

**TOWN OF ABINGDON REGULAR  
COUNCIL MEETING MONDAY,  
AUGUST 1, 2016 – 7:30 PM  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A Regular Council meeting of the Abingdon Town Council was held on Monday, August 1, 2016 at 7:30 p.m. in the Council Chambers of the Municipal Building.

**A. Welcome by Mayor Lowe**

**B. ROLL CALL**

Members of Council Present:

Mrs. Cathy C. Lowe  
Mr. Richard E. Humphreys  
Mr. Robert M. Howard  
Mrs. M. Cindy Patterson  
Mr. J. Wayne Craig

Administrative/Town Staff:

Gregory W. Kelly, Town Manager  
Cecile Rosenbaum, Assistant Town  
Manager/Town Clerk  
Tonya Triplett, Deputy Clerk  
Deb Icenhour, Town Attorney  
Matthew Johnson, Director of Planning  
John Dew, Dir. Of Construction/Public Services  
Tony Sullivan, Police Chief  
Kevin Costello, Director of Tourism & Economic  
Development  
Jon Phelps, IT Department  
Chuck Banner, Director of Finance

Visitors:

Rich Macbeth, Joe and Donna Levine, David  
Winship, Davenna Sexton, Nick & Barry Proctor, Al  
& Leslie Bradley, Stephen Spangler,  
Anita Manuel, Amanda Pillion, Jayne Duehring,  
Aaron Hicks, Nan Harmon, Edison Jennings, Jim  
Moore, Leslie Merris, and others

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Cecile Rosenbaum, Assistant Town Manager/Town Clerk.

**D. APPROVAL OF MINUTES**

July 1, 2016 Regular/Organizational Meeting  
July 20, 2016 Mid-month Work Session, Tour of Town Departments

**On motion by Mr. Howard, seconded by Mr. Humphreys, the Council approved the July 1, 2016 regular/organizational meeting minutes as presented.**

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

Mr. Craig       Aye  
Mrs. Patterson   Aye  
Mr. Howard       Aye  
Mr. Humphreys   Aye  
Mayor Lowe       Aye

**On motion by Mr. Craig, seconded by Mrs. Patterson, the Council approved the July 20, 2016 mid-month work session/town department tours meeting minutes as presented.**

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

Mr. Craig       Aye  
Mrs. Patterson   Aye  
Mr. Howard       Abstain *(He had to leave the meeting early)*  
Mr. Humphreys   Abstain *(He was not present at the July 20 meeting)*  
Mayor Lowe       Aye

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

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

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

**H. RESOLUTIONS – None.**

**I. REPORTS FROM THE TOWN MANAGER**

**1. Consideration of meeting date in September as the first Monday is Labor Day**

**On motion by Mr. Humphreys, seconded by Mr. Howard, the Council approved Tuesday, September 6, 2016 for the work session and regular meeting date, as September 5<sup>th</sup>, the first Monday is Labor Day.**

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

Mr. Craig       Aye  
Mrs. Patterson   Aye  
Mr. Howard       Aye  
Mr. Humphreys   Aye  
Mayor Lowe       Aye

**2. Consideration of request for traffic study relative to the sports complex property as recommended by Planning Commission.**

Mr. Kelly, Town Manager stated in order to complete the traffic study recommended by the Planning Commission he would need authorization to draw down funds in the borrowing process. Procuring a study would include sending out RFPs and creating a vetting committee that would consist of two councilmembers, town staff and Mr. Kelly. The committee would score the RFPs and interview the top two or three contenders. Mr. Craig inquired if the study traffic would include traffic for the sports complex, as well as, traffic from the development. Mr. Kelly and Mr. Dew stated that both the sports complex and development traffic could be included in the scope of work. Mr. Craig and Mr. Humphreys will serve on the vetting committee.

**On motion by Mr. Craig, seconded by Mr. Humphreys, the Council authorized Greg Kelly, Town Manager to draw down the necessary funds for the traffic study and to execute all necessary documents required.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Mrs. Patterson</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mayor Lowe</b>	<b>Aye</b>

**3. Consideration of declaring a vehicle as surplus. 1998 Dodge Ram pickup, Street Department, VIN# 1B7HF16Y9WS713383. The vehicle has had some parts removed to repair/modify another department vehicle and will be auctioned off on line at PublicSurplus.com.**

John Dew, Director of Public Services and Construction reported the need to declare a 1998 Dodge Ram pickup, Street Department, VIN# 1B7HF16Y9WS713383, as surplus. The vehicle has had some parts removed to repair/modify another department vehicle and will be auctioned off either on line at PublicSurplus.com or by sealed bid. Also, the fire department has a truck cover that no longer fits any town truck that should be declared surplus and auctioned, as well to be auctioned or sold off through sealed bid.

**On motion by Mr. Howard, seconded by Mr. Craig, the Council declared the 1998 Dodge Ram pickup, VIN# 1B7HF16Y9WS713383 and the fire department truck cover as surplus.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Mrs. Patterson</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mayor Lowe</b>	<b>Aye</b>

**4. Consideration of a Certificate of Appropriateness (COA) for: Marathon Realty**

**Corp., owners, P.O. Box 518, Abingdon, VA 24212; Application for Certificate of Appropriateness for new construction, lighting, landscaping, signage, located near 440 Green Spring Road, Abingdon, VA 24210, including a portion of Tax Map Number 021-1-5B.**

Matthew Johnson, Director of Planning explained that normally a certificate of appropriateness (COA) is handled at the Planning Commission level, but because this project requires a special use permit the code requires Planning Commission to make a recommendation to Council. The Planning Commission approved the COA unanimously, with Kenny Shuman abstaining, with the following conditions: 1) the applicant shall request a Comprehensive Signage Plan within three (3) months of the June 27, 2016, Planning Commission meeting date; and 2) that a reduction in the amount of parking as required by the Code be permitted (from 470 spaces down to 416 spaces). The Planning Commission will host a special meeting August 11 to discuss the signage issue and it will most likely be on the September Council agenda.

Mr. Craig inquired if the COA is approved what are the next steps. Mr. Johnson explained that the final plat would go to the Planning Commission and the Planning Commission would send a recommendation to Council for approval. The final plat is a document that splits the property into several parcels; most of the remaining items will be administratively approved. Issues like storm water, utility, erosion and soil, storm water plans must comply with town code as well as state and federal laws. Once the final plans are complete they will go back to the Planning Commission for review.

Stephen Spangler, Marathon Realty reviewed the COA information that was included in the Council packet. The COA includes detached buildings, brick and stone work on the entire building, over 450 new trees, 3,500 shrubs and a variety of grasses on the 10-acre tract. Also added is heavily landscaped berms to protect the view shed of the Virginia Creeper Trail. Mr. Craig inquired about significant changes in the route and the connection point on Green Spring Road.

Mr. Spangler stated the Town and VDOT are in charge of the entrance and that Marathon Realty has to tie into what they engineer.

Mr. Craig reported the ordinance states there should not be any overburdening to the infrastructure.

Mayor Lowe noted the issue at hand is the COA and not the entrance nor the road.

Mr. Kelly noted there will be a site plan review process at a later time that will likely address the information that will come from the town's traffic study. Mr. Kelly stated the entrance of Green Spring Road into the development has changed from the original location in the conceptual plans and has not been approved in the site plan aspects.

Mr. Craig expressed concerns about traffic increasing due to the development, additional traffic when the sports complex is added and accidents and public safety issues in leaving the S curve on Green Spring Road. He is further concerned that Marathon Realty will spend money on a final site plan and changes in the road could cause traffic problems and require changes to the site plan, which could be expensive for Marathon Realty.

Mrs. Patterson stated the lawsuit is still pending as well.

Mr. Spangler stated he is working off plans from VDOT.

Mr. Kelly stated the road project infrastructure leading into the development is a town project and the town will be looking at the best possible routes and access points within the confines of the traffic analysis. The actual site plan will not come back before Council, but will be approved at the Planning Commission level.

Mr. Spangler reiterated that the road and access points are out of the hands of Marathon Realty.

Mr. Kelly stated the town is working diligently to make it as safe as possible and when the traffic study, the final engineering plans and the Corp of Civil Engineers reports are finished and have been reviewed the town will have the necessary traffic calculations to make a sound decision on the road.

Mr. Humphreys stated it sounds like Marathon Realty realizes there could be changes but is willing to move forward with what has been presented to them. Mr. Humphreys stated Mr. Spangler has been before the Planning Commission seven times for redesign and improvements and has assembled a good project.

Mr. Craig questioned if Mr. Spangler is willing to spend the time and money on a site plan with the chance that the road design might change.

Mr. Spangler stated Marathon Realty is basically an adjacent property owner and is working off the assumption that the VDOT design plans will stay as they are now, but if the road design changes Marathon Realty may also have to make changes.

Mrs. Patterson stated there is also the possibility that Friends of Abingdon could win the lawsuit.

Mayor Lowe noted that the Council was not at liberty to discuss any components of the lawsuit.

Mr. Kelly stated the primary focus of town staff is the sports complex component and that's why the traffic study is being done. Mr. Kelly noted there are a lot of things that have to happen before the total build out of the road, before the total build out of the commercial development and before the build out of the sports complex. The town wants it to be as safe as possible for both the development and the sports complex, while also relieving traffic congestion on Cummings Street.

Mayor Lowe noted that Mr. Humphreys and Mr. Craig will serve on the traffic study committee and that the issue before Council is the Certificate of Appropriateness.

Mr. Craig inquired about the dirt being removed from the commercial development site and when the archeology study that was done could be released.

Mr. Kelly stated that Food City, the owner of the study, has now turned over the complete study that was conducted by S&ME to DEQ and the Corp of Civil Engineers and now that it is a matter of public record it **be** can be released to the Council with any necessary redactions.

Mr. Craig also stated concerns about drainage, ponds, retention basin, water treatment, water runoff, the effect water runoff may have on neighboring ponds and the maintenance of the ponds.

Mayor Lowe stated this is part of the lawsuit and cannot be discussed.

Mr. Humphreys stated that the Planning Commission had suggested that concerned citizens contact town staff to discuss issues and concerns, but to date no one has contacted town staff.

Mr. Spangler stated there are regulations that have to be followed and water maintenance covenants that will be drafted between the parties and agreed upon.

Mrs. Patterson inquired about the blasting of dynamite and the effect on livestock and possible home damage and questioned if Mr. Spangler had talked to any of the nearby property owners.

Mrs. Patterson stated that sonic booms have attributed to pet deaths in Utah.

Mr. Spangler stated he has talked to several people on Green Spring Road, but the lawsuit prevents him from talking to some residents.

**On motion by Mr. Howard, seconded by Mr. Humphreys, the Council approved the Certificate of Appropriateness (COA) for Marathon Realty Corp., owners, P.O. Box 518, Abingdon, VA 24212. Application for Certificate of Appropriateness for new construction, lighting, landscaping, signage, located near 440 Green Spring Road, Abingdon, VA 24210, including a portion of Tax**

**Map Number 021-1-5B, as pertains to lighting, landscaping and new construction, as recommended by the Planning Commission.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Mrs. Patterson</b>	<b>Nay</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mayor Lowe</b>	<b>Aye</b>

**5. Abingdon Senior Center**

Natalie Graham, Director of Abingdon Senior Center stated she became the director in April and has been charged with improving the finances of the center. Mrs. Graham introduced Christine Webb, Marketing Director, who thanked Council for the \$22,500 that was provided to The Community Center of Abingdon. A new website has been created, events are being planned, print materials are being developed to promote the Virginia Ballroom and they are working with the Abingdon Convention and Visitors Bureau to provide meals to groups. They also have a new campaign 5 for \$5 Meals on Wheels Drive and hope to raise \$25,000 before Labor Day.

**J. OLD BUSINESS - None.**

Mayor Lowe stated that the work session agendas would include only town business and that other items would be discussed during the regular meetings.

**K. MATTERS NOT ON THE AGENDA**

- Rich Macbeth, 1139 Panorama Drive thanked Council for their hard work and standing firm on the sports complex, it is badly needed and also for work on at Exit 19. Mayor Lowe stated the elected officials should also be thanked for their help in making all of the Abingdon exits a priority.
- Amanda Pillion, 205 Stonewall Heights spoke in favor of the sports complex.
- Carla Dolce, 315 Lowland Street commented on the pending lawsuit and its potential impact on the project.
- Jayne Duehring, 128 Crestview Drive stated concerns about empty downtown buildings and encouraged Council to spend some time “connecting the dots” along Main Street and recruiting unique businesses that would serve residents as well as tourists.
- Ashby Dickerson, 205 Fairway Drive voiced support for Meals on Wheels program.
- Aaron Hicks, 1142 Panorama Drive stated the sports complex is badly needed for a place to play soccer and thanked Council for supporting the complex.
- David Winship, 855 Edgemont North Street spoke in opposition of the development.
- Nan Harmon, 498 Green Spring Road spoke in opposition of the development and

expressed concerns about interstate truck traffic noise.

- Edison Jennings, 247 East Main Street commented on the potential impact of the development and sports complex.
- Barry Proctor, 927 Woodlawn Terrace spoke in opposition of the sports complex on this location and stated the property should be historically preserved.
- Nick Proctor, 11092 Treeline Drive commented on the COA. Mayor Lowe stated this section is for matters not on the agenda and the COA was an item on the agenda. Mr. Proctor stated there had not been a public hearing for the COA. Cecile Rosenbaum, Assistant Town Manager/Town Clerk stated that a COA does not require a public hearing at either the Planning Commission or Council level.
- Leslie Bradley, 143 Stonewall Heights commented on the Meals on Wheels program. Mayor Lowe stated a letter was sent to the senior center to attend budget hearings and at that time they did not have a director and no one attended the hearings. Therefore, the Council was not aware if Meals on Wheels was even operating.
- Jim Moore, 113 College Street is opposed to the sports complex on the Meadows property. Mr. Moore also stated he and his wife had offered the town 40 acres to build a sports complex and then offered an additional 15 acres, but both were turned down. Mayor Lowe inquired if the property offered was free. Mr. Moore stated that the 40 acres offered was free and the other 15 acres would be sold to the town. Mr. Moore stated he felt the Meadows was not the right site for a sports complex.
- Donna Levine, 350 Green Spring Road expressed concerns about emissions from interstate traffic and environmental illnesses. She also read a letter written by Nina Lindrose.
- Joe Levine, 350 Green Spring Road is opposed to the sports complex being built on The Meadows property.
- Davenna Sexton, 430 Fairway Drive spoke in opposition of the development.
- Anita Manuel, 320 Madison Street SE also suffers from environmental illness and has concerns about people being exposed to fumes from interstate traffic.
- Leslie Merris, 216 Fulkerson Street inquired if the town could look at basement flooding and the possibility of installing a curb on Fulkerson Street. Mr. Kelly suggested Mr. Merris set up an appointment with Mr. Kelly and Mr. Dew to discuss the issue further. Mr. Merris also inquired about the possibility of incorporating a facility at the sports complex that would allow for mixed martial arts. Mr. Howard suggested he contact the Coomes Recreation Center. Mr. Merris stated his coworkers have had classes at the Coomes Center in the past. Mr. Humphreys stated there will not be facilities at the sports complex but suggested Mr. Merris set up an appointment with Cecile Rosenbaum, Assistant Town Manger and Kevin Worley, Director of Parks & Recreation to further discuss the possibility of classes and tournaments.

Greg Kelly, Town Manager reported that United Way of Southwest Virginia has a grant

opportunity that would allow for a splash pad at the sports complex. The amount of the grant is \$50,000, United Way has \$50,000 for the matching portion of the grant and is willing to assume fundraising to raise the remaining \$100,000, as the total cost of the project is approximately \$200,000. Mr. Kelly stated United Way is only requesting a letter of support from the town at this time and would need the letter of support in order to apply for the grant. Mr. Craig inquired if the location of the sports complex were to change could the splash pad be moved as well. Mr. Kelly stated he had not discussed that with United Way, but didn't think it would be a problem. Mr. Craig also wanted to make it clear that he is only approving the project and not the location of the sports complex or the splash pad.

**On motion by Mr. Humphreys, seconded by Mr. Howard, the Council authorized Greg Kelly, Town Manager to write a letter of support for United Way of Southwest Virginia to apply for a \$50,000 grant that would be applied toward a splash pad.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Mrs. Patterson</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mayor Lowe</b>	<b>Aye</b>

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

Council tabled the appointments to Boards and Committees to allow time to advertise for open positions.

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

- Cindy Patterson stated the VML newly elected officials training that was held in Richmond was extremely helpful and very educational.
- Rick Humphreys reported an excessive amount of tractor trailers coming off Highway 19, to Russell Road and onto Main on order to get to I-81. He suggested no thru truck traffic signs be placed at the intersections. Mr. Humphreys also reported that the Call to Arms event, which includes reenactors and demonstrations will be open and extra day and will be open to the public on September 24.
- Mayor Lowe read a letter from Senator Mark Warner congratulating the Town of Abingdon upon its recognition as a Tree City USA Community by the Arbor Day Foundation.

Mayor Lowe declared the meeting adjourned.

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Cathy C. Lowe, Mayor

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Tonya Triplett, Deputy Town Clerk