

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 2, 2009  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, November 2, 2009 at 7:30 p.m. in the Council chambers of the Municipal Building.

Mayor Morgan called the meeting to order and welcomed everyone in attendance.

**A. ROLL CALL**

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

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  
Myra Cook, Dir. Of Tourism  
Jim Cowart, Dir. of Econ. Dev/Grants Writer  
John Dew, Dir. Of Public Services/Construction  
Floyd Bailey, IT Department  
Tony Sullivan, Chief of Police

Visitors: Bob Howard, Charlene Truhlik, Todd Pillion, Mary  
Anne Holbrook, Rick Rose, Debra McCowan

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**B. PLEDGE OF ALLEGIANCE**

Tony Sullivan, Chief of Police led the Pledge of Allegiance.

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**C. APPROVAL OF MINUTES**

- October 5, 2009 Work Session Meeting
- October 5, 2009 Regular Meeting

**On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council approved the minutes of the October 5, 2009 work session meeting and the October 5, 2009 regular meeting as presented.**

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

- At this time, Greg Kelly, Town Manager asked that the Council and audience members to join him in congratulating Town employee Michael Worrell, Code Compliance Officer, for recently passing the Virginia State Bar Exam.
- Mr. Kelly recognized Cecile Rosenbaum, Town Clerk for her recent achievement of certification as a Municipal Clerk by the International Institute of Municipal Clerks.

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#### **E. PETITIONS AND PUBLIC HEARINGS**

- 1. Public Hearing - Findings and recommendations from the Town Manager regarding property determined to be blighted located at 268 Leonard Street, Abingdon, Virginia after owners failed to carry out a plan to cure or eliminate the blight within the time period acceptable by the Town Manager.**

Garrett Jackson, Director of Planning came before the Council to explain that the property in question at 268 Leonard Street was in the Taylor's Hill neighborhood and had been before the Planning Commission for public comment at their September 28, 2009 meeting regarding the unsafe and blighted condition of the property. Mr. Jackson indicated that several neighbors spoke at the hearing and voiced concern about the property and the safety hazards it presented in the neighborhood. Mr. Jackson commented that the Planning Commission voted unanimously to determine the property blighted and referred it to the Council for their consideration.

Greg Kelly, Town Manager informed the Council that the property owners, the Murray family, were present at that he had spoken with them prior to the Council meeting. He commented that they had made significant progress in correcting the blight and that it was his recommendation that the Council table the matter to allow the family more time to remove additional debris.

At this time, Mayor Morgan declared the public hearing open and asked if anyone wished to speak to the matter. Hearing no comment from the public, Mayor Morgan declared the public hearing closed.

**On motion of Mr. Berry, seconded by Dr. Moore, the Council, upon recommendation from the Town Attorney, agreed to table the matter of blighted property at 268 Leonard Street until the December 2009 regular meeting in order that the property owners would have additional time to cure the blight.**

**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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- 2. Public Hearing – Application to sell under Section 8-13-3 and 8-13-4 property known as “The Little Cave House” on Alleyway between Main Street and Plumb Alley in 200 block of East Main Street, Abingdon, Virginia filed by Mary Dudley Porterfield pursuant to Old and Historic District, of the Code of the Town of Abingdon, Virginia.**

Deb Icenhour, Town Attorney explained to the Council members that this matter arose after the owner of the property known as the Little Cave House was denied a certificate of appropriateness for demolition of the structure in July 2009. Consequently the matter was then heard by the Council members and the action taken was to uphold the decision of the BAR denying the certificate of appropriateness for demolition because not all measures to save the historic property had been exhausted and required the property owner to place the property for sale. Ms. Icenhour indicated that Mr. Porterfield, acting on behalf of the property owner, Mary Dudley Porterfield, had received an appraisal from Charles Meade with Meade Realty and, in addition, prepared a marketing plan. Ms. Icenhour indicated that the matter was before the Council’s consideration to accept the appraisal and marketing plan and approve the property for sale.

Mayor Morgan declared the public hearing open and asked if anyone wished to speak to the matter.

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Mayor Morgan recognized Charles Meade from Meade Realty, and a resident of 18387 Windsor Lane, Abingdon. Mr. Meade commented that he had worked with Mr. Porterfield and his mother and commented that the property was unique and had historic significance. Mr. Meade reported that he had appraised the house at \$85,000 and indicated he would market it as restorable and at a listing price of \$95,000.

Mr. Berry inquired if the property should be sold at the appraised value or the marketing value.

Mayor Morgan recognized Mr. Porterfield, who was speaking on behalf of his mother, Mary Dudley Porterfield, and he indicated that their goal is to save the house and this sale seems to be best way to accomplish that.

Mayor Morgan declared the public hearing closed.

Ms. Icenhour noted that if the property is not sold within one (1) year of the listing date, the property owners could petition the BAR for demolition of the structure.

**On motion of Dr. Moore, seconded by Mr. Berry, the Council agreed to accept the appraisal of the property known as “the Little Cave House” and the marketing plan submitted by the property owners at a listing of the property at \$95,000.**

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

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**G. REPORTS FROM THE TOWN MANAGER**

- 1. Consideration of request from The Black’s Fort Chapter, Daughters of the American Revolution and from The Historical Society of Washington County, Virginia to erect a marker on “The Rock” at the Muster Grounds.**

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Joella Barbour, 15824 Monroe Road, Glade Spring, came before the Council members to request permission to place a marker on “the Rock” at the Muster Grounds. Ms. Barbour indicated that the Black’s Fort Chapter of the DAR and Washington County Historical Society had secured funding for the marker and that because it is an official marker of the DAR, it will be sent to Washington D.C. for approval by the Historian General of the National Society of Daughters of the American Revolution. Ms. Barbour indicated that the marker would have general information about the men who mustered at the site and she would provide a copy of the proposed marker for Council to review.

**On motion of Mrs. Humphreys, seconded by Dr. Moore, the Council approved the request of the Black’s Fort Chapter of the DAR and Washington County Historical Society to place an official DAR marker on the “the Rock” located at the Muster Grounds that will include general information about the men who mustered at the site contingent upon the Town’s Board of Architectural Review’s approval of the marker.**

**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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At this time, Mayor Morgan commented that he would like for the Historical Society to consider placing a marker at the Town owned Summers Law Office building in recognition of well known Abingdon resident and attorney Andrew Rowan Summers.

Ms. Barbour indicated that she would bring that to the attention of the Historical Society board.

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Ms. Barbour informed the Council that a marker commemorating General William Edmondson “Grumble” Jones had already been constructed for placement on “the Rock” at the Muster Grounds and Ms. Barbour indicated that she didn’t realize that it would require approval of the Town’s BAR. Ms. Barbour asked that the Council please consider approving the marker once it has been reviewed and approved by the BAR.

**On motion of the Mr. Berry, seconded by Mrs. Humphreys, the Council approved the placement of the marker on “the Rock” located at the Muster Grounds commemorating General William Edmondson “Grumble” Jones contingent upon**

**the Town's Board of Architectural Review's approval of the marker at their upcoming scheduled meeting.**

**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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Ms. Barbour then presented the Council members with a copy of the 2010 Historical Society of Washington County, Virginia calendar.

At this time Mayor Morgan invited Deb Icenhour to update the Council and audience on the preservation easement involving the Muster Grounds. Ms. Icenhour reported that now that the easement had been finalized, the Town's receipt of the \$200,000 grant from the Department of Conservation and Recreation was on a wire transfer to the Town and would be deposited within a day.

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## **2. Consideration of new Town of Abingdon Employee Handbook.**

Mr. Kelly, Town Manager, commented that the Town Attorney as well as other Town staff had done a thorough review and revision of the Town's employee handbook. Mr. Kelly indicated that the Ms. Icenhour had done a great deal of research to ensure the policies were current and that he felt the new handbook was an excellent example of teamwork on the part of the Town staff.

Mayor Morgan commented that Council had also reviewed the policy at length. Mr. Berry indicated that it was 62 pages in length, was comprehensive and well constructed.

**On motion of Mr. Berry, seconded by Mrs. Humphreys, the Council approved for adoption the new Town of Abingdon Employee Handbook as presented.**

**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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**H. PASSAGE OF RESOLUTIONS – None.**

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**I. FIRST READING OF ORDINANCES – None.**

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**J. SECOND READING OF ORDINANCES – None.**

**K. UNFINISHED BUSINESS**

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**L. MATTERS NOT ON THE AGENDA**

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**M. COUNCIL MEMBER REPORTS**

- Dr. Moore reported that he had a received a thank you note from the North Carolina group who visited Abingdon several weeks earlier to learn about and ride the Creeper Trail. Dr. Moore indicated that they enjoyed their visit and thanked the Town staff who participated in making their visit such a pleasure.

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**N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

**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 consideration of appointments to the Redevelopment and Housing Authority and the Tourism Advisory Board.**

**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 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> |
| <b>Mayor 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. 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> |

**1. *Abingdon Redevelopment and Housing Authority Board (1)***

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council appointed Dan Smith to the Abingdon Redevelopment and Housing Authority Board to fill the expired term of Bruce Matthews.**

**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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**2. *Tourism Advisory Board (3)***

**On motion of Dr. Moore, seconded by Mrs. Lowe, the Council appointed Christine Fields to the Tourism Advisory Board to fill the expired term of Rachel Fowlkes; the Council reappointed Jason Berry to a second term on the Tourism Advisory Board; and the Council made Rob Case, employee of the Town's IT Department an ex-officio member of the Tourism Advisory Board. The Council noted that they would fill the third vacancy on the Tourism Board at the regular December 2009 meeting.**

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

|                       |  |
|-----------------------|--|
| <b>Mr. Berry</b>      | <b>Abstain</b> ( <i>Mr. Berry was a reappointment to the Board</i> ) |
| <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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At this time, Mayor Morgan noted the announcements and upcoming events listed on the Agenda.

- Mrs. Lowe added that the Abingdon United Methodist Church will hold a “Shop till you Drop” event at the Church on Saturday, November 7, 2009.

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Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk