

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 1, 2010 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, November 1, 2010 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
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
Myra Cook, Dir. of Tourism

Visitors:

Dean Rivers, Carolyn Lee, Debra McCown, Carl Mallory,

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**B. PLEDGE OF ALLEGIANCE**

Dean Rivers of Boy Scout Troop #1 led the Pledge of Allegiance.

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C. At this time, Mayor Morgan asked David Alexander to come before the Council for a presentation. Mr. Alexander presented the Mayor with a watercolor picture he had painted depicting a scene from the Abingdon Farmer's Market. Mayor Morgan thanked Mr. Alexander for the donation and indicated that the picture would be on display in the Town Municipal Building.

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**D. APPROVAL OF MINUTES**

- October 7, 2010 Regular Meeting

**On motion of Mr. Howard, seconded by Mr. Berry, the Council approved the minutes of the October 7, 2010 Regular meeting 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> |



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

1. **Public Hearing** – Application to repeal, amend, and reenact the Town of Abingdon Zoning Ordinance. Amend and reenact Article 8, Section 8-2B, Specialty Retail Shops as a Special Use in Subdistrict 10 of the Old and Historic District – ***Garrett Jackson, Director of Planning***
  - a. **First Reading – Proposed Amendment** to amend and reenact Article 8, Section 8-2B, Specialty Retail Shops as a Special Use in Subdistrict 10 of the Old and Historic District.

Mayor Morgan indicated that this item had been reviewed by the Council during the work session meeting and it was agreed by Council to table the matter until the December 6, 2010 Regular Meeting.

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



2. **Petition – Consideration of** petition of Kevin Young for the vacation of two (2) north-south portions of the right-of-way for Plummer Street, approximately 315 feet west of Green Springs Road – ***John Dew, Director of Public Services and Construction***

John Dew, Director of Public Services/Construction came before the Council members to report on the petition for right of way vacation request for Plummer Street. Mr. Dew indicated that the Board of Viewers appointed by Council at the October meeting had met and reviewed the request. He reported that the Board recommended approval of the right of way vacation but conditional on the request that the adjoining property owners be notified a second time about the request. Mr. Dew indicated further that the Town Attorney had requested that the developer of the property be asked to submit a plat that would depict the new building location.

Mayor Morgan indicated that the Council would like to follow the recommendation of the Board of Viewers with regard to the second notices being sent out to adjoining property owners as well as the submittal of a corrected plat by the Developer and requested that this item be placed on the December 6, 2010 Regular Meeting agenda for consideration.

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

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F. SECOND READINGS OF ORDINANCES – None.

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**G. CONSIDERATION OF ANY BIDS**

**1. Consideration of bids for Sanitary Sewer Pump Standby Generator Project.**

Jim Smith, Director of Wastewater Operations came before the Council to report on the bids received for the Sanitary Sewer Standby Generator project. Mr. Smith indicated that six (6) bids were received for the generator project and that Woodward Electrical Contractors of Saltville, Virginia came in as the low bidder with a total bid price of \$79,000. Mr. Smith reported that this bid price was \$6,000 under the budgeted amount for the project. Mr. Smith recommended that the Council award the bid to Woodward Electrical Contractors.

November 1, 2010

**On motion of Mr. Berry, seconded by Mr. Howard, the Council awarded the bid for the Sanitary Sewer Standby Generator project to Woodward Electrical Contractors, Inc. of Saltville, Virginia at a total price of \$79,000.**

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

**Mr. Howard           Aye**

**Mr. Humphreys      Aye**

**Mr. Berry             Aye**

**Mrs. Lowe            Aye**

**Mayor Morgan        Aye**



**2. Consideration of bids for “Trailer Mounted Diesel Powered Sewer and Drain Jetter”.**

Jim Smith, Director of Wastewater Operations came before the Council to report on the bids received for the Trailer Mounted Diesel Powered Sewer and Drain Jetter. Mr. Smith indicated that he received six (6) for the Jetter and that Virginia Public Works Equipment Company provided a bid for the preferred machine, a Mongoose Jetter/184. Mr. Smith indicated that he had consulted with the Town staff who routinely operate the Jetter currently owned by the Town and that they indicated that the Mongoose Jetter was a better machine. Mr. Smith reported that Virginia Public Works Equipment Company was not the low bidder but he recommended they be awarded the bid because of the machine they provided in their bid. Mr. Smith recommended the Council award the bid to Virginia Public Works Equipment Co. of Ashland, Virginia at a total bid price of \$35,173.00.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council awarded the bid for the Trailer Mounted Diesel Powered Sewer and Drain Jetter to Virginia Public Works Equipment Co. of Ashland, Virginia at a total bid price of \$35,173.00.**

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

**Mr. Howard           Aye**

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



**H.        REPORTS FROM THE TOWN MANAGER**

**1.    Consideration of Invitation to join the National League of Cities (NLC) organization.**

Greg Kelly, Town Manager reported that the Town had been invited to join the National League of Cities organization. Mr. Kelly indicated that one of the most significant benefits was citizens of the Town being able to participate in the Prescription Discount Drug Card Program at no cost. Mr. Kelly indicated that the fee to join was \$1,000 and could be taken from his contingency fund.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the Town's joining the National League of Cities organization and directed that that the \$1,000 fee to join be taken from the Town Manager's contingency fund.**

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

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



**2.    Consideration of request from Bristol Historical Society regarding the preservations efforts with regard to the Sheffey House.**

Jan Raniero, Bristol Historical Society Representative came before the Council to request financial assistance for the preservation efforts with regard to the Sheffey House located in Washington County, Virginia. Ms. Raniero provided information about the restoration efforts thus far and indicated that a cash contribution or in kind donation by the Council would benefit her organizations efforts to preserve the historic structure.

Mr. Humphreys thanked Ms. Raniero for her efforts with regard to the project.

Mr. Morgan indicated that the Council could review the matter during their regular budget review cycle which would take place in the Spring of 2011. Mr. Kelly informed Ms. Raniero that she would need to submit her request for funding to the Town Finance Department prior to March 1, 2011.

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

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I. PASSAGE OF RESOLUTIONS – None.

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**J. UNFINISHED BUSINESS**

**1. Report on status of chickens running at large in the Taylor’s Hill Neighborhood.**

Deborah Icenhour, Town Attorney provided an update on the chickens running at large in the Taylor’s Hill Neighborhood. Ms. Icenhour indicated that Mr. Crowder with “Critter Getters” in Bristol would need to have signed releases from the all the property owners in Taylor’s Hill before he could go upon their property to trap chickens. Ms. Icenhour said she would move forward with obtaining the releases and keep Council apprised of the situation.

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2. Report on status of enforcement of weeds ordinance in the Taylor’s Hill Neighborhood.

Garrett Jackson, Director of Planning indicated that he had made contact with the property owner on Rickard Street who owned an overgrown lot. Mr. Jackson indicated he was elderly and not able to maintain the property. Mr. Jackson indicated that it would cost in excess of \$8,000 to remove all the debris from the lot and that no funds were budgeted for this in the 2010/2011 budget cycle. Ms. Icenhour indicated she would continue working with the property owner with regard to the situation. Mr. Kelly indicated that it would be easier to clean up in the winter months because the grasses would die down making debris

more visible and easier to remove. Mrs. Lowe requested that Town staff follow the recommendation of the Town Manager and further requested that Mr. Foster be apprised of the Town's efforts to clean up the property.



K. MATTERS NOT ON THE AGENDA

- At this time, Mayor Morgan invited Jeff Fox, Director of Highlands Community Services Board to come before the Council. Mr. Fox provided a power point presentation detailing the Board's plans for a new children's campus that will be located on property off of Baugh Lane. Mr. Fox reported on information about the programs that the facility will be providing for children in the area and invited the Council members to an open house they will be holding soon to view their new Stepping Stones building located on Russell Road. Mr. Fox indicated that they would be interested in partnering with the Town in the future to establish baseball and soccer playing fields at their children's campus.
- Carl Mallory of 112 East Main Street, Abingdon came before the Council to express his concerns about tractor trailer trucks traveling on Town streets. Tony Sullivan, Chief of Police, responded that he was aware of the concern but had met with merchants in town who depended on the tractor trailer trucks for delivery of supplies to their businesses. He further commented that his department did not have adequate staff to devote to enforcement of keeping trailer trucks from traveling through Town.



L. COUNCIL MEMBER REPORTS

- Mr. Humphreys reminded everyone that Tuesday, November 2nd was Election Day and encouraged everyone to come out and vote.



M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. *Appointments to the Tourism Advisory Committee*

- Appointment to fill the expired term of Michael Johnson.

2. *Appointment to the Veterans Memorial Park Board*

- Appointment to replace Dr. French Moore, Council Representative

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council went into Closed Session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for discussion and consideration of appointments to the Tourism Advisory Committee and Veterans Memorial Park Board.

The roll call vote was as follows:

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

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**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>Mayor Morgan</b>  | <b>Aye</b> |

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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:

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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**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council appointed Jason Berry as the Council representative to the Veterans Memorial Park Board with Rick Humphreys to serve as alternate.**

**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> |

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At this time, Mayor Morgan indicated that a vacancy had arisen on Industrial Development Board and that Council was prepared to fill that vacancy.

On motion of Mrs. Lowe, seconded by Mr. Berry, Council appointed Rich Buddington to serve on the Industrial Development Authority Board.

The roll call vote was as follows:

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

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Mayor Morgan inquired if John Dew, Director of Public Services/Construction had an update on the traffic study for Exit 17. Mr. Dew responded that he and Town Manager, Greg Kelly were attending a meeting the next day with VDOT to discuss the plans for the Exit 17 study. Mr. Dew indicated that he and/or Mr. Kelly would report back to Council after the meeting.

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Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk