

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 4, 2013 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on February 4, 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
Floyd Bailey, Dir. of Information Technology
Jon Phelps, Information Technology Dept.

Visitors:

Rich Macbeth, Debra McCown, Eddie Copenhaver,
Virginia Copenhaver
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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Cathy Lowe, Vice Mayor.

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C. APPROVAL OF MINUTES

- January 7, 2013 Work Session Meeting
- January 7, 2013 Regular Meeting
- January 23, 2013 Work Session Meeting

On motion of Mr. Howard, seconded by Mr. Berry, the minutes of the January 7, 2013 work session meeting, the January 7, 2013 Regular meeting and the January 23, 2013 meetings were approved 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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**D. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES –**

- 1. Public Hearing – First Reading – An Ordinance of the Council of the Town of Abingdon, Virginia to Enact Chapter 18, Businesses, Article VII, §§ 18-144 through 18-153, Pawnbroker Ordinance of the Code of Ordinances for the Town of Abingdon.**

Greg Kelly, Town Manager reported that town staff had discovered that there was a need for the establishment of a Pawnbroker Ordinance and it was before Council now for public hearing and adoption. He noted that the Ordinance was necessary to allow a business in town to operate as a pawn shop, after receiving a letter from the Commonwealth Attorney who advised him that the business was not operating in a legal manner. Mr. Kelly noted that this was a requirement per the Code of Virginia and that the proposed Ordinance conformed to the provisions set forth in the Code. Mr. Kelly commented that he had met with the owner of K&R Pawn and Thrift Store, Kevin Canter, and had taken measures to fast track the adoption of this Ordinance so Mr. Canter could continue to operate his business. Mr. Kelly indicated that the zoning for the location of the business was acceptable and recommended that the Council, after conducting the public hearing, adopt the Ordinance on an emergency basis, effective immediately, which is allowed under the State Code.

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

Mr. Humphreys commented that he and Mayor Morgan had visited K&R Pawn and Thrift Store. Mr. Berry inquired about the length of time the matter would take to get through the Circuit Court approval process.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council adopted the Ordinance to Enact Chapter 18, Businesses, Article VII, §§ 18-144 through 18-153, Pawnbroker Ordinance of the Code of Ordinances for the Town of Abingdon on first reading, thereby dispensing with the second reading, to take effect immediately as provided in the State Code.**

**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. Public Hearing – *First Reading* - An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Chapter 58, Solid Waste, Article II, Storage and Collection, Division 1, Generally; Division 2, Town Collection; and Division 3, Containers §58-26 through §58-73 of the Code of Ordinances of The Town of Abingdon, Virginia.**

John Dew, Director of Public Services/Construction commented on the Ordinance before Council for public hearing relative to changes in the current Solid Waste Ordinance. Mr. Dew noted that the matter had been before Council for consideration on several occasions and that Council had discussed at length on each occasion the changes relative to multi-family dwellings and their use of dumpster containers as opposed to trash can containers and the change in monthly rubbish pickup.

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

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council members tabled this matter and asked that it be included on the March 4th 2013 regular agenda for further consideration.

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. SECOND READINGS OF ORDINANCES – None.**

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F. CONSIDERATION OF ANY BIDS – None.

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**G. REPORTS FROM THE TOWN MANAGER**

**1. Consideration of the Audit Report for the Town of Abingdon as of June 30, 2012.**

Greg Tucker, Bostic & Tucker, CPA appeared before the Council to report on the town's audit. Mr. Tucker indicated that the town had been managed well considering the difficult economic times and remained in very stable financial condition. Mr. Tucker commented that the Town received a clean opinion, with no findings and no need for further review. Mr. Tucker complimented the Council and staff on the Town's sound financial condition.

**On motion of Mr. Berry, second by Mrs. Lowe, the Council accepted the town's audit as of June 30, 2012 as presented.**

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

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|----------------------|------------|
| <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 request for a portion of previously committed funding for the King School of Medicine.

Jason Berry, Vice Chair of King School of Medicine Board of Trustees introduced Mr. Tariq Zaidi, Interim President and COO of KSOM. Mr. Zaidi provided Council with an update on the status of the Med School including his work with the Tobacco Commission, the LCME, and the Boards continuing efforts to secure donations and

support from the medical community as well as private partnerships. Mr. Zaidi asked the Council to consider appropriating KSOM an advance of \$50,000 for “seed money”. Mr. Zaidi noted that this appropriation will lead the way toward securing other funding and his hope is that the Washington County Board of Supervisors will agree to appropriate the same amount toward the project. Mr. Howard inquired about King College now being known as King University. Mr. Kelly commented that he felt the advance, should it be approved by Council, be taken from the Council’s previously committed funding amount and if the project were to fail, the funds advanced by the Council would be repaid. Discussion ensued among the Council members relative to making the advance contingent on the County Board of Supervisors committing the same amount and Mr. Humphreys noted his reluctance to make that a condition of the advance.

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council approved an advance in the amount of \$50,000 to the King School of Medicine to come from Council reserves, with said advance being conditional upon it being credited toward the town’s prior financial commitment toward the medical school. In addition, Mr. Berry’s motion formally requested that the Washington County Board of Supervisors commit the same amount to the project, and further noted that the Council would be repaid the \$50,000 advance amount if the Med School project should not succeed.

The roll call vote was as follows:

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

Mayor Morgan commented that he was optimistic the project would come together and expressed his hope that the project would address the need for treatment for drug addiction in the Southwest Virginia area. Mr. Zaidi noted that the Board for KSOM had indicated a desire to address this problem through research and development in the “rural settings” of Southwest Virginia.

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#### **H. PASSAGE OF RESOLUTIONS – None.**

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I. UNFINISHED BUSINESS

1. **Update on the status of the Virginia Copenhaver property located at 205 Preston Street, Abingdon as it relates to a request for improvements to the turning radius at the corner of Preston and Hagy Streets and the protection of the brick wall located on the corner of Mrs. Copenhaver's property.**

Mr. Dew, Director of Public Services and Construction commented that this matter had been before Council for consideration for several months. Mr. Dew indicated that he has further investigated the Copenhaver matter relative to the costs of relocating utility poles and a water meter, additional paving in the area and the construction of a retaining wall on the side that borders the United Way building. Mr. Dew commented that the town crews could do the work for approximately \$6,300 and a private contractor could do the work for an estimated \$12,100. Mr. Kelly commented that this could later be considered by Council during the upcoming budget process, when Council could determine what, if anything, it planned to do relative to this issue. Mr. Kelly advised that the Copenhaver's that he would inform them when a final decision was made in this regard.

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

Mr. Dew reported that he had updated Council on this matter during their prior work session with regard to his communication with VDEM and the timing of the bid process. Mrs. Lowe gave Mr. Dew Country Club resident, Vesta Andrews' phone number and asked if he could call and update her on the project.

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

John Dew, Director Public Services and Construction commented that he would be holding a public meeting on the project at 5:00 p.m. at the Senior Center on Tuesday, February 5th to discuss the needed easements and the relocation of utility poles in the area.

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

John Dew, Director of Public Services/Construction commented that the bridge design was complete and he had secured an agreement with the property owners for rite of passage under the trestle for equipment.

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5. 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 study and that the Council members would be contacted by phone to answer some questions about the hotel study.

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

Garrett Jackson, Assistant Town Manager commented that he had received the signed agreement from VDOT for the project. Mr. Jackson noted that he hoped to have a design to the Council in April for consideration.

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7. Update on the West End Interceptor Project

Jim Smith, Town Engineer commented that the contractor was moving forward with the final areas involved in the project and hoped to have the current phase of the project completed by March 11th.

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**J. MATTERS NOT ON THE AGENDA**

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K. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

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**L. COUNCIL MEMBER REPORTS**

- Mr. Humphreys thanked the town crews for the recent removal of snow from the town's streets and noted that Mr. Dew was out with the crews. Mr. Humphreys noted that the annual Housing Authority conference would be held in Abingdon in April.

- Mr. Lowe reported that she had attended meetings as a board member at Heartwood and the Abingdon Senior Center and both were moving forward.
- Mr. Howard thanked the town's crews for their snow removal efforts and inquired about a stop at the town's train station by a steam engine train excursion.
- Mr. Berry commented on the recent trip to Richmond for VML Legislative Day.
- Ms. Rosenbaum commented on the recent death of long time Taylor's Hill resident, Mrs. Billie Knight.
- Mayor Morgan commented that he and Mr. Humphreys had attended the recent Martin Luther King celebration.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk