

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, MAY 5, 2014 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, May 5, 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: Jan/Sam Hurt, Russell McBride,

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**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Cathy Lowe, Vice Mayor.

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D. SPECIAL EMPLOYEE ACKNOWLEDGEMENTS

- **Acknowledgement of employee certifications and achievement**
- **Presentation of Employees of the Year Awards and Outstanding Employee of the Year**

Mr. Kelly noted that a committee had been assembled to review nominations from Department Heads for the award of Employee and Outstanding Employees of the Year. Mr. Kelly congratulated the following town staff for being awarded Employee of the Year:

- **Reba Proffitt – Finance Department**
- **Matt Duncan – Police Department**
- **Elmo Warner – Town Shop** (*Mr. Warner was not present*)

Each of these employees will receive a paid day of vacation.

Mr. Kelly asked **Dan Callahan** from the Wolf Creek Water Reclamation Facility to come forward and congratulated him on being chosen as the Outstanding Employee of the Year. Mr. Kelly noted that Mr. Callahan will receive a gift card and paid day of vacation.

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#### **E. APPROVAL OF MINUTES**

- April 7, 2014 Work Session Meeting
- April 7, 2014 Regular Meeting

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council members approved the minutes of the April 7, 2014 Work Session meeting and the April 7, 2014 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>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

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A. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. Public Hearing – Consideration of Deed of Gift by and Between Hurt Properties, LP, Donor and the Town of Abingdon, Virginia, Donee.

Deb Icenhour, Town Attorney reported that the Town Manager had been contacted several months ago by Sam and Jan Hurt relative to their desire to donate a piece of property to the town that they owned on Valley Street. Ms. Icenhour noted that the property is home to a labyrinth that the Hurts had placed on the site several years ago and the property will serve as a town park for residents and visitors in the town to

enjoy. Ms. Icenhour noted that the donation of property required the Council to hold a public hearing and if there were objections, Council would need to authorize the Town Manager to accept the donation and sign the necessary documents to complete the transaction.

Mayor Morgan declared the public hearing open.

- Russell McBride a resident of Damascus, Virginia commented that the donation of the Hurt property is a great opportunity for the town and that he and his family had spent their Easter Sunday viewing the labyrinth and enjoying serenity of the site.

Hearing no further comments, Mayor Morgan declared the public hearing closed.

Mayor Morgan expressed his appreciation to the Hurt Family for their generous and heartfelt donation of their property on Valley Street and noted it would be enjoyed by the residents and visitors to the town for many years to come.

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council accepted the donation of property from Sam/Jan Hurt and authorized the Town Manager to execute the necessary documents to complete the Deed of Gift.

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. **Public Hearing – First Reading – An Ordinance of the Council of the Town of Abingdon to Repeal, Amend and Reenact Article II, Chapter 66, Real Property Tax §66-42 of the Code of the Town of Abingdon, Virginia to Amend the Property Tax Exemption for Property Owners Qualifying as Elderly and/or Totally and Permanently Handicapped.**

Deb Icenhour, Town Attorney reported that this amendment to the Ordinance was before Council in order to change the amount of tax exemption for qualifying property owners designated as elderly and/or permanently handicapped. Ms. Icenhour noted that the current exemption rate had been unchanged in several years and this would bring the exemption amount in line with what Washington County, Virginia recently adopted for residents. Ms. Icenhour commented that the

amendment required Council to hold a public hearing and recommended that they approve the amendment as presented.

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

**On motion of Mrs. Duehring, seconded by Mrs. Lowe, the Council approved the Ordinance of the Council of the Town of Abingdon to Repeal, Amend and Reenact Article II, Chapter 66, Real Property Tax §66-42 of the Code of the Town of Abingdon, Virginia to Amend the Property Tax Exemption for Property Owners Qualifying as Elderly and/or Totally and Permanently Handicapped.**

**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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- 3. Public Hearing – First 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, 2014 and Ending June 30, 2015.**

Greg Kelly, Town Manager provided the Council with a summary of the process for the preparation of the FY 2014/2015 budget. Mr. Kelly noted that the total proposed budget this year was in excess of \$16M and noted that tax rates, fees and charges for the town would remain the same with the only change for 2014/2015 being in the allowance for elderly and handicapped real property tax exemption which will increase once Council approves the final adoption of the Ordinance. Mr. Kelly commented that the total amount of the General Fund equals \$16,639,303 and the total amount of the Sewer Fund equals \$3,013,118. Mr. Kelly reported that the amount of \$550,000 would be transferred from reserves to carry out the costs associated with Capital Improvement Projects for the upcoming year.

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

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the Ordinance 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, 2014 and Ending June 30, 2015.

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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**B. SECOND READINGS –**

- 1. Second 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 Second Reading.

**On motion of Mrs. Lowe, seconded by Mr. Howard, 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> |

**C. SECOND READINGS OF ORDINANCES**

**1. Second 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 and 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 was back before Council for Second Reading. Ms. Icenhour noted that the final steps in the process had been 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 these steps had been taken and recommended that Council approve the Ordinance on Second Reading.

**On motion of Mr. Humphreys, seconded by Mrs. Duehring, 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:**

|                      |            |
|----------------------|------------|
| <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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D. CONSIDERATION OF ANY BIDS

1. Consideration of bids for Pedestrian Improvement Project (Whites Mill/Court/Oakhill Streets).

John Dew, Director of Public Services/Construction commented that a total of three (3) bids had been received for the Pedestrian Improvement Project. Mr. Dew noted that the Request for Bids had specified a base bid and a bid alternate for additional paving on White Mill Road. Mr. Dew recommended that the bid be awarded to

Boring Contractors, Inc. for the base bid and the bid alternate for the total amount of \$1,025,218.50.

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council awarded the bid for the Pedestrian Improvement Project (White Mill Road/Court Street/Oakhill Street) to Boring Contractors, Inc. for the base bid and the bid alternate for the total amount of \$1,025,218.50 and further authorized the Town Manager to executed any documents necessary to complete the contract for the project.

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. Consideration of bids for Academy Drive Widening Project**

John B. Dew, Director of Public Services/Construction commented that he had received a total of five (5) bids for the Academy Drive Widening Project. Mr. Dew noted that he had requested a base bid and a bid alternate to include brick sidewalk instead of concrete sidewalk for the project. Mr. Kelly reported that all the bids received were over the amount of funding appropriated for the project but noted that it may be possible to do a shift of revenue sharing funds to cover the overage amount on the project. Mr. Kelly recommended that Council award the bid to Boring Contractors as they are the lowest and most qualified bidder and further that he be allowed to negotiate the bid alternate for the installation of a brick sidewalk.

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council awarded the bid for the Academy Drive Widening Project to Boring Contractors, Inc. for the amount of \$494,077.50 and further authorized the Town Manager to negotiate with representatives from Boring Contractors for the installation of a brick sidewalk for 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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E. REPORTS FROM THE TOWN MANAGER

1. Consideration of Bylaws for the Tourism Advisory Committee

Kevin Costello, Director of Tourism noted that the Bylaws had been before Council for consideration at the April meeting but were in need of a revision relative to the number of meetings a member of the committee could miss before they can be replaced. Mr. Costello indicated that the change had been made and the TAC members had approved the modification.

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council approved the Bylaws for the Tourism Advisory Committee 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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**2. Consideration of report on the Sinking Spring Cemetery**

David Winship, Committee Representative provided Council with a report on the status of Sinking Spring Cemetery and the items currently being considered by the Cemetery Committee. Mr. Winship commented that the Committee had recently toured the Cemetery site and declared it to be in good shape and well maintained relative to mowing of the grounds. Mr. Winship noted that the Committee was considering establishing a "Friends of the Cemetery" group to assist with monitoring of the cemetery and mapping efforts as well as gathering estimates for the installation of a columbarium.

No action was required by Council on this matter.

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F. RESOLUTIONS - None

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**G. MATTERS NOT ON THE AGENDA**



- Elaine Everest, owner of the store Persnickety and Susan Coleman, owner of Easterly Coleman, both located on Court Street, inquired about the plans for the closure of Court Street during the upcoming Plumb Alley Day. Mr. Kelly commented that Court Street would not be closed during the event.
- At this time, Deb Icenhour, Town Attorney commented that upon review of the Council's action taken at the April 7<sup>th</sup> meeting relative to the relocation of the Breckenridge Cabin. Ms. Icenhour recommended that Council rescind their motion made at the April 7<sup>th</sup> meeting, reject any and all bidders on the project, and authorize town staff to re-bid the project.

**On motion of Mrs. Lowe, seconded by Mr. Howard, Council rescinded their motion from the April 7<sup>th</sup>, 2014 meeting which “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-chinking) from current preservation funds to cover the cost of the project” , and further directed town staff to notify the bidders that any and all bids received thus far had been rejected; and authorized town staff to proceed with the re-bid of the project at a later time.**

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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Council Member Reports

- Mr. Humphreys commented on the parking situation at the Little League fields, thanked town staff for their efforts relative to the Trestle 7 Ribbon Cutting Ceremony, and his attendance at a recent Library meeting.
- Mr. Howard noted that Council elections would be held on Tuesday, May 6th and asked that residents come out and vote.

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## H. APPOINTMENTS TO BOARDS AND COMMITTEES

### 1. *Tourism Advisory Board*

- Appointment of Donna Price who is eligible for reappointment to a second term

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council appointed Donna Price to serve a second term on the Tourism Advisory Committee.**

**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. *Abingdon Redevelopment and Housing Authority Board*

- Appointment to fill the unexpired term of Dr. Mike Rush who has resigned his seat on the board

Council members agreed to table this matter until the regular June meeting.

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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