

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, AUGUST 1, 2011 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, August 1, 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 Information Technology
Tony Sullivan, Chief of Police
Kevin Worley, Dir. of Parks & Recreation
Kevin Costello, Dir. of Tourism
Tonya Triplett, Sales Manager

Visitors:

Richard Macbeth

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**B. PLEDGE OF ALLEGIANCE**

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

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C. EMPLOYEE ACKNOWLEDGEMENTS

- **Recognition of Floyd Bailey, Director of Information Technology for his five (5) years of service to the Town of Abingdon**

Mr. Kelly congratulated Mr. Bailey on his five (5) years of employment with the town and thanked him for his years of service.

- **Recognition of Keith Linkous, Maintenance Foreman, Coomes Recreation Center for his twenty (20) years of service to the Town of Abingdon**

Mr. Kelly congratulated Mr. Linkous on his twenty (20) years of employment with the town and thanked him for his years of service.

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#### **D. APPROVAL OF MINUTES**

- July 5, 2011 Work Session Meeting
- July 5, 2011 Regular Meeting

**On motion of Mr. Howard, seconded by Mr. Berry, the minutes of the July 5, 2011 work session meeting and the minutes of the July 5, 2011 regular meeting were approved 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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E. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. **Public Hearing – First Reading - An Ordinance to Repeal, Amend and Reenact Article III, Chapter 10, §10 – 51 of the Code of the Town of Abingdon, Virginia to Require Owners of Large Animals to Equip Such Animals with a Device or Apparatus to Effectively Prevent its Waste From Being Dropped Upon Public Property When Said Animal is Being Used for a Lawful and Proper Service or Purpose Upon Public Property Within the Town.**

Mrs. Icenhour commented that this was before Council for consideration in order to establish regulations requiring carriage operators and/or owners of large animals to equip the animals with waste bags. Ms. Icenhour indicated that this regulation would assist in keeping the town streets clean particularly during the summer months.

Mayor Morgan declared the public hearing open for comment and hearing none, closed the public hearing.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the Ordinance to Repeal, Amend and Reenact Article III, Chapter 10, §10 – 51 of the Code of the Town of Abingdon, Virginia to require owners of large animals to equip such animals with a device or apparatus to effectively prevent its waste from being dropped upon public property when said animal is being used for a lawful and proper service or purpose upon public property within the Town.

The roll call vote was as follows:

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

On motion of Mr. Humphreys, seconded by Mr. Berry the Council passed the foregoing motion to approve the Ordinance to Repeal, Amend and Reenact Article III, Chapter 10, §10 – 51 of the Code of the Town of Abingdon, Virginia on the first reading, thereby dispensing with the second reading.

The roll call vote was as follows:

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



F. SECOND READING OF ORDINANCES – None.



G. CONSIDERATION OF ANY BIDS – None.



H. REPORTS FROM THE TOWN MANAGER

1. Consideration and confirmation of Kevin Costello as the Director of Tourism.

Mr. Kelly introduced Kevin Costello the town’s new Director of Tourism and indicated that today was his first day on the job. Mr. Kelly reported that Mr. Costello worked previously as the Tourism Coordinator for Botetourt County and spearheaded the efforts to establish the Upper James River Water Trail and Wilderness Road projects in Virginia. Mr. Kelly indicated that the town Charter requires that the Council confirm the hire of department head positions and requested the Council approve the employment of Mr. Costello.

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council approved and confirmed the employment of Kevin Costello for the position of Director of Tourism.

The roll call vote was as follows:

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



2. Consideration of timber plan for the Town's Wolf Creek Water Reclamation Facility property.

Kevin Sigmon, Town Arborist commented that the Emerald Ashe Bore conference will be held at the Higher Education Center on August 17th and invited the Council members to attend if their schedules permitted.

Mr. Sigmon provided an update on the timber plan being considered for the Wolf Creek Water Reclamation Facility property. Mr. Sigmon said this plan became necessary after the April tornado event destroyed a significant number of trees on the property around the Reclamation facility. Mr. Sigmon indicated he had received a proposal from James Willis, Certified Forester No. 2905 and the harvest plan would allow for a selective cut of the damaged trees. Mr. Sigmon commented that the proposal had been reviewed and approved by the Town's Tree Commission and asked the Council to approve the contract with Mr. Willis.

On motion of Mr. Berry, seconded by Mr. Howard the Council approved the proposal from James Willis, Certified Forester No. 2905 to harvest the timber in and around the Wolf Creek Water Reclamation Facility and further authorized the Town Manager, Greg Kelly, to execute the contract on behalf of the town.

The roll call vote was as follows:

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



3. Consideration of scheduling regular September Council meeting to Tuesday, September 6, 2011 due to Labor Day Holiday on Monday, September 5th.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the rescheduling of the regular September Council meeting to Tuesday, September 6th 2011 due to the Labor Day Holiday.

The roll call vote was as follows:

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



I. PASSAGE OF RESOLUTIONS – None.



J. UNFINISHED BUSINESS – None.



K. MATTERS NOT ON THE AGENDA

- Rich Macbeth of 1139 Panorama Drive, Abingdon inquired about the status of the Empire Drive traffic matter. Mr. Kelly responded that VDOT had set a meeting date to consider reviewing traffic concerns at Exit 19 and Route 11. Mr. Dew reported that he would check with VDOT to see if citizens could attend that meeting.



L. COUNCIL MEMBER REPORTS

- Mr. Humphreys reported on the tractor show held at the Fairview Homestead and indicated it was a success. Mr. Humphreys noted that they would like to hold the event again next year.
- Mr. Howard indicated that the Fire Department part-time employees had begun working regular hours at the Fire Hall.



M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. *Appointments to the Fairview Homestead Committee*

- Consideration of the following individuals whose terms are expiring but *who are all eligible for reappointment for additional two (2) year terms*
 - Lois Humphreys
 - Don Hagy
 - Vickye Hall
 - Deb Icenhour
 - Sean Taylor

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appointed Lois Humphreys, Don Hagy, Vickye Hall, Deb Icenhour, and Sean Taylor to second terms on the Fairview Homestead Committee and noted that Jim and Judy Moore would remain as ex-officio members.

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

- Consideration of appointment to replace Carl Mallory who has resigned from the Board

Mayor Morgan noted that no applications had been received for the Incubator Board and it would be considered again by Council at the September meeting.

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3. ***Industrial Development Authority Board***

- Consideration of appointment to replace John Buckland who has resigned from the Board

On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council appointed Laura Lee to the Industrial Development Authority Board to fill the unexpired term of John Buckland.

The roll call vote was as follows:

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



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

The roll call vote was as follows:

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. Howard, the Council reconvened in regular session.

The roll call vote was as follows:

Mr. Howard	Aye
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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

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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