

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

A regular meeting of the Abingdon Town Council was held on January 7, 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
Jon Phelps, Information Technology Dept.

Visitors:

Susan Howard, Allan Hay and others
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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. EMPLOYEE ACKNOWLEDGEMENTS – *Greg Kelly, Town Manager*

- Mr. Kelly congratulated Allen Hay, School Resource Officer for his 25 years of service to the Town's Police Department. Mr. Kelly presented Mr. Hay with a plaque and a 25 year service pin.

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**D. APPROVAL OF MINUTES**

- December 3, 2012 Work Session Meeting
- December 3, 2012 Regular Meeting
- December 19, 2012 Work Session Meeting

**On motion of Mr. Humphreys, seconded by Mr. Howard, the minutes of the December 3, 2012 work session meeting, the minutes of the December 3, 2012 regular meeting and the minutes of the December 19, 2012 work session meeting were approved as presented.**

**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>Abstain</b> ( <i>Mrs. Lowe was absent from the December 19, 2012 work session meeting</i> ) |
| <b>Mayor Morgan</b>  | <b>Aye</b>                                                                                     |

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

1. **Public Hearing –An Ordinance of the Council of the Town of Abingdon, Virginia to Rescind, Amend, and Re-enact Chapter 70, Traffic and Vehicles, Article II, Administration and Enforcement, Division I, Generally, §70-29 of the Code of Ordinances of the Town of Abingdon, Virginia.**

Tony Sullivan, Chief of Police appeared before the Council members to comment on the need for the repeal of the current Ordinance relative to the issuing of parking tickets by the town's police department. Chief Sullivan noted that approval of the Ordinance would benefit the police department and bring the town's current Ordinance into compliance with provisions set forth in the Code of Virginia.

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

On motion of Mr. Howard, seconded by Mr. Berry, the Council approved the Ordinance to Rescind, Amend, and Re-enact Chapter 70, Traffic and Vehicles, Article II, Administration and Enforcement, Division I, Generally, §70-29 of the

Code of Ordinances of the Town of Abingdon, Virginia on first reading, thereby dispensing with the second reading.

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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- 2. Public Hearing – An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend, and Reenact Part II, Chapter 26, Community Development, Article III, Industrial Development Authority, Section 26-42 of the Code of Ordinances of the Town of Abingdon, thereby changing the name of the Industrial Development Authority to the Economic Development Authority of the Town of Abingdon, Virginia.**

Greg Kelly, Town Manager commented on the town's Industrial Development Authority's request to change their official name to Economic Development Authority. Mr. Kelly noted that the committee members felt the name change more accurately reflected their mission as a group working to enhance economic development opportunities in the Town.

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 approved the Ordinance to Repeal, Amend, and Reenact Part II, Chapter 26, Community Development, Article III, Industrial Development Authority, Section 26-42 of the Code of Ordinances of the Town of Abingdon, thereby changing the name of the Industrial Development Authority to the Economic Development Authority of the Town of Abingdon, Virginia on first reading, thereby dispensing with the second reading.**

**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 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. Authorization of Town Manager to enter into negotiations and execution of contract with Pennoni Associates, Inc. as a design study consultant for the Sports Complex Feasibility Study.**

John Dew, Director of Public Services/Construction reported that bids for the Sports Complex Feasibility Study had been received and there were six (6) total submissions. Mr. Dew noted that he assembled a team to review the bids and the recommendation of the committee was to begin contract negotiations with Pennoni Associates, Inc.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council authorized Greg Kelly, Town Manager to enter into contract negotiations with Pennoni Associates, Inc. as the design study consultant for the Sports Complex Feasibility Study.

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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**I. PASSAGE OF RESOLUTIONS**

**1. Consideration of Resolution of the Council of the Town of Abingdon, Virginia in Support of the Endorsement of the National Heritage Area designation of The Crooked Road through the National Park Service and the U.S. Congress.**

Greg Kelly, Town Manager commented on the resolution before Council for consideration and recommended that it be adopted by the Council. Mayor Morgan read the full context of the Resolution into the record.

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the following Resolution was adopted by the Council:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA IN SUPPORT OF THE ENDORSEMENT OF THE NATIONAL HERITAGE AREA DESIGNATION OF THE CROOKED ROAD THROUGH THE NATIONAL PARK SERVICE AND THE U.S. CONGRESS**

**WHEREAS**, the Council of the Town of Abingdon, Virginia supports the Crooked Road: Virginia's Heritage Music Trail and its mission to support economic development in Southwest Virginia by celebrating, preserving and promoting the region's rich musical heritage; and

**WHEREAS**, the Crooked Road Board of Directors has determined that the organization should research and pursue National Heritage Area designation for The Crooked Road through the National Park Service and the U.S. Congress; and

**WHEREAS**, the Crooked Road has held public input sessions throughout the 19 county, 4 city and over 50 town region of Southwest Virginia, to present the benefits of a National Heritage designation and to receive public comment; and

**WHEREAS**, the Crooked Road has proposed to include provisions in the designating legislation to ensure that such designation will have no effect on property rights or local zoning; and

**WHEREAS**, the recognition and potential funding to be attained through this designation will have a positive and lasting impact on the Town of Abingdon, Virginia and the entire Southwest Region; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Council of the Town of Abingdon, Virginia does formally endorse the National Heritage Area designation of The Crooked Road, and does formally request that the National Park Service, Congressman Morgan Griffith, Congressman Robert Hurt, Senator Mark Warner, and Senator Tim Kaine take the necessary steps to expedite the designation for the benefit of all Southwest Virginians.

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

**Mr. Howard            Aye**

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|----------------------|------------|
| <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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J. 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.**

Mayor Morgan commented that the Town Council members and town staff met at the Copenhaver property at 5:00 p.m. prior to the work session meeting to view the issue relative to the turning radius at the corner of Preston and Hagy Streets. Mayor Morgan commented that Council would consider the matter again at the February Council meeting.

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

Mayor Morgan noted that Council had been updated on this project during the earlier work session meeting.

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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 was working on obtaining the necessary easements for the project and that he had been working with Appalachian Power about the relocation of existing power poles.

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- 4. Update on the feasibility study for the Sports Complex project**

Greg Kelly, Town Manager indicated that this matter had been before Council for consideration earlier in the meeting during agenda item H1.

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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 had notified him that they chose Young Strategies to work on the conference center hotel feasibility study.

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

Garrett Jackson, Assistant Town Manager commented that the RFP was ready to go out for the procurement of design services.

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At this time, Mr. Jackson noted that he had discussed a Resolution with Council during their earlier work session meeting relative to the Urban Pathways Project. Mr. Jackson asked the Council to adopt the following resolution which he read into the record as follows:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA IN SUPPORT OF THE TOWN'S APPLICATION FOR FY 2013 MAP 21 FUNDING FOR THE URBAN PATH PROJECT IN THE AMOUNT OF \$350,000

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is hereby necessary that a request be received from the sponsoring local jurisdiction or state / federal agency in order that the Virginia Department of Transportation establish a MAP 21 project in the Town of Abingdon; and

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the Town of Abingdon, Virginia, requests the Commonwealth Transportation Board to establish a project for the development of pedestrian travel facilities that will ultimately connect the Overmountain Victory National Historic Trail and the Virginia Creeper National Recreation Trail. The amount requested for the fiscal year 2013 MAP 21 funding cycle is \$350,000.

BE IT FURTHER RESOLVED that the Council of the Town of Abingdon, Virginia hereby agrees to provide a minimum of twenty (20%) (\$70,000) of the total cost for planning and design, right of way, and construction of this project.

BE IT FURTHER RESOLVED that the Council of the Town of Abingdon, Virginia hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED that the Council of the Town of Abingdon, Virginia will be responsible for maintenance, upkeep and operating costs of any facility constructed with MAP 21 Program funds.

BE IT FURTHER RESOLVED that if the Council of the Town of Abingdon, Virginia subsequently elects to cancel this project, the Town of Abingdon hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation, the Town of Abingdon also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council adopted the Resolution in support of the town's application for FY 2013 Map 21 Funding for the Urban Path Project in the amount of \$350,000

The roll call vote was as follows:

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

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

John Dew, Director of Public Services/Construction commented that the design engineer for the trestle project was about 90% complete with the design phase. Mr. Humphreys inquired about a time line once construction begins and Mr. Dew indicated 4 to 6 months for completion of the construction. Mr. Howard inquired about the width of the trestle.

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8. Update on the West End Interceptor Project

Jim Smith, Town Engineer commented that the necessary blasting of rock for the West Interceptor Project had concluded and the contractor was moving forward with the final areas involved in the project.

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**K. MATTERS NOT ON THE AGENDA**



- Mrs. Lowe commented that the oversight had been made in the issuance of a check for funding to the Washington County Rotary Club and asked that the Finance Department issue a check to the Abingdon Rotary Club in the amount of \$500.00.

**On motion of Mr. Berry, seconded by Mr. Humphreys, the Council approved an allocation of \$500.00 from the Council Contingency Line to the Abingdon Rotary Club.**

**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> |

Mrs. Lowe noted that the Abingdon Rotary Frolics will take place on February 1<sup>st</sup> and second at the Barter Theatre.

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L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Consideration of appointments to the Tourism Advisory Committee

- *Jason Berry* has served 2 terms and is not eligible for reappointment
- *Christine Webb* is eligible to serve a second term

On motion of Mr. Berry, seconded by Mr. Howard, the Council appointed Mrs. Lowe as the Council representative to the Tourism Advisory Committee and further reappointed Christine Webb to a second term.

The roll call vote was as follows:

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

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## **M. COUNCIL MEMBER REPORTS**

- Mr. Humphreys commented that Deborah Icenhour, Town Attorney had suffered a hip injury and wished her a speedy recovery.
- Mrs. Lowe reminded everyone of the date for the Rotary Frolics which is February 1<sup>st</sup> and 2<sup>nd</sup>.
- Mayor Morgan reminded everyone of the Martin Luther King parade on January 19<sup>th</sup> and that the next Council work session meeting would be held on January 23<sup>rd</sup> at 6:30 p.m.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk