

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 3, 2016 - 7:30 PM
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A Regular Council meeting of the Abingdon Town Council was held on Monday, October 3, 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, Asst. Town Manager/Town Clerk
Tonya Triplett, Deputy Clerk
Deb Icenhour, Town Attorney
Matthew Johnson, Dir. of Planning
John Dew, Dir. Of Construction/Public Services
Kevin Costello, Dir. of Tourism & Economic Development
Floyd Bailey, Dir. Information Technology
Chuck Banner, Treasurer/Dir. of Finance
John McCormick, Fire Chief
Kevin Worley, Dir. of Parks and Recreation
Tony Sullivan, Police Chief

Visitors:

Jennifer Montgomery, Rich Macbeth, David Winship,
Warren Harris, Michael Trepiccone, Jill Harless,
Karen Tallman, Stephen Jett, Al & Leslie Bradley,
Stephen Spangler, Nan Harmon, Edison Jennings, Jim
Moore, and others

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tony Sullivan, Police Chief.

D. APPROVAL OF MINUTES

1. September 6, 2016 Work Session Meeting & Regular Meeting
2. Request for correction to October 7, 2015 Regular Meeting Minutes

Video 7:00

Mrs. Patterson requested that the following changes be made to the September 6 work session minutes. Item # 10 should state she volunteered at Feeding America and attended events at the Abingdon Senior Center. She also stated that on item #3 she had inquired if both bid prices included high quality sealer.

On motion by Mr. Howard, seconded by Mr. Humphreys, the Council approved the September 6, 2016 work session minutes with the following changes:

3. Kevin Worley, Director of Parks & Recreation reported he advertised a request for proposal for tennis court resurfacing at the Harry L. Coomes Recreation Center and received two bids. PPMarkings— Dave Harless for \$38,400 who would have to outsource some of the work and Court Works for \$22,000, who has the ability and resources to do all the required work in house. Mr. Kelly noted that this matter was on the regular agenda for approval. Mrs. Patterson inquired if both companies priced high quality sealer and equivalent materials.

10. Mrs. Patterson reported she had attended a USDA roundtable meeting, volunteered at both Feeding America and attended events at the Abingdon Community Center.

The roll call vote was as follows:

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

Video 9:15

On motion by Mrs. Patterson, seconded by Mr. Craig, the Council tabled the approval of the September 6, 2016 regular meeting minutes to allow time for the Town Clerk to review the video and make accurate corrections.

The roll call vote was as follows:

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

Video 9:48

2. Request for correction to October 7, 2015 Regular Meeting Minutes

Greg Kelly, Town Manger explained that due to legal issues over rezoning and the pending lawsuit, the town’s legal counsel recommended that the town correct the minutes of the October 7, 2015 meeting to more accurately reflect the motion on the special use permit granted for the Marathon property. Mr. Kelly explained that the motion approving the special use permit was contingent on the second reading and approval of the rezoning and was not recorded as such in the minutes. Mayor Lowe asked that the video from the October 7, 2015 meeting be played to demonstrate the exact content of the motion.

Video 23:21

Deb Icenhour, Town Attorney stated Virginia Legal Authority allows amendments to minutes that reflect what actually happened and Robert's Rules suggests and supports making corrections that accurately reflect what happened.

Mrs. Patterson inquired if there is a time limit to make the corrections and Ms. Icenhour stated she was not aware of a statute on time limits for corrections to minutes. Mrs. Patterson noted she sent an email to Cecile Rosenbaum, Assistant Town Manager earlier in the day inquiring about details of the correction to the October 7, 2015 minutes and did not receive a reply to her message. She also stated she had not received a copy of the motion that Mr. Humphreys had been given and questioned the legality of changing minutes almost a year old. Ms. Icenhour stated she had provided a working copy to Mr. Humphreys as he made the motion in question and had requested a copy for his reference.

On motion by Mr. Humphreys, seconded by Mr. Howard, the minutes from the October 7, 2015 regular Abingdon, Virginia Town Council Meeting were approved as amended for the purpose of accurately reflecting what actually occurred and what was said on 10/07/2015, in a detailed manner, to reflect the precise wording of the motion made and passed and to incorporate by reference the video made contemporaneously on 10/07/2015. This amendment is made pursuant to Virginia legal authority, which allows minutes to be amended and corrected, nunc pro tunc. I hereby move that Council accept the Planning Commission's recommendation of October 7, 2015 to issue the special use permit pursuant to Section 18-9 - Historic District Entrance Corridor Overlay District; Section 18-9-4 Zoning Ordinance, Article 3, AFOS Agricultural, Forrestral, and Open Space District, Section 3-2, Special Uses regarding CEMA CORP, 440 Green Spring Road, Abingdon, VA 24211, namely Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less, noting that the granting of this special use permit shall be contingent upon Council's approval of the rezoning upon the second reading.

The roll call vote was as follows:

Mr. Craig	Abstain <i>(Mr. Craig was not on Council October 7, 2015)</i>
Mrs. Patterson	Abstain <i>(Mrs. Patterson was not on Council October 7, 2015)</i>
Mr. Howard	Aye
Mr. Humphreys	Aye
Mayor Lowe	Aye

The video of this meeting can be found in its entirety at [www.abingdon-va.gov/Town Council/Town Council meetings/October 3, 2015](http://www.abingdon-va.gov/TownCouncil/TownCouncilmeetings/October3,2015)

Video 28:30

E. PUBLIC COMMENT

The following citizens addressed Council:

- Jim Moore, 133 College Street
- David Winship, 951 Timberland Court
- Stephen Jett, 330 Court Street

- Al Bradley, 143 Stonewall Heights
- Michael Trepiccione, 289 Green Spring Road
- Leslie Bradley, 143 Stonewall Heights
- Jill Harless, 19299 Triple Crown Drive

Video 52:42

F. SPECIAL COMMUNITY RECOGNITION

Mayor Lowe asked Chief Tony Sullivan to come forward for a special presentation. Chief Sullivan reported on a recent house fire in town that Officers DeBusk and Lucy responded to at 5:00 a.m. on the morning of September 9th. Chief Sullivan noted that Officer DeBusk was able to get four adults and five dogs from the burning house with the assistance of Officer Lucy and no lives were lost. Chief Sullivan also recognized County officer Sgt. Jason Shepherd who also assisted in the early morning rescue. Chief Sullivan presented each officer with a special plaque of recognition for their heroism and commitment to saving lives in a dangerous situation.

Chief Sullivan also recognized Officer Lucy for his recent award from Mothers Against Drunk Drivers for his commitment to keeping drunk drivers off the roads.

Video 1:03

G. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. PUBLIC HEARING – Washington County Historical Society Lease

Deb Icenhour, Town Attorney reported that it was time for the renewal of the Historical Society's lease of the Train Station property located at 306 Depot Square. Ms. Icenhour noted that the term of the lease was not to exceed five (5) years, beginning October 31, 2016.

Mayor Lowe opened the public hearing and asked if anyone wished to speak. Hearing no comments, Mayor Lowe declared the public hearing closed.

Video 1:05

On motion, Mr. Humphreys, seconded by Mrs. Patterson, the Council approved the renewal of the Washington County Historical Society's lease, as presented, for the property known as the Abingdon Depot and located 306 Depot Square for a term of no more than 5 years from the date of October 31, 2016 and further authorized Greg Kelly, Town Manager to execute all documents necessary to execute the lease agreement.

The roll call vote was as follows:

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

H. SECOND READINGS OF ORDINANCES – None.

I. CONSIDERATION OF ANY BIDS – None.

J. RESOLUTIONS- None.

K. REPORTS FROM THE TOWN MANAGER AND ASSISTANT TOWN MANAGER

1. Consideration of final plat for subdivision of property owned by Michael C. Noonkester and Lori B. Noonkester

Matthew Johnson, Director of Planning reported on a request he received from Michael C. and Lori B. Noonkester relative to property they own at 1103 Empire Drive, Abingdon. Mr. Johnson noted that the Noonkesters submitted a request to subdivide the property and had asked Matt Bundy with Bundy Architecture and Engineering to prepare the plat. Mr. Johnson noted that the proposed subdivision had been considered and recommended for approval by the Planning Commission at their August 22, 2016 meeting.

Video 1:06

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved, upon recommendation of the Planning Commission, the final plat for subdivision of property owned by Michael C. and Lori B. Noonkester and located at 1103 Empire Drive, Abingdon and further authorized Greg Kelly, Town Manger to execute all documents necessary to complete the final plat and prepare it for recording.

The roll call vote was as follows:

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

Video 1:08

2. Consideration of Final Plat for Marathon Realty Corp., PO Box 1158, Abingdon, VA 24212; Stephen Spangler, representative, PO Box 1158, Abingdon, VA 24212. Proposed 10 lot subdivision, near 440 Green Spring Road zoned B - 2 (General Business), including portions of Tax Map Nos. 021 – 1 - 5B, 021-1-5, 105-A-39

Matthew Johnson, Dir. Of Planning reported that Marathon Realty Corp. had requested approval of their final plat property they own and located at 440 Green Spring Road. Mr. Johnson noted that the approval of the final plat accompanies the already approved Certificate of Appropriateness (COA) and had been considered by the Planning Commission at their regular September 26th meeting. Mr. Johnson commented that the Planning Commission recommended approval of the final plat in a 5-0 vote, with one member absent and one member recused from voting.

Mr. Craig noted his concerns about changes in the traffic pattern relative to the property on Green Spring Road and inquired if Mr. Spangler, Marathon Realty representative planned to move forward with a site plan that may require changes in the future. Mr. Spangler commented that Marathon planned to move forward with the development. Mr. Craig inquired if Marathon would be inconvenienced if the vote on the final plat was tabled until

the traffic safety issues are resolved. Mr. Spangler confirmed that it would be an inconvenience and they planned to move forward.

Mr. Kelly, Town Manager, reported that a document of covenants and declarations had been negotiated between the Town and Marathon and noted that document would be recorded with the final plat. Mr. Kelly noted that the agreement was a standard document for commercial property development. Mr. Kelly further noted that a copy of the document was given to Council members at the earlier work session meeting.

Mrs. Patterson stated she received a copy of the plat just before the meeting, has not had ample time to review it and inquired if other councilmembers had received a copy before this evening.

Video 1:16

Mr. Humphreys stated that Planning Commission members had received a copy at their last meeting. Mr. Humphreys confirmed that the remaining Council members received a copy the same time it was delivered to Ms. Patterson.

Mayor Lowe stated that on final plats Council relies on staff, the town attorney office, town manager, assistant town manager and planning department to review and make recommendations.

Mr. Craig and Mrs. Patterson noted that they had not had ample time to review the document before the vote on the final plat.

Mr. Kelly confirmed that the document had been negotiated by outside counsel and it was considered a standard document in commercial developments.

Mr. Craig stated his willingness to rely on staff but inquired why is he being asked to vote on the matter.

Mr. Kelly stated the declaration of restricted covenant document should be recorded with the final plat and will allow Marathon to sell outparcels that are a planned part of the commercial development.

Mr. Kelly and Ms. Icenhour, Town Attorney confirmed that the document protects both the town and not Marathon Realty.

Video 1:21

Mrs. Patterson stated that any documents be given to Council in a timely manner in order for Council to review and respond appropriately.

On motion by Mr. Craig, seconded by Mrs. Patterson, the Council voted to table the issue until the January 1, 2017 meeting in order to address all the public comment that was heard tonight and so we will have an idea of how we are going to protect the public, traffic wise, on Green Spring Road and take into consideration the requests from citizens on Historic Preservation Review Board review this property for historical significance.

The roll call vote was as follows:

Mr. Craig

Aye

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

Video 1:22

At this time, on motion by Mr. Howard, seconded by Mr. Humphreys, the Council approved the request for Final Plat, as recommended by Planning Commission, for Marathon Realty Corp., P.O. Box 1158, Abingdon, VA 24212; Stephen Spangler, representative, P.O. Box 1158, Abingdon, VA 24212. Proposed 10 lot subdivision, near 440 Green Spring Road zoned B - 2 (General Business), including portions of Tax Map Nos. 021 - 1 - 5B, 021-1-5, 105-A-39 including any declarations or restrictions that need to approved by the Town Manager and authorized Greg Kelly, Town Manger to execute all necessary documents required to prepare the final plat for recording.

The roll call vote was as follows:

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

L. OLD BUSINESS – None

M. MATTERS NOT ADDRESSED AT WORK SESSION MEETING

- Mr. Humphreys stated the President of Abingdon High School Choral Boosters had requested funds from Council in order to assist with the choir’s attendance at the American Kodaly Educators conference. Mr. Humphreys noted that the group had several fund raiser including working concessions at the Bristol race, the Battle of Bristol and also Rhythm and Roots. In addition, the group has planned a 5-K race for December 3rd at Genocide Country Club. Mr. Humphreys noted that Council member Patterson had agreed to donate a two night stay at her bed & breakfast as an auction item.

On motion, Mr. Humphreys, seconded by Mr. Howard, the Council approved the allocation of \$650 from Council contingency to sponsor the Abingdon High School Choir’s 5K fundraiser that will be held December 3.

The roll call vote was as follows:

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

- Mayor Lowe reported that Council had spoken with Kevin Costello, Director of Tourism and Economic Development at the earlier work session and noted that he had requested a letter of support for a grant being offered by Levitt Pavilions to encourage small communities to host music events. Mr. Costello noted that the grant was in the amount of \$25,000 and the town's in kind donation would be to allow the use of the Abingdon Farmers Market Pavilion for summer music events that would correspond with Thursday Jams.

Video 1:28

On motion, Mr. Howard, seconded by Mr. Craig, the Council authorized Greg Kelly, Town Manager to sign the letter of support for a Levitt Foundation grant application and to allow the use of the Abingdon Market Pavilion for summer music events as an in kind donation.

The roll call vote was as follows:

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

N. APPOINTMENTS TO BOARDS AND COMMITTEES

On motion, Mr. Craig, seconded by Mrs. Patterson, the Council reappointed Al Bradley to serve another term on the Sinking Spring Cemetery Committee.

The roll call vote was as follows:

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

O. COUNCIL MEMBER REPORTS

Video 1:30

Mr. Craig reported on his attendance as a Council representative to the BVU Board and that BVU Optinet had considered a 10% rate increase in services for customers. Mr. Craig noted that it did not pass and stated that BVU is borrowing money for operational expenses.

Ms. Patterson reported she participated in the Washington County Fair parade and attended Squashtober Fest at the Abingdon Farmers Market, the ribbon cutting at the new Captain D's restaurant and a Tree Commission meeting. Mrs. Patterson also reported that she attended a Veterans Park Committee meeting and reported a Veterans Day Ceremony and dedication on November 11, 2016 at 11am at the Veteran Memorial Park in Abingdon.

Vice Mayor Humphreys reported he participated in the Call to Arms event in September, and

noted that over 1,700 students attended the program and were able to visit multiple stations with historical presentations. Mr. Humphreys noted that partnerships between many organizations made the event possible. Mr. Humphreys also participated in the Washington County Fair Parade and Squashtober Fest at the Farmer's Market.

Mayor Lowe stated local resident Bill Hayter has a relative that would like to add a bronze marker to the Veterans Memorial Park. Mayor Lowe passed the information to Mr. Humphreys and Mrs. Patterson who serve on the Veteran Memorial Park Committee. Mayor Lowe reported that she attended the Tobacco Commission meeting in Wise, where she was appointed Vice Chair of Economic Development for Southwest Virginia. She also attended the Laying of the Wreath at the Muster Grounds. Mayor Lowe noted that information had been sent to E. B. Stanly Middle school for the Virginia Municipal League's annual "If I Were Mayor" Essay Contest, open to all Virginia students enrolled in the 7th grade during 2016-2017 school year.

Mr. Kelly reported that the town had received the Virginia Municipal League's annual Go Green Government Challenge Award.

Vice Mayor Humphreys stated that during the Call to Arms event the grave sites of General William Campbell, John Browdy and Blair Keller were visited by members of the OVTA and DAR groups.

Mayor Lowe declared the meeting adjourned.


Cathy C. Lowe, Mayor


Tonya Triplett, Deputy Town Clerk