

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 2, 2009
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, February 2, 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
Mrs. Lois H. Humphreys
Mrs. Cathy Lowe
Mr. Jason N. Berry

Absent: Dr. French H. Moore, Jr.

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, Interim Dir., 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
John McCormick, Asst. Fire Chief
Charles Overbay, Sergeant, Police Department
John Holbrook, Patrol Officer, Police Department
Kevin Sigmon, Town Arborist

Visitors: Boy Scout Troop #1 members, Curtis Buckles, Logan Nickles, Mason Nickles, Tristan Duncan, Connor Pennings, Lucas Pennings, Allen Buckles, David Duncan, Simon Pennings Mary Ann Holbrook, Courtney Bledsoe, Charles Seaver, Henry McCarthy, Michael Wartella, and others.

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**B. PLEDGE OF ALLEGIANCE**

Members of Boy Scout Troop #1 led the pledge of allegiance.

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C. APPROVAL OF MINUTES

- January 5, 2009 Work Session Meeting
- January 5, 2009 Regular Meeting

Mrs. Lowe noted that the amended minutes of the December 1, 2008 were not accurate and asked that they be amended to reflect Mr. Morgan on the Senior Services Board and not the ElderSpirit Board.

On motion of Mrs. Humphreys, seconded by Mrs. Lowe, the Council approved the minutes of the January 5, 2009 work session meeting and the January 5, 2009 regular meeting as amended.

The roll call vote was as follows:

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

The motion carried.

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**D. SPECIAL EMPLOYEE ACKNOWLEDGEMENTS**

1. At this time Mr. Kelly recognized John Holbrook, Patrol Officer with the Abingdon Police Department and thanked him for his five (5) years of service to the Town of Abingdon.
2. Second, Mr. Kelly recognized Sergeant Charles Overbay, Jr. and thanked him for his twenty (20) years of service to the Town of Abingdon Police Department.

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E. PETITIONS AND PUBLIC HEARINGS – NONE.

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

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G. REPORTS FROM THE TOWN MANAGER

1. Staff update on the Pedestrian Improvement Study.

John Dew, Director of Public Services and Construction appeared before the Council members to speak to the Pedestrian Improvement Study. Mr. Dew thanked Town staff members, Beth Minnick, Tyler Vencill and Michael Surret for their assistance with the development of the ranking system used to evaluate the areas in the pedestrian improvement study. Mr. Dew explained that upon Council recommendation, the ranking system was focused on pedestrian safety and included areas in Town that Council members and/or Town citizens had specifically asked be included. Mr. Dew referred to the spreadsheets his group had prepared detailing the project information and the scoring and priority listing for the project areas.

Mrs. Lowe inquired about the results on the spreadsheets with regard to phases addressed in the study previously done by Anderson and Associates.

Mr. Dew indicated that the priority project, as indicated by their ranking system, was in the Courthouse area of Main and Court streets. He confirmed that pedestrian safety was a major concern in that area.

Mrs. Lowe inquired about the possibility of installing a traffic signal light at that intersection.

Mr. Dew indicated that the earlier study did not support the need, but that has now most likely changed with the increased volume of pedestrian and vehicular traffic in that area.

Mr. Morgan noted that the Town had completed over \$1M dollars in recommended pedestrian improvements to date and said another \$1M dollars was estimated to complete the priority projects according to the staff's ranking system. Mr. Morgan asked Mr. Dew how the Town should proceed in getting other priority projects underway.

Mr. Dew pointed out that some future projects do not have cost estimates as they were not included in the previous study. Mr. Dew said that some projects could move forward with some engineering analysis and others could be broken down into phases in order to get them started.

Mrs. Lowe indicated that most of the projects indicated the use of concrete sidewalks and not asphalt.

Mr. Dew responded that most of the projects are near the roadway and the use of concrete lends favorably to the use of concrete because of the curb and guttering requirements.

Mr. Kelly pointed out that the Walden Road Improvement Project bids were sent out this date and that they hoped to see the project finish this fiscal year.

Mr. Dew reported that Dr. Graves at the Washington County Schools was interested in working with the Town to improve the areas for pedestrian safety around the Walden Road area as it relates directly to access to schools located in Town.

Mrs. Lowe inquired about a section of sidewalk being installed in an area of Oak Hill Street and Mr. Berry pointed out that Oak Hill Street was #6 on the priority listing.

Henry McCarthy pointed out that he was impressed with the work done on prioritizing pedestrian projects.

Mr. Morgan recommended a public hearing be held to get input from citizens on what they would like to see as priority pedestrian projects for the Town. Mr. Berry concurred.

Mr. Morgan indicated the Council would consider these pedestrian projects more closely during the budget process and schedule public hearings in the next few months.

Mr. Kelly noted that the Town staff continues to work to identify unopened right of ways in Town that could possibly be used for sidewalks and trails in Town.

No formal action was taken by Council on this matter.

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## **2. Presentation of plans for new Dog Park and Coomes Center Fitness Trail Extension.**

Kevin Worley, Interim Director for the Department of Parks and Recreation appeared before the Council members to report on the plan for the Town Dog Park and extension of the Coomes Center Fitness Trail which are proposed to be constructed on property located behind the Coomes Center. Mr. Worley provided the Council with an updated draft set of rules and regulations for the dog park as well as a schematic drawing for how the fencing will be constructed for the project and how the trail extension will tie in to the area. Mr. Worley noted that he had consulted with the Department of Public Works about drainage issues that may arise on this property and indicated that they are working together to solve those issues before construction can begin.

Mr. Berry inquired if the dog park and trail extension was an appropriate use of Town funds and stated that he felt only a small number of citizens had expressed a desire for a dog park.

Mrs. Lowe and Mr. Morgan both commented on the proposed funding for the Dog Park project and Mr. Kelly indicated that it may have to be spread out over two (2) fiscal years.

Mr. Morgan and Mrs. Lowe inquired about the water retention/drainage issues on the proposed site and its close proximity to the Walden Road Improvement project.

**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council authorized the Town staff to move forward on securing the site for the Dog Park and Coomes Center**

**Trail Extension located on the Coomes Center property and asked that they take the necessary actions to resolve any water retention/drainage issues on the site.**

**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>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

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3. Confirmation of hire for Director of Parks and Recreation.

Mr. Kelly addressed the Council members to report that he had completed the interview process for the position of Director of Parks and Recreation. Mr. Kelly asked that the Council, in accordance with the provisions in the Town Charter, confirm his recommendation for the hiring of Kevin Worley as the Director of Parks and Recreation for the Town.

On motion of Mr. Berry, seconded by Mrs. Lowe, the Council confirmed the recommendation of Town Manager, Greg Kelly, to hire Kevin Worley as the Director of Parks and Recreation for the Town of Abingdon.

The roll call vote was as follows:

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

The motion carried.

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**4. Consideration of request from Cave House Craft Shop regarding the use of 2008/2009 budget appropriation.**

Cathy Shearer, representative for Donna Price of the Cave House, appeared before the Council members to report on the status of their situation in their present location on Main Street. Ms. Shearer indicated that the building continues to deteriorate at a rapid pace and has been declared unsafe in certain areas. Ms. Shearer said that they feel like their time in the Cave House building is limited and they have gone to great effort to find a new location because of the safety issues.

Mr. Morgan pointed out that he was aware of the deterioration of the building and confirmed that safety was a very important issue for their employees and patrons.

Mrs. Lowe inquired how much space the Cave House needed and Ms. Shearer responded that they are looking for something around 1,400 square feet.

Mrs. Lowe asked the Cave House to keep the Council apprised of their relocation efforts and stay in touch regarding their plans.

No action was taken by Council on this matter.

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5. Consideration of meeting dates to discuss FY09/10 budget.

The Council members indicated that they would like to schedule a date later in the month of February to discuss capital outlay/improvement projects that will be included in the 2009/2010 budget.

On motion of Mrs. Humphreys, seconded by Mrs. Lowe, the Council approved a work session to be held on Tuesday, February 24, 2009 at 5:30 p.m. to discuss capital outlay/improvement projects and asked that the Town Treasurer, the Town Engineer and the Director of Public Works/Construction be present for the meeting.

The roll call vote was as follows:

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

The motion carried.

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**H. PASSAGE OF RESOLUTIONS**

**1. Resolution of the Council of the Town of Abingdon, Virginia to Urge the Defeat of House Bill 2205 which proposes the elimination of the Business, Professional and Occupational License (BPOL) Tax.**

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council adopted the following resolution:**

**WHEREAS**, HB 2205 would result in the elimination of the Business, Professional, and Occupational License (BPOL) tax; and

**WHEREAS**, the Town of Abingdon collected \$882,906 in BPOL tax revenues in FY 2007; and

**WHEREAS**, that amount translates to an increase of \$ .14 cents per \$100 in real estate taxes of assessed valuation; and

**WHEREAS**, the elimination of BPOL would shift the burden of paying for many local services to real estate tax payers; and

**WHEREAS**, BPOL tax revenues have traditionally been seen by local officials as paying for services needed and often requested by the business community; and

**WHEREAS**, the Council of the Town of Abingdon urges the members of the General Assembly to not place additional restrictions or limitations on existing local government resources.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Abingdon, Virginia urges the defeat of HB 2205 and any other measures that restrict or eliminate local revenue sources.

**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>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

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I. FIRST READING OF ORDINANCES – NONE

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

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K. UNFINISHED BUSINESS

1. Consideration of memorial tree policy at Veterans Memorial Park.

Mr. Morgan indicated that he had attended the January Tree Committee meeting and reported that he had proposed to the Committee that they consider allowing the Veterans Committee to handle the funding of the memorial trees. Mr. Morgan said the proposal would allow the Town Arborist to continue acquiring and planting the memorial trees and the Veteran's Park Board would handle the funding associated with the trees and memorial markers.

Mrs. Lowe commented on the proposal by Mr. Morgan and informed the Council of her experience purchasing a memorial tree.

Mr. Sigmon, Town Arborist, appeared before the Council members and reported that it is a requirement in the Town's vegetation ordinance that the Arborist is to oversee the planting of trees in the Town. Mr. Sigmon indicated that he is concerned about the quality of the trees that are planted in the Park and hopes that will remain in the control of the Town.

Mr. Morgan indicated he would talk to Emmitt Yeary, member of the Veterans Memorial Park Board in more detail about this matter.

No formal action was taken by Council on this matter.

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

- Henry McCarthy appeared before the Council members to commend their work on the pedestrian improvement study. Mr. McCarthy also asked the Council to consider supporting a high speed rail resolution that had already been adopted by neighboring localities as well as Washington County. Mr. Kelly asked Mr. McCarthy to provide the proposed resolution to his office for consideration by the Council at the March meeting.
- Council member Berry asked the Council to consider funding for a grant opportunity through the Robert Wood Johnson foundation which is focusing on childhood obesity issues as well as offering wellness education to staff and community schools. In addition the grant also promotes and focuses on healthy community design. Mr. Berry suggested that the Council consider funding of \$10,000 per year over a four (4) year period and that funds generated from the Town's tobacco tax could be used.

Mrs. Humphreys suggested that the Council may want to consider an in-kind contribution and Mr. Berry indicated that is an acceptable way to participate in the grant.

Mr. Berry indicated that the Town of Abingdon would be the only Virginia partner in this grant and that a letter of support from the Town Manager would need to go out by the end of the week.

Mr. Kelly recommended that the Council consider participating in the program by means of in kind donation to the extent of \$10,000 per year over the four (4) year period for the construction of trails and sidewalks in the Town to assist in the promotion of wellness.

**On motion of Mrs. Lowe, seconded by Mr. Berry the Council authorized an in-kind donation equivalent to \$10,000 per year over a four (4) year period to be used for trail extensions within the Town of Abingdon and in support of the grant opportunity offered through the sponsoring agent, the Robert Wood Johnson Foundation.**

**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>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

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M. COUNCIL MEMBER REPORTS

There were no council reports.

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At this time, Council took a five (5) minute recess.

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N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

On motion of Mr. Berry, seconded by Mrs. Humphreys, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for discussion and consideration of appointments to the Industrial Development Authority Board, the Board of Zoning Appeals and the Redevelopment and Housing Authority Board.

The roll call vote was as follows:

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

The motion carried.

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On motion of Mrs. Humphreys, seconded by Mr. Berry, the Council reconvened in regular session.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	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
Mayor Morgan	I so certify

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**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council made the following appointments subject to acceptance by the individuals:**

- **Tammy Colangelo**     **Industrial Development Authority Board**
- **Mark Graham**       **Board of Zoning Appeals**
- **Rosie Jones**         **Housing and Redevelopment Authority Board**

**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>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

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At this time, Mayor Morgan asked Town Attorney, Deb Icenhour, if there was a need for a closed session to update the Council on any developments in the Clifton Stewart legal matter involving the Town. Ms. Icenhour advised that a closed session was not necessary and reported that she had spoken with County Attorney, Lucy Phillips regarding the Council's motion at the January meeting requesting that the County amend their minutes of the October 14, 2008 joint Town/County sports complex meeting in order to reflect the accuracy of the discussions. Ms. Icenhour indicated that Ms. Phillips said the Board was not inclined to amend their minutes and expected them to remain written as adopted.

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**On motion of Mrs. Humphreys, seconded by Mrs. Lowe, the meeting was adjourned.**

**The roll call vote was:**

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

**The motion carried.**

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Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk