

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 4, 2008 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, February 4, 2008 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. ROLL CALL

Members of Council Present:

Mayor Lois H. Humphreys
Mr. Robert M. Howard, Vice Mayor
Mrs. Cathy Lowe
Mr. Edward B. Morgan

Absent:

Dr. French H. Moore, Jr.

Administrative Staff:

Gregory W. Kelly, Town Manager
Cecile M. Rosenbaum, Town Clerk
Deborah Icenhour, Assistant Town Attorney
Garrett Jackson, Director of Planning
Mark Godbey, Town Treasurer/Dir. Of Finance
John Dew, Director of Public Services/Construction
Jim Smith, Dir. Of Wastewater Operations/Town Eng.
Tony Sullivan, Chief of Police
Chris Johnson, Director of Parks and Recreation
Jim Hicks, Director of Human Resources
Tenille Montgomery, Intern

Visitors:

Jason Dreyzehner, Emmitt Yeary, Adara Godbey, L.B. Atkins,
Dene Peterson, Larry Browning, Carolyn Lee, Mary Ann
Holbrook, Sam Hurt, Jan Hurt, Lee Sanders, Bill Snodgrass,
John Crigger, Susie Branson,

B. PLEDGE OF ALLEGIANCE

The Pledge to the flag was led by Jason Dreyzehner. Mayor Humphreys welcomed everyone in attendance.

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At this time, the Mayor recognized Jason Dreyzehner, who explained his plans to enhance the Creeper Trail Head as part of his Eagle Scout project. The Council members commended Mr.

Dreyzehner for his vision and suggested that he meet with members of the Recreation Advisory Commission to advise them of the project.

### **C. APPROVAL OF MINUTES**

- January 5, 2008 Saturday Council Work Session
- January 7, 2008 Work Session
- January 7, 2008 Regular Meeting

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the minutes of the January 5, 2008 Saturday Council Work Session, the January 7, 2008 Work Session and the January 7, 2008 Regular Meeting as presented.**

**The roll call vote was:**

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

**The motion carried.**

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At this time the Mayor recognized Susie Branson with Wonder Kids Therapeutic Riding Center who thanked the Council members for their past support of their riding program. Ms. Branson acknowledged that the program had struggled this year from the drought and asked that the Council consider this during the upcoming budget cycle.

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### **D. SPECIAL EMPLOYEE ACKNOWLEDGEMENT**

Greg Kelly, Town Manager, presented John Crigger with a plaque acknowledging his twenty (20) years of service as an employee for the Town of Abingdon.

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E. PETITIONS AND PUBLIC HEARINGS

- 1. Public Hearing – First Reading - Proposed Rezoning – Application to rezone property located on Colonial Road on the south side of such street from AFOS, Agricultural, Forestal, and Open Space District to OH Old and Historic District. Tax Map No. 17(1)37.**

Garrett Jackson, Director of Planning, appeared before the Council members to provide additional information about the proposed rezoning of the property known as The Mustering Grounds at Craig's Meadow. He indicated that the Planning Commission recommended approval of this rezoning and further indicated that it would allow the Town to apply for grant funding opportunities for this property with the OH designation. Mr. Kelly, Town Manager, indicated that this was a first reading and would be back on the March Council agenda for second reading.

On motion of Mr. Morgan, second by Mr. Howard, the application to rezone property located on Colonial Road on the south side of such street from AFOS, Agricultural, Forestal, and Open Space District to OH Old and Historic District, Tax Map No. 17(1)37, was approved as presented.

The roll call vote was:

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

The motion carried.

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- 2. Public Hearing – First Reading - Proposed Amendment – Sharon Livingston, 16020 Mendota Road, Abingdon, Virginia 24210; application to amend and reenact the Town of Abingdon Zoning Ordinance as follows: *Amend and reenact Article 8, Section 8-2-4, Permitted Uses By Right to allow restaurants as a permitted use by right in Sub-District 4 of the Old and Historic District.***

Garrett Jackson, Director of Planning, appeared before the Council to provide information about the proposed application. He indicated that the Planning Commission had recommended approval of this application.

At this time, Mr. Morgan recognized Larry Browning neighboring property owner. Mr. Browning indicated that he had no opposition to the application but asked Council members to consider requiring a privacy fence to buffer between the properties. Discussion ensued at this time regarding whether the existing car wash structure will be torn down for the new construction.

Brian Ely, Attorney for applicants, appeared before the Council members and consulted with his client, Mr. Livingston, who indicated that ultimately when the new structure was completed, the car wash structure will be demolished.

Jan Hurt addressed the Council in support of requiring the demolition of the existing car wash structure.

**On motion of Mr. Morgan, seconded by Mrs. Lowe, the application to amend and reenact the Town of Abingdon Zoning Ordinance as follows: *Amend and reenact Article 8, Section 8-2-4, Permitted Uses By Right to allow restaurants as a permitted use by right in Sub-District 4 of the Old and Historic District* was approved on the condition that prior to the issuance of a certificate of occupancy, that a tall barrier where the subject property adjoins Plumb Alley be erected, subject to approval of the Board of Architectural Review.**

**The roll call vote was:**

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

**The motion carried.**

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3. Public Hearing – To solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for a project in our community.

Garrett Jackson appeared before the Council members to explain the need for the requirement of the public hearing. He explained that this hearing is time sensitive and must be done before the March 21st deadline. Mr. Jackson recognized Sharon Gilliam, representative from ElderSpirit, who appeared before Council members to provide additional information about the plans for the second phase of ElderSpirit. She indicated that they currently have sixty (60) names on their waiting list for housing.

Mr. Morgan, Council member, thanked Ms. Gilliam for the information and indicated that ElderSpirit was a tremendous asset for the community.

No action was required by the Council on this item.

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## **F. CONSIDERATION OF ANY BIDS**

### **1. Consideration of bid for wireless mesh canopy for the Town of Abingdon.**

Floyd Bailey, Director of Information Services, appeared before the Council to provide information on the bids received for the wireless mesh canopy for the Town. Mr. Bailey explained that three (3) bids were received and due to several issues with the bidders, that it was the recommendation of the EVA Board that all bids be rejected and a new bid process be initiated.

**On motion of Mrs. Lowe, seconded by Mr. Morgan, the Council rejected the three (3) bids submitted and directed that this project be re-bid with a new bid opening scheduled for Monday, March 3, 2008.**

**The roll call vote was:**

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

**The motion carried.**

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2. Consideration of bids for contract for health insurance coverage.

Jim Hicks, Director of Human Resources, appeared before the Council members and provided information about the bids received for health insurance coverage for Town employees. Mr. Hicks indicated that the Town's Health and Dental committee recommended the approval of Option #3 submitted by United Healthcare.

Mr. Morgan commented that he would like for Town staff to continue seeking other providers to bid on the Town's health insurance coverage.

On motion of Mr. Morgan, seconded by Mr. Howard, the Council approved Option #3 of the bid submitted by United Healthcare for health insurance coverage for Town employees as recommended by the Town Health and Dental Committee.

The roll call vote was:

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

The motion carried.

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## **G. REPORTS FROM THE TOWN MANAGER**

### **1. Consideration of adoption of Abingdon Market Pavilion Rules and Regulations.**

Garrett Jackson, Director of Planning, appeared before the Council members and indicated that after discussion of this matter at the work session and due to a few recommended changes, he recommended that this matter be brought back before the Council at the March 3<sup>rd</sup> meeting.

No action was taken on this matter.

### **2. Consideration of plans to modify the outside of the Barter Theatre Building.**

Garrett Jackson, Director of Planning, appeared before the Council members and reported on the plans for modifications to the Theatre's box office. Mr. Jackson indicated that he felt this matter needed to be approved by Council since the Town is the actual owner of the Theatre Building.

**On motion of Mrs. Lowe, seconded by Mr. Morgan, the proposed plans for modifications to the Barter Theater Box Office were approved as presented with the condition that Barter Theatre complies with all standards as required by the Americans with Disabilities Act.**

**The roll call vote was:**

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

**The motion carried.**

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3. Presentation to the Town Council by Veterans Memorial Park Foundation of Abingdon/Washington County, Inc.

Emmitt Yeary, President of the Foundation appeared before the Council members to present them with a framed picture of the Tiffany Window that is housed at the Washington County Courthouse building and a picture of the Poppy which is known as a flower of remembrance. Mr. Yeary indicated that the next ceremony at the Park will be held on May 25th at 2:00.

No action was taken on this matter.

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**4. Consideration of request for authorization to modify the contract with Trademark Construction to complete 3<sup>rd</sup> floor renovation project.**

Mr. Kelly, Town Manager, recommended that the Council authorize him to negotiate the contract with Trademark Construction for an additional \$35,000.00 to complete the 3<sup>rd</sup> floor renovation project.

**On motion of Mr. Howard, seconded by Mr. Morgan, the Council authorized Mr. Kelly, Town Manager, to negotiate the completion of the 3<sup>rd</sup> floor renovation project for an additional amount of \$35,000.00.**

**The roll call vote was:**

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

**The motion carried.**

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H. PASSAGE OF RESOLUTIONS

1. Resolution of the Council of the Town of Abingdon, Virginia to Officially Name the Recently Constructed Leonard Street Extension and Officially Integrate the Sections Into One, Hereby Designating the Collective Unit as “Leonard Street”.

On motion of Mrs. Lowe, seconded by Mr. Morgan, the following resolution was approved:

**RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA
TO OFFICIALLY RENAME THE RECENTLY-CONSTRUCTED
LEONARD STREET EXTENSION AND
OFFICIALLY INTEGRATE THE SECTIONS INTO ONE,
HEREBY DESIGNATING THE COLLECTIVE UNIT AS
“LEONARD STREET”**

WHEREAS, the Taylor’s Hill Neighborhood Revitalization Project commenced in 2004, entailing extensive redesign and reconstruction of certain existing roadways and streets; and

WHEREAS, the improvements and extension of Leonard Street, a main thoroughfare within the development, were initially referred to as “Leonard Street Extension” and were completed on or about mid November, 2007; and

WHEREAS, it is the desire of the members of the Council of the Town of Abingdon, Virginia to recognize, incorporate and designate all sections of Leonard Street at the Taylor’s Hill neighborhood, whether of long-term existence or newly- established, collectively as “Leonard Street”.

NOW THEREFORE BE IT RESOLVED, the Council of the Town of Abingdon supports the official joining and naming of those street sections bearing the name “Leonard” and lying within the Taylor’s Hill neighborhood to be officially designated collectively as “Leonard Street”.

The roll call vote was:

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

The motion carried.

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**2. Resolution of the Council of the Town of Abingdon, Virginia to Encourage the Washington County Board of Supervisors to Become Familiar with the Town of Abingdon, Virginia’s**



**Comprehensive Plan and To Support, Respect and Uphold the Sign Ordinance Adopted by the Town of Abingdon, Virginia.**

**On motion of Mr. Morgan, seconded by Mr. Howard, the following resolution was approved:**

**RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
TO ENCOURAGE THE WASHINGTON COUNTY BOARD OF SUPERVISORS  
TO BECOME FAMILIAR WITH THE TOWN OF ABINGDON, VIRGINIA'S  
COMPREHENSIVE PLAN  
AND  
TO SUPPORT, RESPECT AND UPHOLD THE SIGN ORDINANCE ADOPTED BY  
THE TOWN OF ABINGDON, VIRGINIA**

**WHEREAS**, the Town of Abingdon, Virginia, a municipality organized under the laws of the Commonwealth of Virginia, is located within and is a significant part of Washington County Virginia; and

**WHEREAS**, the Town of Abingdon, Virginia is regarded with great significance as an historical venue, containing a concentration of the major historic sites and tourist venues within the region; and

**WHEREAS**, significant revenue gained by Washington County Virginia through tourism is viewed as a lucrative and growing economic resource; and

**WHEREAS**, the Town of Abingdon, Virginia regards with utmost importance the preservation, protection and enhancement of its visual environment, thereby preserving its historic integrity and value for both itself as well as Washington County, Virginia; and

**WHEREAS**, a significant portion of property taxes collected by Washington County, Virginia are paid by residents of the Town of Abingdon; and

**WHEREAS**, the Town of Abingdon, Virginia has developed and made available its comprehensive plan encompassing and addressing the aforementioned interests, concerns and values; and

**WHEREAS**, the Town of Abingdon, Virginia passed its most recent Ordinance regarding the permissible use and control of signage (5/7/07) in order to protect the character of the environment of the Town, the safety of motorists by minimizing visual distractions, property values, economic growth through preserving community image conducive to attracting new business & industrial development, control visual clutter and obstructions creating potential hazards, and encourage and maintain high professional standards in design and reasonable display of signage; and

**WHEREAS**, Washington County, Virginia has not yet put into place any ordinances to address or control signage within its borders, thereby allowing the establishment of vested rights and precluding future control or regulation; and

**WHEREAS**, recent developments of signage placement along the highways comprising the corridors leading into the Town of Abingdon, Virginia reveal an over-concentration of multiple-faced billboard signage in excessive height, bulk and density; and

**WHEREAS**, the Town of Abingdon, Virginia has denied the placement of the aforementioned signage as it is in strict violation of its sign ordinance; and

**WHEREAS**, the Town of Abingdon, Virginia deems said entrance corridors (Routes 19, 11, & 75) fundamental to the overall aesthetics of its environment and important to both the County and Town in creating and extending a positive, well-planned community image which will best serve to attract quality businesses and industrial development; and

**NOW THEREFORE BE IT RESOLVED**, that the Council of the Town of Abingdon encourages and requests the Board of Supervisors of Washington County Virginia to review the Town's comprehensive plan and to support the Town of Abingdon in its efforts to promote safety and protect interests by preserving the visual and aesthetic qualities within the region through taking measures to control signage within its jurisdiction, namely the aforementioned entrance corridors into the Town.

**The roll call vote was:**

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

**The motion carried.**

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3. Resolution of the Council of the Town of Abingdon, Virginia to Continue To Protect and Celebrate Our Heritage by Applying For The *Preserve America* Community Designation.

On motion of Mr. Morgan, seconded by Mrs. Lowe, the following resolution was approved:

**RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA TO
CONTINUE TO PROTECT AND CELEBRATE OUR HERITAGE BY APPLYING FOR THE
PRESERVE AMERICA COMMUNITY DESIGNATION**

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources; and

NOW THEREFORE BE IT RESOLVED, that the Town of Abingdon, Virginia will apply for the designation as a *Preserve America* Community; and

BE IT FURTHER RESOLVED, that the Council of the Town of Abingdon, Virginia will continue to protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs, by applying for the *Preserve America* Community Designation, 2008.

The roll call vote was:

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

The motion carried.

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**4. Resolution of The Council Of The Town Of Abingdon, Virginia To Apply For An Allocation Of Funds Through The Virginia Department Of Transportation To Be Used For The Walden Road Pedestrian Improvement Project.**

**On motion of Mr. Morgan, seconded by Mrs. Lowe, the following resolution was approved:**

**RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA TO APPLY FOR AN ALLOCATION OF FUNDS THROUGH THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO BE USED FOR THE WALDEN ROAD PEDESTRIAN IMPROVEMENT PROJECT**

**WHEREAS**, the Town Council of Abingdon, Virginia desires to submit an application for an allocation of funds of up to \$200,000 through the Virginia Department of Transportation Fiscal Year 2008-2009 Revenue Sharing Program; and,

**WHEREAS**, \$200,000 of these funds are requested to fund the Walden Road Pedestrian Improvements project, involving the construction of approximately 2,500 linear feet of sidewalk, curb & gutter, approximately 500 linear feet of mixed-use trail, and associated items along Walden Road from Valley Street to 600 feet east of Boone Street, and Valley Street from Whites Mill Road to Walden Road.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Council of the Town of Abingdon, Virginia hereby supports this application for an allocation of \$200,000 through the Virginia Department of Transportation Revenue Sharing Program to fund the Walden Road Pedestrian Improvement Project.

**The roll call vote was:**

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

**The motion carried.**

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I. FIRST READING OF ORDINANCES

1. An Ordinance to Repeal, Amend and Reenact the Zoning Map of the Town of Abingdon to rezone Tax Map No. 17(1)37 to Old and Historic (OH).
2. An Ordinance to Repeal, Amend and Reenact Article 8, Section 8-2-4, Permitted Uses by Right to Allow Restaurants in Sub-District 4 of the Old and Historic District.

No action was required on Items I1 and I2 as they were considered by Council during sections E1 and E2 on the agenda.

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

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At this time Mayor Humphreys asked if anyone from the audience wished to bring anything before the Council members.

- Henry McCarthy of Oakhill Street inquired if the Council members had reviewed the article he provided to them about sidewalks.
- Mr. Morgan asked Chief Sullivan to respond to the increased number of accidents noted in his monthly status report.
- Mr. Morgan commented that he had attended an exhibit of Iron Mountain Stoneware at the William King Regional Arts Center and encouraged everyone to see it.

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**At this time, on motion of Mrs. Lowe, seconded by Mr. Morgan, and pursuant to Section 2.2-3711(A)(1) of the Code of the Virginia, 1950, as amended, and further pursuant to Section 2.2-3711(A)(2) the Council went into closed session for consideration of an appointment to the Industrial Development Authority Board and for consideration of the sale of real property in the Stonemill Business and Technology Park.**

**The roll call vote was:**

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

**The motion carried.**

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

The roll call vote was:

Mrs. Lowe	Aye
Mr. Morgan	Aye
Mr. Howard	Aye

Mayor Humphreys Aye

The motion carried.

After Council reconvened into regular session, the following certification was adopted:

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:

Mrs. Lowe	I so certify
Mr. Morgan	I so certify
Mr. Howard	I so certify
Mayor Humphreys	I so certify

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## **K. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

### **1. Appointment to the Industrial Development Authority Board**

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council voted to appoint Ken Johnson to fill the unexpired term of James M. (Jim) Cole. This appointment will commence on February 5, 2008 and expire on July 7, 2009.**

**The roll call vote was:**

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

**Mayor Humphreys      Aye**

**The motion carried.**

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At this time, on Motion of Mr. Morgan, seconded by Mrs. Lowe, the Council authorized Gregory W. Kelly, Town Manager, to enter into negotiations with Colonial Properties, Inc. for the sale of Lot #10 located in the Stonemill Business and Technology Park for the price of \$59,000.00 per acre.

The roll call vote was:

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

The motion carried.

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**On motion of Mr. Howard, seconded by Mr. Morgan, the Council meeting was adjourned.**

**The roll call vote was:**

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

**The motion carried.**

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Lois H. Humphreys, Mayor

Cecile M. Rosenbaum, Town Clerk