TOWN OF ABINGDON REGULAR COUNCIL MEETING MONDAY, APRIL 4, 2016 – 7:30 PM COUNCIL CHAMBERS – MUNICIPAL BUILDING

A Regular meeting of the Abingdon Town Council was held on Monday, April 4, 2016 at 7:30 p.m. in the Council Chambers of the Municipal Building.

A. Welcome by Mayor Morgan

B. ROLL CALL

Members of Council Present:	Edward B. Morgan, Mayor Mrs. Cathy Lowe, Vice Mayor Mr. Richard E. Humphreys Mr. Robert M. Howard Mrs. Jayne A. Duehring
Administrative/Town Staff:	Gregory W. Kelly, Town Manager Cecile Rosenbaum, Assistant Town Manager Tonya Triplett, Deputy Clerk Deb Icenhour, Town Attorney Matthew Johnson, Director of Planning John Dew, Dir. Of Construction/Public Services Tony Sullivan, Police Chief Kevin Costello, Director of Tourism & Economic Development C.J. McGlothlin, IT Department Kevin Sigmon, Town Arborist
Visitors:	Jim Moore, Stephen Jett, Doc O'Neal, Paul & Donna Questech, Barry Proctor, Laura Beth Hale, Joe & Donna LeVine, Nan Harmon, Cindy Patterson, Rich Macbeth, Dyer Moss, Winona and Harold Hilt, Kimberly Evans, Marcy Miller, and others

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief Sullivan.

D. APPROVAL OF MINUTES

- March 7, 2016 Work Session Meeting
- March 7, 2016 Regular Meeting
- March 9, Work Session Meeting
- March 10, Work Session Meeting
- March 16, Work Session Meeting
- March 17, Work Session Meeting

On motion by Mr. Humphreys seconded by Mrs. Duehring the Council approved the March 7, 2016 Work Session Meeting minutes, the minutes of the March 7, 2016 Regular Meeting, the March 9,10,16 and 17, 2016 Work Session Meeting minutes as presented.

The roll call vote was as follows:

Mrs. Duehring	**Aye**
Mr. Howard	**Aye** *(On all but abstain from vote on March 10, 2016 minutes as he was not present at that meeting)*
Mr. Humphreys	**Aye**
Mrs. Lowe	**Aye**
Mayor Morgan	**Aye**

Mr. Howard was not present at the March 10 meeting, and abstained from voting on the approval of the March 10, 2016 Work Session minutes.

E. EMPLOYEE RECOGNITIONS

Mr. Kelly, Town Manager recognized James Casey, Environmental Coordinator at the Wolf Creek Water Reclamation Facility for twenty-five (25) years of service. Mr. Casey was unable to attend the meeting due to sickness, but hopes to attend the May meeting.

F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES – None.

G. SECOND READINGS OF ORDINANCES – None.

H. CONSIDERATION OF ANY BIDS

John Dew, Director of Public Service and Construction presented a bid sheet for asphalt resurfacing work FY 2015/16. The bids included Rogers Group, Inc. base bid of $240,913, add alternate bid of $88,767 for a total of $329,680. W-L Construction & Paving, Inc. base bid of $207, 261, add alternate bid of $66,902.70 for a total of $274,163.70. The department recommendation is to award the contract to W-L Construction & Paving, Inc. for $274,163.70. Mrs. Lowe questioned if the low bid is the best bid.

On motion by Mr. Howard, seconded by Mr. Humphreys, the Council awarded the asphalt resurfacing bid for FY 2015/16 to W-L Construction & Paving, Inc. for $274,163.70 and authorized Mr. Kelly, Town Manager to execute the contract and all necessary documents.

The roll call vote was as follows:

Mrs. Duehring	**Aye**
Mr. Howard	**Aye**
Mr. Humphreys	**Aye**
Mrs. Lowe	**Aye**
Mayor Morgan	**Aye**

I. REPORTS FROM THE TOWN MANAGER - *Greg Kelly, Town Manager*

1. Annual Arborist's Report

Kevin Sigmon, Town Arborist reported on highlights of 2015 and objectives and goals for 2016 which includes Year 15 of Tree City USA, new plantings at the Coomes Recreation Center and Cummings Street, and a memorial to honor Paul Revell. Mr. Sigmon is working with the Urban Forest Emergency Management Plan on a grant that would help with wood waste in case of an emergency. Other opportunities include VA Big Tree Program, Bonnie Appleton Scholarship, Trees Virginia, MAC-ISA, Town of Marion, and continuing to be available to town residents. Mayor Morgan is pleased to see the Urban Forest Emergency Management Plan in place, as there was a lot of wood waste after the tornado in 2011.

2. Consideration of dates for Town Council Strategic Planning Retreat

Greg Kelly, Town Manager asked Council members to consider some dates they might be available for a strategic planning retreat. Mr. Kelly stressed the importance of a strategic plan and stated this is one of the recommendations the bonding agencies made. Mr. Kelly attended ICMA Southeast Regional Summit last week and one of the focal points was strategic planning of localities to prioritize, create a mission statement, and set benchmarks of where each department should to be in terms of its growth. The recommended time period for a strategic plan is in the 4-5 years range. Mr. Kelly suggested each Council member write down several possible dates they are available and bring those to the April 20 work session.

J. RESOLUTIONS

1. A Resolution of the Council of the Town of Abingdon, Virginia Requesting the Programmatic Project Administration Agreement (Revenue Sharing Projects) with the Virginia Department of Transportation Be Extended Through June 30, 2019.

John Dew, Director of Public Services & Construction reported the Programmatic Project Administration Agreement is set to expire June 30, 2016. It is required to manage the town's VDOT projects. If Council approves the extension the agreement would be active through June 30, 2019.

Mayor Morgan read the resolution, which is shown below.

Mr. Kelly stated without the extension, the funds could go away and he recommended adopting the resolution.

On motion by Mrs. Lowe, seconded by Mrs. Duehring, the Council adopted the resolution to extend the Programmatic Project Administration Agreement with VDOT and authorized Mr. Kelly, Town Manager to execute all necessary documents for the agreement extension.

The roll call vote was as follows:

Mrs. Duehring	**Aye**
Mr. Howard	**Aye**
Mr. Humphreys	**Aye**
Mrs. Lowe	**Aye**
Mayor Morgan	**Aye**

A RESOLUTION OF THE COUNCIL FOR THE TOWN OF ABINGDON, VIRGINIA REQUESTING THE PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT (REVENUE SHARING PROJECTS) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION BE EXTENDED THROUGH JUNE 30, 2019

WHEREAS, the Town of Abingdon currently has in place a Programmatic Project Administration Agreement with the Virginia Department of Transportation dated September 9, 2013 to cover Revenue Sharing projects which are solely funded with Revenue Sharing funds; and

WHEREAS, said Programmatic Project Administration Agreement is set to expire on June 30, 2016; and

WHEREAS, the Council for the Town of Abingdon concurs with the execution of an Extension Addendum in order to keep said existing Programmatic Project Administration Agreement active through June 30, 2019.

NOW THEREFORE BE IT RESOLVED, by the Council for the Town of Abingdon that said Extension Addendum be executed; and

BE IT FURTHER RESOLVED, that the Council for the Town of Abingdon hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s); and

BE IT FURTHER RESOLVED, that Gregory W. Kelly, Town Manager is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

TOWN OF ABINGDON, VIRGINIA

By: _____
Mayor

By: _____
Town Manager

2. A Resolution of the Council of the Town of Abingdon, Virginia Requesting the Virginia Department of Transportation Add Meade Drive to the Town's Urban Highway System for Municipality Maintenance Payments.

John Dew, Director of Public Services & Construction stated a request has been received from VDOT to add a very small section of Meade Drive to the Town's Urban Highway System for Municipality Maintenance Payments. Mr. Dew recommends

Meade Drive be added to the town's Urban Highway System for Municipality Maintenance Payments.

Mayor Morgan read the resolution, which is shown below.

On motion by Mr. Howard, seconded by Mrs. Lowe, the Council adopted the resolution to add Meade Drive to the town's Urban Highway System for Municipality Maintenance Payments.

The roll call vote was as follows:

Mrs. Duehring	**Aye**
Mr. Howard	**Aye**
Mr. Humphreys	**Aye**
Mrs. Lowe	**Aye**
Mayor Morgan	**Aye**

A RESOLUTION OF THE COUNCIL FOR THE TOWN OF ABINGDON, VIRGINIA REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION ADD MEADE DRIVE TO THE TOWN'S URBAN HIGHWAY SYSTEM FOR MUNICIPALITY MAINTENANCE PAYMENTS

WHEREAS, §33.2-319 of the Code of Virginia, as amended, authorizes payments to cities and towns for maintenance of certain highways; and

WHEREAS, the Virginia Department of Transportation has established procedures for the addition of certain streets for the purpose of maintenance payments; and

WHEREAS, the Town of Abingdon has accepted Meade Drive, the street identified on the attached Form U-1 into the Town system of highways for the purpose of maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Abingdon, Virginia that it does hereby request the Virginia Department of Transportation add Meade Drive, the street identified on the attached Form U-1 to the urban highway system of the Town of Abingdon for municipal maintenance payments.

TOWN OF ABINGDON, VIRGINIA

By: _____
Mayor

By: _____
Town Manager

K. OLD BUSINESS

Board of Viewers report for proposed partial road closure of Rugby Terrace, continuation from March meeting.

John Dew, Director of Public Services and Construction reported that he had been requested by residents in the Rugby Terrace/Oxford/Cambridge Streets neighborhood to consider a barricade to help eliminate cut-through traffic. Mr. Dew noted that Council approved a temporary barricade on September 8, 2015. A public hearing on the matter was held on January 4, 2016 and a Board of Viewers was appointed to consider a street closure and make a recommendation to Council. Mr. Dew reported that the Board of Viewers met February 5, 2016 and made the following recommendations: Restricting Rugby Terrace, Oxford and Cambridge Streets to One-way, installing speed bumps, posting reduced speed limit of 15 miles per hour and conducting a Traffic Signal Warrant Analysis for Main/Hutton, Main/Tanner, Main/Trigg intersections. Mr. Dew's recommendation is to close the east leg of Rugby Terrace using removable bollards and signage, leaving the pavement in place for possible emergency or access needs in the future. The closure would create less confusion, installation and maintenance costs would be less for the closure than other alternatives and speed bumps can create problems for snow plows and street maintenance. The department recommendation is to close the east leg of Rugby Terrace using removable bollards in case emergency vehicles need access and that the Town retain the right-of -way.

Greg Kelly, Town Manager read a letter from Anne Hutton, 101-A East Valley Street, who was not able to attend.
(The letter from Anne Hutton and the recommendation from the Board of Viewers are included as attachment to these minutes)

Mr. Howard thanked residents, staff and the Board of Viewers for their comments and work on this project.

Mrs. Duehring stated this does qualify as a unique case and thanked Mr. Jett for the many trips he made to the area.

Mrs. Lowe inquired if the Town Attorney had any issues with the code section quoted by Ms. Hutton and also inquired about the aesthetics of the closing.

Mr. Humphreys stated each street closing must be looked at individually and decisions should be made with safety of the community as the main concern. He also stated that if future development occurred, it could be an inconvenience for Ms. Hutton and at that time Council could revisit the need and safety of the community.

Mr. Kelly, Town Manager stated that if the neighborhood is developed the situation could be revisited.

Mayor Morgan agrees it needs to look nice and stated Mr. Dew could seek guidance if necessary.

Deb Icenhour, Town Attorney stated the code section Ms. Hutton quoted was a code

section used often by the town to close rights-of way.

Mr. Dew stated this closure is different because the town is retaining the rights-of-way and it is not being altered.

On motion by Mr. Howard, seconded by Mr. Humphreys, the Council approved, at the recommendation of the Public Services & Construction Department, the closing of the east leg of Rugby Terrace using removable aesthetically pleasing bollards, leaving the pavement in place for emergency vehicle use.

The roll call vote was as follows:

Mrs. Duehring	**Aye**
Mr. Howard	**Aye**
Mr. Humphreys	**Aye**
Mrs. Lowe	**Aye**
Mayor Morgan	**Aye**

L. MATTERS NOT ON THE AGENDA

- Dyer Moss, 167 Hill Drive, NE asked Council to consider the budget increase requested from the Washington County Public Library.

- Rich Macbeth, 1139 Panorama Drive inquired about traffic on Florist Drive and requested "Slow Children At Play" signs. Mr. Macbeth will discuss the issue with John Dew, Director of Public Services and Construction.

- Stephen Jett, 333 Court Street continues to oppose the sports complex on 40 acres of The Meadows Property due to view damage from the I-81 and the Virginia Creeper Trail, exposure of young players to air and noise pollution, excessive traffic on Cumming Street, and that the property is too small to allow construction for regulation size athletic fields. Mr. Jett recommended the Town use land that had been offered previously for athletic fields and to use The Meadows as a park, as called for in the Comprehensive Plan. He also asked the property be included as part of the historic district. Mr. Jett asked that the soil that will be removed from the Food City property not be used on The Meadows property.

- Mr. Howard, Council Member stated the sports complex fields would be regulation size fields.

- Mayor Morgan noted that a letter directed to Joe Levine and his attorney has been sent and it is not appropriate for Council to engage with Mr. Levine or have any conversations regarding The Meadows property as long as the town is involved in litigation and asked if his comments were about The Meadows Project. Mr. Levine stated he was not commenting on The Meadows project.

- Joe Levine, 340-350 Green Spring Road stated he wanted to comment on the proposed bond. Mayor Morgan stated that falls into the category of The Meadows property and indicated that he would not be able to speak.

- Barry Proctor, 927 Woodlawn Terrace stated he would like to commend Council for their work on a number of topics, from trees to mental health. He also asked Council to consider a thorough archeological survey on The Meadows property. The property is better suited for other purposes and deserves to be looked at and there are a number of other places suitable for a sports complex. Mr. Proctor asked Council to look seriously at a survey and wants to make certain that the property is being used for its best use.

- Mayor Morgan explained the survey was discussed during the work session and that Mr. Kelly, Town Manager will be having further discussion with Dr. Bartlett.

- Jim Moore, 133 College Street encouraged Council to support Fairview during the budget process. Mr. Moore asked Council to preserve The Meadows property and consider a thorough archeological survey.

- Nick Proctor, 11092 Treeline Drive suggested that all supporting documents that are related to agenda items for public comment be disseminated to the public in a timely manner. This would allow the public time to review the material, and would improve public input.

- Mr. Humphreys stated that it is not always possible, as some information comes in at the last minutes, but we are working on the process.

M. APPOINTMENTS TO BOARDS AND COMMITTEES - None.

N. COUNCIL MEMBER REPORTS

- Mr. Humphreys reminded everyone the Town Election will take place at Town Hall May 3, 2016 6am-7pm.

- Mayor Morgan reviewed announcements and reported an opening reception at the Arts Depot featuring Women Artists of the Southeast on Saturday evening at 6:30pm.

- Cecile Rosenbaum, Assistant Town Manager reported nominations are now being accepted for the Arthur Campbell Community Service Award and that the forms are on the town website. Ms. Rosenbaum also announced that Mr. Kelly, Town Manager is now the President of the Virginia Local Government Management Association and will be representing the entire state through this organization. He was instrumental in petitioning the General Assembly to bring awareness to Local Government Education Week, which is this week, April 3-9, 2016.

Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Tonya Triplett, Deputy Town Clerk

T. L. Hutton, Jr.
Anne P. Hutton
101-A East Valley Street
Abingdon, VA 24210

April 1, 2016

Mayor Edward B. Morgan
259 Bradley Street
Abingdon, VA 24210

Vice Mayor Cathy C. Lowe
P.O. Box 1165
Abingdon, VA 24212-1165

Mr. Robert M. Howard
122 West Valley Street
Abingdon, VA 24210

Mr. Richard E. Humphreys
148 Crestview Drive
Abingdon, VA 24210

Ms. Jayne Duehring
128 Crestview Drive
Abingdon, VA 24210

RE: Rugby Terrace, Oxford Street and Cambridge Street

Dear Mayor, Vice Mayor and Council Members:

As you consider the issues of the possible closing of the eastern end of Rugby Terrace and the Board of Viewers' recommendation not to do so but to make Rugby Terrace, Oxford Street and Cambridge Street one-way, as well as installing speed bumps and reducing and enforcing reduced speed limits, the following are offered.

Enclosed herewith is a copy of part of the plat of "Rugby" as found in Deed Book 160 page 121 in the Clerk's office of the Circuit Court of Washington County, Va. (The other page of this plat shows the lots located north of those shown on page 121. It does show that the right-of-way of Valley Street Extension is 40 feet in width.)

An obvious solution to the concerns expressed about the narrowness of the streets (particularly Cambridge Street and Rugby Terrace) is simply to widen the pavement. The width of the right-of-way of each of Cambridge Street, Valley Street Extension and Oxford Street is 40 feet. Not counting the "grass plot" or the area between it and Main Street, Rugby Terrace has a right-of-way width of 30 feet. Presently, the width of the pavement of Cambridge Street is only slightly more than 10 feet in most places and that of Rugby Terrace is only about 13 feet in places. Kindly include the widening of at least Cambridge Street and Rugby Terrace in your consideration.

Section 15.2 – 2006 of the 1950 Code of Virginia, as amended, provides that the viewers are to "report in writing any inconvenience that would result from discontinuing the right-of-way". The rest of that code section makes it clear that the inconvenience is to the landowners affected by the proposed vacation. In their very thoughtful report, the Board of Viewers did not specifically address the inconvenience that would result to the affected landowners if the eastern part of Rugby Terrace were closed. The implication of such inconvenience is found in the last sentence of the viewers' report: "The Board [of Viewers] also discussed the alternative of closing the east leg of Rugby Terrace, as discussed at previous Town Council work sessions, but prefers the recommendations above." Please note that the inquiry mandated by this code section is <u>not</u> the convenience to, or the peace and quiet of, the landowners, and certainly it is not for the

convenience of runners from other parts of the town. (While it is certainly nice to know that the police chief runs through the neighborhood, his safety in so doing is not the issue here; but, it may be an issue which should be addressed separately.) Rather, the inconvenience to the affected landowners is the issue to be considered here.

So that this issue of inconvenience is battened down with certainty, we suggest that this matter be recommitted to the Board of Viewers. We believe that the inconvenience, for example, to our lots in Rugby Terrace (lots 1 through 6 and 39 through 42), as well as our other property on Cambridge Street, is obvious if either the eastern part of Rugby Terrace were closed or if Cambridge Street were restricted to one-way northern direction travel.

If you should choose to resubmit this matter to the Board of Viewers, their report should, in fact, be presented to the council with an opportunity for the affected landowners to comment thereupon.

Kindly advise of the authority of the town to presently have the eastern end of Rugby Terrace closed.

Summarizing, our suggestions are:

1. Leave all of the streets open and allow them to accommodate two-way travel. In other words, leave things as they were, but, hopefully, also widening the pavement of, at least, Cambridge Street and Rugby Terrace.
2. Alternatively, resubmit this matter to the Board of Viewers to determine any inconvenience to landowners affected by the closing of part of Rugby Terrace or any alterations of the traffic flow of all streets involved and allowing the affected landowners to give their comments on such report.
3. As a reluctant alternative, adopt the report of the Board of Viewers.

It is possible that neither of the undersigned can be at the April 4, 2016 meeting. Your consideration shall be appreciated. Just for the record, the undersigned own the property bounded on the north by Valley Street, on the east by Cambridge Street and Rugby Terrace, on the south by Main Street and on the west by Hutton Street.

Sincerely,

T. L. Hutton, Jr.

By: Anne P. Hutton
Anne P. Hutton, Attorney In Fact

Anne P. Hutton

enclosure
cc: Mr. Gregory Kelly, Town Manager,
Mr. Monty Vernon
Mr. John Dew, Public Works Dir.
Mr. Stephen Jett
Mr. Albert Bradley
✓Ms. Tonya Triplett

TOWN OF ABINGDON

133 WEST MAIN STREET
P. O. BOX 789
ABINGDON, VA 24212-0789

February 18, 2016

TO: Abingdon Town Council

FROM: Board of Viewers

Re: Recommendation for Traffic Modifications for Rugby Terrace, Oxford Street, and Cambridge Street

At its January 4, 2016 Regular Meeting, the Abingdon Town Council appointed this Board of Viewers to consider the safety concerns expressed by residents in the vicinity of Rugby Terrace, Oxford Street, Cambridge Street and East Valley Street, primarily involving the speed and traffic volume of "cut-through" traffic, and make recommendations to appropriately address these concerns.

This Board has considered information provided by Town staff, including peak hour traffic counts and feedback from property owners.

After individual consideration and a group discussion on February 5, 2016, we, the Board of Viewers, make the following recommendations -

1. Restrict the entire length of Rugby Terrace to "One-way" westbound
2. Restrict the entire length of Oxford Street to "One-way" southbound
3. Restrict the entire length of Cambridge Street to "One-way" northbound
4. Maintain "Two-way" traffic on East Valley Street from Valley Street to Oxford Street
5. Install speed bumps on westbound Rugby Terrace just east of Oxford Street and just west of Cambridge Street
6. Install speed bumps on northbound Cambridge Street just north of Rugby Terrace
7. Conduct Traffic Signal Warrant Analysis for Main/Hutton, Main/Tanner, and Main/Trigg intersections
8. Consider posting a reduced speed limit of 15 miles per hour and increased enforcement

The Board also discussed the alternative of closing the east leg of Rugby Terrace, as discussed at previous Town Council work sessions, but prefers the recommendations above.

Mr. Albert Bradley	February 18, 2016 Date
Mr. Stephen C. Jett	Feb. 19, 2016 Date
Mr. C. M. Vernon, Jr.	Feb. 19, 2016 Date