

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 7, 2011 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on November 7, 2011 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  
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  
Floyd Bailey, Dir. of Information Technology  
Tony Sullivan, Chief of Police  
Kevin Worley, Dir. of Parks & Recreation  
Kevin Costello, Dir. of Tourism

Visitors: Rich Macbeth, Debra McCown, Carl Mallory, Mary  
Anne Holbrook, Rick Rose, Susan Howard, Bill and  
Vesta Andrews, Donna Price and Kathy Shearer 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. APPROVAL OF MINUTES**

**On motion of Mr. Berry, seconded by Mr. Humphreys, the Council approved the minutes of the October 12, 2011 Work Session Agenda and the October 12, 2011 Regular Agenda 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>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

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**D. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES –  
None.**

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

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**F. CONSIDERATION OF ANY BIDS**

**1. Consideration of bids for financing of the buildout of the town’s wireless  
infrastructure construction and deployment.**

Mr. Bailey, Director of Information Technology reported that the he had requested bids for the financing of the final stage of the wireless infrastructure for the town. Mr. Bailey indicated that the bid received from First Bank and Trust contained the lowest interest rate and could be negotiated for a longer term if necessary. Mr. Bailey noted that the bid amount was not to exceed \$375,000.

Mrs. Lowe inquired about “dead spots” in town and Mr. Humphreys inquired about the inclusion of call boxes on the Creeper Trail in the bid amount.

Mr. Bailey commented that wireless coverage may not be available for some residents in town due primarily to geographic location but the town would work to ensure as much coverage as possible in the town limits. Mr. Bailey also noted that the call boxes would be bid separately and he estimated that cost to be around \$25,000.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council authorized Greg Kelly, Town Manager to negotiate with BB&T Bank for the financing expansion and/or completion of the town's wireless mesh system for a five (5) year term for an amount not exceed \$375,000 at 2.19% and further authorized Mr. Kelly to execute the documents necessary for the financing expansion.**

**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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## **G. REPORTS FROM THE TOWN MANAGER**

### **1. Consideration of request for review of town ordinances governing the regulation of pneumatic firearms.**

John Pierce, representative of the Virginia Citizens Defense League came before the Council members to report on recent legislation in Virginia that addressed the use and regulation of air guns, paintball guns, and other pneumatic firearms by counties, cities, and towns in the Commonwealth. Mr. Pierce indicated that he did not think the current town ordinance addressed this new legislation.

Ms. Icenhour, Town Attorney indicated that she would review the ordinance and make any modifications to ensure that it complied with the state legislation. Ms. Icenhour noted that she would bring the ordinance changes before Council for review prior to it being advertised for public hearing.

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**2. Consideration of request for update on the status of the property currently occupied by Holston Mountain Artisans.**

Donna Price, Representative of Holston Mountain Artisans, came before the Council members to inquire about their organizations' lease with the Town for the property formerly known as the Washington County Sheriff's Office. Ms. Price noted that the property located on Park Street was owned by Washington County and they had been notified of the County's intent to sell the property after January 1<sup>st</sup>, 2012. Ms. Price reported on the improvements that they had made to the building and indicated that the boiler would need to be replaced in the very near future.

Mayor Morgan thanked Ms. Price and her organization for their involvement in the community and their contribution to tourism in the town. Mr. Kelly commented that the town was waiting for the county officials to have an appraisal of the property completed but he had not been notified that the same had been done.

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**H. PASSAGE OF RESOLUTIONS – None.**

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**I. UNFINISHED BUSINESS**

**1. Update on Country Club Estates Stormwater Management issue.**

Ms. Icenhour, Town Attorney commented that she had met with the officials at the Virginia Department of Emergency Management in Richmond to discuss the status of the Country Club project and the FEMA funding allocation. Ms. Icenhour indicated that this project was listed as a priority for the agencies but FEMA had not made a commitment to a date for the funding to come through. Ms. Icenhour reported that the Hazard Mitigation Plan prepared by Mount Rogers Planning District Commission had been received by VDEM but had been returned for modifications and this could add some additional time to the receipt of the FEMA funding. Ms. Icenhour confirmed that she had expressed the Council's urgency in obtaining these funds from FEMA to the VDEM officials.

Vesta Andrews, resident of Country Club addressed the Council and commented that she and her neighbors had waited 25 years for the improvements to be made to eliminate flooding in their neighborhood. Mrs. Andrews asked the Council members to consider a ban on future construction in the neighborhood until the flooding issues are addressed.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council directed that the town staff proceed with obtaining the necessary easements for the affected property owners in Country Club Estates and the staff report, in detail, any specific issues that arise at their next regularly scheduled meeting, and further that Country Club Estates stormwater management project be put on the March 2012 regular Council agenda for a full progress report and determination of the next action so that the construction of the project may begin in the spring of 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> |

Mayor Morgan commented on the easements that will need to be obtained and that the weather and time of year will have an impact on the timeline for the project.

Mrs. Andrews repeated her request for a ban on further construction in the neighborhood.

Mrs. Lowe commented that any upstream development would be approved only after stormwater calculations had been determined.

Mr. Berry commented that the Council was supportive of the project and that it would conclude sooner rather than later.

Mr. Morgan commented on the residents in the neighborhood who might not be willing to sign the necessary easements for the project.

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## **J. MATTERS NOT ON THE AGENDA**

- Rick Rose, Producing Artistic Director of the Barter Theatre came before the Council members to report on an expansion project that will increase restroom facilities in the Theatre and link the Town Hall and the Barter building.

Mr. Kelly, Town Manager commented that the project will make the fronts of both building more aesthetically pleasing and add additional office space for town staff and a fire rated safety exit from office spaces in the town hall building. Mr. Kelly

reported that the cost to the Town for the project was estimated to be approximately \$50,000 and would be funded in the 2012/2013 budget.

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council authorized the Town Manager to sign all documents necessary to amend the lease with the Barter Theatre in order to proceed with their expansion project and the design known as the original scheme 1 that was 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>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

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- Garrett Jackson, Director of Planning reported on the establishment of the Arthur Campbell Community Service Award and gave a description of the areas of service that citizens of the community could nominate a deserving resident for the award. Mr. Jackson displayed the two (2) choices for the medal design and commented that the Council members had reviewed the design at the earlier work session meeting.

**On motion of Mr. Humphreys, seconded by Mr. Berry, the Council adopted the medal design for the Arthur Campbell Community Service Award and directed that the town staff prepare an annual banquet to honor the recipients around the October charter anniversary of the town with the first awards to be given in February of 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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- Rich Macbeth of 1139 Panorama Drive inquired about the status of the Empire Drive traffic congestion problems. Mr. Kelly reported that the Virginia Department of Transportation had not completed their study of the area. Mr. Macbeth thanked the Council for not renewing the town's membership in ICLEI.

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#### K. COUNCIL MEMBER REPORTS

- Mr. Humphreys encouraged everyone to vote in the elections held on Tuesday, November 8<sup>th</sup>.
- Mrs. Lowe commented on the train event over the past weekend and indicated that she had heard positive comments about the excursion.
- Mayor Morgan complimented Kevin Costello, Director of Tourism and the Tourism staff for their work coordinating the train excursion.
- Mr. Howard thanked all the town staff members who assisted with the weekend's train excursion.
- Mr. Berry reminded everyone of the Veterans Day Ceremony on Friday, November 11<sup>th</sup> at 11:00 a.m. at Veterans Memorial Park.

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At this time, Mr. Kelly, Town Manager commented that had taken the fall excursion train ride from Roanoke to Bristol over the weekend and complimented all the town staff who helped with the event. Mr. Kelly indicated it was a successful event for the town.

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#### L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

At this time, **On motion of Mrs. Lowe, seconded by Mr. Howard, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the consideration and discussion of appointments to the Virginia Highlands Small Business Incubator, the Fields Penn Property Oversight Committee, the Tree Commission, the Abingdon Redevelopment and Housing Authority Board, the Sinking Spring Cemetery Committee and Tourism Advisory Committee.**

**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. Howard, 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.**

**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:**

<b>Mr. Howard</b>	<b>I so certify</b>
<b>Mr. Humphreys</b>	<b>I so certify</b>
<b>Mr. Berry</b>	<b>I so certify</b>
<b>Mrs. Lowe</b>	<b>I so certify</b>
<b>Mayor Morgan</b>	<b>I so certify</b>

**1. *Appointments to the Fields Penn Property Oversight Committee***

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council appointed the following members to the Fields Penn Property Oversight Committee:**

- **Henrietta Umbarger**
- **Donna Marie Emmert**
- **Rick Humphreys**
- **Lois Humphreys**
- **Kevin Costello**
- **Sean Taylor**
- **Joella Barbour**
- **Jim Cowart**

**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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2. *Appointment to the Tree Commission*

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council appointed Ryan Monahan to serve on the Tree 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>Mr. Morgan</b>    | <b>Aye</b> |

**The motion carried.**

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3. *Appointment to the Virginia Highlands Small Business Incubator Board*

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council appointed Mike McCool to serve the unexpired term of Carl Mallory on the Virginia Highlands Small Business Incubator Board.**

**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>	<i>Abstain – Mr. Berry is employed as Director of the Incubator</i>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mr. Morgan</b>	<b>Aye</b>

**The motion carried.**

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4. *Appointment of two (2) persons to serve on the Abingdon Redevelopment Housing Authority Board*

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council appointed Robin Smeltzer to serve on the Abingdon Redevelopment and Housing Authority Board.**

**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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5. *Appointment to the Sinking Spring Cemetery Committee*

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council reappointed Carolyn Lee to serve on the Sinking Spring Cemetery Committee.**

**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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6. *Appointment to the Tourism Advisory Committee*

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council reappointed Jim Cowan for an second term on the Tourism Advisory Committee and further appointed Todd Christensen, Director of Heartwood to serve on the Committee and asked that town staff contact the Arts Depot and request that they appoint a member to represent their organization.**

**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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At this time, **On motion of Mr. Humphreys, seconded by Mr. Berry, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(3) for the consideration and discussion of the acquisition or disposition of publicly held property.**

**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 Mrs. Lowe, seconded by Mr. Berry, 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.**

**The Town Clerk, Cecile Rosenbaum, read the following certification to be adopted by the Council members:**

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*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:**

<b>Mr. Howard</b>	<b>I so certify</b>
<b>Mr. Humphreys</b>	<b>I so certify</b>
<b>Mr. Berry</b>	<b>I so certify</b>
<b>Mrs. Lowe</b>	<b>I so certify</b>
<b>Mayor Morgan</b>	<b>I so certify</b>



Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk