



# **Appomattox Regular Meeting Agenda**

Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia 24522

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## **Monday, November 08, 2021**

### **7:30 PM – Regular Meeting**

(Location: Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia 24522)

### **Call to Order and Welcome to Visitors**

### **Prayer & Pledge of Allegiance to the Flag of the United States of America**

### **Mayor's Comments**

### **Scheduled Public Appearances**

### **Adoption of the Consent Agenda - November 8, 2021**

All matters listed under consent agenda are considered routine by the council and will be approved or received by one motion in the form listed. Items may be removed from the consent agenda for discussion under the regular agenda upon motion of any council member and duly seconded.

#### **1. Adoption of Minutes:**

September 28, 2021 Workshop meeting

October 12, 2021 Regular meeting

October 26, 2021 Workshop meeting

### **Unfinished Business**

### **New Business**

- #### **2. Consideration to revise the Town of Appomattox Water and Sewer Policy, specifically the Connection Charges to add a Companion Water Meter for Irrigation Service.**

### **Council Standing Committee Reports**

### **Citizen Comment**

## **Town Manager's Report**

## **Council Comment**

## **Closed Session**

Pursuant to Section 2.2-3711 (A) 1 of the Code of Virginia, 1950, as amended, for the purpose of performance and salaries of a specific public employee of any public body, specifically Employee A.

## **Certification**

## **Adjournment**

**File Attachments for Item:**

1. Adoption of Minutes:

September 28, 2021 Workshop meeting

October 12, 2021 Regular meeting

October 26, 2021 Workshop meeting

1 | **Appomattox Town Council  
Workshop Meeting  
September 28, 2021**

The Appomattox Town Council held a Workshop meeting on Tuesday, September 28, 2021, at 6:00 p.m. at the Appomattox Municipal Building, Council Chambers, 210 Linden Street, Appomattox, Virginia with Mayor Conner, presiding.

Town Council present: Aaron Tilton, Nathan A. Simpson, Timothy W. Garrett, James J. Boyce, Sr., Mary Lou Spiggle and Claudia G. Puckette.

Others present: Frank A. Wright, Jr., Town Attorney; Jonathan Garrett, Appomattox Volunteer Fire Department; Carlton Duck, Alive Media TV; Jeff Elder, Facilities Director; Christy Torrence, Office Manager; Gary Shanaberger, Town Manager and Kim Ray, Treasurer.

Mayor Conner called to order the Council Workshop meeting.

Discussion Items:

Mr. Frank A. Wright, Jr., Town Attorney appeared before Council to discuss Town Council election options. Mr. Wright suggested even years. Council provided consensus for Mr. Wright to move forward with charter and ordinance language to support even year elections.

Mr. Shanaberger provided an update of the vacancies on the Board of Zoning Appeals and the Appomattox Town Planning Commission. Mr. Shanaberger requested help finding a replacement for each of these vacancies. If Council members have recommendations or suggestions, Mr. Shanaberger will reach out to them.

On a motion by Ms. Spiggle, seconded by Mrs. Puckette, Council voted to approve an updated quote of \$41,550.00 for the Air Packs for the Appomattox Volunteer Fire Department from the American Rescue Plan Act (ARPA) funding.

Roll Call vote: Tilton – aye, Boyce – aye, Spiggle – aye, Garrett – abstain, Simpson – aye, Puckette – aye. Motion carried 5-0-1.

On a motion by Mr. Garrett, seconded by Mrs. Puckette, Council voted to approve the Public Works request of \$1,381.70 from the ARPA funding.

Roll Call vote: Tilton – aye, Boyce – aye, Spiggle – aye, Garrett – aye, Simpson – aye, Puckette – aye. Motion carried 6-0.

Council Comments:

None

Council Standing Committee Reports:

None

Staff Reports:

Mr. Elder, Facilities Director - None

2 | **Appomattox Town Council**  
**Workshop Meeting**  
**September 28, 2021**

Mrs. Kim Ray, Treasurer provided the Treasurer's Report for revenues and expenditures though August 31, 2021. Mr. Boyce requested the monthly report to include the exact expenses for ARPA funding.

Mr. Shanaberger provided an update on the following items:

- Church Street Waterline Replacement Project – Staff continues to work towards the closings with USDA and DHCD.
- The Request for Proposals (RFP) for Engineering and Project Services for the Train Depot have been received. Requests the Physical Development Committee review the proposals and hold a meeting.
- Hurt & Proffitt, Inc. continues working on the Church Street sidewalk evaluation.
- The Town EDA has begun review its own façade program to be used throughout the Town.
- Mrs. Casto is working to reschedule the retreat – possibly either October 29<sup>th</sup> or November 5<sup>th</sup>.

Closed Session:

On a motion by Mrs. Puckette, seconded by Ms. Spiggle, Council voted to convene in a Closed Session, pursuant to §2.2-3711(A)5 of the Code of Virginia, 1950, as amended, for the purpose of discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Vote: Boyce – aye, Tilton – aye, Simpson – aye, Spiggle – aye, Garrett – aye, Puckette – aye.  
Motion carried 6-0.

The meeting was re-opened to the public.

Council Member Puckette made the following motion:

WHEREAS, the Council of the Town of Appomattox has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox Town Council hereby certifies that to the best of each members knowledge: (1) Only public business matters lawfully exempted from open meetings requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by this council.

The motion was seconded by Council Member Spiggle and Council by the following recorded vote adopted the motion.

3 | **Appomattox Town Council**  
**Workshop Meeting**  
**September 28, 2021**

Vote: Boyce – aye, Tilton – aye, Simpson – aye, Spiggle – aye, Garrett – aye, Puckette – aye.  
Motion carried 6-0.

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Tilton, Council voted to adjourn. All members present voting aye. Motion carried 6-0.

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Christy Torrence  
Office Manager

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Richard C. Conner, Mayor

1 | **Appomattox Town Council**  
**Regular Council Meeting**  
**October 12, 2021**

The Appomattox Town Council held a Regular Council meeting on Tuesday, October 12, 2021, at 7:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Richard Conner, presiding.

Council members present – Aaron Tilton, Mary Lou Spiggle, Timothy W. Garrett, Claudia G. Puckette and James J. Boyce.

Absent – Nathan Simpson

Others present – Carlton Duck, Alive Media TV; Chad Hodges, Hurt & Proffitt, Inc.; Jeff Westbrook, Gary Shanaberger, Town Manager; Kim Ray, Treasurer; and Roxanne W. Casto, Clerk of Council.

The meeting was also broadcast Live on the Town of Appomattox Facebook page.

Mayor Conner called the meeting to order and welcomed the visitors.

Rev. Carlton Duck, Pastor of the Gethsemane Baptist Church led the prayer and the Pledge of Allegiance to the Flag of the United States of America.

Mayor's Comments:

Mayor Conner commented on the success of this year's Appomattox Railroad Festival.

Scheduled Public Appearances:

None

Adoption of the Consent Agenda:

On a motion by Mr. Garrett, seconded by Ms. Spiggle, Council voted to adopt the consent agenda for Tuesday, October 12, 2021, as presented. All members present voting aye. Motion carried 5-0.

Unfinished Business:

None

New Business:

None

Council Standing Committee Reports:

None

Citizens Comment Period:

None

2 | **Appomattox Town Council**  
**Regular Council Meeting**  
**October 12, 2021**

Town Manager Updates –

Mr. Shanaberger provided an update on the following activities:

- The Inflow and Infiltration Sewer project is on schedule.
- The Church Street Water Line Replacement project should be ready for the bidding process in December or sooner.
- The Council Retreat is scheduled for November 5, 2021, at the Frozen Food Locker.
- The Town EDA meeting is scheduled for tomorrow, October 13, 2021, at 6:00 p.m.
- Continues to seek appointments for the Board of Zoning Appeals and the Town Planning Commission.
- The October 26, 2021, Workshop meeting is going to be a busy night with two (2) public hearings.
- Commented the Appomattox Railroad Festival appeared to be very successful.

Council Comments –

Spiggle – none

Garrett – none

Boyce – none

Tilton – none

Puckette – The Harvey family dedicated a bench to the Courtland Festival Park on Friday, October 8, 2021. What a wonderful gesture.

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Boyce, Council voted to adjourn at 7:45 p.m. All members present voting aye. Motion carried 5-0.

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Roxanne W. Casto  
Clerk of Council

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Richard C. Conner, Mayor



1 | **Appomattox Town Council  
Workshop Meeting  
October 26, 2021**

The Appomattox Town Council held a Workshop meeting on Tuesday, October 26, 2021, at 6:00 p.m. at the Appomattox Municipal Building, Council Chambers, 210 Linden Street, Appomattox, Virginia with Vice-Mayor Garrett, presiding.

Town Council present: Aaron Tilton, Nathan A. Simpson, Timothy W. Garrett, James J. Boyce, Sr., Mary Lou Spiggle and Claudia G. Puckette.

Others present: Tracey Shaw, Bond Counsel; Sam Vance, Town Attorney; Kyle Lerner, Wastewater Manager; Carlton Duck, Alive Media TV; Jeff Elder, Facilities Director; Chad Hodges, Hurt & Proffitt, Inc.; Jeff Westbrook, Times Virginian; Gary Shanaberger, Town Manager; Kim Ray, Treasurer; and Roxanne Casto, Clerk

The meeting was also broadcast LIVE on the Town of Appomattox Facebook page.

Vice-Mayor Garrett called to order the Council Workshop meeting.

**\$500,000 Water System Improvement General Obligation Bond, Series 2021**

Vice-Mayor Garrett opened the public hearing.

Roxanne Casto, Town Clerk stated the purpose:

NOTICE is hereby given of a public hearing before Town Council on the issuance of the Town's \$500,000 Water System Improvement General Obligation Bond, Series 2021 to be held at the Town Hall, 210 Linden St., Appomattox, Virginia on October 26, 2021 at 6:00 PM. Interested persons may attend and express their views.

Public Comments: None

Vice-Mayor Garrett closed the hearing.

**Proposed Amendment to the Town's Charter**

Vice-Mayor Garrett opened the next public hearing.

Roxanne Casto, Town Clerk stated the purpose:

**TO THE CITIZENS OF THE TOWN OF APPOMATTOX**

**PLEASE TAKE NOTICE** that at its meeting to be held on Tuesday, October 26, 2021 at the hour of 6:00 p.m. in the Town Council Meeting Room, Appomattox Town Office, 210 Linden Street, Appomattox, Virginia, the Appomattox Town Council, pursuant to Va. Code Ann. §15.2-202, will conduct a public hearing on a proposed amendment to the Town's Charter, which is more particularly set forth as follows:

**§ 1 Election and appointment of officers, etc.** shall be amended to read:

There shall be elected by the qualified voters of said town one elector thereof who shall be denominated the mayor, and six electors, who shall be denominated the councilmen of said town. The mayor and six councilmen shall constitute the council of said town. The town council shall have the authority to appoint or employ a town clerk, a treasurer, a commissioner of revenue, a town manager, a health or sanitary officer, and such other officers as it may deem appropriate for the proper conduct of government of the town. The same person may serve in one or more of such capacities. The town council shall have the power to fix the salaries and compensation of said employees and appointees as necessary, but such compensation shall be fixed by said council before the individual chosen shall assume the duties of office. The town council may also appoint committees and boards and prescribe and fix their duties.

**§ 4 Terms of office - vacancy and how filled** shall be amended to read:

The mayor and members of council in office on July 1, 2021 shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. At the next election of members to the town council held on the Tuesday following the first Monday in November 2022, the three council candidates receiving the greatest number of votes shall be elected for four year terms, and the three council candidates receiving the next greatest number of votes and the mayor shall be elected for two year terms. Thereafter, the council members shall be elected for terms of four years, and the mayor shall be elected for a term of two years, or until their successors are elected and qualified. An election shall be held on the Tuesday following the first Monday in November 2024 for the three council seats first expiring and for the mayor, and on the Tuesday following the first Monday in November 2026 for the three council seats next expiring and for the mayor. Elections thereafter shall be held every two years on the Tuesday following the first Monday in November. The term of each person elected under this section at a November election shall begin on January 1 next following the election. In case of a vacancy in the office of mayor, or councilmen, elected by the electors of said town, caused by death, resignation or otherwise, such vacancy shall be filled by a majority vote of the town council from the electors of the town for the unexpired term.

The public is invited to attend and make their views known.

Public Comments – None

Vice-Mayor Garrett closed the hearing.

3 | **Appomattox Town Council**  
**Workshop Meeting**  
**October 26, 2021**

Discussion Items:

On a motion by Mr. Simpson, seconded by Ms. Spiggle, Council voted to adopt A Resolution Authorizing the Issuance, Sale and Award of an up to \$500,000.00 Water System Improvement General Obligation Bond Series 2021 and Providing for the Form, Details and Payment Thereof.

**A RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF AN UP TO \$500,000.00 WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND, SERIES 2021 AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

WHEREAS, the Town of Appomattox, Virginia (the “Town”), is a public body politic and corporate of the Commonwealth of Virginia duly created under charter by Order of the Circuit Court of Appomattox County, Virginia, dated June 2, 1925; and

WHEREAS, the Town has determined to replace certain of its water lines on Church Street in the Town and to finance such in part through the issuance of its general obligation bond (the “Project”);

WHEREAS, the United States of America acting through the Rural Utilities Service (the “Government”), has offered to purchase the Town’s up to \$500,000.00 Water System Improvement General Obligation Bond, Series 2021, bearing interest at the rate and on the terms and conditions otherwise described in Section 2.2 below (the “Bond”) and to further provide a Rural Development Grant not to exceed \$1,125,000 (the “RUS Grant”), which together with a Community Development Block Grant of \$650,000 (the “CDBG Grant”) (together the “Grants”) on the terms described in a Letter of Conditions, dated May 20, 2021, attached hereto as Exhibit A (the “Letter of Conditions”) will result in a total project cost of \$2,275,000; and

WHEREAS, the Town has determined to satisfy the terms of the Letter of Conditions and award the Bond to the Government, and to accept the Grants;

NOW, THEREFORE, BE IT RESOLVED BY TOWN COUNCIL OF THE TOWN OF APPOMATTOX, VIRGINIA:

**ARTICLE 1)**  
**AUTHORIZATION OF PROJECT**

Section a) The Project: In order to improve the Town’s water lines on Church Street serving the citizens of the Town, the Project has been duly authorized by Loan Resolution (RUS Bulletin 1780-27) of the Town Council, dated April 6, 2021, a copy of which is attached hereto as Exhibit B and which is hereby ratified, confirmed and approved. The Town hereby ratifies confirms

and approves the RUS Grant Agreement (RUS Bulletin 1780-12), a copies of which are on file with the Town.

ARTICLE 2)  
AUTHORIZATION, FORM, EXECUTION, DELIVERY,  
REGISTRATION AND PREPAYMENT OF BOND

Section a) Authorization of Bond; Acceptance of Grants: There is hereby authorized to be issued the general obligation bond of the Town in the principal amount of up to \$500,000.00 to provide funds to finance the Project. The Bond shall be designated “Town of Appomattox, Virginia \$500,000.00 Water System Improvement General Obligation Bond, Series 2021” and shall be sold to the Government upon the terms set forth in the Letter of Conditions. The acceptance of the Grants is hereby approved. The proceeds from the issuance and sale of the Bond and the Grants shall be used to pay the costs of the Project.

Section b) Details of Bond: The Bond shall be issued as follows:

(a) A single fully registered bond without coupons in the denomination of \$500,000.00, registered in the name of United States of America, Rural Utilities Service, which shall be numbered R-1, shall be dated the date upon which the Bond is delivered to the Government upon payment of the purchase price (the “Closing Date”) and shall bear interest at the rate not to exceed One and Three Eighths (1.375%) Per Cent per year on the unpaid principal balance; provided, however, that should the Government offer a lower rate of interest on the Bond, such lower rate shall be conclusively accepted by the Town, including the associated lower installment amount for payment thereof, it being the intent of the Town to obtain to lowest cost of borrowed funds for the permanent financing for the Project. The Bond shall be in substantially the form set forth on Exhibit C hereto.

(b) The Bond shall provide for monthly payment of combined principal and interest beginning one month following the Closing Date and continuing each month thereafter for a period of 479 months until paid. If not sooner paid, the final installment shall be due and payable 480 months from the Closing Date. The payment of every installment shall be applied first to interest accrued to the payment date and then to principal. In the event the Closing Date occurs on the 29th, 30th or 31st day of a month, the installment payment date shall be the 28th day of the month.

(c) Installments shall be payable in lawful money of the United States of America in accordance with the Preauthorized Debit System described in the Letter of Conditions at such address as shall be provided from time to time by the registered owner, except that the final installment shall be payable upon presentation and surrender of the Bond at the office of the Registrar.

Section c) Execution of Bond: The Bond shall be signed by the Mayor of the Town and countersigned by its Clerk and its seal shall be affixed thereto. The Mayor is expressly authorized and directed to finally determine and approve the details of the Bond except that (a) the maximum principal shall not exceed \$500,000 (b) the maximum interest rate shall not exceed 1.375% per annum and (c) the final maturity date shall be a date no later than forty (40) years from the date of issuance. Such determination and the execution and delivery of the Bond on the closing date and

delivery to the Government shall constitute conclusive evidence of approval and no further action by the Town shall be required.

Section d) Registration and Exchange of Bond: The Treasurer of the Town is hereby appointed Registrar. Transfer of the Bond may be registered upon books maintained for that purpose at the office of the Registrar. The initial address of the registered owner of the Bond shall be Finance Office, USDA Rural Development, 1520 Market Street, St. Louis, Missouri 63103-2696. Prior to due presentment for registration of transfer the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner. The Bond shall initially be registered in the name of Rural Utilities Service with an address of 1520 Market Street, St. Louis, Missouri 63103-2696.

Section e) Delivery of Bond: The Mayor and the Clerk are hereby authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to the Government upon payment therefor. The Mayor and the Clerk are further authorized and directed to agree to and comply with, on behalf of the Town, any and all further conditions and requirements of the Government not inconsistent with this resolution in connection with its purchase of the Bond.

Section f) Prepayment of Bond: Installments of principal due on the Bond may be prepaid at the option of the Town at any time as a whole or in part from time to time (and if in part in inverse order of their maturities), without premium, from any source. Prepayments of installments of principal shall not affect the obligation of the Town to pay the remaining installments payable as provided in Section 2.2.

### ARTICLE 3) REVENUES AND FUNDS; BOND PROCEEDS; RESERVE

Section 3.1 Revenue Fund: All rates, fees and other charges or other revenue derived from the ownership or operation of the Town's water utility system (the "System") shall be collected and, so far as may be practicable, deposited not less frequently than weekly in a special account designated the Revenue Fund. Moneys on deposit in the Revenue Fund shall be used only in the manner and priority set out below.

Section 3.2 Rates and Charges: The Town covenants that it shall establish and collect rates and charges with respect to the System sufficient to pay the principal of and interest on the Bond. Further, as required under the Letter of Conditions, the Town hereby approves and confirms that a Ten Percent (10%) penalty shall be assessed on all user accounts with respect to the System that are not paid, in full, within twenty (20) days from the date of billing therefor. To the fullest extent allowed under Virginia law, the Town shall discontinue service to any user if such billing invoice is not paid within sixty (60) days after the due date thereof, and further, such service shall not be restored until all past charges have been paid and all accrued penalties, including a reconnection charge, have been paid to the Town, in full.

Section 3.3 Debt Service Fund: Each month the Town shall transfer from the Revenue Fund to a separate account designated the Debt Service Fund an amount equal to the installments of interest, or principal and interest, as the case may be, coming due on the Bond that month. If there should be insufficient moneys in the Revenue Fund for this purpose, the deficit shall be added to the required payment for the month or months next ensuing until such deficit is eliminated. When the balance in the Debt Service Fund equals the principal of and interest on the Bond then outstanding to its maturity, no further transfers to the Debt Service Fund shall be required. The Town shall pay installments of principal and interest on the Bond as the same become due from the Debt Service Fund.

Section 3.4 Balance in Revenue Fund: Any balance remaining in the Revenue Fund each month, after making the transfers required by Section 3.3 may be used by the Town for any lawful purpose.

Section 3.5 Pledge of Revenues:

(a) All revenues and receipts derived by the Town from the use of and services furnished by the System (the “Revenues”) and all moneys in the Revenue Fund and the Debt Service Fund are hereby pledged to the payment and performance of the Town’s obligations on the Bond, such pledge to be on a par with all prior pledges of revenue from the System securing indebtedness incurred for improvement of the System, subject to the rights of the Town to use the Revenues for the operation and maintenance expenses of the System, as provided herein.

(b) The pledge of Revenues pursuant to this Resolution with respect to the Bond and shall be valid and binding from and after the Closing Date. The Revenues, as received by the Town, shall be immediately subject to the lien of such pledge without any physical delivery of them or further act. Such pledge of the Revenues to secure the payment and performance of the Town's obligations under the Bond shall be on a par with all prior pledges of revenue from the System securing indebtedness incurred for improvement of the System, and have priority over all obligations and liabilities of the Town. The lien of this pledge of the Revenues with respect to the Bond shall be valid and binding against all parties having claims against the Town regardless of whether such parties have notice thereof.

**NEITHER THE BOND NOR THE OBLIGATIONS OF THE TOWN UNDER THE LETTER OF CONDITIONS OR THIS BOND RESOLUTION CONSTITUTE A DEBT OR A PLEDGE OF THE FAITH AND CREDIT OF THE COMMONWEALTH OF VIRGINIA OR ANY OTHER POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRIGNIA.**

Section 3.7 Construction Fund; Account Pledge: All amounts from the proceeds of the Bond shall be deposited in a separate account with a qualifying depository designated the Construction Account and shall be used solely for the purpose of paying authorized costs of the Project. All amounts in the Construction Fund are hereby pledged to secure the payment of principal and interest on the Bond.

ARTICLE 4)  
SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS

Section a) Security for Deposits: All moneys on deposit with any bank or trust company shall be secured for the benefit of the Town and the holder of the Bond in the manner required by the Virginia Security for Public Deposits Act (Chapter 44, Title 2.2, Code of Virginia of 1950, as amended) or any successor provision of law.

ARTICLE 5)  
MISCELLANEOUS

Section a) Contract with Bondholder: The provisions of this resolution shall constitute a contract between the Town and the holder of the Bond for so long as the Bond and interest thereon are outstanding.

Section b) Town Officers and Agents: The officers and agents of the Town shall do all acts and things required of them by this resolution, the Bond and the Virginia Public Finance Act (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) for the complete and punctual performance of all the terms, covenants and agreements contained therein.

Section c) Limitation of Rights: Nothing expressed or mentioned in or to be implied from this resolution or the Bond is intended or shall be construed to give to any person or company other than the parties hereto and the holder of the Bond any legal or equitable right, remedy or claim under or in respect to this resolution or any covenants, conditions and agreements herein contained; this resolution and all of the covenants, conditions and agreements hereof being intended to be and being for the sole and exclusive benefit of the parties hereto and the holder of the Bond as herein provided.

Section d) Limitation of Liability of Officials of Town: No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of a present or future member, officer, employee or agent of the Town in his individual capacity, and neither the members of the Town Council nor any officer thereof executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No member, officer, employee or agent of the Town shall incur any personal liability with respect to any other action taken by him pursuant to this resolution or the Virginia Public Finance Act (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended), provided he acts in good faith.

Section e) Conditions Precedent: Upon the issuance of any Bond all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this resolution to have happened, exist and to have been performed precedent to or in the issuance of such Bond shall have happened, exist and have been performed.

Section 5.6 Series Designation: In the event the Bond is not issued during calendar year 2021, the Mayor and Clerk of the Town are hereby authorized and directed to change the series designation to such other year as may be appropriate at the time of their issuance. Thereafter all references in this resolution to the Bond shall be deemed to refer to the general obligation Bond issued pursuant to Article 3 under their new series.

Section 5.7 Repeal of Resolutions in Conflict: All other resolutions, or parts thereof, in conflict with this resolution are hereby repealed except for such resolutions as may have been adopted by the Town at the specific request of the Government as a condition to its purchase of the Bond.

Section 5.8. Reserves; Audit Requirements, Accounts and Records. The establishment, funding and maintenance of reserves as required by the Government as described in the Letter of Conditions are hereby authorized and approved. The Mayor and Clerk are hereby authorized and directed to coordinate with the Town's outside auditors in order for the Town to satisfy (and otherwise comply with) the audit requirements and any other accounting and financial reporting terms and conditions as set forth in the Letter of Conditions.

Section 5.9 Successors and Assigns: All the covenants, stipulations, promises and agreements of the Town contained in this resolution shall bind and inure to the benefit of its successors and assigns, whether so expressed or not.

Section 5.10 Headings: Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 5.11 Severability: If any court of competent jurisdiction shall hold any provision of this resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

Section 5.12 Filing of Bond Resolution. The Mayor or Clerk Council, either of whom may act, any other appropriate representative or agent of the Town, is hereby authorized and directed to see to the filing of a certified copy of this resolution in the Office of the Clerk of the Circuit Court of the County of Appomattox.

Section 5.13 Effective Date: This resolution shall take effect immediately. The Clerk of the Town is hereby authorized and directed to file a certified copy of this resolution in the office of the Town.

This Resolution was passed by a vote of the Appomattox Town Council on the [ ] day of October, 2021.

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Mayor, Town of Appomattox



9 | **Appomattox Town Council**  
**Workshop Meeting**  
**October 26, 2021**

(SEAL)

ATTEST:

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Clerk of Council

Exhibit A: Letter of Conditions

Exhibit B: RUS Bulletin 1780-27, Loan Resolution

Exhibit C: Form of Bond

**CERTIFICATE OF VOTES**

The undersigned hereby certifies that the foregoing constitutes a true and correct copy of the foregoing Bond Resolution, duly adopted by the members of the Appomattox Town Council by a roll call vote at a regular meeting duly held and called on the date hereof, as follows:

Name	Aye	Nay	Abstain	Absent
James J. Boyce, Sr				
Timothy W. Garrett				
Claudia G. Puckette				
Nathan A. Simpson				
Mary Lou Spiggle				
Aaron M. Tilton				

(SEAL)

ATTEST:

\_\_\_\_\_  
Roxanne Casto  
Clerk of Council

11 | **Appomattox Town Council**  
**Workshop Meeting**  
**October 26, 2021**

EXHIBIT A  
LETTER OF CONDITIONS

EXHIBIT B  
LOAN RESOLUTION  
RUS 1780-27

EXHIBIT C TO RESOLUTION OF  
TOWN OF APPOMATTOX  
Dated \_\_\_\_\_, 2021

No. R-1

\$500,000.00

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
TOWN OF APPOMATTOX  
WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND,  
SERIES 2021

The Town of Appomattox (the “Town”), a public body politic and corporate of the Commonwealth of Virginia duly created under charter by Order of the Circuit Court of Appomattox County, Virginia, dated June 2, 1925, for value received, hereby promises to pay to the United States of America, Rural Utilities Service, (the “Government”), or registered assigns, the principal sum of

FIVE HUNDRED THOUSAND DOLLARS  
(\$500,000.00)

and to pay to the registered owner hereof interest on the unpaid principal from the date hereof until payment of the entire principal sum at the rate of One and Three Eighths Percent (1.375 %) per year in monthly payments of combined principal and interest of One Thousand Three Hundred Fifty-five (\$1,355.00) Dollars and No Cents beginning on the first (1<sup>st</sup>) monthly anniversary of the date hereof and continuing monthly thereafter for Four Hundred Seventy Nine (479) consecutive months until the principal of this bond is paid in full, each installment to be applied first to interest accrued to such payment date and then to principal. The final installment, if not sooner paid, of all amounts owed hereunder shall be due and payable Four Hundred Eighty (480) months from the date hereof. Such installments shall be payable in lawful money of the United States of America by pre-authorized electronic debit for the account of the registered owner of the Bond at such address as shall be provided from time to time by the registered owner, except that the final installment shall be payable upon presentation and surrender hereof at the office of the Registrar.

This bond has been authorized by a resolution adopted by the Town Council on [ ], 2021 (the “Bond Resolution”), and is issued pursuant to the Charter and the Virginia Public Finance Act (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) to provide funds to finance improvements to the Town’s water utility system. A copy of the Bond Resolution is on file at the Town Hall, Appomattox, Virginia. Reference is hereby made to the Bond Resolution and any amendments thereto for the provisions, among others, describing the pledge and covenants securing the bond, the nature and extent of the security, the terms and conditions upon which the bond is issued, the rights and obligations of the Town and the rights of the bondholder.

All revenues derived by the Town from its water utility system are hereby pledged to the payment of the principal of and interest on the bond.

Installments of principal due on this bond may be prepaid at the option of the Town at any time as a whole or in part from time to time (but if in part, in inverse order of their maturities), without premium. Prepayments of installments of principal shall not affect the obligation of the Town to pay the remaining installments payable as provided above.

This bond is fully registered as to both principal and interest. Transfer of this bond may be registered upon books maintained for that purpose by the Registrar. Prior to due presentment for registration of transfer the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

Any amount expended or advanced by the Government for the collection hereof or to protect any security therefor, at the option of the Government, shall become a part of and bear interest at the same rate as the principal hereof and be immediately due and payable by the Town to the Government without demand.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed.

IN WITNESS WHEREOF, the Town has caused this bond to be signed by its Mayor, to be countersigned by its Clerk, its seal to be affixed hereto and this bond to be dated \_\_\_\_\_ 2021.

(CORPORATE SEAL)

ATTEST:

TOWN OF APPOMATTOX,  
VIRGINIA

\_\_\_\_\_  
Clerk, Town of Appomattox

\_\_\_\_\_  
Mayor, Town of Appomattox

**TRANSFER OF BOND**

Transfer of this bond may be registered by the registered owner or his duly authorized attorney upon presentation hereof to the Registrar who shall make note of such transfer in books kept by the Registrar for that purpose and in the registration blank below.

<b>Date of Registration</b>	<b>Name of Registered Owner</b>	<b>Signature of Registrar</b>
_____2021	United States of America Rural Utilities Service	_____

Roll Call Vote: Boyce – aye, Garrett – aye, Puckette – aye, Simpson – aye, Simpson – aye, Tilton – aye. Motion carried 6-0.

At this time Vice-Mayor Garrett turned the meeting over to Mayor Conner.

On a motion by Mr. Simpson, seconded by Mr. Boyce, Council voted to adopt a Resolution to the General Assembly of the Commonwealth of Virginia to amend the Town's Charter.

### **RESOLUTION**

Whereas, the Appomattox Town Council met on the \_\_\_\_ day of \_\_\_\_\_, 2021 and hereby requests by resolution of the General Assembly of the Commonwealth of Virginia to amend the Town's Charter as follows:

1. **Unless otherwise specifically changed herein, all provisions of the Town Charter shall remain in force and effect.**
2. **Section 1 - Election and appointment of officers, etc.** shall be amended to read:

There shall be elected by the qualified voters of said town one elector thereof who shall be denominated the mayor, and six electors, who shall be denominated the councilmen of said town. The mayor and six councilmen shall constitute the council of said town. The town council shall have the authority to appoint or employ a town clerk, a treasurer, a commissioner of revenue, a town manager, a health or sanitary officer, and such other officers as it may deem appropriate for the proper conduct of government of the town. The same person may serve in one or more of such capacities. The town council shall have the power to fix the salaries and compensation of said employees and appointees as necessary, but such compensation shall be fixed by said council before the individual chosen shall assume the duties of office. The town council may also appoint committees and boards and prescribe and fix their duties.

**Section 4 – Terms of office; vacancy and how filled** is amended to read:

The mayor and members of council in office on July 1, 2021 shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. At the next election of members to the town council held on the Tuesday following the first Monday in November 2022, the three council candidates receiving the greatest number of votes shall be elected for four year terms, and the three council candidates receiving the next greatest number of votes and the mayor shall be elected for two year terms. Thereafter, the council members shall be elected for terms of four years, and the mayor shall be elected for a term of two years, or until their successors are elected and qualified. An election shall be held on the Tuesday following the first Monday in November 2024 for the three council seats first expiring and for the mayor, and on the Tuesday following the first Monday in November 2026 for the three



council seats next expiring and for the mayor. Elections thereafter shall be held every two years on the Tuesday following the first Monday in November. The term of each person elected under this section at a November election shall begin on January 1 next following the election. In case of a vacancy in the office of mayor, or councilmen, elected by the electors of said town, caused by death, resignation or otherwise, such vacancy shall be filled by a majority vote of the town council from the electors of the town for the unexpired term.

This Resolution was adopted by a majority vote of the Appomattox Town Council at its \_\_\_\_\_, 2021 meeting.

\_\_\_\_\_  
Richard C. Conner, Mayor

Attest: \_\_\_\_\_  
Roxanne W. Casto, Clerk

Roll Call Vote: Boyce – aye, Garrett – aye, Puckette – aye, Simpson – aye, Spiggle – aye, Tilton – no. Motion carried 5-1.

On a motion by Mr. Simpson, seconded by Mr. Boyce, Council voted to adopt An Ordinance to Revise a Portion of the Code of the Town of Appomattox, in Chapter 16 – Elections.

AN ORDINANCE TO REVISE a portion of the Code of the Town of Appomattox, in Chapter 16 – Elections.

Be it ordained by the Council of the Town of Appomattox as follows:

Section 1. Chapter 16, Section 2 shall be enacted as follows:

**§ 16-2 Election of Council Members and the Mayor.**

Pursuant to Senate Bill 1157 enacted during the 2021 General Assembly and notwithstanding any provisions of the Town Charter, the mayor and members of council in office on July 1, 2021 shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. The next election for town offices shall occur on the Tuesday following the first Monday in November 2022. At such election, the three council candidates receiving the greatest number of votes shall be elected for four year terms, and the three council candidates receiving the next greatest number of votes and the mayor shall be elected for two year terms. Thereafter, the council members shall be elected for terms of four years, and the mayor shall be elected for a term of two years, or until their successors are elected and qualified. An election shall be held on the Tuesday following the first Monday in November 2024 for the three council seats first expiring and for the mayor, and on the

Tuesday following the first Monday in November 2026 for the three council seats next expiring and for the mayor. Elections thereafter shall be held every two years on the Tuesday following the first Monday in November. The term of each person elected under this section at a November election shall begin on January 1 next following the election. In case of a vacancy in the office of mayor, or councilmen, elected by the electors of said town, caused by death, resignation or otherwise, such vacancy shall be filled by a majority vote of the town council from the electors of the town for the unexpired term.

Section 2. This section shall become effective upon its passage.

Roll Call Vote: Boyce – aye, Garrett – aye, Puckette – aye, Simpson – aye, Spiggle – aye, Tilton – no. Motion carried 5-1.

On a motion by Ms. Spiggle, seconded by Mr. Tilton, Council voted to allow on out-of-town water connection at 236 Somerset Drive, Appomattox.

Vote: Aye – 5

No – 0

Abstain – 1 (Garrett)

Motion carried 5-0-1.

On a motion by Mr. Garrett, seconded by Mrs. Puckette, Council voted to amend the Fats, Oil & Grease Program for the Town of Appomattox. All members present voting aye. Motion carried 6-0.

Council Comments:

Mr. Simpson – Updated Council for the need to update the pad map at the Visitors Center. He will work with the Tourism Committee, Bob Sayre, Anne Dixon and the staff at the Visitors Center for up-to-date material. It should be ready going into the next budget cycle FY 2023 or late 2<sup>nd</sup> quarter of FY 2022.

Mrs. Puckette – none

Mr. Garrett – none

Mr. Tilton – none

Ms. Spiggle – Wished Mr. Garrett a Happy Birthday

Mr. Boyce - none

Council Standing Committee Reports:

None

Staff Reports:

Mrs. Kim Ray, Treasurer provided the Treasurer's Report as of September 30, 2021.

Mr. Elder, Facilities Director provided an update:

- On the recent purchase of picnic tables, benches, and trash cans for the parks.
- The Inflow and Infiltration (I&I) Force Main will be pressure tested soon. The project continues to move along at a great pace.
- Robin Snyder, Superintendent of the Appomattox Court House National Park Service will be attending the November 2021 Council Workshop meeting to provide an update on sewer repairs at the park.
- Work/Plans continue on the Church Street Sidewalk.

Mrs. Casto, Clerk of Council provided an update to Council on the Request for Proposals to be advertised for codification services of the Town Code of the Town of Appomattox, Virginia. The RFP's will be due November 30, 2021.

Mr. Shanaberger provided an update on the following items:

- Anticipates having a VDOT Representative attend a future meeting to discuss the Smartscale project & truck route.
- The Church Street water line is moving along. The USDA representative is impressed with how quickly this project is moving along.
- The Appomattox Downtown Revitalization project is reaching a deadline with the façade portion of the project. After November 30<sup>th</sup> the project will move into the streetscape portion of the project.
- Still looking for Town residents to serve on the Town Planning Commission and Board of Zoning Appeals.
- The Town EDA will be starting its own façade program for the entire town. The program may be ready within the next year.
- Reminder of Town Council Retreat – Friday, November 5, 2021 at 9:00 a.m.

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adjourn at 7:10 p.m. All members present voting aye. Motion carried 6-0.

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Roxanne W. Casto  
Clerk of Council

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Richard C. Conner, Mayor

**File Attachments for Item:**

2. Consideration to revise the Town of Appomattox Water and Sewer Policy, specifically the Connection Charges to add a Companion Water Meter for Irrigation Service.



TOWN OF APPOMATTOX  
WATER AND SEWER POLICY  
TO INCLUDE  
USER CHARGES  
CONNECTION AND AVAILABILITY FEE  
ADMINISTRATIVE POLICY

**TOWN OF APPOMATTOX - WATER AND SEWER POLICY  
USER CHARGES CONNECTION AND AVAILABILITY FEES  
ADMINISTRATIVE POLICY**

<u>ACTION</u>	<u>DESCRIPTION</u>	<u>DATE</u>
	Policy Adoption	December 29, 1988
(1)	Amended Water & Sewer Availability Fee Schedule Revised Water Availability Fee from \$600.00 to \$500.00 and Sewer Availability Fee from \$1,000.00 to \$500.00. Revised (decreased) schedule for all other types of service for both Water and Sewer Availability Fees	March 13, 1989
(2)	Revised Deposits - Section "F" to permit discretion in amount of deposit; also amended penalty policy outlined in Billing Policy Section G.	December 29, 1989
(3)	Revised Water & Sewer Rates, Connection Fees, Availability Fees, Deposits and Billing Policy	January 1, 2001
(4)	Amended Policy and added Water Conservation Plan	July 8, 2002
(5)	Revised Water and Sewer Rates, Connection Fees, Availability Fees	July 1, 2004
(6)	Revised Water and Sewer Rates	July 1, 2005
(7)	Revised Water and Sewer Rates, Out of Town Factor	July 1, 2006
(8)	Revised Water and Sewer Rates, Out of Town Factor, Billing Policy	November 13, 2006
(9)	Revised Water and Sewer Rates (with an effective date of July 1, 2008)	April 29, 2008
(10)	Elimination the out of town factor of 1.5	July 1, 2010

for Water and Sewer Monthly Billing Rates,  
Connection and Availability fees.

- |      |  |                         |
|------|--|-------------------------|
| (11) | Revised Water and Sewer Rates  | July 1, 2012            |
| (12) | Revision to the Connection Charges to add<br>A Companion Water Meter for Irrigation Service  | July 9, 2012            |
| (13) | Omit D – Account Charge, Revise E – Deposits<br>Increasing to \$300, amend F – Billing Policy to<br>Correspond with the Accounts Receivable Policy,<br>Amend G – Unauthorized Connections/Cross-<br>Connections citing the Town Code Section | July 9, 2012            |
| (14) | Revised Availability & Connection Costs  | July 1, 2013            |
| (15) | Addition of “L” – Policy for Relief from<br>Excessive Sewer Bill due to Undetectable<br>Water Line Leak or Break.  | October 16, 2013        |
| (16) | Addition of “M” - Sewer Only Policy  | March 9, 2015           |
| (17) | Revised Water and Sewer Rates  | July 1, 2019            |
| (18) | Increase in out-of-town water rates<br>effective October 1, 2021 and thereafter with<br>a multiplier factor of 1.5.  | October 1, 2021         |
| (19) | <i>Revised Connection Charges to add a<br/>Companion Water Meter for Irrigation Service</i>  | <i>November 9, 2021</i> |

**A. User Rates - Billing Period: Monthly**

*Rates effective July 1, 2019*

**a) Water Rates:**

	0 – 2000 gallons	Charge per 1000 gallons over 2000
July 1, 2019	\$11.00	\$6.00
July 1, 2020	\$11.30	\$6.20
July 1, 2021	\$11.60	\$6.40
July 1, 2022	\$11.90	\$6.60

**b) Sewer Rates:**

	0 – 2000 gallons	Charge per 1000 gallons over 2000
July 1, 2019	\$30.60	\$17.25
July 1, 2020	\$31.50	\$17.77
July 1, 2021	\$32.40	\$18.30
July 1, 2022	\$33.40	\$18.85

**c) Out of Town water rates:**

	0 – 2000 gallons	Charge per 1000 gallons over 2000
October 1, 2021	\$17.40	\$9.60
July 1, 2022	\$17.85	\$9.90

Notes:

1. Billing Period – Monthly
2. Equivalent Residential Connections (ERC) computed on the basis of 4400 gallons of water purchased per month equal to one (1) ERC. Equivalent Residential Connections (ECR) computed on an annual basis and applied during the budget or fiscal period.



Unless there is a measured 15% change (increase or decrease) in water purchased.

**B. Connection Fees:** Connection fees are defined as a charge designed to cover the cost of making the connection.

### **IN-TOWN & OUT-OF-TOWN**

#### **Water**

- Standard ¾" water connection with water main located on same side of the road as the residents \$1,500.00.
- 1" Water Connection - \$2,000.00
- Multi-Family/Unit - \$1,200.00
- For connection larger than ¾", and require installing service line across any primary or secondary roads, cost of connection shall be at cost of materials and labor.

#### **Sewer**

- Standard 4" residential connection with sewer main located on the same side of the as the residents \$2,200.00.
- 6" Sewer Connection - \$2,600.00
- For connection larger than the standard, and or installing service line across any primary or secondary roads, cost of connection shall be at cost of materials and labor.

## **~~Residential Companion Water Meter for Irrigation Service – \$420.00~~**

### **~~Utilities – Residential Companion Meter for Irrigation Service~~**

~~Town of Appomattox Utilities Department offers a residential companion meter to residents who have paid connection fees for a primary residential meter and would like a second meter to measure outside water use separately. No wastewater charges are applied to the residential companion meter, since outside water does not enter the sewer system. The residential companion meter for irrigation is available at a cost of \$420. It is not available for commercial use or entrances to subdivisions and their common areas.~~

### **~~How can I get a residential companion meter for an irrigation system?~~**

~~To receive a residential companion meter, obtain a county plumbing permit specifically for a residential companion meter for irrigation service. The plumbing permit must include the installation of the backflow device for a residential companion meter. Plumbing permits can be obtained at the Appomattox County Department of Building Inspection, 153 A Morton Lane, Appomattox, Virginia.~~

~~Once the plumbing permit is obtained, contact the Town of Appomattox Utilities Department for a water connection application, located at 210 Linden Street, Appomattox, Virginia. The Utilities Department can be reached at 434 352 8268.~~

### **~~When and where will it be installed?~~**

~~Town of Appomattox Utilities Department usually can install the residential companion irrigation meter within 14 calendar days after receiving an application, plumbing permit, and a connection fee of \$420. Town of Appomattox Utilities Department will choose the exact location of the residential companion meter that is installed near the domestic meter.~~

### **~~What inspections are required after the work is complete?~~**

~~After the residential companion meter is installed, it is the customer's responsibility to connect the irrigation piping to the companion meter. The customer may install his or her own irrigation system or contract the work to a plumber or irrigation contractor. The installation of all irrigation lines must meet the town's plumbing requirements at all times. All irrigation systems must include the installation of a backflow preventer between the residential companion meter and the irrigation system. When all work is completed, the customer must contact Appomattox County Building Inspections at 434 352 2637 for a final inspection of the installation and the backflow preventer. The backflow preventer must be tested within 30 days of the final inspection and annually thereafter by a "backflow prevention device technician" as certified by the Virginia Department of Professional and Occupational Regulations. The Town of Appomattox does not perform testing on these private backflow prevention devices, set testing rates, or collect any revenue from these tests.~~

**Why do I need a backflow preventer if I use a companion meter with an irrigation system, and how do I file the test results?**

Backflow preventers play an important role in protecting drinking water supplies, and the testing is required by the Virginia Department of Health. Test results must be returned to Town of Appomattox Utilities Department, P.O. Box 705, Appomattox, VA 24522. The Backflow Prevention Assembly Test Report can be found online at [www.townofappomattox.com](http://www.townofappomattox.com) under Cross-Connection Control and Backflow Prevention Program. Call 434-352-8268 for more information.

**How will I be billed?**

After the residential companion meter is installed, the irrigation information, including meter number, billing period and usage, will be itemized on your next bill. Domestic water meter usage is categorized as water service, and residential companion meter usage is categorized as irrigation service. Both service charges are shown as line items in the transaction description and are included in the balance due.

## **Residential Companion Water Meter for Irrigation Service – \$600.00\***

*\*Subject to change; based on cost of raw materials.*

### **UTILITIES – RESIDENTIAL COMPANION METER FOR IRRIGATION SERVICE**

Town of Appomattox *Public Works* Department offers a residential companion meter to residents who have paid connection fees for a primary residential meter and would like a second meter to measure outside water use separately. No wastewater charges are applied to the residential companion meter, since outside water does not enter the sewer system. The residential companion meter for irrigation is available at a cost of \$600. It is not available for commercial use or entrances to subdivisions and their common areas.

### **HOW CAN I GET A RESIDENTIAL COMPANION METER FOR AN IRRIGATION SYSTEM?**

To receive a residential companion meter, obtain a county plumbing permit specifically for a residential companion meter for irrigation service. The plumbing permit must include the installation of the backflow device for a residential companion meter. Plumbing permits can be obtained at the Appomattox County Department of Building Inspection, 153-A Morton Lane, Appomattox, Virginia.

Once the plumbing permit is obtained, contact the Town of Appomattox *Public Works* Department for a water connection application, located at 1799 Church Street, Appomattox, Virginia. The Public Works Department can be reached at 434-352-8393.

### **WHEN AND WHERE WILL IT BE INSTALLED?**

Town of Appomattox *Public Works* Department usually can install the residential companion irrigation meter within 14 calendar days after receiving an application, plumbing permit, and a connection fee of \$600. Town of Appomattox *Public Works* Department will choose the exact location of the residential companion meter that is installed near the domestic meter.

### **WHAT INSPECTIONS ARE REQUIRED AFTER THE WORK IS COMPLETE?**

After the residential companion meter is installed, it is the customer's responsibility to connect the irrigation piping to the companion meter. The customer may install his or her own irrigation system or contract the work to a plumber or irrigation contractor. The installation of all irrigation lines must meet the town's plumbing requirements at all times. All irrigation systems must include the installation of a backflow preventer between the residential companion meter and the irrigation system. When all work is completed, the customer must contact *the Town of Appomattox Public Works Department* at 434-352-8393 for a final inspection of the installation and the backflow preventer. The backflow preventer must be tested within 30 days of the final

inspection and annually thereafter by a “backflow prevention device technician” as certified by the Virginia Department of Professional and Occupational Regulations. The Town of Appomattox does not perform testing on these private backflow-prevention devices, set testing rates, or collect any revenue from these tests. *However, a list of backflow testers can be obtained from the Public Works Department.*

### **WHY DO I NEED A BACKFLOW PREVENTER IF I USE A COMPANION METER WITH AN IRRIGATION SYSTEM, AND HOW DO I FILE THE TEST RESULTS?**

Backflow preventers play an important role in protecting drinking-water supplies, and the testing is required by the Virginia Department of Health. Test results must be returned to the Town of Appomattox *Public Works* Department, P.O. Box 705, Appomattox, VA 24522. The Backflow Prevention Assembly Test Report can be found online at [www.townofappomattox.com](http://www.townofappomattox.com) **under Cross-Connection Control and Backflow Prevention Program**. *If the device fails the inspection or the test results are not returned to the Public Works Department, the water service will be disconnected until the inspection is completed. Call 434-352-8393 for more information.*

### **HOW WILL I BE BILLED?**

After the residential companion meter is installed, the irrigation information, including meter number, billing period and usage, will be itemized on your next bill. Domestic water-meter usage is categorized as water service, and residential companion-meter usage is categorized as irrigation service. Both service charges are shown as line items in the transaction description and are included in the balance due. *There is no minimum bill for an irrigation meter. You are only charged for the water that goes through that meter.*

### **C. Water and Sewer Facilities - Availability Fees**

The purpose of the availability fees is to defray the continuing cost of providing water treatment, transmission mains, pumping stations, storage facilities, sewage treatment, sewer collection, and other capital items.

The charge for availability fee for water and sewer service shall be made for each new service in accord with the following schedule.

	<u>WATER</u>	<u>SEWER</u>
1. Single Family Dwelling		
3/4" Water & 4" Sewer	\$2500.00	\$3000.00
1" Water & 6" Sewer	\$3500.00	\$5000.00
2. Multi-Family, per family unit (Duplexes, condominiums, town- houses, apartments & mobile homes)	\$1200.00	\$1900.00
*Per family unit is considered separately		
3. Motel (per unit or room) (excluding on-site laundry)	\$300.00	\$500.00
4. Restaurants (per seat)	\$100.00	\$200.00
5. Laundromats (per machine)	\$900.00	\$1200.00
6. Nursing Homes (per bed)	\$400.00	\$500.00
7. Homes for the age (per bed)	\$300.00	\$400.00
8. Hospitals (per bed)	\$600.00	\$900.00
9. Doctor's Office (per patient bed)	\$400.00	\$500.00
10. Theaters, drive in type (per car)	\$40.00	\$50.00
11. Theaters, auditorium type (per seat)	\$40.00	\$50.00
12. Picnic areas (per person & park capacity)	\$40.00	\$50.00
13. Camps, resorts, overnight (per site)	\$40.00	\$50.00
14. Luxury camps with flush toilets (per camp site)	\$200.00	\$300.00

15. Any proposed use not covered above or in cases where a higher factor, hardship or community waiver is recommended by Staff, the Town Council shall make the final decision based upon written application with supporting data.

Availability charges for any water or sewage use not classified above shall be based on an equivalent residential use (ERU) determination by the Town Manager. Each ERU determined shall be assessed a charge of \$1200.00 per ERU for water and/or \$1900.00 respectively. The ERU determination shall be based on the building or premise water use for existing users, and on projected use or discharges for new users. Projected use or discharges shall be estimated utilizing design analysis and/or records of similar uses. All projected ERU determinations discharge to determine the accuracy of the ERU determination. If the ERU determination was high, the Town will refund the availability fee overpayment. Should any building use change placing a greater demand on the water or sewer system, additional availability fees may be assessed by the Manager based on the additional demand, with full credit given for availability fees already paid.

D. Deposits

All new accounts for rental property will be required to place a \$300 security deposit along with their application for utility service. If property is rental property, the owner will be required to sign the acknowledgement that accompanies the application for the new account. New account holders with local, state, or federal rental assistance will be exempted from the security deposit with proof of such assistance.

E. Billing Policy - All bills are due and payable upon receipt. Bills are due on the 20<sup>th</sup> of each month. If a balance goes unpaid after the 20<sup>th</sup> of the month a 10% penalty will be added to the bill. A second notice is mailed immediately after the penalty is applied/assessed. The cut-off date is after the fifth (5<sup>th</sup>) day of the month following the due date of the original bill. A \$25 disconnect fee will be charged for any customer cut-off for non-payment and a \$25 reconnect fee will be charged to restore service. When restoration of service is then requested, the past due bill, penalty and reconnection charge (availability charge) will be due before service is restored.

G. Unauthorized Connections/Cross-Connections - The connection for any other water supply to the Town's system is strictly prohibited. See Cross-Connection Control Policy - §190-46.1 – 46.11 Division 2 Cross Connection Control; Backflow Prevention (Amended May 4, 2011) of the Code of the Town of Appomattox.

Cross-Connections of a private or an auxiliary water system to the Town's public water system is restricted according to the WATERWORKS REGULATIONS FOR PUBLIC DRINKING WATER SUPPLY as adopted by the Commonwealth of Virginia Department of Public Health.

H. Use of Service - The new service applicant is expected to begin use of water within thirty (30) days from the date of which such service is made available. Therefore, billing will commence at the end of this thirty-day period in accordance with prescribed rates, terms and conditions.

I. Out-of-Town Customers – For all out-of-town water customers, the monthly rate shall be multiplied by a factor of 1.5. There shall be no difference in monthly sewer fees, connection or availability for customers or connections for in-town or out-of-town customers.



- J. The Town of Appomattox reserves the right to review each request or service and evaluate both the requested service requirements and available system well and storage capacity. Appropriate management of available system resources will be exercised by the Town Council with respect to new connections.
- K. The Town of Appomattox reserves the right to institute any and all measures deemed necessary in the event of a natural disaster, emergency, drought or other conditions which impacts on the water system. All measures considered will be as reasonable as possible. Generally residential customer service, although it may be curtailed, will be given highest service priority.
- L. **POLICY FOR RELIEF FROM EXCESSIVE SEWER BILL- DUE TO UNDETECTABLE WATER LINE LEAK OR BREAK**

An adjustment may be made to an excessive sewer bill due to an undetectable water line break or leak on the customer's side of meter, which the customer could not reasonably detect until notified of a high consumptive bill is received. The determination of reasonable shall rest with the Town Manager or their designee. An adjustment can be made to the sewer bill. The adjustment may be made to one (1) or no more than two (2) consecutive billing cycles if the leak or break is repaired within 15 days after notification or receipt of the monthly bill indicating excessive water consumption. The property owner shall be responsible for notifying the Town of Appomattox, in writing, that the leak has been repaired. An adjustment for water loss cannot be applied to the water bill without the approval of the Town Council; however, the Town Manager or his designee may make an adjustment to water in the event that the water loss was due to an Act of God. The Town of Appomattox reserves the right to verify the repairs prior to issuing a water bill adjustment. The water bill will be adjusted based on the following:

#### **SEWER**

(1) The sewer commodity charge will be assessed based on the water consumption from a previous similar billing cycle. If no similar billing cycle is available, the Town Manager or their designee will determine the water consumption amount based on accepted industry averages for the type of sewer customer in question.

#### **FILLING OF SWIMMING POOLS, PORTABLE TANKS, ETC.**

Water customers desiring their water meters to be read before and after the filling of their swimming pool, portable tank, etc. in order to avoid the sewer commodity charge for that water consumption shall notify the Town of Appomattox Utility Department a minimum of two days prior to the filling a swimming pool, portable tank, etc. The Town of Appomattox will certify the amount of water used and the customer will not be charged a sewer commodity charge on the amount of water used to fill the swimming pool, portable tank, etc.

- M. **SEWER ONLY POLICY**

#### **Purpose**

The purpose of this policy is to establish guidelines for disconnecting customer's sewer service for non-payment.

### General

All Town of Appomattox customers that are connected to the town sewer system without being connected to the town water system will be charged a minimum fee according to the town's current sewer rates. Property owners must maintain sewer only accounts in their names. Failure to pay the sewer rate, will lead to sewer connections being plugged and reported to the Appomattox County Health Department

A connection fee of \$25.00 and disconnection fee of \$25.00 will be charged to the property owner's account.

### Payment Plans

Any request for a payment plan must be approved by Town Council or authorized personnel.

Availability fees to be determined on the basis of equivalent residential connections and the equivalent residential availability charge.

11/4/2021 8:38 AM H20POLICY - COMPLETE ORIGINAL

# **Town of Appomattox Water Conservation Plan**

**Adopted July 8, 2002**

I. Purpose – During the continued existence of climatic, hydrological and other extraordinary conditions, the protection of the health, safety and welfare of the residents of the Town of Appomattox may require that certain uses of water, not essential to the public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail essential water use may be necessary. The Plan is intended to ensure that a dwindling water supply is conserved and managed prudently to meet the Town's needs of water supply availability. The Plan only applies to water from the Town's water system and does not include such water as trucked in water, or rainwater.

II. Background

A. The Town has seven primary sources of Supply with projected safe yields as follows:

- |              |         |                  |
|--------------|---------|------------------|
| 1. Well # 1  | 50,000  | gallons per day; |
| 2. Well # 5  | 48,000  | gallons per day; |
| 3. Well # 9  | 25,000  | gallons per day; |
| 4. Well # 15 | 60,000  | gallons per day; |
| 5. Well # 25 | 20,400  | gallons per day; |
| 6. Well # 41 | 84,000  | gallons per day; |
| 7. Well # 42 | 32,400  | gallons per day; |
| Total        | 319,800 | gallon per day   |

( Note that the Total Gallons Per day are Base on a 12 hour of run time)

B. Safe Yield is defined as the maximum dependable draft that can be made continuously on a source of water supply (groundwater) during a period of years during which the probable driest period or period of greatest deficiency in water supply is likely to occur. Dependability is relative and is a function of storage provided and drought probability

C. Current annual withdrawal rates are as follows:

- |             |        |                  |
|-------------|--------|------------------|
| 1. Well # 1 | 30,000 | gallons per day; |
| 2. Well # 5 | 40,000 | gallons per day; |

3. Well # 9 20,000 gallons per day;
4. Well # 15 50,000 gallons per day;
5. Well # 25 17,000 gallons per day;
6. Well # 41 70,000 gallons per day;
7. Well # 42 27,000 gallons per day;

Total 254,000 gallon per day

( Note that the Total Gallons Per day are Base on a 10 hour of run time)

D. Reservoir storage statistics:

1. 1,000,000 gallon ground storage tank.
2. 100,000 gallon elevated storage tank.

The total water storage is 1,100,000 gallons with a 4.3 day water supply based on the current water usage.

III. Plan

Imposition of conditions of water allocation, conservation, restriction, and penalties are set forth in Exhibit B attached hereto and are made a part of this plan and will be implemented as set forth herein.

Condition 1 Normal Operations with up to 75 percent of time flow is equaled or exceeded. No restriction imposed.

Condition 2 Drought Watch with up to 75 to 90 percent of time flow is equaled or exceeded. Voluntary restrictions imposed.

Condition 3 Drought Warning with up to 90 to 95 percent of time flow is equaled or exceeded. Partial Mandatory restrictions imposed.

Condition 4 Drought Emergency with up to 95 percent of time flow is equaled or exceeded. Mandatory restrictions imposed.

- IV. The conservation, restrictions, allocations, and penalties provided for in the plan may be imposed on any water users or customers, who are defined as the person or entity whose name the water account is listed, or in appropriate circumstances, the person or entity in control of the property in question.

- V. Penalties for violations of the water restrictions set forth in the Plan may include one or more or any combination of the following:
1. Any charges as set forth in the plan or other ordinances or resolutions of the Town.
  2. Citation or warning of a violation of the plan or rules or regulations issued pursuant to the plan.
  3. Citation and assessment of a civil penalty against a water use for a violation of the plan or any rules or regulations pursuant to the plan when Condition 4 restriction is in effect in the amount of One Hundred Dollars (\$100.00) per day for residential users and Five Hundred Dollars (\$500.00) per day for commercial/industrial users, with each day of a violation constituting a separate violation.
  4. Immediate cutting off or termination of water service for multiple (more than one) violations of the Water Conservation Plan or any rules or regulations issued pursuant to the Plan and/or failure to pay any civil penalty assessed for violation thereof. Furthermore, water service will not be restored until all water bills, penalties, and the then current turn on fee are paid.
  5. Such other penalties or remedies as the Town Manager or Town Council may deem necessary to administer the Plan, including but not limited to injunctive relief or other appropriate legal proceedings.

## **EXHIBIT B**

### **To Water Conservation Plan Dated July 1, 2002**

#### Water Conservation Measures Conditions, Allocations, Restrictions, and Penalties

**Condition 1:** Normal Conditions exits whenever wells run an average of 8 to 10 hours per day.

**Condition 2:** Drought Watch exits whenever wells run in excess of 12 hours per day with up to 75 to 90 percent of time flow is equaled or exceeded.

**Voluntary Conservation Restriction Imposed:** Citizens are asked to not use water outdoors. Limited supplies of water are available, and the Town will call upon all water users to employ prudent restraint of water usage and to conserve voluntarily water by whatever methods are available.

**Condition 3:** Drought Warning exits whenever wells run in excess of 14 hours per day with up to 90 to 95 percent or time flow is equaled or exceeded.

**Partial Mandatory Restrictions Imposed:** Very limited supplies of water available, and the Town requires curtailment of non-essential (defined as not related to health, safety, fire suppression, other public emergencies, or water necessary to sustain business operations) outdoor water use including, but not limited to the following:

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor plantings.
2. The washing of automobiles, trucks, trailers, boats, or any other any other type of mobile equipment except in commercial facilities operating with high pressure low consumption equipment or operation with a water recycling system. The Town Manager may curtail the hours of operation of commercial enterprises offering such services or washing their own equipment.
3. The washing of streets, driveways, parking lots, office buildings, exteriors of homes or apartments, or other outdoor surfaces except for commercial/industrial operations using high pressure low consumption equipment.

**Condition 4:** Drought Emergency exists whenever wells run in excess of 15 hour per day with up to 95 percent of time flow is equaled or exceeded.

**Mandatory Restrictions Imposed :** Critical limited supplies of water are available, and the Town requires mandatory water reductions for all customers and that certain actions occur as follows:

A.

1. Ceasing all outdoor water uses except for those user related to health, safety, fire suppression, other public emergencies, or water necessary to sustain business operations.
2. Ceasing operation of any ornamental fountain or other structure making a similar use of water.
3. Ceasing the filling or refilling of swimming pools, wading pools, and hot tubs.
4. Ceasing the use of water from fire hydrants for any purpose other than fire suppression or other public emergency.
5. Elimination of the serving of drinking water in restaurants, cafeterias or any other food establishment unless requested by the patron.

B.

1. Imposition of civil penalties against a water user for violation of water conservation rules or regulations or of the plan as set forth as Section V. of the plan.
2. Water Conservation Officers will continue to patrol the Town to warn citizens against the use of prohibited practices and may issue citations or warnings for such violations.

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