

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 2, 2013 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, December 2, 2013 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. Welcome by Mayor Morgan

B. Roll Call – Cecile Rosenbaum, Town Clerk

Members of Council Present: Edward B. Morgan, Mayor
Mrs. Cathy Lowe, Vice Mayor
Mr. Richard E. Humphreys
Mr. Robert M. Howard
Jayne A. Duehring

Administrative/Town Staff: Gregory W. Kelly, Town Manager
Cecile Rosenbaum, Town Clerk
Deborah Icenhour, Town Attorney
Mark Godbey, Town Treasurer
Jim Smith, Dir. Of Wastewater Operations/Town Eng.
John Dew, Dir. Public Services/Construction
Floyd Bailey, Dir. Information Technology
Tony Sullivan, Chief of Police
Kevin Worley, Dir. of Parks & Recreation

Visitors: Members of the LEGO Cyborg 7 team, Karen Elmore,
Link Elmore, Susan Howard

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**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mrs. Duehring, Council member.

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D. SPECIAL PRESENTATION BY THE MAYOR

- Recognition of First LEGO League (FLL), Cyborg 7 team sponsored by Abingdon Elementary School.

Mayor Morgan recognized the Cyborg 7 LEGO team from Abingdon Elementary School who are preparing to compete in a championship tournament. Mayor Morgan noted that he had agreed to make a contribution to the team from his Mayor's Contingency in the amount of \$300.00 to assist the team with traveling expenses relative to the upcoming tournament.

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#### **E. SPECIAL EMPLOYEE ACKNOWLEDGEMENTS**

- Greg Kelly, Town Manager recognized John N. Carty, Patrol Officer for the Police Department and thanked him for his five (5) years of service to the town.
- Mr. Kelly commented that Officer Justin Greer has been with the town for five (5) years but he was unable to attend the meeting. He thanked him for his service to the town.

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F. APPROVAL OF MINUTES

- November 4, 2013 Work Session Meeting
- November 4, 2013 Regular Meeting
- November 19, 2013 Recessed Meeting

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council approved the minutes of the November 4, 2013 Work Session Meeting, the November 4, 2013 Regular Meeting and the November 19, 2013 Recessed Meeting as presented.

The roll call vote was as follows:

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

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

1. **Public Hearing - Consideration of Petition to vacate the Johnston Street right-of-way from Court Street to approximately 560 feet west of Court Street, abutting**

**property of Tax Map Nos. 005-6-1A, 012-4-1, 012-4-3, 012-4-5, 012-4-6, 012-4-8, 012-1-33, and 013-1-1.**

John Dew, Director of Public Services and Construction reported that he had received two (2) petitions to vacate unopened rights of way from K-Va-T Food Stores who have located their new headquarters on the property formerly owned by Johnston Memorial Hospital. Mr. Dew noted that the first step in the process was for Council to hold a public hearing regarding the matter and then appoint a board of viewers to review the requests and make a recommendation to the Council at their next regularly scheduled meeting.

Mayor Morgan declared the public hearing open. Councilman Humphreys read into the record a letter received from W.T. Withers who lives in Lynchburg, Virginia but owns a lot adjacent to the property that is subject of the vacation request. Mr. Withers' expressed his concern for the approval of the vacation and commented it would restrict vehicular access to his property. A copy of the letter is attached to these minutes and made a part hereof.

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

**2. Public Hearing – Consideration of the Petition to vacate the unopened right-of-way formerly known as Mountain View Street from Johnston Street to Jackson Street, abutting property of Tax Map Nos. 012-4-5A, 012-4-5, and 012-4-3.**

Mayor Morgan declared the public hearing open relative to the second right of way vacation request located in the same area and filed by K-Va-T Food Stores. Mayor Morgan noted that the letter previously read by Councilman Humphreys from property owner Withers applied as well to this second request.

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

**3. Consideration of appointment of Board of Viewers for items G1 and G2.**

John Dew, Director of Public Services and Construction reported that Monty Vernon, Dan Mathews, and Al Bradley had served previously on Board of Viewers and were willing to serve on these two matters. Mr. Dew further noted that the Town Code provided that each member should receive \$50.00 for their service to be paid by the petitioner.

**On motion of Mr. Howard, seconded by Mrs. Duehring, the Council appointed Monty Vernon, Dan Mathews, and Al Bradley to serve on the Board of Viewers to review the two petitions filed by K-Va-T Food Stores for vacation of Johnson Street right of way and the unopened right of way formerly known as Mountain View Street to Jackson Street.**

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

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

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H. SECOND READINGS

1. Second Reading - Consideration of Comprehensive Plan 2027 update.

Garrett Jackson, Assistant Town Manager reported that the Council had held a public hearing at the regular November meeting relative to the proposed Comprehensive Plan and asked that three items be included in the update. Mr. Jackson confirmed that those items had been included and consisted of the following additions:

- Inclusion of the potential development of a bike trail following Hillman Highway from Abingdon to Emory & Henry to Glade Spring with connection into the Salt Trail.
- Review of the crosswalks in town to determine a better lighting scheme for each
- Inclusion of mixed use feasibility study which should be included in the economic development section of the Comp Plan.

Mr. Jackson noted that the update was before Council for second reading and if there were no further modifications, recommended Council approve the plan as presented.

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the update to the Town Comprehensive Plan 2027, as presented.

The roll call vote was as follows:

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

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## **I. SECOND READINGS OF ORDINANCES - None**

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J. CONSIDERATION OF ANY BIDS - None

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**K. REPORTS FROM THE TOWN MANAGER**

**1. Consideration of request for funding for the Washington County Business Plan Competition and Business Expo.**

Susan Howard, Director, Abingdon Main Street reported on a Business Plan Challenge and expo that has been established to provide educational classes for persons interested in starting their own business or potential entrepreneurs in Washington County, Virginia. Ms. Howard commented that the goal was to raise \$20,000 for the challenge with competitors being eligible for three (3) cash prizes. Ms. Howard noted that first place would receive \$5,000, ½ price rent at the Incubator, one year membership to Washington County Chamber of Commerce and ongoing business mentoring. Second place would receive \$3,000 and ongoing mentoring and third place would receive \$2,000 and business mentoring. Ms. Howard noted that the classes for participants will be held for six (6) weeks at the Small Business Incubator and asked the Council to consider appropriating funds from their contingency to assist with the Challenge.

**On motion of Mr. Humphreys, seconded by Mrs. Duehring, the Council appropriated \$5,000 from their contingency for the Washington County Business Challenge and Expo to be held in 2014.**

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

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mrs. Duehring</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 discussion of appointments to the Abingdon Fire Department.

Greg Kelly, Town Manager reported that Joey Burke, the currently appointed Chief of the Abingdon Fire Department had submitted his resignation as Chief effective December 31, 2013. Mr. Kelly noted that the Town Charter requires the Council appoint a Chief

and Assistant Chief for the department and further noted that a recommendation had been submitted to the Council by the Fire Department members asking that they consider appointing John McCormick as Chief and C.J. McGlothlin as Assistant Chief.

On motion of Mr. Howard, seconded by Mrs. Lowe the Council appointed John McCormick as Chief of the Abingdon Fire Department and C.J. McGlothlin as Assistant Fire Chief of the Abingdon Fire Department effective January 1, 2014.

The roll call vote was as follows:

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

Mr. Humphreys inquired if the appointments were considered interim. Mayor Morgan noted that the Council would be required to appoint the Chief and Assistant Chief at the July 2014 organizational meeting.

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#### **L. RESOLUTIONS - None**

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M. MATTERS NOT ON THE AGENDA

- Mrs. Lowe commented that the funding for the Historical Society of Washington County was overlooked in the 2013/2014 budget appropriations for non-departmental agencies and asked Council members to consider appropriating the amount of \$2,700 from Council contingency.

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council appropriated \$2,700 from Council contingency funds to the Historical Society of Washington County.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Duehring	Aye
Mrs. Lowe	Aye

Mayor Morgan Aye

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## N. APPOINTMENTS TO BOARDS AND COMMITTEES

### 1. Economic Development Authority

- *Appointment of Kyle Macione to a second term and he is eligible for reappointment*

Council agreed to discuss this matter in Closed Session later in the meeting.

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2. Sinking Spring Cemetery Committee

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council re-appointed Carolyn Lee to serve a second term on the Sinking Spring Cemetery Committee.

The roll call vote was as follows:

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

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### 3. Tourism Advisory Committee

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council appropriated Christopher Lowe with the Martha Washington Inn and Spa to serve on the Tourism Advisory Committee, representing the hoteliers in the Town of Abingdon.**

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

|               |     |
|---------------|-----|
| Mr. Howard    | Aye |
| Mr. Humphreys | Aye |
| Mrs. Duehring | Aye |
| Mrs. Lowe     | Aye |
| Mayor Morgan  | Aye |

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4. Board of Architectural Review

- *Appointment of member to fill the expired term of Dr. Charles (Mike) Owens who is not eligible for reappointment*

Council agreed to discuss this matter in Closed Session later in the meeting.

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#### 5. Sustain Abingdon Committee

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the following reappointments, new appointments and term limits for the Sustain Abingdon Committee.**

- *Appointment of the following members all of whom are eligible for reappointment*
  - *Tom McMullen – 1 year term expiring in July 2014*
  - *Nick Safay -2 year term expiring in July 2015*
  - *Sherrie Leab- 1 year term expiring in July 2014*
  - *Kevin Sigmon – 2 year term expiring in July 2015*
  - *Kevin Worley – 2 year term expiring in July 2015*
  - *Sarita Moore- 2 year term expiring in July 2015*
  - *Tenille Montgomery- 1 year term expiring in July 2014*
  - *Garrett Jackson –continual Town Manager Designee*
- *Appointment of three (3) new members to the Committee*
  - *Jen Shaver – 3 year term expiring in July 2016*
  - *Katie Commender – 3 year term expiring in July 2016*
  - *Rick Statzer – 2 year term expiring in July 2015*

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

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

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At this time, on motion of Mrs. Lowe, seconded by Mrs. Duehring, Council convened in Closed Session pursuant to Section 2.2-3711 (A)(1) for the discussion and consideration of appointments to the Economic Development Authority and the Board of Architectural Review.

The roll call vote was as follows:

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

The motion carried.

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**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council reconvened in regular session.**

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

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

**The motion carried.**

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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 |
| Mrs. Duehring | I so certify |
| Mrs. Lowe | I so certify |
| Mayor Morgan | I so certify |

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**On motion of Mr. Humphreys, seconded by Mrs. Lowe, Council agreed to postpone appointments to the EDA and the BAR until the regular January 2014 meeting.**

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

<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

**The motion carried.**

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O. COUNCIL MEMBER REPORTS

- Mr. Humphreys wished everyone a Merry Christmas and a Happy New Year.
- Mayor Morgan noted that Ed McMahon with the Urban Land Institute will be a guest speaker at the Higher Education Center on January 13th.
- Mayor Morgan commented that Council had agreed to dispense with the mid-month work session meeting.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk