

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 3, 2014 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, February 3, 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 Worley, Dir. of Parks & Recreation
John McCormick, Fire Chief

Visitors: Tariq Zaidi, Larry and Patsy Owens, Allie Robinson
Gibson, Dyer Moss, Stacy Ely, Sean McMurray and
others

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**C. PLEDGE OF ALLEGIANCE**

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

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D. MOMENT OF SILENCE AND REMEMBRANCE

- Mr. Kelly, Town Manager commented that on December 23, 2013 **Officer John Wolfe** of the Police Department passed away unexpectedly. Officer Wolfe had worked for the Department for over twenty-six (26) years. Mr. Kelly asked Chief Sullivan to come before Council and share some memories of Officer Wolfe and his time with the Abingdon Police Department. Officer Wolfe will be remembered as a peacemaker, a proud grandfather and a loyal member of the department.
- Mr. Kelly commented that on January 28, 2014 **Johnny Crigger, Jr.** of the Town's Wolf Creek Water Reclamation Facility passed away unexpectedly. Johnny had been employed with the Department for over twenty-six (26) years. Mr. Kelly asked Chief McCormick of the Abingdon Fire Department to share his memories of Johnny as a fellow fire fighter. Mr. Crigger will be remembered as always having a smile on his face and for his devotion to his family and to the town.

At this time, Mayor Morgan asked everyone to pause for a moment of silence and remembrance for two (2) long-standing employees of the Town of Abingdon. They will be missed but never forgotten.

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#### **E. SPECIAL EMPLOYEE ACKNOWLEDGEMENTS**

Mr. Kelly, Town Manager recognized **Patsy Owens** on her retirement from the Planning Department effective December 31, 2013 and thanked her for her thirty-two (32) years of service to the town. Mr. Kelly presented Mrs. Owens with a town seal and a clock in honor of her service.

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F. APPROVAL OF MINUTES

- January 6, 2014 Work Session Meeting
- January 6, 2014 Regular Meeting

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the minutes of the January 6, 2014 work session meeting and the minutes of the January 6, 2014 regular 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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**G. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES – None**

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H. SECOND READINGS – None

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**I. SECOND READINGS OF ORDINANCES - None**

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J. CONSIDERATION OF ANY BIDS - None

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**K. REPORTS FROM THE TOWN MANAGER**

**1. Presentation and request for extension of the KSOM (aka Southwest Virginia School of Medicine) agreement.**

Tariq Zaidi, Interim President for the Southwest Virginia School of Medicine addressed the Council to report on status of the Med School project. Mr. Zaidi commented on the phases of the project and the transition to being an independent entity. Mr. Zaidi thanked Mayor Morgan for attending the January Tobacco Commission meeting and noted it was a favorable outcome for the Med School project. Mr. Zaidi asked the Council to consider approving the town's agreement with the Medical School for support and noted that the new draft mirrors the language of the commitment by the Tobacco Commission relative to funding.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council authorized the Town Manager to execute the amended agreement with the King School of**

**Medicine to extend the town's previous commitment until the regular June meeting at which time it will be reviewed again by the Council.**

**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 appropriation of Council contingency funds for the recent presentation by Mr. Ed McMahon, Senior Fellow at the Urban Land Institute in Washington, DC on "Ingredients of Successful Communities and Economic Development in the 21st Century".**

Greg Kelly, Town Manager reported that the recent presentation by Ed McMahon at the Higher Education Center was a not a budgeted expense and asked the Council to consider appropriating \$1,000 from their contingency to pay for Mr. McMahon's presentation.

On motion by Mr. Humphreys, seconded by Mrs. Duehring, the Council appropriated \$1,000 from their contingency for the presentation by Ed McMahon, Senior Fellow at the Urban Land Institute.

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. Report on the timetable for the upcoming FY 2014/2015 town budget process.**

Mr. Kelly, Town Manager reported that budget process would begin in March 2014 and indicated that Council had discussed the matter at its earlier work session. Mrs. Rosenbaum, Town Clerk reported the following dates that Council has established for budget review meetings:

- March 24, 2014 Budget meetings with Department Heads 6:30 p.m.
- March 26, 2014 Budget meetings with Department Heads 6:30 p.m.

- March 27, 2014 Budget meeting to hear non-departmental requests 6:30 p.m.
- April 7, 2014 Budget review at regular work session meeting 5:30 p.m.

*No further action was required by Council.*

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L. RESOLUTIONS

1. **A Resolution of the Council of the Town of Abingdon, Virginia Supporting Virginia Plan to Increase Access for the Uninsured**

Sean McMurray, CEO of Johnston Memorial Hospital commented that changes in legislation relative to the Affordable Care Act had caused a gap in access to health insurance coverage for the uninsured in Virginia. Mr. McMurray asked the Council to support the proposed Resolution before Council for consideration to encourage the Virginia General Assembly to take measures to close this gap.

Mayor Morgan read the Resolution into the record as follows:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA SUPPORTING VIRGINIA PLAN TO INCREASE ACCESS FOR UNINSURED

WHEREAS, a healthy workforce and community are critical to the economic vitality of the Abingdon community; and

WHEREAS, over one million Virginians under the age of 64 are uninsured, many of whom are in families with at least one full- or part-time worker who aren't provided health insurance coverage through their employers, can't afford coverage on their own or don't make enough to qualify for insurance offered through the health care exchanges; and

WHEREAS, these uninsured Virginians receive care, which is subsidized by employed Virginians through higher insurance premiums, providers charging more to the insured for their own care and underwriting of uninsured care by providers; and

WHEREAS, this cost-shifting will continue to rise faster than inflation if the Commonwealth does not address ensuring more Virginians have access to affordable health care coverage; and

WHEREAS, through 2022, Virginians will send \$29.7 billion to Washington, D.C., through mandatory federal Affordable Care Act-related taxes, fees and provider payment cuts to pay for the uninsured in other states; and

WHEREAS, the Commonwealth has the ability to recoup these funds to help its own citizens by developing a Virginia plan to control growth and reform the current Medicaid program; reduce cost-shifting from the uninsured to Virginia businesses and their employees; force individuals to take responsibility for their own health; improve the quality of care delivered by paying providers to manage care rather than paying for volume of care; shift the risk of Affordable Care Act implementation off of

Virginia taxpayers if the federal government reneges on its commitments and reduce waste, fraud and abuse of government programs more effectively; and

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Abingdon, Virginia that it hereby supports and urges the Virginia General Assembly to develop and implement in the Commonwealth of Virginia a plan to provide more Virginians with access to affordable health care coverage and services and to take advantage now of receiving federal funds for this implementation, which would provide a significant boost to Virginia's economy and provide local taxpayer relief.'

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council adopted the Resolution to support the Virginia Plan to Increase Health Insurance Access for the Uninsured.

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. A Resolution of the Council of the Town of Abingdon, Virginia for the Purpose of Adopting a Code of Conduct Requirement Relative to a Grant by the U.S. Department of Agriculture to the Abingdon Police Department.**

Tony Sullivan, Chief of Police reported that his department had been awarded a grant by the U.S. Department of Agriculture for a police vehicle and equipment purchase project. Mr. Sullivan noted that the proposed Resolution was one of the required components in order to finalize the grant award.

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council adopted the Resolution for the Purpose of Adopting a Code of Conduct Requirement Relative to a Grant by the U.S. Department of Agriculture to the Abingdon Police Department as presented and read into the record as follows:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA FOR THE PURPOSE OF ADOPTING A CODE OF CONDUCT REQUIREMENT RELATIVE TO A GRANT BY THE U.S. DEPARTMENT OF AGRICULTURE TO THE ABINGDON POLICE DEPARTMENT**

**WHEREAS** on October 7, 2013 the Council of the Town of Abingdon adopted a Resolution supporting an application to the U.S. Department of Agriculture, Rural Development to provide funding for a police vehicle and equipment purchase project; and

**WHEREAS**, the Abingdon Police Department has been notified that they have been awarded the grant to assist with funding for the police vehicle and equipment purchase project; and

**WHEREAS**, the U.S. Department of Agriculture, Rural Development requires the Council to adopt a Code of Conduct that states that no employee, officer or agent of the owner shall participate in the selection, award, or administration of a contract supported by Rural Housing Service funds if a conflict of interest, real or apparent, would be involved; and

**NOW THEREFORE BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia that it hereby adopts the Code of Conduct as required by the U.S. Department of Agriculture, Rural Development relative to the funds awarded for the police vehicle and equipment purchase project.

**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>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. MATTERS NOT ON THE AGENDA

- Mayor Morgan asked Garrett Jackson, Assistant Town Manager to come before Council and report on a recent public forum that was held to address concerns regarding the recent location of MXI on Lowry Drive. Mr. Jackson reported on the issues and concerns raised by the neighbors living in the area and indicated that he is going to request Council consider a change in zoning that would trigger a special use requirement for future businesses wanting to locate adjacent to a neighborhood. Mr. Jackson noted that this change would require public hearings to be held before Planning Commission and Town Council and would require that neighbors be notified of the proposed business location. Neither of these requirements are currently conditions for the present zoning classification in that area. Mr. Jackson noted that this change would be considered by Planning Commission at their February 24th meeting and by Council at their regular March 3rd meeting. Mr. Kelly, Town Manager noted that this change will not affect the MXI business currently located on Lowry Drive. Mayor Morgan asked if anyone wished to comment and no members of the audience addressed the matter.

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- Dyer Moss, town resident, asked the Council to consider developing a plan to reduce the deer population in the town limits.

- Rich Macbeth reported that he is going to run for a seat on the Town Council.

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N. APPOINTMENTS TO BOARDS AND COMMITTEES

1. Economic Development Authority

- *Appointment to the EDA for the expired term of Kyle Macione who declined reappointment*
- *Reappointment of Milton Maiden who is eligible to serve another term*

2. Tourism Advisory Committee

- *Reappointment of Marcy Miller who is eligible to serve another term*
- *Reappointment of Carson Jackson who is eligible to serve another term*

3. Board of Architectural Review

- *Appointment of member to fill the expired term of Dr. Charles (Mike) Owens who is not eligible for reappointment*

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council made the following reappointments:

- **Milton Maiden to a second term on the Economic Development Authority**
- **Marcy Miller and Carson Jackson to second terms on the Tourism Advisory Committee**

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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**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) for the purpose of consideration of appointments to the Economic Development Authority and the Board of Architectural Review.**

**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>Mrs. Duehring</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

**The motion carried.**

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

**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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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:

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|----------------------|---------------------|
| Mr. Howard | I so certify |
| Mr. Humphreys | I so certify |
| Mrs. Duehring | I so certify |
| Mrs. Lowe | I so certify |
| Mayor Morgan | I so certify |

Mayor Morgan noted that the appointments to the Board of Architectural Review and the Economic Development Authority, not previously made, will be postponed till the regular March meeting.

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**O. COUNCIL MEMBER REPORTS**

- Mr. Humphreys commented on the installation of trees in the downtown area.
- Mayor Morgan noted that several trees were in need of replacement on Lowry Drive.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk