

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on June 14, 2017, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. Council members André Higginbotham, Kenneth S. Watts, Kenneth G. Bunch, Mark A. Stinnett and Rachel A. Carton were present. Town Manager Jack Hobbs, Town Attorney W. Thomas Berry, Deputy Town Manager Jim Chandler, Office Manager Tracie Wright, and Deputy Town Clerk Vicki Hunt were present.

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation given by Kenneth S. Watts.

Mayor Tuggle opened the floor for citizen comments.

A duly advertised public hearing on the rezoning request proposal by Golden Arch Limited Partnership to adjust the conditions on the zoning for the McDonalds site at 135 Richmond Highway (TM#96A4-A-174B, zoned B-2 [Conditional] General Commercial District) which would, if approved, add the option of screening the dumpster with masonry materials and eliminate the prohibition on drive-through speakers was opened at 7:03 P.M. Scott Frye of Stimmel Associates, P.A., was present to answer questions. There being no one else present who wished to speak on the matter, the public hearing closed at 7:04 P.M.

Mr. Watts made a motion that was seconded by Mr. Stinnett and carried 5-0 to approve an ordinance amending the conditions on the B-2 (Conditional), General Commercial District Zoning of the McDonalds Site at 135 Richmond Highway. Messrs. Higginbotham, Watts, Bunch, Stinnett and Mrs. Carton voted "Aye." A copy of the ordinance is attached and made a part of these minutes.

Mr. Watts, Chairman of the Utilities Committee, reported that after its review of the Town's dormant fee policy the Committee's recommendation to Council is that the existing policy should remain standing. William McClenny, 138 Monitor Road, came forward in opposition of the recommendation.

Mrs. Carton made a motion that was seconded by Mr. Bunch and carried 5-0 to approve the minutes from the May 10, 2017, meeting. Messrs. Higginbotham, Watts, Bunch, Stinnett and Mrs. Carton voted "Aye."

Mrs. Carton, Chairman of the Finance Committee, gave an oral report. Discussion on distribution of the proceeds received from the sale of the submachine gun was deferred.

After discussion, Mr. Higginbotham made a motion which was seconded by Mrs. Carton and carried 5-0 to approve the following as budgeted for in the approved FY2017 Town of Amherst General Fund Capital Improvement Plan: \$5,706 for purchase of Town Hall video surveillance system; \$3,700 for purchase/install of firewall internet security devices for Town Hall/WTP/WWTP VPN network; \$7,965 for purchase of two base stations/6 headsets for public works crew short-range radio (safety item); \$3,500 for purchase/install of two automatic garage door openers for shop building; and \$7,200 for purchase/install of electric gate for shop compound. Messrs. Higginbotham, Watts, Bunch, Stinnett, and Mrs. Carton, voted "Aye."

After some discussion, Mr. Watts made a motion that was seconded by Mrs. Carton and passed 5-0 to approve an ordinance that would have the effect of establishing the FY17/18 Town of Amherst budget. Messrs. Higginbotham, Watts, Bunch, Stinnett and Mrs. Carton, voted "Aye." A copy of the ordinance is attached and made a part of these minutes.

The Town Manager gave oral reports on the status of the recodification project, the sewer sliplining project/potential next steps, and the Town's Freedom of Information Act Policy.

After discussion, Mr. Watts made a motion which was seconded by Mr. Bunch and carried 5-0 to authorize the Town Manager to respond to Sweet Briar College and withdraw a statement of understanding between the Town of Amherst and Sweet Briar College pertaining to the Town-College sewer agreement dated April 17, 1972, executed by the Town of Amherst on April 13, 2017. Messrs. Higginbotham, Watts, Bunch, Stinnett and Mrs. Carton, voted "Aye."

Mayor Tuggle officially welcomed Officer Brandon Payne back from his year-long deployment.

Mayor Tuggle stated that a Personnel Committee will be appointed whose direction it will be to establish a time frame and methodically set forth a path for the successful recruitment and hiring a Police Chief.

Mayor Tuggle opened the floor to citizen comments.

Cliff Hart came forward to offer his assistance to the Deputy Town Manager pertaining to the firewall/internet security network.

There being no further business, Mr. Watts made a motion to adjourn the meeting at 8:16 PM. Mr. Higginbotham seconded the motion which carried 5-0; Messrs. Higginbotham, Watts, Bunch, Stinnett and Mrs. Carton voted "Aye."

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D. Dwayne Tuggle  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

**AN ORDINANCE AMENDING THE CONDITIONS ON THE B-2, (CONDITIONAL), GENERAL COMMERCIAL DISTRICT ZONING OF THE MCDONALDS SITE AT 135 RICHMOND HIGHWAY.**

BE IT ORDAINED BY THE COUNCIL of the Town of Amherst that the conditions in the July 20, 1994, ordinance pertaining to property located in the Town of Amherst and described as a parcel of land on the northern boundary of U.S. Route 60 shown as Tax Map 96A4-A-174B containing approximately .64 acres, zoned B-2, (Conditional) General Commercial District, at the request of owner Golden Arches Limited Partnership, are hereby amended to read as follows:

1. SIGN HEIGHT:

No freestanding sign on the property shall have a height exceeding twenty-five feet above road level.

2. LANDSCAPING:

The entire northern boundary of the property shall be landscaped with evergreen trees or shrubs, which attain a minimum height of five (5) feet within three years of planting. Along this boundary, shrubs shall be planted at a minimum of three feet on center; trees shall be planted at a minimum of five (5) feet on center.

The western and eastern boundaries shall be landscaped as well and shall consist of plant materials indigenous to the area and shall be watered, trimmed and maintained in an attractive, professional manner.

3. TRASH DUMPSTER SCREENING:

The trash dumpster shall be installed at the northeast corner of the property and shall be fully enclosed by eight-foot fencing of either pressure treated wood or masonry walls matching the building exterior. In addition, the dumpster area will be landscaped and maintained in an attractive, professional manner.

4. DOG WALK/PET RELIEF AREA:

There will be no designated dog walk/pet relief areas on the property.

5. HOURS OF OPERATION:

Hours of operation will end by 11:00 p.m. Sunday through Thursday and by 12:00 midnight Friday and Saturday.

6. TRASH RECEPTACLES:

There will be a minimum of seven (7) exterior trash receptacles on the property, with a minimum of six (6) of these receptacles located on the perimeter of the property.

7. USE OF THE PROPERTY

The property will only be used for the purpose of a McDonalds restaurant.

And the zoning administrator shall forthwith cause the "Official Zoning Map of the Town of Amherst" to be amended in accordance therewith.

*This Ordinance was passed by a vote of the Amherst Town Council on the 14<sup>th</sup> of June 2017.*

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE TOWN OF AMHERST, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, AND ENDING JUNE 30, 2018, MAKING REVENUE ESTIMATES AND APPROPRIATIONS FOR SAME.

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF AMHERST, VIRGINIA:**

**A. SOURCES OF FUNDS**

That for the support of the Town Government and its General Fund, for the tax year beginning on January 1, 2017, all taxes, fees, charges, and penalties shall remain as heretofore set out by Ordinance, Resolution or other appropriate action of the Town Council except as the Town Council may establish or amend herein.

**B. FUND ACCOUNTING**

That the following projected sources and uses of funds are hereby approved as the FY 18 Town of Amherst budget and approved appropriations for the respective funds.

	<u>General Fund</u>	<u>Water Fund</u>	<u>Sewer Fund</u>	<u>Garbage Fund</u>
Prior Year Carryover	1,404,409	1,167,352	951,675	36,503
Revenue	1,013,301	1,421,893	1,089,012	106,537
Transfers in				
Capital Financing		150,000		
<b>Total Sources of Funds</b>	<b>3,623,638</b>	<b>2,739,245</b>	<b>2,040,687</b>	<b>143,040</b>
Permanent Fund Reserve	253,325	535,770	357,333	26,173
Economic Development Fund	223,042			
<b>Funds Available for Use</b>	<b>3,147,271</b>	<b>2,203,475</b>	<b>1,683,354</b>	<b>116,867</b>
Administration Personnel	441,726			
Administration Operations	489,754			
Administration Capital	397,320			
Public Safety Personnel	435,409			
Public Safety Operations	92,475			
Public Safety Capital	95,000			
Utilities Personnel	659,605			
Utilities Operations	75,050	282,470	201,470	87,445
Utilities Capital	101,000	547,511	611,751	
Debt Payments		310,327	159,552	
Transfers out		613,303	573,493	19,132
<b>Total Uses of Funds</b>	<b>2,787,339</b>	<b>1,753,611</b>	<b>1,546,266</b>	<b>106,577</b>
Next Year Carryover Less Reserve	359,932	449,864	137,088	10,290

**C. TAX A RATES**

That the Town of Amherst’ real estate and personal property tax rates shall be as contained in **Attachment A**.

**D. UTILITY RATES AND CHARGES**

That the policies outlining rates and charges for water, sewer and garbage collection contained in **Attachment B** are hereby adopted and/or continued.

**E. DONATIONS**

That donations to the following organizations are hereby authorized for the purposes listed subject to the conditions noted. Except for the Amherst Fire Department and Amherst Life Saving Crew and First Aid, these funds are to be disbursed on a reimbursement basis upon delivery of appropriate receipts:

<b>Amount</b>	<b>Organization</b>	<b>Purpose of Funding/Conditions</b>
\$2,900	Amherst County Museum & Historical Society	Utilities, programming and repairs to the museum building.
\$2,000	Amherst County Public Library	Books and program presenters.
\$10,000	Amherst Fire Department	Operating costs such as water/sewer, electricity, training, truck maintenance, equipment repairs, uniform apparel.
\$10,500	Amherst Life Saving Crew and First Aid	Supplies, emergency equipment, vehicle and equipment repair, general building repairs.
\$1,650	Village Garden Club	Civic beautification, including maintaining downtown garden spots.
\$600	Small Business Development Center at CVCC	Counseling and training for new and existing/small and growing businesses held in the Town of Amherst.
\$500	Amherst County Chamber of Commerce	Band for a car show event on the Town Square that would be held in the Spring of 2018.
\$5,000	Second Stage	Arts-based community visioning process that seeks to encourage economic growth via the arts; monies are contingent upon receipt of a \$2,500 Local Government Challenge Grant per Town Council action on March 8, 2017.
\$1,500	Neighbors Helping Neighbors of Amherst County	"Stocking the shelves" with plates and items to serve guests.
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\$34,650	Total FY17/18 Donations	

Note: *Lynchburg Regional Business Alliance donations are funded with IDA monies.*

**F. RECOGNITION OF SPECIAL FUNDS**

That the following shall be considered “committed fund balances” under the January 1, 2012, Fund Balance Policy and the Treasurer is authorized and directed to show these figures on the Town’s balance sheet:

General Fund Permanent Fund	\$253,325
Economic Development Fund	\$223,042
Water Fund Permanent Fund	\$535,770
Sewer Fund Permanent Fund	\$357,333

**G. PERSONNEL**

That all Town employees shall receive a 2% cost of living raise as of the first full pay period of FY17/18.

**H. CONDITIONS**

The intent being to authorize spending according to this budget, all appropriations articulated herein are declared to be maximum and conditional such that outlay shall be made only in the event the aggregate revenues collected and other resources available to the Town in the respective funds are sufficient. All debts of the Town shall be paid in full when due and payable. All expenditures shall be made in accordance with this Ordinance, the Town Charter, Town Code, and Purchasing Policy and administrative rules and regulations.

*This Ordinance was passed by a vote of the Amherst Town Council on the 14<sup>th</sup> of June 2017, and shall become effective on July 1, 2017.*

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

DRAFT FOR APPROVAL

**TOWN OF AMHERST  
SCHEDULE OF LOCAL LEVY  
JULY 1, 2017**

The following are tax levies for the fiscal year beginning July 1, 2017. The Town Code contains other tax levies and a more complete description of the Town's taxation program.

1. On the \$100.00 of assessed value of taxable real estate, including mobile homes, the rate shall be \$0.00.
2. On the \$100.00 of assessed value of machinery and tools used in manufacturing or mining business including property specifically classified by Section 58.1-3506A.6 of the Tax Code of Virginia, the rate shall be \$0.00. This tax rate shall also be applicable to real and tangible personal property of public service corporations, based upon the assessments generated annually by the State Corporation Commission, and duly certified.
3. On the \$100.00 of assessed value of taxable tangible personal property, including property specifically classified by Section 58.1-3506 and Section 58.1-3509 of the Code of Virginia, the rate shall be \$0.00.

*(Reference the provisions of VA. CODE ANN. §58.1-3524 C.2. and §58.1-3913 E., as amended by Chapter 1 of the Acts of Assembly (2004 Special Session I) and as set forth in Item 503.E. (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly)*

## Town of Amherst Utility Rate and Fee Policy

Adopted June 14, 2017 for FY2017/2018

### **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 \$50.00 account set-up fee/ reconnection fee/trip charge 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.

### **Residential Customers:**

All active customers shall be charged one Residential Base Charge each month for each residential unit. Customers are charged for water and sewer usage based upon metered water usage.

<u>Rate Component</u>	<u>In Town Residential Base Charge</u>	<u>In Town Use Charge per 1,000 gallons</u>	<u>Out of Town Residential Base Charge</u>	<u>Out of Town Use Charge per 1,000 gallons</u>
<b>Water:</b>				
July 1, 2017-June 30, 2018	\$15.60	\$7.75	\$31.20	\$15.50
July 1, 2018-June 30, 2019	\$17.05	\$8.50	\$34.10	\$17.00
July 1, 2019-June 30, 2020	\$17.05	\$8.50	\$34.10	\$17.00
<b>Sewer:</b>				
July 1, 2017-June 30, 2018	\$27.35	\$6.85	\$54.70	\$13.70
July 1, 2018-June 30, 2019	\$29.20	\$7.30	\$58.40	\$14.60
July 1, 2019-June 30, 2020	\$29.20	\$7.30	\$58.40	\$14.60
<b>Curbside Refuse Collection:</b>				
July 1, 2019-June 30, 2020	\$7.10		\$14.20	

### **Nonresidential Customers:**

Base charges for non-residential water and sewer users will be computed by dividing metered use by 3,250 gallons and then multiplying by the applicable residential base charge. This applies to all non-residential users except for churches that shall be assessed on the same basis as residences. The applicable residential charge for Curbside Refuse Collection shall be assessed for each residential unit.

### **Curbside Refuse Collection:**

All in-town water customers shall receive curbside refuse collection service and refuse collection services will not be provided to non-water customers.

### **Fire Sprinkler Fees**

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).

**Dormant Account Fees:**

A dormant account fee of \$5.00/month/residence or business for water and \$10.00/month/residence or business for sewer will be charged to every property owner that is connected to the respective utility, has used the service in the past, but not actively using the respective service. Dormant account fees shall not be applied to accounts associated only with yard hydrants, irrigation systems or swimming pools.

**Reconnection Fee:**

A reconnection fee/trip charge of \$50 will be charged for any activation or reactivation of utility service due to a request for new service, reactivation from disconnection due to nonpayment or a customer-requested disconnection/reconnection. This fee may be waived at the Office Manager's sole discretion due to emergency or irregular situations.

**Re-reads Charges:**

The Town staff reviews water meter readings for accuracy and investigates suspected incorrect readings prior to mailing bills. In the case of a billing dispute, a customer may request that the Town re-read the customer's water meter. However, if the customer's water meter has already been re-read by the Town during the billing cycle in question, a \$20 trip fee will be charged to offset the cost of a Town employee making a second re-reading trip to the customer's meter. This charge will be added to the customer's next bill.

**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. Payment is due by 5:00 P.M. on the 20<sup>th</sup> day of each month except when the 20<sup>th</sup> falls on a weekend or Town holiday the due date shall become 5:00 P.M. on the next business day. When a past due balance on any account is greater than \$200, a lien for the balance due plus any court recording fees will be recorded against the real estate. **Property owners are held responsible for utility bills against their properties.** If the account is active pursuant to all Town policies, the Town will not participate in the willful diminution of services to the tenant by interrupting or causing the interruption of water service unless such refusal is pursuant to a court order.

**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 at the time of confirmation and for no more than the two preceding bills, if applicable. "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 Disconnect Procedures:**

The Town will assess a late charge of 10% on all accounts when the payment is not received by 5:00 P.M. on the due date. All payments received after 5:00 P.M. are processed as the next business day's receipts. If a customer receives a bill with a previous bill balance, the previous balance must be received by 5:00 P.M. on the 2<sup>nd</sup> Monday of the month following receipt of that bill. If the previous balance is not received by that time the customer will be put on the Town's disconnect list for the following morning.

**Restoration of Service:**

If a customer has not paid the previous balance on an account by the disconnection date or otherwise made arrangements satisfactory to the Office Manager to have the balance paid, the water service will be terminated. Before any service is restored, the past due amount including the \$50.00 reconnection fee/trip charge must be physically received by the Office Manager at 174 South Main Street in the Town of Amherst. Funds will not be accepted from customers at the service location. The \$50.00 reconnection fee/trip charge 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 Payments:**

Any payments not honored by the bank, whether check, or credit card payment, will be charged a \$50.00 handling fee and any bank fees (Reference VA Code §15.2-106). Service shall automatically be disconnected when a payment to pay to prevent service from being disconnected or to reconnect a service is returned or charged back to the Town for any reason. If the returned payment was paid to prevent termination of services then the past due balance, the returned payment handling fee and a reconnection fee/trip charge shall be collected prior to service being restored via cash, money order or certified check. Once the Town has received a returned payment on an account, the Town will not accept any forms of payment other than cash or certified funds for a period of six (6) months for that account.

Any payments received by 5:00 P.M. on each business day will be credited the same day. Any payments received after 5:00 P.M. (including those received via U.S. Mail and the Town's drop box) will be credited as being received the next business day.

**Payment Arrangements:**

The Office Manager is authorized to enter into a payment contract if a customer cannot pay his previous balance in full. Each customer account is only allowed one (1) payment arrangement per calendar year. There is a standard "agreement" form that is available at the Town office and must be signed by the person on the account. The Office Manager may make arrangements that deviate from the standard policy only in extreme situations.

**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 and for its proper administration. The Town Manager shall have the authority to deviate from strict enforcement for good cause.

DRAFT FOR APPROVAL