

**‘TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, OCTOBER 7, 2013 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, October 7, 2013 at 7:30 p.m. in the Council chambers of the Municipal Building.

**A. ROLL CALL**

Members of Council Present: Edward B. Morgan, Mayor  
Mrs. Cathy Lowe, Vice Mayor  
Mr. Richard E. Humphreys  
Mr. Robert M. Howard

*Newly Appointed Council member:* 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. of Information Technology  
Tony Sullivan, Chief of Police  
Kevin Costello, Dir. of Tourism  
Kevin Worley, Dir. of Parks & Recreation

Visitors: Rich Macbeth, Susan Howard, Trish Moore, Rick Rose,  
Mike White

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**B. PLEDGE OF ALLEGIANCE**

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

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**C. COUNCIL VACANCY**

- **Consideration and appointment to fill vacant Council seat from October 7, 2013 through June 30, 2013.**

At this time, Mayor Morgan reported that Councilman Jason Berry had resigned his position with the Town Council at the September meeting in order to take the position as the Washington County Administrator. Mayor Morgan noted that the Council received nine (9) letters of interest from town residents willing to serve on the Council until June 30, 2014 and Council had conducted interviews of all nine (9) persons. Mayor Morgan announced that the Council had agreed to recommend Jayne A. Duehring for the vacant seat.

**On motion of Bob Howard, seconded by Rick Humphreys, the Council appointed Jayne Duehring to fill the seat vacated by Jason Berry and noted that Ms. Duehring will serve until June 30, 2014.**

**The roll call vote was as follows:**

|                      |            |
|----------------------|------------|
| <b>Mr. Howard</b>    | <b>Aye</b> |
| <b>Mr. Humphreys</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

Mr. Humphreys commented that the Council had a difficult decision to make but felt they had chosen a well qualified individual to serve.

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- **Administration of oath to Council appointee**

Trish Moore, Clerk of Circuit Court of Washington County, Virginia administered the oath of office to Mrs. Duehring and Council members welcomed her to the position. Ms. Duehring took her seat on the Council dais.

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

- **Recognition of Tammy Baldwin for Twenty (20) years of services as Tax Clerk in Finance Department**

Mr. Kelly, Town Manager presented Mrs. Baldwin a service pin and plaque and thanked her for twenty (20) years of service to the Town of Abingdon. Mr. Kelly noted it was Mrs. Baldwin's birthday and everyone joined in singing Happy Birthday.

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**E. APPROVAL OF MINUTES**

- September 3, 2013 Regular Meeting
- September 18, 2013 Work Session Meeting

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the minutes of the September 3, 2013 Regular Meeting and the September 18, 2013 Work Session 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> | <i>Abstain (Ms. Duehring was not present for the September meeting)</i> |
| <b>Mrs. Lowe</b>     | <b>Aye</b>                                                              |
| <b>Mayor Morgan</b>  | <b>Aye</b>                                                              |

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**F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES – None**

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**G. SECOND READINGS OF ORDINANCES – None**

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**H. CONSIDERATION OF ANY BIDS – None**

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**I. REPORTS FROM THE TOWN MANAGER**

**1. Presentation regarding Economic Impact Analysis Study for Barter Theatre.**

Rick Rose, Producing Artistic Director for Barter Theatre provided the Council with a power point presentation regarding the results of a recent economic impact analysis conducted for the Theatre. Mr. Rose indicated that he felt the analysis was more significant than first thought and provided some statistics for ticketed attendance. Mr. Rose noted that parking continues to be an issue.

Mayor Morgan thanked Mr. Rose for his presentation.

*No action was required by Council on this matter.*

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- 2. Authorization of Town Manager to work with Davenport & Company to move forward to solicit bids from local, regional and national banks to obtain quotes for Refunding Opportunity for possible debt service savings.**

Greg Kelly, Town Manager reported that the Davenport & Company had been authorized to do a financial analysis for the town and one recommendation from their report was for the town to consider refinancing existing debt service for a lower rate. Mr. Kelly noted that a public hearing was not required for the refinancing of debt service.

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council authorized Greg Kelly, Town Manager to move forward with Davenport & Company to solicit bids from local, regional and national banks for the purpose of obtaining quotes for refunding opportunities for possible debt service savings.**

**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, Kevin Costello, Director of Tourism was invited to report on the new website and commercial for Abingdon. Mrs. Lowe commented that she had attended a recent Tourism Advisory Committee meeting and the group was enthusiastic about the new activities taking place within the Tourism Department.

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## **J. RESOLUTIONS**

- 1. Consideration of Resolution of the Council of the Town of Abingdon for the purpose of an Irrevocable Election Not to Participate in Virginia Local Disability Program.**

Mr. Kelly, Town Manager commented that the Virginia Retirement System had established a hybrid retirement plan and as part of that plan, participating VRS localities could elect to participate in the Virginia Local Disability Program if they did not currently have a similar or more beneficial disability program. Mr. Kelly noted the Resolution before Council for consideration was required to confirm that the town did not wish to participate in the VLDP program as the town's current program is superior to the one being offered.

**On motion of Mrs. Lowe, seconded by Mr. Howard, Council approved the Resolution for the purpose of an Irrevocable Election Not to Participate in Virginia Local Disability Program and read the resolution into the record as follows:**

**WHEREAS**, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code §51.1-169; and

**WHEREAS**, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

**WHEREAS**, it is the intent of the Town of Abingdon, VRS Employer Code 55300, to make this irrevocable election to request that its eligible employees not participate in the VLDP; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia that the Town of Abingdon irrevocably elects not to participate in the VLDP because it has or will establish and continue to maintain comparable employer-paid disability coverage for such employees, and

**IT IS FURTHER RESOLVED** by the Council of the Town of Abingdon, Virginia that as an integral part of making this irrevocable election, the Town of Abingdon certifies that it has or will establish and continue to maintain comparable employer-paid disability coverage for such employees.

**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> |

**Mrs. Lowe**            **Aye**  
**Mayor Morgan**      **Aye**

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**2. Consideration of Resolution of the Council of the Town of Abingdon in Support of a Grant Application to the United States Department of Agriculture, Rural Development to Provide Funding for a Police Vehicle and Equipment Purchase Project.**

Tony Sullivan, Chief of Police reported that the local representation for USDA had contacted him relative to a grant application for funding for a police vehicle and equipment purchase. Chief Sullivan indicated that the grant, if awarded, would allow the department to purchase three (3) vehicles and noted that the required match money was already included in the FY 2013/2014 budget.

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the Resolution in support of a Grant Application to the United States Department of Agriculture, Rural Development to Provide Funding for a Police Vehicle and Equipment Purchase Project. Mr. Howard read the Resolution into the record as follows:**

**WHEREAS**, the Town of Abingdon Police Department has an opportunity to apply for grant funds through the United States Department of Agriculture, Rural Development, to obtain funding for police vehicle and equipment purchase project; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) to provide funding for police vehicle and equipment purchase project, the Council does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed; and

**BE IT FURTHER RESOLVED** by the Council of the Town of Abingdon, Virginia that Gregory W. Kelly, Town Manager is authorized to execute on behalf of the Town of Abingdon, the above-referenced agreements and execute such documents including, but not limited to, debt instruments and security instruments as may be required in obtaining said financial assistance.

**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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**K. MATTERS NOT ON THE AGENDA**

- Mrs. Lowe commented that the Town’s representatives to the Virginia Highlands Small Business Incubator Board needed to be reappointed by Council.

**On motion of Mr. Humphreys, seconded by Mrs. Duehring, the Council reappointed Dr. French Moore, Jr., Mike McCool, Kyle Macione, and Mike Spiegler to the Virginia Highlands Small Business Incubator Board.**

**The roll call vote was as follows:**

**Mr. Howard**            **Aye**  
**Mr. Humphreys**       **Aye**  
**Mrs. Duehring**       **Aye**  
**Mrs. Lowe**             *Abstain (Mrs. Lowe is the Director of the VHSBI)*  
**Mayor Morgan**       **Aye**

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- Mr. Dew, Director of Public Services/Construction reported that the construction of the Country Club Stormwater Management Project had begun.
- Mr. Dew reported that the Whites Mill/Court/Oakhill pedestrian improvement project had one easement outstanding and that he had been working with the consultant who had made revisions to the plans which were currently being reviewed by VDOT for final approval.
- Mr. Dew reported that the construction of Creeper Trail trestle #7 was progressing and that 13 of the required 30 foundations had been completed.

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- Billy Palmer of 1260 Hill Street, Abingdon reported that he had experienced issues accessing the driveway to his home due to the traffic pattern for the Washington County Fair held earlier in September. Chief Sullivan commented that he had spoken with Mr. Plummer last year about his concerns and asked that he contact dispatch if he experienced the same problems during this year’s fair. Mr. Kelly noted that the town’s involvement in the fair was to assist with fair traffic entering and exiting the area safely and efficiently. Mr. Kelly commented that he would be meeting with the Fair officials and would request that Mr. Plummer attend the meeting to voice his concerns.

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- Mike White inquired if the Council had made a determination about reinstatement request that he and Steven Burke had made at a September Council work session meeting.

## **L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

### **1. *Abingdon Tree Commission***

- Appointment of member to fill the expired term of Larry Browning who is not eligible for reappointment

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appointed Nico Leidig to serve on the Tree Commission.**

**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 Mr. Humphreys, seconded by Mrs. Lowe, the Council went into closed session pursuant to Section 2.2-3711 (A)(1) for the purpose of discussing appointments to the Fairview Committee, the Tourism Advisory Committee, the Redevelopment and Housing Authority Board, the Sinking Spring Cemetery Committee, and the Recreation 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> |

**The motion carried.**

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

|                      |                     |
|----------------------|---------------------|
| <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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## **2. Fairview At Abingdon Committee**

On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council approved the following term limits for the members of the Fairview at Abingdon Committee:

|  |           |   |
|--|-----------|---|
| <b>Lois Humphreys</b>  | August 11 | (one year term)<br>August 2014            |
| <b>Don Hagy</b>  | August 11 | (two year term)<br>August 2015            |
| <b>Vicky Hall</b>  | August 11 | (one year term)<br>August 2014            |
| <b>Deb Icenhour</b>  | August 11 | Council Appointed Staff<br>Representative |
| <b>Sean Taylor</b>   | August 11 | Council Appointed Staff<br>Representative |
| <b>Jim and Judy<br/>Moore (Ex-Officio)</b>                   | August 11 | Owners of Property<br>Leased to Town      |
| <b>Rick Humphreys<br/>(Council Member)</b>                   | Mar 2011  | (four year term)<br>Mar 2015              |
| <b>James Hagy</b>  | May 2011  | (two year term)<br>May 2015               |
| <b>Ron Stevenson<br/>(Old Glade Tractor<br/>Association)</b> | Aug 2013  | (three year term)<br>Aug 2016             |
| <b>Carol McCroskey</b>                                       | Aug 2013  | (three year term)<br>Aug 2016             |
| <b>Mac Johnson</b>   | Aug 2013  | (three year term)<br>Aug 2016             |

**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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**3. *Tourism Advisory Committee***

- Appointment of member to fill the unexpired term of Polly Mallory who is no longer able to serve
- Appointment of member to fill the expiring term of George Brewer who is not eligible for reappointment (term expires in December)

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council appointed Janet Woolwine, Martha Keys, and Ben Jennings to serve 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> |

**The motion carried.**

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**4. *Redevelopment and Housing Authority Board***

- Appointment of member to fill the unexpired term of **Betty Ferrier** who passed away on February 20, 2013

**On motion of Mrs. Duehring, seconded by Mr. Humphreys, the Council appointed Vickye Hall to serve on the Abingdon Redevelopment and Housing Authority Board.**

**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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**5. *Sinking Spring Cemetery Committee***

- Appointment of three (3) members to fill the expired terms of **Kitty Henninger, Tom Phillips, and Charles Seaver**

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council appointed James Hagy, Wayne Miller and Al Bradley to serve on the Sinking Spring Cemetery 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> |

**The motion carried.**

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**6. *Recreation Advisory Committee***

- Appointment of Council member to serve as term of former Council member, Dr. French Moore is expired

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council appointed Bob Howard to serve on the Recreation 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> |

**The motion carried.**

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**7. *Board of Architectural Review***

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council appointed Jayne Duehring to serve as Council appointee on the Board of Architectural Review for the remainder of the term vacated by Jason Berry.**

**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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#### **M. COUNCIL MEMBER REPORTS**

- Mr. Humphreys reported on the recent passing of Martha Weisfeld, longtime owner of the Abingdon Virginian Newspaper.
- Mrs. Lowe reported that she had met with the County's Planning Director regarding suggestions for their planned revisions to the Comprehensive Plan. Mrs. Lowe also noted that she was accepting donations for the upcoming cancer outreach music event and noted that her son, Jerry Castle, would be performing.
- Mr. Howard congratulated Mrs. Duehring on her appointment to the Council.
- Mrs. Duehring commented that she was honored to have been chosen to serve and looked forward to working with the Council and town staff.
- Mayor Morgan reported on a recent meeting he attended regarding the King School of Medicine.

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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