

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 4, 2017 – 6:30 PM
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A Regular Council meeting of the Abingdon Town Council was held on Monday, December 4, 2017 at 6:30 pm in the Council Chamber of the Municipal Building.

A. WELCOME by *Mayor Lowe*

B. ROLL CALL – *Cecile Rosenbaum, Town Clerk*

Members of Council Present:

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

Administrative/Town Staff:

Greg Kelly, Town Manager
Cecile Rosenbaum, Asst. Town
Mgr/Clerk
Jon Phelps, IT Department
Chuck Banner, Director of Finance
John McCormick, Fire Chief
Matt Bolick, Dir. of Public Services/Const.
Kim Kingsley, Paralegal/Deputy Treasurer
Jason Boswell, Interim Director of Planning
Floyd Baily, Director of IT
Tony Sullivan, Police Chief

C. PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Council Member Wayne Craig.

D. APPROVAL OF MINUTES (VIDEO 2:34 – 3:01 and VIDEO 2:44:11 – 2:44:36)

On motion by Ms. Patterson, seconded by Mr. Craig, the Council approved the minutes of the November 6, 2017 Regular meeting, with the correction of “reappoint” to “appoint” Gary Lester to the Virginia Highlands Small Business Incubator, and the minutes of the November 15, 2017 mid-month work session as presented.

The roll call vote was as follows:

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

E. Consideration of Possible Executive Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for the purpose of discussing EEOC filing.

Mayor Lowe advised the Council that she did not feel that the closed session was necessary at this time. (VIDEO 3:04 – 3:07)

F. PUBLIC COMMENTS –

No members of the public provided comments. (VIDEO 3:08 – 3:23)

J – 1 and J – 2 (VIDEO 4:00 – 1:05:34)

At this time, Mayor Lowe commented that she wished to deviate from the agenda and requested that Jordan Owens with Brown, Edwards and Associates present the June 30, 2017 Financial Audit for the Town of Abingdon which is listed on the agenda as item J1. In addition, Mayor Lowe asked that David Rose with Davenport & Associates present the Financial Report listed as J2 on the agenda immediately after the audit presentation.

Regarding Item J1 - Mr. Owens reported that this was the their firms second year completing the town's audit and noted it was smoother than last year's especially given the pre-audit work done by the town's internal auditors, Thrower and Blanton and members of the town's finance staff. Mr. Owens stated that he was pleased to report clean unmodified opinion. Mr. Owens noted one finding regarding the categorization of engineering services and he had resolved that matter with the internal auditor and finance staff. Mr. Owens noted that several members of various town boards filed their Conflict of Interest Act filings after the deadline but noted there were no significant findings and they looked forward to working with the town in 2017/2018. (VIDEO 4:55 – 8:20)

Regarding Item J2 – David Rose, Senior Vice President and Co-Head of Public Finance with Davenport and Associates in Richmond, Virginia provided Council with a presentation of materials relative to an in depth financial analysis Davenport had previously prepared for the town especially as it relates to The Meadows project. Mr. Rose commented on the main four (4) components to consider when reviewing a financial analysis and noted that those components were 1) economic base 2) financial performance 3) management and 4) debt. Mr. Rose commented that

the Town received an “AA” rating by Standard and Poor’s and an Aa3 rating from Moody’s. Mr. Rose noted that these ratings were listed in the 2nd tier “Very Strong” rating and commented that the town had been managed well over the years and was strong financially considering its smaller size.

Council Member Patterson inquired about how Mr. Rose obtained the financial information necessary to prepare the report. Mr. Craig commented to Mr. Rose that he did not wish for the town to experience the same financial challenges that the neighboring locality of Bristol, Virginia was facing. (VIDEO 8:25 – 1:05:34)

G. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES –

1. PUBLIC HEARING – First Reading – Proposed Rezoning – Applicant, Marathon Realty Corp., application to rezone property, namely Tax Map No. 105A-2-16; consisting of 510 Cummings Street, 534 Cummings Street, 546 Cummings Street, 550 Cummings Street, 562 Cummings Street and a portion of 574 Cummings Street consisting of approximately 4.89 acres or 212,833 square feet, more or less, from AFOS Agricultural, Forestal, and Open Space District to B-2 General Business District. – *Stephen Spangler, Marathon Realty*

Stephen Spangler with Marathon Realty commented that the proposed rezoning involved the property where the Magic Mart retail site was located. Mr. Spangler noted that the property was split zoned AFOS and B2 and the request for the entire parcel to be zoned B2. Mr. Spangler noted that the property has been taxed commercially for approximately thirty (30) years, had not been placed in land use, and should be corrected. Greg Kelly, Town Manager, reported that this property was brought into the town limits as a part of the 1987-88 annexation and that the zoning was never corrected. Mr. Kelly advised that the owner was paying commercial taxes and that the Planning Commission unanimously recommended the rezoning. Mr. Kelly further recommended that the Council dispense with the second reading and make this change effective thirty (30) days from this meeting date.

Mayor Lowe declared the public hearing open. Hearing no comments from the public, Mayor Lowe closed the public hearing.

On motion by Mr. Howard, seconded by Mr. Craig, the Council, recommended the approval on first reading of the proposed rezoning for Tax Map No. 105A-2-16; consisting of 510 Cummings Street, 534 Cummings Street, 546 Cummings Street, 550 Cummings Street, 562 Cummings Street and a portion of 574 Cummings Street consisting of approximately 4.89 acres or 212,833 square feet, more or less, from AFOS Agricultural, Forestal, and Open Space District to B-2 General Business District and further to dispense with the second reading.

The roll call vote was as follows:

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

(VIDEO 1:05:43 – 1:11:47)

- 2. Public hearing regarding proposed offer to purchase right of way for South Abingdon Extension Transmission Line from Appalachian Power Company, a Virginia corporation, on property known as “Wolf Creek Water Reclamation Facility” located at 21436 Vance’s Mill Road, Tax Map No. 125-2-6, consisting of .10 acres, more or less – Gregory W. Kelly, Town Manager**

Derrick Wilson, Right of Way Project Lead with Emerald Energy & Exploration Land Company addressed the Council and stated that the right-of-way request was for installing a new transmission line for Appalachian Power Company. Mr. Wilson noted that the town would be compensated a total of \$874.00 for the purchase.

Greg Kelly, Town Manager, advised the Council that he felt that it was a fair offer and that Town has no use for that particular area of property, which is located at the Wolf Creek Water Reclamation Facility. Mr. Kelly requested that the Council authorize him to execute any necessary documentation relative to accepting the easement.

Mayor Lowe declared the public hearing open. Hearing no comments from the public, Mayor Lowe declared the public hearing closed.

On motion by Mr. Howard, seconded by Ms. Patterson, the Council, accepted the terms of the right-of-way purchase for .10 acres, more or less, and located at 21436 Vance’s Mill Road, Tax Map No. 125-2-6 for the amount of \$874.00 and authorized the Town Manager to execute any and all documents necessary to complete the transaction.

The roll call vote was as follows:

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

(VIDEO 1:11:50 – 1:19:49)

3. **Public hearing regarding proposed drainage easement for Appalachian Power Company, a Virginia corporation, on property known as “Wolf Creek Water Reclamation Facility”, located at 21436 Vance’s Mill Road, Tax Map No. 125-2-6, consisting of a strip of land twenty-feet (20’) in width; 0.036 acres (1,582 square feet), more or less, known as Easement Area A; and 0.156 acres (6,800 square feet) more or less, known as Easement Area B. - *Gregory W. Kelly, Town Manager***

Greg Kelly, Town Manager, advised the Council that this was a proposed drainage easement for Appalachian Power Company on property located at Wolf Creek Water Reclamation Facility for One Thousand Seven Hundred Forty-Nine and 20/100 Dollars (\$1,749.20). Mr. Kelly recommended that Council authorize him to accept the easement and execute any necessary documentation in accepting the easement.

Mayor Lowe declared the public hearing open. Hearing no comments from the public, the public hearing was closed.

On motion by Ms. Patterson, seconded by Mr. Craig, the Council, accepted the terms of the drainage easement for property located at 21436 Vance’s Mill Road, Tax Map No. 125-2-6, consisting of a strip of land twenty-feet (20’) in width; 0.036 acres (1,582 square feet), more or less, known as Easement Area A; and 0.156 acres (6,800 square feet) more or less, known as Easement Area B and authorized the Town Manager to execute any and all documents necessary to complete this transaction.

The roll call vote was as follows:

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

(VIDEO 1:19:47 – 1:24:00)

4. **Public hearing regarding Abingdon Property Invest, LLC request for a special use permit pursuant to Zoning Ordinance, Section 15-9, Flood Zone, Special Uses, to operate an adult home. (Tax Map No. 006-6-6; 576 Walden Road) – *Jason Boswell, Interim Director of Planning***

Matt Bundy, representative for Abingdon Property Invest, LLC, addressed the Council stating that the special use permit is for the purpose on constructing a fifty-two (52) bed adult home as a part of Grace Health Care.

Jason Boswell, Interim Director of Planning, advised Council that this matter was approved recently by the Planning Commission. Mr. Boswell further stated that the Planning Commission had previously approved the same special use permit, however the matter was not finalized and the approval lapsed.

Mr. Humphreys questioned where the plans included preserving the barn for use as a Community Center. Mr. Bundy stated that the plans had not been finalized but the intent was for the barn to serve as the central part of the community center.

Mayor Lowe declared the public hearing open. Hearing no comments from the public, Mayor Lowe closed the public hearing.

On motion by Mr. Craig, seconded by Ms. Patterson, the Council, accepted the recommendation of the Planning Commission to approve the request for a special use permit by Abingdon Property Invest, LLC pursuant to Zoning Ordinance, Section 15-9, Flood Zone, Special Uses to operate an adult home and further to dispense with the second reading.

The roll call vote was as follows:

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

(VIDEO 1:24:05 – 1:32:15)

- 5. Public hearing regarding consideration of transfer of franchise agreement renewal for cable television franchise per existing agreement with Bristol Virginia Utilities. – *Deborah C. Icenhour, Town Attorney***

Deb Icenhour, Town Attorney, addressed the Council requesting that they authorize the Town Manager to execute and transfer a franchise agreement renewal for cable television franchise per an existing agreement with Bristol Virginia Utilities to Sunset Fiber, LLC. Joseph Puckett with Sunset Fiber, LLC stated that closing should occur before the end of December, 2017.

Mayor Lowe declared the public hearing open. Hearing no comments from the public, Mayor Lowe closed the public hearing.

On motion by Mr. Craig, seconded by Ms. Patterson, the Council approved the transfer of the franchise agreement from Bristol Virginia Utilities to Sunset Fiber, LLC and further authorized the Town Manager to execute any and all necessary documents to transfer the franchise agreement.

The roll call vote was as follows:

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

(VIDEO 1:32:19 – 1:37:40)

- 6. Public hearing regarding temporary construction easement and permanent slope easement agreement by and between The Grundy National Bank and the Town of Abingdon, located at 498 Cummings Street, Tax Map No. 105A-2-16B, consisting of 3,679 square feet, more or less – *Deborah C. Icenhour, Town Attorney***

Deb Icenhour, Town Attorney, addressed the Council to request that they authorize the Town Manager to execute a temporary construction easement and permanent slope easement agreement by and between The Grundy National Bank and the Town of Abingdon. Deb Icenhour stated that this is necessary in order to proceed with the Green Spring Road project. Mr. Craig requested that AMT be consulted regarding the permanent slope easement prior to the Town Manager executing said documents.

Mayor Lowe declared the public hearing open.

Nan Harman, 498 Green Spring Road addressed the Council requesting that she be shown where the proposed easements would be located.

Hearing no further comments, Mayor Lowe closed the public hearing.

On motion by Mr. Humphreys, seconded by Mr. Craig, the Council, agreed to accept the temporary construction easement and permanent slope easement agreement with The Grundy National Bank located at 948 Cummings Street, Tax Map No. 015A-2-16B, consisting of 3,679 square feet, more or less and authorize the Town Manager to execute any necessary documents to complete the temporary construction easement and permanent slope easement after consultation with AMT.

Discussion ensued regarding a previous traffic analysis study.

The roll call vote was as follows:

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

(VIDEO 1:37:44 – 1:51:00)

- 7. Public hearing regarding final plat for proposed subdivision of property, Premier Hospitality LLC owner, located at 170 Jonesboro Road, consisting of 3.842 acres, more or less, and currently zoned B-2. Tax Map No. 104-C2 5 6C – Jason Boswell, Interim Director of Planning**

Jason Boswell, Interim Director of Planning, reported the Final Plat of the proposed subdivision of property by Premier Hospitality, LLC was approved by the Planning Commission on November 27th with the condition that Premier Hospitality be granted a variance from building sidewalks until such time as the adjacent property redeveloped or the second hotel on the site was constructed, whichever occurs first. Further Mr. Kelly noted that the Planning Commission directed that the applicant be required to construct curb, guttering and required drainage facilities.

Mayor Lowe declared the public hearing open. Hearing no comments from the public, Mayor Lowe closed the public hearing.

On motion by Mr. Humphreys, seconded by Ms. Patterson, the Council approved the final plat for proposed subdivision of property for Premier Hospitality, LLC located at 170 Jonesboro Road consisting of 3.842 acres, more or less, and currently zoned B-2, Tax Map No. 104-C2-5-6C with the requirements, as per the Planning Commission, that Premier Hospitality be granted a variance from building sidewalks until such time as the adjacent property redeveloped or the second hotel on the site was constructed, whichever occurs first. Further the Planning Commission directed that the applicant be required to construct curb, guttering and required drainage facilities.

Mr. Patel addressed the Council with regard to his plans for a new hotel.

The roll call vote was as follows:

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

(VIDEO 1:51:03 – 1:55:40)

- 8. Public hearing regarding consideration of first amendment to and assignment and assumption of lease for communications tower site between Commonwealth of Virginia, Virginia Highlands Community College on behalf of State Board for Community Colleges, Town of Abingdon, Virginia, and Apex Towers, LLC, a West Virginia Limited Liability Company – *Floyd Bailey, Director of IT***

Floyd Bailey, Director of IT, presented to Council details regarding a First Amendment to and Assignment and Assumption of Lease for Communications Tower Site between several entities. Mr. Bailey stated that this pertains to amending an original 2009 agreement for a 120' cell tower that housed the Town's mesh network in hopes to improve the cellular access at the Virginia Highlands Community College. The transfer of this agreement will allow Apex Towers, LLC to build a tower that is 10' taller to improve services to the residents and VHCC. Mr. Bailey requested that the Council authorize the Town Manager to execute said lease agreement and dispense with a second reading, if necessary.

Mayor Lowe declared the public hearing open. Hearing no comments from the public, Mayor Lowe closed the public hearing.

On motion by Mr. Howard, seconded by Ms. Patterson, the Council authorized the Town Manager to execute said lease agreement regarding communications towers located at Virginia Highlands Community College.

The roll call vote was as follows:

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

(VIDEO 1:55:41 – 2:04:09)

- H. SECOND READINGS – NONE**
- I. CONSIDERATION OF BIDS – NONE**

J. REPORTS FROM THE TOWN MANAGER/ASSISTANT TOWN MANAGER

1. Presentation of Financial Report by David Rose of Davenport and Associates – **Gregory W. Kelly, Town Manager** *This matter was considered earlier in the meeting.*
2. Presentation of 2016-2017 Financial Audit for the Town of Abingdon – **Chuck Banner, Treasurer** *This matter was considered earlier in the meeting.*
3. Consideration of moving January council meeting as January 1st and 2nd Town offices are closed for New Year's - **Cecile Rosenbaum, Asst. Town Manager/Clerk**

Mayor Lowe advised Council that the first Monday of January was a holiday for the Town and requested that the matter be scheduled for another date. Discussion ensued. Council members agreed that the Regular Meeting would be heard on January 8, 2018 at 6:30 pm.

Cecile Rosenbaum, Assistant Town Manager/Clerk, advised Council that the VML Legislative Days would be held on January 31st in Richmond, Virginia.

Mayor Lowe requested a five-minute recess.

(VIDEO 2:04:10 – 2:07:28)

Mayor Lowe called the meeting back to order. (VIDEO 2:14:40)

K. RESOLUTIONS - None

L. OLD BUSINESS/MATTERS NOT ON THE AGENDA

M. COUNCIL MEMBER REPORTS

Mr. Craig stated he had nothing to report.

Ms. Patterson addressed questions regarding The Meadows Project.

Mr. Howard stated the had nothing to report.

Mr. Humphreys reported that he would like Council to consider lifting restrictions placed on former employer, Garrett Jackson relative to his not being allowed on certain town properties. Discussion ensued.

On motion of Mr. Humphreys, seconded by Mr. Howard, Council approved former employee, Garrett Jackson, being allowed on town properties, thereby lifting restrictions that were placed on Mr. Jackson in 2014.

The roll call vote was as follows:

Mr. Craig	Abstained (Mr. Craig was not on Council at the time)
Ms. Patterson	Abstained (Ms. Patterson was not on Council at the time)
Mr. Howard	Aye
Mr. Humphreys	Aye
Mayor Lowe	Aye

Mayor Lowe stated that she had received a request from a citizen in Washington County to install lights at the dog park and requested that staff explore this request.

Mayor Lowe advised Council that an invitation had been extended to them by Highlands Community Services to attend a tour of the Children's Advocacy Center on December 8th.

Mayor Lowe requested that the Council consider using the available \$750 budgeted for the Pumpkin Contest that was not held this year and transfer it to the Community Development Coordinator's budget to be used for the downtown initiative.

On motion by Mr. Craig, seconded by Mr. Howard, the Council authorized the Treasurer to transfer \$750 budgeted for the Pumpkin Contest to the Community Development Coordinator's budget for downtown initiative.

The roll call vote was as follows:

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

Mayor Lowe requested an update on the closed/current businesses from Amanda Livingston with Tourism. Cecile Rosenbaum, Assistant Town Manager and Clerk, advised Council that Mrs. Livingston was currently off with the birth of a child.

Mayor Lowe offered her condolences and on behalf of the Council for the loss of a Town character, Ronnie Reynolds.

Mayor Lowe stated that D. R. Mullins had requested that the portable restroom on Park Street be relocated and/or repositioned so that it would not be facing any houses.

Mayor Lowe invited Council to the staff's White Elephant party on December 21st.

Mayor Lowe also requested that staff follow up on what appears to be an abandoned car located on Park Street.

Mayor Lowe stated that Jason Berry, Administrator for Washington County, had requested that the Town consider providing a letter of support to add the Stone Mill Business and Technology Park to the County's Enterprise Zone.

(VIDEO 2:14:44 – 2:42:54)

A. APPOINTMENTS TO BOARDS AND COMMITTEES (VIDEO 2:42:54 – 3:05:01)

On motion by Mr. Humphreys, seconded by Ms. Patterson, to go into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the purpose of considering applications to the Planning Commission and the Board of Zoning Appeals.

The roll call vote was as follows:

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

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council reconvened in regular session.

The roll call vote was as follows:

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

Cecile Rosenbaum, Asst. Town Manager and Clerk, 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:

Mr. Craig	I so certify
Ms. Patterson	I so certify
Mr. Howard	I so certify
Mr. Humphreys	I so certify
Mayor Lowe	I so certify

1. Planning Commission

On motion by Mr. Humphreys, seconded by Mr. Howard, to appoint James R. Anderson, to fill the unexpired term of Janice Reeves, to the Planning Commission.

The roll call vote was as follows:

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

2. Board of Zoning Appeals

On motion by Mr. Craig, seconded by Ms. Patterson, to appoint current Planning Commission member Ramsey White to serve on the Board of Zoning Appeals,

The roll call vote was as follows:

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

Ms. Patterson, seconded by Mr. Humphreys, appoint Heather Howard to fill the unexpired term of Janice Reeves to the Board of Zoning Appeals.

The roll call vote was as follows:

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

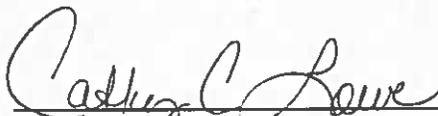
3. Abingdon Redevelopment and Housing Authority

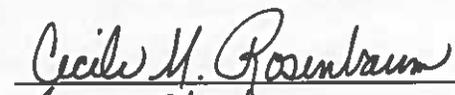
On motion by Mr. Humphreys, seconded by Ms. Patterson, to appoint Tracy Meek, to replace Vickye Hall, who did not wish to be reappointed, to the Abingdon Redevelopment and Housing Authority.

The roll call vote was as follows:

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

Mayor Lowe declared the meeting adjourned.


Cathy C. Lowe, Mayor


Cecile M. Rosenbaum
Town Clerk