

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, MAY 7, 2018 – 6:30 PM  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A Regular Council meeting of the Abingdon Town Council was held on Monday, May 7, 2018 at 6:30 pm in the Council Chamber of the Municipal Building.

**A. WELCOME by *Mayor Cathy Lowe***

**B. ROLL CALL – *Gregory W. Kelly, Town Manager***

Members of Council Present:

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

Administrative/Town Staff:

Greg Kelly, Town Manager  
Tony Sullivan, Interim Town Manager  
Jon Phelps, IT Department  
Chuck Banner, Director of Finance  
Matt Bolick, Dir. of Public Services/Const.  
Floyd Baily, Director of IT  
John McCormick, Chief, AFD  
Tyler Vencill, Civil Engineer  
Jayne Duehring, Director of Tourism  
Tonya Triplett, Community Development  
Coordinator  
Tenille Sells, Community Relations  
Coordinator

**C. PLEDGE OF ALLEGIANCE** – Vice-Mayor Rick Humphreys led the Pledge of Allegiance.

**D. APPROVAL OF MINUTES (VIDEO 5:50 – 7:54)**

Ms. Patterson requested that the minutes of April 2, 2018 “change the minutes to reflect the video verbatim where she had a discussion” during the February 12 minutes involving co-counsel and a FOIA hearing.

Mayor Lowe requested that the April 16, 2018 Special Called minutes “to stipulate that we (Council) asked Mr. Kelly to make a recommendation to them regarding Mr. Bailey’s additional pay as an additional FOIA officer” which he has done.

**On motion by Ms. Patterson, seconded by Mr. Howard, the Council approved the minutes as of the March 27, 2018 Non-Departmental Budget work session; corrected April 2, 2018 Regular Council meeting; corrected April 16, 2018 Special Called Meeting; and April 18, 2018 Emergency Called meeting.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Ms. 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>

**CLOSED SESSION NOT ON THE AGENDA** – Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, Council will convene in a closed meeting to discuss a personnel matter. (VIDEO 8:04 – 1:12:02)

**On motion by Mr. Craig, seconded by Mr. Howard, to go into Closed Session pursuant to Section 2.2-3711(A)(1) for the purpose of discussing a personnel matter.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Ms. 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>

Mayor Lowe invited the three newly elected Council members (Derek Webb, Donna Quetsch and Albert Bradley) and Ramesh Murthy, counsel for the Town Council, to join them in closed session.

**On motion of Ms. Patterson, seconded by Mr. Craig, the Council reconvened in open session.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Ms. 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>

Gregory W. Kelly, Town Manager, 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>I so certify</b>
<b>Ms. 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>

**E. PUBLIC COMMENTS - (VIDEO 1:12:04- 1:34:21)**

- David McLeish, Abingdon Farmers Market, 13050 Bell Lane, Meadowview, VA
- Carol Fields, Washington County Public Library, 17177 Rich Valley Road, Abingdon, VA
- Ben Jennings, Washington County Public Library, 160 Country Club, Abingdon, VA
- Bo Catron, Washington County Public Library, 20125 Vances Mill Road, Abingdon, VA
- Ann Cunningham, 155 Bogey Drive, Abingdon, VA (Left prior to public comments)
- Ashby Dickerson, Washington County Public Library, 305 Fairway Drive, Abingdon, VA
- Bunny Medeiros, Washington County Public Library, 112 ElderSpirit Ct, Abingdon, VA
- Nan Harman, 498 Green Springs Road (Deferred)

**F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

1. **FIRST READING – PUBLIC HEARING - Consideration of General Fund & Sewer Budget proposal for the Town of Abingdon, Virginia for the fiscal year beginning July 1, 2018 through June 30, 2019. – *Gregory W. Kelly, Town Manager (VIDEO 1:34:24 – 2:45:46)***

Gregory W. Kelly, Town Manager, presented an overview of the FY 2018/2019 General Fund and Sewer Budget stating the general fund budget for this year is \$12,851,892 with a capital improvement budget of \$6,792,000 for a total general fund budget of \$19,643,098.

The sewer budget has a slight increase this year of 8.8% for a total balanced budget \$3,247,930. Mr. Kelly stated that the increase is primarily due to two significant studies necessary and as a result, the rates have increased incrementally for both Town residents and out-of-town residents.

Mr. Kelly stating the non-departmental funding was \$533,427; Council contingency of \$56,380; and Mayor Contingency of \$4,000.

Mr. Kelly stated that there is a pay increase to full-time employees, specifically a 2% Cost of Living Adjustment totaling \$95,000 and entry-level minimum starting salary set at \$25,000.

Mr. Kelly advised Council there were no tax increases, however the sewer rate would increase for both in-town and out-of-town customers to help prepare for the sewer studies and debt services associated with line upgrades.

Mr. Kelly discussed the four significant capital outlay projects including Green Spring Road/Cook Street/Sports Complex; Park Street Project (redevelopment/streetscape); Urban Path Project; and the Watauga parking/restroom project.

Mr. Kelly stated that this is the first reading with the second reading to be held on June 4, 2018.

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

Ms. Patterson questioned the type of sewer lines that the Town presently use and the need for the upgrade. Ms. Patterson also questioned the average amount of Council contingency in previous years. Discussion ensued. Mr. Craig questioned Mr. Kelly with regard to the future trend for non-departmental budgeting.

Mayor Lowe allowed Nan Harman, 498 Green Springs Road, to speak at this time stating that she felt that the public did not understand that the comment section had closed.

Nan Harmon questioned how the Council contingency was utilized. Mayor Lowe stated that the non-departmental requests were supported with the Council contingency. An unidentified individual addressed the Council from the chamber (inaudible). Mayor Lowe stated that the Council contingency would be utilized for items that occur after the budget was adopted. Discussion ensued between the Council and unidentified individual(s) from the chamber (some video inaudible). Joe Levine addressed the Council regarding future meetings. Mr. Howard broached the matter regarding public safety and discussion ensued between the Council members and unidentified individual(s) from the chamber.

Mayor Lowe and Ms. Patterson read the proposed Ordinance.

2. **FIRST READING – PUBLIC HEARING – Consideration of Potential Right-of-Way Acquisition by Eminent Domain of Interest in Property in the Town of Abingdon, Virginia for Public Use to Improve Transportation Safety (Parcel 105-A-42 located in the Abingdon district consisting of 14,810.4 square feet, more or less; and Parcel No. 104-A-41 located in the Abingdon district consisting of 0.34 acres, more or less). - *Matt Bolick, Director of Public Services/Construction* (VIDEO 2:45:47 – 2:48:00)**

Mayor Lower announced that the public hearing was postponed indefinitely by mutual agreement of the Town and Nan Harman, the property owner, subject to the potential eminent domain acquisition.

Nan Harman, 498 Green Springs Road, addressed the Council questioning whether the matter was removed or postponed.

## **G. SECOND READINGS**

1. **PUBLIC HEARING – SECOND 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 – **Matt Bolick, Director of Public Services/Construction (VIDEO 2:48:22 - 2:55:24)**

Matt Bolick, Director of Public Services/Construction, advised Council that the Board of Viewers' opinion was that no inconvenience would result from the requested vacation, subject to two conditions: (a) Concurrence of abutting property owners; and (b) a permanent drainage easement be obtained from the property owner to run the length of the property on the north side, from Fugate Street to the rear (west) property line with a minimum of ten (10) feet.

Mr. Bolick stated that the property owner had reservations regarding the ten (10) foot drainage easement as it would consume approximately 10% of his property and that the easement limits use of his property. Mr. Bolick recommended that Council approve the right-of-way vacation request and impose the condition of a 7.5 foot drainage easement to run the length of the property line as set forth by the Board of Viewers.

Mayor Lowe declared the public hearing open. Mayor Lowe addressed the property owner, Tim Hoke, questioning whether he would allow staff on his property if the occasion occurred that the Town need additional right-of-way. Mr. Hoke agreed. Hearing no further comments from the public, Mayor Lower closed the public hearing.

**On motion by Mr. Humphreys, seconded by Mr. Craig, the Council vacate the property located within two parcels, namely, 018-6-37 and 018-6-36B, at or near 243 Fugate Street unnamed fifteen (15') public right-of-way labeled as "15 ft. ROW to water" reduced to a 7.5' drainage easement on the north-side of the property line.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Ms. 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>

- 2. PUBLIC HEARING – SECOND READING – Consideration of an Ordinance to enact Chapter 30, Article VI, Stormwater System, §§3126-3131 and §§3141-3143, Illicit Discharge and Illegal Connection. – Tyler Vencill, Engineer (VIDEO 2:55:27 – 2:59:54)**

Gregory W. Kelly, Town Manager, advised Council that this matter is listed as a public hearing however the public hearing was last month and will be a second reading only.

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.

**On motion by Mr. Howard, seconded by Mr. Craig, the Council enacted an Ordinance to enact Chapter 30, Article VI, Stormwater System, §§3126-3131 and §§3141-3143, Illicit Discharge and Illegal Connection.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Ms. 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>

#### **H. CONSIDERATION OF BIDS**

1. Consideration of bids for Stanley Street Curb, Gutter and Sidewalk – *Matt Bolick, Director of Construction/Public Service (VIDEO 2:59:54 – 3:03:55)*

Matt Bolick gave an overview of the bids for the Stanley Street Curb, Gutter and Sidewalk project. Mr. Bolick recommended that Council award the bid to King General Contractors at the bid price of \$112,765.75 and authorized the Interim Town Manager to execute any necessary documents to carry out the award bid and project.

**On motion by Mr. Craig, seconded by Ms. Patterson, the Council award the contract to King General Contractors at the bid price of \$112,765.75 and authorize the Interim Town Manager to execute any necessary documents to carry out the award bid and project.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Ms. 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>

**Council member Ms. Patterson requested a five (5) minute break.**

## I. REPORTS FROM THE TOWN MANAGER

1. Consideration of Abingdon Fire Department's request to surplus a 2006 Chevrolet Tahoe to sale by sealed bid. – *John McCormick, Fire Chief*  
(VIDEO 3:10:27 – 3:13:57)

Gregory W. Kelly, Town Manager, advised the Council that after researching this matter that it will not need to be sold by sealed bids as it will be sold to another locality. Fire Chief John McCormick requested authority from the Council to surplus a 2006 Chevrolet Tahoe to sale to the Glade Spring Fire Department. The Glade Spring Fire Department will need permission to purchase the vehicle if Council could agree upon a fair price. Discussion ensued.

**On motion by Mr. Craig, seconded by Mr. Howard, the Council authorize the Fire Chief and the Interim Town Manager to negotiate a fair price for the vehicle and should the purchase price not be successful, then authorize the vehicle to be sold by sealed bids.**

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Ms. 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>

2. Presentation regarding Tourism Week and event planned – *Jayne Duehring, Director of Tourism* (VIDEO 3:14:15 – 3:26:25)

Jayne Duehring, Director of Tourism gave a presentation to Council regarding Tourism Week. Speakers supporting National Tourism Week included:

- George Brewer, General Manager of Country Inn & Suites
- Adventure Mendota Representative
- Kathy Shearer, Holston Mountain Artisans
- Neta Farmer, Washington County Chamber of Commerce
- Lisa Quigley, Virginia Creeper Trail Club



3. Presentation regarding a proposed public art project – *Jayne Duehring, Director of Tourism and Jan Hurt* (VIDEO 3:25:42 – 3:49:31)

Jayne Duehring, Director of Tourism, and Abingdon resident Jan Hurt gave a presentation to Council on a possible bridge mural on the Cummings Street Bridge. Discussion ensued and Ms. Patterson recommended public input of the design selection.

4. Discussion regarding the renaming of a park in honor of Lois H. Humphreys – *Cathy Lowe, Mayor* (VIDEO 3:49:36 – 3:56:05)

Mayor Lowe stated she would like to name the Park on Main in honor of Lois Humphreys.

**On motion by Ms. Patterson, seconded by Mr. Howard, the Council authorize the renaming of the Park on Main in honor of Lois H. Humphreys.**

Discussion ensued.

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

<b>Mr. Craig</b>	<b>Aye</b>
<b>Ms. Patterson</b>	<b>Aye</b>
<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
	<b>(Disclosed that he is the son of Lois H. Humphreys)</b>
<b>Mayor Lowe</b>	<b>Aye</b>

**The dedication date scheduled for June 18, 2018 at 11:00 am**

5. Discussion regarding reinstalling traffic light at the corner of Russell Road and Valley Street – *Cathy Lowe, Mayor* (VIDEO 3:56:06 – 4:04:01)

Discussion ensued regarding the reinstalling of the traffic light at the corner of Russell Road and Valley Street. Tony Sullivan, Interim Town Manager presented statistics on the intersection.

## **J. PROCLAMATION**

1. Presentation of Proclamation regarding Business Appreciation Month, results of Best of Abingdon survey, and planned initiatives – *Tonya Triplett, Community Development Coordinator* and *Tenille Montgomery, Community Relations Coordinator* (VIDEO 4:04:08 – 4:10:10)

Mayor Lowe read the Proclamation regarding Business Appreciation Month. Tonya Triplett, Community Development Coordinator and Tenille Montgomery, Community Relations Coordinator presented information about the upcoming Best of Abingdon survey.

**K. OLD BUSINESS/MATTERS NOT ON THE AGENDA**

**L. COUNCIL MEMBER REPORTS**

Ms. Patterson thanked Mr. Kelly for the twelve (12) years of service and wished him the best.

Mr. Humphreys asked Mr. Bolick if the Watauga Project was ready for bid. Discussion was not audible. Mr. Humphreys reminded the new Council members about the trees for the tree wells for downtown Abingdon. Mr. Humphreys also stated that there have been several issues that an attorney is needed. (Inaudible voice from Chamber) Mr. Humphreys also commented on the beautiful sidewalks in front of the Findlay House. Mr. Humphreys also thanked Mr. Kelly for all of his services to the Town.

Mayor Lowe announced several meetings. Discussion between Council ensued.

Mr. Humphreys provided information about the Overmountain Victory Trail Association; Retirement and the Muster Grounds.

Mayor Lowe stated that Floyd Bailey was named as an additional Freedom of Information Act officer and it was recommended that he receive a \$5,000 pay increase to being immediately.

Mayor Lowe thanked Mr. Kelly for his service to the Town, which has been a great ride and is proud of the work completed in the twelve years.

Gregory W. Kelly, Town Manager, stated that it has been an honor and a privilege to serve the Town as Town Manager for the past twelve years. The Town has a great group of employees, past and present, which is a large part of the reason Abingdon is the wonderful place it is.

**M. APPOINTMENTS TO BOARDS AND COMMITTEES**

**1. Economic Development Authority**

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

*If Council so desires, Closed Session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the purpose of considering applications for appointment/reappointment the position(s) on the Economic Development Authority.*

**THIS MATTER WAS NOT ADDRESSED DURING THIS MEETING.**

Mayor Lowe declared the meeting adjourned.

  
Kimberly Kingsley, Acting Clerk

  
MAYOR