

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, JULY 1, 2013 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, July 1, 2013 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. ROLL CALL

Members of Council Present:

Edward B. Morgan, Mayor
Mrs. Cathy Lowe, Vice Mayor
Mr. Jason N. Berry
Mr. Richard E. Humphreys
Mr. Robert M. Howard

Administrative/Town Staff:

Gregory W. Kelly, Town Manager
Garrett Jackson, Assistant Town Mgr./Dir. Of Planning
Cecile M. Rosenbaum, Town Clerk
Deborah Icenhour, Town Attorney
Jim Smith, Dir. Of Wastewater Operations/Town Eng.
John Dew, Dir. Public Services/Construction
Tony Sullivan, Chief of Police
Kevin Costello, Dir. of Tourism
Kevin Worley, Dir. of Parks & Recreation

Visitors:

Rich Macbeth, Susan Howard, Allie Robinson, Pat
Hatfield, Lois Humphreys, Joella Barbour, Dr. Jim
Moore

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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Cathy Lowe, Vice Mayor.

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C. SPECIAL EMPLOYEE RECOGNITION

- Mr. Kelly, Town Manager presented Bobbie Moretz, Clerk for the Sewer Department with a framed Town Seal and a clock in recognition of her retirement after 19 years of service with the town.

- Mr. Kelly recognized Tonya Triplett, Sales Coordinator with the Convention and Visitors Bureau with her 5 year service pin and plaque and thanked her for her service to the town.
- Mr. Kelly commented that other town employees, Jane Brown, Brandon Singleton, Michael Surrent and Tyler Vencill had received service awards but were unable to attend the Council meeting.

D. SPECIAL COUNCIL ANNOUNCEMENT

At this time, Mayor Morgan commented that the Council had made their selection of 2013 nominees for consideration for the annual Arthur Campbell Community Service Award, the highest honor given by the Council.

- Council member, Rick Humphreys, announced that G. Michael “Mickey” Newman had been chosen as a nominee for the award.
- Council member, Bob Howard announced that Betsy White had been chosen as a nominee for the award.
- Council member, Jason Berry announced that Blair Keller had been chosen as a nominee for the award.

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council members confirmed that nominees, G. Michael “Mickey” Newman, Betsy White, and Blair Keller would be the 2013 recipients of the Arthur Campbell Community Service Award, the highest honor given by the Council.

The roll call vote was as follows:

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

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#### **E. SPECIAL PRESENTATION**

Councilman Humphreys, on behalf of the Muster Grounds Steering Committee, presented Patricia Musick Hatfield, former State Regent, Virginia Society of the Daughters of the American Revolution, with a Certificate of Appreciation for her contributions to the Muster Grounds during the time she served as State Regent. Mr. Humphreys noted that Ms. Hatfield was now an officer at the national level of the DAR.

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F. APPROVAL OF MINUTES

- June 3, 2013 Work Session Meeting
- June 3, 2013 Regular Meeting

On motion of Mr. Berry, seconded by Mr. Howard, the Council members approved the minutes of the June 3, 2013 Work Session meeting as presented and the June 3, 2013 Regular Meeting minutes with one correction on page 99, section E. relative to the bond financing public hearing to include the specific list of projects and the dollar amounts for which the \$2.6M in bond financing will be used.

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Abstain (<i>Mrs. Lowe was absent from the June 3rd meeting</i>)
Mayor Morgan	Aye

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**G. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES –**

1. **Petition - Consideration for Approval of Final Plat For Proposed Subdivision - Proposed subdivision of property consisting of 6.07± acres owned by Kings Mountain Properties, LLC, (formerly Kealey Johnson Wholesale), located adjacent to the north side of Empire Drive, proposed to be subdivided into six (6) lots ranging in size from 0.78 acres to 1.29 acres. Tax Map No. 106 (7) 1A.**

Garrett Jackson, Assistant Town Manager reported on the request for approval of a final plat before Council for consideration relative to the request to subdivide commercial property located on Empire Drive. Mr. Jackson indicated that the application had been reviewed by the Town Engineer and considered and approved by the Planning Commission, with conditions as set forth by recommendation of the Town Engineer. Jim Smith, Town Engineer noted that the recommended conditions for the approval of the final plat had not been met at this time.

Mrs. Lowe inquired if Mr. Morefield understood the conditions that must be met before the final plat would be approved and Mr. Morefield acknowledged his understanding.

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council approved, as recommended by the Planning Commission, the final plat for proposed**

**subdivision of property consisting of 6.07± acres owned by Kings Mountain Properties, LLC, (formerly Kealey Johnson Wholesale)), located adjacent to the north side of Empire Drive, proposed to be subdivided into six (6) lots ranging in size from 0.78 acres to 1.29 acres. Tax Map No. 106 (7) 1A conditional upon the recommendations as set forth by the Town Engineer who shall hold the final plat until confirmation that the following conditions have been met:**

- **A waiver to construct pavement widening, sidewalk, curb and gutter on Empire Drive and that every subdivided property be served from a private street with only one single entrance to Empire Drive and no additional entrances will be permitted on Empire Drive to serve the development;**
- **The final plat be approved pending receipt of:**
  - **VDOT's written approval of the entrance**
  - **Private restrictive covenants**
  - **Fees**
  - **Bonds**
  - **Easements**
  - **All applicable improvement plans required by the Subdivision Ordinance as approved by the Town Engineer.**

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

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

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2. Public Hearing – First Reading – An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Chapter 38, Health and Sanitation, Article II, Condition of Premises of the Code of Ordinances of the Town of Abingdon.

Deb Icenhour, Town Attorney reported on the Ordinance before Council for consideration and noted that the Ordinance change was necessary to assist Code Compliance with enforcing the maintenance of certain rights of way in town where a property owners parcel is directly adjacent to the right of way. Ms. Icenhour explained that the Ordinance already in effect required property owners to maintain the rights of way which can include mowing as well as removal of snow and ice during the winter months.

Mr. Humphreys inquired if the property owner was required to have insurance coverage on the right of way. Mayor Morgan inquired about the maintenance of unopened alley ways in town.

At this time, Mayor Morgan declared the public hearing open.

Dr. Jim Moore, resident of College Street, commented on the definition of private property and inquired about the provisions in the Ordinance that would trigger non-compliance such as neglect of weeds and grass.

Mr. Kelly commented that Code Compliance would contact the property owner if the grass exceeded 10 inches in height and if it was not maintained, the property owner would be assessed the costs of maintenance. Mr. Kelly further commented that this was merely a change that added a definition of the property covered by the existing Ordinance, and the rest of the existing Ordinance that had already been in effect for at least twenty-five (25) years remained unchanged.

Elaine Everest, business owner on Court Street commented on the proposed ordinance and insurance liability relative to the requirement that property owners maintain town rights of way adjacent to their property.

Hearing no further comments, the public hearing was closed.

On motion of Mr. Berry, seconded by Mr. Howard, the Council tabled this matter until further discussion on the matter at the July 17th work session meeting.

The roll call vote was as follows:

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

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- 3. Public Hearing – Environmental permit to seek public comment on a draft permit from the Department of Environmental Quality that will allow the release of treated wastewater into a body of water in Washington County, Virginia.**

Sarita Moore, Facility Manager, Wolf Creek Water Reclamation Facility reported on proposed environmental permit being sought from DEQ and the need for public comment as a required step of the process. Ms. Moore noted that the permit is for

five (5) years and their renewal was due this year and was necessary for compliance with the Clean Water Act.

Mayor declared the public hearing open and hearing no comments, closed the public hearing.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council authorized Greg Kelly, Town Manager to execute any and all documents associated with Wolf Creek Water Reclamation Facility's environmental permit from the Department of Environmental Quality relative to the release of treated wastewater into a body of water in Washington County, Virginia.**

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

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

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- 4. Public Hearing – Consideration of the proposed purchase of property, specifically Tax Map Nos. 018-6-12A1, 018-6-12A2, 018-6-12A3, 018-21-1, 018-21-2, 018-21-3, 018-21-4, 018-21-5, 018-21-11, 018-21-13, 018-21-14, 018-21-15, and 018-21-16, legal description Old Towne Village, Fugate Street and Village Court, currently owned by New Peoples Bank. This notice is given pursuant to the Code of Virginia 1950, as amended, §15.2-1800.**

Greg Kelly, Town Manager reported on the proposed purchase of property described as Old Towne Village and adjacent to Fugate Street and Village Court. Mr. Kelly noted that the property was in close proximity to the Muster Grounds site and would be beneficial in alleviating parking concerns during events at the site as well as providing improved access to the property from Colonial Road. Mr. Kelly noted that the purchase price is \$100,000 and the amount will be taken from town reserves.

Mayor Morgan declared the public hearing open and hearing no comments, closed the public hearing.

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council authorized the Town Manager to execute the agreement to purchase the property specifically Tax Map Nos. 018-6-12A1, 018-6-12A2, 018-6-12A3, 018-21-1, 018-21-2, 018-21-3, 018-21-4, 018-21-5, 018-21-11, 018-21-13, 018-21-14, 018-21-15, and 018-21-16, legal description Old Towne Village, Fugate Street and Village

Court, currently owned by New Peoples Bank for the purchase price of \$100,000, which amount is to be taken from town reserves.

The roll call vote was as follows:

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

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**H. SECOND READINGS OF ORDINANCES – None.**

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I. CONSIDERATION OF ANY BIDS – None.

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**J. REPORTS FROM THE TOWN MANAGER**

**1. Presentation by the Washington County Substance Abuse Prevention Coalition.**

Jordan Whitesides, SPF-SIG Project Director Assistant, Highlands Community Services reported on the data collected by their group relative to alcohol related motor vehicle crashes among young adults in the area. Ms. Whiteside noted that her group had reported earlier in the year on the project and thanked Council for their interest in results of the report.

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

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2. Authorization of Town Manager to enter into a temporary construction easement between Steven H. Smith and Charles P. Smith relative to the replacement of Trestle #7 on the Virginia Creeper Trail.

Greg Kelly, Town Manager reported on the temporary construction easement document that was necessary to obtain from Steve and Charlie Smith. Mr. Kelly explained that the access to Trestle #7 for construction was obtained through crossing

the Smith's property and the easement would provide protection in writing for both parties. Mr. Kelly noted that construction on the rebuild of the trestle could begin as soon as the document was signed by all parties.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council authorized Greg Kelly, Town Manager to enter into a temporary construction easement between Steven H. Smith and Charles P. Smith relative to the replacement of Trestle #7 on the Virginia Creeper Trail.

The roll call vote was as follows:

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

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**3. Authorization of Town Manager to enter into negotiations with CHA to contract for the design and engineering services for the Urban Pathway project.**

Greg Kelly, Town Manager commented that an RFP had been placed for the design and engineering services for the Urban Pathway Project and after committee review, it was the consensus to enter into negotiations with CHA, the parent company of OLVER, whom the town has used frequently in other projects.

Mr. Jackson, Assistant Town Manager commented on the funding for the project and confirmed that the Virginia Department of Transportation was partnering with the town on the project. Mr. Howard commented that he served on the review committee and recommended that the Council authorize the Town Manager to negotiate with CHA.

**On motion of Mr. Howard, seconded by Mr. Berry, the Council authorized the Town Manager to enter into negotiations with CHA to contract for the design and engineering services for the Urban Pathway project.**

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

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

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4. **Authorization of Town Manager to execute contracts between Town of Abingdon, Department of Housing and Community Development and King School of Medicine relative to the \$250,000 appropriation from the Virginia General Assembly and the \$50,000 previously appropriated by the Town of Abingdon for use by KSOM.**

Greg Kelly, Town Manager commented that he had attended a meeting with representatives from the King School of Medicine as well as the Virginia Department of Housing and Community Development relative to funding appropriation by the General Assembly to the Med School. Mr. Kelly noted that all parties agreed on the necessity of two (2) contracts relative to the following appropriations: One contract agreement would be developed relative to the Council's earlier appropriation of \$50,000 toward the Med School project. In addition, Mr. Kelly reported that the second contract agreement would be relative to the agreement with DHCD to facilitate the appropriation of \$250,000 to the Med School from the Virginia General Assembly in order to meet state procurement requirements. Mr. Kelly recommended that Council authorize him to execute both contracts accordingly.

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council authorized the Town Manager, Greg Kelly to execute contracts between Town of Abingdon, Department of Housing and Community Development and King School of Medicine relative to the \$250,000 appropriation from the Virginia General Assembly and the \$50,000 previously appropriated by the Town of Abingdon for use by KSOM.

The roll call vote was as follows:

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

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## K. PASSAGE OF RESOLUTIONS

1. **Resolution of the Council of the Town of Abingdon, Virginia Authorizing the Issuance of General Obligation Bonds in an Aggregate Principal Amount Not**

**to Exceed \$2,600,000 , and Providing for the Form, Details, and Payment of the Bonds and Authorizing Certain Related Actions.**

Greg Kelly, Town Manager reported on the Resolution before Council for consideration was the second step in the process for securing bond financing for the town in the amount of \$2.6M. Mr. Kelly noted that the funding was necessary for the following projects:

- \$1M financial incentive for K-Va-T Food Stores
- \$195,000 for financial software upgrades and upgrades for Police Department data transmission
- \$445,000 Coomes Center roof repair, boiler repair and pool lining)
- \$250,000 Structure to house the town trolley buses
- \$550,000 Whites Mill Road pedestrian improvement project
- \$160,000 Academy Drive widening project

Mr. Kelly noted that this matter was on the June 3<sup>rd</sup> 2013 regular agenda for public hearing and no comments were received from the public. Mr. Kelly reported that a total of five (5) bids were received from the RFP for the bond financing and it was the recommendation of bond counsel that the bid be awarded to Carter Bank at a rate of 2.5% for fifteen (15) years. Mayor Morgan inquired about the town's debt limit and Mr. Kelly noted that the limit was significantly below the cap and did not present any concerns for the town.

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council approved the Resolution Authorizing the Issuance of General Obligation Bonds in an Aggregate Principal Amount Not to Exceed \$2,600,000 , and Providing for the Form, Details, and Payment of the Bonds and Authorizing Certain Related Actions. Said Resolution is attached hereto in its entirety and made a part of these minutes.**

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

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

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L. UNFINISHED BUSINESS

1. **Update on the status of the Virginia Copenhaver property located at 205 Preston Street, Abingdon as it relates to a request for improvements to the turning radius at the corner of Preston and Hagy Streets and the protection of the brick wall located on the corner of Mrs. Copenhaver's property.**

Mayor Morgan noted that this matter had been discussed during the earlier work session meeting and would not need to be carried over to the August meeting.

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2. **Update on the Country Club Stormwater Management Project.**

John Dew, Director Public Services and Construction commented that he addressed this matter during the earlier work session meeting.

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3. **Update on the Whites Mill Road/Court/Hill Drive project.**

John Dew, Director Public Services and Construction commented on the status of the Whites Mill pedestrian improvement project.

Mayor Morgan recognized resident Bernard Neece who expressed his dissatisfaction with the length of time this project appeared to be taking. Mayor Morgan commented on the complications associated with a sidewalk project and noted that the funding for the project remained in the budget and would not be allocated to another town project.

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4. **Update on the replacement of Trestle #7 on the Virginia Creeper Trail.**

John Dew, Director of Public Services/Construction commented that the project was proceeding and the contractor was allowing eight (8) months for completion contingent on weather conditions in the fall and winter months. Mr. Dew noted that that he planned to keep the trail open as often as possible during construction. Mr. Humphreys inquired about providing notice to the bike shops if the trail had to be closed.

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5. **Update on the Urban Pathways project.**

Garrett Jackson, Assistant Town Manager noted that this matter had been addressed in during an earlier agenda item.

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

**At this time, on motion of Mr. Berry, seconded by Mr. Humphreys, the Council agreed to appropriate the amount of \$2,500 from Council Contingency for the sponsorship of the Natural Resources Energy Law Symposium to be held during the month of September and sponsored by the Appalachian School of Law.**

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

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

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At this time Mayor Morgan asked if any citizens wished to address the Council.

- Elaine Everest, business address of 104 Court Street, Abingdon addressed the Council to express her dissatisfaction with the closure of Court Street during the annual Plum Alley Day Festival. Ms. Everest noted that she was unable to receive a delivery to her shop because Court Street was closed and a large children's inflatable attraction was placed directly in front of her business. Mayor Morgan and Mr. Kelly both confirmed speaking previously with Ms. Everest about the matter and Mr. Kelly noted that he planned to meet with the Kiwanis Club, sponsor of the annual Plum Alley Day Festival about possible changes for next year's event.
- Rich Macbeth of 1139 Panorama Drive inquired about an earlier agenda item regarding zoning change for property on Empire Drive.

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## **N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

### **1. Planning Commission**

- Appointment of member to the Planning Commission to fill the expired term of Dr. Ramsey White who is not eligible for reappointment.

**On motion of Mr. Humphreys, seconded by Mr. Berry, the Council appointed Wayne Craig to fill the expired term of Dr. Ramsey White on the Planning Commission.**

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

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

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2. District Three Governmental Cooperative

- Appointment of Council Member to fill the annual term on the District Three Governmental Cooperative Board. This position is currently held by Bob Howard, Council Member.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council reappointed Bob Howard to an additional term on the District Three Governmental Cooperative.

The roll call vote was as follows:

Mr. Howard	Abstain (<i>Mr. Howard is the appointee to the position</i>)
Mr. Humphreys	Aye
Mr. Berry	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

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## **O. COUNCIL MEMBER REPORTS**

- Mr. Humphreys commented about the importance of communication and inquired if staff could look into a government access channel for Council meetings. Mr. Humphreys also noted that the new trolleys have video capability and would like to see a video loop developed to play while they are in use.
- Mrs. Lowe responded to Mr. Neece's earlier comments about the Whites Mill Road project and acknowledged his frustration about the length of time the project was taking.

- Mr. Howard commented on the number of people using the trolleys on Saturdays and noted that communication about the service is key to its success.
- Mr. Berry thanked the citizens who addressed Council with their concerns.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk