

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, MARCH 3, 2008 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, March 3, 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
Mrs. Cathy Lowe
Mr. Edward B. Morgan

Absent: *Dr. French H. Moore, Jr.*

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
Chris Johnson, Director of Parks and Recreation
Floyd Bailey, Director of Information Services

Visitors: Emmitt Yeary, Mary Ann Holbrook, Tammy Karamarinov, L.B. Atkins, Rob Goldsmith, Bryan Phipps, Debra McCowan, Jason Berry, Mike Rubesha, Charles Seaver, and others

B. PLEDGE OF ALLEGIANCE

The Pledge to the flag was led by Major Tammy Morris Karamarinov. Mayor Humphreys welcomed everyone in attendance.

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At this time, the Mayor recognized Emmitt Yeary who introduced Major Tammy Morris Karamarinov and thanked her for her service to her country and welcomed her back to Abingdon after her retirement from the United State Air Force.

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C. APPROVAL OF MINUTES

- February 4, 2008 Work Session
- February 4, 2008 Regular Meeting

On motion of Mr. Howard, seconded by Mr. Morgan, the Council approved the minutes of the February 4, 2008 Work Session and the February 4, 2008 Regular Meeting as presented.

The roll call vote was:

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

The motion carried.

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### D. PETITIONS AND PUBLIC HEARINGS

- 1. Public Hearing** – Public Hearing – Solicit public input on the proposed Community Development Block Grant (CDBG) proposal to be submitted to the Virginia Department of Housing and Community Development for the *Southwest Virginia Housing Rehabilitation and Production Construction Crew*.

At this time, Bryan Phipps from People, Inc. gave a brief background on the need for the public hearing and introduced Rob Goldsmith, Director of People, Inc. who informed the Council members that the public hearing was a requirement prior to submitting a CDBG application and that the grant for the proposed project would provide increased access to affordable housing and create new jobs in the area.

No members of the public came forward to speak during the public hearing and no action was required by the Council members.

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E. CONSIDERATION OF ANY BIDS

1. Consideration of bids for wireless mesh canopy for the Town of Abingdon.

Floyd Bailey, Director of Information Services addressed the Council members and reported that he had received a total of five (5) bids for the wireless mesh canopy for the Town. He recommended that Federal Signal be awarded the bid at a price of \$154,546.46. He indicated that he would continue to work with Federal Signal on their extended warranty quote.

Mr. Morgan asked Mr. Bailey what area the mesh would cover and he indicated it would extend from the Police Station Building on Main Street to the Fire Department and over to Crestview Drive.

On motion of Mr. Morgan, seconded by Mr. Howard, the bid for the wireless mesh canopy for the Town of Abingdon was awarded to Federal Signal (Strix) at a cost of \$154,546.46 with a recommendation that Town staff continue to work with Federal Signal officials on their extended warranty plan.

The roll call vote was:

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

The motion carried.

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2. Consideration of bids for Depot Square Pedestrian Safety Renovation project.

Jim Smith, Town Engineer addressed the Council members regarding the bids received for the Depot Square Pedestrian Safety Renovation Project. He indicated that Boring Contractors, Inc. was the low bidder and recommended the Council members accept their bid of \$480,252.60 with an adjustment to the price of \$90,965.00 to add brick sidewalks making the total bid price \$540,903.60. Mr. Smith indicated that VDOT is required to approve a project like this one and as of the Council meeting, that approval had not been obtained. He did indicate that VDOT had been provided with all necessary documentation and expected to hear from them prior to the expected start date of March 17<sup>th</sup>.

**On motion of Mr. Morgan, seconded by Mr. Howard, the Council approved the bid award for the Depot Square Pedestrian Safety Renovation project to Boring Contractors, Inc. for a bid price of \$480,252.60 with an additional approval of \$90,965.00 for brick sidewalks**

**making the total cost \$540,903.60 subject to approval by the Virginia Department of Transportation.**

**The roll call vote was:**

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

**The motion carried.**

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

### **1. Consideration of adoption of Abingdon Market Pavilion Rules and Regulations.**

This item required no action by Council as it was tabled until the April 7<sup>th</sup> regular Council meeting.

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2. Consideration of Request from American Legion for donation of phone cards to send to local National Guard Unit.

Mike Wimmer addressed the Council members, on behalf of the American Legion, to inform them of the program they started to purchase phone cards with donations to send to troops serving overseas. He indicated the phone cards are used so soldiers can call home to family members.

Debra Horn, President of the Ladies Auxiliary, spoke of her experience working with this program and asked the Council to support a donation to the American Legion for the phone card program.

Anthony Holmes addressed the Council members on behalf of the American Legion and said that he had served two (2) tours of duty in Iraq and asked the Council members to support a donation to this cause.

Mr. Morgan asked that the American Legion representatives put their request for donation in writing and submit it to the Town Manager so it can be considered in conjunction with other non departmental budget requests.

No action was taken by Council on this item.

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**3. Consideration of Conservation Easement between the Town of Abingdon and the Virginia Outdoors Foundation.**

Garrett Jackson addressed the Council members to explain that the conservation easement was necessary in order for the Town to apply for grant funding for the Mustering Grounds at Craig’s Meadow.

Greg Kelly explained that the Council needed to authorize him to sign the document so that it can be forwarded to Virginia Outdoors Foundation for completion.

**On motion of Mr. Howard, seconded by Mr. Morgan, the Council authorized Town Manager, Greg Kelly, to execute the Conservation Easement on behalf of the Town of Abingdon.**

The roll call vote was:

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

The motion carried.

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G. PASSAGE OF RESOLUTIONS

1. Resolution Of The Council Of The Town Of Abingdon In Partnership With People Incorporated Of Southwest Virginia To Request \$200,000 In Virginia Community Development Block Grant Local Innovation Program Fund In Support Of *Southwest Virginia Housing Rehabilitation Program*.

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the following Resolution:

RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON IN PARTNERSHIP WITH PEOPLE INCORPORATED OF SOUTHWEST VIRGINIA TO REQUEST \$200,000 IN VIRGINIA COMMUNITY DEVELOPMENT BLOCK GRANT LOCAL INNIVATION PROGRAM FUND IN SUPPORT OF *SOUTHWEST VIRGINIA HOUSING REHABILITATION PROGRAM*

WHEREAS, pursuant to two public hearings advertised in accordance with the standards set forth In the 2008 Virginia Community Development Block Grant Citizen Participation Plan for Local Government Applicants, the Town of Abingdon, in partnership with People Incorporated of Southwest Virginia, requests \$200,000 in Virginia Community Development Block Grant Local Innovation Program Funds in support of the *Southwest Virginia Housing Rehabilitation Program*;

WHEREAS, the Commonwealth of Virginia’s Community Development Block Grant program provides funding to implement new, innovative, and/or timely community development projects;

WHEREAS, housing assessments, surveys and geographic information system data reveal a high concentration of housing units with an urgent need for rehabilitation and/or substantial reconstruction in the Town of Abingdon and the surrounding area;

WHEREAS, a total of \$200,000 will be available to increase the availability of housing rehabilitation services;

WHEREAS, People Incorporated is actively engaged in the rehabilitation and reconstruction of housing units throughout the region;

WHEREAS, increasing the availability of local resources to provide construction and rehabilitation services will create jobs and increase the availability of safe, affordable, and decent housing;

WHEREAS, the proposed project will meet the National Objective of providing benefit to low to moderate income persons through the rehabilitation and/or substantial reconstruction of 40 homes in the project area, serving a total of 80 extremely-low to low-to-moderate income persons, as well as create a total of 16 jobs, 9 of which will be filled by low-to-moderate income persons;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Abingdon that the Town of Abingdon’s Chief Administrative Official/Town Manager, Gregory W. Kelly, is hereby authorized to complete, sign and submit appropriate documents for the Virginia Community Development Block Grant Local Innovation Program proposal referenced herein.

The roll call vote was:

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

The motion carried.

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**H. FIRST READING OF ORDINANCES – NONE**

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I. SECOND READING OF ORDINANCES

1. An Ordinance to Repeal, Amend, and Reenact the Zoning Map of the Town of Abingdon to rezone Tax Map No. 17(1)37 to Old and Historic (OH).

On motion of Mr. Howard, seconded by Mrs. Lowe, the Ordinance to Repeal, Amend, and Reenact the Zoning Map of the Town of Abingdon to rezone Tax Map No. 17(1)37 to Old and Historic (OH) was approved on second reading.

The roll call vote was:

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

The motion carried.

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2. An Ordinance to Repeal, Amend and Reenact Article 8, Section 9, Section 8-2-4, Permitted Uses by Right to Allow Restaurants in Sub-District 4 of the Old and Historic District.

**On motion of Mr. Morgan, seconded by Mrs. Lowe, the Council approved on second reading the Ordinance to Repeal, Amend and Reenact Article 8, Section 9, Section 8-2-4, Permitted Uses by Right to Allow Restaurants in Sub-District 4 of the Old and Historic District.**

**The roll call vote was:**

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

**The motion carried.**

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J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Appointment to the Board of Architectural Review.

On motion of Mrs. Lowe, seconded by Mr. Morgan, Doris Shuman was appointed to serve a four (4) year term on the Board of Architectural Review.

The roll call vote was:

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

The motion carried.

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At this time, the Mayor asked if anyone from the audience wished to address the Council members.

- Botswana Imani appeared before the Council members to speak on her actions to bring awareness to incest and family violence in Southwest Virginia. She provided the Council members with documentation of her research on the issue and asked their support for her project.

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At this time, Greg Kelly, Town Manager, informed the Council members that he had just been presented that evening with a mutual aid cooperation agreement from the Washington County, Virginia and neighboring localities and asked the Council if they would authorize him to sign the agreement on behalf of the Town of Abingdon.

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council authorized Town Manager, Greg Kelly, to sign the mutual cooperation agreement with Washington County, Virginia and other neighboring localities on behalf of the Town of Abingdon.

The roll call vote was:

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

The motion carried.

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- Council member Lowe invited everyone to the retirement reception for Tammy Karamarinov on Saturday, March 8, 2008 at 4:00 at the Greenway party house.

- Council member Morgan thanked Police Chief, Tony Sullivan for his departments work during the visit of former President, Bill Clinton.
- Mayor Humphreys invited everyone to a dance sponsored by the Coomes Center on May 23, 2008.

**At this time, on motion of Mrs. Lowe, seconded by Mr. Morgan, and pursuant to Section 2.2-3711(A)(2) of the Code of the Virginia, 1950, as amended, and further pursuant to Section 2.2-3711(A)(7) the Council went into closed session for consideration of the sale of real property in the Stonemill Business and Technology Park and to discuss an issue involving actual or probable litigation.**

**The roll call vote was:**

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|------------------------|------------|
| <b>Mrs. Lowe</b>       | <b>Aye</b> |
| <b>Mr. Morgan</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. Morgan, seconded by Mr. Howard, the Council reconvened in regular session.

The roll call vote was:

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

The motion carried.

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:

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

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At this time, John Dew, Director of Public Services/Construction, appeared before the Council members to report on the Walden Road Improvement project. He indicated that he is in the process of negotiating a contract with Thompson and Litton for design services and that the Town had completed necessary documents to enter into a revenue sharing agreement with VDOT.

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

The roll call vote was:

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

The motion carried.

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Lois H. Humphreys, Mayor

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Cecile M. Rosenbaum, Town Clerk