

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on October 9, 2013 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street. Council members Kenneth Bumgarner, Mike Mozingo, Rachel Thompson, Kenneth Watts and Richard Wydner were present. Town Manager Jack Hobbs, Police Chief Kelvin Brown, Town Attorney Tom Berry, Director of Public Utilities Tom Fore and Office Manager Colan Davis were present.

Dr. David Clay from Amherst Baptist Church gave an invocation.

Mr. Bumgarner made a motion that was seconded by Mr. Watts and approved 5-0 to approve the minutes from the September 18, 2013 meeting. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mr. Watts gave a report on the status of the Martineau map project.

Mayor Kilgore gave a report on the status of the Town Hall renovation project.

Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to authorize the Mayor to sign a letter expressing the Town's support for a community center on Second Street. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

The Town Manager gave a report on the Town's prerogative to "opt out" of the Virginia Retirement System-sponsored Virginia Local Disability Program. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 4-1 that the Town of Amherst opt out of the VLDP program by resolution. Messrs. Bumgarner, Thompson, Watts and Wydner voted "Aye"; Mr. Mozingo voted "Nay". A copy of the resolution is attached and made a part of these minutes.

Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to authorize the execution of a construction contract for the ACHS-Briar Patch Water Line with George E. Jones & Sons, Inc. as recommended by the Town Engineer. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mr. Wydner made a motion that was seconded by Mr. Watts and approved 5-0 to authorize the execution of a construction contract for the Water Treatment Plant Chemical Feed/Rate of Flow Controller project with Waco, Inc. as recommended by the Town Engineer. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

The Town Manager reported that a presentation on the FY13 audit report has been scheduled for November meeting.

It was noted that Property Maintenance Investigation Board member Walter Canada recently passed away. Everyone was reminded that there is also a vacancy on the Board of Zoning Appeals.

Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0 to donate \$5,000 to the Christmas Decoration Committee towards the replacement of the downtown Christmas decorations. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

After some discussion, the Town Councilors agreed to ask the Planning Commission to consider changing zoning regulations in the downtown area. Mayor Kilgore agreed to take the lead in presenting the Council's concerns to the Commission.

The Town Attorney left the meeting at 8:30 P.M.

The Town Councilors discussed amendments to the capital improvement plan and the utility rate fairness study.

There being no further business, Mr. Watts made a motion that was seconded by Mrs. Thompson and approved 5-0 to adjourn the meeting at 9:07 P.M. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

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J. Paul Kilgore, Jr.  
Mayor

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

**IRREVOCABLE ELECTION NOT TO PARTICIPATE IN VIRGINIA LOCAL DISABILITY PROGRAM**

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of Town of Amherst 55343, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Town of Amherst irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, Town of Amherst certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

*This resolution was adopted by the Town Council of the Town of Amherst on October 10, 2013.*

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J. Paul Kilgore, Jr.  
Mayor

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