

May 7, 2012
Regular Meeting

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, MAY 7, 2012 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on May 7, 2012 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
Mark Godbey, Town Treasurer/Dir. of Finance
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 Worley, Dir. of Parks & Recreation
Kevin Costello, Dir. of Tourism
Debbie Atkins-Vance, Dir. of Human Resources
Jon Phelps, Information Technology Dept.
Kim Kingsley, Administrative Asst.
Tammy Baldwin, Tax Clerk
Kevin Sigmon, Town Arborist

Visitors:

Susan Humphreys, Rich Macbeth, Paul Revell and
others

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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilman Rick Humphreys.

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C. APPROVAL OF MINUTES

On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the minutes of the April 2, 2012 Work Session, the April 2, 2012 Regular Meeting, the April 4, 2012 Joint meeting with the Washington County Board of Supervisors, the April 11, 2012 Budget Work Session and the April 18, 2012 Budget Work Session with one correction as follows:

On page 72 of the April 11, 2012 Budget Work Session Minutes under Item 3, the comment from Mr. Howard about the Fire Departments request for funding to pave the parking lot adjacent to the Fire Hall should be removed as that funding request will remain in the budget as it was presented to the Council.

The roll call vote was as follows:

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



D. SPECIAL EMPLOYEE ACKNOWLEDGEMENTS

- Recognition of ***Kim Kingsley***, Legal Assistant/Administrative Assistant and ***Tammy Baldwin***, Tax Clerk for their recent award of **Certification of Master Government Deputy Treasurer.**

Mr. Kelly, Town Manager presented Kim Kingsley, Legal Assistant/Administrative Assistant and Tammy Baldwin, Tax Clerk with a framed Certificate for their recent achievement of Certification of Master Government Deputy Treasurer. Mr. Kelly noted that they had both worked hard on this achievement over the last year and a half and commented that both were assets to the town staff.



A. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. **Public Hearing – First Reading** – An Ordinance of the Council of the Town of Abingdon, Virginia Proposing a Budget for the Town of Abingdon, Virginia and to Make Appropriation for the Current Expenses of the Town and to Fix A Rate Upon Real and Personal Property, To Fix Other Local Tax Rates and Fees and Rates on Utility Services for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013.

Mr. Kelly Town Manager provided a summary of the budget process for FY 2012/2013 and noted that the property tax rate would remain the same. Mr. Kelly commented that the current proposed budget would require one modification due to an imposed mandate on localities wherein municipal employees will have to begin paying 5% of their Virginia Retirement System contribution. The cost of this mandate is \$254,000 and would increase the proposed budget to \$15,171,125. Mr. Kelly indicated that Council had reviewed the matter earlier in the work session meeting and agreed to implement the change to employees one year at a time by taking 1% of their contribution out over the next five (5) year period and take \$150,000 from the Town Managers discretionary fund and \$104,778 from reserves in order to balance the budget with the imposed mandate. Mr. Kelly further noted that County users of the town sewer system will see an increase in their sewer rate but noted that this increase is only for County users.

Mr. Howard commented that the interest rate on the West Interceptor Project Loan is 0%.

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

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the FY 2012/2013 budget as presented with the modification of the mandated change from Virginia Retirement System; the Council also agreed to take the employees mandated 5% contribution out 1% each year for the next five (5) years; and further agreed to revisit the budget at the January 2013 meeting to consider the Town Manager's discretionary fund with regard to bonuses he had requested for town employees.

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

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CONSIDERATION OF ANY BIDS

1. Consideration of bids for construction of the West Interceptor Project.

Mr. Smith, Town Engineer provided the Council with a summary of the West Interceptor Project and noted that it is a necessary project to modify the town's sewer system by improving the increased flow and repairing and/or replacing leaking underground pipes. Mr. Smith commented that a total of four (4) bids were received and Mendon Pipeline Inc. with a base bid of \$1,489,697 was the low bidder. Mr. Smith noted that the bid was subject to approval by the Department of Environmental Quality and commented that it was his recommendation that Mendon Pipeline Inc. be awarded the bid. Mr. Smith commented further that the bid came in under the estimated budget and construction, if the bid was approved, could begin in about three (3) months. Mr. Humphreys inquired about disruptions and Mr. Smith noted that the work would begin downstream and take into consideration the September activities planned at the Muster Ground site. Mr. Berry inquired about the debt service on the project.

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council awarded the bid for the West Interceptor construction project to Mendon Pipeline Inc. for the amount of \$1,489,697 and noted that the bid was subject to approval by the Department of Environmental Quality.

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. Consideration of bids for Curb, Gutter and Sidewalk in the town**

John Dew, Director of Public Works and Construction addressed the Council members with regard to the bids received for Curb, Gutter and Sidewalk repairs in town. Mr. Dew reported that TaylorMade was the low bidder at a price of \$45,683.75 and recommended

that the Council accept this bid for the project. Mayor Morgan inquired about the areas in town where the repairs will take place and Mr. Berry commented about a need for paving repairs in the Winterham neighborhood.

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the bid for Curb, Gutter and Sidewalk repairs in town submitted by TaylorMade Construction in the amount of \$45,683.75.**

**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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3. Consideration of bids for annual asphalt paving in the town

John Dew, Director of Public Works and Construction addressed the Council members with regard to the bids received for asphalt paving in town. Mr. Dew reported that he received one bid from W&L Construction in the amount of \$223,987.00. Mr. Dew commented that he would like to expand the scope of work as he had additional funds in his budget to cover the additional work. Mr. Dew indicated that paving would be taking place in the area of Court Street to Clark Street and intersection area of Route 19. Mrs. Lowe inquired about the culvert at the entrance to Valley View Drive.

On motion of Mrs. Lowe, seconded by Mr. Berry the Council awarded the bid for asphalt paving in town to W&L Construction for the base bid amount of \$223,987.00 and further authorized expanding the scope of work with additional funds from the Public Works budget.

The roll call vote was as follows:

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

Mayor Morgan Aye



4. Consideration of bids for the East Main Street Bridge Deck Overlay.

John Dew, Director of Public Works and Construction addressed the Council members with regard to the bids received for the East Main Street Bridge Deck Overlay project. Mr. Dew reported that the low bidder was Landford Brothers Construction Company, Inc. with a bid of \$95,653.20. Mr. Berry inquired if this work would extend the life of the bridge. Mr. Dew also reported on a covering to be applied to the bridge.

On motion of Mr. Berry, seconded by Mr. Howard, the Council awarded the bid for the East Main Street Bridge Deck Overlay to Landford Brothers Construction Company, Inc. for the amount of \$ 95,653.20.

The roll call vote was as follows:

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



C. REPORTS FROM THE TOWN MANAGER

1. Consideration of report regarding the cancer needs assessment in the Mount Rogers Health District.

Amy Smith, Ph.D., CHES, Community Health Education Specialist, VCU – Massey Cancer Center addressed the Council members to report on a recent study she participated in covering four (4) health districts in the region and the incidences of cancer diagnosis. Dr. Smith reported that respiratory cancers are the most often diagnosed and that a

significant number of patients seek treatment outside of the area. Dr. Smith reported that there is a significant shortage of primary care physicians in the area and that some of the most prevalent health problems are related to obesity, use of tobacco products, and skin cancer. Dr. Smith commented that the town was to be commended for its commitment to fitness through the Coomes Center as well as the walking and biking trails in the area.

Mrs. Lowe commented that she had seen Dr. Smith's full presentation. Mayor Morgan commented on his own personal family experience with cancer.

This item required no action by Council.



2. Presentation of the Tree City USA designation to the Town of Abingdon

Paul Revell, Virginia Department of Forestry presented the Council with the 11th consecutive award for designation as a Tree City USA. Mr. Revell commended the town on their innovative and progressive approach to the preservation of the town's trees as well as Kevin Sigmon's promotion of the Emerald Ashe Bore program.

This item required no action by Council.



3. Consideration of the Town's Tree Scape Plan

Kevin Sigmon, Town Arborist presented the Council with the Tree Scape Plan which has been previously approved by the Planning Commission. Mr. Sigmond commented on the placement of new trees at the Municipal Parking lot and the proposed concept for the downtown park will go increase the tree scape. Mr. Sigmon commended Mr. Dew for his vision on increasing the number of trees that could be placed at the Municipal Parking Lot.

No action was required by Council on this matter.



4. Consideration of rules and regulations for the Abingdon Farmer's Market

Garrett Jackson, Assistant Town Manager commented that he and Deb Icenhour, Town Attorney had developed a revised set of rules and regulations for the Abingdon Market Pavilion and they were before Council for consideration. Mr. Jackson reported that they wished to generalize the language in the Rules and make available the prospect of additional farmer's market on the site if a group wished to start one.

On motion of Mrs. Lowe, seconded by Mr. Berry the Council approved the new Rules and Regulations for the Abingdon Market Pavilion.

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 and authorization of the Town Manager to execute Virginia Water Facilities Revolving Fund loan agreement for the town's West Interceptor Project, after holding the necessary public hearing on the bond issue.**

Jim Smith, Town Engineer provided a summary of the West Interceptor Project which will repair and/or replace aging sewer lines throughout town. Mr. Kelly recommended that the Council authorize him to sign any and all documents related to the Virginia Water Facilities Revolving Fund loan agreement after the successful public hearing on said matter scheduled for May 18<sup>th</sup> at 7:30 a.m.

**On motion of Mr. Howard, seconded by Mr. Berry, the Council authorized Greg Kelly, the Town Manager to sign all paperwork and/or documents relative to the Virginia Water Facilities Revolving Fund loan agreement for the town's West Interceptor Project, after holding the necessary public hearing on the bond issue.**

**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> |



**Mrs. Lowe**                      **Aye**

**Mayor Morgan**                **Aye**



6. **Consideration of moving the time of the regular June 4, 2012 meeting from 7:30 to 5:30 to allow for the broadcast of the meeting from Abingdon, England.**

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council agreed to move the time of the June 4<sup>th</sup> Regular Meeting to 5:30 p.m., with no prior work session, in order to allow for the broadcast of the meeting from Abingdon, England.**

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

**Mr. Howard**                      **Aye**

**Mr. Humphreys**                **Aye**

**Mr. Berry**                        **Aye**

**Mrs. Lowe**                       **Aye**

**Mayor Morgan**                **Aye**



**D. PASSAGE OF RESOLUTIONS – None.**



**E. UNFINISHED BUSINESS – None.**



**F. MATTERS NOT ON THE AGENDA**

- Mr. Humphreys commented that he would like for the Council to consider adding an additional work session meeting each month. Mrs. Lowe indicated that she supported the idea as did Mr. Berry, Mr. Howard and Mr. Morgan.

**On motion of Mr. Humphreys, seconded by Mrs. Lowe the Council members agreed to add an additional work meeting each month that will take place on**

**the 3<sup>rd</sup> Wednesday of each month at 6:30 p.m. and agreed that Council will begin the additional meetings during the month of August, 2012.**

**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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- Deb Icenhour, Town Attorney asked the Council members to consider nominations for the King School of Medicine Board. Ms. Icenhour noted that one member needed to be a Council member and that they needed to provide additional names for consideration for other available positions on the board.

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council members agreed to appoint Jason Berry to the King School of Medicine Board and to submit for consideration the names of Kyle Macione, Dr. French Moore, Jr., Dr. Susan Humphreys, Dr. Amy Smith, Mr. Steve Smith, and Rick Boucher.**

**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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- Rich Macbeth of 1139 Panorama Drive, Abingdon came forward and asked that he considered for the vacant position on the Planning Commission.

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- Mrs. Lowe inquired about the lodging occupancy rate numbers and Mr. Costello indicated he would forward those numbers to Mrs. Lowe by email.

- Mrs. Lowe commented that she had spoken earlier in the day with Mayor Morgan and asked that the following statement be added to the record:

*Honorable Council members and Citizens of the Town of Abingdon. I have some comments about the upcoming Mayoral appointment in July. Ed asked for my support 3 years ago when Mayor Lois Humphreys stepped down and again 2 years ago after he filled her unserved term and asked for a term of his own. I gave him my support because it was the right thing to do. He had been a member of the Council for many years and had not been given the opportunity to serve as the Town's Mayor. It was my belief then and it is my belief now that because the Mayor's position is the spokes person for the town council and liaison for the citizens and because the mayor by charter has the same authority as each Council member and because the people do not have the opportunity to vote for their mayor except through a general election for all seats, and because in both elections I have consistently gotten the most votes in each election 590 & 589 respectively and because I am the consistent senior member of Council behind Mayor Morgan I respectfully request that you consider appointing me as the new mayor of Abingdon on July 1 st. Mayor Morgan has done a very good job and served the citizens of Abingdon well and I respect him as a person and a fellow Council member but I believe it is time for a change. I have an extensive connection with the Abingdon community through my 30 years as owner of a small business on Main Street as well as through my volunteer work with The Chamber of Commerce, The Abingdon Rotary Club and countless organizations too great to list and I believe that my experience and a change in leadership can be beneficial to the Town of Abingdon as well as the business community. In the interest of open government which is a theme we have all tried very diligently to uphold I am asking the Council tonight in regular session for their consideration & support in being named the new mayor for the Town of Abingdon. I am going to further state that for the same reasons I have previously stated , I Believe that Mr. Berry should be considered as the incoming Vice Mayor. I believe all of the citizens of Abingdon deserve and expect us to represent their voice through their votes and Jason too has been the highest vote getter in his election cycle. Thank you for your thoughtful consideration prior to the July 1 appointment. I congratulate Mayor Morgan and Mr. Berry in their recent bids to retain their seats on this Council and look forward to serving with each of you in the coming two years.*



## **G. COUNCIL MEMBER REPORTS**

- Mrs. Lowe commented that Mr. Legard was in attendance at the meeting and Edith Hatcher was very pleased to receive the Town's Proclamation on the occasion of her 100<sup>th</sup> birthday. Mrs. Lowe also commented that town resident, Byrum Geisler was producing a movie to be made in Abingdon and sent her regards to the family of Jimmie Fleenor, longtime Abingdon residents who passed away.

- Mr. Humphreys commented on the process for deciding the town's next Mayor and how this process is handled in Abingdon, England. Mr. Humphreys commended Mr. Macbeth for assisting in the organization of volunteers to work at the Muster Grounds site.
- Mr. Berry commented that he and his family visited over 2,000 homes in the town during his reelection campaign and that spending concerns, government transparency, and sidewalks and trails were the most frequent comments from citizens. Mr. Berry also noted that Audrey Lee Smith was the first recipient of the Roan Scholar award for East Tennessee State University.
- Mayor Morgan commented that it had been a pleasure to serve as Mayor and he looked forward to the coming years on the Council.

## H. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

### 1. *Planning Commission*

- Consideration of addition of one (1) person to fill the unexpired term of Francine Ivery who submitted her resignation from the Commission.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appointed Wayne Austin to fill the unexpired term of Francine Ivery on 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> |

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2. *Board of Zoning Appeals*

- Consideration of one (1) person to fill the expired term of Marva Jo Wheeler

On motion of Mr. Berry, seconded by Mrs. Lowe, the Council appointed Andy Stockner to the vacant position 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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- Mayor Morgan noted the upcoming town events and Ms. Rosenbaum, Town Clerk commented that the town staff will hold their annual United Way yard sale behind Town Hall during Plum Alley Days.
 - Susan Howard, Director of Advance Abingdon commented on the wolf project and noted that the wolves would be displayed throughout town in the coming weeks.

Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk