

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 1, 2010
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, February 1, 2010 at 7:30 p.m. in the Council chambers of the Municipal Building.

Mayor Morgan called the meeting to order and welcomed everyone in attendance.

A. ROLL CALL

Members of Council Present:	Edward B. Morgan, Mayor Dr. French H. Moore, Jr., Vice Mayor Mrs. Lois H. Humphreys Mrs. Cathy Lowe Mr. Jason N. Berry
Administrative/Town Staff:	Gregory W. Kelly, Town Manager Cecile M. Rosenbaum, Town Clerk Deborah Icenhour, Town Attorney Mark Godbey, Town Treasurer/Dir. Of Finance Jim Smith, Dir. Of Wastewater Operations/Town Eng. Garrett Jackson, Dir. Of Planning Kevin Worley, Dir. of Parks and Recreation Myra Cook, Dir. Of Tourism Jim Cowart, Dir. of Econ. Dev/Grants Writer John Dew, Dir. Of Public Services/Construction Floyd Bailey, IT Department Tony Sullivan, Chief of Police Mike Maiden, Wastewater Superintendent Rob Case, IT Department John McCormick, Asst. Fire Chief
Visitors:	Mary Ann Holbrook, Susan Howard, Bob Howard, Gary Kimbrell, Carl Mallory and others.

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**B. PLEDGE OF ALLEGIANCE**

Dr. Moore, Vice Mayor, led the Pledge of Allegiance.

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C. APPROVAL OF MINUTES

- January 4, 2010 Work Session
- January 4, 2010 Regular Meeting

On motion of Mrs. Lowe, seconded by Mr. Berry the January 4, 2010 Work Session was approved with following change:

- **On page 2, in paragraph #2, next to last sentence, remove the word “not”**
- **On page 2 the addition of a #8 which states that Council requested that the matter of job duties of Council appointees be brought back at the February meeting under Old Business; and**

The minutes of January 4, 2010 regular meeting were approved with following change:

- **On page 7 section G1 the motion should read “the Council accepted the Town’s 2009 audit report as presented”**

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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**D. PETITIONS AND PUBLIC HEARINGS – None.**

**E. CONSIDERATION OF ANY BIDS - None.**

1. **Consideration of authorization to award the bid for the Virginia Creeper Trail Enhancement Project and authorization of Town Manager to enter into construction contract for the same.**

Mayor Morgan asked Kevin Worley, Director of Parks and Recreation to come before the Council to comment on the bids for the Virginia Creeper Trail Enhancement Project, Alvarado section. Mr. Worley reported that the bids for the project were opened on December 16<sup>th</sup> and that the bid submitted by Garland Construction was the lowest bid for

the project. Mr. Worley indicated that the bid was submitted for approval to VDOT, prior to award, and during that process, Garland Construction notified the Town that they were withdrawing their bid due to unforeseen circumstances. Mr. Worley indicated that the next lowest bidder was submitted by DUCO Construction for \$236,208 and that bid had been submitted to VDOT for review and approval. Mr. Worley reported that VDOT had determined that DUCO Construction had not met the Disadvantaged Business Enterprise (DBE) requirement and VDOT could not recommend them for final award until they had done so. He indicated that DUCO was working to meet the DBE requirement and in the interim, he had submitted all the bids to VDOT for approval. If none of the bids qualify per VDOT, the project would have to be re-bid.

Mrs. Lowe inquired if the funds for this project were available through the Creeper Trail Enhancement Project. Mr. Worley affirmed that the funds were available and that all the bids received had come in under estimate.

Mr. Kelly commented that this matter returned to Council for consideration due to the withdrawal of Garland Construction and the possible disqualification of DUCO Construction.

Dr. Moore inquired if DUCO Construction was a local company and Mr. Worley indicated he believed they were located in Bristol.

Mr. Kelly informed Council members that Garland Construction had paid a bid bond of \$7,500 and indicated that would be forfeited due to their withdrawal. Mr. Kelly further indicated that he would declare them a non-responsible bidder.

Mr. Berry inquired if declaring Garland Construction a non-responsible bidder would affect their ability to bid future projects and Mr. Kelly affirmed that it could.

**On motion of Mrs. Lowe, seconded by Dr. Moore, the Council authorized the Town Manager to accept the bid and enter into a contract with lowest, most responsible, and VDOT approved bidder for Virginia Creeper Trail Enhancement Project, Alvarado section.**

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

|                       |            |
|-----------------------|------------|
| <b>Mr. Berry</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>      | <b>Aye</b> |
| <b>Mrs. Humphreys</b> | <b>Aye</b> |
| <b>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

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F. REPORTS FROM THE TOWN MANAGER

1. Consideration of contract for disposition of Town surplus items and authorization of Town Manager to enter into said contract.

John Dew, Director of Public Services/Construction came before Council to comment on the disposition of Town surplus items. Mr. Dew explained that in past years the Town had held a public auction at Latture Field to dispose of property declared surplus. In a cost savings measure, Mr. Dew commented that he had researched two (2) online surplus auction sites and recommended that the Town consider this as a way to dispose of the current surplus items. Mr. Dew indicated that he felt Public Surplus, LLC would be the best provider and asked Council to consider authorizing him to contract with Public Surplus, LLC to dispose of the Town's surplus items.

Mr. Berry inquired if contracting with an online service was a cost savings measure. Mr. Dew affirmed that it was a cost savings to the Town in that the company handled the billing and all of the auction aspects of the service.

On motion of Mr. Berry, seconded by Dr. Moore, the Council approved the company of Public Surplus, LLC to dispose of the Town's surplus items and further authorized the Town Manager to enter into said contract for online auction services.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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**2. Update of the Town's Capital Improvement Plan and scheduling of Council work session date to review the CIP.**

Mr. Kelly commented that the Council had held a work session retreat back in the summer to identify capital projects to include in a limited, Capital Improvements Plan. The plan had been assembled by Town staff, presented to Council and then recommended to the Planning Commission for review and comment. The Planning Commission held a public hearing to review the plan and had referred it to the Council with a unanimous recommendation for approval. Mr. Kelly recommended that the Council consider setting a date for work session to review the Plan and determine funding sources before it goes to Public Hearing at the Council level. Mr. Kelly indicated that Council members had discussed this date in their prior work session meeting and it was determined that they

would hold a work session on March 2, 2010 at 5:30 p.m. to review the CIP plan. Mr. Kelly commented that if the plan moves forward after Council's March 2, 2010 work session, a public hearing will be held in the future at the Council level for public review and comment.

Mrs. Lowe inquired if there was a copy of the plan available for public inspection. Mr. Kelly affirmed that the plan was available for review in the office of the Town Manager.

Mr. Morgan inquired if the Plan could be posted to the Town's website and Mr. Kelly indicated that he would speak with the IT staff about this.

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



### **3. Consideration of funding purchase of police/fire digital radio system.**

Tony Sullivan, Chief of Police and Ptl. CJ McGlothlin appeared before Council to report on the need to purchase a police/fire digital radio system for the Town. Chief Sullivan reported that Phase 1 of the project would cover the purchase of the necessary equipment for the Police Department, the Fire Department, Dispatch, and the Creeper Trail. Chief Sullivan explained that they would like to be able to purchase Phase 1 during the current budget cycle and indicated that Phase 2 would actually put the radio system in the cars and could be budgeted in the next budget cycle.

Mr. Kelly indicated that he and Town staff had been working with the current budget numbers and it appeared that there would be additional funds available from the amount appropriated for the chiller at the Coomes Center. Mr. Kelly reported that the chiller came in approximately \$100,000 under budget and those funds combined with funding that might be available from the Creeper Trail Enhancement Project, which also came in under budget, would be enough to fund Phase 1. Mr. Kelly further indicated that in light of the fact that call boxes for the Creeper Trail were proposed in this plan, Mr. Worley had a meeting scheduled with VDOT on February 2<sup>nd</sup> and would be asking their consideration of the possibility of using a portion of the Creeper Trail Enhancement funds to help fund Phase 1 of this project. Lastly Mr. Kelly reported that Dr. Moore had suggested he speak with the EMS Council to see if they might be able to assist with funding.

Mrs. Lowe commented that she witnessed the difficulties of the Town employees to communicate during the weather event of December 9<sup>th</sup> and the radio system would be a welcome tool to provide communication during an emergency.

Mr. Berry inquired if any Homeland Security funding might be available and if anyone had researched that as a potential funding source.

**On motion of Mrs. Lowe, seconded by Mr. Berry, the Council authorized the Town Manager to use the excess funds from the purchase of the chiller for the Coomes Center in the amount of \$100,000 and further to begin the process of applying with Virginia Department of Transportation for the use of funds from the Creeper Trail Enhancement Project to cover any additional costs associated with Phase 1.**

Mr. Kelly pointed out that this was authorization by the Council to apply for funding. If the funds are secured, the project would have to go out for bid and come back before Council for approval.

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

|                       |            |
|-----------------------|------------|
| <b>Mr. Berry</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>      | <b>Aye</b> |
| <b>Mrs. Humphreys</b> | <b>Aye</b> |
| <b>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

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4. Consideration of establishment of regular meeting dates with the Washington County Board of Supervisors.

Mayor Morgan indicated that he had spoken with Mrs. Mumpower, Chair of the Board of Supervisors and they were both in agreement to consider setting quarterly meetings with the Board of Supervisors and Town Council members.

On motion of Mr. Berry and Dr. Moore, the Council agreed to send a letter to the Washington Board of Supervisors requesting meeting dates with the Town Council on a quarterly basis.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.



G. PASSAGE OF RESOLUTIONS

1. Resolution of the Council of the Town of Abingdon, Virginia supporting the budget principles that the Virginia Municipal League (VML) is asking the General Assembly to follow in considering budget amendments for FY10, as well as for the 2010-2012 biennial budget.

- Mr. Berry commented that budget constraints at the State level were now being felt in many ways at the local level.
- Dr. Moore commented that the State mandated requirements for schools but did not provide funding for those mandates.
- Mrs. Humphreys commented that the State should reconsider mandating programs that they can't provide funding for.

On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council approved the following Resolution:

RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA SUPPORTING THE BUDGET PRINCIPLES THAT THE VIRGINIA MUNICIPAL LEAGUE (VML) IS ASKING THE GENERAL ASSEMBLY TO FOLLOW IN CONSIDERING BUDGET AMENDMENTS FOR FY10, AS WELL AS FOR THE 2010-2012 BIENNIAL BUDGET.

WHEREAS, the Virginia Municipal League (VML) has by letter of correspondence dated January 18, 2010 to the Chairman of House Appropriations Committee, the Chairman of the House Finance Committee, and the Chairman of the Senate Finance Committee set forth budget principles they have requested the Virginia General Assembly to follow by considering the budget amendments for FY10, as well as for the 2010-2012 biennial budget; and

WHEREAS, said letter of January 18, 2010 from Virginia Municipal League is attached hereto and made part of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF ABINGDON, that its members concur with the budgetary principles to follow as outlined by the Virginia Municipal League in their letter dated January 18, 2010 to the Virginia General Assembly in considering any budget amendments for FY10, as well as in the 2010-2012 biennial budget.

The roll call vote was as follows:

Mr. Berry	Aye
Mrs. Lowe	Aye
Mrs. Humphreys	Aye
Dr. Moore	Aye
Mayor Morgan	Aye

The motion carried.

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**H. FIRST READING OF ORDINANCES – None.**

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I. SECOND READING OF ORDINANCES – None.

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**J. UNFINISHED BUSINESS**

**1. Consideration of Annual Report for Advance Abingdon.**

Susan Howard, 2010 President of Advance Abingdon appeared before the Council members and reported that they had provided their financial report to Council and asked that they consider their request for matching funds.

Mayor Morgan inquired if Advance Abingdon had enough funds in their operational budget to sustain them through the end of the fiscal year.

Elizabeth Iskra, Director of Advance Abingdon, appeared before the Council and indicated that they did have enough funding to cover operational costs through the end of the fiscal year. Mrs. Iskra reported on the work plan for Advance Abingdon for the coming year as well as several events they planned to hold in the coming months.

Mr. Morgan indicated that Council would like to consider their funding request as part of the upcoming budget requests for FY 2010/2011 and complemented the organization on the success of their “Whose Afraid of Virginia’s Wolves” project.



**K. MATTERS NOT ON THE AGENDA**



**L. COUNCIL MEMBER REPORTS**

- Dr. Moore reported on his meeting with Norfolk Southern officials regarding the donation of a piece of land adjacent to the Virginia Creeper Trail. Dr. Moore indicated the meeting went well and he hoped to hear back from the NS officials in the near future about the land donation.
- Mrs. Lowe recognized Mary Anne Holbrook and asked her to report on a recent award for Barter Theatre. Mrs. Holbrook, Development Director for Barter, indicated that the Theatre had just recently accepted the “Shining Star” award, the first ever given, for their contribution to the community.



**M. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

Greg Kelly, Town Manager, asked the Council to consider the recommendation for item M4. “Go Green” Committee before Council convened in closed session. Mr. Kelly recommended that Eddie Sproles from the Southwest Virginia Higher Education Center be added as a member to the “Go Green” Committee.

**On motion of Dr. Moore, seconded by Mrs. Humphreys, the Council appointed Eddie Sproles to the “Go Green” Committee.**

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

|                       |            |
|-----------------------|------------|
| <b>Mr. Berry</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>      | <b>Aye</b> |
| <b>Mrs. Humphreys</b> | <b>Aye</b> |
| <b>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**



1. **On motion of Mrs. Lowe, seconded Mrs. Humphreys, the Council went into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the consideration of appointments to the Industrial Development Authority and the Tourism Advisory Board.**

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

|                       |            |
|-----------------------|------------|
| <b>Mr. Berry</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>      | <b>Aye</b> |
| <b>Mrs. Humphreys</b> | <b>Aye</b> |
| <b>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**



**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council reconvened in regular session.**

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

|                       |            |
|-----------------------|------------|
| <b>Mr. Berry</b>      | <b>Aye</b> |
| <b>Mrs. Lowe</b>      | <b>Aye</b> |
| <b>Mrs. Humphreys</b> | <b>Aye</b> |
| <b>Dr. Moore</b>      | <b>Aye</b> |
| <b>Mayor Morgan</b>   | <b>Aye</b> |

**The motion carried.**

**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. Berry</b>      | <b>I so certify</b> |
| <b>Mrs. Lowe</b>      | <b>I so certify</b> |
| <b>Mrs. Humphreys</b> | <b>I so certify</b> |
| <b>Dr. Moore</b>      | <b>I so certify</b> |
| <b>Mayor Morgan</b>   | <b>I so certify</b> |

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1. Consideration of request from Rachel Fowlkes, Executive Director for the Southwest Virginia Higher Education Center, to give the Higher Education Center one permanent member representative on the Town's Tourism Advisory Board.

Council took no formal action upon this request leaving the makeup of the Town's Tourism Advisory Board structured as it presently exists.

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**2. Industrial Development Authority Board (1)**

- Consideration of appointment to the IDA board to fill the unexpired term of Hugh Ferguson who has submitted his resignation.

**On motion of Mrs. Lowe, seconded by Mrs. Humphreys, the Council appointed Milton Maiden, subject to his acceptance, to the Industrial Development to fill the unexpired term of Hugh Ferguson.**

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

|                  |            |
|------------------|------------|
| <b>Mr. Berry</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b> | <b>Aye</b> |

**Mrs. Humphreys**     **Aye**  
**Dr. Moore**           **Aye**  
**Mayor Morgan**     **Aye**

**The motion carried.**

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3. *Tourism Advisory Board* (1)

- Consideration of appointment to the TA board to fill the unexpired term of Susie Buckner who has submitted her resignation.

On motion of Mr. Berry, seconded by Mrs. Humphreys the Council appointed Kim Stewart, representative of the Southwest Virginia Higher Education Center, to the fill the unexpired term of Susie Buckner.

The roll call vote was as follows:

Mr. Berry **Aye**
Mrs. Lowe **Aye**
Mrs. Humphreys **Aye**
Dr. Moore **Aye**
Mayor Morgan **Aye**

The motion carried.

4. *“Go Green” Committee* (1)

- Consideration of addition of one member to the “Go Green” Committee

This matter was acted upon by Council prior to Closed Session. No further action was required by Council.

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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