

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

A regular meeting of the Abingdon Town Council was held on Monday, August 6, 2018 at 6:30 pm in the Arthur Campbell Room in the Municipal Building.

A. WELCOME- *Mayor Craig*

ROLL CALL – *Kimberly Kingsley, Clerk*

Members of Council Present:

Mr. Bradley
Mrs. Quetsch
Mr. Webb
Ms. Patterson
Mayor Craig

Administrative/Town Staff:

Tony Sullivan, Interim Town Manager
Kimberly Kingsley, Clerk

Chuck Banner, Treasurer/Director of
Finance
Floyd Bailey, Director of IT
CJ McGlothlin, IT Department
Jason Boswell, Interim Director of
Planning

B. PLEDGE OF ALLEGIANCE – Councilmember Derek Webb led the Pledge of Allegiance.

C. APPROVAL OF MINUTES (VIDEO 5:17 – 8:06)

Mr. Craig requested a motion by Ms. Patterson, seconded by Mr. Bradley, in the minutes of July 2, 2018 regular meeting be amended as follows as the incorrect exhibits were identified:

“On motion by Ms. Patterson, seconded by Mr. Bradley, changed the design of the intersection of Cummings and Green Spring Road in accordance with either **alternate B or alternate C** and authorized the Town Manager to proceed with the designs and construction and execute any documents thereto”.

On motion by Ms. Patterson, seconded by Mr. Webb, the Council approved the minutes as corrected regarding the July 2, 2018 regular meeting.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

On motion by Mr. Bradley, seconded by Mrs. Quetsch, the Council approved the minutes regarding the July 19, 2018 work session.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

D. PUBLIC COMMENTS - (VIDEO 8:09 – 21:28)

- Stephen Jett, 333 Court Street
- Terry Simon 460 Green Spring Road
- Henry McCarthy, 135 Hillside Drive
- Linda Summers, 15448 Briarwood Lane
- Connie Daggs, 215 Madison Street
- Donna Bailey, P O Box 541

E. POSSIBLE CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(5) OF THE CODE OF VIRGINIA, AS AMENDED, FOR THE PURPOSE OF DISCUSSING CORRESPONDENCE FROM LEGAL COUNSEL REGARDING PENDING LITIGATION, *KEVIN SANDENAW, Plaintiff vs. CATHY C. LOWE, RICHARD HUMPHREYS, ROBERT HOWARD, DEBORAH C. ICENHOUR and THE TOWN COUNCIL OF ABINGDON, Defendants, Washington County Circuit Court, Case No.: CL17-1825* (VIDEO 21:29 – 56:28)

On motion by Ms. Patterson, seconded by Mr. Webb, Council went into Closed Session pursuant to Code of Virginia, 1950, as amended, Section 2.2-3711(A)(5) for

the purpose of discussing correspondence from legal counsel regarding pending litigation, Kevin Sandenaw, Plaintiff vs. Cathy C. Lowe, Richard Humphreys, Robert Howard, Deborah C. Icenhour, and The Town Council of Abingdon, No.: CL17-1825.

Mayor Craig requested Mark Hurt, Esq., Tony Sullivan, Interim Town Manager, and Kim Kingsley, Clerk join the Council for the closed session.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

On motion of Mr. Bradley, seconded by Mr. Webb, the Council reconvened in open session.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

Kim Kingsley, 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. Bradley	I so certify
Mrs. Quetsch	I so certify
Mr. Webb	I so certify
Ms. Patterson	I so certify
Mayor Craig	I so certify

Ms. Patterson read into record a Settlement Agreement proposed by Kevin Sandenaw, Plaintiff with regard to pending litigation, Kevin Sandenaw, Plaintiff vs. Cathy C. Lowe, Richard Humphreys, Robert Howard, Deborah C. Icenhour, and The Town Council of Abingdon, No.: CL17-1825.

On motion of Ms. Patterson, seconded by Mr. Bradley, Council authorized Mayor J. Wayne Craig to execute the Settlement Agreement as read on behalf of the Town Council.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

Ms. Patterson read into record a Resolution with regard to pending litigation, Kevin Sandenaw, Plaintiff vs. Cathy C. Lowe, Richard Humphreys, Robert Howard, Deborah C. Icenhour, and The Town Council of Abingdon, No.: CL17-1825.

On motion of Ms. Patterson, seconded by Mr. Bradley, Council adopted the Resolution as read.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

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

1. Application for a special use permit, addition to existing structure, pursuant To §15.9 Utilization of the Flood Hazard District, Timothy and Lydia Hoke, Owners, 243 Fugate Street, currently zoning R-3; Tax Map No. 018-6-37. – **Jason Boswell, Interim Director of Planning (VIDEO 56:29 – 1:01:24)**

Mayor Craig declared the public hearing open.

Jason Boswell, Interim Director of Planning, stated that this hearing was for the issuance of a special use permit and approved by the Planning Commission on June 25, 2018.

Hearing no comments, Mayor Craig closed the public hearing.

On motion of Mr. Bradley, seconded by Ms. Patterson, Council approved the special use permit and dispensed with the second reading of the ordinance.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

2. Consideration of Ground Lease Agreement with Sunset Fiber, LLC, a Delaware Limited Liability Company with authority to conduct business in Virginia, and Town of Abingdon, Virginia – **Floyd Bailey, Director of IT (VIDEO 1:01:34 – 1:09:57)**

Floyd Bailey, Director of IT stated that the ground lease agreement with Sunset Digital, LLC in the amount of \$5,000 annually to allow Sunset's building to be located on Town property near the Latture Field Complex. Mr. Bailey stated that the history of the building came about by two government entities working together, namely Bristol Virginia Utilities and the Town of Abingdon, specifically the Electronic Village of Abingdon (EVA) for the use of fiber that ran along Plumb Alley.

Mayor Craig declared the public hearing open. Hearing no comments, the public hearing closed. Mr. Craig read the proposed Ordinance into the record.

On motion of Ms. Patterson, seconded by Mr. Webb, Council approved an Ordinance for the Ground Lease Agreement as read.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

G. SECOND READINGS - NONE

H. RESOLUTIONS –

- 1. Resolution for Blanket Project Funding Commitment and for Blanket Signature Authority - *Tony Sullivan, Interim Town Manager* (VIDEO 1:10:11 – 1:12:21)**

Tony Sullivan, Interim Town Manager stated that an updated Resolution was necessary to file with the Virginia Department of Transportation. Tony Sullivan read the Resolution into the record.

On motion of Mr. Webb, seconded by Mr. Bradley, Council approved the Resolution for Blanket Project Funding Commitment and for Blanket Signature Authority as read.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

- 2. Resolution concerning Temporary Detention Order (TDO) Transportation - *Tony Sullivan, Interim Town Manager* (VIDEO 1:12:23 – 1:25:52)**

Tony Sullivan, Interim Town Manager addressed the concerns that local authorities have experienced with regard to state mandated temporary detention order transportation. Tony Sullivan read a letter from Delegate Todd Pillion

into the record. Discussion ensued. Tony Sullivan read the Resolution into the record.

On motion of Ms. Patterson, seconded by Mr. Webb, Council approved the Resolution concerning Temporary Detention Order as read.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

I. CONSIDERATION OF BIDS - None

J. REPORTS FROM THE INTERIM TOWN MANAGER

1. Consideration of work session date to discuss Arthur Campbell Awards – *Tony Sullivan, Interim Town Manager (VIDEO 1:26:07 – 1:26:52)*

Tony Sullivan, Interim Town Manager addressed Council with regard to the Arthur Campbell Award. Council's consensus was to discuss at the August work session.

2. Discussion regarding Council's decision to offer to sell the Summers Law Office – *Tony Sullivan, Interim Town Manager (VIDEO 1:31:39 – 1:39:41)*

Tony Sullivan, Interim Town Manager advised Council that Cameron Bell, Esq. completed the title search with the intention to sell.

On motion of Mrs. Quetsch, seconded by Mr. Webb, to conduct a real estate appraisal of the Summers Law Office property.

Discussion ensued. Mr. Cameron Bell addressed the Council stating that the Town received the property free and clear of any reversion clause.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

3. Consideration of adoption of Freedom of Information Act fees – ***Tony Sullivan, Interim Town Manger (VIDEO 1:39:48 – 1:52:41)***

Tony Sullivan, Interim Town Manager stated that the matter was discussed in previous meetings. Mr. Bailey read the proposed Freedom of Information Act fees. Discussion ensued.

On motion of Mrs. Quetsch, seconded by Mr. Webb, to implement the fees as presented with a one-hour minimum.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

4. Consideration of scheduling dates to conduct monthly mid-month work sessions – ***Tony Sullivan, Interim Town Manager (VIDEO 1:26:52 – 1:31:34)***

Council scheduled work sessions for August 14th at 7:00 pm; September 18th at 5:30 pm – 6:45 pm for the Public Hearing/Input and work session at 7:00 pm

5. Consideration of newly appointed Clerk salary – ***Tony Sullivan, Interim Town Manager (VIDEO 1:52:43 – 1:55:01)***

Tony Sullivan, Interim Town Manager reminded Council that the Clerk was appointed at the July 2, 2018 organizational meeting however, salary was not considered at that time. Mr. Sullivan requested that the Council set a salary and make it retroactive to July 2, 2018.

On motion of Mr. Bradley, seconded by Ms. Patterson, approving the salary for the Clerk of \$57,142.68 annually and retroactive to July 2, 2018.

Chuck Banner, Director Finance and Treasurer, requested that the Council consider setting the salary to \$57,143 annually.

Mr. Bradley amended his motion, seconded by Ms. Patterson, approving the salary for the Clerk of \$57,143 annually and retroactive to July 2, 2018.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

6. Consideration of date to schedule public hearing for discussion regarding College and Church Streets One-Way Options – *Tony Sullivan, Interim Town Manager* (VIDEO 1:55:04 – 1:56:50)

Council agreed to have a public hearing/input to discuss the College and Church Streets One-Way Option on September 18th beginning at 5:30 pm in the Council chambers prior to the work session.

7. Consideration and appointments to a newly formed committee to consider matters pertaining to the Fields-Penn 1860 House Museum – *Tony Sullivan, Interim Town Manager* (VIDEO 1:56:51 – 2:00:40)

Council appointed Emmitt Yeary, Dr. Ellison Conrad, Dr. James Moore, Mark Hurt, Esq., Betsy White and Interim Director of Planning, Jason Boswell to a committee to consider matters pertaining to the Fields-Penn 1860 House Museum and requested that the committee provide a statement in writing as to their decision.

Mr. Bradley amended his motion, seconded by Ms. Patterson, appointed the named individuals to the Fields-Penn Committee to consider matters pertaining to the Fields-Penn 1860 House Museum requesting the Town Manager to expedite the meetings of this committee to report back in three months.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

8. Consideration and adoption of the 2018/2019 Holiday calendar for staff – *Tony Sullivan, Interim Town Manager* (VIDEO 2:00:41 – 2:01:58)

Tony Sullivan, Interim Town Manager stated there were no changes in the holiday calendar asking Council to adopt as presented.

On motion by Mr. Bradley, seconded by Ms. Patterson, approved the 2018/2019 Holiday calendar as presented.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

9. Consideration of date for the September 2018 Council meeting as it currently falls September 3, 2018 (Labor Day). – *Tony Sullivan, Interim Town Manager* (VIDEO 2:02:00 – 2:03:16)

Tony Sullivan, Interim Town Manager suggested September 4, 2018 at 6:30 pm to reschedule the September 2018 meeting.

On motion by Mr. Webb, seconded by Mr. Bradley, moving the September Council meeting to September 4, 2018 at 6:30 pm.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

10. Consideration of support of letter in response to Rhonda Kindig's letter regarding paving on Fairway Drive – *Tony Sullivan, Interim Town Manager* (VIDEO 2:03:16 – 2:04:03)

Tony Sullivan, Interim Town Manager questioned whether the Council had any changes or additions to the drafted letter. Council approved as drafted.

K. PROCLAMATION

1. **Proclamation in Recognition of the Retirement of Pastor William Alex Austin** (VIDEO 2:04:04 – 2:07:08)

Ms. Patterson read the Proclamation into the record.

L. OLD BUSINESS/MATTERS NOT ON THE AGENDA

1. Resolution of the Council for the Town of Abingdon Appointing Outside Town Attorney (VIDEO 2:07:09 – 2:11:27)

Tony Sullivan, Interim Town Manager advised Council pursuant to the Charter the Town must have an appointed attorney and presented a Resolution to appointing PennStuart as our Town attorney and authorize him to use for contract services.

On motion by Ms. Patterson, seconded by Mr. Bradley, approved the Resolution to appoint PennStuart as acting Town of Abingdon.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

Mr. Sullivan read the Resolution into record. Ms. Patterson requested that the Resolutions presented be placed on the Town's website.

2. Resolution for Workers' Compensation for Elected Officials (VIDEO 2:11:30 - 2:14:03)

Tony Sullivan, Interim Town Manager advised Council that the presented Resolution is necessary as a result of recent workers' compensation audit. Mr. Sullivan read the Resolution into the record.

On motion by Mr. Bradley, seconded by Ms. Patterson, approved the Resolution for Workers' Compensation for Elected Officials.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

M. COUNCIL MEMBER REPORTS (VIDEO 2:14:26 – 2:15:30)

Mr. Bradley stated that progress continues on the restrooms at the Veteran's Park.

Mayor Craig stated that he understood that Bristol Virginia Utilities and Sunset Digital completed the sell and that he was no longer on the Board for Bristol Virginia Utilities.

N. APPOINTMENTS TO BOARDS AND COMMITTEES (VIDEO 2:15:32 -

1. Tourism Advisory Committee

- Appointment to fill the unexpired term of Chase Mitchell who is unavailable to fulfill term.

On motion by Ms. Patterson, seconded by Mr. Bradley, appointed Joe LeVine to the Tourism Advisory Committee.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

2. Abingdon Housing & Redevelopment Authority

- Appointment to fill the expired term of Al Bradley who is no longer eligible to serve as an appointee to Authority.

On motion by Mr. Bradley, seconded by Mr. Webb, to table to the September meeting.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

3. Sinking Springs Cemetery Committee

- Appointment to fill the unexpired term of Al Bradley who is no longer eligible to serve as an appointee to Committee.

On motion by Ms. Patterson, seconded by Mr. Webb, appointed Kari Tudor to the Sinking Spring Cemetery Committee.

The roll call vote was as follows:

Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

O. ADJOURNMENT

J. Wayne Craig

Kimberly Kinsley, Clerk