

Mayor J. Paul Kilgore, Jr. called a regular monthly meeting of the Amherst Town Council to order on January 13, 2016 at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. Council members Kenneth Bumgarner, André Higginbotham, Rachel Thompson, and Kenneth Watts were present; Michael Mozingo was absent. Town Manager Jack Hobbs, Town Attorney Tom Berry, Police Chief Robert Kimbrel, Public Utilities Director Tom Fore and Deputy Town Clerk Debra Eby were present.

Ms. Rachel Carton came forward to offer a prayer as a citizen comment.

The Police Chief came forward to give a presentation on downtown pedestrian safety and indicated that pedestrian and traffic safety will be one of his top priorities in 2016. Checkpoints are being conducted to educate people regarding yielding to pedestrians, Town speed limits and to "Click It or Ticket". He suggested the purchase and placement of moveable "Yield" signs along the center of S. Main Street and agreed to present pricing and recommendations at the February meeting.

The Town Manager reported that the bids for the Main Street Waterline Replacement Project have been received without any irregularities and recommended that the Town Council authorize the award of the contract. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and passed 4-0-1 to authorize the Town Manager to award the contract to F. L. Showalter as recommended. Messrs. Bumgarner, Higginbotham, Thompson and Watts voted "Aye"; Mr. Mozingo was absent. It was reported that the loan closing for this project has been scheduled for February 4, and the project is on track for construction early this spring.

Mr. Bumgarner made a motion that was seconded by Mr. Watts and passed 4-0-1 to approve the minutes from the December 9, 2015 meeting. Messrs. Bumgarner, Higginbotham, Thompson, and Watts voted "Aye"; Mr. Mozingo was absent.

Mrs. Thompson gave a report on the Finance and IT Committee's review of recent bookkeeping irregularities, the status of bookkeeping procedure manuals that are being developed and the payroll system outsourcing.

The Town Manager suggested that although the Town Council acted to extend the water and sewer availability fee suspension in December, a confirmation of the conditions at this time might help avoid future misunderstandings. Mr. Watts made a motion that was seconded by Mrs. Thompson and passed 4-0-1 to approve a resolution that would have the effect of clarifying the matter. Messrs. Bumgarner, Higginbotham, Thompson and Watts voted "Aye"; Mr. Mozingo was absent. A copy of the resolution is attached and made a part of the minutes.

The Councilors discussed the procedure by which the machine gun would be disposed. Proposals from gun brokers who could assist with the process will be presented for the Council's consideration at a future meeting.

Mr. Watts made a motion that was seconded by Mr. Higginbotham and passed 4-0-1 to reappoint Mrs. Thompson to the town/county Joint Committee on Cooperation for a term that would expire on December 31, 2019. Messrs. Bumgarner, Higginbotham, Thompson and Watts voted "Aye"; Mr. Mozingo was absent.

By consensus, the Councilors agreed to not hold a budget work session retreat this budget year.

Mr. Watts led a discussion on the purchase of dog waste stations. Mr. Bumgarner made a motion that was seconded by Mr. Watts and passed 4-0-1 to approve the purchase of eight units for placement along Town sidewalks. Messrs. Watts, Higginbotham, Thompson and Bumgarner voted "Aye"; Mr. Mozingo was absent.

It was reported that the Town's auditor had recommended an adjustment to the Personnel Policy to facilitate coordination between pay periods, time cards and reports on check stubs. Mr. Bumgarner made a motion that was seconded by Mrs. Thompson and passed 4-0-1 to amend to Personnel Policy to address this item. Messrs. Bumgarner, Higginbotham, Thompson and Watts voted "Aye"; Mr. Mozingo was absent. A copy of the policy adjustment is attached and made a part of these minutes.

The Town Manager gave reports on recent changes in the Town staff and various projects.

Mr. Bumgarner made the following motion which was seconded by Mrs. Thompson and carried 4-0-1: I move that the Town Council convene in 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) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel per the exemption at §2.2-3711A.7 of the Code of Virginia. Messrs. Bumgarner, Higginbotham, Thompson, and Watts voted "Aye"; Mr. Mozingo was absent.

Mr. Bumgarner made the following motion which was seconded by Mrs. Thompson and carried 4-0-1: I move that the Town Council 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, Higginbotham, Thompson, and Watts voted "Aye" via the roll call method; Mr. Mozingo was absent.

The Town Attorney was asked to review §8.1-3e of the Town Code.

Mrs. Thompson asked for a correction to a clerical error in §2.10.4 of the Bookkeeping Policy.

There being no further business, Mr. Bumgarner made a motion that was seconded by Mr. Watts and carried 4-0-1 to adjourn the meeting at 9:30 P.M. Messrs. Bumgarner, Higginbotham, Thompson, and Watts voted "Aye"; Mr. Mozingo was absent.

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

A RESOLUTION TO ENTICE HOUSING CONSTRUCTION IN AND NEAR THE TOWN OF AMHERST THROUGH THE SUSPENSION OF WATER AND SEWER AVAILABILITY FEES FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.

Whereas, few new houses have been built in and near the Town of Amherst in the past several years, and

Whereas, this lack of new construction has resulted in an increase in the average age of the Town's housing stock, and

Whereas, the Town Council of the Town of Amherst desires to facilitate the development of desirable housing that would encourage new families to locate in and near the Town of Amherst, and

Whereas, one barrier to the construction of new housing construction is the initial cost of water and sewer utilities, and

Whereas, once a water or sewer customer is connected to Town utilities, that customer or his successor can be expected to use Town water or sewer utilities for decades,

Now, Therefore, Be it Resolved that the water and sewer availability fees assessed per §17-12b of the Town Code associated with new construction, whether that new construction is located inside of the Town of Amherst's corporate limits or areas served by the Town of Amherst water or sewer utilities outside of the Town of Amherst's corporate limits, will be suspended until December 31, 2016 subject to the following understandings:

1. This provision applies only to water services and associated sewer services requiring a 1" or smaller water meter for which a building permit has been obtained between January 1, 2016 and December 31, 2016.
2. Any new building benefitting from this shall have been completed and an occupancy permit issued prior to June 30, 2017. If an occupancy permit has not been issued by June 30, 2017, the Treasurer shall assess availability fees to the owner of the property.
3. The provisions of any special assessment area, such as that for the 60 West water service area as adopted on December 11, 2013, are not suspended and shall continue to apply.
4. The Treasurer will transfer monies sufficient to cover the cost of this economic development effort from the General Fund to the Water Fund and Sewer Fund as appropriate.

Adopted in the Town of Amherst, Virginia this 13th day of January, 2016.

Mayor J. Paul Kilgore, Jr.

Attest:

Clerk of Council

Amendment to Personnel Policy re Annual and Sick Leave Time Accrual
Approved January 13, 2016

VII. HOLIDAYS AND LEAVE

B. Leave

1. Annual Leave

Full-time employees will accrue paid annual leave for personal purposes at the following rates and shall be used on an hour for hour basis.

0 years	4 hours per month	<u>(1.85 hours/2 weeks)</u>
1 - 10 years	8 hours per month	<u>(3.69 hours/2 weeks)</u>
11 and more	12 hours per month	<u>(5.55 hours/2 weeks)</u>

Individuals employed by the Town prior to July 1, 2001 shall be granted ~~14 hours of annual leave per month~~ 6.46 hours of annual leave per 2 weeks after fifteen (15) years of service.

Annual leave shall be scheduled and approved in advance by the manager or supervisor. Annual leave shall not be used until all compensatory leave is used. Annual leave is not eligible at all times as the manager and supervisors have a primary obligation to insure that the Town's service to the citizens is carried out.

Each employee may accumulate a maximum of 120 hours of annual leave. Annual leave above that amount shall expire and may not be accumulated or used. Employees shall be paid for the value of the accrued vacation upon termination of their Town employment concurrent with the final paycheck.

2. Sick Leave

Sick leave shall accrue at the rate of ~~8 hours per month~~ 3.69 hours per two (2) weeks, and, when taken, shall be used on an hour for hour basis. Sick leave shall be used for:

- a. FMLA leave, pursuant to section D.1.
- b. Illness or injury incapacitating the employee and preventing the employee from performing assigned duties, doctor or dental appointments during working hours. Personal sick leave is charged on an hour-for-hour basis for all employees and is not considered an entitlement.
- c. An employee may elect to charge against earned sick leave credits an absence required by illness or death in the immediate family.

The "immediate family," in this application, includes only: the employee's or spouse's parents, wife, husband, children, brother, or sister, and any relative living in the household of the employee. The period of absence which may be charged against sick leave in this application may not exceed twenty-four work hours for an illness of one cause, for an injury, or for a death. Sick leave used as a result of death shall be continuous and within one week of the death.

An employee away from work for medical conditions which require absence in excess of one week or for FMLA purposes is required to (1) submit to the supervisor a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential functions of his or her job with or without reasonable accommodations, and simultaneously (2) apply for leave under the Family and Medical Leave Act. The supervisor or manager has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of one week if in his or her judgment this information is necessary. Medical information and the personnel needs of the Town will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical information will be kept confidential and will be kept separate from the employee's personnel file.

Exceptions to this policy may be considered on a case-by-case basis and approved by the manager. Sick leave is charged on an hour-for-hour basis for all employees and is not considered entitlement.

Each employee may accumulate a maximum of 520 hours of sick leave. Sick leave above that amount shall expire and may not be accumulated or used. All accumulated sick leave is forfeited upon separation from employment with the Town. Accumulated sick leave is not compensable for any reason.