

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
TUESDAY, SEPTEMBER 3, 2013 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Tuesday, September 3, 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. Jason N. Berry  
Mr. Richard E. Humphreys  
Mr. Robert M. Howard

Administrative/Town Staff:

Gregory W. Kelly, Town Manager  
Garrett Jackson, Assistant Town Mgr./Dir. Of Planning  
Deborah Icenhour, Town Attorney  
Jim Smith, Dir. Of Wastewater Operations/Town Eng.  
John Dew, Dir. Public Services/Construction  
Tony Sullivan, Chief of Police  
Kevin Costello, Dir. of Tourism  
Kevin Worley, Dir. of Parks & Recreation

Visitors:

Rich Macbeth, Allison Mays, Susan Howard, Courtney Berry, Ainsley Berry, Marty Berry, Mike Wartella, Vickye Hall, Tariq Zaidi, Joe Straten, Dr. Moore

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**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jason Berry, Council member.

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At this time, Mayor Morgan commented that Councilman Berry had a special announcement he would like to make. Mr. Berry reported that he had been hired as the County Administrator for Washington County, Virginia effective September 1<sup>st</sup> and this would be his last official Council meeting. Mr. Berry indicated that he was resigning from the Council and thanked each his family, each Council member and the town staff for their support during his time on the Council.

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council accepted the resignation of Council member, Jason Berry effective September 3, 2013.**

**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>

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At this time, Mr. Berry stepped down from his Council seat and joined his family in the audience. Mayor Morgan called him forward and presented him with an official framed Town Seal, signed by the Council and Town staff, an oil painting depicting the Town Hall building by local artist, Kyle Buckland, his Council name plate, and a key to the town.

Vice Mayor Lowe read the following Resolution in honor of Mr. Berry:

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
RECOGNIZING JASON NELSON BERRY FOR HIS YEARS OF SERVICE AS A  
MEMBER OF THE ABINGDON TOWN COUNCIL**

**WHEREAS**, Councilman Jason Nelson Berry is a “hometown” boy having been born and raised in Abingdon, who went on to graduate from Abingdon High School, East Tennessee State University and Virginia Commonwealth University; and

**WHEREAS**, after college, Mr. Berry was employed by the Department of Defense in Washington, D.C. before returning to his beloved hometown of Abingdon, Virginia to take the position of Executive Director of the Virginia Highlands Small Business Incubator; and

**WHEREAS**, Mr. Berry, in an effort to serve the residents of his hometown, vied for and was elected to a seat on the Abingdon Town Council in May 2008, as one of the youngest members, at the age of 32 and his first term in office began on July 1, 2008; and

**WHEREAS**, Mr. Berry was elected to a second term on the Abingdon Town Council in May of 2012 and his second term of office began on July 1, 2012; and

**WHEREAS**, while a member of the Abingdon Town Council, Mr. Berry served on the Board of Architectural Review, the Tourism Advisory Committee, the Veterans Park Memorial Board of Abingdon and Washington County, the Washington County Chamber of Commerce where he received the 2012 Barry Firebaugh Leadership Award, and as the Vice Chairman and Council representative of the Board of the King School of Medicine; and

**WHEREAS**, Mr. Berry, during his tenure on the Abingdon Town Council, has been a proven advocate for economic development and growth in the town of Abingdon and Washington County, and in particular, helped spearhead the movement toward the development of the King School of Medicine within the Town of Abingdon; and

**WHEREAS**, Mr. Berry worked hard to foster a strong and mutually beneficial working relationship between the Town of Abingdon and Washington County; and

**WHEREAS**, on a personal note, the members of Council and town staff have shared milestones with Mr. Berry and his wife Courtney who welcomed the birth of their daughter Ainsley while Mr. Berry was serving on Council and further experienced their daughter's first steps at a Council work session meeting on April 17<sup>th</sup> 2013; and

**WHEREAS**, on August 13, 2013, the members of the Washington County Board of Supervisors announced that Mr. Berry had been hired as the County Administrator beginning September 1, 2013 and Mr. Berry thereafter tendered his resignation as a member of the Abingdon Town Council on September 3, 2013; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Abingdon, Virginia that the Council does hereby applaud and commend Jason Nelson Berry for his honorable service to the citizens of the Town of Abingdon as a Council member, as an advocate for growth and development, and for his overall contributions to improve the quality of life in the Town of Abingdon as a whole.

**BE IT FURTHER RESOLVED** that the Council for the Town of Abingdon and the Town staff wish him the very best as he begins a new chapter of public service with Washington County, Virginia.

**On motion of Mr. Howard, seconded by Mr. Humphreys the Council adopted the Resolution 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. Lowe</b>     | <b>Aye</b> |
| <b>Mayor Morgan</b>  | <b>Aye</b> |

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### **C. APPROVAL OF MINUTES**

- August 5, 2013 Work Session Meeting
- August 5, 2013 Regular Meeting
- August 16, 2013 Retreat/Work Session Meeting

**On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the minutes of the August 5, 2013 Work Session Meeting, the August 5, 2013 Regular Meeting and the August 16, 2013 Retreat/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. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

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**D. PASSAGE OF RESOLUTIONS – None.**

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

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**F. SECOND READINGS OF ORDINANCES**

- 1. Second Reading - An Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Chapter 38, Health and Sanitation, Article II, Condition of Premises of the Code of Ordinances of the Town of Abingdon.**

Deb Icenhour, Town Attorney commented that the proposed Ordinance had been before the Council for public hearing for two regular Council meetings. Ms. Icenhour noted that she included language in the ordinance that provides for the Town Manager to exercise his discretion relative to hardship situations that may arise while trying to enforce the ordinance. Ms. Icenhour further commented that it was the intent of the Ordinance to add two (2) definitions to better clarify the ordinance language and make it more effective and more enforceable.

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council approved on second reading, the Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Chapter 38, Health and Sanitation, Article II, Condition of Premises of the Code of Ordinances of the Town of Abingdon with said Ordinance becoming effective on October 3, 2013.**

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

|                   |            |
|-------------------|------------|
| <b>Mr. Howard</b> | <b>Aye</b> |
|-------------------|------------|

**Mr. Humphreys**     **Aye**  
**Mrs. Lowe**         **Aye**  
**Mayor Morgan**     **Aye**

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

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**H. REPORTS FROM THE TOWN MANAGER**

**1. Presentation regarding Johnston Memorial Hospital**

Sean McMurray, CEO, Johnston Memorial Hospital provided the Council with a power point presentation focusing on JMH relative to its community health status, private sector response, the impact of the Affordable Care Act, recent developments in the area, and physician recruitments efforts in the region.

Mrs. Lowe inquired about the effective date of the Affordable Care Act and Mayor Morgan encouraged Mr. McMurray to work with the town's Tourism Department for assistance with physician recruitment to the Abingdon area.

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

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At this time, Mayor Morgan asked Ms. Icenhour, Town Attorney to comment on the vacant Council seat due to Mr. Berry's earlier resignation. Ms. Icenhour noted that the town's Charter provided that the Council could appoint a town resident, who is a registered voter in the Commonwealth, to fill the seat until June 30, 2014. Ms. Icenhour further noted that she would be filing a Petition for Writ of Special Election with the Circuit Court which would allow town residents to run in May 2014 for the remainder of Mr. Berry's term, which would run from July 1, 2014 to June 30, 2016.

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**2. Authorization of the Town Manager to proceed with a request for proposals relative to the purchase and construction of a columbarium in Sinking Spring Cemetery.**

Greg Kelly, Town Manager reported that the Cemetery Committee had worked with Graham Landscape Architecture relative to a proposed design for the columbarium and the Committee had recommended, at their last meeting, to proceed with a Request for Proposals for construction of the columbarium, memorial wall, and

arboretum/landscaping for the cemetery. Mr. Kelly noted it was the Committee's hope that a local funeral service would be interested in the project and be able to respond through the RFP process.

**On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council authorized the Town Manager to proceed with the request for proposal relative to the purchase and construction of a columbarium in Sinking Spring Cemetery.**

The roll call vote was as follows:

|               |     |
|---------------|-----|
| Mr. Howard    | Aye |
| Mr. Humphreys | Aye |
| Mrs. Lowe     | Aye |
| Mayor Morgan  | Aye |

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#### I. MATTERS NOT ON THE AGENDA

- At this time, Mayor Morgan recognized Tariq Zaidi, Interim President for the King School of Medicine. Mr. Zaidi reported on the status of the King School of Medicine, soon to be known as the Southwest Virginia School of Medicine, and noted that they had recently gone through an RFP process for planning and architectural design services. Mr. Zaidi commented that he was before Council to ask that they consider extending the original agreement between KSOM, the Town and Washington County beyond the original term of twenty-four (24) months to twenty-eight (28) months to allow the School additional time to meet the prerequisites set forth by the original agreement for the release of funds.

Mr. Kelly noted that he had met with Department of Housing and Community Development representatives and a Tobacco Commission member and they had expressed their agreement that the Medical School project appeared to be progressing in the right direction.

**On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council agreed to extend the town's portion of the original agreement between KSOM, the town and Washington County from twenty-four (24) months to twenty-eight (28) months to allow the School additional time to meet the prerequisites set forth by the original agreement for the release of funds and further authorized the Town Manager to sign the necessary documents for extending the period of time.**

The roll call vote was as follows:

Mr. Howard	Aye
Mr. Humphreys	Aye

Mrs. Lowe           Aye  
Mayor Morgan       Aye

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## J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

### 1. *King School of Medicine Board*

- Appointment of Council member representative on the King School of Medicine Board

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council appointed Mayor Morgan to serve as the town's representative on the King School of Medicine Board.**

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

Mr. Howard           Aye  
Mr. Humphreys       Aye  
Mrs. Lowe            Aye  
Mayor Morgan        Aye

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### 2. *Fairview At Abingdon Committee*

- Appointments of new members Ron Stevenson, Carol McCroskey, and alternate Mac Johnson

**On motion of Mr. Humphreys, seconded by Mr. Howard the Council appointed Ron Stevensen, Carol McCroskey and alternate, Mac Johnson, to serve on the Fairview at Abingdon Committee.**

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

Mr. Howard           Aye  
Mr. Humphreys       Aye  
Mrs. Lowe            Aye  
Mayor Morgan        Aye

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3. *Redevelopment and Housing Authority Board*

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

*Council asked that this matter be tabled until the regular October meeting.*

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4. *Sinking Spring Cemetery Committee*

- Appointment of **David Winship** who is eligible for a second term

**On motion of Mr. Humphreys, seconded by Mr. Howard the Council reappointed David Winship 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. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

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

*Council asked that this matter be tabled until the regular October meeting.*

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5. *Recreation Advisory Committee*

- Appointment of **Courtney Berry** who is eligible for a second term

**On motion of Mrs. Lowe, seconded by Mr. Howard, the Council reappointed Courtney Berry to a second term 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. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>

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

*Council asked that this matter be tabled until the regular October meeting.*

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**K. COUNCIL MEMBER REPORTS**

- Mr. Humphreys reported that he would like to see the Town Arborist receive additional staff assistance with the town's tree programs. Mr. Humphreys reported that the Fields Penn Committee had met and it was their recommendation that full-time employee be hired to staff the Fields Penn Museum. Mr. Humphreys also noted that the Fairview Committee wished to make some modifications to the terms for the present members.
- Mrs. Lowe reported on the proposed online Planning Commission training and asked if the class could be held in person. Mrs. Lowe inquired if a citizen complaint had been responded too and noted the dog swim event coming up at the Coomes Center.
- Mr. Howard noted that the Council members had been provided a copy of the proposed Comprehensive Plan changes in accordance with the 5 year review and noted that the Plum Alley project was included in the revised plan. Mr. Kelly confirmed that the comp plan approval would require 2 public hearings before it was ready for adoption by the Council.

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- Abingdon Main Street director, Susan Howard reminded Council of the upcoming First Thursday event.
- Dr. French Moore commented that this was the first Council meeting he knew of that had been attended by the County Administrator.

Mayor Morgan declared the meeting adjourned.

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Edward B. Morgan, Mayor

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Cecile M. Rosenbaum, Town Clerk