

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 5, 2009
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, October 5, 2009 at 7:30 p.m. in the Council chambers of the Municipal Building.

Mayor Morgan called the meeting to order and welcomed everyone in attendance.

A. ROLL CALL

Members of Council Present: Edward B. Morgan, Mayor
Dr. French H. Moore, Jr., Vice Mayor
Mrs. Lois H. Humphreys
Mrs. Cathy Lowe
Mr. Jason N. Berry

Administrative/Town Staff: Gregory W. Kelly, Town Manager
Cecile M. Rosenbaum, Town Clerk
Deborah Icenhour, Town Attorney
Mark Godbey, Town Treasurer/Dir. Of Finance
Jim Smith, Dir. Of Wastewater Operations/Town Eng.
Garrett Jackson, Dir. Of Planning
Kevin Worley, Dir. of Parks and Recreation
Myra Cook, Dir. Of Tourism
Jim Cowart, Dir. of Econ. Dev/Grants Writer
John Dew, Dir. Of Public Services/Construction
Floyd Bailey, IT Department
Tony Sullivan, Chief of Police
Jim Hicks, Director of Human Resources/Safety

Visitors: Johnny Pace, Michael Wartella, Carolyn Lee, John and
Mary Ann Holbrook, Kevin Christy, Dexter Peltzer,
Sherry Smith, Henry McCarthy, Betty Ferrier and others.

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**B. PLEDGE OF ALLEGIANCE**

Tony Sullivan, Chief of Police led the Pledge of Allegiance.

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C. APPROVAL OF MINUTES

- September 8, 2009 Work Session Meeting
- September 8, 2009 Regular Meeting

On motion of Mrs. Humphreys, seconded by Mr. Berry, the Council approved the minutes of the September 8, 2009 Work Session meeting with the following corrections:

- On page 146 under item 4, “Mayor Morgan inquired . . .” should be corrected to read “Dr. Moore inquired . . .”
- On page 146 under item 11, add the phrase “The Council agreed that McBroom Street was not part of the recollection of the CIP plan and the staff reported that if the grant was approved, locations could be changed or modified.”

And the minutes of the September 8, 2009 regular meeting minutes with the following correction:

- On page 160, under Item K. Matters Not on the Agenda, last paragraph on the page, last sentence, should be corrected to read “Mr. Berry commented . . .”, not Mrs. Lowe.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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#### **D. EMPLOYEE ACKNOWLEDGEMENTS AND PRESENTATIONS**

At this time, Greg Kelly, Town Manager made the following presentations and thanked each employee for their dedication to the Town of Abingdon:

- Acknowledgement of Jim Hicks, Director of Human Resources/Safety for ten (10) years of service to the Town.
- Acknowledgement of Johnny Pace, Municipal Custodian, for his fifteen (15) years of service to the Town.
- Acknowledgement of Sherry Smith, Receptionist/Clerk, for her twenty (20) years of service to the Town.
- Acknowledgement of Kevin Christy, Investigative Division Supervisor, Abingdon Police Department, for his twenty (20) years of service to the Town.

- Acknowledgement of Kevin Worley, Director of Parks and Recreation, for his twenty (20) years of service to the Town.

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At this time Mayor Morgan recognized Dexter Peltzer and asked him to come forward to provide a report on the Abingdon Senior Center. Mr. Peltzer indicated that he wanted to update the Council on the Senior Center activities since the Council had provided \$30,000 in additional funding for the Meals on Wheels program. Mr. Peltzer indicated that they were now distributing 2,240 meals per month which was a welcome increase for the program. Mr. Peltzer further reported on the acoustic music jams that were taking place each Thursday night as well as the other activities ongoing at the center and reported that participation had increased for the programs. Mr. Peltzer reported that the Virginia Ballroom is booked through with scheduled events through the remainder of year 2009. Mr. Peltzer indicated that he anticipated a need additional funding for staff and service providers as participation continued to increase.

Mr. Berry inquired about the parking situation at the Center and Mr. Peltzer reported that parking continues to be a challenge but they were investigating using Town buses to provide transportation from other locations to the Center to cut down on the number of vehicles.

Mrs. Lowe commented that the “dueling pianos” program would be a good fundraiser for the Center.

Mayor Morgan thanked Mr. Peltzer for his report and commended his efforts on behalf of the Center.

E. PETITIONS AND PUBLIC HEARINGS – None.

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#### **F. CONSIDERATION OF ANY BIDS**

##### **1. Consideration and award bid for the HVAC system at the Coomes Recreation Center.**

Kevin Worley, Director of Parks and Recreation appeared before the Council members to report on the bids received for the HVAC system at the Coomes Recreation Center. Mr. Worley indicated that they received two (2) bids for the system and that he had assembled a committee of Town staff and a member from the Recreation Advisory Board to review the bids. Mr. Worley reported that the company HVAC had recommended a diffuser/silencer as an add-on which would cut down the noise in the indoor pool area for

an additional cost of \$5,000 and asked the Council to consider including those additional funds to cover the cost of the diffuser.

Dr. Moore inquired about the amount of the bids versus the original estimates of the replacement unit. Mr. Kelly confirmed that the replacement cost of the unit was included in the amount of funds borrowed by the Town earlier in the year and that the bids came in lower than the amount borrowed.

Mrs. Lowe inquired if the chemical glycol was used in the replacement system and if the bid amount included the cost of the chemical for the unit. Mr. Worley confirmed that the system did not use this particular chemical.

**On motion of Dr. Moore, seconded by Mr. Berry, the Council approved the bid by HVAC Company in the amount of \$292,900 and further included the amount of \$6,454.05 which represents \$5,000 for the cost of the diffuser and \$1,454.05 for the newspaper bid advertisement costs, which is a total bid award of \$299,354.05.**

**The roll call vote was as follows:**

|                       |                                                                                    |
|-----------------------|------------------------------------------------------------------------------------|
| <b>Mr. Berry</b>      | <b>Aye</b>                                                                         |
| <b>Mrs. Lowe</b>      | <b>Abstain</b> ( <i>Mrs. Lowe's husband, Stephen, does work for both bidders</i> ) |
| <b>Mrs. Humphreys</b> | <b>Aye</b>                                                                         |
| <b>Dr. Moore</b>      | <b>Aye</b>                                                                         |
| <b>Mayor Morgan</b>   | <b>Aye</b>                                                                         |

**The motion carried.**

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G. REPORTS FROM THE TOWN MANAGER

1. Consideration of a contract to sell lot #10 in the Stonemill Business and Technology Park to Gentle Family Dentistry.

Mr. Kelly informed the Council members that Dr. Jessup with Gentle Family Dentistry had expressed a desire to purchase a lot in the Stone Mill Business and Technology Park to locate his dentist practice. Mr. Kelly indicated the Real Estate Purchase and Sale Agreement for this transaction had been prepared for the sale of Lot #10 at a price of \$186,750 which equals 2.49 acres at a price of \$75,000 per acre and that the agreement stated that construction of the business should begin within six (6) months of the date of closing on the property. Mr. Kelly further indicated that a public hearing process for the sale of the lots in the Technology Park had been held previously so there was no need for an additional public hearing.

On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council approved the sale of Lot #10 in the Stone Mill Business and Technology Park to Gentle Family Dentistry in the amount of \$186,750.00 and further authorized Greg Kelly, Town Manager to execute the agreement on behalf of the Town.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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2. Consideration and Referral of Capital Improvement Plan (CIP) to Planning Commission.

Mr. Kelly informed the Council members that they had their first draft of the limited short term capital improvement plan (CIP) project, for years 2010 through 2013, that had been drafted by Town staff and that the initial step in the process was referral of the plan by Council to the Planning Commission for review. Mr. Kelly commented that the Council and staff had attended a retreat to focus on what should be included in the plan and that a management team had been assembled to draft a plan that included pedestrian, street, and Town owned structures for improvement. Mr. Kelly further reported that the public would have 2 opportunities to comment on the CIP plan, once at the Planning Commission level, and once at the Council level. Mr. Kelly commented that as soon as the plan was in place, the Council would need to identify the funding sources and earmark dollar figures for the projects. Under the plan, any remaining allocated funds that are not used within a given fiscal year for a project would carry over to the next year but once the funds were exhausted, it would be up to Council to appropriate additional funds. Mr. Kelly added that the CIP is a roadmap of priorities and does not guarantee a project will get carried out.

Mrs. Lowe commented that items 1A,B,C,D in the plan were not as she remembered from the CIP retreat meeting and that she felt corrections and/or additions should be noted. Mrs. Lowe recalled that Item 1A was supposed to be Valley Street to Whites Mill and 1B was supposed to be Partington Place to Park Street as well as a sidewalk behind Barter to Tanner Street.

Mayor Morgan commented that the Plan will go to the Planning Commission for opportunities for further discussion and should not be reviewed as a defined priority listing until after public comment opportunities had taken place.

Mrs. Lowe further commented that she felt the Planning Commission needed to know that the Council considered the scope of the streets and not just portions of the streets. Mrs. Lowe further recalled that the Council had asked for a study of Cummings and Route 75 in light of the recent VDOT letter regarding the Exit 17 area. Mrs. Lowe commented that the Planning Commission should know what the Council originally intended for the Plan.

Mr. Kelly commented that the priority listing located at the back of the plan is open for change and interpretation. Mr. Kelly indicated that the Planning Commission was likely to make changes as well as the public once the public comments were heard. Mr. Kelly commented that in most instances, localities would hire a consultant to prepare a CIP plan but they Town had chosen to do it “in-house” which is a cost saving measure and in large part to allow Council the opportunity to have a “hands on” in identifying the capital improvement needs for the Town.

Mr. Berry commented that it was his understanding that the “big picture” goal was for the Town to have a more walkable community that ties all the downtown streets together so that citizens can walk, bike, and stroll in Town.

Dr. Moore commented that he thought the Council had included Clark Street in the Plan which would tie in to Court Street.

Mr. Kelly reported that the “loop” which would include Valley, Whites Mill Road, Court Street and Clark Street was in the Plan and he believed that once the plan was finalized and linked together, the priorities of the Council identified at the CIP retreat would be met. Mr. Kelly further commented for clarification that the Revenue Sharing Resolution Council approved at the September 8th regular meeting was in not tied to the CIP plan.

On motion of Mr. Berry, seconded by Dr. Moore, the Council affirmed the recommendation of the Town Manager and referred the draft of the CIP plan to the Planning Commission to begin their review and recommendation process.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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October 5, 2009

At this time, Mayor Morgan complimented Mr. Kelly, Mr. Dew and Town staff on the completion of the Walden Road project. Mrs. Lowe commented that the bridge was an excellent addition to the area.

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Mr. Kelly, Town Manager, commented that he would like to bring to the Council's attention at this time an interim report by the Sinking Spring Cemetery Committee. Mr. Kelly indicated that the committee had met the previous Saturday and considered the addition of a columbarium on the grounds of the Cemetery that would present in the form of a brick wall. The Committee further determined that they wished to continue to pursue the state legislators regarding the granting of land in the Cemetery, the Penn and Campbell Scott additions, to the Town which would provide additional gravesites on the grounds. Mr. Kelly reported that the committee would like to hire Patrick Garrow to survey the cemetery grounds to pinpoint exact burial locations. The Committee also recommended that a power point presentation be developed regarding the Sinking Spring Cemetery that would be narrated by Mr. Gene Matthis.

Mayor Morgan commented that the Sinking Spring Cemetery is actually three (3) cemeteries side by side and that the Town is maintaining all three sections. He noted that the Town doesn't actually have full legal ownership of all the properties and the Committee feels it is in the best interest of the Town to pursue the State Legislators to have ownership granted to the Town.

**On motion of Mr. Berry, seconded by Dr. Moore, the Council appropriated a loan of \$3,000 from the Town Manager's professional services line item to be used for the Cemetery committee to hire Patrick Garrow to survey a portion of the Cemetery grounds to pinpoint exact burial locations and further to pursue design services regarding a columbarium and requested that the Town Attorney continuing pursuing state legislators regarding the granting of ownership of Penn and Campbell Scott additions of land in the cemetery to the Town in order to provide additional gravesites.**

**The roll call vote was as follows:**

|                       |            |
|-----------------------|------------|
| <b>Mr. Berry</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>      | <b>Aye</b> |
| <b>Mrs. Humphreys</b> | <b>Aye</b> |
| <b>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

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H. PASSAGE OF RESOLUTIONS – None.

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**I. FIRST READING OF ORDINANCES – None.**

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J. SECOND READING OF ORDINANCES

1. An Ordinance of the Council of the Town of Abingdon to amend the Town of Abingdon Zoning Map to Change the Zoning of a Portion of the Stonybrook Development Property at Tax Map #085-14-29, Located off of Hillman Highway, from R-3 (Residential) to PUD (Planned Unit Development).

On motion of Dr. Moore, seconded by Mrs. Lowe, the Council approved the Ordinance of the Council of the Town of Abingdon to amend the Town of Abingdon Zoning Map to Change the Zoning of a Portion of the Stonybrook Development Property at Tax Map #085-14-29, Located off of Hillman Highway, from R-3 (Residential) to PUD (Planned Unit Development) as presented on second reading.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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2. An Ordinance of the Council of the Town of Abingdon to Repeal, Amend and Reenact the Code of Ordinances of the Town of Abingdon, Virginia by adding to Chapter 66, Article II, and enacting Sections numbered 27 through 31, relating generally to the Old and Historic District, Tax Abatement Incentives.

On motion of Mr. Berry, seconded by Mrs. Humphreys, Council approved the Ordinance of the Council of the Town of Abingdon to Repeal, Amend and Reenact the Code of Ordinances of the Town of Abingdon, Virginia by adding to Chapter 66, Article II, and enacting Sections numbered 27 through 31, relating generally to the Old and Historic District, Tax Abatement Incentives on second reading.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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3. An Ordinance of the Council of the Town of Abingdon to Repeal, Amend and Reenact the Code of Ordinances by adding to Appendix B, Article 8A, Sections Numbered 1 through 8 and Relating Generally to the Creation of the Downtown Abingdon Arts and Cultural District.

On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council approved the Ordinance of the Council of the Town of Abingdon to Repeal, Amend and Reenact the Code of Ordinances by adding to Appendix B, Article 8A, Sections Numbered 1 through 8 and Relating Generally to the Creation of the Downtown Abingdon Arts and Cultural District on second reading.

Mrs. Lowe commented that Council should consider creating a board similar to the Board of Architectural Review for the Arts and Cultural District.

Mayor Morgan commented that the Town Manager's office had authority, as set forth in the Ordinance, to oversee the business applications for tax relief as per the Arts and Cultural District.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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**K. UNFINISHED BUSINESS**

1. Report on meeting with Virginia Department of Transportation regarding Southview Drive interchange.

John Dew appeared before the Council members to report on his meeting with VDOT regarding the Southview Drive interchange. Mr. Dew indicated in light of the Lowes Home Center Construction in that area, residents were concerned with the increase in traffic and if the existing pattern would accommodate the already congested area. Mr. Dew indicated that he any upgrades, improvements or extensions to the traffic flow in the area would have to have been required by Washington County and they had not requested any upgrades or improvements. Mr. Dew indicated that VDOT officials commented that they did not anticipate any improvements in the Exit 19 area in the near future. Mayor Morgan inquired if a signal light could be installed in the area, at Town expense, and Mr. Dew noted that Empire Drive was not a Town road but was maintained by VDOT and the Town would not have authority to install a light at that intersection.

Mrs. Lowe requested that Mr. Dew provide a letter to Mr. McBeth, a resident from the area who had appeared at the prior Council meetings to speak about this issue, as well as another resident who had submitted a letter to Council regarding the same issue.

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L. MATTERS NOT ON THE AGENDA

- Henry McCarthy, resident of Hillside Drive, appeared before the Council members to report on the Fairview at Abingdon site. Mr. McCarthy commended the Town staff for their efforts and indicated that progress was being made each day at the site. Mayor Morgan inquired about the cabin on the property and Mr. McCarthy reported that Town staff had done an excellent job clearing up the debris and that a contractor had been hired to winterize the cabin and prevent further weather damage. Mr. McCarthy indicated that the Fairview committee had considered having a corn maze on the property issue and eventually become a venue for musical performances.

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#### **M. COUNCIL MEMBER REPORTS**

- Dr. Moore – reported on his recent trip to Lynchburg as a member of the TransDominion Express to take the first Amtrak train ride from Washington to Lynchburg. Dr. Moore further reported that he was able to meet with the President of Norfolk Southern and inquired about donating to the Town a large parcel of unused land owned by the railway to the Town. Dr. Moore noted the property is adjacent to the Creeper Trail and would be useful to the Town for projects along the Creeper Trail. Dr. Moore also reported on a recent visit from officials from several localities in North Carolina who came to Abingdon to tour the Virginia Creeper Trail.
- Mrs. Lowe – complimented the Recreation Department and staff for the successful fishing rodeo held the previous weekend at the Coomes Center.

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N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for consideration of appointments to the Tree Commission, the Board of Zoning Appeals, and the Sinking Spring Cemetery Committee.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council reconvened in regular session.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

The Town Clerk, Cecile Rosenbaum, read the following certification to be adopted by the Council members:

***WHEREAS**, the Council of the Town of Abingdon, Virginia has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions set forth in the Virginia Freedom of Information Act; and*

***WHEREAS**, Sec. 2.2-3712(D) of the Code of Virginia, 1950, as amended, requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law; and*

***NOW THEREFORE**, be it resolved, that the Council of the Town of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from an open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.*

The certification was as follows:

Mr. Berry	I so certify
Mrs. Lowe	I so certify
Mrs. Humphreys	I so certify
Dr. Moore	I so certify
Mayor Morgan	I so certify

1. *The Tree Commission (2)*

On motion of Dr. Moore, seconded by Mr. Berry, the Council appointed Oliver Craughwell to the Tree Commission and further reappointed Ed Morgan to a second term on the Tree Commission.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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2. *Board of Zoning Appeals (1)*

**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council appointed Paul Quetsch to fill the unexpired term of Mark Graham on the Board of Zoning Appeals.**

**The roll call vote was as follows:**

|                       |            |
|-----------------------|------------|
| <b>Mr. Berry</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>      | <b>Aye</b> |
| <b>Mrs. Humphreys</b> | <b>Aye</b> |

**Dr. Moore**            **Aye**  
**Mayor Morgan**      **Aye**

**The motion carried.**

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**3. *Sinking Spring Cemetery Committee (I)***

**On motion of Mrs. Humphreys, seconded by Mrs. Lowe, the Council appointed Carolyn Lee to the Sinking Spring Cemetery Committee to fill the unexpired term of Francine Ivery.**

**The roll call vote was as follows:**

**Mr. Berry**            **Aye**  
**Mrs. Lowe**           **Aye**  
**Mrs. Humphreys**   **Aye**  
**Dr. Moore**           **Aye**  
**Mayor Morgan**      **Aye**

**The motion carried.**

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On motion of Mr. Berry, seconded by Mrs. Lowe, the Council agreed to convene in Closed Session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the purpose of discussion or consideration of performance and evaluation of a Council appointee.

The roll call vote was as follows:

Mr. Berry **Aye**
Mrs. Lowe **Aye**
Mrs. Humphreys **Aye**
Dr. Moore **Aye**
Mayor Morgan **Aye**

The motion carried.

On motion of Mr. Berry, seconded by Dr. Moore, the Council reconvened in regular session.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

The Town Clerk, Cecile Rosenbaum, read the following certification to be adopted by the Council members:

WHEREAS, the Council of the Town of Abingdon, Virginia has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions set forth in the Virginia Freedom of Information Act; and

WHEREAS, Sec. 2.2-3712(D) of the Code of Virginia, 1950, as amended, requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law; and

NOW THEREFORE, be it resolved, that the Council of the Town of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from an open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

The certification was as follows:

Mr. Berry	I so certify
Mrs. Lowe	I so certify
Mrs. Humphreys	I so certify
Dr. Moore	I so certify
Mayor Morgan	I so certify

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At this time, Mayor Morgan noted the announcements and upcoming events listed on the Agenda.

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Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk