

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 3, 2012 – 5:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on January 3, 2012 at 5:30 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
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
Jim Cowart, Dir. of Econ. Dev/Grants Writer
John Dew, Dir. Public Services/Construction
Tony Sullivan, Chief of Police
Kevin Worley, Dir. of Parks & Recreation
John Phelps, Information Technology Dept.

Visitors:

Carl Mallory, Rich Macbeth, Susan Howard, family of
Elizabeth Coakley

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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Tony Sullivan, Chief of Police.

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C. APPROVAL OF MINUTES

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the minutes of the December 5, 2011 work session meeting and the December 5, 2011 Regular meeting as presented.

The roll call vote was as follows:

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



D. SPECIAL CITIZEN ACKNOWLEDGEMENT

1. A Resolution of the Council of the Town of Abingdon Congratulating Abingdon High School Student Elizabeth Coakley on being named Miss Virginia Teen USA 2012.

Mayor Morgan asked Ms. Coakley to come forward and he read the following Resolution into the record:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA CONGRATULATING ABINGDON HIGH SCHOOL STUDENT ELIZABETH COAKLEY FOR BEING NAMED MISS VIRGINIA TEEN USA 2012

WHEREAS, Elizabeth Coakley is student at Abingdon High School and competed in November, 2011 for the title of Miss Virginia Teen USA 2012; and

WHEREAS, Elizabeth was awarded the title of Miss Virginia Teen USA 2012 and will be representing Abingdon and Washington County, Virginia throughout her reign; and

WHEREAS, Elizabeth is the daughter of Bruce and Leslie Coakley, sister to Noah and is an active member of Highlands Fellowship Church; and

WHEREAS, Elizabeth is currently a junior at Abingdon High School and has achieved academic success while also serving as a staff writer for the school's yearbook *The Beacon* and playing second baseman for the Lady Falcons Varsity Softball Team; and

WHEREAS, Elizabeth has served her community through her volunteer efforts with the Susan G. Komen Foundation, Chain Free Abingdon, the Washington County Literacy Program and the Washington County Animal Shelter, and last year raised \$12,000 for the American Heart Association through the Queen of Hearts Program; and

WHEREAS, Elizabeth would like to pursue a career in sports broadcasting and as a result of being crowned Miss Virginia Teen USA 2012 received a \$72,000 scholarship from

Emory & Henry College, a \$45,600 scholarship from Lindenwood University in St. Charles Missouri, and an \$8,000 scholarship from Liberty University.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Abingdon congratulates Abingdon High School student Elizabeth Coakley on being named Miss Virginia Teen USA 2012 and wish her much success as she competes in the Bahamas for the title of Miss Teen USA.

Mayor Morgan congratulated Ms. Coakley on her accomplishment and wished her the best of luck in representing Abingdon and Southwest Virginia during the coming year.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council adopted the Resolution as presented and read into the record.

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 – Consideration of an Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Chapter 50, §50-6(a) & (b), Discharge of Firearms; and §50-7(a), Use of Air Guns, Slingshots, Grit Shooters; Throwing missiles of the Code of the Town of Abingdon, Virginia.**

Deb Icenhour, Town Attorney commented that this Ordinance was before Council for public hearing and first reading. Ms. Icenhour reported that the changes in the Ordinance were necessary in order to make the language consistent with that of the State Code thereby making it consistent with State law.

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

Mr. Humphreys commented about the restrictions imposed by the changes in the Ordinance.

Chief Sullivan commented that these changes would make the Ordinance consistent with State Code.

Mayor Morgan inquired about the exclusion for special historical events and Ms. Icenhour confirmed that she had included that language in the proposed Ordinance.

**On motion of Mr. Howard, seconded by Mr. Berry, the Council approved the Ordinance to Repeal, Amend and Reenact Chapter 50, §50-6(a) & (b), Discharge of Firearms; and §50-7(a), Use of Air Guns, Slingshots, Grit Shooters; Throwing missiles of the Code of the Town of Abingdon, Virginia.**

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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F. SECOND READING 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 a request for a variance from the Virginia Erosion and Sediment Control Regulations Minimum Standards #19 requirements by K-VA-T Food Stores.**

Mr. Kelly commented that Mr. Smith, Town Engineer had received a letter from Appalachia Design Services on behalf of K-VA-T requesting a variance to void the requirements of Virginia Department of Conservation and Recreation Minimum Standard #19 with regard to the K-VA-T corporate headquarters project on the former Johnston Memorial Hospital site. Mr. Smith referred the matter to Phyllis Hinch, Stormwater Compliance Specialist with DCR who responded favorably to the request for the variance.

Timothy J. Kuykendall representative from Appalachia Design Services was present and commented that all existing water systems on the site will be used and there will be no additional connections requested for the site.

Mr. Humphreys requested that the Appalachia Design Services work with the Town's Arborist, Kevin Sigmon with regard to increasing the town's tree canopy on the site.

Mrs. Lowe commented that the matter had gone before the Planning Commission and had been approved.

On motion of Mr. Berry, seconded by Mr. Howard, the Council granted the request for variance to void the requirements of Virginia Department of Conservation and Recreation Minimum Standard #19 with regard to the K-VA-T corporate headquarters project on the former Johnston Memorial Hospital site.

The roll call vote was as follows:

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



2. Consideration of request for letter of support from the Holston River Soil and Water Conservation District.

Meg Short, TMDL Conservation Specialist, appeared before the Council members to request a letter of endorsement from the Town for their Purchase of Development Rights Program (PDR). Ms. Short commented on the goals of the program and added that the Creeper Trail is a target area for their organization.

Mr. Kelly commented that The Muster Grounds site is protected through a conservation easement which fits within the scope of the PDR program.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council authorized a letter of support, signed by the Mayor, be sent to the Holston River Soil and Water Conservation District in favor of their Purchase of Development Rights Program.

The roll call vote was as follows:

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



3. Consideration of report on the status of the repairs to Trestle #7 of the Virginia Creeper Trail.

John Dew, Director of Public Services and Construction reported on the design submittals received for the re-build of Trestle #7 on the Virginia Creeper Trail. Mr. Dew referred to the drawings that Council members had been provided and noted the three (3) most favorable options were as follows:

- Option 2A which is a wood structure at a cost of \$1,483,300
- Option 2B which is a wood and steel structure at a cost of \$1,145,200
- Option 3D which is a earth fill culvert at a cost of \$1,253,500

Mr. Dew explained the criteria for the selection of the three (3) options and indicated that he and Mr. Kelly would be meeting with the family on whose property the trestle is located to get their comments on the proposed re-build options.

Mr. Kelly commented that he would like to see a monument constructed from old Trestle 7 timbers commemorating the original structure.

Mr. Humphreys inquired about the use of the trail while the re-build is in progress and if trail patrons would still be able to travel through that area.

Mayor Morgan thanked Mr. Dew for his update on the project and asked that he report to Council regularly as the project progresses.

No action was required by Council on this matter.



4. Consideration of relocation of meetings for the Planning Commission, the Board of Zoning Appeals, the Tourism Advisory Committee, and the Board of Architectural Review.

Mr. Kelly reported that Council members had discussed asking the Planning Commission, the Board of Zoning Appeals, the Board of Architectural Review and the Tourism Advisory Committee to convene their meetings in the Council chambers. Mr. Kelly indicated that the Council Chamber was a safer and more secure location to hold meetings. Mr. Kelly noted that Council had originally included the Tourism Advisory Committee in this move but after considering the size of that group, recommended that group continue to meet in the downstairs meeting room.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council directed that the Planning Commission, the Board of Architectural Review, and the Board of Zoning Appeals convene their regular meetings in the Council Chambers effective immediately.

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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5. **Consideration of appointment of two (2) Town Council members and one (1) alternate to meet with Town Manager and appropriate staff regarding matters of (a) Economic Development and (b) Acquisition, Maintenance and Disposition of Town Owned Properties when such is necessitated by the Town Manager.**

Mr. Kelly reported that he had asked Council to consider appointing two (2) members from Council to meet with him from time to time on matters involving Economic Development and acquisition, maintenance and/or disposition of town property.

Mr. Humphreys inquired if both matters could be combined and the appointed Council members consider the issues involved with both areas.

Mr. Kelly noted that his main objective was to increase the involvement of the Council on all levels and the appointees would serve as liaisons between the staff and the Council.

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council members appointed Mrs. Lowe and Mr. Berry as the designated representatives to meet with the Town Manager on matters involving Economic Development and Acquisition, Maintenance and/or Disposition of Town Owned Properties and further appointed Bob Howard to serve as an alternate should Mrs. Lowe or Mr. Berry be unable to meet.**

**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> |



**6. Consideration of appointment of Assistant Town Manager.**

Mr. Kelly, Town Manager, reported that he had been considering the appointment of an Assistant Town Manager for some time to assist with matters primarily involving the Capital Improvement Plan and the Comprehensive Plan. Mr. Kelly informed the Council that after review of qualifications, education and training, it was his honor and privilege to recommend Garrett Jackson, Director of Planning to serve as the Assistant Town Manager.

Mrs. Lowe inquired if Mr. Jackson was a Council appointee and Mr. Kelly confirmed that in accordance with the provisions set forth in the Town Charter, Mr. Jackson would be considered a Council appointee.

Mayor Morgan commented that this was a new position within the town structure and commended Mr. Jackson and the town staff members who have progressed professionally through additional education and training while employed with the town.

Mr. Humphreys and Mr. Berry indicated that they had known Mr. Jackson for some time personally and professionally and felt he was an excellent choice for the position of Assistant Town Manager.

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council appointed Garrett Jackson to serve as the Assistant Town Manager.**

**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> |



## **I. PASSAGE OF RESOLUTIONS**

### **1. Consideration of Resolution to Commemorate the 25<sup>th</sup> Anniversary of the Martin Luther King Parade in the Town of Abingdon, Virginia.**

Mr. Humphreys asked that the Resolution be read into the record.

**On motion of Mr. Berry, seconded by Mr. Humphreys the Council approved the Resolution as follows and recited for the record:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
ACKNOWLEDGING THE 25<sup>TH</sup> ANNIVERSARY OF EVENTS IN THE TOWN OF ABINGDON  
COMMEMORATING THE LIFE AND WORK OF DR. MARTIN LUTHER KING, JR.**

**WHEREAS**, Dr. Martin Luther King, Jr., forever changed our Nation through his leadership, service, and vision for a better United States; and

**WHEREAS**, though his time upon this earth was brief, he devoted his life to strengthening the content of the American character and called upon our Nation to live up to its founding principles of life, liberty, and the pursuit of happiness for all its citizens; and

**WHEREAS**, through his spirit, determination, and resolve, Dr. King helped lift souls and lead one of the greatest movements for equality and freedom in history; and

**WHEREAS**, the 25<sup>th</sup> Annual Dr. Martin Luther King, Jr. Celebration will be held on January 14<sup>th</sup>, 2012 at 1:30 p.m. in the Town of Abingdon, Virginia; and

**WHEREAS**, the Abingdon-based Appalachian Peace Education Center, which has pursued working for peace and justice since 1982, will be supporting the event, along with the Virginia Highlands Community College; and

**WHEREAS**, the annual march will precede, as it has each year, a program devoted to Dr. King's speeches and musical movements, presented by local church choirs and individuals, held at the Abingdon First United Methodist Church on East Main Street in Abingdon at 2:00 p.m.; and

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Abingdon, Virginia does hereby acknowledge the 25<sup>th</sup> Anniversary of events in the Town of Abingdon commemorating the life and work of Dr. Martin Luther King, Jr. and does further commend the organizers and participants in these events.

**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> |

*Mr. Humphreys noted that a correction needed to be made to indicate that Abingdon United Methodist Church would be the location for the 2:00 p.m. program.*

**J. UNFINISHED BUSINESS – None.**

**K. MATTERS NOT ON THE AGENDA**

- Rich Macbeth of 1149 Panorama Drive, Abingdon inquired about the update the Exit 19 area the traffic study from VDOT. Mr. Macbeth inquired if the Town was pursuing the purchase of property in the Exit 19 area. Mrs. Lowe encouraged Mr. Macbeth to keep the Washington County Board of Supervisors apprised of his concerns about the Exit 19 area.
- Susan Howard, Director of Advance Abingdon reported that she will be holding a public input meeting to receive comments on proposed designs for the park across from the Post Office on Main Street. Mrs. Howard indicated the meeting will be held on January 11<sup>th</sup> at the Coomes Center from 4:00 to 6:30 p.m.

**L. COUNCIL MEMBER REPORTS**

- Mr. Humphreys commented on the Festival of Trees event held at the Fields Penn House during December. Mr. Humphreys reported that the Washington County Preservation Foundation had expressed their willingness to donate the Breckenridge Cabin, currently located on the Washington County Library site, to the Town.

- Mrs. Lowe commented on a recent newspaper article regarding William King Museum and their need to have plans for the Museum reviewed by the town's Planning Commission. Mrs. Lowe reported that the annual Chamber of Commerce dinner will be held at the Fairgrounds this year and invited everyone to attend the Chamber breakfast meetings.
- Mr. Berry reported on the Tourism Advisory Committee meeting that he attended regarding strategic planning. Mr. Berry commented that he would be seeking re-election for Council in May, 2012.
- Mayor Morgan commented that he would also be seeking re-election for Council in May, 2012.



## **M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

### **1. Update on the Country Club Stormwater Management project.**

Mrs. Icenhour reported on the recent developments with the submittal of the Hazard Mitigation Plan by Mount Rogers Planning District Commission as it relates to the Country Club project. Mr. Smith, Town Engineer reported on the redesign of a stormwater channel in the neighborhood and the development of a new plat depicting that design change. Mrs. Lowe inquired about the redesign and asked if it was the best design for the project. Mr. Smith commented that the affected property owner had asked for the maximum protection of his property. Ms. Icenhour indicated that she and Mr. Smith would continue to work with the property owners in the area and report to Council on the status of the negotiations.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk