

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, JUNE 3, 2013 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, June 3, 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
Mr. Jason N. Berry
Mr. Richard E. Humphreys
Mr. Robert M. Howard

Absent: Mrs. Cathy Lowe, Vice Mayor

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.
Jim Cowart, Dir. of Econ. Dev/Grants Writer
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, Eddie Copenhaver and Mrs. Copenhaver, Ellen Myatt and others.

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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Bob Howard, Council Member.

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C. SPECIAL EMPLOYEE PRESENTATION

- Mr. Kelly, Town Manager presented Tenille Montgomery, Marketing and Social Media Coordinator with her five (5) year service award and pin and thanked her for her service to the town.

- Mr. Kelly, Town Manager also recognized Andrew Godbey, employee of the Town Shop, Public Works Department for his five (5) years of service and noted that he was unable to attend the meeting.

D. APPROVAL OF MINUTES

- May 6, 2013 Work Session Meeting
- May 6, 2013 Regular Meeting
- May 15, 2013 Work Session Meeting

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council members approved the minutes of the May 6, 2013 Work Session meeting with one correction on page 74 to note that Mrs. Lowe was absent from the meeting and approved the May 6, 2013 Regular Meeting and the May 15, 2013 Work Session minutes as presented.

The roll call vote was as follows:

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

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

1. **Public Hearing** – The Council of the Town of Abingdon, Virginia (the “Council”) will hold a public hearing on the proposed issuance of bonds by the Town of Abingdon (the “Town”). The estimated maximum amount of such bonds is \$2,600,000. More than 10 percent of the total bond proceeds is expected to be used for each of the following proposed uses: (a) to make a grant to the Economic Development Authority of the Town of Abingdon, Virginia for the purpose of promoting economic development and (b) to pay the costs of capital improvements to buildings, roads, storm drains, and sidewalks and (c) to pay the costs of renovations to the Harry L. Coomes Recreation Center. Mr. Kelly provided the following breakdown detailing the use for the funding:

|           |                                                                  |
|-----------|------------------------------------------------------------------|
| \$1M      | K-Va-T Economic Development Incentive                            |
| \$195,000 | Electronic Upgrades for Police Department and Finance Department |

\$445,000 Coomes Center Renovations/Repairs (boiler, pool lining, roof, and structural repair)  
\$250,000 Historic Town property upgrades and construction of new building to house trolleys  
\$550,000 Pedestrian Improvement Project  
\$160,000 Academy Drive Widening Property

Mr. Kelly commented that the purpose of the request for bond issuance was in order to secure funding for the \$1M incentive previously approved by Council for the K-Va-T headquarters to be located in the Town of Abingdon as well as to implement capital improvement projects and necessary repairs to the Coomes Recreation Center.

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

No action was required by Council on this matter.

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F. SECOND READINGS OF ORDINANCES

1. **Second Reading – An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend, and Reenact Part II, Chapter 14, Buildings and Building Regulations, Article I, §14-1 Through §14-57 of the Code of Ordinances of the Town of Abingdon, Virginia.**

Deb Icenhour, Town Attorney reported that the matter before Council was for second reading regarding what is currently referred to as the Maintenance Code for the town. Ms. Icenhour noted that Officer McGlothlin has attended training classes in Code Enforcement and they had worked together to bring the town's Ordinance into compliance with the state code. Ms. Icenhour noted that Council had asked that two (2) public hearings be held to allow additional comments from the public and recommended that it be adopted on second reading.

On motion of Mr. Humphreys, seconded by Mr. Berry, the Council adopted the Ordinance to Repeal, Amend, and Reenact Part II, Chapter 14, Buildings and Building Regulations, Article I, §14-1 Through §14-57 of the Code of Ordinances of the Town of Abingdon, Virginia.

The roll call vote was as follows:

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

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**2. Second Reading - An Ordinance of the Council of the Town of Abingdon, Virginia Proposing a Budget for the Town of Abingdon, Virginia and to Make Appropriations for the Current Expenses of the Town and To Fix a Tax Rate Upon Real and Personal Property, To Fix All Other Local Tax Rates and Fees and Rates on Utility Services for the Fiscal Year Beginning July 1, 2013 and ending June 30, 2014.**

Greg Kelly, Town Manager provided the Council with a summary of the process for the preparation of the FY 2013/2014 budget. Mr. Kelly noted that the total proposed budget this year was in excess of \$17M and further noted that tax rates for the town would remain the same as well as all other rates and fees. Mr. Kelly commented that the total amount of the General Fund equals \$17,822,450 and the total amount of the Sewer Fund equals \$3,196,587.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the Ordinance Proposing a Budget for the Town of Abingdon, Virginia and to Make Appropriations for the Current Expenses of the Town and To Fix a Tax Rate Upon Real and Personal Property, To Fix All Other Local Tax Rates and Fees and Rates on Utility Services for the Fiscal Year Beginning July 1, 2013 and ending June 30, 2014 as presented on second reading.**

The roll call vote was as follows:

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|---------------|-----|
| Mr. Howard    | Aye |
| Mr. Humphreys | Aye |
| Mr. Berry     | 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. Presentation by Hicok, Fern, Brown and Garcia, CPA's regarding the west main storm drain matter.**

Jim Fern, CPA with Hicok Fern Brown and Garcia, CPA's provided Council with a history of the storm drain and flooding issues that have impacted his business located at

984 West Main Street. Mr. Fern commented that his firm purchased the property in 1985 and the town's annexation project in the late 1980's took his property into the town limits. Mr. Fern commented that flooding episodes occurred in 1997 and in 1999 and affected the bottom portion of his building to the extent that it could not be used for offices. Mr. Fern further provided a history of litigation that occurred due to the flood events that involved the town, the Virginia Department of Transportation and his CPA firm. Mr. Fern noted that the town and VDOT had agreed to establish a fund which now totaled approximately \$2.8M to eliminate the storm drain issues and flooding hazard that exist near his property and inquired when this work might be done. Mayor Morgan inquired about Mr. Fern's request of Council and asked Mr. Kelly, Town Manager to respond. Mr. Kelly noted, for the record, that he is committed to pushing VDOT to move this project forward but explained that they have their own system and schedule. Mr. Kelly commented that the funds are in place and VDOT has made a commitment to the project as evidenced by a letter from Mathew Cox, Programming Director with VDOT, a copy of which is attached hereto and made a part of these minutes. Mr. Berry noted that the funds in place could be in a position to expire if the project does not move forward and noted that the expiration date needs to be explored with VDOT.

Mayor Morgan thanked Mr. Fern for his comments.

No action was taken by Council on this matter.

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2. Consideration of proposals submitted for the town's liability insurance coverage.

Greg Kelly, Town Manager reported that Council had previously authorized him to hire a consultant, Sam Rosenthal, of Rosenthal Insurance Consulting, to procure bids for the town's liability insurance coverage. Mr. Kelly noted that the consultant received two (2) bids for the policy and that Virginia Municipal League was the low bidder at an annual cost of \$127,918. Mr. Kelly commented that the consultant recommended an add on which would increase the town's liability coverage from \$5M to \$10M for an additional \$3,705.00 for a total estimated premium of \$131,623.00. Mr. Humphreys inquired about under insured and uninsured motorist's coverage.

On motion of Mr. Howard, seconded by Mr. Berry, the Council awarded the proposal for the town's liability insurance coverage to Virginia Municipal League for an annual premium of \$131,623 which includes add on liability coverage of \$10M.

The roll call vote was as follows:

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

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**I. PASSAGE OF RESOLUTIONS – None**

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UNFINISHED BUSINESS

1. Consideration of adjustment of additional appropriation to the Veterans Memorial Park Board.

Greg Kelly, Town Manager reported that Council had previously made an additional allocation to the Veterans Memorial Park Board to come out of the current years contingency. Mr. Kelly noted that the amount previously appropriated by Council was in excess of the amount available from contingency.

Mr. Humphreys noted that he would rescind his prior motion made on May 6, 2013 and reflected in the minutes of that meeting on page 86 which read as follows:

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council appropriated the amount of \$15,000 to the Veterans Memorial Park Board to be taken from Council contingency.

The vote on Mr. Humphrey's motion to rescind was:

The roll call vote was as follows:

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

On motion of Mr. Humphreys, seconded by Mr. Berry, the Council approved an additional appropriation of \$7,500 to the Veterans Memorial Park Board to come from the 2012/2013 Council Contingency.

The roll call vote was as follows:

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

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

John Dew, Director Public Services and Construction reported that he was continuing to work on the issue of relocation of underground utilities. Mr. Humphreys inquired about the funding for the project and Mr. Dew noted that 90% of the funding was a grant with additional FEMA funding.

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

John Dew, Director Public Services and Construction reported that the legal department staff, Deb Icenhour, Town Attorney and Kim Kingsley, Legal Assistant had made progress in acquiring the necessary easements for the 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 reported that the construction contracts had been signed, bonds are in place and he was waiting to hear from the contractor on start date.

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5. Update on the Urban Pathways project.

Garrett Jackson, Assistant Town Manager reported that he had assembled a team to review the proposals for design of the project and the interviews would begin the following week. Mr. Jackson noted that Council should be in a position to award the design proposal at the July meeting.

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**6. Update on the West End Interceptor Project.**

Jim Smith, Town Engineer reported that surface restoration was to be completed soon and the project was almost near completion.

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J. MATTERS NOT ON THE AGENDA

- At this time, Mayor Morgan asked if Council could consider the information provided regarding the plans to increase voter turnout for Council elections. Mr. Kelly commented on the items in the packet relative to the purchase of banners and signs, preparation of notifications and placement of reminders on all social media outlets to remind voters of the date of the elections as well as the location for voting, which is the Town Hall building. Mr. Kelly further noted that there were three (3) videos on the town's website that address civic education which will also serve to increase voter turnout in a local election.
- Rich Macbeth of 1149 Panorama Drive, Abingdon commented on a recent FOIA request he had filed regarding the salary for the director of the King School of Medicine. Mr. Macbeth also commented about the School's business plan and lack of committed funds for the project. Mr. Berry commented on Mr. Zaidi's presentation to the Virginia Tobacco Commission and that progress was being made relative to the business model for the school. Mr. Berry also noted that Emory & Henry has signed a Memorandum of Understanding to discuss partnerships with the School.
- Mrs. Virginia Copenhaver reported that her property on Preston Street was continuing to collect runoff water and asked that the town review the situation to see what can be done. Council members requested that the matter be added to the July agenda for update. Mr. Dew commented that he had been informed that there was still an existing problem with water runoff.
- Mr. Kelly commented that he had presented Council, during the work session meeting, with a proposed fee schedule for the use of the town trolleys, as well as items such as tents, chairs, tables, police protection for events and the use of the Farmers Market facility. Mr. Kelly noted that the town was receiving numerous requests from citizens for use of these items and it was necessary to recoup some of the costs in order to be able to provide the services.

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council approved the proposed fee schedule as presented for the use of the town trolleys, as well as tents, chairs, tables, police protection and use of the Farmer's Market Facility. In addition Council authorized Mr. Kelly to use his discretion in making necessary adjustments to the fees as necessary and asked that the fee schedule be brought back before Council for review on an annual basis.

The roll call vote was as follows:

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


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## K. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- *Planning Commission*

- Appointment of member to the Planning Commission to fill the expired term of Dr. Ramsey White who is not eligible for reappointment (*This matter was tabled from the May 6, 2013 meeting*)

Mayor Morgan noted that staff had not conducted interviews of the candidates for the vacant seat on the Planning Commission and asked that the matter be tabled until the July 1<sup>st</sup> Regular Meeting.

No action was taken by Council on this matter.

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L. COUNCIL MEMBER REPORTS

- Mr. Humphreys commented on a complaint he had about the hours of the pool at the Coomes Recreation Center. Mr. Humphreys noted he had heard positive comments about the Abingdon Senior Center and inquired about the plans for the trolleys to run throughout town on a weekly schedule. Mr. Humphreys also inquired about the status of the feasibility study for the Sports Complex.
- Mr. Berry thanked Mr. Kelly and Mr. Dew for their efforts on getting the roadway under the Exit 17 ramp paved.
- Mayor Morgan commented that his son had recently completed a 24 hour marathon and won the race.

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Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk