



Appomattox Regular Council meeting Agenda

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

Monday, August 14, 2023

6:30 PM – Regular Council meeting

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

Call to Order and Welcome to Visitors

Public Hearing

1. NOTICE OF PUBLIC HEARING UNDER SECTION 15.2-2606 CODE OF VIRGINIA OF PROPOSED ISSUANCE OF TOWN OF APPOMATTOX \$1,156,00,000 WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND, SERIES 2023B

NOTICE is hereby given of a public hearing before Town Council on the issuance of the Town's \$1,156,000 Water System Improvement General Obligation Bond, Series 2023B to be held at the Town Hall, 210 Linden St., Appomattox, Virginia on **August 14, 2023, at 6:30 PM.** This is the second in a series of Water System Improvement General Obligation Bonds issued for improvements to the Town's Church Street water distribution system. The first bond in the series was approved by Town Council on October 26, 2021. Interested persons may attend and express their views.

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

Mayor's Comments

Scheduled Public Appearances

Adoption of the Consent Agenda - August 14, 2023

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.

- [2.](#) Minutes of the July 10, 2023 Council meeting

Unfinished Business

New Business

- [3.](#) Consideration to adopt A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE ISSUANCE, SALE, AND AWARD OF THE TOWN OF APPOMATTOX UP TO \$1,156,000.00 WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND, SERIES 2023B
- [4.](#) Consideration to adopt an AMENDMENT TO THE APPROPRIATIONS RESOLUTION OF THE APPOMATTOX TOWN COUNCIL ADOPTING THE FISCAL YEAR 2023-2024 BUDGET FOR THE TOWN OF APPOMATTOX, VA.
5. Consideration to purchase a Backhoe Cat Model 416-07 AC Loader for \$121,044.00 identified in the Capital Improvement Plan for FY 2024.
6. Consideration to purchase a Bomag BW-900-50 Double Drum Vibratory Roller for \$23,550.00 identified in the Capital Improvement Plan for FY 2024.
- [7.](#) Consideration to adopt amendments to the TOWN OF APPOMATTOX WATER AND SEWER POLICY TO INCLUDE USER CHARGES, CONNECTION AND AVAILABILITY FEE ADMINISTRATIVE POLICY.
- [8.](#) Consideration to advertise a public hearing to amend Chapter 185-19 of the Code of the Town of Appomattox, VA.

Council Standing Committee Reports

Citizen Comment

Town Manager's Report

Council Comment

Adjournment

File Attachments for Item:

2. Minutes of the July 10, 2023 Council meeting

1 | **Appomattox Town Council**
Regular Council Meeting
July 10, 2023

The Appomattox Town Council held a Regular Council meeting on Monday, July 10, 2023, at 6:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Conner presiding.

Members present: Jane T. Allen, James J. Boyce, Sr., Claudia G. Puckette, Mary Lou G. Spiggle, Timothy W. Garrett, and Nathan A. Simpson.

Others: Reverend Carlton Duck; Mr. Tracey Shaw, Bond Counsel; Chad Hodges, Hurt & Proffitt, Inc.; Jeff Elder, Facilities Director; Kim Ray, Treasurer; R. Terry McGhee, Town Manager; Roxanne W. Casto, Clerk of Council.

Mayor Conner called the meeting to order and welcome visitors.

Public Hearing: Mayor Conner opened the public hearing by stating the purpose:

NOTICE is hereby given of a public hearing before Town Council on the issuance of the Town's \$1,156,000 Water System Improvement General Obligation Bond, Series 2023 to be held at the Town Hall, 210 Linden St., Appomattox, Virginia on July 10, 2023, at 6:30 PM. This is the second in a series of Water System Improvement General Obligation Bonds issued for improvements to the Town's Church Street water distribution system. The first bond in the series was approved by Town Council on October 26, 2021. Interested persons may attend and express their views.

There were no public comments.

Mayor Conner closed the Public Hearing.

Reverend Duck led the Prayer and Pledge of Allegiance to the Flag of the United States of America.

Mayor's Comments: Welcomed everyone again to the meeting. The fiscal year began on July 1, 2023, with very good projects and more improvements are still to be completed.

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 July 10, 2023, as presented. All members present voting aye. Motion carried 6-0.

Unfinished Business: none

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Regular Council Meeting
July 10, 2023

New Business:

On a motion by Mr. Garrett, seconded by Ms. Spiggle, Council voted to adopt A Resolution Authorizing the Issuance, Sale, and Award of an up to \$1,156,000.00 Water System Improvement General Obligations Bond, Series 2023B and Providing for the Form, Details and Payment Thereof,

A RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND AWARD OF AN UP TO \$1,156,000.00 WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND, SERIES 2023B 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 bonds (the “Project”);

WHEREAS, by Resolution, dated October 26, 2021, (the “2021 Resolution”) the Town Council authorized to be issued the Town’s up to \$500,000 Water System Improvement General Obligation Bond, Series 2021 (“Series 2021 Bond”) to finance the Project;

WHEREAS according to the 2021 Resolution the Town Council hereby changes the series designation on the Series 2021 Bond to the “Town of Appomattox \$500,000 Water System Improvement General Obligation Bond, Series 2023A” (the “Series 2023A Bond”);

WHEREAS, the United States of America acting through the Rural Utilities Service (the “Government”), has offered to purchase the Town’s up to \$1,156,000.00 Water System Improvement General Obligation Bond, Series 2023B Bond, bearing interest at the rate and on the terms and conditions otherwise described in Section 2.2 below, to purchase the Series 2023A Bond, 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, as amended by a Letter of Conditions, dated June 20, 2023, attached hereto as Exhibit A (the “Letter of Conditions”) will result in a total project financing of \$3,431,000.00; and

WHEREAS, the Town has determined to satisfy the terms of the Letter of Conditions and award the bonds 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 1.1 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 Resolutions (RUS Bulletin 1780-27) of the Town Council, dated April 6, 2021 and July 10, 2023 copies of which are attached hereto as Exhibit B and which are hereby ratified, confirmed and approved. The Town hereby ratifies confirms and approves the RUS Grant Agreement (RUS Bulletin 1780-12), a copy of which are on file with the Town, and the CDBG Grant.

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

Section 2.1 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 \$1,156,000.00 to provide funds to finance the Project. The bond shall be designated “Town of Appomattox, Virginia \$1,156,000.00 Water System Improvement General Obligation Bond, Series 2023B” (the “Series 2023B Bond”) 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 Series 2023B Bond and the Grants shall be used to pay the costs of the Project.

Section 2.2 Details of Series 2023B Bond: The Series 2023B Bond shall be issued as follows:

(a) A single fully registered Series 2023B Bond without coupons in the denomination of \$1,156,000.00, 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 Series 2023B 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 Two and One Quarter (2.25%) Per Cent per year on the unpaid principal balance; provided, however, that should the Government offer a lower rate of interest on the Series 2023B 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 Series 2023B Bond shall be in substantially the form set forth on Exhibit C hereto.

(b) The Series 2023B Bond shall provide for monthly payment of combined principal and interest beginning one month following the Closing Date and continuing each

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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 Series 2023B Bond at the office of the Registrar.

Section 2.3 Execution of Series 2023B Bond: The Series 2023B 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 Series 2023B Bond except that (a) the maximum principal shall not exceed \$1,156,000,000 (b) the maximum interest rate shall not exceed Two and One Quarter Per Cent (2.25%) 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 Series 2023B 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 2.4 Registration and Exchange of Series 2023B Bond: The Treasurer of the Town is hereby appointed Registrar. Transfer of the Series 2023B 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 Series 2023B 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 Series 2023B 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 2.5 Delivery of Series 2023B Bond: The Mayor and the Clerk are hereby authorized and directed to take all proper steps to have the Series 2023B Bond prepared and executed in accordance with its terms and to deliver the Series 2023B 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, all further conditions, and requirements of the Government not inconsistent with this resolution in connection with its purchase of the Series 2023B Bond.

Section 2.6 Prepayment of Series 2023B Bond: Installments of principal due on the Series 2023B 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

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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.

Section 2.7. Form of the Series 2023A Bond: The form of the Series 2023A Bond is attached hereto as Exhibit D.

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 Series 2023A Bond and Series 2023B Bond (together the “Bonds”). 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 coming due on the Bonds 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 Bonds then outstanding to maturity, no further transfers to the Debt Service Fund shall be required. The Town shall pay installments of principal and interest on the Bonds 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 Bonds, 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 Bonds 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 Bonds 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 Bonds shall be valid and binding against all parties having claims against the Town regardless of whether such parties have notice thereof.

NEITHER THE BONDS 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 Bonds 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 Bonds.

ARTICLE 4
SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS

Section 4.1 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 Bonds 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

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Section 5.1 Contract with Bondholder: The provisions of this resolution shall constitute a contract between the Town and the holder of the Bonds for so long as the Bonds and interest thereon are outstanding.

Section 5.2 Town Officers and Agents: The officers and agents of the Town shall do all acts and things required of them by this resolution, the Bonds 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 5.3 Limitation of Rights: Nothing expressed or mentioned in or to be implied from this resolution or the Bonds is intended or shall be construed to give to any person or company other than the parties hereto and the holder of the Bonds 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 Bonds as herein provided.

Section 5.4 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 Bonds shall be liable personally on the Bonds 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 5.5 Conditions Precedent: Upon the issuance of the Bonds 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 Bonds shall have happened, exist and have been performed.

Section 5.6 Series Designation: In the event the Bonds are not issued during calendar year 2023, 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 Bonds shall be deemed to refer to the general obligation Bonds 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 or the 2021 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 Bonds.

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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 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 10th day of July, 2023.

Mayor, Town of Appomattox

(SEAL)

ATTEST:

Clerk of Council

{ 3080947-4, 705417-00008-07 }

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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				
Jane T. Allen				
Timothy W. Garrett				
Claudia G. Puckette				
Mary Lou Spiggle				
Nathan A. Simpson				

(SEAL)

ATTEST:

Roxanne Casto
 Clerk of Council

EXHIBIT A
LETTER OF CONDITIONS

EXHIBIT B
LOAN RESOLUTION
RUS 1780-27

EXHIBIT C TO RESOLUTION OF
TOWN OF APPOMATTOX
Dated July 10, 2023

No. R-1

\$1,156,000.00

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF APPOMATTOX
WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND,
SERIES 2023B

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

ONE MILLION ONE HUNDRED FIFTY-SIX THOUSAND DOLLARS
(\$1,156,000.00)

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 Two and One Quarter Percent (2.25 %) per year in monthly payments of combined principal and interest of Three Thousand Six Hundred Sixty-five (\$3,665.00) Dollars and No Cents beginning on the first (1st) 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 July 10, 2023 (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.

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All taxable property in the territory of the Issuer is subject to ad valorem taxation without limitation regarding rate or amount to pay the bond. 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 July [] 2023.

(CORPORATE SEAL)

ATTEST:

Clerk, Town of Appomattox

TOWN OF APPOMATTOX,
VIRGINIA

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.

**Date of
Registration**

_____2023

**Name of
Registered Owner**

United States of America
Rural Utilities Service

**Signature
of Registrar**

EXHIBIT D TO RESOLUTION OF
TOWN OF APPOMATTOX
Dated July 10, 2023

No. R-1

\$500,000.00

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF APPOMATTOX
WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND,
SERIES 2023A

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 (1st) 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 October 26, 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 taxable property in the territory of the Issuer is subject to ad valorem taxation without limitation regarding rate or amount to pay the bond. 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.

{3080947-4, 705417-00008-07}

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 _____ 2023.

(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.

Date of Registration	Name of Registered Owner	Signature of Registrar
_____2023	United States of America Rural Utilities Service	_____

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Roll Call Vote: Allen – yes, Boyce – yes, Spiggle – yes, Garrett – yes, Simpson – yes, Puckette – yes. Motion carried 6-0.

On a motion by Mr. Garrett, seconded by Mr. Boyce, Council voted to cancel the July 25, 2023, Workshop meeting due to vacation schedules. All members voting aye. Motion carried 6-0.

Council Standing Committee Reports:

American Rescue Plan Act (ARPA)-none

Finance and Planning Committee-none

Physical Development Committee- none

Town Manager's Report:

Mr. McGhee reviewed with Council his email dated July 7, 2023.

- ACA will own, operate, and maintain the streetlights on Confederate Blvd.
- The Train Depot renovation project is ongoing. The roofers estimate 15 more workdays and painting will begin once the roof is completed. Soffits near completion all carpentry related work is likely to be completed soon.
- Church Street Waterline
- Raised sidewalk on Church Street has nearly all been removed.
- Engineers will be at the Town Office this week to look at the structural issues.
- The electrical panels have been changed out and upgraded in preparation for the generator installation.
- Urgent Care/Same Day Care:
Met with Blue Ridge and CVFP. An outside firm is also interested.

Council Comment:

Allen - none

Boyce - none

Spiggle - none

Garrett - none

Puckette - none

Simpson – Asked Mr. McGhee how the Town's website is progressing. Mr. McGhee thinks it will be nearly complete by the end of the month.

20 | **Appomattox Town Council**
Regular Council Meeting
July 10, 2023

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adjourn at 7:05 p.m.
All members present voting aye. Motion carried 6-0.

Roxanne W. Casto, MMC
Clerk

Richard C. Conner
Mayor

File Attachments for Item:

3. Consideration to adopt A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE ISSUANCE, SALE, AND AWARD OF THE TOWN OF APPOMATTOX UP TO \$1,156,000.00 WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND, SERIES 2023B

A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE ISSUANCE, SALE, AND AWARD OF THE TOWN OF APPOMATTOX UP TO \$1,156,000.00 WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND, SERIES 2023B

WHEREAS, by Resolution, dated July 10, 2023, (the “July 10, 2023 Resolution”) the Town Council authorized to be issued the Town’s up to \$1,156,000 Water System Improvement General Obligation Bond, Series 2023B (“Series 2023B Bond”);

WHEREAS, following notice published in accordance with Section 15.2-2606 of the Code of Virginia a public hearing has been held on the issuance of the Series 2023B Bond;

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

That the form, terms, and provisions of the July 10, 2023 Resolution be, and they hereby are, ratified, confirmed and approved, and adopted as a Resolution of Appomattox Town Council.

This Resolution was passed by a vote of the Appomattox Town Council on the 14th day of August 2023.

Mayor, Town of Appomattox

(SEAL)

ATTEST:

Clerk of Council

Exhibit A: Form of July 10 Resolution

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				
Jane T. Allen				
Timothy W. Garrett				
Claudia G. Puckette				
Mary Lou Spiggle				
Nathan A. Simpson				

(SEAL)

ATTEST:

Roxanne Casto
Clerk of Council

A RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND AWARD OF AN UP TO \$1,156,000.00 WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND, SERIES 2023B 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 bonds (the “Project”);

WHEREAS, by Resolution, dated October 26, 2021, (the “2021 Resolution”) the Town Council authorized to be issued the Town’s up to \$500,000 Water System Improvement General Obligation Bond, Series 2021 (“Series 2021 Bond”) to finance the Project;

WHEREAS according to the 2021 Resolution the Town Council hereby changes the series designation on the Series 2021 Bond to the “Town of Appomattox \$500,000 Water System Improvement General Obligation Bond, Series 2023A” (the “Series 2023A Bond”);

WHEREAS, the United States of America acting through the Rural Utilities Service (the “Government”), has offered to purchase the Town’s up to \$1,156,000.00 Water System Improvement General Obligation Bond, Series 2023B Bond, bearing interest at the rate and on the terms and conditions otherwise described in Section 2.2 below, to purchase the Series 2023A Bond, 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, as amended by a Letter of Conditions, dated June 20, 2023, attached hereto as Exhibit A (the “Letter of Conditions”) will result in a total project financing of \$3,431,000.00; and

WHEREAS, the Town has determined to satisfy the terms of the Letter of Conditions and award the bonds 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 1.1 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 Resolutions (RUS Bulletin 1780-27) of the Town Council, dated April 12, 2021 and July 10, 2023 copies of which are attached hereto as Exhibit B and which are hereby ratified, confirmed and approved. The

Town hereby ratifies confirms and approves the RUS Grant Agreement (RUS Bulletin 1780-12), a copy of which are on file with the Town, and the CDBG Grant.

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

Section 2.1 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 \$1,156,000.00 to provide funds to finance the Project. The bond shall be designated “Town of Appomattox, Virginia \$1,156,000.00 Water System Improvement General Obligation Bond, Series 2023B” (the “Series 2023B Bond”) 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 Series 2023B Bond and the Grants shall be used to pay the costs of the Project.

Section 2.2 Details of Series 2023B Bond: The Series 2023B Bond shall be issued as follows:

(a) A single fully registered Series 2023B Bond without coupons in the denomination of \$1,156,000.00, 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 Series 2023B 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 Two and One Quarter (2.25%) Per Cent per year on the unpaid principal balance; provided, however, that should the Government offer a lower rate of interest on the Series 2023B 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 Series 2023B Bond shall be in substantially the form set forth on Exhibit C hereto.

(b) The Series 2023B 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 Series 2023B Bond at the office of the Registrar.

Section 2.3 Execution of Series 2023B Bond: The Series 2023B 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

Series 2023B Bond except that (a) the maximum principal shall not exceed \$1,156,000,000 (b) the maximum interest rate shall not exceed Two and One Quarter Per Cent (2.25%) 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 Series 2023B 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 2.4 Registration and Exchange of Series 2023B Bond: The Treasurer of the Town is hereby appointed Registrar. Transfer of the Series 2023B 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 Series 2023B 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 Series 2023B 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 2.5 Delivery of Series 2023B Bond: The Mayor and the Clerk are hereby authorized and directed to take all proper steps to have the Series 2023B Bond prepared and executed in accordance with its terms and to deliver the Series 2023B 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, all further conditions, and requirements of the Government not inconsistent with this resolution in connection with its purchase of the Series 2023B Bond.

Section 2.6 Prepayment of Series 2023B Bond: Installments of principal due on the Series 2023B 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.

Section 2.7. Form of the Series 2023A Bond: The form of the Series 2023A Bond is attached hereto as Exhibit D.

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 Series 2023A Bond and Series 2023B Bond (together the "Bonds"). 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 coming due on the Bonds 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 Bonds then outstanding to maturity, no further transfers to the Debt Service Fund shall be required. The Town shall pay installments of principal and interest on the Bonds 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 Bonds, 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 Bonds 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 Bonds 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 Bonds shall be valid and binding against all parties having claims against the Town regardless of whether such parties have notice thereof.

NEITHER THE BONDS 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 VIRGINIA.

Section 3.7 Construction Fund; Account Pledge: All amounts from the proceeds of the Bonds 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 Bonds.

ARTICLE 4
SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS

Section 4.1 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 Bonds 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 5.1 Contract with Bondholder: The provisions of this resolution shall constitute a contract between the Town and the holder of the Bonds for so long as the Bonds and interest thereon are outstanding.

Section 5.2 Town Officers and Agents: The officers and agents of the Town shall do all acts and things required of them by this resolution, the Bonds 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 5.3 Limitation of Rights: Nothing expressed or mentioned in or to be implied from this resolution or the Bonds is intended or shall be construed to give to any person or company other than the parties hereto and the holder of the Bonds 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 Bonds as herein provided.

Section 5.4 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 Bonds shall be liable personally on the Bonds 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 5.5 Conditions Precedent: Upon the issuance of the Bonds 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 Bonds shall have happened, exist and have been performed.

Section 5.6 Series Designation: In the event the Bonds are not issued during calendar year 2023, 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 Bonds shall be deemed to refer to the general obligation Bonds 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 or the 2021 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 Bonds.

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 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 10th day of July, 2023.

{3080947-5, 705417-00008-07}

Mayor, Town of Appomattox

(SEAL)

ATTEST:

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				
Jane T. Allen				
Timothy W. Garrett				
Claudia G. Puckette				
Mary Lou Spiggle				
Nathan A. Simpson				

(SEAL)

ATTEST:

Roxanne Casto
Clerk of Council

EXHIBIT A
LETTER OF CONDITIONS

EXHIBIT B
LOAN RESOLUTION
RUS 1780-27

{3080947-5, 705417-00008-07}

EXHIBIT C TO RESOLUTION OF
TOWN OF APPOMATTOX
Dated July 10, 2023

No. R-1

\$1,156,000.00

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF APPOMATTOX
WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND,
SERIES 2023B

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

ONE MILLION ONE HUNDRED FIFTY-SIX THOUSAND DOLLARS
(\$1,156,000.00)

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 Two and One Quarter Percent (2.25 %) per year in monthly payments of combined principal and interest of Three Thousand Six Hundred Sixty-five (\$3,665.00) Dollars and No Cents beginning on the first (1st) 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 July 10, 2023 (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.

{3080947-5, 705417-00008-07}

All taxable property in the territory of the Issuer is subject to ad valorem taxation without limitation regarding rate or amount to pay the bond. 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 July [] 2023.

(CORPORATE SEAL)

ATTEST:

Clerk, Town of Appomattox

TOWN OF APPOMATTOX,
VIRGINIA

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.

**Date of
Registration**

_____ 2023

**Name of
Registered Owner**

United States of America
Rural Utilities Service

**Signature
of Registrar**

EXHIBIT D TO RESOLUTION OF
TOWN OF APPOMATTOX
Dated July 10, 2023

No. R-1

\$500,000.00

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF APPOMATTOX
WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BOND,
SERIES 2023A

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 (1st) 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 October 26, 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.

{3080947-5, 705417-00008-07}

All taxable property in the territory of the Issuer is subject to ad valorem taxation without limitation regarding rate or amount to pay the bond. 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 _____ 2023.

(CORPORATE SEAL)

ATTEST:

Clerk, Town of Appomattox

TOWN OF APPOMATTOX,
VIRGINIA

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.

**Date of
Registration**

_____2023

**Name of
Registered Owner**

United States of America
Rural Utilities Service

**Signature
of Registrar**

File Attachments for Item:

4. Consideration to adopt an AMENDMENT TO THE APPROPRIATIONS RESOLUTION OF THE APPOMATTOX TOWN COUNCIL ADOPTING THE FISCAL YEAR 2023-2024 BUDGET FOR THE TOWN OF APPOMATTOX, VA.



AMENDMENT TO THE APPROPRIATIONS RESOLUTION OF THE APPOMATTOX TOWN COUNCIL ADOPTING THE FISCAL YEAR 2023-2024 BUDGET FOR THE TOWN OF APPOMATTOX, VA.

Amend Section IV:

BE IT FURTHER RESOLVED, in accordance with the requirements set forth in Section 58.1-3524(C)(2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle situses within the Town commencing January 1, 2023, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 47.3% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 47.3% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

Attest:

Roxanne W. Casto, MMC, Town Clerk

Date

File Attachments for Item:

7. Consideration to adopt amendments to the TOWN OF APPOMATTOX WATER AND SEWER POLICY TO INCLUDE USER CHARGES, CONNECTION AND AVAILABILITY FEE ADMINISTRATIVE POLICY.



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 for Water and Sewer Monthly Billing Rates, Connection and Availability fees.	July 1, 2010

(11)	Revised Water and Sewer Rates	July 1, 2012
(12)	Revision to the Connection Charges to add A Companion Water Meter for Irrigation Service	July 9, 2012
(13)	Omit D – Account Charge, Revise E – Deposits Increasing to \$300, amend F – Billing Policy to Correspond with the Accounts Receivable Policy, Amend G – Unauthorized Connections/Cross-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 Excessive Sewer Bill due to Undetectable 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 effective January 2022 and thereafter with a multiplier factor of 1.5.	January 2022
(19)	Revised Connection Charges to add a Companion Water Meter for Irrigation Service	November 9, 2021
(20)	Revised the cost of a Companion Water Meter for Irrigation Service	August 8, 2022
(21)	Revised “L” – Filling of Swimming Pools, etc.	March 1, 2023
(22)	Revised Water and Sewer Rates	July 1, 2023

A. User Rates - Billing Period: Monthly

Rates effective July 1, 2023

a) Water Rates:

	0 – 2000 gallons	Charge per 1000 gallons over 2000
July 1, 2023	\$12.26	\$6.80
July 1, 2024	\$12.62	\$7.00
July 1, 2025	\$13.00	\$7.21
July 1, 2026	\$13.39	\$7.43
July 1, 2027	\$13.80	\$7.65

b) Sewer Rates:

	0 – 2000 gallons	Charge per 1000 gallons over 2000
July 1, 2023	\$33.40	\$18.85
July 1, 2024	\$33.40	\$18.85
July 1, 2025	\$34.40	\$19.42
July 1, 2026	\$34.40	\$19.42
July 1, 2027	\$34.40	\$19.42

c) Out of Town water rates:

	0 – 2000 gallons	Charge per 1000 gallons over 2000
July 1, 2023	\$18.39	\$10.20
July 1, 2024	\$18.94	\$10.50
July 1, 2025	\$19.51	\$10.82
July 1, 2026	\$20.09	\$11.14
July 1, 2027	\$20.69	\$11.48

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 - \$700.00

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 \$700 for standard ¾ inch meter. 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 \$700. 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 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 included as a separate utility account. The account will be for water-only and will not include a sewer portion.

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 aged (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 20th of each month. If a balance goes unpaid after the 20th 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 (5th) 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. Effective March 1, 2023, customers are allowed three (3) pool fillings per calendar year.

- 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.

8/8/2023 3:00 PM 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 user 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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File Attachments for Item:

8. Consideration to advertise a public hearing to amend Chapter 185-19 of the Code of the Town of Appomattox, VA.

AN ORDINANCE TO AMEND Section 185-185-19 of the Code of the Town of Appomattox, Chapter 185, Article III, Section 19, entitled "Parking in conformity with signs; yellow curb markings".

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

Section 1. Section 1 of the Code of the Town of Appomattox shall appear as follows:

Chapter 185: Vehicles and Traffic

Article III. Stopping, Standing and Parking

§ 185-19. Parking in conformity with signs; yellow curb markings.

- A. No motor vehicle or other vehicle shall be parked on any of the streets or alleys of the Town at any time except in strict conformity with the signs or markings controlling such parking. Yellow curb marking means "no parking allowed."
- B. *Any person violating the provisions of this section shall be fined \$50. Any vehicle violating the provisions of this section will be towed away at the expense of the owner thereof.*

Section 2. Effective Date.

This ordinance shall become effective _____.