

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

A regular meeting of the Abingdon Town Council was held on Tuesday, September 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:

Joyce Ferrat, Robbie Cornett, Mathew Lane, Mary Anne Holbrook and others

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**B. PLEDGE OF ALLEGIANCE**

Council member, Bob Howard led the Pledge of Allegiance.

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C. APPROVAL OF MINUTES

- August 2, 2010 Work Session Meeting
- August 2, 2010 Joint Town/County Meeting
- August 2, 2010 Regular Meeting

On motion of Mr. Berry, seconded by Mr. Howard, the minutes of the August 2, 2010 Work Session Meeting, the August 2, 2010 Joint Town/County Meeting and the August 2, 2010 Regular 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 – Consideration of petition of Greg and Connie Reed, et al, in accordance with the Code of Virginia, §15.2-2006 for the vacation of the east-west right-of-way between Canterbury Lane aka Canterbury Lane and Panorama Drive, approximately 425 feet north of Empire Drive.**
 - a. Consideration of an Ordinance of the Council of the Town of Abingdon vacating 11,134.13 square feet (0.26 acres, more or less) of an unopened, east-to-west forty-foot wide right-of-way, located between Canterbury Lane, (aka Canterbury, hereinafter Canterbury), and Panorama Drive (hereinafter Panorama), approximately 425 feet north of Empire Drive, in the Town of Abingdon, Virginia, as shown in Plat Book 15, Page 86, (attached hereto) bounded by four parcels of land currently owned by Connie A. & Gregory C. Reed (Tax Parcel 106B-1-A-26); Emogean Bailey (Tax Parcel 106B-1-A-27); Steven A. & Hui-chi Burke (Tax Parcel 106E-1-3); and Ellen K. Reynolds (Tax Parcel 106E-1-2).**

John Dew came before the Council members to report that this matter had been on the Agenda at the regular August Council meeting for public hearing and for appointment of the Board of Viewers. Mr. Dew noted that no residents voiced opposition to the vacation during the public hearing. Mr. Dew indicated that the Board of Viewers, appointed by Council to review the petition had made their recommendation and saw no inconvenience to the Town to vacation the right of way. Mr. Dew recommended that the Council accept the recommendation of the Board of Viewers and approve the accompanying Ordinance setting forth the conditions of the vacation.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the recommendation of the Board of Viewers to vacate the east-west right-of-way between Canterberry Lane aka Canterbury Lane and Panorama Drive, approximately 425 feet north of Empire Drive and further approved, as presented, the Ordinance vacating 11,134.13 square feet (0.26 acres, more or less) of an unopened, east-to-west forty-foot wide right-of-way, located between Canterbury Lane, (aka Canterberry, hereinafter Canterbury), and Panorama Drive (hereinafter Panorama), approximately 425 feet north of Empire Drive, in the Town of Abingdon, Virginia, as shown in Plat Book 15, Page 86, (attached hereto) bounded by four parcels of land currently owned by Connie A. & Gregory C. Reed (Tax Parcel 106B-1-A-26); Emogean Bailey (Tax Parcel 106B-1-A-27); Steven A. & Hui-chi Burke (Tax Parcel 106E-1-3); and Ellen K. Reynolds (Tax Parcel 106E-1-2).

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. SECOND READINGS OF ORDINANCES – None.**

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F. CONSIDERATION OF ANY BIDS - None



G. REPORTS FROM THE TOWN MANAGER

1. Presentation and update regarding the Galvanized Water Line Replacement and Whites Mill Road Water System Improvement Project.

Robbie Cornett, General Manager with the Washington County Service Authority and Mathew Lane with The Lane Group presented a power presentation regarding the *Galvanized* Water Line Replacement and Whites Mill Road Water System Improvement Project. Mr. Cornett indicated that the Service Authority will begin the construction process the first part of November and will be replacing approximately 200 miles of water line in the Town. Mr. Cornett reported that a video will be made of each property before construction to assist the Authority in restoring each property to its original condition. Mr. Cornett and Mr. Lane indicated that homeowners in the construction areas will see a significant improvement in water pressure once their lines are replaced.

Mayor inquired if the Taylor's Hill neighborhood was included in the project area and Mr. Cornett confirmed that it was in the designated replacement area.

Mr. Kelly encouraged the Mr. Cornett to advise the Washington County School System of the project as the construction will have an impact on school traffic and further requested that the construction on Valley Street be halted during peak traffic hours during the day.



2. Presentation on Energy Performance Contracting.

Mayor Morgan reported that this matter had been presented during the prior Council work session meeting and asked Mr. Kelly to provide an update of the presentation regarding Energy Performance Contracting.

Mr. Kelly indicated that Daniel Acker, Performance Contracting Manager with Division of Energy had provided Council with a presentation regarding the procurement of an energy audit for the Town. Mr. Kelly advised that the Town could receive three (3) to four (4) preliminary "back of the envelope" energy audits, free of charge that would detail potential energy savings for the Town in Town facilities. Mr. Kelly recommended that the Council authorize him to enter into an agreement with Division of Energy to begin the process of energy audits for Town facilities.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council authorized Greg Kelly, Town Manager to enter into an agreement with the Division of Energy to begin the process of energy audits on Town facilities.

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 action regarding funding allocation to Advance Abingdon.

Greg Kelly, Town Manager reported that Susan Howard, President of the Advance Abingdon Board had met with Council members during their August 26th work session meeting and had requested that Council members consider the forgiveness of funds owed to the Town by the Advance Abingdon organization. Mr. Kelly indicated that the matter did require official action by the Council and his recommendation was that Council forgive the funds owed. Mr. Kelly reported that this forgiveness would assist the organization in filling their vacant Executive Director position as well as aid in other goals that Advance Abingdon is hoping to accomplish in the coming months. Mr. Kelly advised that it was his understanding that Advance Abingdon would be handling their own payroll matters in the future and they would no longer be done through the Town Finance Department. Mr. Kelly further recommended that Council proceed with the allocation of funding for the 2010/2011 budget year as previously approved.

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council agreed to forgive the outstanding balance of funds owed as reimbursement by Advance Abingdon to the Town of Abingdon in the amount of \$31,401.69 and further agreed to proceed with the allocation of funding for the 2010/2011 budget year as previously approved.

The roll call vote was as follows:

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



4. Discussion of possible policy relative to non-departmental funding requests that occur outside of the normal budget cycle.

Mr. Kelly, Town Manager reported that the Council was receiving a number of requests for funding from organizations outside of the normal budget cycle and after funding for non departmental agencies had already been approved for the budget year. Mr. Kelly advised that due to a much lower Council contingency fund, Council may want to consider adopting a policy regarding non department funding requests that occur outside of the annual budget cycle.

Mr. Berry inquired about school groups that make requests and Mr. Humphreys inquired about funding requests from groups such as the Little League Organization.

Council members requested that this item be placed on the agenda for the regular October agenda for further consideration.

No action was taken by Council on this matter.



H. PASSAGE OF RESOLUTIONS

- 1. Consideration of Resolution designating The Wilderness Road: Virginia's Migration Route from Winchester to Cumberland Gap (including the Daniel Boone Wilderness Trail), and the two applicable spurs: The Carolina Road and the Fincastle/Cumberland Gap Turnpike, as Virginia Byways and National Byways.**

Myra Cook, Director of Tourism reported on the proposed Resolution for adoption and recommended Council approves it as presented.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council adopted the following Resolution as presented:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA TO EXPRESS SUPPORT FOR THE DESIGNATION OF THE WILDERNESS ROAD: VIRGINIA'S HERITAGE MIGRATION ROUTE FROM WINCHESTER TO CUMBERLAND GAP (INCLUDING THE DANIEL BOONE WILDERNESS TRAIL), AND THE TWO APPLICABLE SPURS: THE CAROLINA ROAD AND THE FINCASTLE/CUMBERLAND GAP TURNPIKE, AS VIRGINIA BYWAYS AND NATIONAL BYWAYS.

WHEREAS: From 1775-1810 an estimation of nearly 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant point of Virginia history and to the development of the United States of America. Today, an estimated 43 million Americans can trace their ancestors to the migration through Virginia along the Wilderness Road: Virginia's Heritage Migration Route; and

WHEREAS: The historical migration of early settlers and pioneers to Virginia followed closely to what is now Route 11, 58 and 23 from Winchester to Cumberland Gap (including the Daniel Boone Wilderness Trail – Route 58 from Moccasin Gap to Cumberland Gap), but also followed other “spur” migration routes such as the Carolina Road along Route 220 and the Fincastle Turnpike along Routes 42, 61, 19,460, 71 and 72; and

WHEREAS: These migration routes are now being developed as driving routes/trails to preserve, interpret and promote the history, heritage and culture of the early pioneer settlement and migration through Virginia, and the role that Virginia played in the migration of settlers through Virginia and to other states of our growing of the nation; and

WHEREAS: The Wilderness Road organization has been formed as a recognized non-profit organization under the leadership and guidance of the Virginia Tourism Corporation, in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners, to develop and promote the driving route of the Wilderness Road: Virginia's Heritage Migration Route, and spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike, connecting with the Daniel Boone Wilderness Trail, and individual community loops for each locality; and

WHEREAS: The mission of the Wilderness Road organization is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the organization is to promote *The Wilderness Road: Virginia's Heritage Migration Route* from Winchester to Cumberland Gap in a way that preserves and interprets the heritage of the

migration era from the 1700s to the mid 1800s, to increase tourism visitation and economic impact of tourism spending; and

WHEREAS: The Commonwealth of Virginia has recognized the driving route as *The Wilderness Road: Virginia's Heritage Migration Route*, which shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof; and

WHEREAS, there are more than 2,700 miles of roads designated as Virginia Byways, to help attract visitors and support economic development through tourism, and the Virginia Department of Transportation (VDOT), the Virginia Tourism Corporation (VTC), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB), encourages local governments to nominate roads for Virginia Byway designation; and

WHEREAS, the United States Secretary of Transportation recognizes certain roads (including multi-state) as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational and scenic qualities, with the Wilderness Road: Virginia's Heritage Migration Route, (including the Daniel Boone Wilderness Trail), and applicable spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike include each of these intrinsic qualities; and

WHEREAS, The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration, and the program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States; and

WHEREAS, since 1992, the National Scenic Byways Program has provided funding for almost 1500 state and nationally designated byway projects in 48 states; and

THEREFORE BE IT RESOLVED that the Council of the Town of Abingdon expresses its support to the Virginia Department of Transportation and the General Assembly of the Commonwealth of Virginia to provide Virginia Byway designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the Fincastle Turnpike and Carolina Road spur routes; and

BE IT FURTHER RESOLVED, that the Council of the Town of Abingdon expresses its support to the U.S. Department of Transportation, Federal Highway Administration, and United States Secretary for National Byway Designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail) , and the spur Fincastle Turnpike and Carolina Road routes; and

NOW THEREFORE, BE IT FINALLY RESOLVED, that the Council of the Town of Abingdon fully supports the efforts of the Wilderness Road organization to develop and promote the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the spur Fincastle Turnpike and Carolina Road routes, as Virginia Byway(s) and National Scenic Byway(s).

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. UNFINISHED BUSINESS – None.**

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J. MATTERS NOT ON THE AGENDA

K. COUNCIL MEMBER REPORTS

- Mr. Humphreys reminded everyone of the dates for the annual OVTA celebration at The Muster Grounds which is the week of September 21st through 23rd as well as the dedication ceremony for the interpretive center which is scheduled for September 23rd.
- Mr. Berry reported on a dinner meeting he attended in Bland County to accept a grant award check payable to the Town from the Mount Rogers Planning District Commission in the amount of \$75,785 for the Town's West Interceptor project.
- Mr. Howard reminded everyone of the Red, White and Bluegrass Event sponsored by Advance Abingdon to take place on September 11th at the Market Pavilion.
- Mayor Morgan reminded everyone of the special memorial service to be held on September 11th at Virginia Highlands Community College.
- Mrs. Lowe commented on the article in the VML magazine featuring the Town's trip to Kansas City for the All America City awards.

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**L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

1. *Appointment to the Tree Commission*

- Reappointment of **Larry Browning** who *is* eligible to serve another term

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council appointed Larry Browning to a second term on the Town's Tree Commission.**

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

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| <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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Deb Icenhour, Town Attorney, reported on the Andrew Summers exhibit at the Star Museum and indicated that an opening will be held at the Museum on October 16th. Ms. Icenhour also reported that United Way will hold a yard sale at the Coomes Center on Saturday, September 25th and masquerade at The Muster Grounds the end of October.

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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