

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 4, 2011 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, April 4, 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  
John Dew, Dir. Of Public Services/Construction  
Floyd Bailey, Dir. of IT Department  
Tony Sullivan, Chief of Police  
John Holbrook, Police Department  
Kevin Worley, Dir. of Parks & Recreation  
Myra Cook, Dir. of Tourism

Visitors:

Debra McCown, Sean McMurray, Carolyn Lee, Janet Woolwine, Richard McBeth, Charles Seaver, Mary Anne Holbrook, Steven Jett, Members of Boy Scout Troop #1 and others.

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**B. PLEDGE OF ALLEGIANCE**

Members of Boy Scout Troop #1 from Pleasant View United Methodist Church led the Pledge of Allegiance. The Troop members are Denham Bays, Austin Boardwine, Ben Boardwine, Myles James, Caleb Miller, Jacob Miller and Sammy Green.

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**C. APPROVAL OF MINUTES**

- March 7, 2011 Work Session Meeting
- March 7, 2011 Regular Meeting

**On motion of Mr. Berry, seconded by Mr. Howard, the minutes of the March 7, 2011 work session meeting and the March 7, 2011 regular 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>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>



#### **D. EMPLOYEE ACKNOWLEDGEMENTS**

- **Acknowledgement of Sgt. Freeman's thirty (30) years of service to the Town of Abingdon Police Department**

Greg Kelly, Town Manager presented Sgt. Freeman with a plaque for his thirty (30) years of service to the Town and thanked him for his dedication to the Police Department.

- **Authorization of purchase by Sgt. Danny Freeman for service handgun pursuant to §59.1-148.3 for the sum of \$1.00**

Chief Tony Sullivan presented Sgt. Freeman with a framed case containing his patches and indicated that, with Council's authorization, he was eligible to purchase his service handgun for \$1.00 as provided by the *Code of Virginia*, 1950, as amended.

Therefore, **On motion of Mr. Howard, seconded by Mr. Berry, the Council authorized the sale of Sgt. Freeman's service handgun to him for the amount of \$1.00.**

**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>

*Town Manager, Greg Kelly and all five (5) Council members presented Sgt. Freeman with \$.17cents each to pay the \$1.00 fee for the service handgun.*



## **E. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

- 1. Petition – Public Hearing - Right of Way Vacation - In accordance with the Code of Virginia, §15.2-2006 to receive comments from the public regarding the petition of Janet Woolwine, et al for the vacation of a 16-foot wide, north –south unopened right of way with terminus points on Park Street and Blacks Fort Lane, approximately 285 feet east to Pecan Street, involving property being Tax Map Nos. 013-6-3 and 013-6-5.**

John Dew, Director of Public Services and Construction reported that the owners of the properties located at 160 Park Street and 164 Park Street had completed a petition to vacate the unopened right of way with terminus points on Park Street and Blacks Fort Lane, approximately 285 feet east to Pecan Street, involving property being Tax Map Nos. 013-6-3 and 013-6-5. Mr. Dew explained that this matter was now before the Council for public hearing after being advertised according to the provisions as set forth in the State Code.

Mayor Morgan declared the public hearing open for comments.

- Steven Jett of 333 Court Street, Abingdon addressed the Council members and expressed his opposition to the right of vacation request. Mr. Jett commented that

the granting of the right of way vacation would compromise the pedestrian pathways that are provided by these unopened rights of way and added that he did not agree with the Council giving Town property away without compensation from the requesting parties.

- Janet Woolwine, one of the property owners and petitioners responded that she would be willing to provide compensation for the right of way if the Council asked for such.

Mr. Kelly commented that if vacated the Town should retain utility easements and possibly pedestrian rights to the property.

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

a. Appointment of Board of Viewers

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appointed Dan Matthews, Monty Vernon, and Al Bradley to serve on the Board of Viewers to review the right of way vacation request and report back to the Council with a recommendation at their regular May meeting.**

**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 commented about the persons selected to serve on the Board of Viewers.

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2. **Petition – Right of Way Vacation - regarding the petition of Janet Woolwine, et al to vacate a portion of north-south unopened right of way with terminus points on Park Street and Railroad Street, approximately 125 feet west of Pecan Street involving property being Tax Map Nos. 013-1-120F;013-1-120E;013-1-120B;013-1-120C; and 013-1-120D.**

John Dew, Director of Public Services and Construction reported on the right of way vacation petition for a portion of the north-south unopened right of way with terminus points on Park Street and Railroad Street, approximately 125 feet west of Pecan Street involving property being Tax Map Nos. 013-1-120F;013-1-120E;013-1-120B;013-1-120C; and 013-1-120D. Mr. Dew indicated that this matter had been before the Council

for public hearing at the March meeting and that the Board of Viewers had now reviewed the matter and provided Council with a recommendation. Mr. Dew commented that the Board of Viewers had recommended that the Council approve the right of way vacation request provided the Town retains a utility easement on the property. Mr. Dew indicated that the third step in the process would be for the Council to approve the Ordinance granting the right of way vacation if it was approved.

Mrs. Lowe read into the record an excerpt from a memorandum provided by Jim Smith, Town Engineer that stated *“In their Storm Drainage Study, Town of Abingdon, Virginia August 1980, Hayes, Seay, Mattern and Mattern (HSMM) identifies structure I-A-5 (see attached location map and Analysis of Problem Areas) as undersized to handle the combined peak stream flow and street storm drainage. They recommended the existing structure be disconnected from receiving upstream flow at Park Street and diverting it into two – 48” diameter pipes placed under Chincapin Alley and under Railroad Street to eventually intersect the open channel on the east side of Pecan Street. According to the Town’s GIS, major water and sewer lines exist in Chincapin Alley between Park and Railroad Streets. HSMM recommendations are general and no detailed plans have been developed for their recommendation. A detailed survey and analysis of the area would be necessary to determine the least number of conflicts with existing utilities and the best location for the proposed future drainage structures if or when the Town decides to improve the drainage system in this area. Maintaining a drainage easement in the this right of way or the right of way itself would provide an alternate location for the storm drain pipes should it become convenient or necessary to do so. If an easement is preferred instead of not vacating the right of way, I recommend that an easement document or documents (signed by adjacent landowners and recorded) accompanied by a plat prepared by a licensed surveyor be prepared for the full width and length of the right of way and so worded that no permanent structures could be placed in the right of way that would interfere with the installation and maintenance of future drainage structures.”*

Mr. Berry commented that the Council had reviewed a map of the Town’s unopened rights of way while working on the development of the Capital Improvement Plan.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council, as recommended by the Board of Viewers, approved the petition of Janet Woolwine, et al to vacate a portion of north-south unopened right of way with terminus points on Park Street and Railroad Street, approximately 125 feet west of Pecan Street involving property being Tax Map Nos. 013-1-120F;013-1-120E;013-1-120B;013-1-120C; and 013-1-120D and further directed that the Town maintain a utility easement on the property and indicated in the memorandum provided by Town Engineer, Jim Smith.**

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

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

**Mr. Humphreys**                *(Abstain – Mr. Humphreys commented that he was related to one of the petitioners.)*

**Mr. Berry**            **Aye**  
**Mrs. Lowe**           **Aye**  
**Mayor Morgan**      **Aye**

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**3. Public Hearing – Consideration of renewal of franchise contract with cable television provider Comcast Cable Network.**

Town Attorney, Deb Icenhour reported that she had been working with Russell Byrd of Comcast Cable with regard to the Town's renewal of the cable franchise. Mrs. Icenhour indicated that the contract was for a five (5) year time period and was in compliance with the guidelines as provided by the FCC. Ms. Icenhour indicated that the franchise was a matter for public hearing before the Council could authorize the Town Manager to enter into the contract.

Mr. Byrd, representative of Comcast Cable remarked that he was responsible for customer service in the area and any comments about cable service could be directed to him for handling.

Mayor Morgan inquired about customer service standards and Mr. Byrd responded that all matters should be directly referred to him.

Mayor Morgan declared the public hearing open for comment.

- Richard McBeth of 1139 Panorama Drive, Abingdon commented that he would like for the Town to have a channel provided by Comcast where meetings of the Town Council and Board of Supervisors could be televised.

Hearing no further comment, Mayor Morgan declared the public hearing closed.

Mrs. Lowe inquired about the height requirements for the cable wiring on utility poles.

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council authorized the Town Manager, Greg Kelly to enter into the franchise renewal contract with Comcast Cable for a period of five (5) years.**

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

**Mr. Howard**           **Aye**  
**Mr. Humphreys**      **Aye**  
**Mr. Berry**             **Aye**

Mrs. Lowe           Aye  
Mayor Morgan       Aye



**F. SECOND READINGS OF ORDINANCES**

- 1. Application to Repeal, Amend and Reenact the Town of Abingdon Zoning Ordinance, Article 3, Section 3-1-16, Permitted Uses by Right, to add Churches within the AFOS Agricultural, Forestal, and Open Spaces District. Application by request submitted by Shady Grove Pentecostal Holiness Church located on Shady Street. Tax Map No. 84C2(1)45.**

Garrett Jackson, Director of Planning provided background information on the application submitted by Shady Grove Pentecostal Holiness Church to amend the town's zoning ordinance. Mr. Jackson commented that the application had been heard by the members of the Planning Commission and recommended for approval by the Town Council. Mr. Jackson noted that the use of the word "churches" would be changed to "places of worship" which was more acceptable phrasing.

**On motion of Mr. Howard, seconded by Mr. Berry, the Council approved the application to Repeal, Amend and Reenact the Town of Abingdon Zoning Ordinance, Article 3, Section 3-1-16, Permitted Uses by Right, to add Churches within the AFOS Agricultural, Forestal, and Open Spaces District. (Application by request submitted by Shady Grove Pentecostal Holiness Church located on Shady Street. Tax Map No. 84C2(1)45).**

The roll call vote was as follows:

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



**G. CONSIDERATION OF ANY BIDS**

**1. Consideration and award of bid for guardrail repair and replacement.**

John Dew, Director of Public Services and Construction reported on the bids received for the repair and replacement of guardrail within the Town. Mr. Dew indicated that the costs for this repair work had been budgeted for and recommended that the Council award the contract to the low bidder Powers Fence and Guardrail, Inc. of Glade Spring, Virginia.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council awarded the bid for guardrail repair and replacement to Powers Fence and Guardrail, Inc. of Glade Spring, Virginia for the amount of \$48,325.00 and authorized the Town Manager to enter into contracts relative to the same.**

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

**Mr. Howard**            **Aye**

**Mr. Humphreys**    **Aye**

**Mr. Berry**            **Aye**

**Mrs. Lowe**           **Aye**

**Mayor Morgan**      *Abstain (Mayor Morgan employees a relative of one of the bidding companies)*



**2. Consideration and award of bid for asphalt resurfacing work throughout the Town.**

John Dew, Director of Public Services and Construction reported on the bids received for the asphalt resurfacing work throughout the Town. Mr. Dew indicated that the costs for this resurfacing work had been budgeted for and recommended that the Council award the contract to the low bidder W-L Construction and Paving, Inc. of Chilhowie, Virginia.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council awarded the contract for asphalt resurfacing throughout the Town to W-L Construction and Paving, Inc. of Chilhowie, Virginia for the amount of \$262,796.00 and authorized the Town Manager to enter into contracts relative to the same.**

**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>



**3. Consideration and award of bid for curb, gutter, and sidewalk repairs throughout the Town.**

John Dew, Director of Public Services and Construction reported on the bids received for the curb, gutter, and sidewalk repairs throughout the Town. Mr. Dew indicated that the costs for this repair work had been budgeted for and recommended that the Council award the contract to the low bidder Ken Construction Company, Inc. Mr. Dew further recommended that the Council authorize the Town Manager to negotiate additional repair work through Ken Construction up to the approved budgeted amount.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council awarded the bid for curb, gutter, and sidewalk repairs throughout the Town to Ken Construction Company, Inc. in the amount of \$33,350.00 and further authorized the Town Manager to enter into contracts for the same and negotiate additional work through Ken Construction up to the approved budgeted amount.**

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>



**H. REPORTS FROM THE TOWN MANAGER**

**1. Consideration of Economic Impact Study prepared for Johnston Memorial Hospital.**

Sean McMurray, CEO, Johnston Memorial Hospital provided the Council members with a power point presentation detailing the economic impact study results conducted for Johnston Memorial Hospital. Mr. McMurray reported that the hospital's new construction site had employed 400 people and they expected the new facility to open officially on July 16<sup>th</sup> of 2011. Mr. McMurray indicated that new facility was constructed in an environmentally conscious manner and would be known as a "green hospital".

Mayor Morgan inquired about structure of the Board of Mountain States Health Alliance and if anyone from Abingdon would be represented. Mr. McMurray responded that as of this date no member from Abingdon was serving but indicated that should change in the very near future.



**2. Presentation and consideration of annual Tree Report.**

Kevin Sigmon, Town Arborist introduced Paul Revell, with the Department of Forestry who presented the Mayor and Council with the Tree City USA – 10<sup>th</sup> year award designation. Mr. Revell reported that Abingdon was setting the standard for the state of Virginia with regard to maintenance of Town trees and our work toward the development of our urban tree canopy.

Kevin Sigmon, Town Arborist reviewed his annual report with the Council and noted that Arbor Day festivities will take place at Greendale Elementary School on Friday, April 29<sup>th</sup> at 1:00. Mr. Sigmon also noted that local historic residence, Montcalm, may be home to the 3<sup>rd</sup> largest sugar maple in the Commonwealth of Virginia.



**3. Presentation and consideration of the annual report of the Sinking Spring Cemetery Committee.**

Charles Seaver, Chairman of the Sinking Spring Cemetery Committee presented the annual report for the cemetery. Mr. Seaver indicated that the Committee members had recommended that a bench be located in the cemetery in memory of Gene Matthis who was instrumental in documenting the cemetery's history and serving as Chairman of the Cemetery Committee for several years. Mr. Seaver also reported that the Committee had decided not to proceed with probing work in the cemetery but wished to proceed with the development of a columbarium to be located in the cemetery. Finally Mr. Seaver reported that the Committee desired to see the installation of a split rail fence similar to the one located at The Muster Ground site around the Cummings Cabin.

Mayor Morgan thanked Mr. Seaver and the Committee members for their report and their dedication to the preservation of the cemetery's history.

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**4. Consideration of amendments to by-laws for the Recreation Advisory Commission.**

Kevin Worley, Director of Parks and Recreation, reported that as a result of the Council's action at their March meeting to adopt an Ordinance to increase the membership of the Recreation Advisory Commission, it was necessary for the by-laws to be reviewed and amended to comply with the terms of the Ordinance. Mr. Worley indicated that the changes had been reviewed by the Commission and recommended for approval by the Council.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the revisions of the by-laws of the Recreation Advisory Commission 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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**5. Consideration of establishment of policies and procedures for use of social media outlets by the Town of Abingdon.**

Deb Icenhour, Town Attorney informed the Council that her office, in conjunction with the Information Technology Department, had developed a policy for the Council's consideration with regard to use of social media outlets by the Town of Abingdon.

Mr. Kelly commented that the policy would apply to Council members and Town staff and would be incorporated into the Town's employee manual. Mr. Kelly explained that there were several legal issues associated with the use of social media by municipalities and recommended that the Council consider enacting the policy to provide guidelines for its use as well as protection for the Town from all legal and liability issues.

Mr. Humphreys commented that he had not had adequate time to review the policy and inquired if it could be postponed to the May meeting for further review.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council agreed to table the matter of policies and procedures for use of social media outlets by the Town of Abingdon until the May work session meeting and further authorized the Town Manager, Greg Kelly to appoint a Town staff member to handle the social media until such time as the procedures and policy can be established by the Council.**

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

**Mr. Howard           Aye**

**Mr. Humphreys      Aye**

**Mr. Berry             Aye**

**Mrs. Lowe            Aye**

**Mayor Morgan        Aye**



**6. Authorization of Town Manager to enter into contract for energy audit for Town buildings.**

Kevin Worley, Director of Parks and Recreation reported that the Performance Contract Committee had selected Trane as a partner to audit the Town's facilities to determine energy and water savings. Mr. Worley indicated the cost of the audit would be \$19,635.00 and recommended that the Council authorize the Town Manager to enter into the contract with the Trane for the energy audit.

Mr. Kelly commented that cost of the audit service would be taken from each Town department and should come due for payment in August.

Mrs. Lowe commented that the energy audit was a not included in the Town's capital improvement plan.

Mr. Berry commented that he would want to review the detailed report as soon as it was available.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council authorized the Town Manager, Greg Kelly to enter into a contract with Trane for the detailed energy and water savings audit for Town facilities for a total contract amount of \$19,635.00.**

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

**Mr. Howard           Aye**

**Mr. Humphreys      Aye**

**Mr. Berry**            **Aye**  
**Mrs. Lowe**          **Aye**  
**Mayor Morgan**      **Aye**



**7. Presentation by 10<sup>th</sup> Amendment Foundation, Inc and the SW Virginia Tea-Party/Abingdon.**

Catherine Turner of 11473 Wallace Pike, Bristol commented on the viewpoints of the Southwest Virginia Tea Party Patriots, Abingdon/Bristol. Ms. Turner reviewed and summarized printed materials and information that she had previously provided to Council members.

Richard McBeth of 1139 Panorama Drive, Abingdon commented on the viewpoints of The 10<sup>th</sup> Amendment Foundation, Inc.

Mayor Morgan thanked Ms. Turner and Mr. McBeth for sharing their information and their comments.



**I. PASSAGE OF RESOLUTIONS**

**1. Consideration of Resolution of the Council of the Town of Abingdon, Virginia to Extend the Benefit of Health Insurance Enrollment to Employees of the Abingdon Redevelopment and Housing Authority.**

Deb Icenhour, Town Attorney reported that the Abingdon Redevelopment and Housing Authority employees had indicated that they wished to participate in the Town's health insurance program and in order to do so, a Resolution by the Council would have to be adopted to allow for their inclusion in the health insurance enrollment. Ms. Icenhour indicated that the Housing Authority would be responsible for the cost of the premiums thereby the Town would not be incurring any additional costs with their inclusion.

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council approved the following Resolution as presented:**

**A RESOLUTION OF THE  
TOWN COUNCIL OF ABINGDON, VIRGINIA  
TO EXTEND THE BENEFIT OF HEALTH INSURANCE ENROLLMENT  
TO EMPLOYEES OF THE  
ABINGDON REDEVELOPMENT AND HOUSING AUTHORITY**

**WHEREAS**, pursuant to §36-4 of the Code of Virginia, 1950, as amended, each locality within the Commonwealth of Virginia is authorized to create a Redevelopment and Housing Authority ("Authority") upon the adoption of a resolution to do so, and upon receiving confirmation of the majority vote of the qualified voters of such locality in a referendum, thereby indicating a public desire and need for such an authority to exist within the locality; and

**WHEREAS**, the Council of the Town of Abingdon, a political subdivision of the Commonwealth of Virginia, adopted such a Resolution on August 3, 1970 with the intent to create its Authority, indicating its belief that any unsanitary and unsafe inhabited dwelling or accommodations existing within the Town should be addressed, improved, and made affordable to the public; and

**WHEREAS**, said Resolution resulted in a special election, pursuant to §36-4.1 Code of Virginia, 1950, as amended, which was held on October 6, 1970 and confirmed public approval of the said Authority for the Town of Abingdon by a majority of the votes cast in said election; and

**WHEREAS**, the Authority has operated to serve the Town and its residents for the past 40+ years, and presently its full-time employees are in need of a reasonable source from which to subscribe to health insurance for themselves and their families; and

**WHEREAS**, the Town's health insurance provider has approved such coverage and confirmed its willingness to include the Authority's full-time employees in the Town's health insurance policy at the same rate; and

**WHEREAS**, the Town and the Authority have agreed that the Authority's full-time employees will pay their monthly premiums to the Town based upon coverage elected by the Authority employees; and

**WHEREAS**, it is understood and agreed by both the Town and the Authority and its respective full-time employees that the premium for such health insurance is not at a fixed rate, but is subject to renegotiation and change with annual renewal on July 1<sup>st</sup> of each year; and

**WHEREAS**, the Abingdon Town Council has determined that, upon the request of the Authority employees, recommendation of the Town Manager and staff and upon acceptance of the Town's health insurance provider, to extend the benefit of electing health insurance enrollment to the full-time employees of the Authority; and

**NOW, THEREFORE BE IT RESOLVED** that in the best interests of the continued health, safety and welfare of the full-time employees of the Abingdon Redevelopment Housing Authority and their respective families and pursuant to the authority vested in the Town of Abingdon through §36-4 of the Code of Virginia, 1950, as amended, said Authority employees shall be hereby extended the benefit of electing the same choice of health insurance coverage as is offered to appointees and employees of the Town of Abingdon.

**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>



**2. Consideration of Resolution of the Council of the Town of Abingdon, Virginia Declaring the Month of April as Juice Drive Month.**

Yvette Sumner, Product Coordinator and Volunteer Recruitment for Feeding America Southwest Virginia reported their efforts with regard to declaring April as Juice Drive Month. Ms. Sumner indicated that their goal was to provide a healthy snack with juice to at least 3500 children in the community.

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council approved the following Resolution as presented:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
DECLARING THE MONTH OF APRIL AS JUICE DRIVE MONTH**

**WHEREAS**, the Feeding America Southwest Virginia Food Bank's Children's Programs, including the Kids Cafe program, are a part of the nation's largest charitable meal service programs; and

**WHEREAS**, the 80 Children's Program sites operating within the 26 counties and 10 cities the Feeding America Southwest Virginia Food Bank serves distributed a total of 400,231 meals and snacks to 8,328 children during the last fiscal year; and

**WHEREAS**, the program serving the Town of Abingdon has monthly provided approximately 3,500 meals and snacks to around 200 children during the last fiscal year; and

**WHEREAS**, more than 77,500 children in Southwest Virginia are in danger of not receiving their daily needed intake of healthy foods; and

**WHEREAS**, even mild undernourishment experienced by young children may lead to reductions in physical growth and adversely affect brain development; and

**WHEREAS**, the Feeding America Southwest Virginia Food Bank along with its sponsors WSLs 10, Kroger and Acquisition Title & Settlement Agency have organized the Juice Drive to collect 100% juice boxes for thousands of at-risk children in danger of not receiving the healthy food their growing bodies need.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF ABINGDON**, that we commend the Feeding America Southwest Virginia Food Bank and its sponsors for organizing the Juice Drive to benefit thousands of at-risk children and do hereby Proclaim April 1<sup>st</sup> through April 30<sup>th</sup>, 2011 as **JUICE DRIVE MONTH**.

**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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#### **J. UNFINISHED BUSINESS**

- 1. Consideration of scheduling of meeting of the town's Historic Properties Committee.**

*No action was taken by Council on this matter.*

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

- Joella Barbour, representative of the Daughters of the American Revolution (DAR), reported on a check in the amount of \$20,000 that was given to the Town of Abingdon for the Muster Grounds Project. Ms. Barbour indicated that the proceeds were from the sale of jewelry pieces that State Regent Hatfield had designated for the Muster Grounds project. Mr. Humphreys reported that he had attended the DAR meeting in Roanoke, Virginia and accepted the check on behalf of the Town of Abingdon. Mr. Humphreys thanked Garrett Jackson, Director of



Planning for the program he presented at the meeting and commented that Mr. Jackson was an excellent representative for the town.

- Deb Icenhour, Town Attorney reported that she had prepared a Resolution for consideration by the Council members opposing the proposed re-districting of Southwest Virginia.

**On motion of Mr. Humphreys, seconded by Mr. Berry, the Council approved the following Resolution as presented:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
IN OPPOSITION OF THE REDISTRICTING PLAN INTRODUCED DURING THE 2011  
SESSION OF THE VIRGINIA GENERAL ASSEMBLY**

**WHEREAS**, per Article I, Section 2 of the United States Constitution, it is mandated that a census be conducted every ten years to determine the populations of the States; and

**WHEREAS**, in addition to the apportionment of direct taxes, said Census is to assist the individual State Legislative bodies in the process of redistricting for the United States House of Representatives and State Legislature; and

**WHEREAS**, the population of proposed legislative districts are to be determined solely according to the enumeration established by the 2010 federal census, making the population of all districts as nearly equal to the population of every other district; and

**WHEREAS**, Article II, Section 6 of the Constitution of Virginia further requires Congressional and State Legislative district boundaries to be redrawn every ten years; and

**WHEREAS**, the Constitution of Virginia, Article II, Section 6 further requires that boundaries be drawn to create districts of “contiguous and compact territory” and “as equal in population as is practicable and in compliance with federal law.” No district being “composed of territories contiguous only at a point”; and

**WHEREAS**, all districts, to the extent practicable, shall respect the boundary lines of existing political subdivisions. The number of counties and cities divided among multiple districts shall be as few as practicable; and

**WHEREAS**, to the extent possible, districts shall preserve communities of interest; and

**WHEREAS**, by virtue of the authority vested in the Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § 2.2-134 of the Code of Virginia, Governor McDonnell has established the Independent Bipartisan Advisory Commission on Redistricting, composed of eleven citizen members, appointed by the Governor and serving for the remainder of the life of the Commission; and

**WHEREAS**, the charge of the commission is to solicit citizen input and provide citizens with access to its processes by holding public meetings as appropriate and by creating a website that will allow public comment and interaction; and

**WHEREAS**, the Commission may develop a redistricting plan or accept from the public proposed plans for redistricting, analyze plans submitted by colleges and universities or other groups and stakeholders and shall review any such plans to determine if they meet the criteria set out by the Governor and may recommend such model plans to the General Assembly working independently of the executive and legislative branches, reporting any recommendations directly to the President pro tempore of the Senate of Virginia, the Speaker of the Virginia House of Delegates, the Chairmen of the House and Senate Privileges and Elections Committees, and the Governor; and

**WHEREAS**, the 2011 Virginia Legislature has drawn its congressional and state legislative district lines and has introduced the same in final form as Senate Bill 932 and House Bill 1749; and

**WHEREAS**, House Bill 1749 provides for, among other things, a new method for the preparation of state legislative and congressional redistricting plans, spelling out standards for developing plans including population equality, compactness, maintenance of cores of existing districts and respect for locality boundaries, and purports to provide public hearings to offer opportunity for reaction to plans; and

**WHEREAS**, the redistricting proposal reduces the number of House districts west of Interstate 77 from six (6) to five (5) by combining parts of three (3) existing districts into one new district spanning the distance from the City of Bristol to the Breaks Interstate Park and the Kentucky – Virginia state line; and

**WHEREAS**, the proposed plan expands certain districts and redesigns others in a manner that will render legislative representation less effective as it will likely result in the elimination of one of the region's long-standing members of the House of Delegates; and

**WHEREAS**, the proposal expands the fourth (4<sup>th</sup>) district to combine parts of the Town of Abingdon with Bristol, Haysi, Castlewood, and Pound; and

**WHEREAS**, according to the current proposal, the remaining portion of the Town of Abingdon will be included in the fifth (5<sup>th</sup>) district, contrary to the standards set forth in House Bill 1749; and

**WHEREAS**, the Council of the Town of Abingdon opposes confirmation of such a plan to divide the Town and its residents, contrary to the traditional redistricting criterion of compactness; and

**WHEREAS**, the Council of the Town of Abingdon finds the proposed redistricting lines do not recognize existing political boundaries, quasi-governmental boundaries and associations such as planning districts; and

**WHEREAS**, the Council of the Town of Abingdon finds that the process of public notification was not performed in a timely or effective manner, specifically not in the manner by which localities in the Commonwealth are to uphold for proper due process; and

**WHEREAS**, the maps issued at the hearings did not accurately depict the division of communities, namely the Town of Abingdon; and

**WHEREAS**, the Council of the Town of Abingdon maintains that no one from Southwest Virginia, who knows the region, its history and topography was involved in this process; and

**NOW THEREFORE, BE IT HEREBY RESOLVED** that the Council of the Town of Abingdon opposes the proposed plan, pursuant to Senate Bill 932 and House Bill 1749, to redistrict the Town of Abingdon by dividing it into multiple districts, thereby failing to preserve communities of interest, honor geographical and quasi-governmental boundaries as well as standards set forth in Article II, Section 6 of the Constitution of Virginia regarding existing political subdivisions and standards of compactness; and

**BE IT FURTHER RESOLVED** that the Council of the Town of Abingdon deeply regrets that no individual familiar with Southwest Virginia was involved in the process of forming said redistricting plan, that the maps used failed to accurately illustrate the divisions of the Town of Abingdon, that the process of public notification failed to adhere to the standards set forth in the Code of Virginia to uphold due process; and

**BE IT FURTHER RESOLVED** that the Council of the Town of Abingdon hereby opposes this redistricting effort and calls on all members of the Virginia General Assembly, the Governor and Virginia's Congressional Delegation to actively seek to defeat the aforementioned legislation as is; and

**BE IT FURTHER RESOLVED** that the Council of the Town of Abingdon, its elected leaders, and its citizens bear a responsibility to highlight the implications of the proposed redistricting plan pertaining to the rights and treatment of its residents pursuant to Senate Bill 932 and House Bill 1749.

**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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- Mr. Kelly reported that he had prepared a Resolution for Council's consideration commemorating the 75<sup>th</sup> anniversary of the Washington County Historical Society.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the following Resolution as presented:**

**A RESOLUTION OF THE  
COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
COMMEMORATING THE 75<sup>TH</sup> ANNIVERSARY OF THE  
HISTORICAL SOCIETY OF WASHINGTON COUNTY, VIRGINIA**

**WHEREAS**, the Historical Society of Washington County will celebrate its seventy-fifth anniversary in April of 2011 serving the people of the County of Washington, including the Town of Abingdon; and

**WHEREAS**, the Historical Society can trace its roots to an organizational meeting at the Washington County Courthouse, held April 6, 1936, and organized by the Black's Fort Chapter of the Daughters of the American Revolution and its regent, Mrs. Charles H. Butt; and

**WHEREAS**, the Historical Society has maintained a presence in the Town of Abingdon, from its origins in the home of Ms. Minnie Baugh, to another early home at the Washington County Courthouse to its present location at the historic former Norfolk and Western Railway passenger station in Depot Square; and

**WHEREAS**, the Historical Society marked our Republic's 1976 Bicentennial with the publication of a comprehensive history of the County of Washington; and

**WHEREAS**, the Historical Society has contributed significantly to the documented history of the County of Washington and the Town of Abingdon through its publishing of Nanci C. King's *Places in Time* series, its *Historical Society Bulletins*, dating from 1936 to the present day, and its ongoing multiple-volume series *High on a Windy Hill* concerning the historical cemeteries of the area, which have expanded the historic understanding of our county throughout its existence; and

**WHEREAS**, the Historical Society has also contributed to the knowledge and understanding of the development of the Town of Abingdon through its preservation of the minutes of the Town of Abingdon's government from 1778 until 1938; and

**WHEREAS**, the Historical Society has tirelessly catalogued the genealogy of our region's inhabitants in southwest Virginia and northeast Tennessee, serving both the interest of the residents and those whose ancestors paused here along the Great Road on their migrations further into the frontier of our Republic; and

**WHEREAS**, the Historical Society has collaborated with other local cultural outlets in offering exhibitions upon our County's history, whether through historic home tours, artistic displays or biographical exhibits; and

**WHEREAS**, the Historical Society will continue its role of preserving the priceless history of our County into the future by its database and digitization projects; and

**NOW, THEREFORE**, the Council of the Town of Abingdon resolves to honor the Historical Society of Washington County on its 75<sup>th</sup> anniversary and commends its members for their actions past, present and future in preserving the history of our Town and County; and

**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>



#### **L. COUNCIL MEMBER REPORTS**



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

At this time, **On motion of Mrs. Lowe, seconded Mr. Berry, 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 Board of Zoning Appeals and the Go Green 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>

**Mayor Morgan      Aye**

**The motion carried.**

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council reconvened in regular session.**

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

**Mr. Howard      Aye**

**Mr. Humphreys      Aye**

**Mr. Berry      Aye**

**Mrs. Lowe      Aye**

**Mr. Morgan      Aye**

**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:**

**Mr. Howard**            **I so certify**  
**Mr. Humphreys**      **I so certify**  
**Mr. Berry**             **I so certify**  
**Mrs. Lowe**            **I so certify**  
**Mayor Morgan**      **I so certify**

1. *Appointment to the Board of Zoning Appeals*

**On motion of Mr. Berry, seconded by Mr. Humphreys, the Council appointed Matt Bundy to serve 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**  
**Mr. Morgan**          **Aye**

**The motion carried.**



2. *Appointment to the Go Green Committee*

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed Robin Raines to serve on the Go Green Committee.**

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

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

**The motion carried.**

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Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk