

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, AUGUST 6, 2012 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on August 6, 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
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
Floyd Bailey, Dir. of Information Technology
Jon Phelps, Information Technology Dept.

Visitors:

Rich Macbeth, Rosanna Eller, Susie Buckner, Peggy Riley, Ashby Dickerson, Laura Ciprotti, Madelene Dean, Daveena Sexton, Richard Clayton, James Counts, Gay Leonard, Polly Wirt, Debra Mcowan and others

~~~~~

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Morgan

~~~~~

C. APPROVAL OF MINUTES

On motion of Mr. Howard, seconded by Mr. Berry, the Council approved the minutes of the July 2, 2012 Organizational meeting 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. PRESENTATION**

##### **1. Presentation and update of King School of Medicine.**

Tariq Zaidi, Interim President and CEO of King School of Medicine provided the Council members with an update on the proposed Med School. Mr. Zaidi reported that King School of Medicine is now truly a Virginia entity and that he feels the school is moving in the right direction. Mr. Zaidi commented about the square footage needed for a building to house the Med School and the boards to desire to build the school in a fiscally responsible manner with less space than originally planned. Mr. Zaidi thanked Councilman Berry and Dr. French Moore for serving as Vice Chair and Chair, respectively of the Board and noted that they hoped to recover from the loss of the \$10M match from the Southwest Virginia Higher Education Center. Mr. Zaidi noted that it was the Board's desire to turn the moral support for the project into financial support while ensuring that the project is viable and can sustain itself. Mr. Zaidi commented on the search for a Dean for the Med School and thanked Deb Icenhour, Town Attorney for mentioning the possibility of new market tax credits.

Mr. Berry, Councilman and Vice Chair of the KSOM Board commented on the partnership avenues the Board had discussed as well as the progress that has been made in a short period of time.

Mayor Morgan thanked Mr. Zaidi for his comments and the work that the KSOM board had put into the project.

*There was no action required by Council on this matter.*

~~~~~

E. EMPLOYEE ACKNOWLEDGEMENTS

- **Mike Maiden – Wolf Creek Reclamation – 35 years**
- **Linda Lawson – Abingdon Police Department – 25 years**
- **P. Anthony Sullivan – Abingdon Police Department – 10 years**
- **Jackie Godbey – Building Inspection Department – 5 years**
- **Elizabeth Minnick – Public Works Department – 10 years**
- **Charles Lawrence – Town Shop – 5 years**
- **Constance Stout – Coomes Recreation Center – 5 years**

Greg Kelly, Town Manager presented the following individuals with a plaque and Town pin in honor of their years of service to the Town.

- Mike Maiden, Superintendent, Wolf Creek Water Reclamation Facility, 35 years of service to the Town.
- Linda Lawson, Administrative Assistant for the Abingdon Police Department, 25 years of service to the Town.
- Chief Tony Sullivan, Abingdon Police Department, 10 years of service to the Town.

The remaining town employees were unable to attend the Council meeting.

~~~~~

## **F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

### **1. Public Hearing – First Reading – Consideration of request for rezoning for Senior Services Center, Inc. (Abingdon Senior Center) dba Virginia Ballroom, application for Special Use Permit pursuant to Article 6, Section 6.2.2, Special Uses of the Zoning Ordinance, in the R-3 Residential District of the Town of Abingdon to operate party houses and clubs. Tax Map No. 5(6)1.**

Garrett Jackson, Assistant Town Manager commented that the proposed request for rezoning was before Council for consideration in order to allow the Abingdon Senior Center to obtain a permit that would allow their employees to sell and/or serve alcoholic beverages at the Senior Center. Mr. Jackson reported that the matter had been before the Planning Commission for consideration and concerns expressed at that meeting related primarily to lack of parking for events. Mr. Jackson noted that the Commission had voted unanimously to remove the restrictions on the Senior Center's Special Use Permit with regard to alcohol.

Mayor Morgan commented that there was a sign-up sheet for those in attendance who wished to speak during the public comment period and noted that the names would be called in the order they appear on the sheet.

Mayor Morgan declared the public hearing open.

- Rosanna Eller of 280 Senior Drive, Abingdon spoke in opposition to the request from the Abingdon Senior Center.
- Susie Buckner of 16324 Green Evers Court, Abingdon spoke in favor of the request.
- Peggy Riley of 320 Edmond Drive, Abingdon spoke in favor of the request.
- Ashby Dickerson of 305 Fairway Drive, Abingdon spoke in favor of the request.
- Laura Ciprotti of 240 Gray Drive, Abingdon spoke in favor of the request.
- Madelene Dean of 11450 Logan Creek Road, Meadowview spoke in favor of the request.

- Daveena Sexton, Director of the Abingdon Senior Center, spoke in favor of the request stating that the Center was holding a large debt on the building and hoped that they could increase the use of the Virginia Ballroom by being able to serve alcohol. Ms. Sexton indicated that the Center would have more control over the patrons that attended events at the Virginia Ballroom and that her Board was supportive of the request. Ms. Sexton commented on the steps she had taken thus far to deal with the lack of parking during events.

Mr. Berry commented that he had questioned the lack of parking in 2008 when the Abingdon Senior Center had requested the initial special use permit for the Virginia Ballroom. Mr. Berry commented that the Senior Center was a great asset for the community and hoped their mission was to stay centered toward seniors.

Mr. Humphreys commented on the Senior Center's attempts to work with the residents of Abingdon Green on the lack of parking during events.

Mayor Morgan inquired about the membership about Senior Center and Ms. Sexton responded that there are 200 members on the roll of which 130 are current on their dues.

- Richard Clayton of 478 Maple Street, Abingdon spoke in favor of the request.
- James Counts of 415 Summer Street, Abingdon spoke in opposition to the request.
- Gay Leonard of Barter Drive, Abingdon spoke in favor of the request.
- Polly Wirt of 207 Mountain View Drive, Abingdon spoke in opposition to the request.

There being no further comments, Mayor Morgan declared the public hearing closed.

Mrs. Lowe commented that the majority of the funding the Council had appropriated to the Senior Center in the last few years was for their Meals on Wheels program. Mrs. Lowe also inquired about the dimensions of the roadway in front of the Senior Center and Mr. Kelly commented that any changes to that roadway could be included in the Whites Mill/Court/ road project during the bid process. Mrs. Lowe noted for the record that she receives no compensation from her membership on the Senior Center Board and has no conflict of interest.

Mayor Morgan noted that he had withdrawn his membership on the Senior Center Board due to time constraints and thanked Mrs. Lowe for being able to serve. Mayor Morgan commented that he felt he had no conflict of interest.

Mr. Berry inquired about the control of the patrons at the Senior Center if alcohol was allowed to be served. Mr. Kelly commented that the landowner has the control to allow or disallow activity on the property.

At this time, **on motion of Mrs. Lowe, seconded by Mr. Howard, and upon recommendation from the Planning Commission, the restrictions placed on the Abingdon Senior Center's 2008 Special Use Permit were rescinded as they pertained to the sale and service of alcoholic beverages.**

Mrs. Lowe commented that as a board member of the Senior Center she was in favor of the request with regard to the sale and service of alcoholic beverages as it could increase the monies coming in to the Center to assist with their current debt and give the Center more control over the patrons attending events where alcohol is served.

Mr. Humphreys commented on the positive aspects of having additional control over the patrons attending events where alcohol is served.

Mr. Howard commented that control over the patrons should be the ultimate goal for the Center.

Mr. Berry commented that he wasn't against alcohol but he did have issues with a non-profit, receiving government funding, operating as a business generating income through the sale of alcohol.

Mayor Morgan commented that he is concerned about the parking issues brought up by the neighbors living in and around the Senior Center and asked that the Center staff address those parking issues as soon as possible.

**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>Nay</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

~~~~~  
*** At this time Council took a brief recess.*

~~~~~  
**G. SECOND READING OF ORDINANCES – NONE.**

~~~~~  
H. CONSIDERATION OF ANY BIDS

- 1. Consideration of bids for Whites Mill Road/Oakhill/Court Street construction project.**

John Dew, Director of Public Services/Construction reported that he had received two (2) bids for the Whites Mill Road/Oakhill/Court Street construction project. Mr. Dew noted that he there still remained easement issues, rights of way issues, movement of utilities and erosion sediment control plans but he left a 90 day window for those items to be settled. Mr. Dew recommended that the Town Manager be authorized to award the contract to Boring Contractors in the amount of \$936,794.00.

On motion of Mr. Berry, seconded by Mr. Howard, the Council authorized the Town Manager to award the bid for the contract on the Whites Mill Road/Oakhill/Court Street construction project to Boring Contractor, Inc. in the amount of \$936,794.00.

The roll call vote was as follows:

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

Mrs. Lowe noted that all the property owners in the area affected by the construction project had been sent letters advising them of the plans.

~~~~~

## **2. Consideration of bids for the renovation of the Train Station building.**

Mr. Jackson, Assistant Town Manager reported on the most recent re-bid for renovations of the roof at the Train Station Building which currently houses the Washington County Historical Society. Mr. Jackson noted that the final award of the bids was subject to VDOT approval and they had disqualified the last three (3) bid attempts. Mr. Jackson commented that they felt the 4<sup>th</sup> bid award would be acceptable with VDOT and recommended that the bid be awarded to Trademark of Virginia, Inc. in the amount of \$295,918.00. Mr. Jackson commented that the town had received enhancement funds from VDOT for this project in the amount of \$220,000.

**On motion of Mr. Humphreys, seconded by Mr. Berry, the Council authorized the Town Manager to award the bid for the Train Station Renovation Project to Trademark of Virginia, Inc. in the amount of \$295,918.00.**

**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

~~~~~

I. REPORTS FROM THE TOWN MANAGER

1. Consideration of revision of plans for the downtown park across from the Post Office.

Garrett Jackson, Assistant Town Manager provided the Council with an update on the plans for the downtown park. Mr. Jackson noted that he and Susan Howard of Advance Abingdon had continued to work with the landscape designer to scale down the project and bring the costs down for the implementation of the design. Mr. Jackson commented that the designer had taken a copy of the town seal and placed it over the park design and made revisions to the plan that coincided with each section of the seal. Mr. Jackson noted that they hoped to add the front part of a train engine to the wall of the building where Brandywine Antiques is located to emphasize the importance of the railway to the community. Mr. Jackson reported that the group working on the project hoped to bring in funding sources by marketing each section to different entities in the community who might want to sponsor that part of the design. Mr. Kelly commented that the funding for the restroom facility was already in the 2012/2013 budget.

On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the current landscape design for the downtown park and authorized town staff to move forward with securing funding resources for the project.

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, Mrs. Lowe inquired about the 5K race held recently by Advance Abingdon. Mrs. Howard, Director of Advance Abingdon responded that they had 135 runners in the event.

~~~~~

2. Consideration of change in By-Laws for the Go Green Committee.

Mr. Jackson, Assistant Town Manager and member of the Go Green Committee reported that the group had recently discussed modifications and changes to their current by-laws. Mr. Jackson noted that the large number of current members made it difficult to have a

quorum at the meetings. He also noted that the group wished to change its name from Go Green to Sustain Abingdon Committee and they hoped to appoint a sustainability manager.

Mr. Humphreys inquired the compensation of members addressed in the by-laws and commented that they should consider removing that language. Mrs. Lowe commented that the language in the by-laws regarding completion of applications may also need to be removed.

Mr. Kelly, Town Manager recommended that Council consider this matter further at the September meeting once the proposed changes to the by-laws have been made.

~~~~~

**3. Consideration of moving the September regular Council meeting to Tuesday, September 4<sup>th</sup>, 2012 as Monday the 3<sup>rd</sup> is Labor Day Holiday.**

**On motion of Mr. Howard, seconded by Mr. Humphreys the Council members agreed to move the regular September meeting to Tuesday, September 4<sup>th</sup>, 2012 as Monday, September 3<sup>rd</sup> is Labor Day Holiday.**

**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> |

~~~~~

4. Confirmation of appropriation to Abingdon Little League 12 year old team for their trip to the State Tournament.

Mr. Kelly commented that he hoped to have the members of the Abingdon Little League 12 year old team come to the September meeting to be recognized by the Council.

On motion of Mr. Berry, seconded by Mr. Howard, the Council confirmed the appropriation of \$5,000 to the Abingdon Little League 12 year old term for expenses associated with their trip to the State Tournament.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye

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

~~~~~  
**J. PASSAGE OF RESOLUTIONS – None.**

~~~~~  
K. UNFINISHED BUSINESS

1. Consideration of excess Council contingency funds (FY2011 – 2012)

Council commented that they had discussed this issue at the June 2012 regular meeting and agreed that they did not need to address the issue further at this time.

~~~~~  
**L. MATTERS NOT ON THE AGENDA**

- Rich Macbeth of 1139 Panorama Drive, Abingdon inquired about the Abingdon mesh system and the tower at the Coomes Center. Mr. Bailey, Director of Information Technology responded to Mr. Macbeth's comments and noted that the Coomes Center Tower was functioning and noted that some residents will need to add an antennae to their homes to be able to take advantage of the mesh. Mr. Bailey further noted that during the spring and summer month's tree foliage can compromise the strength of the mesh signal.

Mr. Humphreys commented that he had acquired an antennae in order to receive the mesh signal.

Mr. Kelly commented that the Town of Abingdon had been notified that the Town had received the President's award from Virginia Municipal League for strides made in the availability of free Wi-Fi in town.

- Polly Wirt commented that she served on the District Three Governmental Cooperative Board and United Way had notified them that would be cutting their annual funding. Ms. Wirt inquired if the Council would consider an additional allocation to District Three to compensate for the loss of United Way funds. Ms. Wirt also asked the Council members to purchase cookbooks she was distributing.

~~~~~  
M. COUNCIL MEMBER REPORTS

- Mrs. Lowe inquired about the listing of Board of Zoning Appeals members included in the Council packet. Ms. Rosenbaum indicated she had made an error and should have included the Board of Architectural Review not the BZA.

- Mr. Berry commented that he wished to remain on the BAR even though his term limit had expired. Mrs. Lowe commented that she wanted the BAR to make a recommendation regarding the term limits of their members.

At this time, on motion of Mrs. Lowe, seconded by Mr. Howard the Council directed that the members of the Board of Architectural Review make a recommendation to the Council regarding term limits for their members.

The roll call vote was as follows:

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

Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk