

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, JANUARY 4, 2010
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, January 4, 2010 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
Dr. French H. Moore, Jr., Vice Mayor
Mrs. Cathy Lowe
Mr. Jason N. Berry

Absent: Mrs. Lois H. Humphreys

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
Myra Cook, Dir. Of Tourism
Jim Cowart, Dir. of Econ. Dev/Grants Writer
John Dew, Dir. Of Public Services/Construction
Floyd Bailey, IT Department
Tony Sullivan, Chief of Police
Mike Maiden, Wastewater Superintendent
Rob Case, IT Department
John McCormick, Asst. Fire Chief

Visitors: Greg Tucker, Susan Howard, Donna Price, Gary
Kimbrell, Elizabeth Iskra,



B. PLEDGE OF ALLEGIANCE

Tony Sullivan, Chief of Police, led the Pledge of Allegiance.



C. APPROVAL OF MINUTES

- December 7, 2009 Work Session Meeting
- December 7, 2009 Regular Meeting
- December 17, 2009 Special Called Meeting

On motion of Mr. Berry, seconded by Mrs. Lowe, the Council approved the minutes of the December 7, 2009 Work Session Meeting, the December 7, 2009 Regular Meeting, and the December 17, 2009 Special Called Meeting as presented.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.



D. EMPLOYEE ACKNOWLEDGEMENTS

- Mr. Kelly, Town Manager, recognized ***Ptl. Anthony DeBusk***, employee of the Abingdon Police Department. Mr. Kelly thanked Officer DeBusk for his five (5) years of service to the Town of Abingdon.
- Mr. Kelly, Town Manager, recognized of ***Ptl. Brian Stainker***, employee of the Abingdon Police Department. Mr. Kelly thanked Officer Stainker for his five (5) years of service to the Town of Abingdon.
- Mr. Kelly commented that a Town committee had been assembled to review and award 2009's Employees of the Year and Outstanding Employees of the year for the Town. Mr. Kelly explained that these employees are nominated by Department Heads and Supervisors and each recipient would receive a plaque and paid day off.

Mr. Kelly recognized the following **Employees of the Year**:

- ❖ *Charles (Frankie) Fulton* with the Town Shop
- ❖ *Connie Duncan* with the Wolfe Creek Wastewater Treatment Facility
- ❖ *Matthew Duncan* with the Abingdon Police Department
- ❖ *Jamie Chafin, Jr.* with the Public Works Department
- ❖ *Jennifer Johnson* with the Coomes Recreation Center
- ❖ *Kim Kingsley* with the Town Attorney's Office

Mr. Kelly recognized the recipients of the Outstanding Employees of the Year award who will also receive a \$500.00 US Savings Bond and they were:

- ❖ *Rob Case* with the Information Services Department
- ❖ *Tonya Triplett* with the Tourism Department

E. PETITIONS AND PUBLIC HEARINGS

1. Public Hearing – Consideration of Lease Agreement between the Town of Abingdon, Virginia and Holston Mountain Arts and Crafts Cooperative, presently doing business as “The Cave House Craft Shop”.

Mayor Morgan asked Deborah Icenhour, Town Attorney, to comment on the lease agreement for consideration by the Council. Ms. Icenhour commented that the lease agreement is between the Town and the business known as “The Cave House Craft Shop”. Ms. Icenhour indicated that the agreement is for the property known as the Sheriff’s Administration Building located at 214 Park Street and the Deputy’s Quarters located at 220 Court Street. Ms. Icenhour said the term of the lease is for 2 years beginning January 1, 2010 and ending December 31, 2012.

Mayor Morgan declared the public hearing open and asked if anyone wished to comment on the matter. Upon hearing no comment, Mayor Morgan declared the public hearing closed.

Mrs. Lowe inquired if the Cave House representatives were comfortable with lease agreement. Donna Price, representative of the Holston Mountain Arts and Crafts Cooperative commented about using the additional space on the 2nd floor of the building. Mr. Kelly commented that the Cave House would need to get written permission from his office with regard to changes or modifications to the building or the terms of the lease agreement.

At this time Mayor Morgan asked the Council to consider agenda items **G2**(*Consideration of Lease Agreement and authorization of Town Manager to enter into said agreement between Washington County, Virginia and the Town of Abingdon, Virginia for property referred to as the County Sheriff's Administrative Offices and Deputy's Quarters located at 214 and 220 Park Street*) and **G3**. (*Consideration of Lease Agreement and authorization of Town Manager to enter into said lease agreement between the Town of Abingdon, Virginia and Holston Mountain Arts and Crafts Cooperative, presently doing business as "The Cave House Craft Shop"*) as they related directly to the item before Council for consideration.

Upon motion of Dr. Moore, seconded by Mrs. Lowe, the Council authorized the Town Manager to enter into the lease agreement with Washington County, Virginia for the property referred to as the County Sheriff's Administrative Offices and Deputy's Quarters located at 214 and 220 Park Street and further authorized the Town Manager to enter the lease agreement between the Town and Holston Mountain Arts and Crafts Cooperative, presently doing business as "The Cave House Craft Shop" for the property referred to as the County Sheriff's Administrative Offices and Deputy's Quarters located at 214 and 220 Park Street and further authorized the Town Manager to negotiate with Holston Mountain Arts and Crafts Cooperative and Washington County with regard to changes or modifications, if necessary, to the building or the terms of the lease agreement.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

Mr. Berry commented that the lease agreement was a good effort of cooperation between the Town and County.

Mr. Morgan commented that he was glad to see the Cave House find a home and that the Town was able to assist in that effort.

Donna Price informed the Council members that the Artisans Board was considering a name change for the Cave House Craft Shop to be Holston Mountain Artisans.

Mr. Berry inquired for clarification if the \$12,000 in funding the Council had previously appropriated to the Cave House could be used for moving expenses and the Council agreed that it could.

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**2. Public Hearing – Proposed Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend, and Reenact Chapter 54, Parks and Recreation, Article III, The Virginia Creeper Trail, §§54-53(b) of the Code of the Town of Abingdon, Virginia to Amend the Prohibition of Carrying Firearms.**

Mayor Morgan asked Deborah Icenhour to explain the proposed Ordinance before the Council for public hearing. Ms. Icenhour commented that the current Town Ordinance under Chapter 54, Article III, Virginia Creeper Trail, states that “No firearms shall be carried, exhibited or used upon such trail”. Ms. Icenhour indicated that language was not compliant with recently enacted State Code §15.2-915 which states that localities cannot restrict the carrying of firearms that are expressly authorized by statute. Ms. Icenhour commented that this repeal and amendment of the Town’s Code would put the Town in compliance with the State Code and be consistent with language already adopted by the Town of Damascus who is a co-owner with the Town of the Virginia Creeper Trail. Ms. Icenhour said the language will be changed in the Ordinance that “No firearms shall be discharged upon such trail”.

Mayor Morgan declared the public hearing open and asked if anyone wished to comment on the proposed Ordinance change. Hearing no comments, Mayor Morgan declared the public hearing closed.

**On motion of Mr. Berry, seconded by Dr. Moore, the Council approved the repeal, amendment and re-enactment of Chapter 54, Parks and Recreation, Article III, The Virginia Creeper Trail, §§54-53(b) of the Code of the Town of Abingdon, Virginia to Amend the Prohibition of Carrying Firearms on first reading, dispensing with the second reading of the Ordinance.**

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

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

**The motion carried.**

At this time Mayor Morgan asked Ms. Rosenbaum, Town Clerk to read the Ordinance in its entirety for the record.

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F. CONSIDERATION OF ANY BIDS

1. Consideration and award of bid for the exterior stair construction and 3rd floor renovation of the Abingdon Visitors Center located at 335 Cummings Street, Abingdon.

Mr. Kelly, Town Manager commented that the Council had agreed earlier in the year to proceed with the renovation project of the 3rd floor of the Abingdon Visitors Center. Mr. Kelly reported that the bids for the project had been received and that HS Construction was the lowest qualified bidder for construction with a bid of \$93,451.00. Mr. Kelly indicated that the total renovation costs including HVAC, electrical work, plumbing, construction allowances and telecommunications was \$163,811.37 which is \$13,811.37 over the \$150,000 estimated costs. Mr. Kelly indicated that the bid did include the installation of a geo-thermal HVAC system in keeping with the Town's "Go Green" initiative. Mr. Kelly recommended that the overage for the cost of the geo-thermal system could be taken from the Town's "Go Green" budget.

On motion of Dr. Moore, seconded by Mrs. Lowe, the Council approved the bid summary for the renovation project of the 3rd floor of the Abingdon Visitors Center building with a total renovation cost of \$163,811.37 and further approved the overage amount of \$13,811.37, for the installation of the geo-thermal HVAC system, be taken from the Town's "Go Green" budget.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

2. Consideration and award of bid for health insurance coverage for Town of Abingdon employees.

Mr. Kelly, Town Manager reported that the Town's health insurance coverage for employees had been placed out for bid and the bids had been received and reviewed by consultant, Sam Brown. Mr. Kelly reported that the recommendation of the consultant was that the Town contract with Local Choice, a local government insurance pool, for health insurance coverage for employees. Mr. Kelly reported that the change in provider would be effective February 1, 2010 and would renew again on July 1, 2010 and be effective until June 30, 2011 at the same contract rates. This would then put the health insurance contract on the fiscal year schedule and thereby be easier to budget for in the future. Mr. Kelly recommended that the Council authorize him to enter into the contract with Local Choice and requested that employees pay no additional out of pocket expense for premiums than what they were currently paying under the present provider.

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Dr. Moore commented that the rates proposed by Local Choice are good for seventeen (17) months.

On motion of Dr. Moore, seconded by Mrs. Lowe, the Council authorized the Town Manager to enter into a contract with Local Choice for health insurance coverage for Town employees and directed that Town employees would pay the same premium amount for coverage that they were paying under the present provider.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

G. REPORTS FROM THE TOWN MANAGER

1. Consideration and review of the 2009 Audit report for the Town of Abingdon.

Greg Tucker with Bostic & Tucker, CPA's appeared before the Council members to report on the Town's 2009 audit. Mr. Tucker reported that the Town is in sound financial condition and that income from meals and lodging taxes had remained strong given the downturn in the national economy.

Mr. Morgan inquired about the Town's net worth versus assets and if the Creeper Trail was considered an asset for the Town. Mr. Morgan also inquired if compensated absences for employees should be an item the Town should consider funding as it presently not in the Town's budget. Mr. Tucker indicated that the practice of not funding these absences is routine procedure for localities and further there are no funding requirements currently to do so.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council accepted the Town's 2009 Audit report as presented.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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- 2. Consideration of Lease Agreement and authorization of Town Manager to enter into said agreement between Washington County, Virginia and the Town of Abingdon, Virginia for property referred to as the County Sheriff's Administrative Offices and Deputy's Quarters located at 214 and 220 Park Street.**

*This item was acted on by Council during consideration of agenda item E1 earlier in the meeting. No further action was required by Council.*

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- 3. Consideration of Lease Agreement and authorization of Town Manager to enter into said lease agreement between the Town of Abingdon, Virginia and Holston Mountain Arts and Crafts Cooperative, presently doing business as "The Cave House Craft Shop".**

This item was acted on by Council during consideration of agenda item E1 earlier in the meeting. No further action was required by Council.

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- 4. Consideration of Annual Report for Advance Abingdon.**

Susan Howard, 2010 President of Advance Abingdon appeared before the Council members to provide their organizations annual report. Mrs. Howard reported that Advance Abingdon had a strong year and their "Whose Afraid of Virginia's Wolves" fundraising campaign was a tremendous success.

Mr. Morgan inquired about the participation of Main Street merchants and indicated that the report would be placed back on the February agenda for the Council's consideration and discussion of the funding match request from the group.

*No action was taken by Council on this matter.*

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H. PASSAGE OF RESOLUTIONS – None.

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**I. FIRST READING OF ORDINANCES –**

- 1. An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend, and Reenact Chapter 54, Parks and Recreation, Article III, The Virginia Creeper Trail, §§54-53(b) of the Code of the Town of Abingdon, Virginia to Amend the Prohibition of Carrying Firearms.**

*This item was acted on by Council during consideration of agenda item E2 earlier in the meeting. No further action was required by Council.*

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J. SECOND READING OF ORDINANCES – None.

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**K. UNFINISHED BUSINESS**

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L. MATTERS NOT ON THE AGENDA

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**M. COUNCIL MEMBER REPORTS**

- Mrs. Lowe complimented the Town staff on their efforts during the windstorm event on December 9<sup>th</sup> and the snowstorm event on December 18<sup>th</sup>.
- Mr. Berry also commended the Town staff on their efforts during the two weather events in December. Mr. Berry indicated that Town staff involved in the weather events were awarded a bonus and asked that Council members consider awarding this bonus to the twenty-nine (29) Abingdon Fire Department members who also worked during these events.

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Town approved a bonus of \$100.00 each for the twenty-nine (29) Abingdon Fire Department members who worked both weather events during the month of December 2009.**

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

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

**The motion carried.**

- Dr. Moore also commended the Town staff for their efforts during the December weather events and indicated that communication and cooperation between the Town, the County, and EMS services were improving.
- Dr. Moore further commented that the Council members wished to act on the Town Manager's request to consider a Town employee salary increase in light of the Town's recent favorable audit report.

**On motion of Dr. Moore, seconded by Mrs. Lowe, the Council approved a three (3%) increase in salary for Town employees effective January 1, 2010.**

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

|                     |                |                                                                 |
|---------------------|----------------|-----------------------------------------------------------------|
| <b>Mr. Berry</b>    | <b>Abstain</b> | <i>Mr. Berry is an employee of the Small Business Incubator</i> |
| <b>Mrs. Lowe</b>    | <b>Aye</b>     |                                                                 |
| <b>Dr. Moore</b>    | <b>Aye</b>     |                                                                 |
| <b>Mayor Morgan</b> | <b>Aye</b>     |                                                                 |

**The motion carried.**

Mayor Morgan complimented the staff and their dedication to the Town and indicated that cost of living adjustments were not made at the beginning of the fiscal year out of precaution for the general state of the economy at the time.

Dr. Moore commented that property taxes had decreased during his years on the Council and indicated that had been possible because of the Town's income from meals/lodging taxes.

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**N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

1. **On motion of Mrs. Lowe, seconded Mr. Berry, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A) (3) for the consideration of acquisition, use, or disposition of public property.**

**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>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**



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

**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>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**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:**

|                       |                     |
|-----------------------|---------------------|
| <b>Mr. Berry</b>      | <b>I so certify</b> |
| <b>Mrs. Lowe</b>      | <b>I so certify</b> |
| <b>Mrs. Humphreys</b> | <b>I so certify</b> |
| <b>Dr. Moore</b>      | <b>I so certify</b> |
| <b>Mayor Morgan</b>   | <b>I so certify</b> |



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Mayor Morgan reported on a recent meeting with the administrator of Johnston Memorial Hospital regarding the disposition of the hospital building.



Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk