

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 7, 2010 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, June 7, 2010 at 7:30 p.m. in the Council chambers of the Municipal Building.

Mayor Morgan called the meeting to order and welcomed everyone in attendance.

**A. ROLL CALL**

Members of Council Present:	Edward B. Morgan, Mayor Dr. French H. Moore, Jr., Vice Mayor Mrs. Lois H. Humphreys Mrs. Cathy Lowe Mr. Jason N. Berry
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 Kevin Worley, Dir. of Parks and Recreation Jim Cowart, Dir. of Econ. Dev/Grants Writer John Dew, Dir. Of Public Services/Construction Floyd Bailey, IT Department Tony Sullivan, Chief of Police Rob Case, IT Department
Visitors:	Joyce Ferrat, Carl Mallory, Gary/Susan Kimbrell, Debra McCown, Rick Humphreys, Bob Howard, Izik Crispin, Elizabeth Iskra, Caitlin Sullivan, Mary Anne/John Holbrook and others.

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**B. PLEDGE OF ALLEGIANCE**

Mrs. Lois H. Humphreys led the Pledge of Allegiance.

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At this time, Mayor Morgan noted that this was the final meeting for Council members, Lois Humphreys and Dr. Moore and thanked them for their outstanding years of service to the Abingdon Town Council. Mrs. Humphreys thanked everyone for their love and support for her 22 years on the Council. Dr. Moore thanked everyone and indicated that his 42 years of service on the Council had been a pleasure and that he appreciated everyone's support and hard work over the years.

### **C. APPROVAL OF MINUTES**

- May 3, 2010 Work Session
- May 3, 2010 Regular Meeting

**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the minutes of the May 3, 2010 Work Session meeting and the May 3, 2010 Regular meeting were approved as presented.**

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

<b>Mr. Berry</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mrs. Humphreys</b>	<b>Aye</b>
<b>Dr. Moore</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

**The motion carried.**

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### **D. CELEBRATION OF SERVICE**

- Resolution of the Council of the Town of Abingdon, Virginia Commemorating Lois H. Humphreys' twenty-two (22) Years of Service to the Abingdon Town Council

**On motion of Mrs. Lowe, seconded by Mr. Berry the following Resolution was adopted as presented:**

#### **A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA COMMEMORATING LOIS H. HUMPHREYS FOR HER TWENTY-TWO (22) YEARS OF SERVICE AS A MEMBER OF THE ABINGDON TOWN COUNCIL**

**WHEREAS**, Lois H. Humphreys was elected to the Abingdon Town Council on May 3, 1988 and attended her first Council meeting on July 1, 1988; and

**WHEREAS**, Lois H. Humphreys was the first female ever to serve as the Mayor of the Town of Abingdon and served as such from 1998 until 2008; and

**WHEREAS**, Lois Humphreys served on the following commissions and committees as the Town Council's appointed representative:

- The Tree Commission
- The Board of Architectural Review
- The Mount Rogers Planning District Commission
- The Fairview Advisory Board; and the
- The Fields Penn House Board

**WHEREAS**, during Lois's twenty-two (22) years on the Council she participated in bringing many Town capital improvements to fruition and some of the more noteworthy are as follows:

- The construction of the Harry L. Coomes Recreation Center
- The construction of the G.M. Newman Police Building
- The construction of the Stone Mill Business and Technology Park
- The construction of the Virginia Highlands Small Business Incubator
- The construction of the Abingdon Fire Hall building
- The expansion of the Wolfe Creek Water Reclamation Facility
- The construction of the Abingdon Farmer's Market and Pavilion
- The renovation of Depot Square
- The establishment of Veterans Memorial Park
- The acquisition of the Main Street Park
- The acquisition and restoration of the historic Muster Grounds property
- The acquisition and restoration of the historic Fairview property
- The expansion of the Abingdon Senior Center; and

**WHEREAS** Lois has been a long time member of the Abingdon United Methodist Church where she has been involved in Circle and served as an usher at the early morning church service; and

**WHEREAS** Lois is a proud member of the Black's Fort Chapter of the Daughters of the American Revolution (DAR); and

**WHEREAS** Lois has been a faithful community servant by volunteering with the Second Harvest Food Bank and the Fields Penn House Museum; and

**WHEREAS**, Lois has been active in the community by serving as a lifetime member of the Parent Teacher Association (PTA), the Washington County Chamber of Commerce, the Washington County Historical Society, and the Creeper Trail Club just to name a few; and

**WHEREAS** Lois Humphreys was a small business owner managing Humphreys Flowers, still in existence today, for over seventeen (17) years; and

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**WHEREAS**, Lois represented the Town of Abingdon by traveling to New York to receive Abingdon's award as an "America Dreamtown" and also abroad by traveling to our twin city, Abingdon, Oxfordshire, England; and

**WHEREAS**, Lois and her husband Paul raised two (2) children in Abingdon, Rick Humphreys and Jill Humphreys Dalton who have blessed her with grandchildren and great-grandchildren; and

**WHEREAS** Lois has passed her love and commitment for community service on to her son Rick who will soon take a seat on the Abingdon Town Council; and

**WHEREAS** Lois has served the citizens of the Town of Abingdon as a faithful servant and volunteer, a friend, a confidant, a mentor, a leader, and most important, a role model; and

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia that we honor and commend Lois H. Humphreys for her twenty-two (22) years as member of the Abingdon Town Council and further that we endeavor to follow her example and do all things for the greater good of the citizens of the Town of Abingdon.

Dated this 7<sup>th</sup> day of June, 2010.

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

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

**The motion carried.**



At this time, Greg Kelly, Town Manager asked that the Council officially approve the dedication of the Depot Square Caboose and the plaza on which it rests to Lois H. Humphreys.

**On motion of Mr. Berry, seconded by Dr. Moore, the Council approved the dedication of the Depot Square Norfolk & Western Caboose and the Plaza on which it rests to LOIS HAGY HUMPHREYS effective the 3<sup>rd</sup> day of June 2010.**

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

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

**The motion carried.**



- **Resolution of the Council of the Town of Abingdon, Virginia Commemorating Dr. French H. Moore, Jr.'s forty-two (42) years of Service to the Abingdon Town Council.**

**On motion of Mr. Berry, seconded by Mrs. Humphreys, the Council approved the following Resolution as presented:**

**RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
TO COMMEMORATE DR. FRENCH H. MOORE, JR AND HIS 42 YEARS OF  
SERVICE  
TO THE ABINGDON, VIRGINIA TOWN COUNCIL**

**WHEREAS**, French H. Moore, a native son and resident of the Town of Abingdon, returned to his hometown upon the completion of his public education, college degree, dental school and military service, to establish his home and family, start his dental practice, and to dedicate himself to the Town of Abingdon and the region through his life-long public and civic service; and

**WHEREAS**, French Moore promptly immersed himself in a diverse group of community service, civic, and local government activities, accruing an impressive record of achievement and recognition for his dedication to the public, some of which include:

- Thirty-six (36) years of service on the Abingdon Town Planning Commission, twenty-five (25) as Chair;
- Fifty-(50) years of service with the Kiwanis Club of Abingdon, (past) President and received the Distinguished Service Award;
- Seventeen (17) years of service on the Washington County Planning Commission, fifteen (15) as Chair;
- Charter and life member of the Washington County Life Saving Crew, serving as Charter Captain and President;
- Life member of the Washington County Chamber of Commerce, serving as President;
- Board Member of Washington County United Way fund campaign, serving as fundraising Chair;
- Board Member of the Abingdon Recreation Advisory Commission;
- Member of the Virginia Creeper Trail Advisory Board;
- Member of the Mount Rogers Planning District Commission
- Member of the Abingdon Overmountain Victory Trail Committee;
- Member of the Washington County Historical Society.

**WHEREAS**, French Moore first declared his candidacy for the Council in 1968, and won his first of many subsequent terms, officially assuming his Council chair on July 1<sup>st</sup> of that year; and

**WHEREAS**, French Moore served as a Council member for the Town of Abingdon continuously for forty-two (42) years, six (6) of which were as Mayor, and thirty (30) of which were as Vice Mayor; and

**WHEREAS**, French Moore greatly influenced and contributed to the overall economic growth of the Town of Abingdon through his public work and support, spanning more than four decades of building, developing and/or renovating numerous projects, programs, buildings and facilities in order to better serve Abingdon and its residents, some of which include:

- The Virginia Creeper Trail;
- The Electronic Village of Abingdon;
- Stone Mill Business and Technology Park;
- Highlands Small Business Incubator, (currently President of Board of Directors);
- The construction of the Harry L. Coomes Recreation Center;
- The construction of the G.M. Newman Police Building;
- The construction of the Abingdon Fire Hall building;
- The expansion of the Wolfe Creek Water Reclamation Facility;
- The construction of the Abingdon Farmer's Market and Pavilion;
- The renovation of Depot Square;
- The establishment of Veterans Memorial Park;
- The acquisition of the Main Street Park;
- The acquisition and renovation of the historic Muster Grounds property;
- The acquisition and renovation of the historic Fairview property;
- The expansion of the Abingdon Senior Center.

**WHEREAS**, French Moore proved himself as a tireless patron of the arts, culture and history in Abingdon and throughout Southwest Virginia through his steadfast involvement in:

- Virginia Highlands Festival Board, for a period of fifty (50) years, serving as President and was instrumental in establishing the Antiques Market, a major attraction and the heart of the popular annual event;
- Abingdon's Historic District, providing instrumental guidance and support in establishing the district as one of the first to be recognized in Southwest Virginia;
- HEARTWOOD, Southwest Virginia's Artisan Gateway, playing a leading role in locating artisan center in Abingdon;
- Symphony of the Mountains, serving as both Board Member as well as President.

**WHEREAS**, French Moore, dedicated public servant and elected official, maintained active and outstanding service and leadership to his professional affiliations, as evidenced by:

- His service to the Virginia Dental Association throughout his career as its President as well as serving terms as Secretary and Treasurer;
- His appointment to the Virginia Board of Dentistry for six (6) years, two (2) of which he served as its President;
- His service as a member of the American Dental Association Council on Dental Practice for eight (8) years, and served as its Chairman for three (3) of those years;

**WHEREAS**, French Moore became further involved at state and national levels of service and leadership as he proudly and capably represented Southwest Virginia and the Town of Abingdon through his service and leadership capacity as a member/officer of:

- Virginia Governor’s Information Technology Infrastructure Task Force;
- Virginia Governor’s Commission of Rail Enhancement for the 21<sup>st</sup> Century;
- Virginia Governor’s Advisory Board on Emergency Medical Service;
- Virginia’s State Rescue Squad Assistance Fund Committee;
- Virginia Commonwealth University’s Board of Visitors, eight (8) years, three (3) as Rector;
- Board of Visitors, Emory & Henry College;
- Trans Dominion Express, Inc. (TDX), President;
- Virginia Municipal League, President;

**WHEREAS**, French Moore has earned much recognition and numerous awards through both his professional and civic affiliations as well as by his public service throughout the years, some of which include:

- Citation for Community Leadership, Emory & Henry College;
- MCV Outstanding Dental Alumnus Award;
- MCV Outstanding Alumnus Award;
- MCV Medallion Award, School of Dentistry;
- VCU Edward A. Wayne Medal;
- Pierre Fauchard Academy Citation in Dentistry
- Washington County Chamber of Commerce “Person of the Year Award”;
- Virginia Highlands Festival “Outstanding Board Member of the Year Award”, a/k/a “The V.H.F. French Moore Jr. Award”;

**WHEREAS**, French Moore has demonstrated his professional compassion as well as his determination to give back to his Appalachian region by participating in an annual dental health outreach clinic extending dental health care to thousands of Southwest Virginia residents who would not otherwise have been able to afford such care; and

**WHEREAS**, French has been a long time member of the Abingdon United Methodist Church; and

**WHEREAS**, French and his wife of fifty-six (56) years, Mary Ann (Garrett) Moore, raised three (3) children in Abingdon, and have been blessed with eight (8) grandchildren; and

**NOW THEREFORE BE IT RESOLVED**, that in consideration of the foregoing, the Council for the Town of Abingdon, Virginia hereby resolves to recognize Dr. French H. Moore, Jr. for his exemplary service, publically proclaim its gratitude and issue its sincere thanks to Councilman, Mayor Emeritus, Moore, for his incomparable achievement and long, yet continuing, legacy of service to the Town of Abingdon, Washington County and his beloved region, Southwest Virginia.

Dated this 7<sup>th</sup> day of June, 2010.

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

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

**The motion carried.**



At this time, Mayor Morgan recognized and congratulated Greg Kelly, Town Manager for his recent achievement of Certification in Local Government Management from Virginia Tech in partnership with the Virginia Local Government Manager's Association.

**E. PETITIONS AND PUBLIC HEARINGS**

1. **Public Hearing – First Reading** – Consideration of Proposed Budget for Fiscal Year 2010/2011.

Greg Kelly, Town Manager provided a synopsis of the proposed budget for FY 2010/2011 and indicated that Council had not recommended an increase in property taxes for Town residents for the year.

Mayor Morgan declared the public hearing open for comment. Hearing no comment, Mayor Morgan closed the public hearing.

Dr. Moore commented that one of the largest departmental budgets approved by the Council was Parks and Recreation.



2. **Public Hearing – First Reading** – In accordance with the Code of Virginia, §15.2-2006 to receive comments from the public regarding the vacation of the east-west right-of-way between Canterbury Lane aka Canterbury Lane and Panorama Drive, approximately 425 feet north of Empire Drive.

Mayor Morgan asked Deb Icenhour, Town Attorney to address this matter. Mrs. Icenhour indicated that this public hearing was required by law to be advertised twice in the local newspaper and was placed for advertisement by Town staff accordingly. Ms. Icenhour further reported that the newspaper had missed the second advertising so the matter was not ready for consideration by Council at this time. Ms. Icenhour recommended that the Council take no action at this time.



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

- 3. Public Hearing – First Reading** – An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal and Reenact in its Entirety, Chapter 30, Article 11, Noise Ordinance of the Code of the Town of Abingdon, Virginia to further promote the public policy of the Town by enhancing the enforceability of the Town’s ordinances to reduce and eliminate, where possible, excessive noise and related adverse conditions in the Community.

Mayor Morgan asked Deb Icenhour, Town Attorney to address this matter. Mrs. Icenhour proved a report on the need for the Council’s consideration of a change in the Town’s current noise Ordinance. Mrs. Icenhour reported that the new Ordinance draft is enforceable and has been modeled after several other localities in Virginia who have similar issues with noise ordinance. Chief Sullivan expressed his agreement with the Ordinance.

Mayor Morgan declared the public hearing open for comment. Hearing no comment, Mayor Morgan closed the public hearing.

**On motion of Mrs. Humphreys, seconded by Mr. Berry, the Council approved the Ordinance as presented to Repeal and Reenact in its Entirety, Chapter 30, Article 11, Noise Ordinance of the Code of the Town of Abingdon, Virginia to further promote the public policy of the Town by enhancing the enforceability of the Town’s ordinances to reduce and eliminate, where possible, excessive noise and related adverse conditions in the Community.**

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

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

**The motion carried.**

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- 4. Public Hearing – First Reading** –Pursuant to the Code of Virginia, 1950, as amended, §15.2-2239 of the local planning commission to prepare and submit annually a capital improvement plan to the governing body or official charged with preparation of budget.

Mr. Kelly, Town Manager, provided the Council with a history of the formulation of the Town’s first limited Capital Improvement Plan. Mr. Kelly indicated that it had been

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reviewed by the Planning Commission and the Council and public hearings had been held regarding the CIP before the Planning Commission. Mr. Kelly indicated that after several revisions the CIP was ready for formal adoption by the Council as presented and further asked that its effective date be July 1, 2010.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the Town's Capital Improvement Plan as presented effective July 1, 2010.**

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

<b>Mr. Berry</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mrs. Humphreys</b>	<b>Aye</b>
<b>Dr. Moore</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

**The motion carried.**

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## **F. CONSIDERATION OF ANY BIDS**

1. Consideration and award of the bid for the Virginia Creeper Trail Enhancement Project.

Mayor Morgan asked Kevin Worley, Director of Parks and Recreation to comment on the Creeper Trail Enhancement project bids.

Mr. Worley indicated that the bids for the project had been received and reviewed by Town staff and Thompson & Litton Engineering Firm. Mr. Worley recommended that the Council award the bid to DUCO Construction in the amount of \$222,900.

Mr. Kelly commented that he had received confirmation that the project and bid had been approved by a Commissioner with the Virginia Department of Transportation and that once the bid was awarded by Council, the construction could begin. Mr. Kelly recommended that Council also authorize him to approve and execute all documents associated with the project.

**On motion of Dr. Moore, seconded by Mrs. Lowe, the Council awarded the Creeper Trail Enhancement Project, Alvarado Station bid to DUCO Construction in the amount of \$222,900 and further authorized Greg Kelly, Town Manager to approve and execute all documents associated with the project.**

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

|                  |            |
|------------------|------------|
| <b>Mr. Berry</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b> | <b>Aye</b> |

**Mrs. Humphreys**     **Aye**  
**Dr. Moore**           **Aye**  
**Mayor Morgan**     **Aye**

**The motion carried.**

Mr. Kelly commented that Congressman Rick Boucher had been instrumental in getting this project approved and he was planning a groundbreaking ceremony for the project on July 6<sup>th</sup> at 10:00 a.m. at the site.

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## **G. REPORTS FROM THE TOWN MANAGER**

### **1. Consideration and authorization of Town Manager to execute grant application to United States Department of Agriculture for police vehicles and radio equipment.**

Mr. Kelly reported that the Police Department was in the process of applying for a grant through the USDA to assist with the costs of police vehicles and radio equipment. Mr. Kelly asked the Council to consider authorizing him to execute any and all documents associated with this grant application.

**On motion of Mr. Berry, seconded by Mrs. Humphreys, the Council authorized Town Manager, Greg Kelly, to execute and all documents associated with the USDA grant application for police vehicles and radio equipment.**

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

**Mr. Berry**             **Aye**  
**Mrs. Lowe**           **Aye**  
**Mrs. Humphreys**   **Aye**  
**Dr. Moore**           **Aye**  
**Mayor Morgan**     **Aye**

**The motion carried.**

Mr. Berry commented that USDA was still taking grant applications for qualifying projects and encouraged other entities to apply for the funding.

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### **2. Consideration of Abingdon High School proposed school speed zone.**

Mayor Morgan asked John Dew, Director of Public Services and Construction to comment on this matter. Mr. Dew indicated that new developments had occurred with this project and asked that the Council postpone action until he can investigate the matter further and report back to Council.

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



## H. PASSAGE OF RESOLUTIONS

1. **A Resolution of the Council of the Town of Abingdon, Virginia Supporting an application to the Virginia Department of Transportation for revenue sharing program funds.**

Mayor Morgan asked John Dew, Director of Public Services and Construction to comment on this matter. Mr. Dew indicated that this was a VDOT revenue sharing opportunity and in accordance with the Town's CIP plan, funds for Academy Drive should be sought in the amount of \$160,000.

Mr. Kelly, Town Manager commented that if the revenue sharing funds are approved the project will not take place until year 2011.

**On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council approved the following Resolution as presented:**

### **A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA SUPPORTING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR REVENUE SHARING PROGRAM FUNDS**

**WHEREAS**, the Council of the Town of Abingdon, Virginia desires to submit an application for an allocation of funds of up to \$160,000 through the Virginia Department of Transportation Fiscal Year 2010-2011 Revenue Sharing Program; and

**WHEREAS**, \$160,000 of these funds are requested to fund the **Academy Drive Roadway and Pedestrian Improvements** project, consisting of approximately 400 linear feet of roadway improvements, including additional width and turning radii at the intersection of Main Street and Academy Drive, and approximately 800 linear feet of sidewalk construction; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Council of the Town of Abingdon, Virginia hereby supports this application for an allocation of \$160,000 through the Virginia Department of Transportation Revenue Sharing Program.

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**BE IT FURTHER RESOLVED THAT** the Council of the Town of Abingdon, Virginia hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing projects.

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

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

**The motion carried.**



**I. FIRST READING OF ORDINANCES.**

1. 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 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, 2010 and ending June 30, 2011.
2. An Ordinance of the Council of the Town Of Abingdon, Virginia to Repeal and Reenact, in its entirety, Chapter 30, Article II, Noise Ordinance, of the Code of the Town of Abingdon, Virginia, to further promote the public policy of the Town by enhancing the Enforceability of the Town's Ordinances to Reduce, and Eliminate, where possible, excessive Noise and Related Adverse Conditions in the Community.

*Both Items I1 and I2 were considered previously during the public hearing section of the meeting. No further action by Council was required.*



**J. SECOND READING OF ORDINANCES – None.**



**K. UNFINISHED BUSINESS**



**L. MATTERS NOT ON THE AGENDA**

Mr. Kelly, Town Manager asked the Council to consider a Resolution confirming the Town's commitment to employees' VRS contribution. Mr. Kelly indicated that they had discussed this matter previously during the Work Session and recommended that Council approve the Resolution as presented.

**On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council approved the following Resolution as presented:**

**RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
AUTHORIZING THE TOWN OF ABINGDON TO PICK-UP THE EMPLOYEE'S  
CONTRIBUTION TO VRS UNDER § 414 (h) OF THE INTERNAL REVENUE CODE  
FOR PLAN 2 EMPLOYEES**

**WHEREAS**, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code §414 (h) on a pre-tax basis; and

**WHEREAS**, the legislation allows certain employers, including the Town of Abingdon, to pick up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

**WHEREAS**, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1- June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

**WHEREAS**, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purpose of VA Code §51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et. Seq.; and

**WHEREAS**, the Town of Abingdon desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to (5%) of creditable compensation; and

**WHEREAS**, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Council of the Town of Abingdon, Virginia that effective the first day of July, 2010, the Town of Abingdon, Virginia shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to (5%) of creditable compensation subject to the terms and conditions described above; and it is further

**RESOLVED** that such contributions, although designated member contributions, are to be made by the Town of Abingdon, Virginia in lieu of member contributions; and it is further

**RESOLVED** that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the Town of Abingdon directly instead of having them paid to VRS.

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

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

**The motion carried.**



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

- Dr. Moore reported on a recent meeting regarding the rail service in Virginia and commented that passenger using the train service had increased significantly.
- Mrs. Humphreys recognized Gary Kimbrell for his upcoming retirement and reminded everyone that there will be a service at Sinking Spring Cemetery on July 5<sup>th</sup> at Cummins Cabin.
- Mayor Morgan recognized Bob Howard and Rick Humphreys who will begin their service as members of the Town Council on July 1, 2010.



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

- Mr. Kelly, Town Manager reported that the Department of Public Works had learned of grant funding available through the Emergency Management Association for stormwater management as a result of the Abingdon area being declared a disaster area during the December 2009 storm event. Mr. Kelly commented that he would like to request authorization from the Council to apply for the grant funds and indicated he would target the Inn on Town Creek area and Country Club Estates subdivision area. Mr. Kelly commented that it would be necessary to hire a consultant to assist with the application process and that there were funds available to cover the costs of the consultant in the public works budget. Mr. Kelly reported that a public forum would need to be held at a later date as part of the application process.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council authorized Greg Kelly, Town Manager to execute the necessary documents for the grant application to the Emergency Management Association for funding for stormwater management assistance for the Town.**

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

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

**The motion carried.**



- Mr. Kelly reported that Earl F. Gohl, federal co-chair of the Appalachian Regional Commission (ARC) will be in Town for a tour of the new Heartwood Artisan's Center on June 23<sup>rd</sup>.

**1. *Appointments to the Sinking Spring Cemetery Committee***

- Appointment to fill the term of **Gene Matthis**
- Reappointment of **Kitty Henninger** who *is* eligible to serve another term
- Reappointment of **Charles Seaver** who *is* eligible to serve another term
- Reappointment of **Tom Phillips** who *is* eligible to serve another term

**On motion of Mr. Berry, seconded by Dr. Moore, the Council appointed David Winship to the fill the term of Gene Matthis on the Sinking Spring Cemetery Committee. The Council further re-appointed Kitty Henninger, Charles Seaver and Tom Phillips to second terms on the Committee.**

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

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

**The motion carried.**



Dr. Moore, Vice Mayor declared the meeting adjourned.

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Edward B. Morgan, Mayor



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Cecile M. Rosenbaum, Town Clerk