

2008-6
January 7, 2008

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

A regular meeting of the Abingdon Town Council was held on Monday, January 7, 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
Dr. French H. Moore, Jr.
Mrs. Cathy Lowe
Mr. Edward B. Morgan

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
Myra Cook, Director of Tourism
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
Tenille Montgomery, Intern

Visitors:

L.B. Atkins, Carolyn Lee, Rob Goldsmith, Brian Johns, Mary
Ann Holbrook, Andrew Godbey

B. PLEDGE OF ALLEGIANCE

The Pledge to the flag was led by Tony Sullivan, Chief of Police. Mayor Humphreys welcomed everyone in attendance.

C. APPROVAL OF MINUTES

- December 3, 2007 Joint Meeting with Washington County
- December 3, 2007 Work Session
- December 3, 2007 Regular Meeting

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the minutes of the December 3, 2007 joint meeting with the Washington County Board of Supervisors, the minutes of the December 3, 2007 work session, and the December 3, 2007 regular meeting as presented.

The roll call vote was:

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

The motion carried.

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At this time the Mayor recognized Cathy Lowe with Ecumenical Faith in Action. Ms. Lowe appeared before the Council members to thank them for their appropriation of \$25,000 to be used for fuel assistance for residents of the Town of Abingdon. Ms. Lowe said the funding would go far in aiding families struggling to pay high heating costs this winter.

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D. PETITIONS AND PUBLIC HEARINGS - NONE

E. CONSIDERATION OF BIDS -NONE

F. REPORTS FROM THE TOWN MANAGER

1. Audit Report – FY 2006-2007

Mr. Kelly reported that the Council members had met at the 5:30 work session with Greg Tucker of Bostic, Tucker and Company about the audit for 2006/2007. Mr. Kelly reported that the Town is in solid financial position and that the audit findings were positive and consistent with past years reports. The auditors reported no negative findings for the Town.

On motion of Dr. Moore, seconded by Mr. Howard, the Council approved the audit report for 2006/2007 as presented.

The roll call vote was:

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

The motion carried.

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**2. Consideration of request locating Abingdon High School Marquee sign on high school property.**

Garrett Jackson, Director of Planning addressed the Council members to report that a more appropriate site for the proposed sign had been located near the west end parking lot on high school property. He indicated that John Dew, Director of Public Services and Construction had reviewed the proposed site and had no objections to the location.

Mr. Kelly, Town Manager, added that this was brought to the Council for update purposes and no action was required of the Council at this time.

**3. Annual report on Sinking Spring Cemetery**

Gene Matthis, President of the Sinking Spring Cemetery Committee, appeared before the Council members to provide the annual report for the Cemetery. Mr. Matthis reported the fencing project around the cemetery grounds had been completed. He noted that the committee had worked with the Town arborist in identifying healthy trees in the cemetery as well as ones that needed to be removed.

Mr. Morgan commented that he had enjoyed serving on the Cemetery committee and that they had made progress toward the preservation and beautification of the Cemetery.

## G. PASSAGE OF RESOLUTIONS

1. Consideration of Resolution of for the Virginia Organizing Project regarding regulation of payday lending organizations in the Commonwealth of Virginia.

Mr. Brian Johns of the Virginia Organizing Project appeared before the Council members to report on the increasing number of payday lending establishments in the Commonwealth and urged the Council members to adopt the resolution urging the state to place regulations on such businesses.

**On motion of Mr. Morgan, seconded by Mr. Howard, the Council approved the following Resolution presented as follows:**

### **RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA TO REQUEST THAT THE GENERAL ASSEMBLY AND GOVERNOR OF VIRGINIA TAKE ACTION TO PREVENT EXPLOITATIVE PAYDAY LENDING PRACTICES IN THE COMMONWEALTH OF VIRGINIA**

**WHEREAS**, the Town Council of the Town of Abingdon, Virginia, represents the citizens of Abingdon, Virginia;

**WHEREAS**, the Town Council of the Town of Abingdon, Virginia, senses from the citizens of the Town of Abingdon significant concern over what are perceived to be some exploitative payday lending practices in the Town of Abingdon and elsewhere in the Commonwealth, including practices which may exploit dedicated, brave women and men who are called for deployment as part of the armed forces of our Nation both in the United States and various parts of the world in the cause of freedom and security of our Nation; and

**WHEREAS**, the Town Council of the Town of Abingdon, Virginia, shares these same significant concerns and wishes to express the collective sentiments of the People of the Town of Abingdon, Virginia, that the General Assembly and Governor of Virginia, ought to take action to prevent further exploitative payday lending practices; and

**WHEREAS**, it is vital that the General Assembly and the Governor of Virginia give their earnest attention to these matters at the next regular session of the General Assembly and enact laws that will prevent further exploitative payday lending practices.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia, that the General Assembly and the Governor of the Commonwealth of Virginia are requested to take action in connection with the next regular session of the General Assembly of Virginia to enact laws that will prevent further exploitative payday lending practices, including but not limited to:

1. Enactment of an annual interest rate cap of 36% for any consumer loans made in the Commonwealth of Virginia;

2. Prohibition of the use of a personal check or other method by a creditor to gain access to a consumer's bank account or method to gain title to a consumer's motor vehicle as collateral for a payday loan; and
3. Enactment of supplementary and complementary provisions which mirror the provisions of what is commonly referred to as the Talent-Nelson Amendment (Senate Amendment 4331), entitled "Terms of Consumer Credit Extended To Service Member's Dependent" and referenced on page S6352 of the June 22, 2006 Congressional Record-Senate, a copy of which is annexed to and incorporated by reference in this Resolution.

**The roll call vote was:**

|                        |            |
|------------------------|------------|
| <b>Mrs. Lowe</b>       | <b>Aye</b> |
| <b>Mr. Morgan</b>      | <b>Aye</b> |
| <b>Dr. Moore</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 Resolution Commemorating the 75th Anniversary of Barter Theatre.

Mary Anne Holbrook, Director of Development at Barter Theatre appeared before the Council and asked for their support in commemorating the Theatre's 75th Anniversary.

On motion of Dr. Moore, seconded by Mrs. Lowe, the following resolution was adopted as presented as follows:

**RESOLUTION OF THE TOWN OF ABINGDON, VIRGINIA TO OBSERVE AND
COMMEMORATE THE 75TH ANNIVERSARY OF
THE BARTER THEATRE,
THE STATE THEATRE OF THE COMMONWEALTH OF VIRGINIA**

WHEREAS, Barter Theatre was founded in 1933 by visionary Robert Porterfield who returned to his native Washington County with the idea of theatre patrons bartering fresh produce and livestock for live theatre performances; and

WHEREAS, The General Assembly of Virginia designated Barter as the State Theatre of Virginia in 1946. Barter Theatre was the first theatre to ever receive this designation; and

WHEREAS, Barter Theatre is the premier tourist attraction in Southwest Virginia and one of the cornerstones of tourism for the entire Tri-Cities Region; and

WHEREAS, Barter Theatre is a favorite destination for regional, national and international visitors, with audiences having more than doubled over the past 10 years. In 2006, the company's two stages drew 160,000 patrons for live theatrical productions including comedies, musicals, dramas, mysteries, and innovative new works. Tourism revenues in Abingdon and Washington County have realized increased growth in proportion with increased numbers of patrons attending the Barter Theatre productions; and

WHEREAS, the Barter Theatre stage has, to date, welcomed patrons hailing from every continent of the world (with the exception of Antarctica) to view its performances; and

WHEREAS, Barter Theatre is one of the top ten employers in Abingdon, Virginia; and

WHEREAS, through its education programs, Barter provides annually more than 40,000 children quality professional theatre performances that are curriculum-relevant. Barter's education programs include the Student Matinee Program, the award-winning Distance Learning Program, and the Young Playwrights Festival; and

WHEREAS, The Barter Players, offering a unique combination of education and entertainment on tour to eight states for three months every year and performing in Abingdon the remainder of the year, have been acclaimed worldwide as one of the finest theatre companies for young audiences anywhere; and

WHEREAS, in its eighth year, Barter's Appalachian Festival of Plays and Playwrights is an annual festival celebrating the richness of the Appalachian tradition by providing a showcase to tell the story of this region, both past and present, and the inspiration it provides the playwrights and writers who live in the region. This festival is a proven source for successful new southern plays; and

WHEREAS, Barter Theatre is one of the few surviving resident theatres and is the longest running Equity Theatre in the country; and

WHEREAS, the year 2008 is Barter Theatre's 75th anniversary season with eighteen (18) productions planned for the year; and

NOW THEREFORE BE IT RESOLVED, that the Council of the Town of Abingdon joins together with Barter Theatre in the observance and celebration of its 75th anniversary.

The roll call vote was:

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

The motion carried.

H. FIRST READING OF ORDINANCES - NONE

I. SECOND READING OF ORDINANCES -NONE

J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

At this time Mr. Morgan noted that he wanted to address one final item regarding the Sinking Spring Cemetery Committee. He explained that the Town does not have clear title to the Penn Addition or the Scott Campbell Addition of the Cemetery. Mr. Morgan explained that the Town should request the General Assembly introduce legislation that would give clear title to these properties to the Town.

On motion of Mr. Morgan, seconded by Dr. Moore, the Council asked that Town staff take the necessary steps to request the Virginia General Assembly to introduce legislation that would provide clear title to the Penn and Scott Campbell Additions of the Cemetery to the Town.

The roll call vote was:

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

The motion carried.

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**K. OLD BUSINESS**

**L. COUNCIL MEMBER REPORTS**

Mr. Morgan announced that he would be seeking re-election in the upcoming Town Council elections held in May.

Mr. Howard reported that he also would be seeking re-election in the upcoming Town Council elections.

Mrs. Lowe reported that the Rotary Frolics would be held the weekend of January 18 and 19 and urged everyone to support the Rotary Club. Mrs. Lowe noted that proceeds will be used toward the needs of children's charities.

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The Mayor reported that a Valentines Dance will be held at the Coomes Recreation Center on February 15, 2008 at 7:00 p.m. and the community is invited.

Gary Kimbrell, President of Main Street, reported that Doris Shuman, CPA had received word of the organizations confirmation of their 501 C 3 status. He also noted that they were looking forward to hiring an executive director for the Main Street program.

**On motion of Mr. Howard, seconded by Dr. Moore, the Council was adjourned.**

**The roll call vote was:**

|                        |            |
|------------------------|------------|
| <b>Mrs. Lowe</b>       | <b>Aye</b> |
| <b>Mr. Morgan</b>      | <b>Aye</b> |
| <b>Dr. Moore</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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Lois H. Humphreys, Mayor

Cecile M. Rosenbaum, Town Clerk