

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, APRIL 7, 2014 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, April 7, 2014 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. Richard E. Humphreys
Mr. Robert M. Howard
Mrs. Jayne A. Duehring

Administrative/Town Staff: Gregory W. Kelly, Town Manager
Cecile Rosenbaum, Town Clerk
Deborah Icenhour, Town Attorney
Mark Godbey, Town Treasurer
Jim Smith, Dir. Of Wastewater Operations/Town Eng.
John Dew, Dir. Public Services/Construction
Floyd Bailey, Dir. Information Technology
Tony Sullivan, Chief of Police
Deborah Atkins-Vance, Dir. Human Resources
Kevin Costello, Dir. Tourism
Kevin Worley, Dir. of Parks & Recreation
John McCormick, Fire Chief
Kevin Sigmon, Town Arborist

Visitors: Jimmy Wallace and student class from Emory & Henry College

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**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Rick Humphreys, Council Member.

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At this time, Mayor Morgan asked Garrett Jackson, Assistant Town Manager to comment on his recent trip to Russia. Mr. Jackson noted that he was part of a group that was speaking on municipal management and urban planning.

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

- Greg Kelly, Town Manager commented that town employees, Thad Finney, Foreman with the Town Shop and Pat Mason with the town's Horticulture Department had both been employed with the town for ten (10) years and thanked them for their service. Mr. Kelly noted that neither employee was able to attend to the meeting.

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E. APPROVAL OF MINUTES

- March 3, 2014 Work Session Meeting
- March 3, 2014 Regular Meeting
- March 24, 2014 Budget Work Session Meeting
- March 26, 2014 Budget Work Session Meeting
- March 27, 2014 Budget Work Session Meeting

On motion of Mr. Howard, seconded by Mrs. Duehring, the Council approved the minutes of the March 3, 2014 Work Session meeting, the March 3, 2014 Regular Meeting, the March 24, 2014 Budget Work Session Meeting, the March 26, 2014 Budget Work Session Meeting and the March 27, 2014 Budget Work Session Meeting as presented.

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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#### **F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

1. **Public Hearing – First Reading – Consideration of Lease Agreement by and between Norfolk Southern Railway Company and the Town of Abingdon.**

Deb Icenhour, Town Attorney commented that the town has used the area of land adjacent to the railroad tracks on Green Springs Road for parking for the Creeper Trail for many years and that the Railroad Company had expressed a desire to have a lease agreement with the town for the parking lot and requested a \$300 annual lease payment. Ms. Icenhour indicated that the matter was before Council for public hearing before the town could enter into the agreement and noted her recommendation that Council authorize the Town Manager to enter into the agreement on First Reading and dispense with the second reading.

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

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council authorized the Town Manager to enter into the Lease Agreement by and between the Norfolk Southern Railway Company and the town of Abingdon for the property adjacent to the railroad tracks on Green Springs Road and used for parking for the users of the Creeper Trail.**

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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- 2. First Reading – An Ordinance of The Council of The Town Of Abingdon Virginia To Vacate an Unopened Right Of Way Formerly Known As Mountain View Street and Lying Perpendicular to Jackson and Johnson Streets Bounded by Three Parcels of Land Currently Owned By K-Va-T Food Stores, Inc., Abingdon, Virginia.**

Deb Icenhour, Town Attorney reported that this matter had been before Council for consideration and previously approved. Ms. Icenhour noted that the final steps in the process were to obtain a plat from the requesting party showing the vacation, have it approved by the Town Engineer and properly recorded in the Circuit Court, and have the Council approve the Ordinance to vacate the unopened right of way. Ms. Icenhour noted that all these items had been accomplished and the Ordinance was before Council for first reading.

On motion of Mrs. Duehring, seconded by Mr. Humphreys, the Council approved the Ordinance to Vacate an Unopened Right of Way formerly known as Mountain View Street and Lying Perpendicular to Jackson and Johnson

Streets Bounded by Three Parcels of Land Currently Owned By K-Va-T Food Stores, Inc., Abingdon, Virginia.

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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- 3. Public Hearing – First Reading – Proposed amendment to Repeal, Amend, and Reenact the Town of Abingdon Zoning Ordinance, B-2 General Business Zoning District, to add Single Family and Multi-Family as a Permitted Use by Right in such zone as section number 11-1-1, Tax Map No. 106(A)11A.**

Garrett Jackson, Assistant Town Manager reported that the proposed amendment before Council was to add single family and multi-family as permitted use by right in the B-2 General Business Zone of the Town of Abingdon Zoning Ordinance. Mr. Jackson noted that the request had been considered by the town's Planning Commission and after discussion, they had recommended that only loft apartments (second floor residential above first floor commercial/office space) and single family dwellings be allowed in the B-2 zone. Mr. Jackson noted that the matter was before Council for Public Hearing.

Mr. Humphreys inquired about the applicant and Mr. Jackson noted that he owned property off of Old Eleven Court and desired to build multi-family dwellings.

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

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the amendment to Repeal, Amend and Reenact the Town of Abingdon Zoning Ordinance, B-2 General Business Zoning District to allow only loft apartments (second floor residential above first floor commercial/office space) and single family dwellings in the B-2 zone.**

**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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G. SECOND READINGS – None

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**H. SECOND READINGS OF ORDINANCES**

1. **An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Chapter 30, Part II, Environment, Article IV, Erosion and Sediment Control, §30-86 through §30-93 of the Code of the Ordinances of the Town of Abingdon, Virginia.**

Deb Icenhour, Town Attorney commented that the proposed Ordinance was before Council for second reading. Mrs. Icenhour noted that the Ordinance was required in order to bring the town into compliance with the State stormwater Management Act. Mr. Humphreys inquired how the Ordinance would impact residents owning more than one (1) acre of land.

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council approved on Second Reading the Ordinance to Repeal, Amend and Chapter 30, Part II, Environment, Article IV, Erosion and Sediment Control, §30-86 through §30-93 of the Code of the Ordinances of the Town of Abingdon, Virginia.**

**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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2. **An Ordinance of the Council of the Town of Abingdon, Virginia to Establish and Enact a Stormwater Management Ordinance, Chapter 30, Article V, Sections 30-100-120 to be included in the Code of Ordinances of the Town of Abingdon, Virginia.**

Deb Icenhour, Town Attorney commented that the proposed Ordinance was before Council for second reading and, as required by state law, would enact the required Stormwater Management Ordinance.

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved the Ordinance to Establish and Enact a Stormwater Management Ordinance, Chapter 30, Article V, Sections 30-100-120 to be included in the Code of Ordinances of the Town of Abingdon, Virginia.

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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## **I. CONSIDERATION OF ANY BIDS**

### **1. Consideration of bids for GVW Dump Truck for the town's Street Department.**

John B. Dew, Director of Public Services/Construction reported that he had submitted a request for bids for a 33,000 GVW Dump Truck for the Public Works Department. Mr. Dew noted that was a provided for in the current budget and recommended that the bid be awarded to Goodpasture Motor Company, Bristol, Virginia for the purchase of a 2015 International/7400 Workstar for the amount of \$86,380.00.

Mr. Humphreys inquired about the lowest bidder and Mr. Dew responded that the bid did meet the requirements as specified in the request.

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council accepted the bid by Goodpasture Motor Company, Bristol, Virginia for the purchase of a 2015 International/7400 Workstar Dump Truck for the amount of \$86,380.00 and further authorized the Town Manager to execute the necessary documents for the purchase.**

**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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2. Consideration of bids for asphalt resurfacing work in town.

John B. Dew, Director of Public Services/Construction reported that he had submitted requests for bids the town's annual asphalt resurfacing work. Mr. Dew reported that the targeted areas for resurfacing were Main Street from Hutton Street to Church Street and maybe other areas as budget allows. Mr. Dew recommended that Council award the bid to W-L Construction and Paving in the amount of \$204,256.80.

On motion of Mrs. Duehring, seconded by Mr. Howard, the Council awarded the bid for the town's annual asphalt resurfacing work to W-L Construction and Paving in the amount of \$204,256.80 and further authorized the Town Manager to execute the necessary document for the contract.

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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## **J. REPORTS FROM THE TOWN MANAGER**

### **1. Presentation by Washington County Substance Abuse Coalition relative to campaign against drinking and driving.**

Jordan Whitesides with Highlands Community Services provided Council with an update on the Substance Abuse Coalition's campaign to reduce drinking and driving. Ms. Whitesides provided data gathered from the report and gave Council a sign that was developed for the campaign that can be displayed in the Town Hall.

No action was required by Council on this matter.

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2. Consideration of emergency funding request from Holston Mountain Artisans.

Mayor Morgan noted that representatives from Holston Mountain Artisans had spoken to Council previously about this request and Council was prepared to act on the emergency request.

On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council appropriated \$3,300 from Council contingency for the emergency funding request submitted by Holston Mountain Artisans.

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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**3. Consideration of Bylaws for the Tourism Advisory Committee.**

Kevin Costello, Director of Tourism submitted to Council newly drafted Bylaws for the Tourism Advisory Committee. Mr. Costello indicated that they had been reviewed by the TAC and they were in favor of the acceptance of the Bylaws. Mrs. Lowe inquired about the language in the document relative to TAC members missing more than three (3) meetings. Mr. Costello noted that he would revise the document to include the missed meeting provision and re-submit the By-laws for Council approval at the May meeting.

No action was required by Council at this time.

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4. Consideration of the town's annual tree report.

Kevin Sigmon, Town Arborist provided Council with the town's annual tree report including items considered throughout the year by the Tree Commission. Mr. Sigmon reported on the Tree Initiative, a memorial scholarship, tree removals in town, and Arbor Day Celebration.

Mr. Howard commented on the yellow tags placed on town trees and Mr. Humphreys asked Mr. Sigmon to comment on tree wells that existed at one time on Main Street.

No action was required by Council on this matter.

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**5. Consideration of funding for the relocation of the Breckenridge Cabin.**

Garrett Jackson, Assistant Town Manager reported that the Washington County Board of Supervisors had approved the donation of the Breckenridge Cabin, currently located on the property of the Washington County Public Library, to the Town of Abingdon. Mr. Jackson noted that it was the Council and town staff's desire to move the structure to the Muster Grounds site. Mr. Jackson commented that the cost of the relocation of the structure would be \$35,000 and the re-chinking of the structure once it is placed



would be \$15,000. Mr. Jackson stated that it was his recommendation that Council enter into an agreement with the Overmountain Victory Trail Association to act as the town's agent on the project since they are a 501(c)(3) agency. Mr. Humphreys inquired if the town staff would be overseeing the relocation aspects of the project. Mayor Morgan inquired about procurement.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council authorized town staff to enter into an agreement with the Overmountain Victory Trail Association to act as the town's agent relative to the relocation of the Breckenridge Cabin and to take the amount of \$50,000 (\$35,000 for relocation costs and \$15,000 for re-thinking) from current preservation funds to cover the cost of the project.**

**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. RESOLUTIONS – *None.*

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**L. MATTERS NOT ON THE AGENDA**

- Mrs. Lowe commented that Council had considered non-departmental budget requests at the earlier Work Session Meeting and that Council had discussed additional appropriations from Council contingencies to particular agencies.

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council authorized the following additional appropriations from current Council contingency funds, on June 1, 2014 to:**

|                                                                          |                 |
|--------------------------------------------------------------------------|-----------------|
| <b>Washington County Public Library</b>                                  | <b>\$1,000</b>  |
| <b>Appalachian Independence Center</b>                                   | <b>\$1,000</b>  |
| <b>Ecumenical Faith in Action</b>                                        | <b>\$2,000</b>  |
| <b>Abingdon Main Street</b>                                              | <b>\$10,000</b> |
| <b>Veterans Memorial Park Foundation</b>                                 | <b>\$10,000</b> |
| <b>Appalachian Sustainable Development<br/>(Healthy Family Programs)</b> | <b>\$1,000</b>  |
| <b>Glade Antique Tractor Club</b>                                        | <b>\$5,000</b>  |

**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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M. APPOINTMENTS TO BOARDS AND COMMITTEES

1. *Board of Building Code Appeals*

- Reappointment of John McCormick who is eligible to serve a second term
- Reappointment of Chris Dye who is eligible to serve a second term
- Reappointment of Nick Griffith who is eligible to serve a second term

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council reappointed John McCormick, Chris Dye, and Nick Griffith to second terms on the Board of Building Code Appeals.

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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### **2. *Board of Zoning Appeals***

- Reappointment of Matt Bundy who is eligible to serve a second term

**On motion of Mr. Humphreys, seconded by Mr. Mrs. Lowe, the Council appointed Matt Bundy to a second term on the Board of Zoning Appeals.**

**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> |

**Mayor Morgan      Aye**

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3. *Veterans Memorial Park Board*

- Appointment of Council member representative to the Board

Mr. Humphreys commented that he was serving on both the Veterans Mark Board and the Tree Commission. Discussion ensued and Council members agreed that Mr. Humphreys should remain the Council representative to the Veterans Memorial Park Board and ask that the Tree Commission appoint another individual to serve on the Veterans Park Board.

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- Mr. Humphreys reported on the Mount Rogers Planning District Commission meeting he attended.
- Mrs. Lowe commented on meeting she had with Dan Smith relative to the Abingdon Redevelopment and Housing Authority Board.
- Mr. Howard reported on the TransDominion Express and Mayor Morgan reported on a conference call also associated with the TransDominion Express relative to passenger rail service to Southwest Virginia.
- Mr. Humphreys thanked Mrs. Rosenbaum, Town Clerk for serving as Council's "mother hen".
- Mrs. Duehring thanked Council for embracing her as a newcomer to Council.
- Mayor Morgan thanked the Emory & Henry students for their attendance and commented on the impact citizens can have at a local level.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk