

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 6, 2009  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, April 6, 2009 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 Myra Cook, Dir. Of Tourism Jim Cowart, Dir. of Econ. Dev/Grants Writer John Dew, Dir. Of Public Services/Construction Floyd Bailey, Dir. of Information Technology Tony Sullivan, Chief of Police Rob Case, IT Department Joey Burke, Chief of Police John McCormick, Asst. Fire Chief Kevin Sigmon, Town Arborist
Visitors:	Bob Howard, Bobby Ingle, George Price, L.B. Atkins, Gene Matthis and others

~~~~~

**B. PLEDGE OF ALLEGIANCE**

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

~~~~~

**C. APPROVAL OF MINUTES**

- February 24, 2009 Budget Work Session Meeting
- March 2, 2009 Work Session Meeting

- March 2, 2009 Regular Meeting
- March 26, 2009 Pedestrian Improvement Meeting

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the minutes of the February 24, 2009 budget work session meeting, the March 2, 2009 work session meeting, the March 2, 2009 regular meeting and the March 26, 2009 Pedestrian Improvement meeting as presented.**

**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.**

~~~~~

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

- Mr. Kelly recognized Bobby Norris, Equipment Operator for the Department of Public Works, and thanked him for his twenty (20) years of service to the Town of Abingdon.
- Mr. Kelly recognized Pat Mason, Truck Driver for the Coomes Recreation Center, and thanked her for her five (5) years of service to the Town of Abingdon.

#### **E. PETITIONS AND PUBLIC HEARINGS – NONE.**

~~~~~

#### **F. CONSIDERATION OF ANY BIDS – NONE.**

~~~~~

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

##### **1. Report on Services provided by Mount Rogers Planning District Commission.**

Dave Barrett, Executive Director for the Mount Rogers Planning District Commission had requested to speak to the Council members but was not in attendance at the meeting.

~~~~~

## 2. **Annual Report from the Sinking Springs Cemetery Committee.**

Gene Matthis, Chairman of the Sinking Springs Cemetery Committee, appeared before the Council members to give his annual report for the Committee. Mr. Matthis gave a brief history of the Cemetery as well as a brief history of the establishment of the Committee. He commented that the Committee had expressed their desire that the Town continue pursuing acquisition of the lots close to Cummings Cabin and that they would like to establish a columbarium at the Cemetery. Mr. Matthis thanked the Town staff for their maintenance of the Cemetery grounds.

Mr. Morgan thanked Mr. Matthis for his efforts on behalf of the Cemetery and for the work of the Committee members.

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

## 3. **Request for additional funding from White's Mill Foundation, Inc.**

Bobby Ingle, member of the Whites Mill Foundation Board, addressed the Council with regard to their request for additional funding in the amount of \$7,500. Mr. Ingle indicated that this funding was needed in order to carry the Foundation through the end of the fiscal year which is June 30, 2009. Mr. Ingle introduced George Price who has been hired as the Executive Director of the Foundation. Mr. Price provided the Council with a budget analysis sheet in addition to comments about grant opportunities they were pursuing. Mr. Price confirmed that the County Board of Supervisors had provided \$7,500 to the Foundation at their last meeting to assist them through the end of the fiscal year.

Mrs. Lowe inquired about fundraising efforts that were being pursued for the Foundation and the status of their website. Mrs. Lowe also recommended that the Mr. Price consider partnering with the Main Street Organization for advertising and promotion of the Mill as a tourist destination. Mr. Price indicated this was already being done.

Mr. Berry inquired about the total operating budget for the Foundation and the status of the renovation of the water wheel at the Mill.

**On Motion of Mr. Berry, seconded by Mrs. Lowe, the Council appropriated \$7,500 from their contingency to the Whites Mill Foundation, Inc. to assist with funding through the end of the current fiscal year 2008/2009.**

**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.**

~~~~~

**4. Annual Tree Report.**

Kevin Sigmon, Town Arborist, appeared before the Council members to present his annual tree report for the Town. Mr. Sigmon indicated that the Town continues to be designated a Tree City USA. Mr. Sigmon reported that he is working on developing a link on the Town's website for citizens to consult regarding types of trees that grow well in the area and recommendations regarding care of these trees.

Mr. Morgan asked Mr. Sigmon to comment on the impact of the Emerald Ash Bore pest on trees in the United States.

Mr. Sigmon reported that several Town employees had taken a class certifying them in order to apply pesticides in the Town and also indicated that pictures of Valley Street trees will appear in a magazine with worldwide circulation in the coming weeks. Mr. Sigmon indicated that the annual Arbor Day Festival will be held at Abingdon Elementary School on Tuesday, April 28<sup>th</sup>.

Mr. Morgan thanked Mr. Sigmon for his efforts and for his report.

*No action was required by Council on this item.*

~~~~~

**5. Appointment of Chairman and Vice-Chairman of the Recreation Commission.**

This item was postponed until after Item #7.

~~~~~

**6. (No agenda item assigned to this number)**

~~~~~

**7. Consideration of proposal from Appalachian Sustainable Development regarding the agriculture/farming project at Fairview in Abingdon property.**

Tom Peterson with Appalachian Sustainable Development appeared before the Council members to report on the farm incubator project at the Fairview property on Hillman Highway. Mr. Peterson reported that six (6) groups had expressed interest in farming but did not have the land to do so. He indicated that this project would provide them the

opportunity to grow and harvest vegetables on the site. Mr. Peterson indicated that they would need water at the site for irrigation and also electricity.

**On Motion of Dr. Moore, seconded by Mrs. Humphreys, the Council authorized the Town Manager to approve the funding request, once the estimates are obtained for water and electrical to the Fairview site, and designated said funds should come from the Fairview line item already established in the current budget.**

**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.**

~~~~~

**At this time, Council addressed Item 5. Appointment of Chairman and Vice Chairman of the Recreation Commission.**

**On Motion of Dr. Moore, seconded by Mr. Berry, the Council approved and confirmed the appointment of Eric Thiessen as Chairman and Jennifer Ramseyer as Vice Chairman of the Recreation Commission.**

**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.**

~~~~~

**8. Consideration of adoption of new Abingdon Fire Department By-Laws.**

Mayor Morgan explained that Council members had discussed this item at their earlier work session and had recommended that the By-Laws be amended to include changes suggested by Council. Mayor Morgan indicated that this matter would come back before the Council at their May 4<sup>th</sup> regular meeting.

~~~~~

**H. PASSAGE OF RESOLUTIONS – None.**

~~~~~

**I. FIRST READING OF ORDINANCES – NONE**

~~~~~

**J. SECOND READING OF ORDINANCES – NONE**

~~~~~

**K. UNFINISHED BUSINESS - NONE**

~~~~~

**L. MATTERS NOT ON THE AGENDA**

~~~~~

**M. COUNCIL MEMBER REPORTS**

- Mr. Berry commented that the Tourism website was moving forward at an acceptable pace and that the first page was currently being reviewed.
- Mrs. Lowe commented about the fact that there were “No Dogs Allowed” signs posted on the Coomes Center property in close proximity to the new Dog Park site.
- Dr. Moore reported that he had attended a meeting regarding a rail service announcement in Lynchburg, Virginia with regard to AMTRAK services in the Commonwealth.
- Mayor Morgan pointed out the list of announcements printed at the end of the agenda.

~~~~~

**N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

**1. Appointments to the Board of Building Code Appeals (3)**

**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council appointed Chris Dye, Nick Griffith, and John McCormick to the Board of Building Code Appeals for a term of five (5) years.**

**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.**

~~~~~

**2. Appointment to the Planning Commission (1)**

**On motion of Mrs. Lowe, seconded by Mr. Berry, Dr. Ramsey White was appointed to a four (4) year term on the Planning Commission.**

**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.**

~~~~~

**3. Appointment to the Board of Zoning Appeals**

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed Marva Wheeler to a three (3) year term on the Board of Zoning Appeals.**

**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.**

~~~~~

- 4. **Appointment to the Tourism Advisory Board to represent William King Regional Arts Center and serving a three (3) year term.**

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed Emily Woolwine to the Tourism Advisory Board to fill the unexpired term of Valerie McConnell.**

**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 Council took a five (5) minute recess.

~~~~~

**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council, upon advice of Counsel and pursuant to the Code of Virginia, 1950, as amended, went into closed session pursuant to Section 2.2-3711(A)(7) for the purpose of discussion of pending litigation in the case of Clifton Stewart, LLC, et al, vs. Town of Abingdon, et al.**

**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 Mrs. Lowe, seconded by Dr. Moore, the Council reconvened in regular session.**

**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.**

~~~~~

**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. Berry**            **I so certify**  
**Mrs. Lowe**           **I so certify**  
**Mrs. Humphreys**   **I so certify**  
**Dr. Moore**           **I so certify**  
**Mayor Morgan**      **I so certify**

~~~~~

**On motion of Mr. Berry, seconded by Dr. Moore, the Council directed that Town Manager, Greg Kelly, and Town Attorney, Deb Icenhour, be granted full authority and discretion to act on the Council's behalf to resolve the matter of Clifton Stewart, et al vs. Town of Abingdon, et al lawsuit and property issues.**

**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.**

~~~~~

Mayor Morgan declared the meeting recessed until the April 7, 2009 budget work session.

---

Edward B. Morgan, Mayor

---

Cecile M. Rosenbaum, Town Clerk