

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on October 8, 2014 at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. Council members Kenneth Bumgarner, Michael Mozingo, Rachel Thompson, Kenneth Watts and Richard Wydner were present. Town Manager Jack Hobbs, Town Attorney Tom Berry, Acting Police Chief Greg Harler, Director of Public Utilities Tom Fore and Office Manager Colan Davis were present.

After a moment of silence, Mayor Kilgore thanked everyone for participating in the earlier open house event during which retirees were recognized.

Auditor Amy Gallagher from Davidson, Doyle and Hilton came forward to present her company's FY14 audit report. By consensus it was agreed that the report would be processed for acceptance at the November meeting.

Gary Christie, Megan Lucas and Ben Bowman from the Region 2000 organizations came forward to give reports on their programs.

Cynthia Foulke, 370 Christian Springs Road, came forward to talk about Town water rates and the notification process for when rates are set.

Mr. Watts made a motion that was seconded by Mrs. Thompson and carried 5-0 to approve resolutions recognizing the service of Kelvin Brown, Billy Iseman and Lucille Rose. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". Copies of the resolutions are attached and made a part of these minutes.

Donna & Christine Dixon, 160 & 162 Garland Ave., came forward to express concern regarding the discharge of a firearm in the Town limits.

Rachel Carton came forward to discuss the status of the proposed invocation/prayer policy.

Mrs. Thompson made a motion that was seconded by Mr. Bumgarner and approved 5-0 to approve the minutes from the September 10, 2014 meeting. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

Mr. Bumgarner made a motion that was seconded by Mr. Watts and approved 5-0 to approve an amendment to the Personnel Policy to the effect that overtime pay could be authorized by supervisors only if there is a full-time staff vacancy. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye". A document containing the amendment is attached and made a part of these minutes.

Mr. Bumgarner discussed the benefits of a personnel pay and classification study. By consensus, the Personnel Committee was asked to solicit proposals for such an effort.

The Town Manager reported that the staff is still working to sort out the engineering contract for the USDA sewer line upgrade project.

The Town Manager reported that no applicants have come forward to replace Billy Iseman on the Board of Zoning Appeals for the September 1, 2014-August 31, 2019 term.

Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and approved 5-0, with Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voting "Aye" to go into closed session for (a) discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation per the exemption at §2.2-3711A.1 of the Code of Virginia, and (b) discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body per the exemption at §2.2-3711A.3 of the Code of Virginia.

Mr. Bumgarner made a motion that was seconded by Mr. Watts and approved 5-0 by a roll call vote that the Councilors certify that to the best of each councilors' knowledge that (i) only public business matters lawfully exempted from open meeting requirements under Title 2.2, Chapter 37 and §15.2-2907 of the Code of Virginia and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the session. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

On a motion by Mr. Bumgarner that was seconded by Mrs. Thompson and approved 5-0, Robert Kimbrel was appointed Police Chief. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

There being no further business, at 9:30 P.M., Mr. Watts made a motion that was seconded by Mrs. Thompson and approved 5-0 to adjourn the meeting. Messrs. Bumgarner, Mozingo, Thompson, Watts and Wydner voted "Aye".

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Kelvin Brown has served residents and business operators of the Town of Amherst as a member of the Town of Amherst Police Department from June 1, 1981 until August 31, 2014; and

WHEREAS, Kelvin Brown served the Town of Amherst as the Chief of Police from June 1, 2011 until August 31, 2014; and

WHEREAS, the Town Council of the Town of Amherst accepted Kelvin Brown's decision to retire effective August 31, 2014 on April 28, 2014; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that Kelvin Brown has given to his community and to express its appreciation for all that Kelvin Brown has done for the Town of Amherst;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the law enforcement service that Kelvin Brown has given to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst was well served by the Town of Amherst Police Department during Kelvin Brown's tenure as the Chief of Police for the Town of Amherst; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby extends Kelvin Brown its wishes for a happy and prosperous future during his retirement; and

FINALLY, BE IT RESOLVED that the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Kelvin Brown as a token of the Council's deep appreciation of his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

This Resolution was adopted by the Town Council of the Town of Amherst on October 8, 2014.

Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, William Iseman is a highly respected citizen of the Town of Amherst and a long-time resident of our community; and

WHEREAS, William Iseman was a member of the Town Council of the Town of Amherst from July 1, 1996 through June 30, 2004; and

WHEREAS, William Iseman was a member of the Town of Amherst Board of Zoning Appeals from October 2, 2008 through August 32, 2014; and

WHEREAS, the residents of Amherst surrounding area have benefited from William Iseman's civic efforts including his service on the Board of Directors of the Amherst Cemetery Association and various positions of leadership and authority at Emmanuel United Methodist Church; and

WHEREAS, William Iseman on behalf of the citizens of the Commonwealth of Virginia as an employee of the Virginia Department of Transportation for many years; and

WHEREAS, the citizens of the United States of America today enjoy prosperity due in part to William Iseman's service in the United States Army during World War II; and

WHEREAS, the Town Council of the Town of Amherst wishes to acknowledge the services that William Iseman has given to his community and also to express its appreciation for all that William Iseman has done, is doing, and will probably do for years to come for the Town of Amherst; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the outstanding service that William Iseman has given to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been greatly improved as a result of William Iseman's tenure on the Town Council of the Town of Amherst and Town of Amherst Board of Zoning Appeals; and

FINALLY, BE IT RESOLVED the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to William Iseman as a token of the Council's deep appreciation for his contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

Adopted October 8, 2014.

Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council

Resolution
of the
Town Council of the Town of Amherst

WHEREAS, Lucille Rose was employed by the Town of Amherst from June 1, 1999 until August 22, 2014; and

WHEREAS, Lucille Rose faithfully maintained the Town Hall and Police Department offices and always had a fresh pot of coffee brewing to greet the Town's employees and Town Hall patrons every morning; and

WHEREAS, Lucille Rose always greeted her coworkers and Town Hall visitors with good humor and cheer; and

WHEREAS, the Town Council of the Town of Amherst wishes to express its appreciation for all that Lucille Rose has done for the Town of Amherst;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst does, on this date, acknowledge the service that Lucille Rose has provided to our community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby declares that the Town of Amherst has been improved as a result of Lucille Rose's tenure as the Custodian for the Town of Amherst Town Hall and Police Department offices; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Amherst hereby extends Lucille Rose its wishes for a happy and prosperous future; and

FINALLY, BE IT RESOLVED that the Clerk of the Council of the Town of Amherst is ordered to deliver an original copy of this Resolution to Lucille Rose as a token of the Council's deep appreciation of her contributions to our community and that this resolution be spread upon the minute books of the Town Council of the Town of Amherst as a tribute to a

Good Neighbor and a Friend of the Town of Amherst.

This Resolution was adopted by the Town Council of the Town of Amherst on October 8, 2014.

Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council

Personnel Policy Amendment

Approved October 8, 2014

VI. EMPLOYEE COMPENSATION

D. Overtime

For the purposes of computing overtime under the Fair Labor Standards Act, the work period shall begin at midnight on Friday.

Unless authorized by their supervisor to do so, employees should not work over 40 hours per week. Full-time employees who are not exempt under the Fair Labor Standards Act will accrue compensatory time at the rate of time and a half for all hours actually worked in excess of 40 hours in a week during any work period except for non-exempt full-time police officers who will accrue compensatory time at the rate of time and a half for all hours actually worked in excess of 80 hours in any 14-day work period.

It is the policy of the Town of Amherst to give compensatory time off instead of paying for overtime.

Exempt employees who are required to work beyond normal hours or on weekends and holidays shall be given compensatory time off at the discretion of the manager. The manager is responsible for limiting compensatory time accrual and shall report the accrual of any employee's compensatory time above 80 hours to the Town Council. Employees shall be paid for the value of the accrued compensatory time upon termination of their Town employment at their final rate of pay concurrent with the final paycheck. As part of a supervisor's responsibility for meeting departmental budgetary limitations, he is also responsible for limiting compensatory time accrual to that end.

However, when approved full-time staff positions are vacant and increased work hours are required of non-exempt full-time employees due to such full-time staff vacancies, the manager may approve monetary compensation for overtime work subject to limits of the annual operating budget. A written report of any overtime work involving monetary compensation shall be provided to the Town Council at its next regular meeting. The Town Council must approve all other instances of monetary compensation for overtime worked.

Note: The accrual of compensatory time is limited to 240 hours by the Fair Labor Standards Act except for public safety, emergency response and seasonal activity which is limited to 480 hours (Reference 29 U.S.C. § 207(a), (k) and (o)3A) and § 9.1-701 of the Code of Virginia).