

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

A regular meeting of the Abingdon Town Council was held on Thursday, October 7, 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
John Holbrook, Police Department
John McCormick, Asst. Fire Chief
Myra Cook, Dir. of Tourism

Visitors:

Mike Wartella, Rob Case, Meg Short, Susan Howard,
Carl Mallory, Sterling Foster

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Mayor Morgan welcomed everyone in attendance and congratulated the Town on Abingdon's 232<sup>nd</sup> Birthday.

**B. PLEDGE OF ALLEGIANCE**

Vice Mayor, Cathy Lowe led the Pledge of Allegiance.

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C. APPROVAL OF MINUTES

- August 26, 2010 Work Session Meeting
- September 7, 2010 Work Session Meeting
- September 7, 2010 Regular Meeting
- September 22, 2010 Joint Town/County Meeting

On motion of Mr. Howard, seconded by Mr. Berry, the minutes of the August 26, 2010 Work Session Meeting, September 7, 2010 Work Session Meeting, the September 7, 2010 Regular Meeting, and the September 22, 2010 Joint Town/County Meeting were approved as presented.

The roll call vote was as follows:

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



D. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. **Petition – First Reading** - In accordance with Code of Virginia, §15.2-2006, to receive comments from the public regarding the 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/Construction appeared before the Council members to report on the petition he received with regard to the vacation of the right-of-way for Plummer Street. Mr. Dew commented that the property in question was located behind

the Shoney's Restaurant and the right-of-way vacation was being requested in order to make improvements to the lot so that a new Shoney's Restaurant could be constructed.

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

Lisa Bryant and Lyn Mahala of 1172 Rock Creek Road in North Carolina reported that their father's property was located next to the Plummer Street right-of-way and they had concerns that the proposed changes by the developer for the Shoney's project would cause excess runoff to come on to their father's property.

Mr. Stephen Brown of Browning Drive, Abingdon, Engineer for the Shoney's developer commented that the changes proposed to for the lot adjacent to Ms. Bryant's and Ms. Mahala's father's property would improve the current lot by replacing existing railroad ties, performing grading work and constructing a retaining wall on the hillside that will prevent any runoff to the properties below the hill.

Hearing no further comments, Mayor Morgan declared the public hearing closed.

a. Appointment of Board of Viewers

On motion of Mr. Berry, seconded by Mr. Howard, the Council appointed Dan Mathews, Monty Vernon, and Al Bradley to the Board of Viewers to consider the request for the right-of-way vacation.

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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**A. SECOND READINGS OF ORDINANCES – None.**  
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B. CONSIDERATION OF ANY BIDS – None.



C. REPORTS FROM THE TOWN MANAGER

1. Presentation by Holston River Soil & Water Conservation District regarding a Purchase of Development Rights (PDR) Program.

Meg Short, Conservation Specialist with the Holston River Soil and Water Conservation District, provided a power point presentation on the Purchase of Development Rights (PDR) program currently underway in Washington County. Ms. Short reported that there are currently twenty-one (21) programs in the Commonwealth of Virginia and that the Washington County Board of Supervisors had recently adopted an ordinance to establish the Purchase of Development Rights (PDR) program. Ms. Short indicated that she is not currently requesting funding support from the Council but will be making an official request for assistance during the Town's regular budget cycle.

Mayor Morgan recommended that Ms. Short contact Town resident, Link Elmore regarding the PDR program as he is currently involved in a similar project as part of his graduate studies.

No action was required by Council on this matter.



2. Confirmation and acceptance of “The Blair Keller Interpretive Center” located at The Muster Grounds.

Mr. Kelly, Town Manager, informed the Council that the newly constructed Interpretive Center at The Muster Grounds was completed and had been dedicated to Mr. Blair Keller at a ceremony held on September 23rd by Proclamation of the Mayor. Mr. Kelly recommended that the full Council confirm the dedication of the newly constructed Interpretive Center located at the historic Muster Grounds site, as the “Blair Keller Interpretive Center”.

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council confirmed and accepted the newly constructed “Blair Keller Interpretive Center” located on the historic Muster Grounds site.

The roll call vote was as follows:

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



3. Consideration of policy relative to non-departmental funding requests that occur outside of the normal budget cycle.

Mr. Kelly, Town Manager reported that this matter arose from the increasing amount of budget requests that Council was receiving that were outside of the normal budget cycle. Mr. Kelly recommended that the Council allow him to review a non-departmental budget request to determine if it is an emergency situation before it is placed on the agenda for consideration by the Council members. Further Mr. Kelly recommended that if the Council should decide to appropriate additional funds to a requesting agency outside of normal fiscal budget cycle requests that the amount not exceed ten (10%) of the Council's current contingency funds.

Mrs. Lowe inquired about the funding request being deemed an emergency situation by the Town Manager.

Mr. Humphreys commented that the proposal sounded reasonable and suggested that the Council discuss it further at the October 26th work session.

Mr. Berry commented that he did not desire to place limits on funding requests.

Mayor Morgan indicated that this item would be listed for further consideration by Council at the October 26th work session meeting and requested that Mr. Kelly prepare a formal proposed policy or resolution for the Council to review at that time.

No action was taken by Council on this matter.



D. PASSAGE OF RESOLUTIONS

- 1. Resolution of the Council of the Town of Abingdon, Virginia commending Abingdon Baptist Church on its centennial anniversary and designating October 23, 2010 as Abingdon Baptist Church Day.**

Mr. Berry read into record the following Resolution and **On motion of Mr. Howard, seconded by Mr. Berry, the Council adopted the Resolution as presented as follows:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA
COMMENDING ABINGDON BAPTIST CHURCH ON ITS CENTENNIAL ANNIVERSARY
AND DESIGNATING OCTOBER 23, 2010 AS ABINGDON BAPTIST CHURCH DAY**

WHEREAS, around 1907, some interested people saw a need for a Baptist Church in Abingdon, Virginia; funds were collected, trustees selected, and a lot was given by Captain Henley M. Fugate in honor of his son, the Rev. Henley Fugate; and

WHEREAS, interested people of all denominations in Abingdon assisted in the erection of the building including James Bell who gave the stained glass window which was on the front of the church and has since been moved above the baptistery of the present building; and

WHEREAS, the Church became the first church in Abingdon to be built before it had a congregation; and

WHEREAS, the first meeting was held on October 23, 1910 with Mr. M. M. Morris of Glade Spring acting as moderator, Mr. W.B. James acting as clerk, and Dr. J. T. Henderson of Virginia Intermont as the speaker; on June 15, 1913, Rev. J. L. Watts preached the dedicatory sermon on a debt-free church; and

WHEREAS, the Church began to grow out of hard work and love, and even during the depression years of the 1930s, the Church, though financially poor, was rich beyond measure in its dedicated following, and continued to grow; and

WHEREAS, through many Blessings, many physical changes and renovations to the church building have been made from a basement dug by hand to a new educational building; and

WHEREAS, the church has witnessed 100 years of Christians living their faith in their community and reaching out to the world. As it celebrates the Journey, the Church is committed to marching ahead with its faithfulness to the traditions of the past and a vision for today and for tomorrow.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Abingdon, Virginia that Monday, October 23, 2010 is hereby designated as Abingdon Baptist Church Day extend their best wishes for continued success on the momentous occasion of the 100th anniversary of the church.

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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**E. UNFINISHED BUSINESS**

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F. MATTERS NOT ON THE AGENDA

- Sterling Foster, resident of 329 Rickard Street, Taylors Hill, Abingdon reported that chickens were running at large in his neighborhood and asked what the Town could do to remedy the situation. Ms. Icenhour, Town Attorney updated the Council on all the efforts that her office, the Planning Department and the Code Compliance office had expended in trying to eliminate the chicken problem. Mayor Morgan asked if a quote could be obtained by the “Critter Getter” for the Council’s consideration as possible alternative to eliminating the chicken issue and requested that the Council be updated at the November meeting on the issue.
- Sterling Foster further inquired if the Town could continue with enforcement of the weeds ordinance in the Taylor’s Hill neighborhood. Mr. Jackson, Director of Planning, indicated that he had spoken with Mr. Foster on several occasions regarding the overgrown lots in the neighborhood and reported that two (2) of the lots had been mowed during the summer months. Mayor Morgan asked that the Council be updated at the November Council meeting on the continuing efforts of enforcement in the Taylor’s Hill neighborhood.

G. COUNCIL MEMBER REPORTS

- **Mrs. Lowe** reported that she had attended the Mayor’s Conference, held prior to the annual VML conference, in Hampton, Virginia and requested that The Freedom of Information Act, Mad Joe’s Recommended Strategy for governmental transparency be placed on the October 26th work session agenda for consideration by the Council. Mrs.

Lowe inquired about the placement of a crosswalk sign in front of the Abingdon United Methodist Church. Mrs. Lowe inquired about an entry fee being charged for the Fields Penn Museum and inquired if Belle Avery, Film Director had contacted the Town concerning an office space in Abingdon.

- **Mr. Howard** requested that the Sports Complex Committee meet with the Council at the October 26th work session meeting.
- **Mayor Morgan** commented on the appreciation extended to the Council members for their recent contribution to the Learning Landscapes Program.



Ms. Rosenbaum, Town Clerk inquired if the Council members would like to attend the Certified Planner's Training workshop to be conducted in the coming months. Mr. Berry, Mr. Humphreys and Mr. Howard indicated they would like to attend.



H. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

On motion of Mrs. Lowe, seconded by Mr. Howard, 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 Go Green Committee and the Virginia Highlands Incubator Board.

The roll call vote was as follows:

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



On motion of Mr. Berry, seconded by Mrs. Lowe, the Council reconvened in regular session.

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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**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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1. Appointment to the "Go Green" Committee

On motion of Mr. Howard, seconded by Mr. Berry, the Council appointed Steven Taylor to serve on the "Go Green" Committee.

The roll call vote was as follows:

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

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



2. Appointments to the Virginia Highlands Small Business Incubator

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council appointed Carl Mallory, Dr. French H. Moore, Jr., Kyle Macione, and Michael Spiegler to serve on the Virginia Highlands Small Business Incubator Board.

The roll call vote was as follows:

Mr. Howard **Aye**
Mr. Humphreys **Aye**
Mr. Berry **Abstain** (*Mr. Berry is the Director of the Small Business Incubator*)
Mrs. Lowe **Aye**
Mayor Morgan **Aye**



At this time, Mayor Morgan asked the Clerk to add the consideration of term limits for Council appointments to Town Boards and Commissions to the October 26th work session agenda.



Mayor Morgan confirmed the events listings as indicated on the agenda and invited everyone to attend the Midtown Madness weekend activities as well as the Andrew Summers exhibit opening at the Star Museum. Mayor Morgan mentioned that Halloween fell on Sunday this year and commented that residents may want to be prepared for “trick or treaters” on both nights. Mr. Howard commented that the Council had never taken formal action on Halloween activities in the past. Mrs. Rosenbaum commented that the Chief of Police would like for Halloween “trick or treating” to take place on Saturday, October 30th.

Mr. Berry invited everyone to attend the Barter Theatre on October 18th for a concert by the Men’s Choir of Abingdon Baptist Church.



Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk