

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, MAY 5, 2008 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, May 5, 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.  
Officer Holbrook, Police Department  
Chris Johnson, Director of Parks and Recreation  
Tenille Montgomery, Administrative Assistant  
Sean Taylor, Assistant Director of Planning

Visitors:

Morgan Heuser, Link Elmore, L.B. Atkins, Mike Rush,  
Charlene Truhlik, Mike Wartella, Mary Ann Holbrook,  
Jason Berry and Jim Browning, Paul Browning.

The Mayor welcomed everyone and recognized Paul Browning from the Scouts who was in attendance. At this time Mayor Humphreys reminded everyone that Election Day was the following day and encouraged all in attendance to come out and vote.

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Scout Paul Browning and Officer Holbrook.

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

- April 3, 2008 Budget Work Session
- April 7, 2008 Work Session
- April 7, 2008 Regular Meeting
- April 14, 2008 Joint Town/County Meeting (County Building)
- April 14, 2008 Recessed Meeting (Town Hall)

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the minutes of the April 3, 2008 Budget Work Session, the April 7, 2008 Work Session, the April 7, 2008 Regular Meeting, the April 14, 2008 Joint Town/County Meeting (County Building) and the April 14, 2008 Recessed Meeting (Town Hall) 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. PETITIONS AND PUBLIC HEARINGS**

#### **1. Public Hearing – Proposed Budget for Fiscal Year 2008/2009.**

Greg Kelly, Town Manager, informed the Council that this public hearing was the first step in the process to approving the proposed 2008/2009 Fiscal Year Budget for the Town. He noted that the budget is effective on July 1, 2008 and ends on June 30, 2009 and thereafter Mr. Kelly gave a brief synopsis of the proposed budget and further noted that it does reflect an increase in meals and lodging tax of one (1%) but there was no increase this year in real property taxes. He further advised that it reflected a

10% increase in the sewer rate due to the \$9M dollar upgrade to the Wolf Creek Wastewater Treatment Plant.

Mayor Humphreys opened the public hearing and no citizens in attendance chose to speak. The Public hearing was declared closed.

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

### **1. Curb, Gutter and Sidewalk Work.**

John Dew, Director of Public Services/Construction appeared before the Council members to comment on the bids received for the curb, gutter and sidewalk work. He indicated that two (2) bids were received and his recommendation to Council was that the bid be awarded to Inland Construction, Inc. for a total bid amount of \$73,505.00. Mr. Dew further noted that the location of some of the work to be done included the walkway in front of the Market Pavilion, the walkway on Tanner Street, and some work on Main Street and Plumb Alley.

**On motion of Dr. Moore, seconded by Mr. Howard, the bid for curb, gutter and sidewalk work was awarded to Inland Construction, Inc. with a total bid amount of \$73,505.00.**

**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.**

### **2. Asphalt Resurfacing Work.**

John Dew also addressed the Council members regarding the bids received for asphalt resurfacing work. Mr. Dew noted that only one (1) bid was received and that was from W-L Construction and Paving for a bid amount of \$273,548.50. Mr. Dew recommended that Council award the bid to W-L Construction as it was within the budgeted amount for the project.

Mrs. Lowe asked Mr. Dew to comment on the crack/seal work that was currently being done on Town roads. Mr. Dew informed the Council that the crack/seal work was a main component to maintaining the Town's roads. He indicated the seal would fade and eventually blend in with the existing asphalt.

**On motion of Mr. Howard, seconded by Mr. Morgan, the Council awarded the bid for asphalt resurfacing work to W-L Construction and Paving for a bid amount of \$273,548.50.**

**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.**

### **3. Taylor's Hill Infill Lots.**

Garrett Jackson, Director of Planning, addressed the Council members regarding the award of the bid for infill lots for the purpose construction of low to moderate income single family housing in the Taylor's Hill neighborhood. Mr. Jackson informed the Council that as part of the Taylor's Hill Neighborhood Revitalization Project, the Town purchased lots in the area that would be sold so interested qualified persons could build single family, low to moderate income house on the lots. He indicated the lots would be sold for ½ their appraised value which would provide an incentive to build new construction in the neighborhood. Mr. Jackson further noted that there were ten (10) lots for sale but the Town only needed to sell nine (9) in order to satisfy the grant requirements. Therefore, it was his suggestion that one of the lots be made into a neighborhood park for the residents. Mr. Jackson noted that the best proposal received was from People, Inc and recommended that they be awarded the bid.

Mike Rush, Housing Specialist with People, Inc. spoke to the Council members to provide information on what types of homes they planned to build and how they could offer potential buyers an excellent mortgage loan package to help them finance a new home.

**On motion of Mr. Morgan, seconded by Mrs. Lowe, the bid for the Taylor's Hill infill lot development for the purpose of construction of low to moderate income single family housing was awarded to People, Inc. with the request that one of the lots be designated for a neighborhood park and further the Council authorized Mr. Kelly to sign any and all documentation related to the conveyance of the said lots.**

**The roll call vote was:**

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

**Dr. Moore**            **Aye**  
**Mr. Howard**        **Aye**  
**Mayor Humphreys** **Aye**

**The motion carried.**

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

- 1. Taylors Hill Infill Lots – Authorization of Town Manager to convey infill lots in the Taylor’s Hill area of the Town of Abingdon for the purpose of construction of low to moderate income single family housing.**

This item required no further action as it was addressed during agenda item E3.

- 2. Update on status of the Market Pavilion.**

Greg Kelly, Town Manager, informed the Council that the weathervane contracted for the Market Pavilion had been completed and installation had taken place on Friday, May 2<sup>nd</sup>. Mr. Kelly showed the public and Council members photographs of the Rooster weathervane and added that craftsman and artist, Bill Gable, had done an exceptional job with the structure and its placement added a valuable piece of art to the Market Pavilion to be enjoyed for years to come.

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## **G. PASSAGE OF RESOLUTIONS**

- 1. A Resolution of the Council of the Town of Abingdon, Virginia Supporting the Safe Routes to School Program.**

Tom Graves, Assistant Superintendent of Schools for Washington County, Virginia appeared before the Council members urging their support of the proposed Safe Routes to School Program. Mr. Graves explained that with child obesity on the rise in the United States, schools are taking a proactive approach to combat the problem by encouraging students to walk to their schools.

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

2008-91  
May 5, 2008

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA IN SUPPORT  
OF THE SAFE ROUTES TO SCHOOL PROGRAM**

**WHEREAS**, the Council of the Town of Abingdon is supportive of the Safe Routes to Schools (SRTS) Program which is a federal-aid program of the U.S. Department of Transportation's Federal Highway Administration (FHWA); and

**WHEREAS**, the Council of the Town of Abingdon is supportive of the purposes of the Program:

- to enable and encourage children, including those with disabilities, to walk and bicycle to school;
- to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and,
- to facilitate the planning, development, and implementation of projects and activities that reduce traffic and improve safety, fuel consumption and air quality in the vicinity of primary and middle schools.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia to support a Safe Routes to School Program for Washington County Schools.

**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. **A Resolution of the Council of the Town of Abingdon, Virginia Endorsing and Supporting the nomination of Richard Rose, Producing Artistic Director of the Barter Theatre, for the Governor's Award for the Arts and to be recognized for promoting arts, the region and his outstanding achievements.**

2008-92  
May 5, 2008

Mary Ann Holbrook, Director of Development for Barter Theatre, appeared before the Council members to ask for their support in adopting the proposed resolution nominating Rick Rose, Producing Artistic Director, for the prestigious Governor's Award for the Arts.

**On motion of Mr. Morgan, seconded by Mrs. Lowe, the following resolution was adopted:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA SUPPORTING THE NOMINATION OF RICHARD ROSE FOR THE GOVERNOR'S AWARD FOR THE ARTS AND TO BE RECOGNIZED FOR PROMOTING THE ARTS AND THE REGION**

**WHEREAS**, the Governor's Awards for the Arts were established to recognize excellence in the arts, encourage support, and promote private investment in the arts in the Commonwealth of Virginia; and

**WHEREAS**, the Governor's Awards for the Arts recognize individuals whose significant support or participation in activities foster excellence in, appreciation of, or access to the arts; and

**WHEREAS**, Richard Rose is the Producing Artistic Director of Barter Theatre in Abingdon, Virginia, only the third (3<sup>rd</sup>) director in history of this Commonwealth's most beloved landmark. Barter Theatre partners with economic development offices to attract new business and industry to the region and partners with local Convention and Visitors Bureaus and Chambers of Commerce; and

**WHEREAS**, since 1992, Richard Rose has taken Barter Theatre on a course of phenomenal growth and expansion: increasing box office income by 640% to over \$2.8 million; attendance has increased by 400% to more than 160,000 in 2006; and spearheaded a \$2.5 million renovation of Barter Theatre, which has lead to a significant economic impact on both the community and the Commonwealth; and

**WHEREAS**, under Richard Rose's leadership, Barter Theatre has maintained a commitment to fostering appreciation and promoting access to the arts for children and students through student matinees, education programs, and the touring company to states up and down the eastern seaboard, which reach about 60,000 per year; and

**WHEREAS**, Richard Rose's work as a director has gained not only regional and state audiences, but national and international audiences. He has directed, choreographed, adapted, and/or designed over 100 productions for Barter Theatre. He also founded Barter's Appalachian Festival of Plays and Playwrights, which has brought Appalachian playwrights and Appalachian culture to the forefront of American Theatre and helped the careers of many new playwrights, including Doug Pote, Catherine Bush, Ron Osborne, and Frank Higgins, among others. Barter's most requested show of all time, *Keep on the Sunny Side: The Songs and Stories of the Original Carter Family* is now being performed around the country; and

**WHEREAS**, under Richard Rose’s leadership, Barter Theatre received the prestigious “Business of the Year Award” for the Tri-Cities Virginia/Tennessee region. He currently serves on the Board of the Northeast Tennessee Tourism Association, The Tourism Committee and the Executive Committee of The Virginia Chamber of Commerce, The Southwest Virginia Economic Development Group, as President of Southern Highlands Attractions. His work has taken Barter from one of the smallest major arts organizations in Virginia to one of the largest and most influential arts organizations in the Commonwealth; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Town of Abingdon, Virginia endorses and supports Richard Rose’s nomination for the Governor’s Awards for the Arts and recognizes him for promoting the arts, the region, and for his outstanding achievements.

**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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## **H. FIRST 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. Howard, seconded by Dr. Moore, 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 first 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> |

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

**The motion carried.**

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**I. SECOND READING OF ORDINANCES – NONE**

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**J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

1. Appointment to the Board of Zoning Appeals (1)
  - Appointment to fill unexpired term of one (1) member of the Board of Zoning Appeals. This term will commence on May 5, 2008 and end on May 5, 2011.
  
2. Appointment to the Tourism Advisory Board (1)
  - Appointment to fill unexpired term of one (1) member of the Tourism Advisory Board. The term will commence on May 5, 2008 and end on May 5, 2011.

**On motion of Mrs. Lowe, seconded by Mr. Morgan, the Council postponed the appointments to the Board of Zoning Appeals and the Tourism Advisory Board until the regular June, 2008 meeting.**

**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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**K. OLD BUSINESS – NONE**

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1. At this time Mrs. Lowe commented that a meeting scheduled earlier to discuss the traffic issues in the Court Street/Stonewall Heights area of Town had been postponed and noted that several residents were in attendance at the meeting. She asked if anyone from that neighborhood wished to speak and they addressed the Council as follows:
  - Amanda Pillion, 205 Stonewall Heights, expressed her concerns about the speeding on Court Street and the traffic at the 4 way stop at the intersection of Court Street and Stonewall Heights. Mrs. Pillion expressed her concern for the safety of pedestrians and children playing in the street. She further noted that they would like to see a sidewalk installed from Court Street near her home to Munchkin Park.
  - Karen Buddington, 169 Stonewall Heights, addressed her concerns stating that she agreed with Mrs. Pillion. Mrs. Buddington asked that the Council consider the placement of a speed bump on the street as a traffic calming measure.
  - Rob Hitch, 161 Stonewall Heights, addressed the Council to offer his agreement with the concerns of Mrs. Pillion and Mrs. Buddington.
2. Gary Williams of 163 Stonybrook Drive, expressed his concerns to Council over the land disturbing activities taking place next door to his residence. He informed the Council that on several occasions his phone line to his home had been cut and his dog fence had been split and taped back together and there was a great deal of mud on his driveway.

Janet Williams of 163 Stonybrook Drive expressed her agreement with her husband's concerns and also inquired if the developer could have trees removed from their property line without their permission.

Garrett Jackson, Director of Planning, and John Dew, Director of Public Services were asked to speak to Mr. Williams' concerns and informed the Council that they had visited the site and taken pictures and would be investigating the situation.

Mr. Morgan asked that the staff prepare a report on this situation for the June 2008 regular meeting.

## **L. COUNCIL MEMBER REPORTS**

At this time Mayor Humphreys asked if the Town Manager and Council members had any items to address.

2008-96  
May 5, 2008

- Mrs. Lowe invited everyone to the Veterans Memorial Service, the dance at the Higher Ed Center sponsored by the Coomes Recreation Center, and the concert featuring *The Collegians* at the Music Pavilion. Mrs. Lowe also reminded everyone of a blood drive the following day at the Abingdon Police Department.

**On motion of Mr. Howard, seconded by Dr. Moore, 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