

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, JANUARY 5, 2009
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, January 5, 2009 at 7:30 p.m. in the Council chambers of the Municipal Building.

New Mayor, Ed 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. Mrs. Lois H. Humphreys Mrs. Cathy Lowe Mr. Jason N. Berry
Administrative/Town Staff:	Gregory W. Kelly, Town Manager Cecile M. Rosenbaum, Town Clerk Deborah Icenhour, Asst. 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 Mike Maiden, Superintendent, WCWRF Marion Watts, Building Official
Visitors:	Mary Ann Holbrook, Courtney Bledsoe, J.D. Morefield, Charlotte Sutherland, Bill Spencer, Michael Wartella, Greg Tucker, Gary Kimbrell, L.B. Atkins, Henry McCarthy, Michael Johnson, Tom Broyles and others

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**B. PLEDGE OF ALLEGIANCE**

Chief Sullivan led the pledge of allegiance.

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C. APPROVAL OF THE AGENDA

This item was acted upon after Item D. Approval of Minutes.

D. APPROVAL OF MINUTES

- December 1, 2008 Work Session Meeting
- December 1, 2008 Regular Meeting

On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council approved the minutes of the December 1, 2008 work session meeting as presented and the December 1, 2008 regular meeting with one (1) correction noted as follows:

- **Page #226 should read that Mr. Morgan was appointed to the Board of Elderspirit, not the Abingdon Senior Center.**

The roll call vote was as follows:

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

The motion carried.

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At this time Mayor Morgan pointed out that he had passed over Item C. Approval of the Agenda and asked the Council what their wishes were.

**On motion of Dr. Moore, seconded by Mr. Berry, the Council approved the agenda as presented but specified that the Mayor had the authority to deviate from the format as needed during the course of the meeting.**

**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.**

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E. Consideration of Transmitting Council Meetings Live via Town webcast.

Mayor Morgan indicated that item had been considered by the Council members for some time and asked Floyd Bailey, Director of Information Technology to speak to the subject.

Mr. Bailey appeared before the Council members to provide a brief review of the process for recording the Council meetings and broadcasting them live on the Town website. Mr. Bailey said they would be posted on the site as soon after the meeting as possible and given any unforeseen technical difficulties, would be available for viewing by the public for 30 days after the meeting. Mr. Bailey recommended that the Council approve the transmission of the meetings starting with this evening's meeting.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the transmission of the Council meeting live via the Town website, beginning with this evening's meeting, and noted this was being done in the interest of open government and in an effort to promote public awareness.

The roll call vote was as follows:

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

The motion carried.

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### **F. PETITIONS AND PUBLIC HEARINGS**

- 1. Public Hearing – First Reading – Proposed Amendment – Application by Kings Mountain Properties, LLC, J.D. Morefield, Representative, to repeal, amend and reenact the Town of Abingdon Zoning Ordinance, Article 9, Section 9-1-28, Permitted Uses By Right, to add light industry within the O&I Office and Institutional District. Tax Map No. 106(7)1A.**

Mayor Morgan declared the public hearing open and asked if anyone wished to speak to the matter.

Garrett Jackson appeared before the Council members and gave a brief summary of the application by Mr. Morefield, representative for Kings Mountain Properties, LLC. Mr. Jackson indicated that the Planning Commission had approved the request for a special use permit for Mr. Morefield.

Mr. Morefield commented that Mr. Jackson had covered the matter to his satisfaction and he would be glad to answer any questions.

Mayor Morgan asked for any persons who wished to speak in favor or in opposition to the request and no one came forward to speak. Mayor Morgan declared the public hearing closed.

**On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council concurred with recommendation of the Planning Commission and approved the special use permit for Kings Mountain Properties, LLC.**

**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.**

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G. CONSIDERATION OF ANY BIDS

1. Consideration of appropriation of funds to make repairs to the Housing and Redevelopment Authority building located on Green Springs Road.

Mr. Kelly, Town Manager, informed the Council that he had received three (3) bids on the repairs needed to the Housing and Redevelopment Authority building and recommended that they accept the low bid from Bartley Construction for the exterior work in the amount of \$25,035 and the interior bid in the amount of \$9,500.00.

On motion of Mr. Berry, seconded by Mrs. Lowe, the Council approved the bid from Bartley Construction for work at the Housing and Redevelopment Office in the amount of \$25,035 for the exterior work and \$9,500 for the interior work and further authorized the Town Manager to enter into this contract with Bartley Construction.

The roll call vote was as follows:

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

The motion carried.

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

### **1. Consideration and review of the 2008 Audit report for the Town of Abingdon.**

Greg Tucker with Bostic & Tucker, CPA's appeared before the Council members and gave a brief summary of the 2007/2008 audit. He indicated that there were no findings or problems with the Town and that it was in very good financial standing. Mr. Tucker commented that Abingdon was a model for what other localities should strive for in their financial standings.

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council approved the FY 2007/2008 audit as presented by Bostic & Tucker, CPA's.**

**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.**

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2. Consideration and appropriation of funds for the upcoming 2009 Music Events.

Mr. Kelly, Town Manager, informed the Council that the Music Events Committee was in the process of scheduling events for the spring and summer 2009 and would require funding in order to book acts and confirm their performance dates.

On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council appropriated \$30,000 from their contingency for the Music Events Committee 2009 spring and summer season.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye

Mayor Morgan Aye

The motion carried.

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**3. Appropriation of funds for restroom facility for the 3<sup>rd</sup> floor of the Municipal Building.**

Mr. Kelly addressed the Council members and indicated that a restroom facility on the 3<sup>rd</sup> floor, now that the offices had been completed, was a need for the staff. Rick Statzer, Building Inspector and Marion Watts, Building Official had located a suitable space for the facility and given an estimate of the costs. Mr. Kelly said it would be a unisex facility at a construction cost of \$14,371.16 and that Rick Statzer would act as the contractor for the job.

**On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council approved the addition of a restroom facility to the 3<sup>rd</sup> floor of the Municipal Building at a cost of \$14,371.16, to be taken from Council contingency, and noted that Rick Statzer, Building Inspector, would act as the contractor for the job.**

**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.**

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4. Consideration of economic development plan to promote Abingdon as a wedding destination.

Jim Cowart, Director of Economic Development, appeared before the Council members to report on several meetings that he had with Charlotte Sutherland, an Abingdon based wedding planner. He indicated that Ms. Sutherland had suggested that the Town might want to consider funding for advertisements to promote Abingdon as a wedding destination. Mr. Cowart commented that several of the Town's historic properties might be suitable for wedding sites for those who want to marry in a historic town setting.

Ms. Sutherland appeared before Council to ask that the Council support the funding of advertisements promoting Abingdon as a wedding destination. In addition, Ms. Sutherland commented that this type of advertising would be a tourism boost for the Town

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and said that she had had many requests for weddings in Abingdon and that the Town could benefit from the meals and lodgings that go along with housing and feeding wedding guests in town for an event. Ms. Sutherland indicated that she would like to use the Summers Law Office as her main office and act as the Town's wedding consultant.

Dr. Moore commented that he had gotten to know Ms. Sutherland and that she had assisted in coordinating an event with him back in the fall and had done an excellent job.

Mrs. Lowe commented that the Town had not finalized plans for some of the Town owned historic properties and that she felt it would not be fair to designate one wedding planner to handle all the Town's wedding business and that it should be for everyone's benefit.

Mrs. Humphreys commented that she felt "The Mustering Grounds" was an excellent venue for such events but other issues, such as parking and restroom facilities, would have to be addressed before events could be scheduled.

Mr. Berry commented that the concept was good but it was something that needed to be considered by the Tourism Advisory Board before it could be considered further by the Council.

No action was required by Council on this matter.

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**5. Update on the Pisces award given to the Wolfe Creek Water Reclamation Facility.**

Mike Maiden appeared before the Council members to comment on the award given to the Wolfe Creek Water Reclamation Facility by the Environmental Protection Agency's Clean Water State Revolving Fund for Region 3. Mr. Maiden introduced Bill Spencer from Department of Environmental Quality (DEQ) who gave more details on the award and offered praise for Mike Maiden, Superintendent, former Director of Public Works, Monty Vernon, Town Engineer, Jim Smith and the Town Council for their vision in developing such a state of the art facility as the Wolfe Creek Water Reclamation Facility.

No action was required by Council on this matter.

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6. Consideration of appropriation of funds for reimbursement to Barter Theatre for handicap ramp improvements between the Municipal Building and the main Theatre entrance.

Mr. Kelly informed the Council that the Barter Theatre had made a request for reimbursement in the amount of \$20,020.78 for repairs that were made to the ramp between the Town Municipal Building and the Barter Theatre. Mr. Kelly recommended

that the Council approve this request per his agreement with the Barter about the necessary repairs to the ramp.

On motion of Mrs. Lowe, seconded by Dr. Moore, the Council approved the reimbursement request from the Barter Theatre in the amount of \$20,020.78 for repairs to the ramp between the Municipal Building and the Barter Theatre. The Council further indicated that these funds were to come from their contingency.

The roll call vote was as follows:

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

The motion carried.

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**I. PASSAGE OF RESOLUTIONS – None.**

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J. FIRST READING OF ORDINANCES – None.

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**K. SECOND READING OF ORDINANCES – None.**

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L. UNFINISHED BUSINESS

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

- Mr. Morgan indicated that he would be attending a Tree Commission meeting the last week in January and would be prepared to address this matter at the February Council meeting.

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**2. Consideration of change in location and time of the Council work session meeting, currently held prior to the Regular Council meeting.**

- Mrs. Lowe indicated that she did not wish to pursue this matter at this time.



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3. **Presentation of requested information from Abingdon Main Street, Inc.**

- Gary Kimbrell, President of Abingdon Main Street appeared before the Council members to inquire if the information he had provided in the Council packets was sufficient and if the Council needed additional information.
- Mrs. Lowe inquired about their Membership drive efforts and Mr. Kimbrell indicated that Ms. Iskra, Main Street Director, was making contacts.
- In addition, Mr. Kimbrell indicated that the Main Street did not have adequate funding to carry them through to the end of the fiscal year and asked the Council's consideration of additional funding in the amount of \$11,000.
- Council members questioned the request and commented that they understood the funding appropriation at the December meeting was sufficient to carry them through.
- Mr. Kimbrell reiterated that the Group did not have adequate funding to meet their financial obligations through the end of the year.

On motion of Mr. Berry, seconded by Mrs. Lowe, the Council appropriated an additional \$11,000 from their contingency for the Abingdon Main Street program.

The roll call vote was as follows:

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

The motion carried.

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4. **Update of requested information from ElderSpirit.**

- Jim Cowart, Economic Development Coordinator, appeared before the Council to comment on the information he had gathered after meeting with representatives from the ElderSpirit group. He reported that Al Bradley had been appointed the new board president for ElderSpirit and that the members of the Board had been successful in negotiating an extension on the option for property they wish to purchase on Whites Mill Road for the ElderSpirit Too. Mr. Cowart reported that their financial outlook did not look promising at this time, but they did have several grants outstanding that might come through.
- Tom Boyles with ElderSpirit invited the Council and Mr. Kelly to have dinner at the ElderSpirit House on January 27<sup>th</sup> at 5:15 p.m.

**5. Review and consideration of minutes from the joint Town Council/Board of Supervisors meeting on October 14, 2008.**

Upon request by Council, Cecile Rosenbaum, Town Clerk requested the tape of the meeting from the joint Town/County October 14, 2008 meeting. The County had previously submitted the minutes, as prepared by their recording Clerk, for approval and the Council had not approved the content and expressed concerns over inaccuracies in the contents. Ms. Rosenbaum informed the Council that she had listened to the tape provided by Washington County and had made changes to the minutes. Ms. Rosenbaum indicated that the additions to the minutes were outlined in red and in some cases were verbatim from the recording. Ms. Rosenbaum noted that some areas of the tape were inaudible and she was not able to make a verbatim transcription but did feel that she had captured the essential elements of the motion that was of the most concern to the Council members.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the minutes, as amended in red and highlighted, of the joint Town/County meeting on October 14, 2008.**

**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.**

**Further, on motion of Mrs. Lowe, seconded by Mayor Humphreys, the Council authorized the Town Attorney to submit the minutes, as amended in red and highlighted, to the County for their review and acknowledgement.**

**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.**

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M. MATTERS NOT ON THE AGENDA

Employee Health Insurance Renewal

- Mr. Kelly commented that the Town had put out to bid for health insurance for Town employees as the current contract with United Healthcare expires on January 31, 2009. Mr. Kelly commented that the Town's consultant, Sam Brown, had come back with information on renewal rates for our current provider, United Healthcare, and it appeared that Options 3 and 4 were the best choices to offer Town employees. Mr. Kelly explained that Option 3 was almost identical to the current health insurance plan with a slightly higher co-payment for employees. Option 4 was a new option called an HSA or Health Savings Account. This Option was on voluntary basis and would promote employee health and wellness. Mr. Kelly recommended that the Council authorize him to enter into a contract with United Healthcare to offer Options 3 and 4 to Town employees for health insurance coverage subject to not receiving any lower bids coming in January 12th.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council authorized Greg Kelly, Town Manager to enter into a contract with United Healthcare to offer Options 3 and 4 to Town employees for health insurance coverage, subject to not receiving any lower bids coming in on January 12th, 2009. The Council noted that if a lower bid was received on the 12th, that it might be necessary to meet again to consider the bid and decide on a plan for employees.

The roll call vote was as follows:

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

The motion carried.

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### Tourism Website Contract with DesignSenory

- Mr. Kelly asked that Assistant Town Attorney, Debbie Icenhour, address the contract negotiations with DesignSensory. Mrs. Icenhour reported that she had

been contact with DesignSensory on several occasions to learn if they had secured a bond before the Town can finalize their contract for the Tourism Website Design. Mrs. Icenhour noted that she had contacted a local insurance representative who had offered to provide the bond and that DesignSensory had not yet contacted him.

Mrs. Lowe noted that if DesignSensory did not move on finalizing the contract in a very short time frame, that the Tourism Advisory Committee may want to reconsider re-bidding and finding another company to do the design.

**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council requested that the Assistant Town Attorney, Debbie Icenhour, notify DesignSensory that they had thirty (30) days to provide their bond and if that was not completed, they would withdraw the contract and proceed with re-bidding the design services.**

**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.**

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N. COUNCIL MEMBER REPORTS

Mr. Berry

Mr. Berry noted that the Tourism Forum would be held on Monday, January 19th, 2009 at 7:00 p.m. at Barter Stage II.

Mrs. Lowe

Mrs. Lowe noted that the annual Chamber of Commerce dinner would be held on January 13th, 2009 at 6:30 at the Abingdon Senior Center with Greg Kelly, Town Manager, as one of the guest speakers and that the annual Rotary Frolics would be held on Friday, January 23rd and Saturday, January 24th, 2009 at 7:00 p.m. at the Barter Theatre.

Mrs. commented that she would like to request that certain committees and boards begin submitting copies of their meeting minutes to the Town Clerk to be included in the monthly Council packet.

On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council requested that copies of minutes from Boards that have a Council appointee including but not limited to the Incubator Board, The Mustering Grounds Committee, The Fairview Committee and the Recreation Advisory Board be submitted to the Town Clerk for inclusion in the monthly Council packet.

The roll call vote was as follows:

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

The motion carried.

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

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O. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

On motion of Mrs. Lowe, 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 appointment of Town Attorney.

The roll call vote was as follows:

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

The motion carried.

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

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

**Mr. Berry           Aye  
Mrs. Lowe           Aye**

**Mrs. Humphreys**     **Aye**  
**Dr. Moore**           **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**  
**Dr. Moore**            **I so certify**  
**Mayor Morgan**      **I so certify**

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On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed Deborah C. Icenhour, as the Town Attorney for the Town of Abingdon.

The roll call vote was as follows:

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

The motion carried.

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**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council went into closed session, upon advice of Counsel, and pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(7) for the purpose of discussion of pending litigation in the case of Clifton Stewart, LLC, et al, vs. Town of Abingdon, et al.**

**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.**

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

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	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:**

|                       |                     |
|-----------------------|---------------------|
| <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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On motion of Mrs. Lowe, seconded by Mr. Berry the Council agreed to postpone the appointment to the Industrial Development Authority Board until the February 2, 2009 regular Council meeting.

The roll call vote was:

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

The motion carried.

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**On motion of Dr. Moore, seconded by Mr. Berry, the meeting was adjourned.**

**The roll call vote was:**

|                       |            |
|-----------------------|------------|
| <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.**

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Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk