

**TOWN OF ABINGDON
COUNCIL WORK SESSION
TUESDAY, NOVEMBER 4, 2014 – 5:30 P.M.
ARTHUR CAMPBELL MEETING ROOM – MUNICIPAL BUILDING**

A Work session meeting of the Abingdon Town Council was held on Tuesday, November 4, 2014 at 5:30 p.m. in the Arthur Campbell meeting room of the Municipal Building.

A. ROLL CALL

Members of Council Present:

Mayor Edward B. Morgan
Mrs. Cathy Lowe, Vice Mayor
Mr. Richard E. Humphreys
Mr. Robert M. Howard
Mrs. Jayne A. Duehring

Administrative Staff:

Gregory W. Kelly, Town Manager
Cecile Rosenbaum, Town Clerk/Int.Asst. Town Manager
Deb Icenhour, Town Attorney
John Dew, Director Public Services/Construction
Floyd Bailey, Dir. of Information Technology

Visitors:

Rich Macbeth and Susan Howard

The following items were discussed by Council:

1. Mayor Morgan asked Mr. Kelly to comment on the Bank of America Franchise Refund Agreement that Council tabled from their October regular meeting. Mr. Kelly reported that he had reviewed the agreement and recommended that Council select option 3 for refund payment which will allow the bank to deduct their refund in increments over several years from what they owe for franchise tax in the town. Mr. Kelly noted that the option doesn't begin until 2016 and recommended Council authorize him to sign the agreement, choosing option 3, at the regular meeting.
2. Mayor Morgan reported that he had spoken with Karen Shaffer, who presented the Council with a resolution relative to fracking in the town limits at the October regular meeting. Mr. Kelly noted that the definitions and terminology needed to be specifically defined if Council were to consider adopting a resolution. Discussion ensued and Council members agreed that the Town Attorney would continue to research definitions and see if there is a need for further language in a resolution relative to fracking.
3. Mr. Kelly provided an update on the Allied Center for Rural Health and the report that had been contracted for preparation by Eva Klein. Mr. Kelly noted that Ms. Klein's report was to

tie together all the areas of support, entities that have committed to the project, and provide information in support of the project and will be distributed to the Tobacco Commission for their consideration at their January 2015 meeting. Mr. Kelly commented that he had spoken with David Rose, Financial Advisor and he was going to review the report and provide feedback to the town on financial impact of an Allied Center for Rural Health. Mayor Morgan commented on his enthusiasm for the project and desire to see it come to fruition in the very near future.

4. Ms. Icenhour, Town Attorney reported that the Frank Blair farm is for sale; that Jim Moore has a piece of property for sale in the area behind the Cracker Barrel Restaurant; and that her office had collected a long overdue meals tax payment in the amount of \$47,000 from the Starving Artist Restaurant.
5. Mr. Howard and Mr. Humphreys reported that they had completed their Planning Commissioner certification training in Roanoke.
6. Vice Mayor Lowe reported on the upcoming Business Challenge, the town's new economic development website, the Rails to Trails award ceremony and the Center for Excellence.
7. Ms. Duehring commented on the 2015 January Jams Concert schedule and musical acts as well as ticket sales and plans if a cancellation occurs.
8. Mr. Kelly asked Council to consider planning a retreat in the first part of 2015 that would focus on working relationships and improving communication. Mr. Kelly noted that Ms. Rosenbaum had contacted a facilitator who had agreed to lead the retreat and noted that she would get back to Council with dates, venue and costs.
9. Mayor Morgan commented that he would like for Council to consider the pursuit of legislation that would allow a tax on bicycle rentals and noted that Damascus had requested Council support for this new tax.
10. Mr. Humphreys commented on the upcoming Veterans Day ceremony and the dedication of the new pergola.
11. Mrs. Duehring inquired about the landscape plan for the hill adjacent to Veterans Park along Cummings Street where a great number of white pines had been removed.
12. Mr. Humphreys commented on the calls he had received about the increasing number of deer in the town neighborhoods; a piece of property that Danny Reynolds has for sale; and the recent meeting with Betsy White regarding historic properties.
13. At this time, **on motion of Mrs. Lowe, seconded by Mrs. Duehring, pursuant to Section 2.2-2711(A)(7) of the Code of Virginia, 1950, as amended Council went into Closed Session for the purpose of consulting with legal counsel on pending or probable litigation.**

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 Mrs. Duehring, 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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Mayor Morgan declared a 5 minute recess for Council and Town staff to reconvene in the Council Chambers for the regular 7:30 meeting.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk