

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

A regular meeting of the Abingdon Town Council was held on Monday, March 7, 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  
John Holbrook, Police Department  
Kevin Worley, Dir. of Parks & Recreation  
Myra Cook, Dir. of Tourism  
John McCormick, Assistant Fire Chief

Visitors: Susan Howard, Carl Mallory, Carolyn Lee, MaryAnn  
Holbrook, Izik Crispin, Richard McBeth, Jesse Schmale,  
Debra McCown, Susan Humphreys

~~~~~

**B. PLEDGE OF ALLEGIANCE**

Greg Kelly, Town Manager introduced Jesse Schmale, graduate student in the Masters of Public Administration program at Virginia Tech and asked her to lead the Pledge of Allegiance.

~~~~~

**C. APPROVAL OF MINUTES**

- February 7, 2011 Work Session Meeting

- February 7, 2011 Regular Meeting

**On motion of Mr. Howard, seconded by Mr. Berry, the minutes of the February 7, 2011 work session meeting and the February 7, 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>



#### **D. EMPLOYEE ACKNOWLEDGEMENTS**

1. **Recognition of John B. Dew, Director of Public Services/Construction for his five (5) years of service to the Town of Abingdon**

Mr. Kelly, Town Manager, presented Mr. Dew with his service pin and plaque and thanked him for his service to the Town of Abingdon.



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

1. **Public Hearing – Right of Way Vacation** - In accordance with the Code of Virginia, §15.2-2006 to receive comments from the public regarding the petition of Janet Woolwine, et al for the vacation of a 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.

**a. Appointment of Board of Viewers**

John Dew, Director of Public Services and Construction reported on the right of way vacation petition submitted by property owners adjacent to the referenced area. Mr. Dew explained that this was a public hearing opportunity to allow comments regarding the request and that Council would need to appoint 3 members to serve on a Board of Viewers. Mr. Dew indicated that the Board of Viewers would review the petition and make a recommendation to Council at the April meeting.

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

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appointed Monty Vernon, Al Bradley and Dan Matthews to serve on the Board of Viewers to review the right of way vacation request per petition of Janet Woolwine, et al for the vacation of a 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.**

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

<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<i>Abstain – Mr. Humphreys commented that he was related to 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>



- 2. Public Hearing – First Reading** – Application to Repeal, Amend and Reenact the Town of Abingdon Zoning Ordinance, Article 3, Section 3-1-16, Permitted Uses by Right, to add Churches within the AFOS Agricultural, Forestal, and Open Spaces District. Application by request submitted by Shady Grove Pentecostal Holiness Church located on Shady Street. Tax Map No. 84C2(1)45.

Garrett Jackson, Director of Planning provided background information on the application submitted by Shady Grove Pentecostal Holiness Church to amend the town's zoning

ordinance. Mr. Jackson commented that the application had been heard by the members of the Planning Commission and recommended for approval by the Town Council. Mr. Jackson noted that the use of the word “churches” would be changed to “places of worship” which was more acceptable phrasing.

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

Mrs. Lowe commented that the property the church was presently located on was once a landfill site. Mr. Humphreys inquired if the church building was historical.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the application to Repeal, Amend and Reenact the Town of Abingdon Zoning Ordinance, Article 3, Section 3-1-16, Permitted Uses by Right, to add Churches within the AFOS Agricultural, Forestal, and Open Spaces District. (Application by request submitted by Shady Grove Pentecostal Holiness Church located on Shady Street. Tax Map No. 84C2(1)45).**

**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. Public Hearing – First Reading** – An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Article II, Chapter 54, Parks and Recreation Advisory Commission, §54-26 of the Code of the Town of Abingdon, Virginia to amend the membership composition of the Commission.

Deb Icenhour, Town Attorney reported that the Council had requested at the February meeting that a change be made to the Ordinance for the Parks and Recreation Advisory Commission to increase the number of persons able to serve on the committee. Ms. Icenhour indicated that she had revised the Ordinance to reflect that a total of nine (9) members may serve on the commission. Ms. Icenhour noted that it had been advertised as required and was now before Council to receive comments from the public.

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

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council approved, on first reading, the Ordinance to Repeal, Amend and Reenact Article II, Chapter 54, Parks and Recreation Advisory Commission, §54-26 of the Code of the Town of Abingdon, Virginia to amend the membership composition of the Commission, thereby dispensing with the second reading.**

**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** – An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Article II, Chapter 26, Tourism Advisory Committee, §26-26 of the Code of the Town of Abingdon to amend the membership composition of the Commission.

Deb Icenhour, Town Attorney reported that the Council had requested at the February meeting that a change be made to the Ordinance for the Tourism Advisory Commission to increase the number of persons able to serve on the committee. Ms. Icenhour indicated that she had revised the Ordinance to reflect that a total of fifteen (15) members may serve on the commission. Ms. Icenhour noted that it had been advertised as required and was now before Council to receive comments from the public.

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

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved, on first reading, the Ordinance to Repeal, Amend and Reenact Article II, Chapter 26, Tourism Advisory Committee, §26-26 of the Code of the Town of Abingdon to amend the membership composition of the Commission thereby dispensing with the second reading.**

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

<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>

**Mr. Berry**            **Aye**  
**Mrs. Lowe**           **Aye**  
**Mayor Morgan**    **Aye**



**F. SECOND READINGS OF ORDINANCES – None.**



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



**H. REPORTS FROM THE TOWN MANAGER**

**1. Consideration of Wolf Hills Project through Community Performance International.**



Mary Anne Holbrook, Director of Development for Barter Theatre reported on the concept for the Wolf Hills Project. Mrs. Holbrook indicated that Barter Theatre will facilitate the project through Community Performance International to develop Abingdon's story which will be recorded, transcribed and developed into a theatrical performance. Mrs. Holbrook commented that the project is an excellent way to preserve your community's history and that neighboring Tennessee locality, Jonesborough, was participating in this type of project and theirs was nearing completion. Mrs. Holbrook asked the Council members for their support of the project and indicated they would need start up funding for the project.

**On motion of Mr. Berry, seconded by Mr. Humphreys, the Council appropriated \$15,000 from their contingency for the Wolf Hills Project through Community Performance International and facilitated through the Barter Theatre.**

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

**Mr. Howard**      **Aye**  
**Mr. Humphreys**   **Aye**  
**Mr. Berry**        **Aye**  
**Mrs. Lowe**        **Aye**  
**Mayor Morgan**   **Aye**

Mayor Morgan commented that it was important for communities to preserve their history and this project provided a vehicle to do that. Mr. Howard inquired if the total investment for the project.



**2. Consideration of economic incentives to locate Wire Tough Cylinders in the Town of Abingdon.**

Mr. Kelly, Town Manager, commented that the Council has discussed this matter earlier in the work session meeting and it was being referred to the Industrial Development Authority for further investigation.

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



**3. Consideration of authorization of Town Manager to execute the memorandum of agreement between King College, the Town of Abingdon, Virginia and Washington County, Virginia.**

Mr. Kelly, Town Manager, commented that an agreement between King College, the Town and Washington County with regard to the establishment of a medical school had been developing for several months and after consultation with legal counsel for all three entities, an agreement had been decided finalized. Mr. Kelly reported that Dr. Jordan, President of King College had advised him that his executive board had approved the document. Mr. Kelly indicated that the Council had been apprised of the agreement throughout the process and had received a copy a few weeks earlier. He reported that no significant changes had been made to the document and recommended that the Council authorize him to sign the agreement on behalf of the Town.

Mr. Humphreys inquired if King College had designated a specific time frame for the project.

Mr. Kelly indicated that a formal signing ceremony may be held at a later time to signify the parties' entering into the agreement.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council authorized the Town Manager to execute the Memorandum of Agreement between King College, the Town of Abingdon, and Washington County, Virginia at a time he deems appropriate.**

**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>

~~~~~

**I. PASSAGE OF RESOLUTIONS – None.**

~~~~~

**J. UNFINISHED BUSINESS – None.**

~~~~~

**K. MATTERS NOT ON THE AGENDA**

1. Mr. Kelly, Town Manager, indicated that the Council had heard a presentation at the work session meeting from Sam Brown, representative with Price Ramey regarding the health insurance renewal for town employees. Mr. Kelly recommended that the Council authorize him to execute the renewal option for the employee health insurance before the April 1<sup>st</sup> deadline.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council authorized the Town Manager to execute the necessary documents to notify the Town's**



employee health insurance carrier, the Local Choice Health Benefits Program, of the Town's intent to renew their coverage.

The roll call vote was as follows:

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

~~~~~

2. On motion of Mr. Howard, seconded by Mr. Humphreys, the Council authorized the establishment of a Budget Review Committee consisting of Town staff and Council members and further appointed Council members Cathy Lowe and Jason Berry to serve on the Budget Review Committee.

The roll call vote was as follows:

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

~~~~~

3. At this time Mrs. Lowe commented that she and Mr. Humphreys had discussed the need for the establishment of a historic properties committee consisting of 2 council members and members of the town staff for the purpose of reviewing and assessing certain historic properties and grounds owned by the Town.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council authorized the establishment of the Historic Properties Oversight Committee and appointed Cathy Lowe and Rick Humphreys to serve on the Historic Properties Oversight Committee and further authorized the Town Manager to appoint Town staff to the Committee as he deems appropriate.**

The roll call vote was as follows:

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

~~~~~

#### L. COUNCIL MEMBER REPORTS

- Mrs. Lowe – requested that the items not covered during the work session meeting be added to the April work session agenda; commented on the minutes of the Tourism Advisory Committee meeting; inquired about the scheduling of certification classes for the members of the Planning Commission
- Mr. Berry – commented that the Heartwood Artisan Center will be opening in June.

~~~~~

#### M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

##### 1. *Appointment to the Board of Architectural Review*

- Appointment to fill the expired term of Doris Shuman who is *not* eligible for reappointment.

At this time, **On motion of Mrs. Lowe, seconded Mr. Howard, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the consideration and discussion of an appointment to the Board of Architectural Review.**

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

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

**The motion carried.**

**On motion of Mr. Berry, seconded by Mr. Humphreys, 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:**

**Mr. Howard            I so certify**

**Mr. Humphreys**      **I so certify**  
**Mr. Berry**            **I so certify**  
**Mrs. Lowe**           **I so certify**  
**Mayor Morgan**      **I so certify**

**On motion of Mr. Humphreys, seconded by Mr. Berry, the Council appointed Betsy White to serve on the Board of Architectural Review.**

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

**Mr. Howard**            **Aye**  
**Mr. Humphreys**       **Aye**  
**Mr. Berry**              **Aye**  
**Mrs. Lowe**             **Aye**  
**Mr. Morgan**           **Aye**

**The motion carried.**



2. At this time, **On motion of Mrs. Lowe, seconded Mr. Howard, 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:**

**Mr. Howard**            **Aye**  
**Mr. Humphreys**       **Aye**  
**Mr. Berry**              **Aye**  
**Mrs. Lowe**             **Aye**  
**Mayor Morgan**       **Aye**

**The motion carried.**

**On motion of Mr. Berry, seconded by Mr. Humphreys, 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> |

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council authorized the Town Manager to enter the negotiation of an option to purchase property located on the East end of the Town of Abingdon.**

**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.**



**On motion of Mr. Berry, seconded by Mr. Humphreys, the Council authorized the Town Manager to execute an option agreement by and between the Town of Abingdon and C.R. Quesenberry for the purchase of 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>Mr. Morgan</b>    | <b>Aye</b> |

**The motion carried.**



- Cecile Rosenbaum, Town Clerk advised that Jan and Sam Hurt would be dedicating their labyrinth on Valley Street on Sunday, March 20<sup>th</sup> at 2:00 and the Council was invited to attend.

- Mayor Morgan reviewed the announcements listed on the agenda.

Mayor Morgan declared the meeting adjourned.

---

Edward B. Morgan, Mayor

---

Cecile M. Rosenbaum, Town Clerk