

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
WEDNESDAY, OCTOBER 8, 2014 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Wednesday, October 8, 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: Cecile Rosenbaum, Clerk/Int. Asst. Town Manager
Deborah Icenhour, Town Attorney
John Dew, Dir. Public Services/Construction
Floyd Bailey, Dir. Information Technology
Deborah Atkins-Vance, Dir. Human Resources
Kevin Worley, Dir. of Parks & Recreation
Kevin Costello, Dir. of Tourism
John McCormick, Fire Chief
CJ McGlothlin, Code Enforcement/Asst. Fire Chief
Jon Phelps, IT Department

Absent: Gregory W. Kelly, Town Manager

C. PLEDGE OF ALLEGIANCE

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

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**D. APPROVAL OF MINUTES**

- September 2, 2014 Work Session Meeting
- September 2, 2014 Regular Meeting
- September 29, 2014 Emergency Called Meeting

**On motion of Mr. Howard, seconded by Mrs. Duehring, the Council approved the minutes of the September 2, 2014 Work Session meeting, the September 2, 2014 Regular Meeting, and the September 29, 2014 Emergency Called Meeting.**

**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. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

- 1. Public Hearing – Pursuant to requirements under Code of Virginia, 1950, as amended, §15.2-5104 for the purpose of approving a special use permit pursuant to Zoning Ordinance, Article 11, B-2 General Business District, Section 11-2-3, Special Uses to operate a kennel, animal boarding and grooming.**

Deb Icenhour, Town Attorney reported that the matter before Council for consideration was a final step for the applicants in obtaining a special use permit to operate a kennel with animal boarding and grooming. Ms. Icenhour noted that a zoning change had been approved previously by Council to allow for this type of business and now the special use for approval was before Council for public hearing.

Mayor Morgan declared the public hearing open. Hearing no comments the public hearing was closed.

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council approved the special use permit pursuant to Zoning Ordinance, Article 11, B-2 General Business District, Section 11-2-3, Special Uses to operate a kennel, animal boarding and grooming.

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 – Pursuant to requirements under the Code of Virginia, 1950, as amended, §15.2-951 for the purpose of receiving comments from the public regarding the proposed authorization of the Town Manager to enter into a contract for the purchase of a 2014 Pierce PUC Pumper Truck for the Abingdon Fire Department through Republic First National Corporation.**

Deb Icenhour, Town Attorney and John McCormick, Fire Chief reported that the Abingdon Fire Department was in need of replacing a pumper truck and the matter was before Council for public hearing. Ms. Icenhour noted the price of the truck was \$732,161 and commented that Washington County, Virginia had agreed to make two (2) payments towards the purchase of the truck for a total contribution of \$300,000.

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

- a. **Consideration of authorization of the Town Manager to enter into a contract for the purchase of a 2014 Pierce PUC Pumper Truck for the Abingdon Fire Department through Republic First National Corporation.**

Deb Icenhour, Town Attorney and John McCormick, Fire Chief commented that the contract for the purchase of the 2014 Pierce PUC Pumper Truck would need to be signed by the Town Manager and recommended authorizing him to complete that agreement.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council authorized Town Manager, Greg Kelly to execute the contract with Republic First National Corporation for the purchase of a 2014 Pierce PUC Pumper Truck for the Abingdon Fire Department.**

**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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- b. **Consideration of authorization of the Town Manager to enter into an Agreement with Washington County, Virginia for the purchase of a fire suppression vehicle.**

Deb Icenhour, Town Attorney and John McCormick, Fire Chief reported that the document before Council for consideration was the agreement between the Town of Abingdon and Washington County for funding towards the purchase of the pumper truck for the Abingdon Fire Department. Chief McCormick noted that the County had agreed to pay two (2) installments of \$150,000 for a total contribution of \$300,000 and the first installment was received in the 2013/2014 budget. Ms. Icenhour recommended that Council authorize the Town Manager to execute the contract with the County on behalf of the town.

On motion of Mrs. Lowe, seconded by Mr. Howard, the Council authorized the Town Manager, Greg Kelly, to enter into an agreement with Washington County for the purchase of a pumper truck with the County contributing a total of \$300,000 toward the purchase.

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. First Reading - Consideration of Petition for Right of Way Vacation request for the east-west unopened right-of-way (approximately 250 feet long and 15 feet wide) between Campbell Street and Fulkerson Street, bound by parcels 017-11-33 and 017-11-35 on the north and Parcels 017-1-29 and 017-1-29A to the south.**

John Dew, Director of Public Services/Construction reported that the matter before Council was in its final stages with the first reading of the Ordinance to vacate the right of described herein. Mr. Dew noted that the Board of Viewers, appointed by Council, had recommended the vacation and Council had approved the request. Mr. Dew indicated the required plat for the vacation had been submitted and approved and the Ordinance before Council for consideration would require a second reading at the November meeting and it would be effective on December 4, 2014, thirty (30) days after the approval of the second reading.

**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the Petition for Right of Way Vacation request for the east-west unopened right-of-way (approximately 250 feet long and 15 feet wide) between Campbell Street and Fulkerson Street, bound by parcels 017-11-33 and 017-11-35 on the north and Parcels 017-1-29 and 017-1-29A to the south.**

**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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F. SECOND READINGS – 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 relative to Panicello Memorial Trail.**

Denise Peterson, Learning Landscapes Manager at Appalachian Sustainable Development introduced several students who had worked on the development of the Panicello Trail. The students provided Council with a power point presentation detailing several projects within the trail development and invited Council to the groundbreaking event on Friday, October 17<sup>th</sup>.

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

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2. Consideration of funding request for the Washington County Business Plan Competition.

Susan Howard, Executive Director, Abingdon Main Street reported that the Washington County Business Plan competition, sponsored by the Washington County Chamber of Commerce was a success and plans for the second competition were underway. Mrs. Howard noted that Council provided \$5,000 in funding in the last budget cycle and asked that they consider appropriating that same amount for the second event.

On motion of Mr. Humphreys, seconded by Mrs. Duehring, the Council appropriated the amount of \$5,000, from Council contingencies, for the Washington County Business Plan Competition.

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. Consideration of Bank of America Refund Payment Agreement relative to bank franchise taxes paid to the Town of Abingdon.**

Cecile Rosenbaum, (Int) Assistant Town Manager reported that the Bank of America filed amended Virginia Bank Franchise Tax Returns for years 2010, 2011, and 2012 and it was determined that that they had overpaid Bank Franchise tax. Ms. Rosenbaum reported that the overpayment to the Town of Abingdon was \$37,711 and reviewed with Council the three (3) options provided for repayment of those funds. Ms. Rosenbaum indicated that she had discussed this matter with the Town Manager and the recommendation for repayment was option 3, a refundable credit offer.

Mayor Morgan inquired about the Bank of America no longer maintaining a bank in the town limits and discussion ensued about future franchise revenue. Council agreed that they would like to table the matter for further discussion at the November meeting.

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J. RESOLUTIONS – None.

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**K. MATTERS NOT ON THE AGENDA**

- At this time, Mayor Morgan recognized Karen Shaffer who asked to speak to Council about a resolution opposing fracking in the town. Mayor Morgan stated that Virginia Municipal League issued the following statement pertaining to fracking:

"The process of hydraulic fracturing raises concerns about the potential pollution of groundwater, the depletion of water supplies and an increase in seismic activity in previously benign or inactive zones. The consequences potentially are costly, irreversible and devastating to local communities. VML supports a state regulatory program that addresses these concerns while protecting the authority of local governments to regulate this type of mining activity through its land use ordinance".

Mayor Morgan stated that Town staff will be researching the current zoning ordinances of the Town and would consider the matter at the November work session meeting.

- Mayor Morgan commented that he had participated in several meetings relative to the proposed Southwest Virginia School of Medicine and it appeared that the project was moving forward. Mayor Morgan noted that Tariq Zaidi, the Interim Director for the project had recommended hiring a consultant to prepare a report for the upcoming Tobacco Commission meeting and asked the Council to consider appropriating funds to assist in paying for the report.

**On motion of Mrs. Lowe, seconded by Mrs. Duehring, the Council referred the request from the SWVA School of Medicine's request for a comprehensive report to the Town Manager, Greg Kelly, to examine and implement any legal procurement process and further authorized him to enter into a contract with Eva Klein of Klein Services once he is satisfied that she has the ability to complete the report within the scope and timetable required to submit the document to the Virginia Tobacco Commission. In the event the Town Manager determines the report can be commissioned and meet all the require time restrictions, the costs, paid by the town, will be deducted from the total amount the town has agreed to provide for project. Council agreed that the funds would be taken from Council contingency.**

**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> |

## **L. COUNCIL MEMBER REPORTS**

- Mr. Humphreys thanked the men and women that participated in the Battle of King's Mountain and the group arrived on September 24, 2014 giving homage to the Turning of the Tide.
- Mrs. Lowe reported that she had attended two VML meetings and also attended a workshop with the Regional Economic Development group.
- Mr. Howard reported that he attended the recent VML conference and thanked everyone for their support of the new fire truck.

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

### **1. Sinking Spring Cemetery**

- *Reappointment of James Hagy who is eligible to serve a second term*

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council reappointed James Hagy to serve a second term 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> |

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2. Historic Preservation Review Board (aka BAR)

- *Appointment to fill the expired term of Byrum Geisler who is not eligible to serve again*

3. Abingdon Tree Commission

- *Appointment to fill the expired term of Monty Vernon who is not eligible to serve again*

4. Sustain Abingdon Committee

- *Appointment of one member from town staff to fill the expired term of Tenille Montgomery who is not eligible to serve again*
- *Appointment of one member to fill the expired term of Tom McMullen (resident) who is not eligible to serve again*

On motion of Mrs. Lowe, seconded by Mrs. Duehring, the Council appointed Jeff Johnson to serve on the Historic Preservation Review Board; Kathleen Wilder to serve on the Abingdon Tree Commission; and Marion Watts and Dane Ratliff to serve on the Sustain Abingdon 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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- Mayor Morgan thanked Ms. Rosenbaum for handling the meetings in Mr. Kelly's absence and mentioned that the chestnut trees at Veterans Park were flourishing this year.
- Ms. Rosenbaum thanked Kim Kingsley for acting as Clerk for the meetings and for all the great work she does for the Office of the Town Manager, Clerk and Town Attorney.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk