

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, DECEMBER 5, 2016 - 7:30 PM  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A Regular Council meeting of the Abingdon Town Council was held on Monday, December 5, 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

Members Absent:

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  
Kevin Worley, Director of Parks & Recreation  
Floyd Bailey, IT Department  
Chuck Banner, Director of Finance  
John McCormick, Fire Chief  
Tony Sullivan, Police Chief

Visitors:

Donna Levine, Al and Leslie Bradley, Jim Moore, Jennifer Montgomery, Main Street Director, Jeff Johnson, Henry McCarthy, Stephen Jett, Natalie Graham, Mary Anne Holbrook, John Holbrook, and others

Mayor Lowe reported that Councilman Craig was in the hospital and scheduled for surgery later in the week. Ms. Lowe asked that everyone keep he and his family in their thoughts and prayers.

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Cindy Patterson, Council Member.

VIDEO 12:40

**D. APPROVAL OF MINUTES**

**On motion by Mr. Howard, seconded by Mr. Humphreys, the Council approved the November 7, 2016 Work Session Meeting Minutes, the November 7, 2016 Regular Meeting Minutes and the November 16, 2016 Mid-Month Work Session Minutes as presented.**

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

<b>Mr. Craig</b>	<b>Absent</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>

**Installation of Officer with the Abingdon Police Department –**

Tony Sullivan, Chief of Police reported a review panel was formed and held interviews for a lieutenant's position with the Abingdon Police Department. Five well qualified candidates, who are currently employed with the department applied for the position. John Holbrook was selected for the position.

Cecile Rosenbaum, Town Clerk administered the Oath of Office and Mr. Holbrook was pinned by his wife, Mary Anne Holbrook.

Mayor Lowe thanked Lieutenant Holbrook for his service to the town.

**E. PUBLIC COMMENTS – *Please place your name on the sign-up sheet and limit comments to 3 minutes.***

VIDEO 22:35

- Henry McCarthy, Hillside Drive thanked Council for their work and support of Fairview Homestead, Veteran Memorial Park, William King Museum, Barter Theatre, Virginia Creeper Trail and other town properties.
- Jeff Johnson, E. Main Street read a letter from Ellison Conrad, 418 E. Main Street (see below).



*F. Ellison Conrad, M.D., F.A.C.S.*

*Physician and Surgeon*

*Ophthalmic Surgery  
General Ophthalmology  
Pediatric Ophthalmology  
Maxillo Facial Surgery  
Facial Plastic Surgery  
Contact Lenses  
Ocular Prostheses*

November 22, 2016

Cathy Lowe, Manager  
Town of Abingdon  
P.O. Box 789  
Abingdon, VA 24212

Mrs. Lowe;

In this world in which we all live, there are only two CONSTANTS: The love of GOD, And CHANGE!!

I have had the privilege of living and working in Abingdon, VA, for nearly all of the past 50 years, and have watched, and been part of, the changes which have occurred to our village-now-town, during that time. With all its' ups-and-downs, its' broken dreams, and its' soaring successes, it is still a wonderful place in which we live.

One glaring lack-of-change has been in the access to adequate, proper and SAFE recreational facilities for our youngsters. For many years, I have led my children, and now, grandchildren across a very busy highway (Russell Road) to "Little League" facilities which have, at best, been marginal, and which, to this day, still requires access by crossing a very busy thoroughfare. Further, there has been a dream in the minds of our town leaders, for an expanded recreational facility, of adequate size and scope, located in a safer situation, which could not only be enjoyed by some of us older folks, but wherein could also be embraced new sporting venues, e.g. soccer. Not too long ago, there was serious talk of such a facility being located near I-81 exit 22, talk which never came to fruition, both because the land being sought never became available, and because of the costs involved.

Such an opportunity has now presented itself through the combined efforts of a forward-thinking Town Council, and a very community-minded LOCAL businessman (and his entire organization). Steve Smith and all of his staff-and-employees (in KVAT/Food City) have long been active and generous contributors toward the betterment of Abingdon. Now, in the development of what has been referred to as "The Meadows Project", comes the possibility of co-operation between these two partners to provide, for the citizens of our community and for youngsters for generations to follow, a truly first-rate recreational facility. In addition, one must note that this project, as a result of outright gifts to the town, combined with significantly lesser direct cost to the town, could wind up being something of which many towns our size would indeed be envious!

I earnestly entreat the members of Abingdon Town Council to put aside their own individual likes-and-dislikes, to put aside their own material interests (at least one member of the Town

*Telephone (276) 628-9141 • FAX (276) 628-4441  
418 East Main Street • Abingdon, Virginia 24210*

Council lives, and owns property, nearby, and has a vested, potentially very biased interest – she might well demonstrate true leadership by recusing herself from voting in such an ethically-disturbing situation), and for all members of Town Council to consider that which is best for the future of our really wonderful town, in the possibility of acquiring such a great recreational facility, to be enjoyed by all, young and old, for generations to come.

Likewise, it would seem only fitting and proper that, for at least one party who is very vocal against the proposed "Meadows Project", and who lives nearby, wherein he has had residence for some time, should have his truck, currently sporting a FLORIDA license tag, re-registered in the State of VIRGINIA, and begin paying the same taxes that all of us long-time residents must pay, on an annual basis.

To the members of Abingdon Town Council, I urge you to move forward with the "Meadows Project" and –

Thank you for your consideration of my thoughts, and for your many efforts on behalf of our wonderful town.



F. Ellison Conrad, M.D., F.A.C.S.

FEC:mec

cc: Editor, Bristol Herald Courier

VIDEO 32:11

Mayor Lowe stated she had received an email from Stephen Spangler, Marathon Realty Corp. who asked that his attached letter be read into the record (see below).



**MARATHON REALTY CORP.**

1 Food City Circle (24210)  
P.O. Box 1158  
Abingdon, VA 24212  
278-823-5100

December 2, 2016

Mrs. Cathy Lowe  
Town Mayor  
Town of Abingdon, VA  
133 West Main Street  
Abingdon, VA 24210

RE: Meadows Development

Dear Mrs. Lowe:

The Town of Abingdon (Town) acquired a forty (40) acre tract of real estate (Property) from CEMA Corp. on December 30, 2015. The Property is a portion of the proposed Meadows development and has been designated by the Town for utilization as a future sports and recreational facility.

It has come to my attention that the Abingdon Town Council may be presented with a request to act in such a manner as to have the Property included in the National Register of Historic Places, which stands to jeopardize the development of the Property for its designated use. If such a process was initiated, Marathon Realty Corp. (Marathon) would deem it to be a breach by the Town regarding certain obligations set forth in our Joint Development Project Agreement, executed on December 29, 2015. As such, Marathon would be forced to exercise its option to purchase the Property from the Town as outlined in said development agreement.

I felt it was necessary to inform you of Marathon's position on this matter so that you would have all information prior to consideration of any such requests related to the Property.

Sincerely,

A handwritten signature in black ink, appearing to read 'SDS', is written over a horizontal line.

Stephen D. Spangler  
Vice President

cc: Mr. Greg Kelly, Abingdon Town Manager  
Mrs. Debroah Icenhour, Abingdon Town Attorney

**F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES - None**

**G. SECOND READINGS OF ORDINANCES - None**

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

VIDEO 34:30

**I. REPORTS FROM THE TOWN MANAGER AND ASSISTANT TOWN MANAGER**

**1. Johnston Memorial Hospital Update.**

Stan Hickson, CEO of Johnston Memorial Hospital reported that JMH has been successful at retaining their staff through efforts to provide mentors and educating the medical students on the region. JMH is focusing on readmissions particularly for congestive heart failure and pneumonia along with better utilization of antibiotics and length of stay. New additions include 3D Mammography, Linear Acceleration, which allows faster and more precise radiation treatments, and early detection lung screening. Johnston Memorial Hospital provided over \$29 million in charity care in 2016. Mr. Hickson reported that on November 7<sup>th</sup> the Southwest Virginia Health Authority voted unanimously to approve the merger of Mountain States Health Alliance and Wellmont Health Systems. Once the final report is finished it will be sent to officials in Richmond. JMH continues to work with the Tennessee Department of Health, as they evaluate the certificate of public advantage and Mr. Hickson speculates the merger may take place in the spring.

VIDEO 47:18

**2. Consideration of June 30, 2016 Town audit.**

Chuck Banner, Treasurer/Dir. of Finance introduced Stan Bowles, Jordan Owens and Ron Shadden from Brown, Edwards and Company. Stan Bowles reviewed the Comprehensive Annual Financial Report Year Ended June 30, 2016. Brown, Edwards and Company issued an unmodified opinion on the Statement of Financial Position and issued a disclaimer of opinion on the Statement of Changes of Financial Position and cash flow due to the inability to verify the opening balances of the work performed by the previous auditors. Mr. Bowles briefly reviewed internal controls and the town's financial position which reflects total assets in excess of \$47 million, total liabilities of just under \$20 million with a net position of just over \$27 million.

VIDEO 50:54

Mrs. Patterson inquired about the increase in assets, which include a fire truck, garbage truck and land. Mrs. Patterson stated the town has not been unsuccessful in getting information from the former auditor and that's the reason for the disclaimer.

Mr. Kelly stated the town requested information multiple times from the previous auditor, but was unsuccessful in receiving the working papers that allow the Brown Edward staff to establish the beginning fund balance for the town.

Mayor Lowe stated that once an opinion has been issued it can't be changed. Mayor Lowe also stated that Council has instructed management to send a letter to the American Institute of Certified Public Accountants.

**On motion by Mr. Howard, seconded by Mr. Humphreys, the Council accepted the June 30, 2016 town audit as presented.**

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

<b>Mr. Craig</b>	<b>Absent</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>

VIDEO 55:41

**3. Abingdon Community Center Update.**

Nathalie Graham, Director of the Community Center of Abingdon reported that membership at the center cannot support the cost to operate the facility. Therefore, it is necessary to move in a new direction with new events and programs that will appeal to a larger audience. They have created a new website, logo and printed materials and have raised \$37, 226 for Meals on Wheels. Meals on Wheels has spent \$31,100.30 over the last 11 months on over 5,000 hot and cold meals for residents in the area. The long-range plans for the center includes a membership drive and fundraising to pay off the mortgage. Mrs. Graham is hopeful that the center can become self-sustaining at some point.

VIDEO 1:02

**4. Presentation by United Way of Southwest Virginia**

Mary Anne Holbrook, Community Relations Manager with United Way of Southwest Virginia thanked the Town for its support of United Way and reviewed the programs now being offered by United Way of Southwest Virginia. United Way is focusing on health, education and financial stability of the communities they serve and are partnering with organizations that have the same goals. Some programs include, 4-H & United Way Reality Stores, which teaches 8<sup>th</sup> grade students to pay bills, budget their money and live within their means. Al's Pals, Smart Beginnings and Virginia Quality are all early childhood education programs. Backpacks Unite provides food for children on weekends. FamilyWize, helps make prescription drugs as affordable as possible and has saved citizens \$2.7 million this year. Ignite, invests in the next generation by providing real life career application and includes career guidance, shadowing, mentoring and work based learning. Smyth County Healthy Community Action Team has built playgrounds, and worked with the school system to rewrite the physical education program to include outdoor recreation activities like biking, fishing and hiking. United Way is currently working on grants that could help construct a splash pad in the new recreational facility in Abingdon and is willing

to raise the necessary matching funds to make the splash pad a reality. Virginia 211 is a program that connects needs to organizations who are able to provide assistance, just dial 211. The volunteer center helps connect organizations or events that are in need of volunteers to folks in the community who want to volunteer.

VIDEO 1:17

## **J. RESOLUTIONS**

- 1. Consideration of a Resolution of the Council of The Town of Abingdon, Virginia Supporting the Application for Transportation Alternatives Set - Aside Funds for the Virginia Creeper Trail Meade Meadows Crossing Improvement Project.**

Kevin Worley, Director of Parks and Recreation stated the proposed resolution is required as part of the application that sent to VDOT on November 1 requesting funds for the Virginia Creeper Trail/Meade Meadows Crossing Improvement Project. The project will include purchasing the land, improving parking and constructing an emergency shelter/snack shack with restrooms that will be ADA compliant. The total project is estimated to be approximately \$370,000, with a 20% match of approximately \$73,000. VDOT will allow in-kind donations and the town can provide \$52,150 in-kind services, leaving approximately \$21,767 to complete the project.

VIDEO 1:24

**On motion by Mr. Humphreys, seconded by Mr. Howard, the Council adopted the Resolution of the Council of the Town of Abingdon Supporting the Application for Transportation Alternatives Set - Aside Funds for the Virginia Creeper Trail Meade Meadows Crossing Improvement Project as read. (See Below)**

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

<b>Mr. Craig</b>	<b>Absent</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>





**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA  
SUPPORTING THE APPLICATION FOR TRANSPORTATION ALTERNATIVES SET-  
ASIDE FUNDS FOR THE VIRGINIA CREEPER TRAIL MEADE MEADOWS  
CROSSING IMPROVEMENT PROJECT**

**WHEREAS**, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring jurisdiction or agency requesting the Virginia Department of Transportation establish a Transportation Alternatives Set-Aside project to be administered by the Town of Abingdon Virginia.

**WHEREAS**, the Council of the Town of Abingdon Virginia, requests the Commonwealth Transportation Board to establish a project for the Virginia Creeper Trail Meade Meadow Crossing Improvement,

**WHEREAS**, the Town of Abingdon Virginia hereby commits to provide a minimum 20 percent matching contribution for this project and any additional funds necessary to complete the project,

**WHEREAS**, the Town of Abingdon Virginia hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project,

**WHEREAS**, the Town of Abingdon Virginia will be responsible for maintenance and operating costs of any improvement / facility constructed with Transportation Alternatives Set-Aside funds unless other arrangements have been made with the Department,

**NOW, THEREFORE, BE IT RESOLVED**, that if the Town of Abingdon Virginia subsequently elects to cancel this project The Town of Abingdon Virginia hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Town of Abingdon Virginia also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Town of Abingdon, Virginia that the above listed application for transportation alternative set-aside funds for the Virginia Creeper Trail Meade Meadows crossing improvement project and hereby grants

authority for the Town Manager to execute project agreements for any approved Transportation Alternatives Set-aside projects for Fiscal Year 2017-18.

**TOWN OF ABINGDON, VIRGINIA**

BY:   
Mayor


BY:   
Town Manager

The undersigned clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on December 5, 2016. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Cathy C. Lowe, Mayor	Present	AYE
Richard E. Humphreys, Vice Mayor	Present	AYE
Robert M. Howard	Present	AYE
M. Cindy Patterson	Present	AYE
J. Wayne Craig	Absent	—

WITNESS MY HAND and the seal of the Town of Abingdon as of December 6, 2016

(SEAL)

  
Tonya Triplett, Deputy Clerk  
Town of Abingdon, Virginia

**K. OLD BUSINESS - None**

**L. MATTERS NOT ADDRESSED AT WORK SESSION MEETING**

**VIDEO 1:26**

Mr. Humphreys stated Council is delighted with what Mrs. Graham is doing at the Abingdon Community Center and also the Meals on Wheels Program.

**On motion by Mr. Humphreys, seconded by Mrs. Patterson, the Council approved \$5,000 from Council Contingency for the Meals on Wheels Program.**

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

<b>Mr. Craig</b>	<b>Absent</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>

VIDEO 1:28

**M. APPOINTMENTS TO BOARDS AND COMMITTEES**

- Reappointment of Chris Lowe to the Tourism Advisory Committee, who is eligible and willing to serve another term.

**On motion by Mr. Howard, seconded by Mr. Humphreys, the Council reappointed Chris Lowe to serve on the Tourism Advisory Committee.**

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

<b>Mr. Craig</b>	<b>Absent</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>

- Appointment of Chase Mitchell to fill the unexpired term of Marcy Miller on the Tourism Advisory Committee.

**On motion by Mr. Humphreys, seconded by Mrs. Patterson, the Council appointed Chase Mitchell to fill the unexpired term of Marcy Miller on the Tourism Advisory Committee.**

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

<b>Mr. Craig</b>	<b>Absent</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>

- Appointment of one member to the Sustain Abingdon Committee, to replace Thomas Keys, who is unable to finish his term.

**On motion of Mr. Humphreys, seconded by Mr. Howard, the Council went into closed session pursuant to Section 2.2 -3711(A)(1) of the Code of Virginia, 1950, as amended, the Council will convene in a closed session for the purpose of discussion of appointments to boards and commissions.**

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

<b>Mr. Craig</b>	<b>Absent</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>

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

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

<b>Mr. Craig</b>	<b>Absent</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>

**The Deputy Clerk, Tonya Triplett, 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. Craig</b>	<b>Absent</b>
<b>Mrs. Patterson</b>	<b>I so certify</b>
<b>Mr. Howard</b>	<b>I so certify</b>
<b>Mr. Humphreys</b>	<b>I so certify</b>
<b>Mayor Lowe</b>	<b>I so certify</b>

**On motion of Mrs. Patterson, seconded by Mr. Humphreys, the Council approved the appointment of Melissa Kalb to the Sustain Abingdon Committee.**

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

<b>Mr. Craig</b>	<b>Absent</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>

VIDEO 1:42

**N. COUNCIL MEMBER REPORTS**

Mrs. Patterson attended Boots on the Ground fundraiser, Veterans Day Ceremony, Tree Lighting and the Christmas parade. Also, wished everyone a Merry Christmas.


Mr. Humphreys also attend several events, thanked everyone for their service and wished everyone Merry Christmas.

Mr. Howards attended the Veterans Day Ceremony, Parade and will attend the annual Fire Department dinner.

Mayor Lowe attended the Watauga Elementary School Award Ceremony, NPO Bristol District VDOT Planning, Coomes Center Luncheon, Christmas Crafts, Chamber breakfast and Veterans Day Ceremony. Mayor Lowe thanked everyone for all hard work and wished everyone Merry Christmas.

Mayor Lowe declared the meeting adjourned.

  
Tonya Triplett, Deputy Town Clerk

  
Cathy C. Lowe, Mayor