

**TOWN OF ABINGDON
REGULAR MEETING
TUESDAY, SEPTEMBER 3, 2019 – 6:30 PM
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Tuesday, September 3, 2019 at 6:30 pm in the Council Chambers, Municipal Building.

- A. WELCOME-** *Mayor Craig*
- B. ROLL CALL –** *Kimberly Kingsley, Clerk*

Members of Council Present:

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

- C. PLEDGE OF ALLEGIANCE –** *Al Bradley, Councilmember*
- D. PUBLIC COMMENTS –** Please place your name on the sign-up sheet provided and comments are limited to three (3) minutes per person. **(VIDEO 6:50 – 11:24)**
- Byrum Geisler
- E. APPROVAL OF MINUTES (VIDEO 11:26 – 12:04)**
- August 5, 2019 regular meeting
 - August 15, 2019 work session

On motion by Mr. Bradley, seconded by Ms. Patterson, Council approved the August 5, 2019 regular meeting and August 15, 2019 work session minutes as presented.

The roll call vote was as follows:

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

F. **PROCLAMATION**

1. Celebration of the Constitution started by Daughters of the American Revolution – *Cindy Patterson, Vice Mayor (VIDEO 12:06 – 15:33)*

Cindy Patterson, Vice Mayor read the Proclamation for the record and presentation was made Lila Thurmond, to Daughter of the American Revolution member and Cheryl Carter, regent of District IV local chapter.

2. World Duchenne Awareness Day – September 7, 2019 – *Derek Webb, Council Member (VIDEO 15:35 – 17:26)*

Council member Derek Webb read the Proclamation for the record.

G. **RESOLUTION – (VIDEO 17:28 - 22:52)**

1. Resolution of the Council for the Town of Abingdon regarding the Washington County Courthouse – *Mayor Wayne Craig*

Council member Derek Webb declared that he had a personal interest in this transaction pursuant to Code of Virginia, Section 2.2-3112(A)(1), I disqualify myself from participating in Agenda Item G - 1 “A Resolution of the Council for the Town of Abingdon regarding the Washington County Courthouse” I am employed, as well as my wife, with K-VA-T Food Stores, Inc., 1 Food City Circle, Abingdon, Virginia, which is an affiliated company of the applicant, and our salaries derived from said employment may reasonably be expected to exceed \$5,000.

Mayor Craig read the Resolution setting forth that the Town Council of Abingdon, Virginia opposes the relocation of the Washington County Courthouse to the former Kmart site and supports renovation and expansion of the existing courthouse facilities. Discussion ensued.

On motion by Mr. Bradley, seconded by Ms. Patterson, to adopt the Resolution as read.

The roll call vote was as follows:

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

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

1. **Public Hearing - First Reading of Ordinance** – Pursuant to Code of Virginia, 1950, as amended, Section 15.2-2204, consideration of an Ordinance of the Council of the Town of Abingdon, Virginia to enact an Infrastructure Advisory Committee, Chapter 62, Streets, Sidewalks and Other Public Places, Article VI, Section 62-108 – *Cameron Bell, Counsel (VIDEO 22:56 – 24:54)*

Cameron Bell, Counsel stated that there has been an informal committee and it was discussed at work sessions numerous time to formalize that committee in this Ordinance.

Mayor Craig declared the public hearing open for comment. Hearing no comments, Mayor Craig closed the public hearing.

Mr. Bell stated that since this was not an emergency that a second reading of the Ordinance was necessary. Mayor Craig stated the second reading would be held at the next regular meeting. Counsel had no questions regarding the Ordinance.

2. **Public Hearing - First Reading of Ordinance** - Pursuant to Code of Virginia, 1950, as amended, Section 15.2-2204 and The Code for the Town of Abingdon, Appendix B – Zoning Ordinance – Article 25 – Amendments, Administration and Interpretation consideration of an Ordinance of the Council of the Town of Abingdon, Virginia to amend Zoning Ordinance, Article 18, Site Plan Review; Section 18-9 Historic District Entrance Corridor Overlay District – *Cameron Bell, Counsel (VIDEO 24:31 – 27:57)*

Cameron Bell, Counsel stated that Council has discussed this matter several times and was referred to the Planning Commission, where it was discussed at several meetings, and informally discussed at the last work session meeting. This proposed Ordinance is a result of all those discussions primarily as it eliminates some of the roadways previously indicated as entry corridors in the overlay district that did not apply as to the statute and allow more detail for use by staff and also applicants to understand to have an overarching and consistent application of rules. Mr. Bell suggested one amendment to the proposed Ordinance, Section 18-9-9 to amend as “design review guidelines”.

Mayor Craig declared the public hearing open for comment. Hearing no comments, Mayor Craig closed the public hearing.

Mayor Craig asked if the proposed amendment as Mr. Bell suggested was acceptable. Mayor Craig stated the second reading would be held at the next regular meeting.

I. SECOND READINGS - None

J. CONSIDERATION OF BIDS

1. Consideration of award of contract for Creeper Trail Trestle Study – *Derick Lester, Engineering Tech. – Public Works (VIDEO 28:00 – 35:04)*

Kevin Worley, Director of Outdoor Parks and Recreation, presented a Request for Proposal for Professional Services for Trestle Engineering Study to perform structural engineering studies on six bridges along the Virginia Creeper Trail. Mr. Worley stated that after a selection committee evaluated/scored proposals and interviewed the three highest ranking firms, it was deemed that Mattern & Craig was the most qualified and advantageous for the Town's desired services.

Mr. Worley stated that a certificate of deposit in the amount of \$32,000 with First Bank & Trust was earmarked to complete this study and would mature in January, 2020.

Mr. Worley requested that Council authorize the Town Manager to execute any and all documents to enter into a contract with Mattern & Craig in the amount of \$31,500 to perform structural studies beginning mid-October.

Mr. Bradley requested that Mayor Craig explain his relationship with Mattern & Craig. Mayor Craig stated that he had no relationship with Mattern & Craig except that his son is a principle in Mattern & Craig. Mr. Craig stated that his son does not live with him and he has no financial interest in Mattern & Craig or any other operations. Mr. Craig stated that he has social talk with his son and declared that he would abstain from the vote.

On motion by Mr. Bradley, seconded by Ms. Patterson, to authorize the Town Manager to enter into a contract in the amount of \$31,500 with Mattern & Craig for professional services to perform structural engineering studies on six bridges along the Virginia Creeper Trail.

The roll call vote was as follows:

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

K. REPORTS FROM THE TOWN MANAGER / STAFF

1. Presentation regarding "*The Way to Play*" Premiere – *Jayne Duehring, Director of Tourism (VIDEO 35:08 – 48:02)*

Jayne Duehring, Director of Tourism announced that Amanda Livingston has been named Assistant Director of Tourism and will be managing the staff. Mrs. Duehring also introduced

Jackie Johnson as the new Senior Advancement Manager and Director of External Affairs for Barter Theatre.

Mrs. Duehring also revealed redesigned marketing material for the Town's Tourism Department. Discussion ensued regarding tourism revenue.

2. Approval of the application for Certificate of Appropriateness; Marathon Realty Corp. P.O. Box 1158, Abingdon, VA 24212: Owner. COA for approval of the Final Plat to subdivide the property into two parcels, 1) containing 1.221± acres, 2) containing 1.461± acres. Located at the Meadows development-Lot 9, Parcel 9A and 9B. Tax Map ID 021-8-9. – *Jason Boswell, Director of Planning (VIDEO 48:07 – 50:45)*

Council member Derek Webb declared that he had a personal interest in this transaction pursuant to Code of Virginia, Section 2.2-3112(A)(1), I disqualify myself from participating in Agenda Item J - 2 "Approval of the application for Certificate of Appropriateness; Marathon Realty Corp. for approval of the Final Plat to subdivide property into two parcels, located at The Meadows development – Lot 9". I am employed, as well as my wife, with K-VA-T Food Stores, Inc., 1 Food City Circle, Abingdon, Virginia, which is an affiliated company of the applicant, and our salaries derived from said employment may reasonably be expected to exceed \$5,000.

Jason Boswell, Director of Planning advised Council that Marathon Realty Corp. Application for Certificate of Appropriateness for approval of the Final Plat to subdivide property into two parcels, (1) containing 1.221± acres and (2) containing 1.461± acres, located in The Meadows development, Lot 9, Parcel 9A and 9B, tax map number 021-8-9. Mr. Boswell stated that the Planning Commission unanimously approved the final plat as presented at the August 26, 2019 meeting and referred to the Town Council for approval with staff recommending approval for a minor subdivision.

On motion by Mr. Bradley, seconded by Mrs. Quetsch, to approve the final plat for Marathon Realty.

The roll call vote was as follows:

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

3. Report on the Town's response to Washington County regarding the zoning determination of a "Courthouse" in B-2 General Business District – *Jason Boswell, Director of Planning (VIDEO 50:49 – 54:15)*

Jason Boswell, Director of Planning stated that as his capacity as an administrator for the Town that he responded to the County administrators' letter dated August 14 concerning the zoning determination regarding the county's interpretation of courthouse being defined as a public office and thus being a permitted use by right in the B-2 General Business. Mr. Boswell further stated that in his response, I noted that the Town Council included courthouses, a specific use permitted use in a specific zoning Old and Historic while including public offices as a separate permitted use in a specific separate zoning districts office and institutional B-1 General Business District and B-2 General Business. Mr. Boswell's interpretation is that courthouse and public offices have separate use and distinct meanings and that the courthouse is only a permitted use within sub-district four of the Old and Historic District and not a permitted use within the two general business districts. Discussion ensued regarding the sub-districts of the Old and Historic District.

4. Motion to refer proposal approved by Planning Commission to remove *Section 17-4. Uses not provided for* from the Town of Abingdon Zoning Code – *James Morani, Town Manager (VIDEO 54:19 – 57:38)*

James Morani, Town Manager updated Council with regard to Planning Commission recommendation to refer a zoning text amendment, specifically to remove Town of Abingdon Zoning Code, Section 17-4 *Uses not provided for*. Mr. Morani stated that the Town's code is inconsistent with state statute. Mr. Morani stated that he would recommend the Council refer the proposed amendment back to the Planning Commission for consideration.

On motion by Mr. Bradley, seconded by Ms. Patterson, to refer the matter to the Planning Commission

The roll call vote was as follows:

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

5. Update on Sports Complex – *James Morani, Town Manager (VIDEO 57:38 – 59:10)*

Jimmy Morani, Town Manager advised Council there has been a lot of work completed on site preparation and within the next 10 – 12 weeks fill will continue to be placed once the final grade is established that information can be included in the final bid documents. Mr. Morani also stated that Davenport & Associates has issued the Request for Proposals regarding the bond issue and the responses are due on September 11, 2019.

L. OLD BUSINESS - MATTERS NOT ON THE AGENDA

M. COUNCIL MEMBER REPORTS (VIDEO 59:18 – 1:01:51)

Mr. Bradley reported that he continued to attend his usual meetings and Council work this past month. Mrs. Quetsch was thankful to be allowed to serve. Ms. Patterson stated that has attended lots of meetings and ribbon cuttings and continues to conduct day-to-day business for the Town Council, including matters pertaining to the Courthouse. Mr. Webb stated that was involved in the selection of the engineering firm and was very excited about the Virginia Creeper Trail. Mayor Craig joked that he was busy reporting to Joe Tennis.

N. APPOINTMENTS TO BOARDS AND COMMITTEES (VIDEO 1:01:55 -

On motion by Mr. Webb, seconded by Mr. Bradley, moved that the Abingdon Town Council convene in closed session:

- (1) pursuant to the Code of Virginia, 1950, as amended, Section 2.2- 3711(A)(1) for the purpose of considering applications for appointment for various committees; and**
- (2) pursuant to §2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for the consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, namely *Kelly and Icenhour v. 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

On motion of Mr. Bradley, seconded by Ms. Patterson, 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

Mr. Webb moved that the Town Council certify that, in closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in the motion.

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

On motion by Ms. Patterson, seconded by Mr. Webb, Council appointed Wayne Austin to fill the expired term of Matthew T. Bundy; and reappoint John P. Kelly and Richard Macbeth for an additional term to the Board of Zoning Appeals.

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 Ms. Patterson, Council appointed Joel Hortenstine to fill the expired term of Wayne Miller; and reappoint Mike Farris and Sigrid Phillips for an additional term to the Sinking Springs Cemetery Committee.

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. Webb, seconded by Mrs. Quetsch, Council appointed Ashby Dickerson to fill a vacant position with the term expired in January 2021 to the Sustain Abingdon committee.

The roll call vote was as follows:

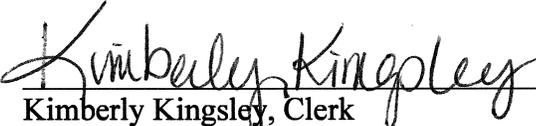
Mr. Bradley	Aye
Mrs. Quetsch	Aye
Mr. Webb	Aye
Ms. Patterson	Aye
Mayor Craig	Aye

On motion by Mr. Webb, seconded by Mrs. Quetsch, Council appointed David Childress and Amanda Pillion to fill the expired terms of Scott Wilson and Jennifer Ramseyer to the Recreation Advisory Committee.

The roll call vote was as follows:

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

Mayor Craig adjourned the meeting.



Kimberly Kingsley, Clerk



J. Wayne Craig, Mayor