

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
TUESDAY, JULY 5, 2011 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Tuesday, July 5, 2011 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
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
Jim Cowart, Dir. of Econ. Dev/Grants Writer
John Dew, Dir. Of Public Services/Construction
Rob Case, IT Department
Tony Sullivan, Chief of Police
Kevin Worley, Dir. of Parks & Recreation
Tonya Triplett, Int. Dir. of Tourism

Visitors:

Carolyn Lee, Quinn Craughwell, Susan Howard, Izik Crispin, Leigh Ann Hunter, Patty Barrett, Katie Jessee and others

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**B. PLEDGE OF ALLEGIANCE**

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

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C. EMPLOYEE ACKNOWLEDGEMENTS

- Recognition of Sarita Moore, Pre-Treatment Coordinator at the Wolf Creek Water Reclamation Facility for her fifteen (15) years of service to the Town of Abingdon

Mr. Kelly congratulated Ms. Moore on her fifteen (15) years of employment with the Town and thanked her for her years of services.

- At this time Mr. Kelly recognized Anne Newman, Town Horticulturist and Deb Icenhour, Town Attorney for completing their certificate as Master Gardeners.



D. APPROVAL OF MINUTES

- June 6, 2011 Work Session Agenda
- June 6, 2011 Regular Agenda

On motion of Mrs. Lowe, seconded by Mr. Berry, the minutes of the June 6, 2011 work session meeting and the minutes of the June 6, 2011 regular meeting were approved with the following corrections:

- **On page 100 of the Work Session minutes under paragraph 1, addition of “Mr. Matlock did not request additional funding for the garden project”**
- **On page 100 of the Work Session minutes under paragraph 2, Bailey Garden should be spelled as “Bailie”**

The roll call vote was as follows:

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



**E. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES –
None.**



F. SECOND READING OF ORDINANCES

1. Second Reading - Ordinance to enact Article VII, Mopeds and Electric Power-Assisted Bicycles, §70-223-226; §70-239-253 of Chapter 70, Traffic and Vehicles, of the Code of the Town of Abingdon, Virginia.

Ms. Icenhour, Town Attorney, commented that the moped Ordinance was before Council for second reading. Ms. Icenhour indicated that the Ordinance would require moped operators to wear helmets as is a provision set forth by the Code of Virginia and that the Town's main focus was to promote the health and safety of moped operators in the Town.

On motion of Mr. Howard, seconded by Mr. Berry, the Town approved the Ordinance to enact Article VII, Mopeds and Electric Power-Assisted Bicycles, §70-223-226; §70-239-253 of Chapter 70, Traffic and Vehicles, of the Code of the Town of Abingdon, Virginia as presented.

The roll call vote was as follows:

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



2. Second Reading - Ordinance to repeal, amend and reenact Article I, Chapter 62, Streets, Sidewalks and Other Public Places, specifically 62-1 (a), (b) and (d) Obstructions Generally, of the Code of the Town of Abingdon, Virginia.

Ms. Icenhour reported that this Ordinance was before Council for second reading. Ms. Icenhour indicated that the Ordinance being considered due to concerns for the safety of organizations that wanted to stand in town thoroughfares and collect monies.

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council approved the Ordinance to repeal, amend and reenact Article I, Chapter 62, Streets, Sidewalks and Other Public Places, specifically 62-1 (a), (b) and (d) Obstructions Generally, of the Code of the Town of Abingdon, Virginia.

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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**G. CONSIDERATION OF ANY BIDS – None.**

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H. REPORTS FROM THE TOWN MANAGER

- 1. Consideration of recommendation with regard to the Fairview Homestead garden project.**

Mayor Morgan commented that Council would address this matter later on the agenda.

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- 2. Consideration of plans for the garden at Eberhardt Park.**

*Mayor Morgan commented that Council would address this matter later on the agenda.*

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- 3. Consideration of report on The Muster Grounds site and Introduction of Muster Grounds Superintendent and (2)Teacher-Ranger-Teachers.**

- Leigh Anne Hunter – Muster Grounds Superintendent**
- Patty Barrett – Teacher-Ranger- Teacher**
- Katie Jessee - Teacher-Ranger- Teacher**

Mr. Jackson, Director of Planning introduced Ms. Barrett and Ms. Jessee who are the Teacher-Ranger-Teachers working at The Muster Grounds for the summer season. Mr. Jackson reported that the National Park Service had agreed to sponsor both positions. Ms. Barrett and Ms. Jessee both reported on the projects they planned to work on for the summer and expressed their appreciation for being given the opportunity to be a part of The Muster Grounds.

Leigh Anne Hunter, Muster Grounds Superintendent reported on the number of visitors to The Muster Grounds site as well as the amount of items that have been sold from the gift shop. Ms. Hunter commented that The Muster Grounds was a very popular geocaching site for folks who are searching for hidden treasures.

Mr. Jackson read a letter from Gary Wener, Executive Director and Julia Glad, Communications Coordinator for the Partnership for the National Trails System expressing appreciation to the Town Council and Town staff for sponsoring the 2011 National Scenic and Historic Trails Conference.

Mr. Humphreys commented that the water quality at The Muster Grounds site made it a good site for the placement of trout and they planned to work with the Department of Game and Inland Fisheries on this project.



4. Status of Request for Proposal for Trestle #7 replacement recommendations.

John Dew, Director of Public Services/Construction reported on the proposals for engineering services he received for the replacement of Trestle #7 on the Creeper Trail which was destroyed during the April tornado event.

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council authorized Greg Kelly, Town Manager to enter into negotiations with the engineering firms who submitted proposals for the replacement of Trestle #7 on the Creeper Trail and further authorized Mr. Kelly to award the bid to the most suitable agency after review and recommendations from the town staff.

The roll call vote was as follows:

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

Mayor Morgan Aye

Mrs. Lowe inquired about the call boxes that had been proposed for the Creeper Trail for emergency notifications. Mr. Kelly indicated that he would review that matter with town staff and update the Council.



At this time, Mayor Morgan noted that the representative for the agenda items, H1 and H2, David Matlock, was not present but inquired if someone was there to speak to the matters. Ms. Quinn Craughwell with Graham Landscaping and Garrett Jackson, Director of Planning indicated that they could speak to the matters.

- **(H1) Consideration of recommendation with regard to the Fairview Homestead garden project.**

Ms. Craughwell with Graham Landscaping reported on the plans she had developed for the Fairview Homestead garden. Ms. Craughwell indicated that she had constructed the plans in a manner consistent with the time period of the house and showed a drawing that demonstrated how the garden would be laid out.

- **(H2) Consideration of plans for the garden at Eberhardt Park.**

Ms. Craughwell commented on the preliminary plans for Eberhardt Park which was once known as the Bailie garden. Ms. Craughwell commented that she had designed the garden using the 1850's time period and in keeping with looks of an Irish nursery as it was when it was called Bailie Garden.

On motion of Mr. Berry, seconded by Mrs. Lowe, the Council authorized Greg Kelly, Town Manager to move forward with the design concepts for both the Fairview Homestead Garden project and the Eberhardt Garden project and further authorized Mr. Kelly to execute the plans for both projects as he deemed appropriate.

The roll call vote was as follows:

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



5. Consideration of annual report from the Planning Commission.

Mr. Jackson, Director of Planning commented on the annual report for the Planning Commission. Mr. Jackson indicated that it had been an inactive year for the Commission in comparison to years past but reported that the members had adopted a process known as SWOT which stands for Strengths, Weaknesses, Opportunities, and Threats.

Mayor Morgan thanked Mr. Jackson and the Planning Commission members for their service.

On motion of Mr. Berry, seconded by Mrs. Lowe the Council accepted the annual report of the Planning as presented.

The roll call vote was as follows:

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



I. PASSAGE OF RESOLUTIONS

1. Resolution of the Council of the Town of Abingdon, Virginia Supporting a Grant Application to the Virginia Tobacco Indemnification and Community Revitalization Commission for Economic Development Program Funds.

Jim Cowart, Director of Economic Development reported that the Resolution for consideration was to affirm the Council's support of a request for funding to the Virginia Tobacco Commission for an Arts Incubator project in Abingdon. Mr. Cowart indicated that the Commission did require the Resolution be included with the grant application.

Mrs. Lowe inquired about the probability of getting the grant monies for the project. Mr. Cowart and Mr. Berry both commented that it is a tough process due to current economic challenges.

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council adopted the following Resolution Supporting a Grant Application to the Virginia Tobacco Indemnification and Community Revitalization Commission for Economic Development Program Funds presented as follows:

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA
SUPPORTING A GRANT APPLICATION TO THE VIRGINIA TOBACCO INDEMNIFICATION
AND COMMUNITY REVITALIZATION COMMISSION FOR ECONOMIC DEVELOPMENT
PROGRAM FUNDS**

WHEREAS, the Council of the Town of Abingdon, Virginia desires to submit a grant application for Southwest Economic Development program funds of \$832,210 to the Virginia Tobacco Indemnification and Community Revitalization Commission; and

WHEREAS, \$832,210 of these funds are requested to fund the proposed **Abingdon Artisan Center** project, to be located at 125 and 143 Deadmore Street, the former site of the Quesenberry Exxon Distribution Company; and

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the Town of Abingdon, Virginia hereby supports this application for \$832,210 from the Virginia Tobacco Indemnification and Community Revitalization Commission's Southwest Economic Development Program.

BE IT FURTHER RESOLVED THAT the Council of the Town of Abingdon, Virginia hereby grants authority for the Town Manager to execute any required project administration agreements regarding this grant.

The roll call vote was as follows:

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



J. UNFINISHED BUSINESS

1. Consideration of request for funds for Intensive Drug Treatment Program.

Mayor Morgan commented that the Council members had discussed this issue during their work session and had agreed that it be continued and addressed at the regular August agenda.

No further action was taken by Council on this matter.



K. MATTERS NOT ON THE AGENDA – None.



L. COUNCIL MEMBER REPORTS

- Mrs. Lowe reported that she had received a certified letter from Catherine Turner, a representative of the Southwest Virginia Tea Party Patriots. Ms. Lowe requested that the Town Attorney, Ms. Icenhour, take the appropriate steps to obtain an opinion from the Attorney General with regard to the constitutionality of the issue Ms. Turner addressed in her letter. Ms. Icenhour indicated that she would contact Mark Flynn, legal counsel for Virginia Municipal League to inquire if he could seek the opinion from the Attorney General on the town's behalf.



M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. *Appointment to the District Three Governmental Cooperative*

- Consideration of Bob Howard whose term expired on July 1, 2011.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed Bob Howard to serve on the District Three Governmental Cooperative Board and Rick Humphreys to serve as alternate.

The roll call vote was as follows:

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



2. *Appointment to the Virginia Highlands Small Business Incubator Board*

- Consideration of appointment to replace Carl Mallory who has resigned from the Board

3. *Industrial Development Authority Board*

- Consideration of appointment to replace John Buckland who has resigned from the Board

Mayor Morgan commented that there were no applications for either board and asked the appointments under agenda item M2 and M3 be continued to the August meeting for consideration.



Mayor Morgan commented that the Council would be attending a retreat starting July 8th through 10th to consider the Capital Improvement Plan.

Mr. Humphreys wished Rob Case a Happy One Year Anniversary.



Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk