

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, MARCH 5, 2018 – 6:30 PM
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A Regular Council meeting of the Abingdon Town Council was held on Monday, March 5, 2018 at 6:30 pm in the Council Chamber of the Municipal Building.

A. WELCOME by *Mayor Lowe*

B. ROLL CALL – *Kim Kingsley, Deputy Clerk*

Members of Council Present:

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
Kim Kingsley, Deputy Clerk
Jon Phelps, IT Department
Chuck Banner, Director of Finance
Matt Bolick, Dir. of Public Services/Const.
Deborah C. Icenhour, Town Attorney
Jason Boswell, Interim Director of Planning
Floyd Baily, Director of IT
Tony Sullivan, Police Chief
Jayne Duehring, Director of Tourism

C. PLEDGE OF ALLEGIANCE – Council Member Cindy Patterson led the Pledge of Allegiance.

D. APPROVAL OF MINUTES (VIDEO 8:17 – 13:15)

Ms. Patterson requested changes to the February 5, 2018 minutes to reflect approving votes for Ms. Patterson and Mr. Craig concerning a motion to renew the lease agreement with James D. Moore, Jr. Family Limited Partnership.

Ms. Patterson requested review of the February 12, 2018 special called meeting video to reflect additional language discussed regarding a motion to retain Bob Ward, Esq. to represent the Council in a FOIA matter.

On motion by Mr. Craig, seconded by Ms. Patterson, the Council approved the minutes of the February 5, 2018 Regular meeting as corrected.

The roll call vote was as follows:

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

Mayor Lowe stated that the February 12, 2018 special called meeting minutes would be considered at the April council meeting after the video is reviewed and corrections made as requested by Ms. Patterson.

- E. CLOSED SESSION – Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, Council will convene in a closed meeting to discuss potential or probable litigation. (VIDEO 13:24 – 43:52)**

Ms. Patterson questioned if the EEOC matter was the topic of discussion.

On motion by Mr. Craig, seconded by Ms. Patterson, to go into Closed Session pursuant to Section 2.2-3711(A)(7) for the purpose of discussing actual or probable litigation involving personnel.

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 Ms. Patterson, seconded by Mr. Humphreys, the Council reconvened in open session.

The roll call vote was as follows:

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

Kimberly Kingsley, Deputy 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
Mrs. Patterson	I so certify
Mr. Howard	I so certify
Mr. Humphreys	I so certify
Mayor Lowe	I so certify

On motion of Mr. Craig, seconded by Mr. Howard, the Council approve the tentative resolution of the EEOC matter addressed before the EEOC on February 20, 2018 and authorize the Mayor to execute any and all documents required to finalize the resolution and further that the Council exercise its rights under Virginia Code 2.2-3705.1 and keep the terms of the resolution and any documents pertaining thereto confidential as required by the EEOC.

The roll call vote was as follows:

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

F. PRESENTATION FOR LEADERSHIP WASHINGTON COUNTY – *Sara Saavedra*

Mayor Lowe welcomed Sara Saavedra and Jeff Jones as members of Leadership Washington County presenting them with a Proclamation designating the third Tuesday of March as Agriculture Appreciation Day.

G. PUBLIC COMMENTS -

- Tom McMullen, 267 Whites Mill Road
- David M. Kalb, Ph.D., 1151 Panorama Drive

**H. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES
(VIDEO 57:29 – 1:08:47)**

1. Consideration of final plat for proposed subdivision of property, Edward M. Fuqua, II, owner, 829 Wolf Creek Trl, consisting of 2.18 ± acres, more or less, and currently zoned R-3; Tax Map No. 104A-A-25; requesting an exemption to the requirements set forth in Appendix A, Section 5.18 of the Town's Zoning Ordinance. – *Jason Boswell, Interim Director of Planning*

Jason Boswell, Interim Director of Planning stated that this matter was before Council requesting an exemption to the requirements set forth in Appendix A, Section 5.18 of the Town's Zoning Ordinance. Mr. Boswell stated that a public hearing was held at the January Planning Commission and approved.

On motion of Mr. Craig, seconded by Mr. Humphreys, the Council approve the final plat for subdivision.

The roll call vote was as follows:

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

Mr. Kelly advised the Council that this matter is a public hearing.

On motion of Mr. Craig, seconded by Mr. Humphreys, the previous motion was rescinded.

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

On motion of Mr. Craig, seconded by Mr. Humphreys, the Council approved the final plat for subdivision.

The roll call vote was as follows:

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

2. Consideration of application for a special use permit, pursuant to §15.9 Utilization of the Flood Hazard District, Tonya Page, owner, and Jim Fern, 186 Park Street, currently zoned B-1; Tax Map No. 013-6-11. – *Jason Boswell, Interim Director of Planning*

Mayor Lowe declared the public hearing open. Richard Macbeth, 1139 Panorama Drive, requested more information regarding the special use permit.

Jason Boswell, Interim Director of Planning, stated that special use permit, pursuant to §15.9 Utilization of the Flood Hazard District, allowed construction of an addition to the structure located at 186 Park Street. Mr. Boswell stated that a public hearing was held at the January Planning Commission and approved.

Mayor Lowe hearing no additional comments closed the public hearing.

On motion of Mr. Humphreys, seconded by Ms. Patterson, the Council approved the special use permit pursuant to §15.9 Utilization of the Flood Hazard District.

The roll call vote was as follows:

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

I. SECOND READINGS – None

J. CONSIDERATION OF BIDS - None

K. REPORTS FROM THE TOWN MANAGER/ASSISTANT TOWN MANAGER

**1. Update on health insurance – *Sam Brown, Insurance Consultant*
(VIDEO 1:09:00 – 1:16:52)**

Sam Brown updated the Council with regard to renewal of the health insurance for Town employees. Mr. Brown stated that Local Choice met all the Commonwealth of Virginia procurement laws and the plan would increase by 9.5% for the year.

Mr. Kelly, Town Manager, advised Council that this matter would further be discussed during the upcoming budget work sessions.

**2. Updated from Tourism Department – *Jayne Duehring, Director of Tourism*
(VIDEO 1:16:56 – 1:24:09)**

Jayne Duehring, Director of Tourism advised the Council that on February 24th the Abingdon Visitors and Convention Bureau won a very prestige award, '2017 Creeper Fest Campaign' winning "Best of Show" and "People's Choice". Mrs. Duehring also presented information regarding the upcoming planned events.

**3. Update on request from a resident to vacate a Town right-of-way located near 243 Fugate Street – *Matt Bolick, Director of Construction/Public Services*
(VIDEO 1:24:14 – 1:27:54)**

Mr. Bolick advised the Council that the staff, Muster Ground Committee and Abingdon Parks and Recreation Committee reviewed the request to vacate a right-of-way finding no use for the property. Mr. Humphreys stated that he was the Chair of the Muster Ground Committee that met, viewed the property and found no practical use or application for the property and in fact, part

of it is underwater. Mr. Kelly stated that he and Mrs. Icenhour also viewed the property seeing no future for potential use and recommended moving to the next phase of abandonment.

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council approved the request to vacate the right-of-way advertisement for public hearing at the April meeting.

The roll call vote was as follows:

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

- 4. Discussion regarding budget work sessions; March 8th and 12th for departmental budgets and March 20th for non-departmental budgets – Gregory W. Kelly, Town Manager (VIDEO 1:27:58 – 1:30:57)**

Discussion ensued regarding the possibility of additional date(s) or to convene longer on March 20th to complete the non-departmental budget requests. Mayor Lowe stated that March 26, 27 or 29 might be a possibility if additional dates are needed.

- 5. Discussion regarding acceptance of property located at 507 Butt Street via Assignment of Note and Deed of Trust to satisfy real estate taxes and blight abatement expenses. – Deborah C. Icenhour, Town Attorney (VIDEO 1:30:59 - 1:45:05)**

Mrs. Icenhour advised the holders of the Note and Deed of Trust for property located at 507 Butt Street has requested to assign the same to the Town should Council agree to accept. Mrs. Icenhour further stated that delinquent real estate taxes owed to the Town and Washington County and judgments in favor of the Town for recent abatement of blight. Mrs. Icenhour also stated that a portion of this property is contiguous to the Urban Path Trail with a tax-assessed value of \$113,000 total (\$88,000 for structure without the benefit of an interior inspection). Mr. Kelly cautioned the Council that it would be opened to the public through a foreclosure proceeding. Discussion ensued with the Council requesting Mrs. Icenhour provide additional information at the April meeting regarding associated costs for demolition of the structure and the foreclosure proceeding. Mr. Kelly advised the Council that any liability from the property is not from the Town of Abingdon but rather from the current property owners.

6. Update concerning “*The Meadows*” development – *Stephen Spangler, Marathon Realty Corp.* (VIDEO 1:45:13 – 2:08:32)

Stephen Spangler, Marathon Realty Corp., Tim Kuykendall with J. A. Street & Associates, and Steve Smith presented an update with regard to *The Meadows* property stating that the project is at 90% under binding obligations. Mr. Spangler stated that plans are in the process for the Washington Crossing and the Town Centre properties. Mr. Kuykendall provided an update with regard to the construction stating that project is on schedule and moving forward. Mr. Smith thanked the Council for believing in the project and for their service to the Town.

(VIDEO 2:09:39 – 2:10:04)

Mayor Lowe stated that one additional item not on the agenda needed to be addressed regarding a letter from Mark Hurt, Esq. advising that Dr. Moore requested to renegotiate the lease concerning the Fairview property. Mr. Kelly advised the Council that a letter was mailed to Mr. Hurt with the intention to renegotiate with the Moores, which will be brought before the Council for consideration.

L. RESOLUTIONS – NONE

M. OLD BUSINESS/MATTERS NOT ON THE AGENDA

- 1. Discussion regarding research for attorney representation and fees, including information/suggestions for a Council member or members in regard to the FOIA appeal – *Cindy Patterson, Council Member* (VIDEO 2:10:17 – 2:10:46)**

Ms. Patterson requested to table this issue to a future meeting as she may have new information to present at one time.

N. COUNCIL MEMBERS REPORTS (VIDEO 2:10:47 – 2:19:29)

Mr. Craig had nothing to report.

Ms. Patterson reported that she does all her work and goes to all her meetings.

Mr. Humphreys wished to discuss the deer population at the next meeting. Mr. Humphreys stated the Pecan/Park Street \$1.4 million project championed by Mr. Craig was progressing and led by Emily Mayo.

Mr. Howard reported that the Pecan/Park Street project meeting was held at the fire station and group had received some wonderful feedback. Mr. Howard also reported that the fire department had responded to 101 calls for the year thus far, 20 calls over last year.

Mayor Lowe stated that in reference to the urban archery program, information on how to address injured deer. Mayor Lowe stated that she, Chief Sullivan and Mr. Kelly had a phone conference with the Lt. Governor to discuss police transport relating to mental health facilities. She reported that Chief Sullivan had several suggestions and should hear a response soon. Mayor Lowe stated that she also attended the Pecan/Park Street meeting and discovered that an open road would be considered for closure and thanked the citizens for their input.

Mayor Lowe made a statement regarding an EEOC meeting held in Richmond and the four Council members in attendance signed a confidentiality agreement as required by the EEOC and the reason Mr. Craig's motion was as stated.

O. APPOINTMENTS TO BOARDS AND COMMITTEES (2:19:30 – 2:35:30)

Mayor Lowe requested a Motion to go into Closed Session pursuant to Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the purpose of considering applications to appoint the position on the Tourism Advisory Board and Economic Development Authority. Mayor Lowe advised of the request to postpone the appointment to Sustain Abingdon.

On motion by Mr. Howard, seconded by Mr. Craig, to go into Closed Session pursuant to Section 2.2-3711(A)(7) for the purpose of discussing applications for appointments.

The roll call vote was as follows:

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

On motion of Mr. Humphreys, seconded by Mr. Craig, the Council reconvened in open session.

The roll call vote was as follows:

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

Kimberly Kingsley, Deputy Clerk, read the following certification to be adopted by the Council members:

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Mr. Howard	I so certify
Mr. Humphreys	I so certify
Mayor Lowe	I so certify

2. Economic Advisory Board

On motion by Mr. Craig, seconded by Mr. Howard, to appoint Nathan Berg and Alex Brown to fill the unexpired term of Tarn Rosenbaum and the expired term of Milton Maiden to the Economic Development Authority.

The roll call vote was as follows:

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

1. Tourism Advisory Board

On motion by Mr. Howard, seconded by Mr. Craig, to appoint Lisa Quigley to fill the expired term of Susan Yates to the Tourism Advisory Board.

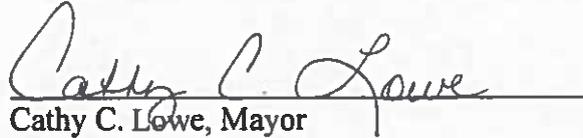
The roll call vote was as follows:

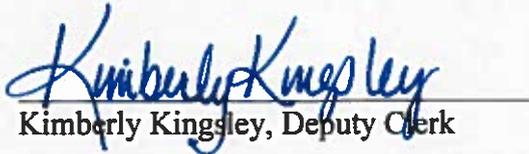
Mr. Craig	Aye
Ms. Patterson	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mayor Lowe	Aye

(VIDEO 2:35:29 – 2:43:40)

Mayor Lowe requested to discuss advertisement for the position of Clerk. Mr. Kelly stated that the Charter required the advertisement of this position. Discussion ensued.

Mayor Lowe declared the meeting adjourned.


Cathy C. Lowe, Mayor


Kimberly Kingsley, Deputy Clerk