

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, APRIL 2, 2018 – 6:30 PM
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A Regular Council meeting of the Abingdon Town Council was held on Monday, April 2, 2018 at 6:30 pm in the Council Chamber of the Municipal Building.

A. WELCOME by *Vice-Mayor Rick Humphreys*

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

Members of Council Present:

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

Member of Council Absent:

Cathy C. Lowe, Mayor

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
Floyd Baily, Director of IT
Tony Sullivan, Police Chief
Tyler Vencill, Civil Engineer
Kevin Sigmon, Arborist

C. PLEDGE OF ALLEGIANCE – Council Member Bob Howard led the Pledge of Allegiance.

D. APPROVAL OF MINUTES (VIDEO 2:11 – 6:10)

Ms. Patterson requested her comments be transcribed verbatim with regard to the to the February 12, 2018 special called meeting minutes to reflect the following change:

Ms. Patterson:

“I would also like to know Mrs. Icenhour did appear as the FOIA co-counsel with Mr. Flynn. I never have received any information either from Mrs. Icenhour that she has withdrawn her position as Co-counsel. I didn’t get any information on that either. Does it exists?”

Gregory W. Kelly:

“I can perhaps address that. I am not aware that Mrs. Icenhour was ever acting as co-counsel. She was a defendant in the case and it is my understanding that she has retained separate counsel herself to represent her in that particular case.”

Ms. Patterson:

“I apologize if I am incorrect on that but that is what was said at the hearing and she did go into the Judge’s chambers and listened to all the information that the Judge had, that Mr. Proctor had and Mr. Flynn had that she was representing herself verbally as co-counsel. I wondered how that transpired and why there was no withdraw.”

Gregory W. Kelly:

“I can’t respond to that other than she never indicated to me that she was co-counsel to the Council and I certainly would not have advised her to do so since she was a defendant in the case.

Ms. Patterson:

“I just want that said for the record. That’s what happened.”

(ADDITIONAL CORRECTION REQUESTED MAY 7, 2018 REGULAR COUNCIL MEETING)

E. PUBLIC COMMENTS - (VIDEO 6:30 – 15:44)

- Jim Moore, 133 College Street
- Stephen Jett, 333 Court Street
- Nan Harman, 498 Green Springs Road

F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. **PUBLIC HEARING – FIRST READING** – Consideration of a request for vacation of unnamed fifteen-foot (15’) public right-of-way labeled as “15 ft. ROW to water” located between two parcels, namely, 018-6-37 and 018-6-36B, at or near 243 Fugate Street - *Deborah C. Icenhour, Town Attorney*
(VIDEO 16:12 – 18:42)

Matthew Bolick, Director of Public Services and Construction advised the Council that this is a first reading with regard to request for vacation of an unnamed fifteen-foot public right-of-way. Mr. Bolick requested that the Council authorize a Board of Viewers to inspect the property and provide the Council with their recommendation.

Vice-Mayor Humphreys declared the public hearing open. Hearing no comments from the public, Vice-Mayor Humphreys closed the public hearing.

On motion by Ms. Patterson, seconded by Mr. Howard, the Council authorized a Board of Viewers to inspect the property and provide their recommendations.

The roll call vote was as follows:

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

2. **PUBLIC HEARING – FIRST READING** – Consideration of an Ordinance to enact Chapter 30, Article VI, Stormwater System, §§3126-3131 and §§3141-3143, Illicit Discharge and Illegal Connection. – *Deborah C. Icenhour, Town Attorney*
(VIDEO 18:44 – 27:54)

Deborah Icenhour, Town Attorney and Tyler Vencill, Town Civil Engineer addressed the Council stating that the proposed Ordinance is mandated by the Department of Environmental Quality concerning illicit discharge and illegal connections that transfers authority to regulate, abate and fine for discharges. Mr. Tyler further advised Council that this ordinance would be effective July 1, 2018 for five years. Discussion ensued between the Council members.

Vice-Mayor Humphreys declared the public hearing open.

- Nan Harmon, 498 Green Spring Road – inquired whether this ordinance included discharge onto other properties or just into the public system.
- Joe LeVine, 340-350 Green Spring Road – questioned as to whether the proposed Ordinance was drafted and where he may retrieve a copy.

Hearing no further comments from the public, Vice-Mayor Humphreys closed the public hearing. Ms. Patterson requested that the draft ordinance be posted on the Town's website for public view. Mr. Craig requested that this matter be considered for a second reading after the public has an opportunity to further consider.

G. SECOND READINGS – *NONE*

H. CONSIDERATION OF BIDS – *NONE*

I. REPORTS FROM THE TOWN MANAGER

1. Presentation of Urban Archery Deer-Hunting Program concerning deer population in the Town limits – ***Dr. David Kalb and Nelson Lafon, Deer Project Coordinator, Virginia Department of Game and Inland Fisheries***
(VIDEO 28:12 – 56:42)

Dr. David Kalb and Nelson Lafon, Deer Project Coordinator with the Virginia Department of Game and Inland Fisheries made a presentation before Council regarding the Urban Archery Deer-Hunting Program within the Town limits providing other localities and state statistics. Mr. Lafon also suggested that the Council consider a deer feeding prohibition. Discussion ensued. Town resident Tom McMullen spoke regarding the deer population near his residence and the damage to crops, etc. The Council agreed that this matter should be discussed in an upcoming work session.

2. Arborist Annual Tree Report – ***Kevin Sigmon, Town Arborist***
(VIDEO 56:49 – 1:11:13)

Kevin Sigmon, Town Arborist presented the Council with his annual tree report. Mr. Sigmon invited everyone to the Arbor Day Celebration at Watauga Elementary School on April 20th at 1:15 pm.

3. Update on FY2018/2019 budget process- ***Gregory W. Kelly, Town Manager***
(VIDEO 1:11:15 – 1:15:34)

Mr. Kelly reported that four public work sessions held with the departments and town staff to come to a balanced budget. Mr. Kelly stated that Council was presented with an electronic copy of the balanced budget last Friday and by law you were to received that by April 1st and the

next step will be to reduce it into a booklet format with my budget message. The advertisement will be placed and the first public hearing will be held at the May 2018 meeting and the final hearing in June and if passed would be effective July 1, 2018. Mr. Kelly stated that by law it is a "Draft" document, subject to change by the Council, provided that the Council does not exceed 1% in deviation, only one public hearing is required. Discussion ensued.

4. Consideration and adoption of October 1, 2003 Bylaws of Board of Architectural Review Board (now Historic Preservation Review Board) – **Gregory W. Kelly, Town Manager**
(VIDEO 1:15:37 – 1:18:13)

Mr. Kelly stated that in inventorying former employee's stored files, Board of Architectural Review Board by-laws were discovered from October 1, 2003. Mr. Kelly informed the Council that it appeared the Board had accepted the by-laws; however, the by-laws were never accepted by the Council at that time. Discussion ensued and Council agreed to refer the by-laws to the current Historic Preservation Review Board for consideration and then the Council adopt any amendments as suggested.

J. RESOLUTIONS

1. Resolution to facilitate obtaining financial assistance from the United States Department of Agriculture for the purchase of a vehicle for the Abingdon Police Department – **Gregory W. Kelly, Town Manager**
(VIDEO 1:18:21 – 1:22:08)

Greg Kelly, Town Manager, advised the Council that the Abingdon Police Department was recently notified that the department was awarded a grant opportunity for a vehicle through the United States Department of Agriculture. This resolution is needed to facilitate the grant and place the order for the vehicle in July 2018. Mr. Craig read the Resolution.

On motion by Mr. Craig, seconded by Ms. Patterson, the Council agree to adopt the Resolution to facilitate obtaining financial assistance from the United States Department of Agriculture for the purchase of a vehicle for the Abingdon Police Department.

The roll call vote was as follows:

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

2. Resolution to approve financing terms with Highlands Union Bank for the lease purchase of a new refuse truck – *Gregory W. Kelly, Town Manager*
(VIDEO 1:22:13 – 1:29:32)

Chuck Banner, Director of Finance/Treasurer advised Council of the bidding process and VML/VACO contacted six (6) banking institutions for financial bids. Highlands Union Bank was the lowest financial bid with 2.9% rate for with a five (5) year loan. Mr. Kelly stated that this loan is for the purchase of a recycle truck, which the Town has been discussing for some time. Ms. Patterson read the Resolution.

On motion by Mr. Craig, seconded by Mr. Howard, the Council agree to adopt the Resolution to approve financing terms with Highlands Union Bank for the lease purchase of a new refuse truck.

The roll call vote was as follows:

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

K. OLD BUSINESS/MATTERS NOT ON THE AGENDA

1. Discussion regarding acceptance of property located 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 1:29:41 – 1:37:48)

Deborah Icenhour, Town Attorney provided Council with information regarding the property including town and county delinquent real estate taxes, satisfaction of outstanding liens for blight, two estimates for asbestos removal/disposal and demolition for a total of approximately \$25,000 plus fees of \$10,000 for hazard clean-up.

Greg Kelly, Town Manager, communicated to Council that it was his opinion that no consideration should be given with regard to this property and would be a liability. Discussion ensued.

On motion by Ms. Patterson, seconded by Mr. Craig, the Council does not desire to acquire the assignment of the Deed of Trust.

The roll call vote was as follows:

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

COUNCIL MEMBER REPORTS (VIDEO 1:37:50 – 1:39:11)

Mr. Craig reported that the Bristol Virginia Utilities sell to Sunset Digital has a new financial partner and continue with negotiations.

Ms. Patterson reported that she had conducted her usual duties as a Council member.

Mr. Howard stated that several activities were occurring in the April.

Mr. Humphreys requested an update with regard to the Watauga Project and Virginia Creeper Trail restrooms. Greg Kelly, Town Manager discussed that Washington County had finally given their approval and are awaiting the approval by Virginia Department of Transportation to approve the advertisement for bids for the project. (VIDEO 1:41:13 – 1:43:45)

L. APPOINTMENTS TO BOARDS AND COMMITTEES (VIDEO 1:39:12 – 1:41:12)

1. Abingdon Tree Commission

- Reappointment of Kathleen Wild, who is eligible to serve another term
- Reappointment of Ryan Monahan, who is eligible to serve another term

On motion by Ms. Patterson, seconded by Mr. Craig, the Council reappointed Kathleen Wild and Ryan Monahan to serve another term on the Abingdon Tree Commission.

The roll call vote was as follows:

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

2. Tourism Advisory Commission

- Appointment of Neta Farmer, Executive Vice-President, to fill the term of Susanne Lay, *Ex Officio*, Washington County Chamber of Commerce, who retired April 1, 2018.

On motion by Mr. Howard, seconded by Ms. Patterson, the Council appointed Neta Farmer, Executive Vice-President, to fill the term of Susanne Lay, *Ex Officio*, Washington County Chamber of Commerce.

The roll call vote was as follows:

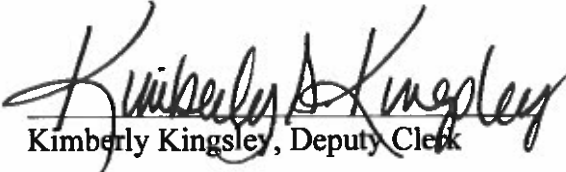
Mr. Craig	Aye
Ms. Patterson	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mayor Lowe	Absent

3. Economic Development Authority (VIDEO 1:45:05 – 1:45:18)

- Appointment to fill the unexpired term of Richard Buddington, who has been appointed as Juvenile and Domestic Relations Judge for 28th Judicial District.

This matter was tabled.

Vice-Mayor Humphreys declared the meeting adjourned.


Kimberly Kingsley, Deputy Clerk

