the Union Hill water tank site for a cell phone tower. Mr. Wydner made a motion that was seconded by Mr. Mozingo and approved 4-0 to authorize the Mayor or Vice Mayor to sign a proposed option to lease a portion of the Union Hill water tank site to Beacon Tower after the Town Attorney's review. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

Mr. Mozingo made a motion that was seconded by Mr. Wydner and approved 4-0 to authorize the Town Manager to execute a contract with Smith-Wimer for the replacement of the sludge drying bed cover that was destroyed during the June 29 derecho. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 4-0 to authorize the rerouting of the water main in the Ambriar Shopping Center with a cost not to exceed \$25,000 of out of pocket expense after the appropriate easements have been obtained from the property owners. Messrs. Bumgarner, Kilgore, Mozingo and Wydner voted "Aye"; Mr. Mottley was absent.

The Council discussed current vacancies on the Board of Zoning Appeals and Planning Commission. Mr. Wydner made a motion that was seconded by Mr. Bumgarner and approved 4-0 to appoint Joseph Lee Bondurant, a resident of 173 Lake Drive, to the Planning Commission for the remainder of Steve LaBar's term (June 30, 2014). Messrs. Bumgarner, Kilgore, Mozingo and Wydner voted "Aye"; Mr. Mottley was absent.

Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 4-0 to approve resolutions thanking William Hopkins (Board of Zoning Appeals) and Steve LaBar (Planning Commission) for their service. Messrs. Bumgarner, Kilgore, Mozingo and Wydner voted "Aye"; Mr. Mottley was absent. Copies of the resolutions are attached and made a part of these minutes.

There being no further business, Mr. Bumgarner made a motion that was seconded by Mr. Wydner and approved 4-0 to adjourn the meeting at 9:06 P.M. Messrs. Bumgarner, Kilgore, Mozingo and Wydner voted "Aye"; Mr. Mottley was absent.

J. Paul Kilgore, Jr.
Vice Mayor

Attest: _____
Clerk of Council

A PROCLAMATION TO ESTABLISH CONSTITUTION WEEK IN THE TOWN OF AMHERST.

WHEREAS, September 17, 2012 marks the two hundred and twenty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, J. Paul Kilgore, Jr., Vice Mayor of the Town of Amherst do hereby proclaim September 17 through 23, 2012 to be

CONSTITUTION WEEK

in the Town of Amherst, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the Seal of the Town of Amherst on this twelfth day of September in the year of our Lord two thousand twelve.

J. Paul Kilgore, Jr
Vice Mayor

ATTEST:

Clerk of Council

Town of Amherst Utility Rate and Fee Policy

Approved September 12, 2012

Initiation or Termination of Service:

Requests to initiate or terminate Town water, sewer and/or refuse collection (utility) service are accepted at the Town Hall (434/946-7885) 9-5, M-F for processing by the Utilities Department. All new customers and changes to the party to be billed are charged a \$25.00 account set-up fee at the time the account is opened and are required to show proper identification. All requests are to be in writing on a form available at the Town Hall.

Service Charges:

All active customers shall be charged a Residential Debt Repayment Charge and a Residential Base Charge each month. Customers are charged for water and sewer usage based upon metered water usage.

Water:

<u>Rate Component</u>	<u>Residential Base Charge</u>	<u>Debt Repayment Charge</u>	<u>Use Charge</u>
Water:			
July 1, 2012-June 30, 2013	\$7.00	\$4.00	\$4.50
July 1, 2013-June 30, 2014	\$7.00	\$4.00	\$5.50
July 1, 2014-June 30, 2015	\$7.00	\$4.00	\$6.25
Sewer:			
July 1, 2012-June 30, 2013	\$20.00		\$4.00
July 1, 2013-June 30, 2014	\$20.00		\$5.00
July 1, 2014-June 30, 2015	\$20.00		\$6.00
Curbside Refuse Collection:			
July 1, 2012-June 30, 2013	\$5.75	assessed to all customers connected to Town water except those who have dumpster service	

Nonresidential and Out of Town Water and Sewer Charges:

Base charges and debt repayment charges for non-residential water and sewer users will be computed by dividing metered use by 3,000 gallons and then multiplying by the residential charge. This applies to all non residential users except for churches that shall be assessed on the same basis as residences. One residential charge shall be assessed for each residential unit. The total of the base charge and the use charge will be increased by a factor of 2 for all out of town users. Fire sprinkler fees are as follows:

4" Line	\$17.00/Month
6" Line	\$28.00/Month
8" Line	\$39.00/Month
10" Line	\$50.00/Month

Charges for Water Not Discharged to Sewer:

The Town charges for sewer based on 100% return of the water to the sewer system for those Town water customers that are connected to the Town of Amherst wastewater collection and system. However, any customer may request that the Town install a separate "irrigation" meter for water that does not return to the sewer system – i.e. for lawn sprinkling or irrigation. For the purposes of billing, the irrigation meter shall be considered a separate account. Separate application and connection fees are required to be paid, and once activated the water-only (no sewer or refuse collection fees apply) will be billed separately. All irrigation systems must meet the provisions of the Cross Connection Control Ordinance (§17-14 of the Town Code).

Billing:

Water meters are read every month and bills are calculated based upon the consumption recorded. All customers are billed every month. Bills are assigned a billing date which is normally the last day of the month during which the meter is read and then mailed to the customer. The due date is 5:00 PM on the 20th of the following month.

Property owners are held responsible for utility bills against their properties.

Adjustments for Leaks:

A property owner is responsible for paying for 100% of the water that has passed through the Town's water meter along with the associated sewer charges. However, in good-faith situations involving water that has leaked from the customer's plumbing, and upon confirmation by the owner that the leak is repaired so that it will not recur, the

Office Manager is authorized to give a 50% credit for the excess water and sewer for no more than two prior billing cycles plus the current billing cycle. Credits will be processed and placed on the account during the next bill generation cycle. "Repaired" is defined as physical repairs to the owner's plumbing such as pipe patching, replacement of the flapper mechanism in a toilet tank, or physical replacement or removal of a plumbing fixture. For the purposes of this leak adjustment policy, merely closing a valve upstream of the leak location shall not be considered a repair.

Late Payment Charges and Procedures:

The Town will assess a late charge of 10% on all accounts when the payment is not received by the due date. All payments received after 5:00 PM are processed as the next business day's receipts.

Reconnection Fees and Restoration of Service:

If a customer has not paid the past due balance on an account by 5 P.M. on the 2nd Monday of each month or otherwise made arrangements satisfactory to the Office Manager to have the balance paid, the water service will be terminated the next business day. Before any service is restored, all outstanding balances, late charges, and a \$45.00 reconnection fee must be physically received by the Office Manager at 186 South Main Street in the Town of Amherst. Service shall be automatically disconnected when a check to pay to prevent service from being disconnected or to reconnect a service is returned. A reconnection fee shall be collected if a town employee has been dispatched to disconnect the service, and funds will not be accepted from customers at the service location. The \$45.00 reconnection fee will also be charged where a customer, or any entity other than the Town, has obtained water and/or sewer service prior to all applicable fees and/or charges being paid to obtain service and/or has installed a meter or other apparatus in a meter setting to gain access to public water/sewer.

In recognition that circumstances beyond the control of the customer or the Town of Amherst may contribute to late payments, a once per lifetime per customer exception to the penalty and reconnect fee may be granted for good reason at the Office Manager's sole discretion.

Returned Check Fee:

There will be a \$25.00 charge assessed for each check returned for any reason. If a bank should charge the Town of Amherst more than this rate then the amount assessed will be the actual amount charged to the Town of Amherst by the bank.

Fire Hydrant Use:

Water may not be obtained from the Town of Amherst hydrants except by the Amherst Volunteer Fire Department or other approved firefighting agency. The Office Manager (434/946-7885) should be contacted for the application form for a permit to haul water from the Town of Amherst water plant.

Cross Connections:

As required by the Virginia Department of Health, where a high potential exists for contamination of the Town's municipal water system, a backflow prevention device approved by the Town of Amherst must be installed. This includes irrigation systems. Where required, the owner of the backflow prevention device must have annual tests performed to certify that the device is working correctly. Failure to install and operate such devices and/or provide certification or the test results to the Town of Amherst may result in the interruption of water service. (Reference §17-14 of the Town Code)

Sewer Connections and Discharges:

Connections to and discharges into the Town's sewer system must conform to local, state and federal sewage pretreatment regulations. This includes the installation of grease traps for restaurants and grit traps for car washes. Failure to meet such provisions may result in the interruption of sewer service via disconnection of the water service or other means. (Reference §17-15 of the Town Code)

Availability and Connection Fees:

Refer to Chapter 17 of the Town Code for rules that apply to new utility connections.

Maintenance of Policy and Implementation

The Town Manager shall be responsible for maintaining and updating this policy.

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, William Hopkins is recognized for service to the citizens of the Town of Amherst as a member of the Town of Amherst Board of Zoning Appeals from August 14, 1997 through August 31, 2012; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that William Hopkins has given to his community and also to express its appreciation for all that William Hopkins has done for the Town of Amherst;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that William Hopkins 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 improved as a result of William Hopkins's tenure as a member of the Town of Amherst Board of Zoning Appeals; and

FINALLY, BE IT RESOLVED that the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to William Hopkins as a token of the Council's deep appreciation of 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.

This Resolution was adopted by the Town Council of the Town of Amherst on September 12, 2012.

Vice Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Steve LaBar is recognized for service to the citizens of the Town of Amherst as a member of the Town of Amherst Planning Commission from September 11, 2002 through August 1, 2012; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Steve LaBar has given to his community and also to express its appreciation for all that Steve LaBar has done for the Town of Amherst;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that Steve LaBar 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 improved as a result of Steve LaBar's tenure as a member of the Planning Commission of the Town of Amherst; and

FINALLY, BE IT RESOLVED that the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Steve LaBar as a token of the Council's deep appreciation of 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.

This Resolution was adopted by the Town Council of the Town of Amherst on September 12, 2012.

Vice Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council