

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

A regular meeting of the Abingdon Town Council was held on Monday, March 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 Costello, Dir. Tourism
Kevin Worley, Dir. of Parks & Recreation
John McCormick, Fire Chief

Visitors: Greg Tucker, Langley Shazor, Rich Macbeth, Susan Howard, Carter Aylor

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**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Tony Sullivan, Chief of Police.

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D. SPECIAL EMPLOYEE ACKNOWLEDGEMENTS

- Greg Kelly, Town Manager recognized Frankie Fulton, Department of Public Works and thanked him for his thirty-five (35) years of service to the town.
- Mr. Kelly noted that Marion Watts, Director of Building Inspection has been with town for twenty-five (25) years but was unable to attend the meeting. He further noted that Robert Norris, Department of Public Works had also been with the town for twenty-five (25) years and he was unable to attend the meeting.

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At this time Mayor Morgan asked Greg Tucker, CPA with Bostic Tucker to report on the town's audit ending June 30, 2013. Mr. Tucker commented that he saw no problems or concerns with the town's financial status. Mr. Tucker noted several items that caused an impact on the audit figures including the purchase of land on Russell Road which was not budgeted, purchase of property off of Colonial Road which was not budgeted, decline in meals tax revenue, and decline in Coomes Center membership revenue. Mr. Tucker reported that Abingdon was in solid financial condition and no findings of concern were noted.

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council members accepted the audit ending June 30, 2013 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> |

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E. APPROVAL OF MINUTES

- February 3, 2014 Work Session Meeting
- February 3, 2014 Regular Meeting

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the minutes of the February 3, 2014 work session meeting and the minutes of the February 3, 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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**F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

- 1. Public Hearing – First Reading - 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 addressed the Council and reported that the Ordinance before Council was for public hearing and first reading and was necessary to amend the existing Erosion and Sediment Control Ordinance to bring it into compliance with the current state regulations. Mr. Smith, Town Engineer noted that the Ordinance amendment reflected the minimum requirements and restrictions provided by State and its enactment by Council was a State requirement.

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

**On motion of Mr. Howard, seconded by Mrs. Duehring, the Council approved 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. Public Hearing – First Reading - 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.

Jim Smith, Town Engineer reported that the Ordinance before Council for Public Hearing and First Reading was mandatory as part of the new MS4 guidelines that were put in place by the state in accordance with the most recent census which showed an increase in population. Mr. Smith explained that the MS4 is a separate municipal sewer storm drain ordinance that addresses the control of surface water runoff. Mr. Smith noted that the Ordinance meets the requirements of the state law and its restrictions are no more than provided by the state.

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

On motion of Mr. Humphreys, 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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**3. Public Hearing – First Reading - An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Appendix B, Article 13, M-1, §§13-1 and 13-2, Limited Industrial District, of the Code of Ordinances of the Town of Abingdon, Virginia.**

Garrett Jackson, Assistant Town Manager reported that the Ordinance before Council for Public Hearing and First Reading was to amend the existing Ordinance to tighten the restrictions for permitted uses in the current M-1 Limited Industrial District, which may not be appropriate in the current M-1 zones, which often are adjacent to R-3 (residential) districts. Mr. Jackson noted that “special uses” require more oversight, adjacent property notification, public hearings, and review of the conditions every 18 months. Mr. Jackson further noted that the Ordinance had been reviewed the Planning Commission and they recommended that the Ordinance be amended and, in addition,

Council eliminate the term “Correctional Facilities” from the Ordinance and to move “Specialty Retail Shops” and “Professional Offices” into Permitted Uses by Right.

Mr. Roark, resident of Lowry Drive inquired about the storage of materials in buildings in the M-1 district.

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

Mr. Humphreys asked if staff planned to review other existing M-1 areas in town.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved, the Ordinance to Repeal, Amend and Reenact Appendix B, Article 13, M-1, §§13-1 and 13-2, Limited Industrial District, of the Code of Ordinances of the Town of Abingdon, Virginia on first reading, thereby dispensing with the second reading to become effective on April 3, 2014.**

**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 - None**

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I. CONSIDERATION OF ANY BIDS - None

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**J. REPORTS FROM THE TOWN MANAGER**

- 1. Consideration of the Audit Report for the Town of Abingdon as of June 30, 2013.**

*This item was addressed earlier in the meeting and no further action was required.*

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K. RESOLUTIONS

1. Resolution of the Council of the Town of Abingdon, Virginia Declaring April 1st through 7th, 2014 as Local Government Education Week.

Greg Kelly, Town Manager commented that the Resolution before Council was to declare April 1st through 7th as Local Government Education Week throughout the Commonwealth of Virginia. Mr. Kelly noted that this was the second year for the observation of Local Government Education Week and that he, along with his colleagues at the Virginia Local Government Managers Association, had worked to establish this to educate students in local schools about their local governments and the impact they can have at a local level.

Mayor Morgan read the Resolution into the record as follows:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA DESIGNATING APRIL 1ST THROUGH 7TH, 2014 AS LOCAL GOVERNMENT EDUCATION WEEK

WHEREAS, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

WHEREAS, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

WHEREAS, citizen services such as law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

WHEREAS, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week of April as Local Government Education Week in Virginia; and

WHEREAS, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton, Virginia thereby making the first week of April appropriate for this designation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Abingdon, Virginia that April 1st through 7th 2014 is hereby designated as Local Government Education Week; and

BE IT FURTHER RESOLVED that the Council of the Town of Abingdon, Virginia and the Washington County, Virginia School Board will partner to promote the civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

On motion of Mr. Humphreys, seconded by Mrs. Duehring, the Council adopted the Resolution Designating April 1st through 7th, 2014 as Local Government Education Week.

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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#### **L. MATTERS NOT ON THE AGENDA**

- Mr. Kelly, Town Manager commented that Council had heard a presentation at the earlier Work Session Meeting from Sam Brown, Health Insurance Consultant about the town's employee health insurance renewal for the upcoming year. Mr. Kelly noted that the insurance premiums would see an increase of approximately 4.2% and recommended Council authorize him to execute the necessary paperwork to renew with the current insurance provider, Anthem Blue Cross/Blue Shield for another year.

**On motion of Mr. Humphreys, second by Mr. Howard, the Council authorized the Town Manager to execute the necessary documents to renew the town's employee health insurance coverage for the upcoming year and to do so by the deadline of April 1<sup>st</sup>.**

**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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- Mrs. Icenhour, Town Attorney, commented that she had updated Council at the earlier Work Session meeting on a pending legal matter which would require funding for

consultation with expert witnesses and asked that Council to consider appropriating the amount of \$5,000 from their contingency to assist with the expected cost.

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council appropriated the amount of \$5,000 from their contingency to assist with costs associated with a pending litigation matter and the consultation with expert witnesses for the case.

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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- David Wallace of 337 Augusta Drive, Abingdon, inquired about the construction activity at 3 locations on Cummings Street that once operated as gas stations. Mr. Wallace thanked the Council for their continued support of Barter Theatre.

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At this time Mayor Morgan inquired if the Council members had any items to report.

- Mrs. Lowe commented that twenty-five (25) individuals were competing in the first Washington County Business Challenge.
- Mr. Kelly wished everyone a Happy St. Patrick's Day.

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#### **M. APPOINTMENTS TO BOARDS AND COMMITTEES**

**On motion of Mrs. Lowe, seconded by Mr. Howard the Council reappointed Betsy White to serve a second term on the Board of Architectural Review.**

**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. Humphreys, 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, Board of Architectural Review, and Planning Commission.

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 Mrs. Lowe, 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> |

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On motion of Mrs. Lowe, seconded by Mr. Howard, the Council made the following appointments:

- Langley Shazor and Maggie Costello, Planning Commission to fill the expired terms of Kenny Shuman and Gary Kimbrell, both of whom were not eligible for reappointment.
- Kenny Shuman, Economic Development Authority to fill the expired term of Kyle Macione who declined reappointment.
- Andrew Neece, Board of Architectural Review to fill the expired term of Dr. Charles (Mike) Owens who was not eligible for reappointment.

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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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk