

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, APRIL 2, 2012 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on April 2, 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.

Visitors: Lois Humphreys, Susan Humphreys, Nicole Dyer, rich
Macbeth, Joella Barbour, Rubinette Neimann, Sue Ray,
Kitty Henninger, Doris Welch and others

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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Sue Ray, member of the Blacks Fort Chapter of the Daughters of the American Revolution.

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C. APPROVAL OF MINUTES

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the minutes of the March 5, 2012 Work Session meeting and the March 5, 2012 Regular meeting with one correction as follows:

On page 36 of the March 5, 2012 Regular Meeting Minutes under Item H2. Presentation and update on Johnston Memorial Hospital:

Addition to the language would be:

Mayor Morgan noted that he was pleased with the efforts of Mountain States Health Alliance Board to improve the quality of healthcare in our region and realized that the challenge in region was the shortage of doctors. Mayor Morgan indicated that he hoped the Council could count on the MSHA Board to support the Town's efforts to bring a new medical school to Abingdon.

Mr. McMurray responded that Mayor Morgan's comments were "duly noted" and that having quality physicians was important and they would be supportive of efforts to ultimately provide that.

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

- Recognition of Angela Sullins, Administrative Assistant for the Abingdon Police Department, for her thirty (30) years of service to the Town.

Mr. Kelly commented that Ms. Sullins was unable to attend the meeting but commended her on her thirty (30) years of service to the town.

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At this time, Mayor Morgan asked that the Council consider Agenda item I2, **Resolution by the Council of the Town of Abingdon, Virginia Commending Black's Fort Chapter, National Society , Daughters of the American Revolution for Ninety (90) Years of Community Service.**

Joella Barbour, Chapter Member commented on the Resolution for Council's consideration commending the Chapter for their ninety (90) years of community service. Mayor Morgan read the Resolution into the record as follows:

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA
COMMENDING THE BLACK'S FORT CHAPTER, NATIONAL SOCIETY DAUGHTERS OF
THE AMERICAN REVOLUTION FOR NINETY (90) YEARS OF COMMUNITY SERVICE**

WHEREAS, the Chapter was chartered in the Town of Abingdon on November 29, 1921 with twelve members: Mrs. Dosia Trigg Preston, Organizing Regent, Miss Willie Trigg, Miss Mary Elizabeth Kreger, Mrs. Lelia Hamilton Carson, Miss Minnie L. and Miss Ethel Baugh, Miss Katherine Barnett Stiles, Mrs. Susan Watkins Barrow Mongle, Miss Margaret Buchanan and Miss Grace Baily Kelly, Miss Mamie Cooper Gill, and Mrs. Mary Elizabeth Gill Webb; and

WHEREAS, the one hundred and nine (109) members of the Chapter pledge the DAR objects each meeting: to perpetuate the memory and spirit of the men and women who achieved American independence; to promote the development of an enlightened public opinion; and to foster patriotic citizenship; and

WHEREAS, the Chapter has dedicated countless DAR ancestor markers and erected an obelisk to all Revolutionary War veterans buried in Washington County, Virginia at the historic Sinking Spring Cemetery; and

WHEREAS, students in grades 4th – 12th have entered hundreds of entries in the DAR Christopher Columbus, American History and Flag of the United States of America Essay Contests, and yearly, a 12th grade student is recognized for the Good Citizen Award; and

WHEREAS, the Chapter has participated in each Naturalization Ceremony of the U.S. District Court, Western Division of Virginia in Abingdon since 2000 by welcoming the new citizens, presenting them a flag and providing a social time for the group;

WHEREAS, the Chapter is involved in many projects that promote historic preservation including the Town of Abingdon Muster Grounds and have assisted VADAR State Regent Patricia Musick Hatfield with the State Regent's Project to provide display cases for the new W. Blair Keller Interpretive Center Exhibit; and

WHEREAS, their efforts have assisted in the education and outreach of close to ten-thousand (10,000) school children and thousands of adults from our region, across the nation and around the world, since 2005.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Abingdon, Virginia does hereby honor and commend the Black's Fort Chapter of the Daughters of the American Revolution on their 90th of Community Service.

Mr. Humphreys commented that the DAR had been instrumental in the fundraising efforts for The Muster Grounds and commended contribution to the project.

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

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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At this time, Mayor Morgan asked that the Council consider Agenda Item I2, **A Resolution of the Council of the Town of Abingdon, Virginia Declaring the Month of April as Juice Drive Month.**

Nicole Dyer, AmeriCorps VISTA 2012-2013 Feeding America Southwest Virginia, Product Coordinator & Volunteer Recruiter thanked the Council for their support of Feeding America and asked that they declare April as Juice Drive Month.

Mayor Morgan read the Resolution into the record as follows:

**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 136 Children's Program sites operating within the 26 counties and 10 cities the Feeding America Southwest Virginia Food Bank serves distributed a total of 724,926 meals and snacks to 10,284 children during the fiscal year; and

**WHEREAS**, the program serving the Town of Abingdon has monthly provided approximately 2,567 meals and snacks to 952 children during the last fiscal year; and

**WHEREAS**, more than 81,208 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>, 2012 as **JUICE DRIVE MONTH**.

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

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

**Mr. Howard            Aye**

**Mr. Humphreys      Aye**

**Mr. Berry             Aye**

**Mrs. Lowe            Aye**

**Mayor Morgan        Aye**



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

- 1. Public Hearing – First Reading of Ordinance – An Ordinance of the Council of the Town of Abingdon, Virginia to Amend Its Code of Ordinances by Adding Division 6 to Chapter 66, Article II to Establish A Partial Exemption for Certain Rehabilitated, Renovated, or Replacement Commercial or Industrial Structures Within a Specified Geographic Region of the Town.**

Deb Icenhour, Town Attorney indicated that this Ordinance was before Council for public hearing and consideration in order to allow a partial tax exemption for structures that undergo a substantial renovation or replacement. Ms. Icenhour commented that local business KVAT would qualify for this exemption for the former Johnston Memorial Hospital property. Ms. Icenhour recommended that the Council adopt the Ordinance on first reading, dispensing with the second reading.

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

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council adopted the Ordinance, on first reading, to Amend Its Code of Ordinances by Adding Division 6 to Chapter 66, Article II to Establish A Partial Exemption for Certain Rehabilitated, Renovated, or Replacement Commercial or Industrial Structures Within a Specified Geographic Region of the Town, dispensing with the second reading.**

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

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

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2. **Public Hearing – First Reading of Ordinance – An Ordinance of the Council of the Town Of Abingdon, Virginia to Repeal, Amend and Reenact Chapter 58, Solid Waste, Article II. Storage and Collection, Division 1. Generally; Division 2. Town Collection; and Division 3. Containers, §58-26 through §58-73 of the Code of Ordinances of the Town of Abingdon, Virginia.**

John Dew, Director of Public Services/Construction commented that this Ordinance was revised in order to bring it current with existing policies and services of the handling and placement of solid waste containers by town staff.

Mayor Morgan declared the public hearing open.

Rich Macbeth of 1139 Panorama Drive, Abingdon commented on the need for further review of the Ordinance and suggested it be delayed for another month for consideration.

Mayor Morgan declared the public hearing closed and commented that the full text of the Ordinance would be placed on the town's website for review.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council agreed to table consideration of the Solid Waste Ordinance until the regular May meeting.**

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

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|-------------------|------------|
| <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> |



**F. SECOND READING OF ORDINANCES – None.**



**G. CONSIDERATION OF ANY BIDS**

**1. Consideration of bids for Truck-Mounted Combination Vacuum/Jetter Sewer Cleaning Unit (Jet-Vac Truck).**

John Dew, Director of Public Services and Construction commented that Mr. Smith, Town Engineer was unable to attend the meeting due to a health issue and he would be presenting the bids for the Jet-Vac truck for Council's consideration. Mr. Dew reported that three (3) bids were received for the Jet-Vac truck and after review by the staff of the town's Collection Department, their recommendation was the Vac-Con V312 LHA/1500 +114SD on a Freightliner Chassis from Atlantic Machinery, Inc. for a price of \$297,600. Mr. Dew noted that this bid was not the lowest but the Collection Department indicated that this choice would meet the needs of the department and be in service for a longer period of time. Mr. Dew commented that the truck would be purchased through a five (5) year lease agreement.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council accepted the bid by Atlantic Machinery, Inc. for the purchase of a Vac-Con V312 LHA/1500 +114SD on a Freightliner Chasis for a price of \$297,600 and authorized Mr. Kelly, Town Manager to enter into a five (5) year lease purchase agreement.**

**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**



**2. Consideration of bids for construction of the West Interceptor Project.**

*Mayor Morgan indicated that item would be considered at the regular May meeting. No action was taken by Council.*



**3. Consideration of guardrail repair and replacement.**

John Dew, Director of Public Services and Construction commented that he had received two (2) bids for guardrail repair and replacement and noted that the low bid of \$65,450 by Makco Inc., of Troy, Virginia was still in excess of the budgeted amount. Mr. Dew noted that he could accommodate the difference in the budgeted amount of \$50,000 from surplus funds in the Street Department budget.

Mr. Berry inquired about the sites in town that would receive guardrail repairs and/or replacement.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council accepted the bid submitted by Makco, Inc. of \$65,450 and noted that the excess amount over the budgeted amount would come from surplus funds within the Street Department budget.**

**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. Presentation of the Tourism Strategic Plan**



Kevin Costello, Director of Tourism presented a power point presentation with regard to a Strategic Plan that he, along with committee members, have compiled for the Abingdon Convention and Visitors Bureau. Mr. Costello commented on the Bureau's mission statement, goals and projects that they wish to implement, as well as marketing strategies and defining of tourism zones within the town. Mr. Costello commented on the grant funds he continues to seek to help fund projects and the success of the public meeting he held so citizens could comment on the plan. Mr. Humphreys commended Mr. Costello for his efforts with regard to the Strategic Plan. Mr. Berry commented that the TAC committee had reviewed the plan and recommended it to Council for consideration.

**On motion of Mr. Berry, seconded by Mr. Humphreys, the Council accepted the Tourism Strategic Plan as presented and upon recommendation of the 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> |

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- 2. Consideration and authorization of the Town Manager to execute Virginia Water Facilities Revolving Fund loan agreement for the town's West Interceptor Project.**

Mayor Morgan commented that this matter was directly related to Agenda Item G2 and requested that it be placed back on the May agenda for consideration by Council. No action was taken by Council on this matter.

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- 3. Consideration of the 2012 Inaugural Nominations for the Arthur Campbell Community Service Award.**

Garrett Jackson, Assistant Town Manager provided a summary of the process of establishment of the Arthur Campbell Community Service Award, the highest honor given by the Town Council. Mr. Jackson indicated that nominations had been received

and reviewed by Council and they were prepared to release the names of the inaugural group of nominees for the award.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council selected the following citizens to receive the first ever Arthur Campbell Community Service Award:**

- **Lois Humphreys**, Mayor Emeritus of the Town Council and **Ben Jennings**, member of the staff of Virginia Highlands Community College – nominations by Council Member, Rick Humphreys.
- **Rick Rose**, Producing Artistic Director of Barter Theatre and former Senator, **William Wampler** – nominations by Council Member, Cathy Lowe.
- **Dr. French H. Moore, Jr.**, former Mayor and Vice Mayor of the Town Council – nomination by Council Member, Bob Howard.
- **Delegate Joe Johnson**, member of the Virginia House of Delegates – nomination by Council Member, Jason Berry.
- **Rick Boucher**, former Congressman for U.S. House of Representatives – nomination by Mayor Morgan.

**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 noted that there will be an awards banquet for the recipients of the Arthur Campbell Award on Sunday, October 7, 2012 at *Heartwood*.

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I. PASSAGE OF RESOLUTIONS

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

No action was required by Council on this matter as it was considered earlier in the meeting.

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1. **Resolution by the Council of the Town of Abingdon, Virginia Commending Black's Fort Chapter, National Society , Daughters of the American Revolution for Ninety (90) Years of Community Service.**

*No action was required by Council on this matter as it was considered earlier in the meeting.*

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2. **A Resolution of the Council of the Town of Abingdon, Virginia to appeal to the Virginia Department of Transportation to Reverse the Most Recently Adopted Litter Removal Policy and Restore its Previous Level of Full Service**

John Dew, Director of Public Services/Construction commented that VDOT had contracted litter removal along the I-81 corridor for only three (3) during the year leaving an accumulation of trash and garbage on all three exit ramps leading into Abingdon. Mayor Morgan noted that citizens had complained about the trash and unsightly appearance of the exits.

Mrs. Lowe read the Resolution into the record as follows:

**A RESOLUTION BY THE COUNCIL
OF THE TOWN OF ABINGDON, VIRGINIA
TO APPEAL TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO
REVERSE THE MOST RECENTLY ADOPTED
LITTER REMOVAL POLICY AND RESTORE
ITS PREVIOUS LEVEL OF FULL SERVICE**

WHEREAS, the Virginia Department of Transportation, (hereinafter referred to as VDOT), bears the responsibility for maintaining, mowing and general upkeep of interstate highway right-of-way within its borders, among which is Interstate 81, intersecting the Town of Abingdon, located in Washington County Virginia with three (3) interchanges located within the Town's corporate limits; and

WHEREAS, VDOT's most recently adopted maintenance policy changes have reduced labor, materials, equipment and resources available to support maintenance efforts, thereby resulting in an approximate 50% reduction of litter removal from the Interstate 81 right-of-way (reduced to a minimal three (3) times a year) coinciding with mowing operations, beginning no sooner than May 10th and ending in late October; and

WHEREAS, said policy changes have resulted in a significant amount of trash within the interstate right-of-way, high visible by motorists. This objectionable condition detracts from the experience of visitors to the Town of Abingdon, and reflects poorly upon the residents, business owners, and the abbreviated policies have dramatically resulted in an increased amount of litter, trash and refuse accumulation along interstate mainline and ramps, creating the major portion of the entrance corridor to the Town of Abingdon and serving as a gateway to Southwest Virginia; and

WHEREAS, litter and trash upon Virginia and Town of Abingdon right-of-way create a negative first impression for a Town which otherwise boasts breath-taking landscapes, is rich in cultural arts, history, and beautiful historic structures; and

WHEREAS, the Town of Abingdon is a major tourism designation in the Southeastern United States and as such large numbers of visitors to the area can only be negatively affected by the sight and presence of trash in open and public spaces, including the right-of-way along our roads, ramps and major entrance corridors; and

WHEREAS, in addition to the negative aesthetic effects, the amount of trash that has accumulated within the Interstate 81 right-of-way is harmful to the environment, with local waterways and wildlife directly threatened by its presence and content; and

WHEREAS, the Town of Abingdon is actively and diligently engaged in developing its growing Tourism Industry, therefore making it vital to the economic success and quality of life to put its best foot forward, thereby creating a beneficial effect for the entire region; and

WHEREAS, VDOT's reduction of litter management and the litter removal policy change has had a most detrimental effect upon the Town of Abingdon property and business owners and has caused a negative reaction throughout Southwest Virginia; and

THEREFORE, MAY IT BE RESOLVED THAT the Town Council of Abingdon Virginia strongly appeals to VDOT and the Commonwealth Transportation Board to reverse the current, abbreviated level of litter removal policy and restore the previous level of service so that we may keep our part of the Commonwealth of Virginia in the beautiful condition of which we as Virginians can be proud.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the Resolution as presented and asked that a copy be forwarded to all elected officials/legislators.

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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- 3. A Resolution of the Council of the Town of Abingdon, Virginia to Authorize the Town Manager to enter into Mutual Aid Cooperation Agreement for Law**

**Enforcement Services for the Town of Abingdon, Virginia and Washington County, Virginia.**

Deb Icenhour, Town Attorney commented that this Resolution was before Council for consideration and was the renewal of an existing agreement with Town of Abingdon and Washington County to provide law enforcement services in neighboring jurisdictions.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the following resolution as presented and further authorized the Town Manager to execute the Mutual Aid Cooperation Agreement on behalf of the town:**

**A RESOLUTION BY THE COUNCIL OF THE  
TOWN OF ABINGDON, VIRGINIA  
TO ENCOURAGE SUPPORT FOR THE MUTUAL AID AND  
COOPERATION AGREEMENT FOR LAW ENFORCEMENT SERVICES  
BY AND BETWEEN THE TOWN OF ABINGDON, VIRGINIA  
AND THE COUNTY OF WASHINGTON, VIRGINIA**

**WHEREAS**, the Code of Virginia, 1950, as amended, §§ 15.2-1724, 15.2-1726, 15.2-1730.1, and 15.2-1736 supports that law enforcement services of each locality better serve their citizens via the manner described herein, this Mutual Aid and Cooperation Agreement for Law Enforcement Services (“Agreement”) is made this the \_\_\_\_ day of April, 2012, by and between the Town of Abingdon, Virginia, and the Chief of Police of the Town of Abingdon, Virginia and the County of Washington, Virginia, the Sheriff of the County of Washington, Virginia, (together, "Parties"); and

**WHEREAS**, the Town of Abingdon, Virginia is located fully within the County of Washington, Virginia, is a political subdivision of the Commonwealth of Virginia, and is governed by an elected Town Council and the County of Washington, Virginia is a political subdivision of the Commonwealth of Virginia, governed by an elected Board of Supervisors; and

**WHEREAS**, Washington County does not have a county police force, and the Sheriff of the County serves as the principal law enforcement officer; and

**WHEREAS**, the parties have determined that providing emergency police aid across jurisdictional boundaries will increase the ability of the local law enforcement agencies to promote the public safety and protect the general welfare of the citizens, and intend by this accord to enter into a reciprocal agreement for cooperation in furnishing police services and for use of their joint policies, forces, equipment, and materials for their mutual protection, defense, and maintenance of peace and good order; and

**WHEREAS**, County and Town (together, "Localities") are members of the Southwest Virginia Regional Jail Authority, and use the jail facilities of the Southwest Virginia Regional Jail located in Washington County, Virginia (“Jail”), to house prisoners; and

**WHEREAS**, criminal investigations often cross jurisdictional lines and the demands of emergencies and disasters, as addressed in Virginia Code § 15.2-1730.1, may require inter-jurisdictional law enforcement support; and

**WHEREAS**, in light of the foregoing, the Localities are so situated in relation to each other and to the Jail, that it is advantageous to each, under the circumstances herein specified, to permit law enforcement officers of the neighboring jurisdictions to provide service of civil summons, service of criminal warrants, process of arrest, and emergency support in the neighboring jurisdictions of the parties to this Agreement as if they were officers in such jurisdictions; and

**WHEREAS**, the parties hereto, along with their respective governing bodies, have determined that it is in the best interests of the public health, safety, and welfare of the residents of both Localities that their law enforcement personnel should have the mutual authority pursuant to Virginia Code §§ 15.2-1724, 15.2-1726, 15.2-1730.1, and 15.2-1736 to cooperate with, support, request and render assistance as set forth, provided and agreed to herein.

**NOW, THEREFORE, BE IT KNOWN, AGREED, AND RESOLVED** that the governing bodies of the Town of Abingdon and the County of Washington, by proper resolutions adopted at regular meetings and at the request of and with the agreement by and between the Sheriff of the County of Washington and the Chief of Police of the Town of Abingdon, hereby approve and enter into this Agreement, and the Parties hereto jointly resolve and agree with one another as follows:

**Assistance in Event of Emergency, Disaster or Other Need:**

1. The principal law enforcement officer of the respective parties, or the officer commanding in his or her absence, is authorized to determine the need for additional law enforcement assistance, without the necessity of deputizing officers from the other cooperating jurisdictions, when such officer determines that an emergency or other need exists. In such cases, they may participate in law enforcement activities beyond their respective jurisdiction to the extent authorized by the general laws of the Commonwealth of Virginia.

2. In the event that a determination is made that law enforcement assistance is required, the law enforcement officer authorized to act shall communicate the determination to the principal law enforcement officer or his/her then officer in command of the law enforcement agency from which assistance is requested. In the event where immediate response is required for the requesting agency said request may be made through general dispatch at the direction of the requesting officer. Such request will include the following:

- a) Name and title of the officer making the request;
- b) A summary of the circumstances initiating the action and a description of the assistance needed; and
- c) The name, title, and location of the officer to whom assisting personnel shall report.

3. Upon receipt of a request for assistance, the law enforcement officer authorized to act will provide such assistance as is consistent with the circumstances within the requesting jurisdiction and the availability of his or her own agency's forces.

4. Nothing contained in this Agreement shall compel any party hereto to respond to a request for law enforcement assistance nor shall any party providing assistance pursuant to this Agreement is compelled to continue with such assistance after such assistance was initiated.

5. During the period assistance is provided, personnel of the assisting agency shall operate in the requesting jurisdiction with the same powers, rights, benefits, privileges and immunities as are enjoyed by members of the requesting agency. Each officer who enters the jurisdiction of the requesting agency pursuant to this Agreement is authorized to exercise the full police powers of the requesting agency's law enforcement personnel. For purposes of this Agreement it is understood that the assisting party is considered to be rendering aid once it has entered the jurisdictional boundaries of the party receiving assistance. This specifically includes, but is not limited to, the following: the authority to serve civil summons; the authority to serve criminal warrants; and the authority to make arrests.

**Interjurisdictional Actions:**

6. Further, pursuant to this Agreement, (1.) law enforcement officers of the Town of Abingdon may serve civil summons, serve criminal warrants, and make arrests within the territorial limits of Washington County when the alleged offense or civil cause of action occurred in the territorial limits of Town of Abingdon, and (2.) the officers of the Washington County Sheriff's Office may serve civil summons, serve criminal warrants, and make arrests in the territorial limits of Town of Abingdon, when the alleged offense or civil cause of action occurred within the territorial limits of Washington County, including the Towns of Abingdon, Damascus, Glade Spring, and the portion of Saltville located within Washington County.

**Formation of Task Force:**

7. Pursuant to Virginia Code § 15.2-1726, in the event that a determination is made by the principal law enforcement officers of two or more participating jurisdictions, or either of their then acting second in command, that cooperation between both agencies would be necessary or beneficial to the enforcement of laws and maintenance of peace in their respective jurisdictions, then they may form a task force of officers from two or more jurisdictions until such time as the agency of that participating jurisdiction determines that the need for such a task force no longer exists. The purpose for which the agency of two or more participating jurisdictions may form a task force include, but is not limited to, the following:

- a) The investigation of any sexual offense or prostitution as contained in Article 3 of Chapter 8 of Title 18.2;
- b) The investigation of laws assigned to control or prohibit the use or sale of controlled drugs as defined by Virginia Code § 54.1-3401;
- c) The investigation of serial rapes, murders, armed robberies, or other felonies;
- d) Law enforcement and crowd control at special events and athletic events, such as parades, sporting events, rallies, gatherings, or such other occurrences; or
- e) The occurrence of any other event which in the opinion of both principal law enforcement officers makes cooperation between their respective agencies necessary.

**General Terms and Conditions:**

8. In the event of arrest or service of process by law enforcement outside their regular jurisdiction pursuant to this Agreement, the law enforcement agency of the jurisdiction where the case is to be adjudicated will be responsible for satisfaction of the requirements under Virginia Code § 19.2-390.

9. The principal law enforcement officer of any agency receiving assistance under this Agreement shall be responsible for directing the activities of other officers, agents, or employees coming into his or her jurisdiction. The principal law enforcement officer of the agency receiving assistance shall notify the principal law enforcement officer of the assisting agency of any complaints, reports, or other instances of inappropriate, criminal, or otherwise improper conduct or act of any assisting officer promptly after receipt of such complaint, report, or other instance.

10. Each agency shall bear any liability arising from acts undertaken by the personnel of that office pursuant to this Agreement. All of the privileges and immunities from liability, exemption from laws, ordinances, and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits, which apply to the activity of such officers, agents, or employees of either agency, when performing their respective functions within the territorial limits of their respective public agencies shall apply to them to the same degree, manner, and extent as if they were within their territorial limits while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement.

11. Each agency shall provide satisfactory proof of law enforcement professional liability insurance, including public liability insurance in the minimum amount of ONE MILLION DOLLARS (\$1,000,000.00). Each agency shall maintain worker's compensation insurance in the statutorily required amount for any person acting under and covered by this Agreement. Should the coverage of such insurance required by this Agreement of either agency be canceled or materially changed, then that agency shall notify the other agency of such cancellation or change in writing within fifteen (15) calendar days of that agency's receipt of notice of such cancellation or material change. Each party shall notify its insurance carriers of this Agreement.

12. Whenever the law enforcement officer, agent, or other employee acts pursuant to this Agreement outside of their normal jurisdiction, pursuant to the authority contained herein, or under any other written agreement subsequent to signing of this Agreement, or any supplement or addition hereto, such persons shall have the same authorities, powers, rights, benefits, privileges, and immunities as if they were performing their duties in the territorial jurisdiction of which they are employed, appointed, or elected.

13. It is the intent and purpose of this Agreement that there be the fullest cooperation among the agencies to ensure the maintenance of good order and law enforcement during an emergency situation or other law enforcement matter which requires interjurisdictional law enforcement activity pursuant to this Agreement.

14. If any part, section, sub-section, sentence, clause or phrase of this Agreement is for any reason declared invalid, such decision shall not affect the validity of the remaining portions of this Agreement.

15. This Agreement shall be in effect from January 1, 2012 through and including December 31, 2015. This Agreement shall be renewed or extended only by written agreement signed by authorized representatives of all parties hereto. Either party may withdraw from this Agreement upon fifteen (15) days advance written notice to the other party.



16. This Agreement is subject to modification only by written agreement signed by all parties hereto. Any such modification shall be made a part of this Agreement as an addendum.
17. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year written below:

**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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4. A Resolution of the Council of the Town of Abingdon, Virginia Authorizing the Application for federal funding assistance from the Recreational Trails Program (RTP) to the Virginia Department of Conservation and Recreation (DCR).

Jim Cowart, Director of Economic Development commented on the Resolution before Council for consideration. Mr. Cowart recommended that the Council approve the resolution authorizing Mr. Kelly to sign the application for grant funds.

Mr. Kelly, Town Manager commented that the grant funding could be used for the upgrades to the Watauga and Alvarado sites along the Creeper Trail as well as for improvements to the bridges and trestles.

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the Resolution as presented as follows:

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA
AUTHORIZING APPLICATION(S) FOR FEDERAL FUNDING ASSISTANCE FROM
THE RECREATIONAL TRAILS PROGRAM (RTP) TO THE VIRGINIA
DEPARTMENT OF CONSERVATION & RECREATION (DCR).**

WHEREAS, under the provisions of RTP, federal funding assistance is requested to aid in financing the cost of construction and rehabilitation of trails and trail related amenities; and

WHEREA, the Town of Abingdon, Virginia considers it in the best public interest to complete the trail project described in the application;

NOW THEREFORE, BE IT RESOLVED that the Town Manager shall be authorized to make formal application to DCR for funding assistance; and

Any fund assistance received is used for implementation and completion of repairs to the Virginia Creeper Trail within the specified timeframe; and

Town Manager hereby certifies that project funding is currently available and is committed for this project; and

It is acknowledged that the grant, if approved by DCR and the Federal Highway Administration, will be paid on a reimbursement basis, which means requested payment after eligible and allowable costs have already been paid to vendors and evidence of such has been provided to DCR in the format required; and

It is acknowledged that any property utilizing RTP funding that is not in public ownership provided evidence of landowner permission for use of the property for trail purposes and that the associated easement allowing the use is for a time period comparable to the nature and magnitude of the investment of the federal funds associated with the project; and

It is acknowledged that the Town is responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws; and

It is acknowledged that appropriate opportunity for public comment will be provided on this application and evidence of such is a required component for approval; and

It is acknowledged that this Resolution shall become a part of a formal application to the Virginia Department of Conservation & Recreation.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Abingdon, Virginia does hereby authorize application(s) for Federal Funding Assistance from the Recreational Trails Program to the Virginia Department of Conservation and Recreation.

The roll call vote was as follows:

Mr. Howard **Aye**

Mr. Humphreys **Aye**

Mr. Berry **Aye**

Mrs. Lowe **Aye**

Mayor Morgan Aye



J. UNFINISHED BUSINESS – None.



K. MATTERS NOT ON THE AGENDA

1. Mr. Jackson, Assistant Town Manager reported that Council had approved a bid during the regular March meeting regarding the renovations of the Train Station building which currently houses the Washington County Historical Society. Mr. Jackson commented that Council had accepted the bid from Glade Construction Company in the amount of \$303,200 but VDOT had rejected the bid because Glade Construction Company was involved in the project estimations prior to the bidding process. Mr. Kelly commented that it was in the town's best interest to reject the bid and re-bid the project and appeal to VDOT for extension of time due to their denial of the bid.

On motion Mrs. Lowe, seconded by Mr. Howard, the Council rejected the bid previously approved at the March 5, 2012 regular meeting to Glade Construction Company in the amount of \$303,200 and authorized town staff to re-bid the project and appeal to VDOT for an extension of time to finalize the project.

The roll call vote was as follows:

Mr. Howard Aye

Mr. Humphreys Aye

Mr. Berry Aye

Mrs. Lowe Aye

Mayor Morgan Aye



L. COUNCIL MEMBER REPORTS

- Mr. Humphreys wished everyone a Happy Easter.
- Mrs. Lowe commented on the Rotary Club's participation in the backpack program.

- Mr. Howard reported on the tree scape plan recently approved by the Planning Commission and asked that Mr. Sigmon present that plan to Council at the May meeting.
- Mr. Berry commented that Advance Abingdon would be holding a workshop at the Higher Ed Center for restaurants and retailers.
- Mayor Morgan commented on the success of the Shamrock Race and the opening of the Bonfire Restaurant.



M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

At this time, **On motion of Mr. Humphreys, seconded by Mr. Howard the Council convened in 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:

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

The motion carried.

On motion of Mr. Berry, seconded by Mr. Humphreys, 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

Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk