

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, APRIL 1, 2013 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, April 1, 2013 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. ROLL CALL

Members of Council Present:

Edward B. Morgan, Mayor
Mrs. Cathy Lowe, Vice Mayor
Mr. Jason N. Berry
Mr. Richard E. Humphreys
Mr. Robert M. Howard

Administrative/Town Staff:

Gregory W. Kelly, Town Manager
Garrett Jackson, Assistant Town Mgr./Dir. Of Planning
Cecile M. Rosenbaum, Town Clerk
Deborah Icenhour, Town Attorney
Jim Smith, Dir. Of Wastewater Operations/Town Eng.
Jim Cowart, Dir. of Econ. Dev/Grants Writer
John Dew, Dir. Public Services/Construction
Tony Sullivan, Chief of Police
Kevin Costello, Dir. of Tourism
Kevin Worley, Dir. of Parks & Recreation
Debbie Atkins-Vance, Dir. of Human Resources
Sean Taylor, Asst. Town Planner
Jon Phelps, Information Technology Dept.

Visitors:

Daveena Sexton, Susan Howard, Rich Macbeth and others

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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Rick Humphreys, Council Member.

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C. SPECIAL EMPLOYEE PRESENTATION

- Mr. Kelly, Town Manager presented Sean Taylor, Assistant Town Planner with his five (5) year service award and pin and thanked him for his service to the town.

- Mr. Kelly noted that Rick Watson, employee of the Wolf Creek Water Reclamation Facility was unable to attend the meeting but thanked him for his ten (10) years of service to the town.

D. APPROVAL OF MINUTES

- March 4, 2013 Work Session Meeting
- March 4, 2013 Regular Meeting
- March 20, 2013 Budget Work Session Meeting
- March 21, 2013 Budget Work Session Meeting
- March 27, 2013 Budget Work Session Meeting
- March 28, 2013 Budget Work Session Meeting

On motion of Mr. Berry, seconded by Mrs. Lowe, the Council members approved the minutes of the March 4, 2013 Work Session Meeting, the March 4, 2013 Regular Meeting, the March 20, 2013, March 21, 2013, March 27, 2013 and March 28, 2013 Budget Work Session meetings, all as presented.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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#### **E. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES –**

1. **Public Hearing - First Reading** - Notice of Proposed Real Property Tax Increase as a result of reassessment.

Mr. Kelly commented that the item before Council for consideration was an Ordinance of a proposed real property tax increase for the FY 2013/2014. Mr. Kelly clarified that the Ordinance was necessary to establish that the recent real property reassessments exceeded last year's total assessed value of real property by 4.68%. Mr. Kelly indicated that the real property tax rate of \$.28 cents per \$100 remained unchanged but the increase in assessment amounts would result in an increase of tax revenue over the 2012 amount. In addition, Mr. Kelly noted that the Ordinance was prepared and

advertised in accordance with the provisions set forth in the Code of Virginia, 1950, as amended, §58.1-3321, et seq.

Mayor Morgan declared the public hearing open and hearing no comments, closed the public hearing.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the Ordinance Proposing a Real Property Tax Increase for the Fiscal Year 2013/2014 and confirmed that the real property tax rate would remain unchanged at \$ .28 cents per \$100.**

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

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

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2. Petition for Consideration of final plat for Proposed Subdivision – Mabe Subdivision, A Division of property owned by Elden Mabe and Rickey Dale Mabe. Property is located at the intersection of Trigg Street and Short Street, consisting of 21.7+/- acres and currently zoned AFOS, Tax Map No. 105(A)12.

Garrett Jackson, Assistant Town Manager reported the matter before Council for consideration was relative to a final plat for proposed subdivision owned by Elden Mabe and Rickey Dale Mabe. Mr. Jackson noted that the Planning Commission had considered the matter at their regular meeting and had unanimously approved the final plat with waivers of the sidewalk and curb and guttering requirements based on staff recommendation that the property, a 21.7 acre tract, is zoned AFOS by the Town and located in a rural area and the applicants dedicate a 10' right of way to the Town for future road improvements that may be needed.

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council, upon recommendation of the Planning Commission, approved the final plat for the proposed Mabe Subdivision located at the intersection of Trigg Street and Short Street, with waivers of the sidewalk and curb and guttering requirements based on staff recommendation that the property, a 21.7 acre tract, is zoned AFOS by the Town and located in a rural area and the applicants have dedicated a 10' right of way to the Town for future road improvements that may be needed.

The roll call vote was as follows:

Mr. Howard	Aye
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Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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**F. SECOND READINGS OF ORDINANCES – None.**

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G. CONSIDERATION OF ANY BIDS – None.

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**H. REPORTS FROM THE TOWN MANAGER**

**1. Consideration of request by Veterans Memorial Park Board to place markers in various locations in town.**

Garrett Jackson, Assistant Town Manager reported that the Veterans Memorial Park Board had reviewed and recommended the placement of brass markers symbolizing the path of the Lewis and Clark expedition and noted that it is believed that the explorers stayed in Abingdon on the way home from their journey. Mr. Jackson commented that the Park Board desired to place a marker in front of the Town Hall and at the Veterans Memorial Park site. Mr. Jackson noted that the request would not require any additional funding from the town

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council approved the placement of two markers symbolizing the expedition of Lewis and Clark, one to be placed in front of the Town Hall building and one at the Veterans Memorial Park site.**

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

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

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2. **Consideration of additional funding appropriation by the Abingdon Senior Center.**

Daveena Sexton, Executive Director of the Abingdon Senior Center addressed the board relative to a request for an additional funding appropriation for the Center. Ms. Sexton noted the Center had experienced a 40% reduction in funding from other agencies and asked if the Town could consider an additional funding appropriation in the amount of \$15,000. Ms. Sexton noted that she was working with the Town Manager and town staff on a partnership agreement wherein the town could utilize space at the Center for programs in exchange for the additional appropriation. Mrs. Lowe commented that she served on the Senior Center Board and they had made great strides in the last three months to become more financially stable.

On motion of Mr. Humphreys, seconded by Mr. Berry, the Council approved an additional appropriation of \$15,000, to be taken from Council Contingency and contingent on the Town Manager executing a Memorandum of Agreement for the use of the Senior Center for special programs offered through the Coomes Recreation Center.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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3. **Consideration of approval of health insurance plan for town employees for FY 2013/2014**

Greg Kelly, Town Manager commented that the matter before Council for consideration was relative to the approval of a health insurance plan for town employees for the 2013/2014 year. Mr. Kelly reported that the cost of the Local Choice plan for the upcoming fiscal year had increased 3.9%. Mr. Kelly noted that insurance consultant, Sam Brown, had reviewed the town's employee health insurance plan and recommended that the Town continue with Local Choice for the FY 2013/2014.

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved Local Choice as the employee health plan for FY 2013/2014 and further authorized the Town Manager to enter into the agreement with Local Choice.**

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

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

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I. PASSAGE OF RESOLUTIONS

1. A Resolution of the Council of the Town of Abingdon, Virginia designating April 1st through April 7th, 2013 as Local Government Education Week

Greg Kelly, Town Manager commented on the Resolution before Council for consideration relative to the establishment of the week of April 1st through April 7th, 2013 as Local Government Education Week. Mr. Kelly noted that he was on the Virginia Local Government Managers Association Civic Engagement that was responsible for getting this declaration through the House and Senate last year. Mr. Kelly commented that the VLGMA is committed to improving civic engagement and this Resolution would serve to provide valuable information about local government to the students in the middle and high school ages.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the following Resolution:

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA
DESIGNATING APRIL 1ST THROUGH 7TH, 2013 AS LOCAL GOVERNMENT
EDUCATION WEEK**

WHEREAS, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

WHEREAS, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

WHEREAS, citizen services such as law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

WHEREAS, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week of April as Local Government Education Week in Virginia; and

WHEREAS, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton, Virginia thereby making the first week of April appropriate for this designation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Abingdon, Virginia that April 1st through 7th 2013 is hereby designated as Local Government Education Week; and

BE IT FURTHER RESOLVES that the Council of the Town of Abingdon, Virginia and the Washington County, Virginia School Board will partner to promote the civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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**J. UNFINISHED BUSINESS**

**1. Update on the Country Club Stormwater Management Project**

Mr. Dew reported that the advertisement for bids had been placed and a mandatory pre-bid conference would take place on April 9<sup>th</sup>. Mr. Dew noted that the bids were set to open on April 30<sup>th</sup> and the Council would consider the bid award at the May 6<sup>th</sup> meeting.

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2. Update on the Whites Mill Road/Court/Hill Drive project

Mr. Dew reported that he continued to meet with property owners on easements required for the project and thanked Deb Icenhour, Kim Kingsley and Mr. Kelly for their assistance thus far with the project.

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**3. Update on the replacement of Trestle #7 on the Virginia Creeper Trail**

Mr. Dew commented that the bids for the Creeper Trail Trestle #7 had been extended by one week at the request of several contractors and that Council would consider the bid award at the May 6<sup>th</sup> meeting. Mr. Humphreys commented on the dimensions of the trestle and Mr. Berry inquired about a visit to the site.

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4. Update on the feasibility study for the Conference Center Hotel

Greg Kelly, Town Manager, commented that the Town's Economic Development Authority continued to work with the consultants for the finalization of the study and they expected to discuss the study at the EDA's regular April meeting.

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**5. Update on the Urban Pathways project**

Garrett Jackson, Assistant Town Manager, commented the RFP had been approved by VDOT and would be advertised for design services in the near future.

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6. Update on the West End Interceptor Project

Jim Smith, Town Engineer, commented that he had worked with the project contractor on a punch list of items needed for completion and noted that paving of Stonemill and Colonial Road would take place in the next several months.

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**K. MATTERS NOT ON THE AGENDA**

- William Booker, owner of the Moonlight Drive In Theater in Washington County appeared before the Council to comment on the new requirement from the Motion Picture Industry for theaters across the country to convert to all digital video. Mr. Booker inquired if the Council would be willing to consider a donation so that he could keep the Moonlight operating. Mr. Kelly commented that he would ask town staff to contact Mr. Booker to review grant opportunities for the theater since it is included on the National Historic Registry.

Mr. Booker inquired about land he owned that the town could consider for the placement of a sports complex. Mr. Kelly noted that a consultant had been hired to prepare a feasibility study on the sports complex and it would be several months before the report was complete.



- Mr. Humphreys commented that the Washington County Library was preparing for its annual Tisket Tasket, A Literary Basket fundraiser and inquired if the Council members would consider appropriating funding for a donation to the Library for the event.

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council approved the amount of \$1,000 from Council Contingency for the Washington County Library Tisket Tasket Fundraiser event.**

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

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

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L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- ***Board of Zoning Appeals***

- Appointment of member to the BZA to fill the expired term of Cam Bell who is not eligible for reappointment.

On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council appointed Dr. Ramsey White to serve on the Board of Zoning Appeals.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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- ***Planning Commission***

- Appointment of member to the Planning Commission to fill the expired term of Dr. Ramsey White who is not eligible for reappointment.

**At this time, On motion of Mr. Howard, seconded by Mr. Humphreys, the Council went into Closed Session pursuant to Section 2.2-3711(A)(1) for the consideration and discussion of appointments to the Planning Commission.**

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

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

**The motion carried.**

**On motion of Mr. Berry, seconded by Mr. Humphreys, the Council reconvened in regular session.**

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

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

**The motion carried.**

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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. Howard | I so certify |
| Mr. Humphreys | I so certify |
| Mr. Berry | I so certify |
| Mrs. Lowe | I so certify |
| Mayor Morgan | I so certify |

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**M. COUNCIL MEMBER REPORTS**

- Mr. Humphreys reported on the upcoming Overmountain Victory Trail conference to take place at the Higher Ed Center.
- Mrs. Lowe commented on an event she had been asked to attend at Emory & Henry and noted that current Director of the Abingdon Senior Center had submitted her resignation.
- Mr. Howard commented that the Planning Commission minutes from January 28<sup>th</sup> needed revision.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk