

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, AUGUST 2, 2010 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, August 2, 2010 at 7:30 p.m. in the Council chambers of the Municipal Building.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council meeting reconvened in regular session.

The roll call vote was as follows:

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



Mayor Morgan welcomed everyone in attendance and noted that the Council had met earlier with the Washington County Board of Supervisors to announce a joint commitment of \$15M to the location of a medical school in Abingdon, Washington County, Virginia. Mayor Morgan thanked Town Manager, Greg Kelly and Council Member Jason Berry for their efforts with regard to this project.

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
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
Rob Case, IT Department

Melisha Wynne, Aquatics Coordinator
Reba Proffitt, Accounts Payable/Utilities Clerk
Shirley Atkins, Cashier
Mike Roark, Sewer Dept. Supervisor

Visitors:

Marcy Miller, Robert Weisfeld, John Holbrook, Mary
Anne Holbrook, Lindsey Holderfield, Charlene Gross,
Curtis Gross, Gretchen Gross, Luke Quigley, Gillian
Tidlow, Eric Johnston, Graham Tidlow and others
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## **B. PLEDGE OF ALLEGIANCE**

Council Member, Bob Howard, led the Pledge of Allegiance.

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C. APPROVAL OF MINUTES

- July 1, 2010 Organizational/Regular Meeting

On motion of Mrs. Lowe, seconded by Mr. Berry, the minutes of the July 1, 2010 Organizational/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



D. EMPLOYEE ACKNOWLEDGEMENTS

Greg Kelly, Town Manager, thanked the following staff members for their years of service to the Town of Abingdon:

- **Melisha Wynn**, Aquatics Coordinator at the Coomes Recreation Center for her five (5) years of service.
- **Reba Proffitt**, Accounts Payable/Utilities Clerk in the Town's Finance Department for her five (5) years of service.
- **Shirley Atkins**, Cashier in the Town's Finance Department for her fifteen (15) years of service.
- **Mike Roark**, Supervisor for the Sewer Department for his twenty (20) years of service to the Town.

Mr. Kelly commented that **Ellen Lee**, Administrative Assistant at the Coomes Center was not able to attend the meeting but thanked her for her five (5) years of service.



E. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. Public Hearing – Consideration of Lease renewal with the Depot Artist's Association, Inc. aka The Arts Depot.

a. Authorization of Town Manager to execute the lease agreement with the Depot Artist's Association, Inc. aka The Arts Depot

Deb Icenhour, Town Attorney reported that it was time for the Council to consider the renewal of the Lease with Depot Artist's Association and explained that in accordance with the Code of Virginia, a public hearing was required regarding the lease renewal before the Council could take formal action.

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

Mrs. Icenhour reported that she had discussed the lease with the President of the Board for the Depot Artist's Association and they were in agreement with the lease as it was presented.

On motion of Mrs. Lowe, second by Mr. Humphreys, the Council approved the Lease Agreement by and between Depot Artist's Association, Inc. and Town of Abingdon, Virginia and further authorized the Town Manager to execute the lease on behalf of the Town of Abingdon.

The roll call vote was as follows:

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



2. **Public Hearing - In accordance with the Code of Virginia, §15.2-2006 to receive comments from the public regarding the petition of Greg and Connie Reed, et al for the vacation of the east-west right-of-way between Canterbury Lane aka Canterbury Lane and Panorama Drive, approximately 425 feet north of Empire Drive.**

- a. **Appointment of Board of Viewers**

John Dew, Director of Public Services/Construction reported that he had been contacted by property owners in the South view Subdivision regarding a petition to vacate the east-west right-of-way between Canterbury Lane aka Canterbury Lane and Panorama Drive, approximately 425 feet north of Empire Drive. Mr. Dew reported that the petition process required a public hearing, which had been advertised, as well as the appointment of a board of viewers to provide a recommendation to the Council regarding the petition.

Mayor Morgan declared the public hearing open.

Connie Reed of 1028 Canterbury Lane, Abingdon appeared before the Council members to request their consideration in granting the right of way vacation petition. Ms. Reed explained that they had maintained the property and would like to do some additional landscaping if the petition was approved.

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

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

3. **Public Hearing – Proposed Amendment – Application to Repeal, Amend and Reenact, Article 15, Flood Hazard District, Article 24-2, Penalty, and Article 26, Definitions of the Town of Abingdon Zoning Ordinance – *Garrett Jackson, Director of Planning***
 - a. **First Reading of Ordinance to Repeal, Amend and Reenact, Article 15, Flood Hazard District, Article 24-2, Penalty, and Article 26, Definitions of the Town of Abingdon Zoning Ordinance.**

4. **Public Hearing – Special Use Permit – Damian Sooklal, representative, application for Evanash Properties, LLC, requesting a Special Use Permit pursuant to Article 8, Section 8-2b, Special Use, of the Zoning Ordinance, southwest corner of Reservoir Street and West Valley Street, for use of Museums within the O&H (Old and Historic District). Tax Map No. 12(1)67 - *Garrett Jackson, Director of Planning***
 - a. Approval of Special Use Permit pursuant to Article 8, Section 8-2b, Special Use, of the Zoning Ordinance, southwest corner of Reservoir Street and West Valley Street, for use of Museums within the O&H (Old and Historic District). Tax Map No. 12(1)67.

5. **Public Hearing – Proposed Rezoning – Edmond and Lillian Beverly, 17085 Sedona Drive, Abingdon, VA 24211. Donna Kilgore, representative, application to rezone property located between Charwood Drive and Maiden Street on the left side of such street and known as Lot No. 1 of the Highlands Development, consisting of 0.5 acres, from B-2 General Business District, R-1 to Residential District. Tax Map No. 104E(1)1 - *Garrett Jackson, Director of Planning***
 - a. First Reading of Ordinance for application to rezone property belonging to Edmond and Lillian Beverly, 17085 Sedona Drive, Abingdon, VA 24211 located between Charwood Drive and Maiden Street on the left side of such street and known as Lot No. 1 of the Highlands Development, consisting of 0.5 acres, from B-2 General Business District, R-1 to Residential District. Tax Map No. 104E(1)1.

F. SECOND READINGS OF ORDINANCES – None.



G. CONSIDERATION OF ANY BIDS - None



H. REPORTS FROM THE TOWN MANAGER

1. Consideration of funding request from the Technology Student Association chapters at Abingdon E.B. Stanley Middle School and Abingdon High School.

Charlene Gross, representative for the Technology Student Association came before the Council to request funding for the group. Several students from the Association were present being Curtis Gross, Gretchen Gross, Gillian Tidlow, Graham Tidlow, Eric Johnston, and Luke Quigley who demonstrated a robot they had constructed and recently took to a competition. Ms. Gross explained that the group was gaining members and asked if the Council could provide some funding so that they can attend future competitions.

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council appropriated \$1,500 from their contingency for the Technology Student Association.

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 funding request from Appalachian Sustainable Development, Learning Landscapes program.

Lindsey Holderfield, Assistant for the Learning Landscapes program came before the Council to request funding for the program. Ms. Holderfield explained that the program goes into the schools and shows the students how to grow their own vegetables. The students then get to prepare a meal with the vegetables grown in the school garden. Ms. Holderfield commented that the program was in urgent need of funding in the amount of \$35,000.

Council members inquired if Ms. Holderfield had approached the County Board of Supervisors and the Tobacco Commission to request funding for the program.

On motion of Mr. Berry, seconded by Mr. Howard, the Council appropriated \$5,000 from their contingency

3. **Consideration of funding request from William King Museum to continue operations at the Fields Penn House through October 1st, 2010.**
4. **Consideration of sponsorship of the Andrew Summers Exhibit at the Star Museum.**
5. **Introduction of National Park Service staff at the Abingdon Muster Grounds.**
6. **Consideration of date for regular September Council meeting as Labor Day Holiday falls on Monday, September 6, 2010.**

On motion of Mr. Humphreys, seconded by Mr. Berry, the Council rescheduled the regular September Council meeting to Tuesday, September 7, 2010. Further the Council rescheduled the regular October Council meeting to Thursday, October 7th at 7:30 p.m. and noted that there would be no 5:30 work session prior to the 7:30 meeting.

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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7. **Consideration of date for regular October Council meeting as Council members are scheduled to attend the annual Virginia Municipal League (VML) conference on Monday, October 4, 2010.**

*No action was necessary by Council on this agenda item as it was addressed in the motion for agenda item #6.*



**8. Consideration of date for a special Council work session meeting to be held in September, 2010.**

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved Thursday, August 26<sup>th</sup> at 5:30 p.m. for a special work session 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> |



**I. PASSAGE OF RESOLUTIONS**

**1. Consideration of Resolution of the Council of the Town of Abingdon, Virginia Seeking Action by the General Assembly and Governor to Prohibit All Predatory, Usurious Lending Practices in the Commonwealth of Virginia.**

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

**RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
SEEKING ACTION BY THE GENERAL ASSEMBLY AND GOVERNOR  
TO PROHIBIT ALL PREDATORY, USURIOUS LENDING PRACTICES  
IN THE COMMONWEALTH OF VIRGINIA**

**WHEREAS**, the Council of the Town of Abingdon, Virginia represents the citizens of the Town of Abingdon, Virginia;



**WHEREAS**, the Council of the Town of Abingdon, Virginia, believes the citizens of the Town of Abingdon remain concerned over what are perceived to be predatory, usurious lending practices in the Town of Abingdon and elsewhere in the Commonwealth, including practices that can exploit dedicated, brave women and men called to serve in the United States armed services;

**WHEREAS**, the Council of the Town of Abingdon, Virginia, shares these continuing concerns and intends through this Resolution to express the collective sentiments and will of Abingdon citizens that the General Assembly and Governor of Virginia need to take action to prohibit all predatory, usurious lending practices and;

**WHEREAS**, it is essential that the General Assembly and the Governor of Virginia address this matter as a high priority at the next legislative session, leading to enactment of laws strictly prohibiting and deterring all predatory, usurious lending practices in the Commonwealth of Virginia.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia that, at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to provisions that would:

1. Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer extended in the Commonwealth of Virginia;
2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and
3. Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

**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 – None.



K. MATTERS NOT ON THE AGENDA

- Marcy Miller, Director of William King Museum, introduced Steve Morris, President of the Board for the Museum. Ms. Miller reported that the Board had voted to place the Museum property for sale with the intent to relocate the Museum to a more visible location. Ms. Miller commented that two locations were under consideration by the Board with one being on Barter Green and the second being next door to the Heartwood Artisan Center.
- Dorothy Gonzalez of 202 Maiden Street, Abingdon reported on blighted properties in the B Street neighborhood and inquired if any action to correct the blight was being taken by the Town. Deb Icenhour, Town Attorney, commented that both properties mentioned were being investigated by the Town.

L. COUNCIL MEMBER REPORTS – None.



M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. *Appointments to the Muster Grounds Steering Committee*

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council reappointed Paul Carson, Joyce Ferrat, and Dr. French Moore to the Muster Grounds Steering Committee. The Council further appointed Rick Humphreys to serve as the Council representative on the Committee.

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, Deb Icenhour, Town Attorney reminded everyone that the annual United Way Kickoff will take place at the Coomes Center on Friday, August 27th from 10:00 to 2:00.

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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