

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on December 14, 2016, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. Council members Andr Higginbotham, Kenneth Bumgarner, Mike Mozingo and Rachel Thompson were present. Kenneth Watts was absent. Town Manager Jack Hobbs, Town Attorney Tom Berry, Police Chief Robert Kimbrel, Office Manager Tracie Wright and Deputy Town Clerk Vicki Hunt were present.

Mayor Kilgore opened the floor for citizen comments.

Cliff Hart, 219 Garland Avenue, came forward to thank the outgoing Councilors for their hard work.

Ed Carton, 241 Hanger Road, came forward to offer a prayer as a citizen comment.

Mayor Kilgore presented Amherst Fire Department Assistant Chief Tom Martin with a \$9,000 check from this year's Virginia Fire Programs Fund grant.

Mayor Kilgore acknowledged the hard work of fellow council members and Town employees. Stating his pride in numerous accomplishments made by the Town of Amherst in recent years, he thanked the citizens of the Town for the opportunity to serve as a past Councilor and Mayor.

Councilors Bumgarner, Thompson, and Mozingo each thanked the citizens of the Town for the opportunity to serve and offered assistance to the incoming council members.

A duly advertised public hearing on proposed amendments to the ordinance that contains the Town's vehicle parking fines was opened at 7:16 P.M. The Police Chief gave a report on the need for the amendments which was recommended for approval by the Town Manager. There being no one present who wished to speak on the matter, the public hearing closed at 7:17 P.M. Mrs. Thompson made a motion that was seconded by Mr. Bumgarner and passed 4-0-1 to approve an amendment to Section 16-67 of the Town Code. Messrs. Bumgarner, Mozingo, Higginbotham and Mrs. Thompson voted "Aye." Mr. Watts was absent. A copy of the ordinance is attached and made a part of these minutes.

Liberty Stevens, 156 Depot Street, on behalf of the Amherst Support Your Local Police Committee, came forward to request permission to install a temporary "support your local police sign" in the flower garden in front of the Town Hall. After some discussion, Mayor Kilgore asked if anyone wished to make a motion to grant the request but none was offered.

Tom Martin, Assistant Chief of the Amherst Fire Department, came forward to give a brief report on and seek support of a proposed event to be held in downtown Amherst on August 19, 2017 that would celebrate the Amherst Fire Department's 100 years of service to Amherst County. Kim Mayberry Jennings of Capture It Events was present.

Cliff Hart came forward in support of the event.

After some discussion, Mr. Higginbotham made a motion that was seconded by Mrs. Thompson and passed 4-0-1 to reserve August 19, 2017 as the date for the proposed Amherst Fire Department's 100 Years of Service to Amherst County event. Messrs. Bumgarner, Mozingo, Higginbotham and Mrs. Thompson voted "Aye." Mr. Watts was absent.

Town Engineer Herb White came forward to give a status report on the USDA Sewer Sliplining Project. Steve Bailey from Sweet Briar College was present.

Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and passed 4-0-1 to approve the minutes from the November 9, 2016 as corrected. Messrs. Bumgarner, Mozingo, Higginbotham and Mrs. Thompson voted "Aye." Mr. Watts was absent.

The Police Chief came forward to give a brief report on the status of hiring the sixth police officer.

Discussion on filling the seat on the Industrial Development Authority formerly held by Jim Meade and the IDA/EDA merger idea was deferred.

After some discussion, Mr. Higginbotham made a motion that was seconded by Mrs. Thompson and passed 4-0-1 to adopt a Collections Policy, to replace the Meals and Beverage Tax and Lodging Tax Collection Policy approved on February 14, 2007, as presented. Messrs. Bumgarner, Mozingo, Higginbotham and Mrs. Thompson voted "Aye." Mr. Watts was absent. A copy of the approved policy is attached and made a part of these minutes.

The Town Manager gave a report on the Town staff's work plan and presented a draft Town meeting calendar, a "donation request" form, and a FY18 budget timetable that staff plans to follow.

Town Manager gave an update on the impact of VDOT's 2017 paving plan and proposed pavement markings and bicycle accommodations. By consensus, the Councilors agreed to hold a public hearing on the matter at the January meeting.

The Town Manager gave an oral report on various projects.

Mr. Bumgarner made the following motion which was seconded by Mrs. Thompson and carried 4-0-1: I move that the Town Council convene in closed session for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Town Council; and consultation with legal counsel employed or retained by the Town Council regarding specific legal matters requiring the provision of legal advice by such counsel per the exemption at §2.2-3711A.7 of the Code of Virginia. Messrs. Bumgarner, Higginbotham, Mozingo and Mrs. Thompson voted "Aye." Mr. Watts was absent.

Mr. Bumgarner made the following motion which was seconded by Mrs. Thompson and carried 4-0-1: I move that the Town Council certify that to the best of each councilors' knowledge that (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 and §15.2-2907 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. Messrs. Bumgarner, Higginbotham, Mozingo and Mrs. Thompson voted "Aye" via the roll call method. Mr. Watts was absent.

There being no further business, Mrs. Thompson made a motion that was seconded by Mr. Mozingo and passed 4-0-1 to adjourn the meeting at 9:17 P.M. Messrs. Bumgarner, Higginbotham, Mozingo and Mrs. Thompson voted "Aye"; Mr. Watts was absent."

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING ARTICLE III OF CHAPTER 16 SECTION 16-67 OF THE TOWN CODE, THE AMENDED CODE REFERRING TO PARKING TICKET FINES.

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

1. That Sec. 16-67 of the Code of the Town of Amherst is hereby amended to read as follows:

Sec. 16-67. Same - Penalty for certain violations.

Any person who shall violate or fail to comply with any of the provisions of this division other than section 16-65 shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. As specified herein for each offense:

Disabled parking zone without proper permit	\$100.00
Parking within 15 ft. of a fire hydrant	\$ 50.00
Parking within designated fire lane	\$ 50.00
Double parked	\$ 50.00
Parked where official sign erected	\$ 20.00
Improper parking	\$ 20.00
Blocking driveway	\$ 20.00
Loading zone	\$ 20.00
On or across sidewalk	\$ 20.00
On or across crosswalk	\$ 20.00
Over or on top of curb	\$ 20.00
Along yellow or red painted curb	\$ 20.00
Parking trucks, trailers where prohibited or overtime	\$ 20.00
Stopping on highway/obstructing traffic	\$ 20.00
Failure to display current license plates	\$ 20.00
Invalid State Inspection	\$ 20.00
Obstructing bicycle lane	\$ 20.00
Parked opposite to flow of traffic	\$ 10.00
Parked further than 12 inches from curb	\$ 10.00
Other violation	\$ 10.00

(Amended May 8, 2002; July 11, 2007; and January 14, 2009)

2. That this Ordinance shall be effective on December 14, 2016.

This ordinance was adopted on December 14, 2016.

Mayor

ATTEST:

Clerk of the Council



Town of Amherst

Accounts Receivable Collection Policy

Adopted December 14, 2016

The purpose of this policy is to establish set guidelines to the collection efforts of all outstanding taxes, fees, licenses, and utility bills as allowed under Section 58.1-3919 and 58.1-3952 of The Code of Virginia. Any and all bills that remain in a delinquent status for more than 60 days are subject to the actions within this document in the order provided.

Utility Accounts:

All utility accounts are subject to the payment, penalties and disconnect dates outlined in the Utility Rate and Fee Policy. If after disconnection of services or a final bill goes unpaid for the 60 day period stated above the office of the Town Treasurer may take the steps listed below.

Bank Lien:

The office of the Town Treasurer may direct a bank lien against the financial institution that the Treasurer believes is holding an account in the name of the debtor. Past payment information, including the financial institution upon which a payment was drawn from is maintained within the account payment notes in the accounting software. The financial institution shall have up to 30 days to respond to the notice given or to remit funds on behalf of the debtor.

Employment Lien:

The office of the Town Treasurer may issue to the employer of the debtor, if known, a *lien* notice on the debtor's wages to satisfy their delinquent debt with the Town.

Debt Set-Off Program:

The office of the Town Treasurer may file a list of outstanding debtors to the Department of Taxation. This allows the Department of Taxation to remit to the Town any state income tax that is owed to the debtor to satisfy their delinquent debt with the Town.

DMV Stop-Program:

The office of the Town Treasurer may apply a *DMV Stop* on the debtor's license. This step will not allow the debtor to be able to make any DMV transactions without first satisfying their delinquent debt with the Town and paying a \$20 DMV Stop Removal Fee. ***This step is only applicable to outstanding personal property tax or license fees.***

Real Property Lien:

Once an account has reached a balance over \$200, the office of the Town Treasurer may place a *Real Property Lien* on the real estate owned by the debtor. The lien is filed with the Circuit Court Clerk and is placed on the property in the amount of the delinquent debt plus cost of filing.

Town Attorney:

After all of the steps referenced above have been attempted and fail, the Town may turn over any delinquent accounts to the Town Attorney for further legal action.