

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, MARCH 4, 2013 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, March 4, 2013 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  
Floyd Bailey, Dir. of Information Technology  
Jon Phelps, Information Technology Dept.

Visitors:

Dave Hutton, Esq., Chad Messer, Susan Humphreys,  
Rich Macbeth, Allie Robinson, Carolyn Lee, Daveena  
Sexton and others.

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At this time Mayor Morgan commented on the recent death of well known and beloved Abingdon resident, Mrs. Betty Ferrier and noted that she will be missed by all who knew her.

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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Bob Howard, Council Member.

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**C. SPECIAL EMPLOYEE PRESENTATION**

Frankie Fulton employee of the Town Shop and Bill Snodgrass, Patrol Division Supervisor for the Police Department presented Mr. Kelly with a plaque for achievement for their recent completion of the Virginia Municipal League Defensive Driving Course.

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

➤ *Employee Service Awards*



Mr. Kelly, Town Manager presented the following town employees with a plaque and service pin and thanked them for their years of service to the Town.

- Jason M. Austin, 5 years, Investigator for the Police Dept
- John W. Crigger, Jr., 25 years, Truck Driver for the Sewer Dept
- Clyde D. Wise, 5 years, Maintenance & Grounds worker, Wastewater Treatment plant
- Margaret L. Plummer, 5 years, Front desk clerk at the Coomes Center
- Billy G. Snodgrass, 35 years, Patrol Division Supervisor, Police Dept.

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➤ *Employees of the Year Awards*

Mr. Kelly, Town Manager presented the following employees with a plaque for being chosen as Outstanding Employees of the Year and noted that each person would receive an additional paid day of vacation:

- Kristopher Lett, Maintenance Supervisor at the Wolf Creek Wastewater Treatment Facility
- Daniel Kidd, Network Administrator for the Information Technology Department

➤ *Outstanding Employees of the Year Awards*

Mr. Kelly, Town Manager presented the following employees with Outstanding Employees of the Year Awards and noted that each person would receive a plaque, an additional paid day of vacation and a \$500 Certificate of Deposit:

- Leigh Ann Hunter-Surber, Superintendent of the Muster Grounds site
- Tammy Montgomery, Cashier in the Finance Department

**E. APPROVAL OF MINUTES**

- February 4, 2013 Work Session Meeting
- February 4, 2013 Regular Meeting
- February 20, 2013 Work Session Meeting

Mrs. Lowe requested that the minutes of the February 20<sup>th</sup> work session meeting, Item 3, be corrected to add “as long as the extra revenue is identified in a separate line item”.

**On motion of Mr. Berry, seconded by Mr. Humphreys, the minutes of the February 4, 2013 work session meeting, the February 4, 2013 Regular meeting and the February 20, 2013 meetings were approved as presented with the correction noted by Ms. Lowe to the February 20<sup>th</sup> work session meeting, Item 3.**

**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. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES –**

- 1. First Reading - An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Chapter 58, Solid Waste, Article II, Storage and Collection, Division 1, Generally; Division 2, Town Collection; and Division 3, Containers §58-26 through §58-73 of the Code of Ordinances of The Town of Abingdon, Virginia.**

John Dew, Director of Public Services/Construction commented that this Ordinance had been before Council for consideration since March of 2012. Mr. Dew noted that Council members and town staff had many discussions about the revisions to the ordinance relative to multi-family dwellings and bulky rubbish pick up each month. Mr. Dew noted that the Ordinance language had been amended to give the Town Manager the discretion to have town staff make bulky rubbish pickups at multi-family dwellings if a need should arise. Mrs. Lowe commented that she was in agreement with the revisions to the Ordinance that gave the Town Manager the discretion to handle bulky rubbish at multi-family dwellings. Mr. Kelly recommended that the Council approve the Ordinance on first reading, thereby dispensing with the second reading.

**On motion of Mrs. Lowe, seconded by Mr. Berry the Council approved, on first reading, the Ordinance to Repeal, Amend and Reenact Chapter 58, Solid Waste, Article II, Storage and Collection, Division 1, Generally; Division 2, Town Collection; and Division 3, Containers §58-26 through §58-73 of the Code of Ordinances of The Town of Abingdon, Virginia, thereby dispensing with the second reading.**

**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. Public Hearing – Public hearing to receive comments from the public regarding a bond issuance for borrowing of funding for the purchase of two (2) new Town trolleys.**

Greg Kelly, Town Manager reported that he had visited Kannapolis North Carolina to view several trolleys that were for sale and had chosen two (2) 2006 vehicles at a cost of \$160,000 total for use in the town. Mr. Kelly reported that the town had received several bids on financing the trolleys and the lowest bid was submitted by BB&T Bank for a three (3) year financing period at 1.60%.

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

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council authorized the Town Manager to enter into a financing agreement with BB&T Bank for the purchase of two (2) 2006 trolleys for a total purchase price of \$160,000 at 1.6% over three (3) years.**

**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> |

**Mayor Morgan      Aye**

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**G. SECOND READINGS OF ORDINANCES – None.**

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

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**I. REPORTS FROM THE TOWN MANAGER**

- 1. Consideration of appeal from Kroger Mid-Atlantic relative to Certificate of Appropriateness for the location of a Kroger Fuel Center at 480 Cummings Street and restriction of delivery times for large trucks hauling fuel to the center.**

Garrett Jackson, Assistant Town Manager provided Council with a history of the issue of Kroger Mid-Atlantic's request for a Certificate of Appropriateness relative to the location of Kroger Fuel Center at 480 Cummings Street. Mr. Jackson commented that the COA had been approved at the January 28<sup>th</sup> Planning Commission meeting with a restriction of fuel delivery time between the hours of 10 p.m. and 6:00 a.m. each day. Mr. Jackson reported that Kroger representatives had timely filed an appeal per town code of the delivery restriction times and the matter was now before Council for consideration.

Attorney David Hutton addressed the Council members as representative for the Kroger Mid-Atlantic group. Mr. Hutton commented that the fuel centers had become an important part of the services offered by Kroger and that the current Kroger parking lot could not accommodate a fuel center. Mr. Hutton confirmed that the Kroger group had secured a deal with the Shoney's organization to locate their fuel center on the Shoney's property currently under construction. Mr. Hutton noted that the delivery time restriction created a hardship for Kroger employees and proposed an alternate delivery restriction of 7:00 a.m. to 9:00 a.m., 11:00 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m. citing that these times appeared to be the busier traffic times on Cummings Street.

Mrs. Lowe asked Mr. Jackson to explain the reason for Kroger's request and Mr. Berry inquired if the proposed site had adequate space for an 18wheel tractor trailer vehicle to maneuver in the lot. Chad Messer representative with Kroger confirmed

that their design engineer had considered the available area and felt it was adequate for the tractor trailers making deliveries. Mr. Humphreys inquired if the Kroger group had contracted a traffic study for the area and Mr. Messer responded that they had not. Mayor Morgan noted his concern about the increase in traffic on an already congested Cummings Street area. Mr. Howard commented that the Kroger shopping center already handled large delivery trucks each day and he did not see a potential problem in light of the compromise of delivery restriction times proposed by the Kroger representatives. Mr. Humphreys commented that he would like to have the traffic study data before making a decision.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the Certificate of Appropriateness for the Kroger Mid-Atlantic Group with the fuel center delivery restrictions between the hours of 7:00 a.m. to 9:00 a.m., 11:00 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m.**

Mr. Humphreys inquired if Mrs. Lowe would be willing to withdraw her motion and make a substitute motion to require the Kroger Mid-Atlantic Group to have a traffic study completed of the area of location proposed for the fuel center before Council takes final action.

Mrs. Lowe commented that she would not withdraw her motion.

Chief Sullivan came forward and commented on the traffic accident data on Cummings Street. Chief Sullivan reported that the majority of accidents occur below the Cook Street light and not in the vicinity of the proposed Kroger Fuel Center.

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

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

Mr. Humphreys noted his dissent to the action taken and commented that he would have preferred to have facts from the traffic study before making a decision.

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**2. Presentation of the Town of Abingdon Annual Tree Report and Abingdon Tree Initiative.**

Kevin Sigmon, Town Arborist provided the Council with his annual tree report and the activities that he had been involved in over the past year. Mr. Sigmon noted that the annual Arbor Day celebration will be held on April 12<sup>th</sup> at Abingdon Elementary

School. Mayor Morgan commended Mr. Sigmon and the Tree Commission for their work and commented that he would like to see a tree planting project that would include the Country Club Estates area of town. Mr. Sigmon responded that he and the members of the Tree Commission had developed a Tree Initiative which they planned to implement this year that would give homeowners in designated areas of town replacement trees to plant. Mr. Sigmon noted that this effort will increase the town's tree canopy and provide homeowners with trees that may have been lost or damaged due to past weather events.

*No action was required by Council on this matter.*

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*At this time, Mayor Morgan declared a 10 minute recess.*

**3. Consideration of appropriation of funding for the Sports Complex Study.**

Greg Kelly, Town Manager reported that the Council had been working for some on procuring a Sports Complex Study and noted that Council had previously authorized him to negotiate with Pennoni & Associates to complete the study. Mr. Kelly commented that the cost figure for the study would be \$ 84,155.00 and indicated that the funding could be taken from the funding provided to the town by the Washington County Board of Supervisors for the development of a sports complex.

**On motion of Mr. Berry, seconded by Mr. Howard, the Council authorized the Town Manager to enter into a contract with Pennoni & Associates for the development of a Sports Complex Study at a cost of \$ 84,155.00 and further directed that the funding be taken from monies previously provided and being held by the town by the Washington County Board of Supervisors designated for a sports complex.**

**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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**4. Consideration of appropriation of additional funding for the Virginia Highlands Small Business Incubator.**

Greg Kelly, Town Manager reported that he had received a letter from Jason Berry, Director of the Incubator stating that there was discrepancy in the town and county funding for the Incubator for FY 2012/2013. Mr. Kelly noted that to meet the level funding amount on the part of the town required and additional appropriation of \$6,940.00.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appropriated \$6,940.00 to the Virginia Highlands Small Business Incubator from Council Contingency to match the annual level funding amount required from the town and county per agreement.**

The roll call vote was as follows:

|               |                                                           |
|---------------|-----------------------------------------------------------|
| Mr. Howard    | Aye                                                       |
| Mr. Humphreys | Aye                                                       |
| Mr. Berry     | Abstain <i>Mr. Berry is the Director of the Incubator</i> |
| Mrs. Lowe     | Aye                                                       |
| Mayor Morgan  | Aye                                                       |

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**5. Consideration of appropriation of funding for the Washington County Life Savings Crew capital outlay project.**

Greg Kelly, Town Manager reported that Council had previously discussed an appropriation to the Washington County Life Saving Crew at their last work session meeting. Mr. Kelly indicated that the item was on the agenda for official action by the Council.

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council appropriated the amount of \$20,000 for the Washington County Life Saving Crew for their capital outlay project with said funding to be taken from the Council Contingency line.**

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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**6. Consideration of appropriation of funding for the St. Patrick's Day celebration to be held at the Virginia Ballroom.**

Greg Kelly, Town Manager commented that Council had previously discussed an appropriation to the St. Patrick's Day celebration at the Virginia Ballroom and the matter was on the agenda for official action by the Council.

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council appropriated the amount of \$750.00 from Council Contingency for the St. Patrick's Day celebration to be held at the Virginia Ballroom on March 16, 2013.**

**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. PASSAGE OF RESOLUTIONS – None.**

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**K. UNFINISHED BUSINESS**

**1. Update on the Country Club Stormwater Management Project**

Mr. Dew reported that he had received the federal paperwork that will accompany the bid documents for the project and indicated it was his plan to bid the project in the month of March with award of bid the first of April.

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**2. Update on the Whites Mill Road/Court/Hill Drive project**

Mr. Dew reported that he continued to meet with property owners on easements required for the project.

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**3. Update on the replacement of Trestle #7 on the Virginia Creeper Trail**

Mr. Dew reported that the bid documents would be finalized on the following Monday and he expected the bid to be advertised in the Sunday edition of the newspaper with award of the bid to occur the first of April.

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**4. Update on the feasibility study for the Conference Center Hotel**

Greg Kelly, Town Manager commented that the Town's Economic Development Authority continued to work with the consultants for the development of the study and they hoped to have the report completed in the near future.

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**5. Update on the Urban Pathways project**

Garrett Jackson, Assistant Town Manager commented that he and Mr. Dew had met with VDOT officials for the kickoff of the project and noted that the RFP is being reviewed by VDOT's civic rights division. Mr. Jackson reported that there are three (3) phases to the project which are Engineering, Rights of Way and Utilities and that a public hearing may be necessary in the future. Mr. Jackson also commented that the required environmental studies will take up to three (3) months.

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**6. Update on the West End Interceptor Project**

Jim Smith, Town Engineer commented that the contractor was near completion on the project and he is scheduled to return in the spring to do some cleanup work in the area.

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**L. MATTERS NOT ON THE AGENDA**

- Mayor Morgan commented that he would like to address the issue of increasing voter turnout at the July Council meeting and requested that town staff prepare some materials relative to the issue.
- Carolyn Lee commented on the recent passing of Abingdon resident Betty Ferrier and inquired about the date for the dedication of the Landon Boyd sign.
- Bob Trovaro commented that he had moved to Abingdon in December and was interested in the development of passenger rail service in the area.

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**M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

• ***Board of Zoning Appeals***

- Appointment of member to the BZA to fill the expired term of Cam Bell who is not eligible for reappointment.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council moved that the appointment to the BZA be postponed until the April 1<sup>st</sup> Regular Meeting.**

**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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**N. COUNCIL MEMBER REPORTS**

- Mrs. Lowe commented that positive developments were taking place at the Senior Center.
- Mr. Berry commented on issue of taxes and funding the transportation budget in the state of Virginia.
- Mr. Humphreys read a prepared statement relative to his concerns about the Council's action on Item II on the agenda.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk