

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 6, 2011 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, June 6, 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  
Floyd Bailey, Dir. of IT Department  
Tony Sullivan, Chief of Police  
John Holbrook, Police Department  
Kevin Worley, Dir. of Parks & Recreation  
Myra Cook, Dir. of Tourism

Visitors: Dennis Godfrey, Debra McCown, Mary Ann Holbrook,  
Carl Mallory, Mike Collins, Sheriff Newman, Susan  
Howard, Chad Hall, Cody Roark, Blake Witt, Doug  
Carey

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**B. PLEDGE OF ALLEGIANCE**

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

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**C. VOLUNTEER ACKNOWLEDGEMENT**

- Mr. Humphreys expressed appreciation to the students of the Future Farmers of America (FFA) for their contribution of landscaping work at the Fairview Homestead site. FFA

representatives Cody Roark and Blake Witt were present and commented that thirty (30) members of the group volunteered their time for the project.

**D. EMPLOYEE ACKNOWLEDGEMENTS**

- Mr. Kelly recognized four (4) members of the Town staff who recently received their certificate in Local Government Management from Virginia Tech. The staff members were:
  - Tony Sullivan, Chief of Police
  - Garrett Jackson, Director of Planning
  - Floyd Bailey, Director of Information Technology
  - Cecile Rosenbaum, Town Clerk
- Mr. Kelly recognized James (Doug) Carey, Environmental Technician with Wolf Creek Water Reclamation Facility and thanked him for his twenty (20) years of service to the Town of Abingdon.

**E. APPROVAL OF MINUTES**

- May 2, 2011 Work Session Agenda
- May 2, 2011 Regular Agenda

**On motion of Mr. Howard, seconded by Mr. Berry, the minutes of the May 2, 2011 work session meeting and the minutes of the May 2, 2011 regular meeting were approved as presented.**

**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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**F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

- 1. Petition - Right of Way Vacation - In accordance with the Code of Virginia, §15.2-2006 regarding a petition of Janet Woolwine, et al for the vacation of a 16-foot wide, north –south unopened right of way with terminus points on Park Street and Blacks Fort Lane, approximately 285 feet east to Pecan Street, involving property being Tax Map Nos. 013-6-3 and 013-6-5.**

Mr. Dew reported that Janet Woolwine and an adjoining property owner had filed a petition for the vacation of the right of way located near Park Street and Blacks Fort Lane. Mr. Dew indicated that this matter had been before Council for Public Hearing and a Board of Viewers had been appointed by Council to review the matter. Mr. Dew noted that the matter was back before Council in order to review the Board of Viewers recommendation. Mr. Dew indicated that the Board of Viewers did not feel that the granting of the vacation petition was in the best interest of the town.

Mr. Humphreys inquired about the number of petitions that had been denied by the Council in the past.

Mr. Dew indicated that the petitioners could request an entrance permit from the Town off of Blacks Fort Lane.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council accepted the recommendation of the Board of Viewers and denied the request to vacate the right of way of a 16-foot wide, north –south unopened right of way with terminus points on Park Street and Blacks Fort Lane, approximately 285 feet east to Pecan Street, involving property being Tax Map Nos. 013-6-3 and 013-6-5.**

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. Petition – Right of Way Vacation - Ordinance for petition to vacate a 12-foot wide, north-south unopened right-of-way with terminus points on Park Street and Railroad Street, approximately 125 feet west of Pecan Street, involving property**

**being Tax Map Nos. 013-1-120F; 013-1-120E; 013-1-120B; 013-1-120C; and 013-1-120D, and in accordance with Code of Virginia Section 15.2-2006 “Alteration and vacation of public rights-of-way”.**

Mr. Dew indicated that the right of way vacation matter had been approved by Council at the April 2, 2011 Council meeting and in accordance with that approval the required Ordinance and accompanying plat had now been prepared and were ready for consideration by the Council.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the Ordinance petition to vacate a 12-foot wide, north-south unopened right-of-way with terminus points on Park Street and Railroad Street, approximately 125 feet west of Pecan Street, involving property being Tax Map Nos. 013-1-120F; 013-1-120E; 013-1-120B; 013-1-120C; and 013-1-120D, and in accordance with Code of Virginia Section 15.2-2006 “Alteration and vacation of public rights-of-way”.**

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

<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<i>Abstain – Mr. Humphreys is a relative of one of the petitioners</i>
<b>Mr. Berry</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>



**3. Public Hearing – First 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 this Ordinance was before Council for public hearing and its main focus was to promote health, safety and welfare of the Town citizens operating mopeds on town roadways. Ms. Icenhour indicated that the Ordinance would require moped operators to wear helmets as is a provision set forth by the Code of Virginia. Ms. Icenhour indicated that it would be back for Council at the July meeting for second reading.

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

**On motion of Mr. Berry, seconded by Mr. Howard, the Council 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.**

**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>



- 4. Public Hearing – First 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 public hearing and first reading. Chief Sullivan provided statistical data regarding accidents involving pedestrians across the Commonwealth. Chief Sullivan indicated that this Ordinance was being proposed due to concerns for the safety of organizations that wanted to stand in town thoroughfares and collect monies.

Mayor Morgan declared the public hearing open.

Richard Macbeth of 1139 Panorama Drive, Abingdon expressed concern for citizens engaging in political demonstrations on town sidewalks.

Hearing no further comments, Mayor Morgan declared the public hearing closed.

Jim Smith, Town Engineer commented on brush pickup in town and the obstruction of sidewalks and roadways. Mr. Humphreys and Ms. Lowe both inquired about the placement of brush on sidewalks and requested that Ms. Icenhour expand and/or clarify the definitions and conditions in the Ordinance prior to the second reading at the next meeting.

**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:**

<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>



#### **G. SECOND READINGS OF ORDINANCES**

- 1. An Ordinance of the Council of the Town of Abingdon, Virginia to repeal, amend and reenact Article II, Chapter 66, Real Property Tax, §66-45 of the Code of the Town of Abingdon, Virginia to amend the property tax exemption for disabled veterans.**

Ms. Icenhour reported that this Ordinance was before the Council for second reading and was a result of the passage of a referendum on the November 2010 election ballot allowing property tax exemption for disabled veterans. Ms. Icenhour noted that claimants had to prove their veteran disability status to claim the exemption.

**On motion of Mr. Humphreys, seconded by Mr. Berry, the Council approved, on second reading, the Ordinance to repeal, amend and reenact Article II, Chapter 66, Real Property Tax, §66-45 of the Code of the Town of Abingdon, Virginia to amend the property tax exemption for disabled veterans.**

**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>

Mayor Morgan      Aye



2. **An Ordinance of the Council of the Town of Abingdon, Virginia to repeal, amend and reenact Article II, Sewers and Sewage Disposal, Subdivision IV, Enforcement, Section 74-198, Administrative Penalties of the Code of the Town of Abingdon, Virginia.**

Ms. Icenhour, Town Attorney commented that this Ordinance was before Council for second reading and that the powers set forth in this Ordinance were recently approved by the General Assembly. Its adoption would enhance the town's effectiveness in collecting delinquent debts owed for sewer service.

**On motion of Mr. Howard, seconded by Mr. Berry, the Council approved, on second reading, the Ordinance of the Council of the Town of Abingdon, Virginia to repeal, amend and reenact Article II, Sewers and Sewage Disposal, Subdivision IV, Enforcement, Section 74-198, Administrative Penalties 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



3. **An Ordinance of the Council of the Town of Abingdon, Virginia Proposing a Budget for the Town of Abingdon, Virginia and to make Appropriation for the current expenses of the Town and to Fix a 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, 2011 and Ending June 30, 2012.**

Greg Kelly, Town Manager provided a synopsis of the proposed budget for FY 2011/2012 and indicated that Council had not recommended an increase in any taxes or user rates for Town residents for the upcoming fiscal year.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council approved, on second reading, the Ordinance Proposing a Budget for the Town of Abingdon, Virginia and to make Appropriation for the current expenses of the Town and to Fix a 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, 2011 and Ending June 30, 2012.**

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

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**I. REPORTS FROM THE TOWN MANAGER**

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

Dennis Godfrey, Commonwealth Attorney for Washington County, appeared before the Council members to request funding for the establishment of a drug court in Washington County. Mr. Godfrey indicated the focus of the program covered three main areas which are to reduce substance abuse among identified offenders, improve accountability among participants, and reduce drug related costs and workload in the County's system. Mr. Godfrey indicated that they needed a onetime amount of \$10,000 to complete the funding for the project and that no further funding from the town would be requested in the future.

Mayor Morgan commented that Judge Lowe had contacted him about serving on the planning team for the establishment of this program.

Mr. Berry inquired about the number of offenders who could be treated the first year of the program. Mr. Godfrey indicated they could treat 2 to 5 people.

Mr. Kelly inquired what the start date of the program and indicated that any funding allocation would have to be made from the Council's contingency after July 1<sup>st</sup>.



Mr. Howard inquired if Glade Spring and Damascus had been contacted about contributing funding to the program. Mr. Godfrey reported that they had not been contacted.

Mayor Morgan asked that the matter be placed back on the July agenda for reconsideration.

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

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**2. Report and update on the tornado cleanup efforts and Town properties affected by the event of April 29<sup>th</sup>.**

Mr. Dew reported on the cleanup efforts by town staff after the tornado event of April 29<sup>th</sup>. Mr. Dew indicated the Public Works Department had 464 man hours and hauled 7200 cubic yards of brush from the affected areas. Mr. Dew commented on the removal of the debris of Trestle 7 on the Creeper Trail and updated the Council on the fence that will be installed across the Smith Farm. Mr. Dew indicated that the fence would allow the full Trail to be opened.

Mayor Morgan thanked the town staff for their efforts in getting the trail cleared.

Vice Mayor Lowe reported on an email from the Mayor of Glade Spring extending gratitude to the town for the assistance in clean up after the tornado event.

*No action was taken on this matter.*

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**3. Consideration of request of SmithPackett to waive sewer connection fees.**

Mr. Kelly indicated that he had received a letter from the attorney for the Abingdon Health and Rehabilitation Center requesting a waiver of their sewer connection fees. Mr. Kelly noted that Council had discussed the matter in greater detail at the work session meeting and he planned to proceed with negotiations with the company on the connection fees.

*No action was taken on this matter.*



**4. Consideration of change in date of July Council meeting to Tuesday, July 5<sup>th</sup> 2011 as Monday is July 4<sup>th</sup> Holiday.**

**On motion of Mr. Berry, seconded by Mr. Howard, the Council approved moving the regular July 2011 Council meeting to Tuesday, July 5<sup>th</sup> as Monday, July 4<sup>th</sup> is a holiday and town offices will be closed in observance of the holiday.**

**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>



**J. PASSAGE OF RESOLUTIONS – None.**



**K. UNFINISHED BUSINESS**

**1. Consideration of establishment of policies and procedures for use of social media outlets by the Town of Abingdon.**

Mr. Kelly commented that Council had requested at the May 2<sup>nd</sup> regular meeting that this matter be placed back on the June agenda for consideration. Mr. Kelly reported that Council had discussed the policy in greater detail at the work session meeting and recommended that Council adopt the policy as presented. Mr. Kelly noted that the policy could be revised in the future as needed.

Mr. Humphreys inquired if the policy could be a topic of discussion at the upcoming Council retreat.

**On motion of Mr. Humphreys, seconded by Mr. Berry, the Council adopted the Information Technology Security Policy for the Town of Abingdon as presented.**

**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. MATTERS NOT ON THE AGENDA**

- Richard Macbeth of 1139 Panorama Drive, Abingdon inquired about the status of the traffic congestion issue at Empire Drive. Mr. Kelly advised that he and town staff members continued to work to assist with the development of a possible solution.

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#### **M. COUNCIL MEMBER REPORTS**

- Mr. Humphreys recognized Chad Hall, former President of the East Tennessee State University Student Body. Mr. Humphreys commented on the success of the National Trails Conference held in Abingdon and the location of an historic elm tree on The Muster Grounds site. Mr. Humphreys also commented on Abingdon being listed in Gun and Garden Magazine as one of the most entertaining small towns.
- Mr. Berry commented on a letter he received from the Virginia Department of Transportation regarding a study to be conducted on French Moore, Jr. Blvd. Mr. Berry also reported that Abingdon was listed in the latest edition of Southern Living Magazine as a “Best Weekend Getaway”.
- Mayor Morgan reported that his son, Peter, had recently married.

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

1. *Appointments to the Sinking Spring Cemetery Committee*

- Consideration of Ed Morgan and Jack Frost who are both eligible for reappointment.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appointed Ed Morgan and Jack Frost to serve additional terms on the Sinking Spring Cemetery Committee.**

**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> |



2. *Appointments to the Tourism Advisory Committee*

- Consideration of Vickye Hall and Doug Ellis who are both eligible for reappointment.

**On motion of Mr. Berry, seconded by Mrs. Lowe, Vickye Hall and Doug Ellis were appointed to serve additional terms on the Tourism Advisory Committee.**

**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> |



3. **On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(3) for the consideration and discussion of the acquisition or disposition of publicly held property.**

**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> |

**The motion carried.**

**On motion of Mr. Berry, seconded by Mr. Howard, the Council reconvened in regular session.**

**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>Mr. Morgan</b>    | <b>Aye</b> |

**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. Howard</b>    | <b>I so certify</b> |
| <b>Mr. Humphreys</b> | <b>I so certify</b> |
| <b>Mr. Berry</b>     | <b>I so certify</b> |
| <b>Mrs. Lowe</b>     | <b>I so certify</b> |
| <b>Mayor Morgan</b>  | <b>I so certify</b> |

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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