

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on December 11, 2013 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street. Council members Kenneth Bumgarner, Mike Mozingo, Rachel Thompson, Kenneth Watts and Richard Wydner were present. Town Manager Jack Hobbs, Town Attorney Tom Berry, Police Chief Kelvin Brown, Director of Public Utilities Tom Fore and Office Manager Colan Davis were present.

The Rev. Kathy Chase from Ascension Episcopal Church gave an invocation.

Derrick Brown came forward to ask the Council to support his planned April 14, 2014 IRON club 5k Run/Walk event from Amherst County High School to Second Street and back. It was understood that the IRON group would be responsible for obtaining permission from VDOT to close some or all of S. Main Street for the event; for notifying residents, businesses and public safety agencies that would be affected by the closure; and that traffic control services would be provided by the Police Department. Mr. Watts made a motion that was seconded by Mrs. Thompson and approved 5-0 to approve and endorse this event. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to approve the minutes from the November 13, 2013 meeting. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

The Town Manager gave a report that summarized the FY13 audit report, responded to issues raised by the "management letter" and discussed the uncollected real estate, personal property and vehicle license fee situation. Mrs. Thompson made a motion that was seconded by Mr. Bumgarner and approved 5-0 to retroactively approve all expenditures for the telemetry project. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". Mr. Watts made a motion that was seconded by Mr. Wydner and approved 5-0 to accept the auditor's report as presented. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mr. Mozingo made a motion that was seconded by Mrs. Thompson and approved 5-0 to approve a resolution that would have the effect of giving partial relief to the restriction on new connections to water lines in the 60 West service area. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". A copy of the resolution is attached and made a part of these minutes.

Mr. Mozingo made a motion that was seconded by Mrs. Thompson and approved 5-0 to authorize a contract with Standard Insurance for mandatory disability insurance for VRS "hybrid" plan employees as recommended by the Virginia Association of Counties. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

The Personnel Committee was asked to review potential amendments to the sick leave policy.

Mrs. Thompson made a motion that was seconded by Mr. Bumgarner and approved 5-0 to appoint Bessie Kirkwood (127 Briarherst Drive) to the Property Maintenance Investigation Board for the remainder of Walter Canada's term which expires on June 30, 2015 and to nominate Kevin Akershoek (106 Briarherst Drive) for appointment to the Board of Zoning Appeals; this appointment would be for the seat vacated by Willie Diggs and would expire on August 31, 2018. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

The Council agreed to discuss the FY15 budget development timetable, the utility rate/tax rate issue and other budget ideas at a retreat on a date to be determined.

The Town Manager reviewed the status of the Town's construction projects and the Town Hall meeting calendar for 2014.

Mr. Watts made a motion that was seconded by Mr. Wydner and approved 5-0 to adopt a resolution requiring "First Day Introduction" for bills with local fiscal impact. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". A copy of this resolution is attached and made a part of these minutes.

Mr. Wydner made a motion to keep the contract with Republic Services dumpster service in the Town of Amherst. No second to this motion was received and the motion died.

There being no further business, at 8:35 P.M. Mrs. Thompson made a motion that was seconded by Mr. Watts and approved 5-0 to adjourn the meeting until 1:00 PM on December 18, 2013. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

WHEREAS, on February 13, 2002 the Town Council of the Town of Amherst declared U.S. Route 60 West area a local revitalization area due to inadequate water mains in the area such that no new connections would be allowed unless and until (1) the water main in that area is replaced by a 12” diameter Town of Amherst water main installed according to Town standards and dedicated to the Town of Amherst or (2) the connection is specifically allowed by the Town Council of the Town of Amherst; and

WHEREAS, a new 12” diameter water main has been installed to replace a significant portion of the piping in that area; and

WHEREAS, smaller lines attached to the new pipe line extend even further beyond the Town of Amherst corporate limits; and

WHEREAS, an engineering study has shown that service beyond the new 12” diameter water main in the U.S. Route 60 West portion of the Town of Amherst water service area is in great need of improvement and that any future connections by new water users onto those existing smaller pipes will adversely affect service currently being enjoyed by existing nearby water users; and

WHEREAS, although the Town of Amherst desires to provide water service to all areas of the Town but is unable to do so due to the restricted capacity of certain existing pipes; and

WHEREAS, public notice of this problem needs to be issued and procedures to protect the level of service to existing customers need to be put into place;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst hereby amends the February 13, 2002 resolution so that the revitalization area is adjusted to include only those areas outside of the Town of Amherst’s corporate limits where the water mains are smaller than 12” in diameter; and

BE IT FURTHER RESOLVED that under this policy:

1. there will be no new connections to lines smaller than 12” in the 60 West service area outside of the Town of Amherst’s corporate limits involving subdivisions, apartment buildings, businesses or other users not currently existing; and
2. there will be no new connections to lines smaller than 12” in the 60 West service area outside of the Town of Amherst’s corporate limits unless and until:
 - a. the appropriate water mains are enlarged and extended according to Town standards and dedicated to the Town of Amherst or,
 - b. (i) the connection is specifically allowed by the Town Council of Amherst following a determination that a hardship exists, and
(ii) an availability fee surcharge of \$5,000 above the then-applicable normal availability charge is paid to the Town of Amherst.

BE IT FURTHER RESOLVED that the Town Manager is directed to search for ways to achieve the installation of this new water main; and

BE IT FURTHER RESOLVED that the Clerk is authorized and directed to transmit a copy of this resolution to all interested parties upon its passage.

This resolution was approved by the Town Council of the Town of Amherst on December 11, 2013.

Mayor J. Paul Kilgore, Jr.

Attest: _____
Clerk of Council

FIRST DAY INTRODUCTION REQUIREMENT FOR BILLS WITH LOCAL FISCAL IMPACTS

WHEREAS, many local governing bodies in Virginia have an ever-growing concern about the impact on localities of state mandates and cost shifting; and

WHEREAS, Section 30-19.03 of the Code of Virginia states that the Commission on Local Government shall prepare and publish a statement of fiscal impact for "any bill requiring a net additional expenditure by any county, city, or town, or...any bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly"; and

WHEREAS, numerous bills fitting this criteria have been submitted and gone through the legislative process without review for local fiscal impacts due to limited time and resources to review these bills during the General Assembly session; and

WHEREAS, it is also recognized that a need exists for additional time and resources to provide such information during the tight procedural confines of the current legislative process; and

WHEREAS, we believe it is critical that lawmakers have better and timelier information on the fiscal impact to localities when they consider bills and budget items;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF AMEHRST HEREBY:

Requests that the General Assembly support measures that require its members to file bills with local fiscal impacts as early as possible and no later than the first day of session.

This resolution was approved by the Town Council of the Town of Amherst on December 11, 2013.

Mayor J. Paul Kilgore, Jr.

Attest: _____
Clerk of Council