

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, APRIL 5, 2010
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, April 5, 2010 at 7:30 p.m. in the Council chambers of the Municipal Building.

Mayor Morgan called the meeting to order and welcomed everyone in attendance.

A. ROLL CALL

Members of Council Present:	Edward B. Morgan, Mayor Dr. French H. Moore, Jr., Vice Mayor Mrs. Lois H. Humphreys Mrs. Cathy Lowe Mr. Jason N. Berry
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 Kevin Worley, Dir. of Parks and Recreation Jim Cowart, Dir. of Econ. Dev/Grants Writer John Dew, Dir. Of Public Services/Construction Floyd Bailey, IT Department Tony Sullivan, Chief of Police Rob Case, IT Department
Visitors:	Ed Roberts, Bill and Kim Eberhardt, Andy Stockner, Carl Mallory, Bob Howard, Susan Kimbrell and others

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**B. PLEDGE OF ALLEGIANCE**

Tony Sullivan, Chief of Police led the Pledge of Allegiance.

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C. APPROVAL OF MINUTES

- March 1, 2010 Work Session Meeting
- March 1, 2010 Regular Meeting
- March 2, 2010 CIP Work Session Meeting

On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the minutes of March 1, 2010 work session, the March 1, 2010 regular meeting and the March 2, 2010 CIP work session meeting were approved as presented.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.



At this time Mayor Morgan asked Mr. Kelly to update the Council about the naming of the Park Street Park. Mr. Kelly indicated that he had orchestrated a surprise and asked that Bill and Kim Eberhardt come forward. Mr. Kelly indicated that it was his recommendation to the Council that they name the Park Street Park the ***William Landrum “Bill” Eberhardt, Jr. Youth Park*** for Mr. Eberhardt’s longstanding commitment and dedication to the youth of Abingdon and Washington County, Virginia. Mr. Eberhardt received a standing ovation and thanked the Council for such an outstanding honor.

On motion of Dr. Moore, seconded by Mr. Berry, the Council declared the official name of the Park Street Park the *William Landrum “Bill” Eberhardt, Jr. Youth Park*.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.



D. PETITIONS AND PUBLIC HEARINGS – None.

E. CONSIDERATION OF ANY BIDS

1. Consideration of the Town's asphalt resurfacing bids for FY2009/2010.

John Dew, Director of Public Services/Construction came before the Council to report on the bid received for the Town's asphalt resurfacing work for FY09/10. Mr. Dew indicated that the Town only received one bid and it was his recommendation that the Council accept the bid and award the contract to W&L Construction and Paving, Inc. for the amount of \$207,965.45.

On motion of Mr. Berry, seconded by Dr. Moore, the Council approved the bid and awarded the contract for asphalt resurfacing work for FY2009/10 to W&L Construction and Paving, Inc. for the amount of \$207,965.45.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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**F. REPORTS FROM THE TOWN MANAGER**

**1. Consideration of naming of Park Street Park.**

*This item was considered and acted upon by Council earlier in the meeting. No further action was required by Council.*

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2. Consideration of funding request from Abingdon Senior Center.

Dexter Peltzer, Director of Abingdon Senior Center appeared before the Council to renew his request for funding for a matching grant that he has been selected to receive through Congressman Rick Boucher's office. Mr. Peltzer reported that the Council appropriated \$7,500 at the March meeting with the request that he submit a funding match request to Washington County for the additional \$7,500. Mr. Peltzer reported that he did submit his request for funding to Washington County, as requested, but had been advised that United Way now handles all non departmental funding requests for the County and his request had not been considered of today's date.

Mrs. Lowe inquired how much funding Mr. Peltzer raised with his masquerade ball at the Senior Center and he responded that they had raised \$5,000.

Mayor Morgan indicated that with the \$7,500 from the Town, appropriated at the March meeting, and the \$5,000 from the masquerade ball, Mr. Peltzer had a total of \$12,500. Mayor Morgan inquired as to how Mr. Peltzer could raise the additional funding needed to get him to a total of \$25,000.

Mr. Peltzer indicated that it was his hope that the Town would appropriate an additional \$7,500 and he could raise the additional funding needed to meet the match.

At this time, Mrs. Humphreys made a motion to appropriate the additional \$7,500 from contingency for the Abingdon Senior Center to be used to secure a matching grant through Congressman Boucher's office. Mr. Berry said he would second the motion provided that it be amended to indicate that the Council would appropriate the additional \$7,500 contingent upon the appropriation by Washington County, once that was determined.

Mrs. Lowe commented that the Council could deduct the \$7,500 from Mr. Peltzer's appropriation amount requested for the Senior Center for FY2010/2011.

Mr. Kelly recommended that the Council consider the matter at the April 19th budget work session meeting when Council is to consider non-departmental funding requests.

Thereafter, on revised motion of Mrs. Humphreys, seconded by Mr. Berry, the Council agreed to review Mr. Peltzer's funding request for the match for the grant for the Abingdon Senior Center at the April 19, 2010 budget work session meeting.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.



3. Consideration of annual Town tree report.

Kevin Sigmon, Town Arborist came before the Council members to provide his annual Town tree report. Mr. Sigmon reported that Arbor Day would be held on April 27th with a ceremony at Watauga Elementary School.

Mayor Morgan inquired about the fitness of the Town trees after the December 9th wind storm. Mr. Sigmon indicated that the Town did not suffer any fallen Town trees and that the tree damage was located on private property.

Mayor Morgan thanked Mr. Sigmon for his report and his work to preserve such a valuable Town resource.

No action was required by Council on this matter.

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**4. Consideration of authorization for construction to begin on Veterans Memorial Park according to their Master Plan.**

Mr. Kelly informed Council that the Veterans Park group was prepared to move forward with Phase 1 of their Master Plan as it was approved by Council earlier last year. Mr. Kelly indicated that Town staff would be working closely with the group to oversee the construction process and ground disturbing activities. Mr. Kelly recommended that Council approve the authorization of the group to move forward with Phase 1 of the Master Plan.

**On motion of Dr. Moore, seconded by Mr. Berry, the Council members approved the Veterans Memorial Park group to proceed with Phase 1 of their Master Plan and asked that Town staff work closely with the group to oversee the construction process and ground disturbing activities.**

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

|                       |            |
|-----------------------|------------|
| <b>Mr. Berry</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>      | <b>Aye</b> |
| <b>Mrs. Humphreys</b> | <b>Aye</b> |
| <b>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

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5. Consideration of authorization of funding for engineering services and legal services for the Country Club Estates stormwater management issue.

Mr. Kelly indicated that in accordance with Council's direction, Town staff was ready to proceed with securing engineering services and legal services for the Country Club Estates stormwater management issue.

On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council appropriated the amount of \$44,375 from Town reserves for the purpose of securing engineering

services and legal services to address the stormwater management issues for Country Club Estates.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.



G. PASSAGE OF RESOLUTIONS

1. **A Resolution of the Council of the Town of Abingdon, Virginia to Request the Assistance of Congressman Rick Boucher in Initiating the Application for a Much Needed Stormwater Management Study from the U.S. Army Corps of Engineers for the Town of Abingdon, Virginia.**

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council adopted the following resolution as presented:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA TO REQUEST THE ASSISTANCE OF CONGRESSMAN RICK BOUCHER INITIATING THE APPLICATION FOR A MUCH-NEEDED STORMWATER MANAGEMENT STUDY ASSISTANCE FROM THE U.S. ARMY CORPS OF ENGINEERS FOR THE TOWN OF ABINGDON, VIRGINIA

WHEREAS, The citizens of the Town of Abingdon, Virginia have realized a critical need for assistance with alleviating the effects of stormwater issues and flooding due to inadequate drainage structures during the past years; and

WHEREAS, during 1980 a Storm Drainage Study was conducted on behalf of the Town of Abingdon, Virginia by Hayes, Seay, Mattern and Mattern, the results of which established a record of the sizes and shapes of contributing drainage basins, topography, soil characteristics and land use and development, the combination of which determines the quantity of stormwater that will result from a rainfall; and

WHEREAS, this Study revealed areas within the Town limits that have inadequate drainage structures in 1980; and

April 5, 2010

WHEREAS, the Council of the Town of Abingdon decided at its May 5, 2008 work session, to pursue a meeting with the Corps of Engineers with regard to its stormwater management issues; and

WHEREAS, as a result of said meeting of June 8, 2008 with the Army Corps of Engineers, the Department of Conservation and Recreation, Washington County Virginia, the Town of Abingdon Staff, the Abingdon Town Council Members, and Clayton Hodges of Altizer, Hodges & Varney, Inc., Consulting Engineers and Surveyors, the recommendation was made on October 6, 2008 that the Town of Abingdon apply for stormwater management study assistance through the PAS program (Planning Assistance for States) with the Army Corps of Engineers; and

WHEREAS, on November 11, 2008, in order to better equip the Town with the ability to plan for the future through greater understanding of the magnitude of the problems and costs associated with the repairs it faced, the Town requested assistance from the U. S. Army Corps of Engineers with regard to flooding along Wolf Creek, Town Creek, and all associated tributaries located within the Town of Abingdon, in Washington County, Virginia; and

WHEREAS, while the Town has worked diligently to make progress toward improving said drainage structures and systems since the above-mentioned date, many areas remain unchanged and presently utilize obsolete, undersized and inadequate drainage structures; and

WHEREAS, the Abingdon Town Council has determined that, upon the recommendation of the Planning Commission and public input and support, that the stormwater management study is in the best interests of the citizens of the Town of Abingdon; and

WHEREAS, the Town of Abingdon, Virginia is asking for support from U. S. Congressman Rick Boucher to support the stormwater management study assistance from the Army Corps of Engineers through the Planning Assistance for States program; and

WHEREAS, the safety and quality of life issues for the Town's residents, as well as the exposure of future liability for the Town, would be substantial without addressing the above-described stormwater management study and any subsequent remedies; and

NOW, THEREFORE BE IT RESOLVED that in the best interests of and concerns for the continued health, safety and welfare of its residents, the Council of the Town of Abingdon hereby requests the support and assistance of Congressman Rick Boucher, one of its own citizens, to aid in its efforts by contacting the U.S. Army Corps of Engineers and requesting study assistance through the Planning Assistance for States program.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.



2. A Resolution of the Council of the Town of Abingdon, Virginia Declaring April 2010 Juice Drive Month.

On motion of Mr. Berry, seconded by Dr. Moore, the Council adopted the following resolution declaring April 2010 as Juice Drive Month:

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

WHEREAS, the Southwestern Virginia Second Harvest Food Bank's Children's Programs, including the Kids Café program, are a part of the nation's largest charitable meal service programs; and

WHEREAS, the 80's Children's Program sites operating within the 26 countries and 10 cities the Southwestern Virginia Second Harvest Food Bank serves distributed a total of 504,785 meals and snacks to 41,406 children during the last fiscal year; and

WHEREAS, the program serving the Town of Abingdon has provided 5,193 meals and snacks to more than 1,000 children during the last fiscal year; and

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

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

WHEREAS, the Southwestern Virginia Second Harvest 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 Southwestern Virginia Second Harvest Food Bank and its sponsors for organizing the Juice Drive to benefit thousands of at-risk children and do hereby Proclaim April 1st through April 30th, 2010 as **JUICE DRIVE MONTH.**

The roll call vote was as follows:

Mr. Berry **Aye**
Mrs. Lowe **Aye**
Mrs. Humphreys **Aye**
Dr. Moore **Aye**
Mayor Morgan **Aye**

The motion carried.



On motion of Dr. Moore, seconded by Mr. Berry the Council appropriated \$1,000 from their contingency for the Southwest Virginia Second Harvest Food Bank's Juice Drive.

The roll call vote was as follows:

Mr. Berry **Aye**
Mrs. Lowe **Aye**
Mrs. Humphreys **Aye**
Dr. Moore **Aye**
Mayor Morgan **Aye**

The motion carried.



H. FIRST READING OF ORDINANCES - None.

I. SECOND READING OF ORDINANCES – None.

J. UNFINISHED BUSINESS

- At this time Greg Kelly, Town Manager asked Council to consider the banking proposals that were presented at the March meeting. Mr. Kelly indicated that Council had requested additional information to be provided at the April meeting. Mr. Kelly further indicated that Council had received the additional information and it had been discussed at the prior work session meeting. Mr. Kelly recommended that Council consider reviewing the Town's banking accounts every three (3) to four (4) years.

On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council approved the relocation of the Town's operational account from Bank of America to Highlands Union Bank and further that Town banking accounts be reviewed by Council every three (3) to four (4) years.

The roll call vote was as follows:

Mr. Berry **Aye**
Mrs. Lowe **Aye**
Mrs. Humphreys **Aye**
Dr. Moore **Aye**
Mayor Morgan **Aye**

The motion carried.



K. MATTERS NOT ON THE AGENDA

L. COUNCIL MEMBER REPORTS

- Mrs. Lowe reported that during her neighborhood campaign visits, she had spoken with a family who praised the Abingdon Fire Department for their assistance with a house fire.
- Dr. Moore reported that Abingdon had been a part of the All America City award in the past but had partnered with 2 other localities for the competition. He indicated that he was pleased that Abingdon, on its own, had been named a finalist for the competition again.
- Mr. Berry reminded the Council and guests that James S. Cheng, Virginia Secretary of Commerce and Trade would be visiting the Virginia Highlands Small Business Incubator for a breakfast on May 11, 2010 at 8:00 a.m.



M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- Connie Mills Daggs, resident of 215 Maple Street addressed the Council members about her concern for a maple tree that is on the Town's right of way but is close to her home. Mayor Morgan asked Mr. Sigmon, Town Arborist, to speak with Ms. Daggs about the tree.



Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk