

**TOWN OF ABINGDON  
COUNCIL WORK SESSION  
MONDAY, MAY 4, 2009 – 5:30 P.M.  
DOWNSTAIRS MEETING ROOM – MUNICIPAL BUILDING**

A work session of the Abingdon Town Council was held on Monday, May 4, 2009 at 5:30 p.m. in the downstairs meeting room of the Municipal Building.

**A. ROLL CALL**

Members of Council Present:

Mayor Edward B. Morgan  
Dr. French H. Moore, Jr., Vice Mayor  
Mrs. Lois H. Humphreys  
Mrs. Cathy Lowe  
Mr. Jason N. Berry

Administrative Staff:

Gregory W. Kelly, Town Manager  
Cecile M. Rosenbaum, Town Clerk  
Mark W. Godbey, Town Treasurer/Fin. Dir.  
Debbie Icenhour, Town Attorney  
Floyd Bailey, Director of Information Technology  
Jim Cowart, Economic Development Coordinator  
Rob Case, IT Department  
Jim Smith, Town Engineer/Dir. of Wastewater Operations  
John Dew, Dir. of Public Services/Construction

Guests:

David Rose and Joey Burke

Mayor Morgan called the meeting to order and Cecile Rosenbaum, Town Clerk called the roll.

The following items were discussed by Council:

1. David Rose, Investment Consultant with Davenport & Company, LLC, addressed the Council with a presentation regarding a Plan of Finance Recommendations for the Town's upcoming capital projects, refunding opportunities related to rural development loans and combined new money transaction regarding purchase of real property. Mr. Rose provided a handout to the Council members detailing his presentation.
2. Mr. Morgan asked Joey Burke, Fire Department Chief to comment on the amendments Council had suggested to the newly revised by-laws for the department. Mr. Burke commented that the by-laws had gone before the Fire Department Board members and all amendments were accepted and approved with the exception of the addition of a Council Member to the Fire Department Board. Mr. Burke commented on behalf of the Board that they felt this provision would compromise their chain of command and indicated that the Board did not accept this revision.

The Council members commented that they would like to see language in the by-laws regarding background checks of prospective new members as well as mandatory drug testing.

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council directed the Town Attorney to amend the revised the by-laws of the Fire Department and remove the provision regarding the appointment of a Council member to the Fire Department Board. In addition, the Council directed the Town Attorney to add the recommended language regarding background checks and mandatory drug testing of prospective new members of the Fire Department.**

**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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3. At this time, **On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council went into closed session, upon advice of Counsel, and pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(3) for the purpose of discussion of the acquisition of property and/or the disposition of public property.**

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

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

**The motion carried.**

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**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council reconvened in regular session.**

**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>

**Mayor Morgan      Aye**

**The motion carried.**

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

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4. Mr. Kelly informed the Council members that he had requested a change to the current ordinance appropriating the 2009/2010 budget for the Town of Abingdon. The Ordinance was amended to include item #10. *Meals and Lodging tax rate of 7% shall remain unchanged.* Mr. Kelly noted that this did not affect the advertising of the Ordinance and did not result in any change in figures as presented.
5. Mrs. Lowe noted that there should be a change in the minutes of the April 13<sup>th</sup> 2009 budget meeting, page 77, should read Property Acquisition of 2.18 M and not 2.8M. Mrs. Lowe also noted that she would like to add to the paragraph on page 80 of the April 13<sup>th</sup> 2009 meeting minutes regarding the William King Regional Arts Center that the Council also requested that the Arts Center not be allowed to charge an admission fee to the Field Penn Museum.

6. Mr. Kelly informed the Council members that the Town had been notified of an award of stimulus money for the installation of turbines at the Wolfe Creek Water Reclamation Facility.
7. Mrs. Lowe inquired about the budget request that had been submitted by the Virginia Highlands Small Business Incubator. Mr. Kelly confirmed that Mr. Godbey, Finance Director, had amended the amount of the request and it was correct in the budget as presented.
8. At this time, **On motion of Mrs. Lowe, seconded by Dr. Moore, the Council, upon advice of Counsel and pursuant to the Code of Virginia, 1950, as amended, went into closed session pursuant to Section 2.2-3711(A)(7) for the purpose of discussion of pending litigation in the cases of Commonwealth Abingdon Partners, LLC v. Town of Abingdon and Todd J. Hargroves v. Town of Abingdon.**

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

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

9. Mr. Morgan indicated that he would speak with Russell Minetree regarding a letter he had written to the Town about the trees removed recently on Church Street.
10. Dr. Moore reminded everyone that the Symphony of the Mountains would be in concert at the Higher Ed Center on Sunday, May 10, 2009.

Mayor Morgan declared the work session recessed to the regular 7:30 Council meeting.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk