

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, MARCH 1, 2010
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, March 1, 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:	Erin Sullivan, Mary Ann Holbrook, Carolyn Lee, Betty Ferrier, Gene Matthis, Rick Humphreys, Sam Kiser and others

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**B. PLEDGE OF ALLEGIANCE**

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

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C. APPROVAL OF MINUTES

- February 1, 2010 Work Session
- February 1, 2010 Regular Meeting

On motion of Mrs. Humphreys, seconded by Dr. Moore, the minutes of February 1, 2010 work session and the February 1, 2010 regular meeting were approved as presented.

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.

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

- Mr. Kelly, Town Manager, congratulated James Agner, Sports Coordinator for the Coomes Recreation Center, on fifteen (15) years of service to the Town.
- Mayor Morgan congratulated Greg Kelly, Town Manager, for five (5) years of service to the Town.
- Mayor Morgan congratulated Cecile Rosenbaum, Town Clerk, for five (5) years of service to the Town. Mayor Morgan also advised that he had worked with Town staff to nominate Mrs. Rosenbaum for Clerk of the Year through the Virginia Municipal Clerk's Association.

#### **E. CONSIDERATION OF ANY BIDS -**

1. **Proposed Rezoning – Public Hearing – Edward Eugene King, P.O. Box 1213, Abingdon, Virginia 24212; application to rezone property between Academy Drive and Old Russell Road (east) on the south side of such street and known as Lots No. 17 and 18, of the Academy Drive Development, consisting of 30,542 sq. ft., from R-2, Residential District, to R-3, Residential District. Tax Map No. 10(1)17,18.**

Mr. Jackson, Dir. of Planning, explained that Mr. King had filed an application to rezone 2 parcels of property that he owns between Academy Drive and Old Russell Road in order to construct multi-family housing. Mr. Jackson indicated that the matter had been before the Planning Commission for consideration and that the group had unanimously approved the request.

Mayor Morgan declared the public hearing open for comment.

Mr. King came before the Council and showed the plans depicting the family units he intends to develop.

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

**On motion of Dr. Moore, seconded by Mr. Berry, the Council approved the application of Edward King to rezone property between Academy Drive and Old Russell Road (east) on the south side of such street and known as Lots No. 17 and 18, of the Academy Drive Development, consisting of 30,542 sq. ft., from R-2, Residential District, to R-3, Residential District. Tax Map No. 10(1)17, 18 as recommended by the Planning Commission.**

**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 of bid for Brick Sidewalk Repair Work.

John Dew, Director of Public Services/Construction appeared before the Council to report on the bids received for the Town's brick sidewalk repair for FY 2009/2010. Mr. Dew recommended that the bid be awarded to the lowest responsive bidder, Inland Construction Company for the amount of \$31,000.

On motion of Mr. Berry, seconded by Mrs. Humphreys, the Council awarded the bid for the Town's brick sidewalk repair work to Inland Construction Company for the amount of \$31,000.

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.



2. Consideration of bid for guardrail repair and maintenance.

John Dew, Director of Public Services/Construction appeared before the Council to report on the bids received for the Town's guardrail repair and maintenance for FY 2009/2010. Mr. Dew recommended that the Council award the bid to the lowest responsive bidder, Selco Construction Services, Inc. for the amount of \$39,495.

Mayor Morgan inquired if citizens could be charged the cost of guardrail repair if it is damaged from a traffic accident. Mr. Kelly affirmed that they could and the Town does pursue collection on these matters.

On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council awarded the bid for the Town's guardrail repair and maintenance for FY 2009/2010 for the amount of \$39,495.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Abstain (<i>Mr. Morgan is works with employee of Selco</i>)

The motion carried.



G. REPORTS FROM THE TOWN MANAGER

1. Consideration of recommendation from the "Go Green" Committee with regard to request for financial assistance from Barter Theatre for Energy Study.

Floyd Bailey, Chairman of the Go Green Committee, appeared before the Council members to report on the request the committee had received from the Barter Theatre to assist with funding of an energy audit. Mr. Bailey indicated that the Go Green committee had considered the matter and voted to approve \$2,500 for the Barter Theatre's request for an energy study.

Mayor Morgan noted that the vote by the Go Green Committee for the funding request was not a unanimous vote. Mr. Bailey indicated that there was some discussion among the committee.

Mr. Berry inquired about the Go Green Committee's indication in their memo that they appropriate \$10,000 of their budget each year to provide funds for four (4) non-profit organizations to perform energy audits with a \$2,500 cap for each. Mr. Kelly indicated that any request of that nature would have to be brought before Council for consideration and final approval.

Mrs. Lowe pointed out that the Barter Theatre building is a Town owned facility.

On motion of Mrs. Lowe, seconded by Dr. Moore, the Council approved the request by the Barter Theatre for \$2,500 for an energy audit of the Theatre building.

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.

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## **2. Consideration of budget request by Abingdon Senior Center.**

Dexter Peltzer, Director of the Abingdon Senior Center, appeared before the Council members to report on a grant for the Center that had been secured through Congressman Rick Boucher's office. Mr. Peltzer reported that he was requesting supplemental funding from the Council in the amount of \$15,000 and the funds would be used for purchasing tangible property for the Center.

Mrs. Lowe inquired if Mr. Peltzer had submitted a similar request to the Washington County Board of Supervisors. Mr. Peltzer indicated that he was to speak to the Board on March 9<sup>th</sup> regarding the request. Mrs. Lowe asked Mr. Peltzer to comment on bookings for the Senior Center and Mr. Peltzer reported that the Center was almost entirely booked through the end of the year.

**At this time, on motion of Mr. Berry, seconded by Mrs. Humphreys, the Council approved the amount of \$7,500 in funding for the Abingdon Senior Center with the request that Mr. Peltzer attempt to secure the remaining \$7,500 from the Washington County Board of Supervisors.**

Mr. Morgan inquired when the funding was needed and Mr. Peltzer indicated that he would need the funds by April 30<sup>th</sup>.

**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.**



**3. Consideration of annual report of the Sinking Spring Cemetery Committee.**

Mr. Gene Matthis, Chairman of the Cemetery Committee, appeared before the Council to provide the annual Cemetery report. Mr. Matthis indicated the committee was very pleased with the Town's support of the Cemetery and offered to take the Council on a guided tour when the weather permits in the next few months.

Mr. Kelly thanked Mr. Matthis for his work on the Cemetery Committee.

**On motion of Dr. Moore, seconded by Mrs. Lowe, the Council accepted the annual report of the Sinking Spring Cemetery Committee 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.**



**4. Consideration of proposals for banking services for the Town of Abingdon.**

Mr. Kelly indicated that the Council had discussed this matter during their prior work session meeting and more information had been requested before this matter could be considered for action.

**On motion of Mr. Berry, seconded by Mrs. Humphreys, the Council asked that the matter of proposals for banking services for the Town be tabled until the April work session meeting.**

**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.**



**5. Update on the Town's participation in the 2010 U.S. Census.**

Garrett Jackson, Director of Planning, appeared before the Council to provide an update on the Town's participation in the 2010 U.S. Census. Mr. Jackson indicated that census takers would be in the area in the coming weeks and the Town was on schedule for providing any requested information from the Census Bureau.

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



**6. Consideration of request for sponsorship from Virginia Downtown Development Association Conference to be held in Abingdon at the Martha Washington Inn, May 27<sup>th</sup>, 2010 from 9:00 to 4:00.**

Garrett Jackson, Director of Planning, appeared before the Council members to report on the Virginia Downtown Development Association Conference which is to be held in Abingdon on May 27<sup>th</sup>. Mr. Jackson indicated that it is customary for the host locality to provide some funding for the event and asked the Council if they would consider appropriating \$2,500 in funding for sponsorship of the event.

**On motion of Mrs. Humphreys, seconded by Mr. Berry, the Council approved \$2,500 from their contingency toward sponsorship of the Virginia Downtown Development Association Conference to be held in Abingdon on May 27<sup>th</sup>.**

**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.**



**7. Consideration of adoption of Council Code of Ethics.**

Mr. Kelly, Town Manager, commented that he had presented the Council with a Code of Ethics document for their consideration. Mr. Kelly reported that the Virginia Local Government Management Association was encouraging managers across the Commonwealth to present these ethics to their Council members as a general guide of conduct for public officials.

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council accepted the Council Code of Ethics 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.**



**H. PASSAGE OF RESOLUTIONS - None.**

**I. FIRST READING OF ORDINANCES - None.**

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

**K. UNFINISHED BUSINESS**

**L. MATTERS NOT ON THE AGENDA**

Mr. Kelly, Town Manager, reported that during budget preparations it would be necessary for the Town staff to secure professional services/studies relative to design and architecture for certain capital projects. Mr. Kelly recommended that the Council consider appropriating \$25,000 from reserves for these services/studies as they become necessary.



**On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council approved the appropriation of \$25,000 from reserves for the contracting of professional services/studies as necessary and as determined by the Town Manager, Greg Kelly.**

**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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M. COUNCIL MEMBER REPORTS

- Mrs. Lowe commented on the upcoming Jazz Festival on April 18th at the Virginia Ball Room and expressed sympathy for loss of Abingdon Town resident, Joanne Horsch.
- Mr. Morgan also expressed sympathy for the Horsche family in the loss of Mrs. Horsche.

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- At this time, Betty Ferrier of Madison Street, addressed the Council to request that a guardrail be placed in the Kings Mountain neighborhood at the intersection of Highland and Madison Streets. John Dew, Director of Public Works/Construction affirmed that he would contact Ms. Ferrier and look into the matter.
- David Wallace of 377 Augusta Drive, Abingdon, addressed the Council to report on the condition the three (3) vacant gas station properties located around Exit 17 as well as the amount of litter that is in the stream behind the Exxon Station at Exit 17. Mayor Morgan thanked Mr. Wallace for bringing the matter to the Council's attention. Deb Icenhour, Town Attorney reported that she had been in contact with the bank that now owns the vacant CITGO station and affirmed that they were attempting to market the property for sale.

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N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

On motion of Dr. Moore, seconded Mr. Berry, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)

(1) for the consideration of appointments to the Industrial Development Authority, the Board of Architectural Review, the Board of Building Code Appeals, the Board of Zoning Appeals, and the Planning Commission.

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.



On motion of Dr. Moore, seconded by Mrs. Lowe, the Council reconvened in regular session.

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.

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:

Mr. Berry	I so certify
Mrs. Lowe	I so certify
Mrs. Humphreys	I so certify
Dr. Moore	I so certify
Mayor Morgan	I so certify

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1. ***Industrial Development Authority Board (1)***

- Consideration of appointment to the IDA board to fill the unexpired term of Susan Howard who has submitted her resignation.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed John Ebert to the Industrial Development Authority to fill the unexpired term of Susan Howard.**

**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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2. ***Board of Architectural Review (3)***

- **Consideration of appointments to the Board of Architectural Review**

On motion of Mr. Berry, seconded by Mrs. Lowe, the Council appointed Peyton Boyd, Charles Owens, and Byrum Geisler to second terms on the Board of Architectural Review.

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.

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**3. *Board of Building Code Appeals (2)***

- **Consideration of appointments to the Board of Building Code Appeals**

**On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council appointed Charles Day and Bob Baker to serve on the Board of Building Code Appeals.**

**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. *Board of Zoning Appeals(1)*

- **Consideration of appointment to the Board of Zoning Appeals**

On motion of Dr. Moore, seconded by Mrs. Lowe, the Council appointed Cameron Bell to a second term on the Board of Zoning Appeals.

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.

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**5. *Planning Commission (3)***

- **Consideration of appointments to the Planning Commission**

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed Matt Bundy, Gary Kimbrell, and Kenny Shuman to second terms on the Planning Commission.**

**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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Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk