

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, JUNE 1, 2015 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, June 1, 2015 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. Welcome by Mayor Morgan

B. Roll Call – Cecile Rosenbaum, Town Clerk

Members of Council Present: Edward B. Morgan, Mayor
Mrs. Cathy Lowe, Vice Mayor
Mr. Robert M. Howard
Mr. Richard E. Humphreys
Mrs. Jayne A. Duehring

Administrative/Town Staff: Gregory W. Kelly, Town Manager
Cecile Rosenbaum, Clerk/Int. Asst. Town Manager
Deb Icenhour, Town Attorney
Kevin Worley, Dir. of Parks & Recreation
Kevin Costello, Dir. of Tourism
Matthew Johnson, Dir. of Planning
Chuck Banner, Dir. of Finance
Jon Phelps, Dir. of IT

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Greg Kelly, Town Manager.

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**D. APPROVAL OF MINUTES**

- April 6, 2015 Work Session Meeting – CORRECTED VERSION
- April 27, 2015 Special Called Meeting
- April 29, 2015 Work Session Meeting
- May 4, 2015 Work Session Meeting
- May 4, 2015 Regular Meeting

**On motion of Ms. Lowe, seconded by Mr. Howard, Council approved the Corrected Version of the minutes of the April 6<sup>th</sup> Work Session Meeting.**

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

|                      |                                                                                   |
|----------------------|-----------------------------------------------------------------------------------|
| <b>Mr. Howard</b>    | <b>Aye</b>                                                                        |
| <b>Mr. Humphreys</b> | <b>Aye</b>                                                                        |
| <b>Mrs. Duehring</b> | <b>Aye</b>                                                                        |
| <b>Mrs. Lowe</b>     | <b>Aye</b>                                                                        |
| <b>Mayor Morgan</b>  | <b>Abstain</b> ( <i>Mayor Morgan was absent for this portion of the meeting</i> ) |

**On motion of Mrs. Lowe seconded by Mrs. Duehring, the Council approved the minutes of the April 27<sup>th</sup> Special Called Meeting and the minutes of the April 29<sup>th</sup> Work Session 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>Mrs. Duehring</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council approved the minutes of the May 4<sup>th</sup> Work Session meeting with one noted correction to add language that Mr. Howard inquired about the need for a siren on the southside of I 81 and approved the minutes of the May 4<sup>th</sup> 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>Mrs. Duehring</b> | <b>Abstain</b> ( <i>Mrs. Duehring was absent</i> ) |
| <b>Mrs. Lowe</b>     | <b>Aye</b>                                         |
| <b>Mayor Morgan</b>  | <b>Aye</b>                                         |

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E. EMPLOYEE RECOGNITIONS

- Mr. Kelly, Town Manager recognized Matthew Duncan, Patrol Officer with Abingdon Police Department, for his ten (10) years of service to the town and presented him with a service pin and plaque.

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**F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES – None.**

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G. SECOND READINGS OF ORDINANCES

- 1. Second Reading - An Ordinance of the Council of the Town of Abingdon, Virginia Proposing a Budget for the Town of Abingdon, Virginia and to make appropriation for the current expenses of the Town and to fix a Tax rate Upon Real and Personal Property, To Fix all other Local Tax Rates and Fees and Rates on Utility Services for the Fiscal Year Beginning July 1, 2015 and ending June 30, 2016.**

Greg Kelly, Town Manager provided the Council with a summary of the process for the preparation of the FY 2015/2016 budget. Mr. Kelly commented that the total amount of the General Fund equals \$15,201,238, which is a 9.45% decrease from last year. The total amount of the Sewer Fund equals \$3,081,463 and Mr. Kelly noted that tax rates, fees and charges for the town would remain the same. Mr. Kelly reported that employees would be receiving a 3% cost of living increase for the second year in a row and that health insurance costs to employees remained the same with the town absorbing a 3.5% increase in premium rates. Mr. Kelly noted that the Council held a public hearing at their regular May meeting and no opposition was heard relative to the proposed budget. Mr. Kelly further indicated the new budget would be effective on July 1, 2015.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the Ordinance of the Council of the Town of Abingdon, Virginia Proposing a Budget for the Town of Abingdon, Virginia and to make appropriation for the current expenses of the Town and to fix a Tax rate Upon Real and Personal Property, To Fix all other Local Tax Rates and Fees and Rates on Utility Services for the Fiscal Year Beginning July 1, 2015 and ending June 30, 2016.

The roll call vote was as follows:

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

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

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I. REPORTS FROM THE TOWN MANAGER

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**J. RESOLUTIONS**

**1. A Resolution of the Council of the Town of Abingdon, Virginia Approving Financing Terms for the Lease Purchase of a Trash Collection Truck.**

Chuck Banner, Director Finance and John Dew, Director of Public Services/Construction informed the Council that the purchase of the Trash Collection truck was included in the 2014/2015 current budget as an expenditure and the BB&T Bank required the resolution as part of their financing agreement. Mr. Banner noted that the financing would be a 5 year lease with the first payment coming out of the current year's budget leaving 4 remaining payments. Mr. Banner further noted that the interest rate was 1.8%.

**On motion of Mrs. Duehring, seconded by Mr. Howard, the Council approved the following Resolution:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON  
APPROVING FINANCE TERMS FOR THE LEASE PURCHASES OF A  
NEW GARBAGE TRUCK**

**WHEREAS**, the Town of Abingdon, Virginia ("Town") has previously determined to undertake a project for the lease purchase of a new garbage truck, and the Town Manager has now presented a proposal for the financing of such Project.

**WHEREAS**, the Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated April 15, 2015. The amount financed shall not exceed \$133,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.80%, and the financing term shall not exceed (4) four years from closing.

**WHEREAS**, all financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the

Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

**WHEREAS**, the Town Manager is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions of the delivery of the Financing Documents have been completed to such officer's satisfaction. The Town Manager is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Town Manager shall approve, with the Town Manager's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

**WHEREAS**, the Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of the Internal Revenue Code Section 265(b)(3).

**WHEREAS**, the Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town funded related to the project, for project costs may be reimbursed from the financing proceeds.

**WHEREAS**, all prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

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

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mrs. Duehring</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

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K. OLD BUSINESS

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**L. MATTERS NOT ON THE AGENDA**

Mayor Morgan inquired if Matthew Johnson, Director of Planning would come before Council to address the matter of the stabilization of the Fields Penn House. Mr. Johnson

indicated that Council had considered this matter during the earlier work session meeting and noted that the entire estimate for the stabilization of the structure was \$160,000 which includes curing of water drainage issues and shoring up the foundation under the house. Mr. Johnson noted that he planned to assemble a committee very soon to begin discussions on the uses for the property and indicated that he planned to include public input on the future of the house as well. Mr. Johnson confirmed that the town intended to follow the identical requirements of homeowners in the town's historic district who own a historic structure that may have structural and/or foundation issues. Mr. Johnson reported that time was a factor in this project as staff hoped to begin this stabilization project before the winter months which were not ideal for construction. The contract for the stabilization would be entered into with Davis Buckley Architects and Mr. Johnson confirmed that Council members had agreed during the work session meeting to dedicate the remaining balance in Council Contingency funds to the stabilization project.

**On motion of Mr. Humphreys, seconded by Mrs. Duehring, the Council authorized Greg Kelly, Town Manager to enter into the contract with Davis Buckley Architects for the amount of \$160,000 for the stabilization project relative to the Fields Penn House. Council members further approved the amount of \$72,500, the balance remaining on the books in Council Contingency, to be paid to Davis Buckley for this stabilization project before the end of 2014/2015 fiscal year.**

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

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mrs. Duehring</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, **On motion of Mrs. Lowe, seconded by Mr. Howard, the Council went into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for the purpose of consideration and discussion of a Personnel matter relative to a Council appointee.**

The roll call vote was as follows:

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

The motion carried.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council reconvened in regular session.

The roll call vote was as follows:

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

The motion carried.

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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:**

|                      |                     |
|----------------------|---------------------|
| <b>Mr. Howard</b>    | <b>I so certify</b> |
| <b>Mr. Humphreys</b> | <b>I so certify</b> |
| <b>Mrs. Duehring</b> | <b>I so certify</b> |
| <b>Mrs. Lowe</b>     | <b>I so certify</b> |
| <b>Mayor Morgan</b>  | <b>I so certify</b> |

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appointed Cecile Rosenbaum at the recommendation of the Town Manager, to serve as the Assistant Town Manager, effective July 1, 2015, and set her annual salary at \$80,000 per year, also effective on July 1, 2015.**

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

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mrs. Duehring</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

**The motion carried.**

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M. APPOINTMENTS TO BOARDS AND COMMITTEES

- ***Board of Zoning Appeals*** - appointment to fill the expired term of Matt Bundy who is not eligible for reappointment

At this time, **On motion of Mr. Howard, seconded by Mr. Humphreys, the Council went into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for the purpose of consideration and discussion of an appointment to the town's Board of Zoning Appeals.**

The roll call vote was as follows:

| | |
|----------------------|------------|
| Mr. Howard | Aye |
| Mr. Humphreys | Aye |
| Mrs. Duehring | Aye |
| Mrs. Lowe | Aye |
| Mayor Morgan | Aye |

The motion carried.

On motion of Mr. Humphreys, seconded by Mrs. Duehring, the Council reconvened in regular session.

The roll call vote was as follows:

| | |
|----------------------|------------|
| Mr. Howard | Aye |
| Mr. Humphreys | Aye |
| Mrs. Duehring | Aye |
| Mrs. Lowe | Aye |
| Mayor Morgan | Aye |

The motion carried.

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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:**

<b>Mr. Howard</b>	<b>I so certify</b>
<b>Mr. Humphreys</b>	<b>I so certify</b>
<b>Mrs. Duehring</b>	<b>I so certify</b>
<b>Mrs. Lowe</b>	<b>I so certify</b>
<b>Mayor Morgan</b>	<b>I so certify</b>

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council appointed Rich Macbeth to serve on the town's Board of Zoning Appeals.**

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

<b>Mr. Howard</b>	<b>Aye</b>
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<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

**The motion carried.**

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N. COUNCIL MEMBER REPORTS

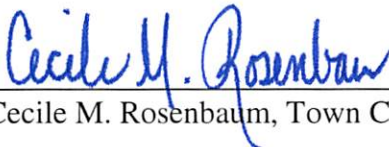
- Mayor Morgan reported on the progress of the 3rd Plate Club and the development of the town as a destination for fine dining and thanked Kevin Costello, Director of Tourism for his efforts relative to this project. Mayor Morgan also commented on the upcoming anniversary celebration of The Arts Depot.

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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