

Mayor Jacob P. Bailey called a regular monthly meeting of the Amherst Town Council to order on December 12, 2012 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street. Council members Kenneth Bumgarner; J. Paul Kilgore, Jr; Mike Mozingo; and Richard Wydner were present. Councilor Haney Mottley was absent. Town Manager Jack Hobbs, Police Chief Kelvin Brown, Director of Public Utilities Tom Fore, Office Manager Colan Davis, and Town Attorney Tom Berry were present.

Rev. Kathy Chase from Ascension Episcopal Church gave an invocation.

Mr. Bumgarner made a motion that was seconded by Mr. Kilgore and approved 4-0 to approve the minutes from the November 14, 2012 meeting. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

The Councilors discussed the assistance the Town police department provides to the Amherst County Sheriff's Department. This matter was referred to the Public Safety Committee.

The Police Chief informed Town Council of pending legislative changes regarding Auxiliary Police Officers.

The Town Manager reported that no graves were found in an area of concern at Brockman Park and that the appropriate action to take is to file a petition/bill with the Amherst County Circuit Court to clean the title. Mr. Bumgarner made a motion that was seconded by Mr. Wydner and approved 4-0 to approve a resolution "Concerning Unknown Cemetery in Brockman Park". Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent. A copy of the resolution is attached and made a part of these minutes.

Mr. Wydner made a motion that was seconded by Mr. Bumgarner and approved 4-0 to adopt the changes to sections VI.D Overtime and VII.B. Leave of the Town's Personnel Policy effective January 1, 2013. Messrs. Bumgarner, Kilgore, Mozingo and Wydner voted "Aye"; Mr. Mottley was absent. A copy of the approved policy sections are attached and made a part of these minutes.

Mr. Bumgarner made a motion that was seconded by Mr. Kilgore and approved 4-0 to calculate police compensatory time for any time a policeman worked over 80 hours in a 14-day work period at the time and a half rate retroactive to July 1, 2011. The Office Manager was asked to revise the calculations received from the auditor's time card audit and her calculations from FY13 timesheets to effect this. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

Mr. Bumgarner made a motion that was seconded by Mr. Wydner and approved 4-0 to authorize the Office Manager to issue a one-time payment to Deanna Foltz for 112.25 hours of accrued compensatory time. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

Mr. Wydner made a motion that was seconded by Mr. Bumgarner and approved 4-0 to authorize the Director of Public Utilities to purchase a sewer plant step screen unit from Huber Technology in the amount of \$50,000 with a 50% down payment and 25% due in FY14 and FY15. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

The Town Manager was asked to attempt to negotiate the renewal of the landscape maintenance contract with the current contractor.

Mr. Kilgore made a motion that was seconded by Mr. Bumgarner and approved 4-0 to nominate Marvin Hensley to the Board of Zoning Appeals for the term that will expire on August 31, 2017. Messrs. Bumgarner, Kilgore, Mozingo and Wydner voted "Aye"; Mr. Mottley was absent.

The Town Manager gave a report on the Beverly house demolition, the Whitehead Drive/Maple Lane Water Line Project, the 60 West Water Line Project and Ambriar Shopping Center Water Line Relocation projects.

Mr. Mozingo made a motion that was seconded by Mr. Wydner and approved 4-0 to close the Town Hall and Town Shop on December 24, 2012 as described in section VII.A. Holidays of the Town's Personnel Policy. Messrs. Bumgarner, Kilgore, Mozingo and Wydner voted "Aye"; Mr. Mottley was absent.

The Town Manager was asked to thank the Amherst Lion's Club for their hard work and success of this year's parade.

There being no further business, the meeting adjourned at 9:05 P.M.

J. Paul Kilgore, Jr.
Mayor

Attest: _____
Clerk of Council

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF AMHERST, VIRGINIA
CONCERNING UNKNOWN CEMETERY IN BROCKMAN PARK**

The Industrial Development Authority of the Town of Amherst, Virginia (“Authority”), has considered the existence of an alleged cemetery purportedly located in Brockman Park which cemetery is designated as “CEMETERY OF UNKNOWN ORIGIN” (the “Unknown Cemetery”) on that certain plat made by Hurt & Proffitt entitled “Plat Showing Property of the “... Richeson Estate” dated December 30, 1990, a copy of which is attached to this resolution.

Hurt & Proffitt was engaged to provide a report on the Unknown Cemetery to determine the number of graves in it; the report concludes that no cemetery exists within the area designated on such plat as the Unknown Cemetery.

The Authority has determined that the marketability of the portion of Brockman Park on which the Unknown Cemetery would be enhanced by obtaining a judicial determination that the Unknown Cemetery is NOT a cemetery and that no person has in interest in the Unknown Cemetery other than the Town as the owner of Brockman Park to the end that the Unknown Cemetery will be removed as a cloud on the title to the portion of Brockman Park on which it has been shown on the Plat. The Authority has recommended that the Town authorize the taking of the steps necessary to remove the Unknown Cemetery as a cloud on title.

Town Council has reviewed the matter and after discussion has concluded that it will be in the best interest of the Town to take the steps that are necessary to remove the Unknown Cemetery as a cloud on the title which steps are comprised of completion of any site reports by Hurt & Proffitt needed to support its conclusion that no graves are located in the Unknown Cemetery and the filing and conclusion of a quiet title action in the Circuit Court for the County of Amherst to obtain an order finding that the Unknown Cemetery is not a cemetery and quieting title to the Unknown Cemetery in the Town as the owner of Brockman Park.

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

1. That title to the Unknown Cemetery should be cleared and an appropriate juridical determination be obtained that quiets title to the Unknown Cemetery in the Town as the Owner of Brockman Park.
2. That the Town Manager of the Town is authorized and requested through Hurt & Proffitt, the Town Attorney, and through special counsel, Edmunds & Williams, to proceed with a quiet title action in the Circuit Court for the County of Amherst to obtain a ruling that removes the Unknown Cemetery as a cloud on the title to the portion of Brockman Park on which the Unknown cemetery was purportedly located.
3. This resolution shall take effect immediately upon its adoption.

Adopted by the Town Council of the Town of Amherst, Virginia this 12th day of December, 2012.

Clerk, Town Council of the Town of Amherst, Virginia

[SEAL]

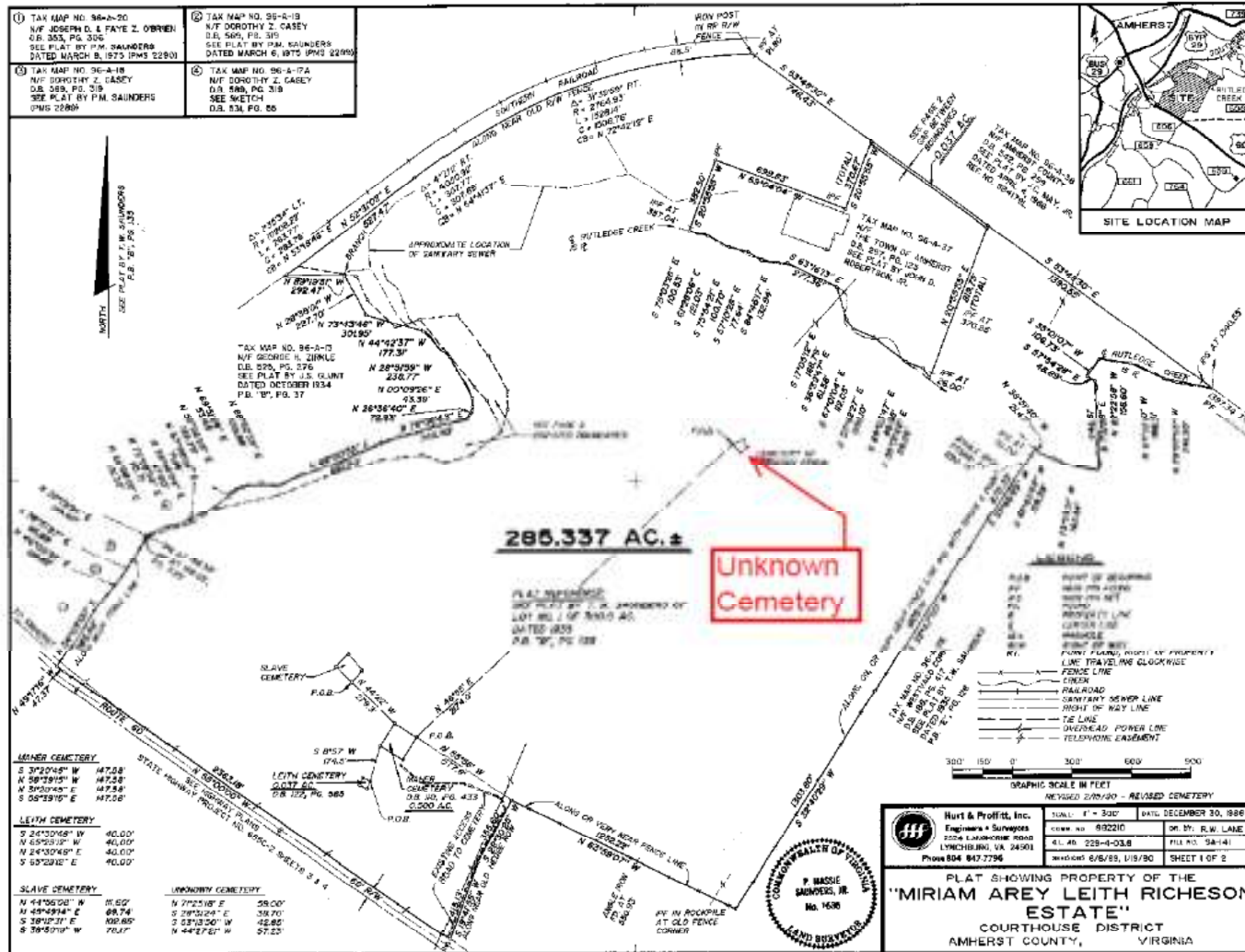


Figure 6. 1988 Hurt & Proffitt Plat (revised 1989, 1990).

VI.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.

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).

VII.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
1 - 10 years	8 hours per month
11 and more	12 hours per month

Individuals employed by the Town prior to July 1, 2001 shall be granted 14 hours of annual leave per month 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.