

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 5, 2012 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on November 5, 2012 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
Garrett Jackson, Assistant Town Mgr./Dir. Of Planning
Cecile M. Rosenbaum, Town Clerk
Deborah Icenhour, Town Attorney
Jim Smith, Dir. Of Wastewater Operations/Town Eng.
Jim Cowart, Dir. of Econ. Dev/Grants Writer
John Dew, Dir. Public Services/Construction
Tony Sullivan, Chief of Police
Kevin Costello, Dir. of Tourism
Kevin Worley, Dir. of Parks & Recreation
Jon Phelps, Information Technology Dept.

Visitors:

Logan Dye, Susan Humphreys, Erik Blevins, Virginia
Copenhaver, Eddie Copenhaver, Mac Johnson, David
Smallwood, Dr. Mike Rush, Susan Howard and others
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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Logan Dye, Eagle Scout.

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A. EMPLOYEE ACKNOWLEDGEMENTS – *Greg Kelly, Town Manager*

Mr. Kelly, Town Manager congratulated the following employees for their years of service to the Town Abingdon:

- Recognition of Todd Neal, Operator for his five (5) years of service at the Wolf Creek Water Reclamation Facility
- Recognition of Tammy Montgomery, Cashier for her five (5) years of service in the Finance Department
- Recognition of Deb Icenhour for her five (5) years of service as the Town Attorney
- Recognition of Chris Jennings, Patrol Officer for his fifteen (15) years of service to the Police Department
- Recognition of John Wolfe, Sergeant for his twenty-five (25) years of service to the Police Department

Each employee received a lapel pin and a plaque in appreciation for their years of service.

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## **B. SPECIAL PRESENTATION**

Leigh Ann Hunter, Muster Grounds Supervisor reported on an Eagle Scout project recently completed by Logan Dye. Ms. Hunter indicated that Mr. Dye's project involved the construction and placement of signs along the Overmountain Victory Trail to assist in guiding visitors in the area. Ms. Hunter presented Mr. Dye with a certificate of appreciation and thanked him for his efforts on his Eagle Scout project.

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C. SPECIAL PRESENTATION

Erik Blevins with Washington County Substance Abuse Prevention Coalition reported on a project that his organization was working on relative to the number of vehicle crashes involving youth ages sixteen (16) to twenty-four (24). Mr. Blevins indicated that they were still in the process of gathering data and hoped to present their final report at a later Council meeting. Mr. Blevins noted that his project was facilitated through Highlands Community Services and they would be holding a forum at 7:45 p.m. downstairs in the first floor meeting room.

Mrs. Lowe commented that she would like to hear the final results from the Coalition's project.

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#### **D. APPROVAL OF MINUTES**

- October 1, 2012 Work Session Meeting
- October 1, 2012 Regular Meeting
- October 17, 2012 Work Session Meeting

**On motion of Mr. Howard, seconded by Mr. Humphreys, the minutes of the October 1, 2012 Work Session meeting, the October 1, 2012 Regular meeting and the October 17, 2012 Work Session meeting were approved 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> |

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E. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. **Public Hearing – First Reading** - To receive comments from the public regarding the proposed purchase of property, Tax Map No. 010-1-4, legal description Lot-16 C J Brown Estate Acr .90, Tax Map No. 010-1-4 currently owned by Associated Tree Services, Inc. This notice is given pursuant to the Code of Virginia 1950, as amended, §15.2-1800.

Deb Icenhour, Town Attorney commented on the agenda item before Council for public hearing involving the acquisition of a piece of property currently owned by Associated Tree Services and located on Russell Road across from the town owned minor league youth baseball fields. Ms. Icenhour reported that the agreed purchase price was \$217,500 and recommended that Council members authorize the Town Manager to proceed with the contract to acquire the property but subject to a satisfactory Phase 2 Environmental Study.

Mayor Morgan declared the public hearing open and hearing no comments, closed the public hearing.

Mr. Howard commented that the town did plan to tear down the building that is on the site to increase the parking area for the Little League ball fields. Mr. Kelly reported that the funding for the purchase could come from the proceeds of the insurance

settlement on Creeper Trail Trestle #7 along with monies from Washington County Board of Supervisors for the improvement and development of ball fields.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council authorized the Town Manager to proceed with the acquisition of the property on Russell Road, currently owned by Associated Tree Services at a purchase price of \$217,500 and contingent on the successful outcome of the Phase 2 Environmental Study.

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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2. **Public Hearing – First Reading** – Request for Exemption to Subdivision Ordinance, Section 5.18, Private Streets and Reserve Strips – Private Streets and reserve strips of the Town’s Subdivision Ordinance reads, *“Unless otherwise provided herein or in the town zoning ordinance, there shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street constructed to standards of this code and accepted and maintained by the Town of Abingdon. There shall be no reserve strips controlling access to streets”*. Tax Map No. 11(4) 5 and pursuant to Code of Virginia, 1950, as amended, §15.2-2204.

Garrett Jackson, Assistant Town Manager commented on the agenda item before Council for public hearing and noted that the property affected by this change was in the Taylor’s Hill neighborhood and was necessary for completion of the Town’s obligation relative to the Taylor’s Hill Neighborhood Revitalization project. Mr. Garrett noted that the Planning Commission had recommended approval of the exemption to allow construction to go forward on a new home being constructed in the neighborhood.

Mayor Morgan declared the public hearing open for comment and hearing none, closed the public hearing.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the Request for Exemption to the Subdivision Ordinance, Section 5.18, Private Streets and Reserve Strips – Private Streets and reserve strips of the Town’s Subdivision Ordinance reads, *“Unless otherwise provided herein or in the town zoning ordinance, there shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street constructed to***

*standards of this code and accepted and maintained by the Town of Abingdon. There shall be no reserve strips controlling access to streets". Tax Map No. 11(4) 5 and pursuant to Code of Virginia, 1950, as amended, §15.2-2204.*

**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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F. SECOND READINGS OF ORDINANCES

1. **Second Reading** – Proposed Rezoning – Colonial Road Development, CMM Ventures, LLC and United Way of Russell and Washington Counties, Michael C. Neal, Trustee and Representative, P.O. Box 607, Abingdon, VA 24212, application to rezone properties located between Colonial Road and Hagy Street on the north side of such streets and known as Lots No. 23 and 24 consisting of .403 acres (0.16 + 0.243), Lot 25 consisting of 0.225 acres and Lot 26 consisting of 0.25 acres of the Colonial Road Development, from R-3 Residential District to B-3 Central Business District. Tax Map No. 18(1)23, 24, 25, 26.

Garrett Jackson, Assistant Town Manager reported on the proposed rezoning request before Council for second reading. Mr. Jackson indicated that the current zoning on the property is split and the United Way organization has a need to increase their current office space and would like to use the properties as professional office buildings. Mr. Jackson noted that the Planning Commission heard the matter at their September meeting and the recommendation was for the property to be rezoned to Office and Institutional (O & I).

Mrs. Lowe inquired about special use exceptions for businesses that may wish to locate in the area.

Mr. Dew, Director of Public Services/Construction reported that Mr. Eddie Copenhaver had expressed his concern during the October public hearing about traffic flow, particularly the large trucks, in the area relative to the turning radius at the location of his mother's house at 250 Preston Street. Mr. Dew indicated that he had ordered a traffic study done and the results of the study did not reveal a high enough volume of traffic to justify a change in the traffic pattern. Mr. Berry inquired about the width of the right of way on the property and Mrs. Lowe suggested the use of

bollards to keep traffic from hitting the brick wall at the corner of Mrs. Copenhaver's property. Mayor Morgan indicated that he would like for the matter to be placed back on the December agenda for further discussion.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council agreed to the proposed Rezoning request from Colonial Road Development, CMM Ventures, LLC and United Way of Russell and Washington Counties, Michael C. Neal, Trustee and Representative, P.O. Box 607, Abingdon, VA 24212, application to rezone properties located between Colonial Road and Hagy Street on the north side of such streets and known as Lots No. 23 and 24 consisting of .403 acres (0.16 + 0.243), Lot 25 consisting of 0.225 acres and Lot 26 consisting of 0.25 acres of the Colonial Road Development, from R-3 Residential District to O and I (Office and Institutional). Tax Map No. 18(1)23, 24, 25, 26.

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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2. **Second Reading** – An Ordinance by the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Part II – Code, Chapter 66 – Taxation, Article II, Real Property Tax, Division 5, Historic District Tax Abatement, Sections 66-71 through 66-78, to Amend Sections 66-71 and 66-75 and add Sections 66-76 through 66-78 to the Code of Ordinances of the Town of Abingdon, Virginia Providing Incentive to Homeowners in the Historic District to Complete Essential Maintenance, Restoration, Preservation and Rehabilitation Projects through Extending a ten (10) Year Comprehensive Tax Credit for Eligible Rehabilitation Projects Completed and an Exemption from Tax Assessment Increases for a period of ten (10) years.

Garrett Jackson, Assistant Town Manager/Director of Planning summarized the proposed Ordinance before Council for public hearing. Mr. Jackson commented that the town's Board of Architectural Review had worked for some time on developing guidelines governing the Historic District and that residents could benefit from the incentives to maintain their historic properties through real property tax credits.

**On motion of Mr. Berry, seconded by Mrs. Lowe, the Council approved the Ordinance, on second reading, to Repeal, Amend and Reenact Part II – Code, Chapter 66 – Taxation, Article II, Real Property Tax, Division 5, Historic District Tax Abatement, Sections 66-71 through 66-78, to Amend Sections 66-71 and 66-**

**75 and add Sections 66-76 through 66-78 to the Code of Ordinances of the Town of Abingdon, Virginia Providing Incentive to Homeowners in the Historic District to Complete Essential Maintenance, Restoration, Preservation and Rehabilitation Projects through Extending a ten (10) Year Comprehensive Tax Credit for Eligible Rehabilitation Projects Completed and an Exemption from Tax Assessment Increases for a period of ten (10) years.**

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

|                      |                                                                                |
|----------------------|--------------------------------------------------------------------------------|
| <b>Mr. Howard</b>    | <i>Abstain as Mr. Howard owns property in the town's historic district.</i>    |
| <b>Mr. Humphreys</b> | <i>Abstain as Mr. Humphreys owns property in the town's historic district.</i> |
| <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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G. CONSIDERATION OF ANY BIDS - None

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**H. REPORTS FROM THE TOWN MANAGER**

- 1. Consideration and approval of the revisions to the Guidelines for Design Review as recommended by the Board of Architectural Review.**

Garrett Jackson, Assistant Town Manager reported on the request to approve the revisions to the Guidelines for Design Review. Mr. Jackson commented that the Board of Architectural Review had considered the guidelines at length and one of the more significant changes now will require drawn plans for renovation or construction on properties in the historic district that come before the Board of Architectural Review for approval. Mr. Humphreys inquired if an architect had to prepare drawn plans or if a contractor could prepare the plans. Mr. Jackson indicated that plans from either architect or contractor would be acceptable. Mr. Jackson also noted that the BAR would like to change their name to the Historic Preservation Review Board.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the Guidelines for Design Review 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> |

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2. Consideration and approval of restructuring of the Fields Penn Committee.

Garrett Jackson, Assistant Town Manager commented that the oversight of the Fields Penn Museum was being shifted from the Tourism Department to the Planning Department. Mr. Jackson indicated that he and town staff had reviewed the Fields Penn Committee and recommended changes to the membership to make it a citizen based committee.

On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the restructuring of the Fields Penn Committee as presented.

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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**I. PASSAGE OF RESOLUTIONS**

1. Resolution of the Council of the Town of Abingdon for VDOT Revenue Sharing Application related to preliminary engineering phase of French Moore Blvd Extension.

John Dew, Director of Public Services/Construction commented on the Resolution before Council for consideration. Mr. Dew noted that the Resolution was required by VDOT in order to apply for revenue sharing funds regarding the French Moore Blvd Extension project. Mr. Dew noted that if the funds were awarded, they would be available in 2013 and the town's match would be approximately \$552,000. Mr. Kelly commented that town was not obligated to accept the funds but noted that the resolution was necessary to apply for the funding.

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the Resolution for VDOT Revenue Sharing Application related to preliminary engineering phase of French Moore Blvd Extension as follows:**

**WHEREAS**, the Town Council of Abingdon, Virginia desires to submit an application for an allocation of funds of up to \$552,000 through the Virginia Department of Transportation Fiscal Year 2014 Revenue Sharing Program; and,



**WHEREAS**, \$552,000 of these funds are requested to fund the **French Moore Boulevard Extension – Preliminary Engineering Phase**, consisting of all preliminary engineering required for the approximately 0.95 mile extension of French Moore Boulevard from its current cul-de-sac terminus to Cook Street.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Council of the Town of Abingdon, Virginia hereby supports this application for an allocation of \$552,000 through the Virginia Department of Transportation Revenue Sharing Program.

**BE IT FURTHER RESOLVED THAT** the Council of the Town of Abingdon, Virginia hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing projects.

**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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J. UNFINISHED BUSINESS – None.

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**K. MATTERS NOT ON THE AGENDA**

- Mr. Humphreys introduced Mr. Mac Johnson, representative of the Overmountain Victory Trail group and indicated that Mr. Johnson wanted to present the title to a trailer to the Town that had been purchased for use at the Muster Grounds. Mr. Humphreys noted that the trailer had been fitted with shelving and could store equipment that could be used for a Muster Grounds outreach project. Mr. Humphreys noted that the value of the contribution was approximately \$4,000.

**On motion of Mr. Humphreys, seconded by Mr. Berry, the Council accepted the donation of a trailer to the Town by the Overmountain Victory Trail group to be used for an outreach program at The Muster Grounds.**

**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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L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Abingdon Redevelopment and Housing Authority

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council re-appointed Dr. Mike Rush to serve a second term on the Abingdon Redevelopment and Housing Authority.

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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## **M. COUNCIL MEMBER REPORTS**

- Mrs. Lowe inquired about the funding for the bonuses for town employees and requested that ongoing town projects be listed on the regular agenda each month for update by town staff. Mrs. Lowe noted that she and Mr. Howard had a meeting scheduled with United Way regarding decrease in funding for organizations in the community.
- Mr. Berry expressed his thanks to Mr. Kelly for the letter he sent to the Virginia Department of Transportation representatives regarding the conditions of Exit 17.
- Mr. Humphreys commented on the upcoming train excursion coming from Roanoke to Abingdon and asked Mr. Costello, Director of Tourism to report on the plans for the trip.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk