

2008-99  
June 2, 2008

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 2, 2008 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, June 2, 2008 at 7:30 p.m. in the Council chambers of the Municipal Building.

**A. ROLL CALL**

Members of Council Present:

Mayor Lois H. Humphreys  
Mr. Robert M. Howard, Vice Mayor  
Dr. French H. Moore, Jr.  
Mrs. Cathy Lowe  
Mr. Edward B. Morgan

Administrative Staff:

Gregory W. Kelly, Town Manager  
Cecile M. Rosenbaum, Town Clerk  
Deborah Icenhour, Assistant Town Attorney  
Garrett Jackson, Director of Planning  
Mark Godbey, Town Treasurer/Dir. Of Finance  
John Dew, Director of Public Services/Construction  
Jim Smith, Dir. Of Wastewater Operations/Town Eng.  
Tony Sullivan, Chief of Police  
Tenille Montgomery, Administrative Assistant  
Myra Cook, Director of Tourism  
Jim Cowart, Director of Economic Development

Visitors:

Jason Berry, Michael Wartella, Susan Howard, Penny Howard, Debra McCowan, Rick Humphreys, Carolyn Lee, Camille Finney, Botswana Imani, L.B. Atkins

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Tony Sullivan, Chief of Police. The Mayor welcomed everyone in attendance.

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

- May 5, 2008 Work Session Meeting
- May 5, 2008 Regular Meeting

**On motion of Mr. Morgan, seconded by Mrs. Lowe, the Council approved the minutes of the May 5, 2008 Work Session Meeting and the May 5, 2008 Regular Meeting as presented.**

**The roll call vote was:**

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

**The motion carried.**

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### **D. SPECIAL EMPLOYEE ACKNOWLEDGEMENT**

- Greg Kelly, Town Manager, presented a plaque to recognize Sergeant Camille Finney, for her ten (10) years of service to the Abingdon Police Department.

### **E. PRESENTATION OF PROCLAMATION**

- Lois H. Humphreys, Mayor, presented Botswana Imani with a key with the Town Seal and the following Proclamation:

#### **PROCLAMATION**

#### **TO ENCOURAGE AND SUPPORT ITS CITIZENS TO DECREASE AND ELIMINATE INCEST AND SEVERE FAMILY VIOLENCE**

**WHEREAS**, the area of Southwest Virginia and Northeast Tennessee has been identified by Dr. Peggy Cantrell, Professor of Psychology at ETSU, as having higher rates than the national data for abuses involving incest and severe family violence; and

**WHEREAS**, the high percentages of Incest and Severe Family Violence persists as they have for many generations; and

**WHEREAS**, Incest and Severe Family Violence affect the overall functioning of the People; and

**WHEREAS**, optimum efforts of the People increase the functioning of the community and the state, along with the efforts of social service agencies that could and will be fully utilized **ONLY** once the People themselves, are self-motivated to change the pervious behavior patterns; and

**WHEREAS**, “Grass Roots Movements” have been very effective around the globe; and

**WHEREAS**, *as of 5/8/2008*: People Inc. of Southwest Virginia, County of Washington; Department of Social Services, The Crisis Center, CASA, Abuse Alternatives, YWCA, American Red Cross, The Salvation Army, Bristol Youth Services, Bristol Family Recourse Center, Bristol Life Saving Crew, Bristol Faith in Action, Bristol Public Library, CASA for Kids, Inc. in Kingsport serving the Sullivan and Hawkins Counties, Frontier Health, Gray, TN., Johnson City Public Library, CASA in Johnson City serving Northeast Tn., Unity Church of the Tri-Cities in Johnson City (specifically supports the goal of creating safe and loving families), have provided letters of Support. Additional agencies are in the process of providing support by written affirmation; and

**WHEREAS**, Community Members are Supporting this Proclamation, and more are in process of supporting this action by written affirmation; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Abingdon supports its Citizens in and with regards to this “Grass Roots Movement and Mobilization of We the People, By the People and for the People” to Eliminate Incest and Severe Family Violence, and Create Safe, Supportive and Loving Family Systems.

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Ms. Imani addressed the Council members and audience to express her gratitude for the key and the Proclamation and encouraged everyone to support her cause to eliminate incest and severe family violence.

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#### **F. SPECIAL COUNCIL MEMBER RECOGNITION**

- Mayor Humphreys presented Council member and Vice Mayor, Bob Howard, with a framed Town Seal, a framed Proclamation and a brass plague with the Town Seal in recognition of his twenty-four (24) years of service as a member of the Abingdon Town

Council. Mr. Howard expressed his gratitude for the recognition and indicated that he will continue to be involved in Town events.

**G. PETITIONS AND PUBLIC HEARINGS – NONE**

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

**I. REPORTS FROM THE TOWN MANAGER**

**1. Report on Mustering Grounds at Craig’s Meadow and request for name change.**

Garrett Jackson, Director of Planning, addressed the Council members as a representative of the Steering Committee to report on the status of the property known as The Mustering Grounds at Craig’s Meadow. Mr. Jackson indicated that the National Park Service would be providing an informational kiosk to be placed at The Mustering Grounds site and the Town would be responsible for installation of the structure once the Committee determines its location.

Mr. Jackson also advised the Committee recommended that existing fence on the property be taken down and replaced with a historically accurate fence as recommended by the Master Plan for the Mustering Grounds. Rick Humphreys indicated that he had located a split rail fence and would proceed with procuring the rails for placement on the site.

Mr. Jackson noted that the name of the property, previously decided on by the Council, which was “The Mustering Grounds at Craig’s Meadow” was not historically accurate for the time period and indicated that the Committee recommended the name be changed to “The Mustering Grounds”.

**On motion of Dr. Moore, seconded by Mr. Howard, the Council accepted the recommendation of the Steering Committee and changed the name of the property to “The Mustering Grounds” which is historically accurate for the time period.**

**The roll call vote was:**

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

**Mr. Howard**            **Aye**  
**Mayor Humphreys**   **Aye**

**The motion carried.**

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**2. Introduction of the Town's Economic Development Coordinator/Grant Writer.**

Greg Kelly, Town Manager, introduced Jim Cowart who has been hired for position of Economic Development Coordinator/Grant Writer for the Town. Mr. Cowart thanked Mr. Kelly and the Council for the welcome and indicated that he would be out and about in Town and to feel free to contact him anytime with questions or comments.

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**3. Consideration of Scheduling of July Organizational/Regular Meeting to Tuesday, July 1, 2008 at 7:30 a.m.**

Mr. Kelly indicated that the July Council meeting would be the bi-annual organizational meeting for the Council and recommended that it be moved to July 1, 2008 at 7:30 a.m.

**On motion of Mr. Morgan, seconded by Dr. Moore, the Council approved scheduling the July 1, 2008 Organizational/Regular meeting to Tuesday, July 1, 2008 at 7:30 a.m.**

**The roll call vote was:**

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

**The motion carried.**

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**J. PASSAGE OF RESOLUTIONS**

1. **A Resolution of the Town of Abingdon, Virginia to recognize the merits of “Going Green” and establishing a municipal energy agenda to help address the nation’s energy and environmental challenges and improve our Town.**

Deborah Icenhour, Assistant Town Attorney, addressed the Council members to recommend the approval of the “Going Green” Resolution. Ms. Icenhour indicated that the Town staff plans to undertake ways to become more environmentally friendly and challenged the public to join in this effort to improve our Town by “going green”.

**On motion of Dr. Moore, seconded by Mr. Howard, the following resolution was adopted by the Council:**

**A RESOLUTION OF THE TOWN OF ABINGDON, VIRGINIA  
TO RECOGNIZE THE MERITS OF "GOING GREEN"  
AND  
ESTABLISHING A MUNICIPAL ENERGY AGENDA  
TO HELP ADDRESS THE NATION'S ENERGY AND  
ENVIRONMENTAL CHALLENGES  
AND  
IMPROVE OUR TOWN**

**WHEREAS**, in recent years, our nation has faced unprecedented energy challenges, including rapidly escalating energy costs and critical choices about energy resources that will affect the nation's future economic well-being and security; and

**WHEREAS**, many local government leaders are concerned that high energy costs have a direct and substantial impact on the economic well-being of local economies, including an adverse impact on local governments who rely on energy to carry out critical municipal operations, on working families who must contribute higher percentages of family incomes towards the payment of energy bills. and on local businesses who experience increases in the cost of doing business as a result of higher energy prices; and

**WHEREAS**, on April 22, 2008, the Town of Abingdon, Virginia and The Virginia Municipal League partnered in presenting a regional forum at the Southwest Virginia Higher Education Center showcasing "Best Practices

To Observe in Going Green", in an effort to heighten awareness, inform, educate, support and assist other governmental entities in committing to similar programs; and

**WHEREAS**, the various departments comprising the Town of Abingdon, under the direct supervision of the Abingdon Town Manager, have since participated in the joint effort of examining and evaluating practices and compiling plans and setting goals for making progressive strides toward becoming "Green", more energy efficient, and/or environmentally friendly, thereby enhancing the quality of life for the entire population of the Town of Abingdon; and

**WHEREAS**, the residents of the Town of Abingdon have expressed interest in engaging in a variety of practices which could result in a positive environmental impact as well as afford tax break opportunities, substantial energy savings, business incentives and an enhanced, protected environment; and

**WHEREAS**, it is the desire of the members of the Council of the Town of Abingdon, Virginia to further reinforce innovative planning and actions at the local level to help decrease energy costs, improve the environment and increase energy choices for municipalities, residents and businesses; and

**WHEREAS**, it is further the intent of the members of the Council of the Town of Abingdon, Virginia to increase their leadership roles in the effort to address the nation's energy challenges in an environmentally sustainable way and improve their communities; and

**WHEREAS**, the Council of the Town of Abingdon, Virginia recognizes that there are numerous opportunities for it to take action at the local municipal level, including, but not limited to, the following:

- REDUCING ENERGY USAGE;
- PROMOTING GREEN BUILDINGS;
- EXPANDING RESIDENTIAL ENERGY ASSISTANCE;
- EXPLORING & ADDRESSING CLIMATE CHANGE;
- ENCOURAGING DIVERSITY IN ENERGY GENERATION;
- IMPROVING MUNICIPAL VEHICLE FLEETS;
- ENCOURAGING INCENTIVES FOR VEHICLE FUEL EFFICIENCY;
- INVESTING IN TRANSIT AND WALKABLE COMMUNITIES;
- SHARING EFFICIENT PRACTICES WITH OTHER MUNICIPALITIES;
- ENCOURAGING PRIVATE SECTOR INITIATIVES.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Abingdon, Virginia is committed to increasing their leadership role in helping to address the nation's energy challenges from the local level; and

**BE IT FURTHER RESOLVED** that there are numerous opportunities for the Council of the Town of Abingdon, Virginia to initiate or expand upon actions at the local level to address said environmental and energy challenges and improve its community.

**The roll call vote was:**

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

**The motion carried.**

- Mr. Kelly pointed out the Artisan Center building “Heartwood” would have state of the art “Green” technology;
- Botswana Imani inquired about the Town’s current recycling program;
- Michael Wartella indicated that two (2) of the Town’s bed and breakfast establishments had “gone green”;
- Mrs. Lowe reminded everyone that the Town’s wastewater treatment plant was a state of the art environmentally friendly facility;
- Courtney Bledsoe inquired if the Town had plans to recycle other products that were not currently included in the recyclables list.
- Mr. Morgan encouraged citizens to get involved in the “Green” initiative.

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**2. A Resolution of the Council of the Town of Abingdon, Virginia in support of a Virginia Tobacco Indemnification and Community Revitalization Commission Grant for an alternative power source at the Stone Mill Business and Technology Park.**

Garrett Jackson, Director of Planning, addressed the Council members to recommend support for the Resolution of support for a grant to seek an alternative power source for the Tech Park. Mr. Jackson indicated the grant would assist with costs for a generator that would support the buildings in the Tech Park during a power outage.

**On Motion of Mrs. Lowe, seconded by Dr. Moore, the Council approved the following resolution:**



**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA IN SUPPORT OF A VIRGINIA TOBACCO INDEMNIFICATION AND COMMUNITY REVITALIZATION COMMISSION GRANT FOR AN ALTERNATIVE POWER SOURCE AT THE STONE MILL BUSINESS AND TECHNOLOGY PARK**

**WHEREAS**, the Town of Abingdon has constructed the Stone Mill Business and Technology Park (park) for the purpose of recruiting businesses and industry into the town; and

**WHEREAS**, the park currently boasts one of the premier small business incubators as well as one of the top coal companies in the country, each with state-of-the-art facilities; and

**WHEREAS**, the Town of Abingdon has pursued several industries to locate in the park, to increase the creation of jobs in Abingdon; and

**WHEREAS**, several industries have indicated interest in locating in the park; and

**WHEREAS**, the major concern of these industries and businesses has been the lack of alternative, back-up power within the park; and

**WHEREAS**, the creation of an alternative back-up power facility would increase the business and industry recruiting abilities of the Town; and

**WHEREAS**, the current tenants of the park support the pursuit of such a facility.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia, that we support this application to the Virginia Tobacco Indemnification and Community Revitalization Commission in pursuit of funding assistance to construct a back-up power facility in the Stone Mill Business and Technology Park.

**The roll call vote was:**

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

**The motion carried.**

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**K. FIRST READING OF ORDINANCES - NONE**

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**L. SECOND READING OF ORDINANCES**

1. An Ordinance to Make Appropriation for the Current Expenses of the Town of Abingdon, Virginia. To Fix A Rate Upon Real And Personal Property And Utility Services For The Fiscal Year Beginning July 1, 2008 And Ending June 30, 2009.

**On motion of Mr. Morgan, seconded by Mr. Howard, the Ordinance to Make Appropriation for the Current Expenses of the Town of Abingdon, Virginia. To Fix A Rate Upon Real And Personal Property And Utility Services For The Fiscal Year Beginning July 1, 2008 And Ending June 30, 2009 was approved on second reading.**

**The roll call vote was:**

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

**The motion carried.**

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**M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

1. **Appointment to the Board of Zoning Appeals**

**On motion of Mrs. Lowe, seconded by Mr. Morgan, the Council appointed Andy Stockner to fill the unexpired term of one member of the Board of Zoning Appeals. This term will begin on June 2, 2008 and end on June 2, 2011.**

**The roll call vote was:**

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

**The motion carried.**

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2. **Appointments to the Tourism Advisory Board.**

These appointments were postponed until after the conclusion of the Closed Session.

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**3. Appointment to Sinking Spring Cemetery Committee.**

**On motion of Mr. Morgan, seconded by Mrs. Lowe, the Council re-appointed Anne P. Hutton, Esq. to the Sinking Spring Cemetery Committee to serve a one year term to commence on June 4, 2008 and end on June 4, 2009.**

**The roll call vote was:**

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

**The motion carried.**

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**4. Appointment of Council member to the Southwest Virginia Cultural Heritage Commission.**

This appointment was postponed until a later date.

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**N. OLD BUSINESS**

**1. Report on the land disturbing activities brought forth by Gary Williams, resident of Stonybrook Drive at the May 2008 Council meeting.**

Mr. Morgan noted that Jim Smith, Town Engineer, had included a memo to Council in the monthly packet that reported on the issues brought forth by Mr. Williams at the May meeting. Mr. Smith indicated that measures had been taken to ensure compliance by the Developer with the Erosion and Sediment Control plan.

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**O. MATTERS NOT ON THE AGENDA**

Mr. Morgan commented that the traffic issues raised by residents of the Court Street/Stonewall Heights area were being investigated. John Dew, Director of Public Services/Construction, appeared before the Council to report on traffic measuring devices that had been put in place to collect data on vehicles in the area so it would be available before the neighborhood meeting.

Mayor Humphreys noted the Town announcements listed on the agenda and encouraged everyone to come out and support the events happening in the month of June.

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**On motion of Mrs. Lowe, seconded by Dr. Moore, the Council voted to go into executive session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) to consider appointments to the Tourism Advisory Board and further pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(2) to consider the acquisition of real property for a public purpose, namely a joint Town/County sports complex.**

**The roll call vote was:**

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

**The motion carried.**

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

**The roll call vote was:**

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

**The motion carried.**

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After Council reconvened into regular session, the following certification was adopted:

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

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**On motion of Mrs. Lowe, seconded by Mr. Morgan, the Council appointed Vickye P. Hall, representative from the Virginia Highlands Festival, and Doug Ellis, Owner of the Ellis Soda Shop and representative of Town restaurants, to serve on the Tourism Advisory Commission. These terms will commence on June 2, 2008 and end on June 2, 2011. The Council further appointed Jim Cowart, Economic Development Coordinator and Elizabeth Iskra, Director of Virginia Main Street as ex-officio members of the Tourism Advisory Board.**

**The roll call vote was:**

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

**The motion carried.**

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**On motion of Mr. Howard, seconded by Mr. Morgan, the meeting was adjourned.**

**The roll call vote was:**

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

**The motion carried.**

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Lois H. Humphreys, Mayor

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Cecile M. Rosenbaum, Town Clerk