

**TOWN OF ABINGDON
WORK SESSION
WEDNESDAY, SEPTEMBER 18, 2019 – 2:30 PM
ARTHUR CAMPBELL ROOM – MUNICIPAL BUILDING**

A work session of the Abingdon Town Council was held on Wednesday, September 18, 2019 at 2:30 pm in the Arthur Campbell Room in the 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

Mayor Craig stated that the Council received communication from Washington County and requested to deviate from the agenda and move Item D – 1 to the end of the agenda to convene in Closed Session; and stated he would like to hear from David Rose (Item E – 1) after public comments if no one had an objection.

- C. **PUBLIC COMMENTS (VIDEO 5:46 – 12:47)**
- Lucy Phillips, Attorney for Washington County, Virginia

D. **NEW BUSINESS**

1. Discussion regarding referring consideration of a proposed text amendment to add “Courthouse” as a permitted use in the B-2 General Business District to the Planning Commission. – *Cameron Bell, Counsel (VIDEO 52:26 – 1:25:32 – Closed Session) (VIDEO 1:26:05 – 1:45:26)*

Council member Derek Webb declared he had a personal interest in this transaction pursuant to Code of Virginia, Section 2.2-3112(A)(1), if council member or employee has personal interest in a transaction, he or she may not participate on behalf of the town in the transaction if the transaction applies solely to him, the company for which I work for as well as my wife. Mr. Webb further stated that he, as well as his wife, was employed with Food City and K-VA-T Food Stores, Inc., 1 Food City Circle, Abingdon, Virginia.

Jason Boswell, Director of Planning discussed the Comprehensive Plan and how it relates to zoning for the physical development of the territory of localities and provides a guideline for future development and systematic changes reached after a public engagement process. Mr. Boswell stated that the plan is a product of state statutory scheme that assures that changes are not made suddenly, arbitrarily or capriciously, but only after a period of investigation and community planning.

Mr. Boswell further discussed the function of a Comprehensive Plan as a key source of guidance on every legislative zoning decision.

Mr. Boswell cited Code of Virginia, Section 15.2-2280, is the key in the enabling statute that establishes the scope of zoning powers over uses, structures and areas of use; which authorizes the locality to regulate, restrict, permit, prohibit, and determine the use of land, buildings and structures.

Mr. Boswell also cited Code of Virginia, Section 15.2-2281, that a County has jurisdiction over all the unincorporated territory in in the county, and a city of town has jurisdiction over all the territory within that municipality.

Discussion continued between Mr. Boswell, Counsel Cameron Bell, and Council members regarding the timeline of events leading up to the recent application. Counsel Cameron Bell presented his legal opinion as outlined in his September 6, 2019 letter to County Attorney Lucy Phillips that Section 17.4 of the Town Code which relies upon analysis of Code of Virginia, Section 15.2-2286, does not authorize the Town of Abingdon to establish a mandatory procedure to consider zoning text amendment applications from property owners. Per Code of Virginia, Section 15.2-2286(A)(7), zoning text amendments can only be initiated through a motion by the Planning Commission or a resolution of the Town Council.

On motion by Ms. Patterson, seconded by Mr. Bradley, Council acknowledge that neither a property owner nor prospective property owner can apply for a text amendment to the Zoning Ordinance to add a permitted use and those parties cannot require referral of a proposed text amendment to the Planning Commission; and Council not refer the issue to the Planning Commission of whether Courthouse should be added as a permitted use in the B-2 General Business District; and Council not amend the Zoning Ordinance to add Courthouse as a permitted use in B-2 General Business District.

The roll call vote was as follows:

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

2. Discussion regarding Washington Crossing subdivision – *Jason Boswell, Director of Planning (VIDEO 26:02 – 41:02)*

Jason Boswell, Director of Planning advised Council that the Planning Commission recently approved the proposed subdivision without concerns. James Morani, Town Manager added that staff was working with the developer regarding an agreement when the right-of-way is constructed that the Town could pursue grant opportunities to improve the roadway. Discussion ensued.

E. UNFINISHED BUSINESS

1. The Meadows Direct Bank Loan RFP results – *David Rose, Davenport & Company (VIDEO 12:49 – 25:30)*

David Rose, Davenport & Company presented the summary results of the bids received from the August 23, 2019 Request for Proposals for funding of a General Obligation Bond to permanently finance \$7,500,000 of capital improvements, including a public sports and recreation complex, infrastructure improvements, and borrowing costs associated with the issuance of the Bond. Mr. Rose stated that Sterling National Bank provided the lowest fixed interest rate though maturity at 2.89% and would save the Town approximately \$1,500,000. Discussion ensued. Council agreed that they were comfortable with the results with Sterling National Bank and requested that the matter be placed on the October 1, 2019 agenda.

2. Discussion regarding RFP for pickleball court(s) – *James Morani, Town Manager (VIDEO 41:04 – 44:39)*

Derek Lester, Engineering Technician, updated Council stating that the Invitation to Bid was resubmitted after a \$60,000 bid was rejected. Mr. Lester stated that the scope was reduced as it was discussed that staff could adequately perform some of the work. Mayor Craig questioned whether there would be a pickleball court at The Community Center and Mr. Lester responded that one court is proposed be located there and three courts at the Coomes Recreation Center.

3. Discussion regarding Procurement Procedures – *James Morani, Town Manager (VIDEO 44:43 – 47:31)*

James Morani, Town Manager communicated that he was drafting updated procurement procedures as a result of recent legal amendments. Discussion ensued regarding when the draft would be completed and a public hearing for an ordinance change.

E. MATTERS NOT ON THE AGENDA (VIDEO 47:32 – 52:05)

James Morani, Town Manager updated the Council stating that staff had been working on a Zoning District Map and recommended that the map not be adopted as part of the Historic District Entrance Corridor Overlay District and only used a guide.

James Morani, Town Manager also stated that the staff requested that Lee-Jackson Day be exchanged for Good Friday as a paid holiday. Council had no objection to switching the paid holiday.

F. REPORTS FROM COUNCIL / STAFF

G. APPOINTMENTS TO BOARDS AND COMMITTEES (52:26 – 1:26:06)

1. Virginia Highlands Small Business Incubator

- Appointment to fill the expired term of Carolyn Kelly, who does not wish to serve an additional term

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 for position on Virginia Highlands Small Business Incubator.

On motion of Mr. Bradley, seconded by Mrs. Quetsch, that the Abingdon Town Council convene in closed session pursuant to §2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for consultation with legal counsel, or another matter regarding advice of counsel regarding letter from Washington County; and §2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for the purpose of considering applications for appointment for position on the Virginia Highlands Small Business Incubator board.

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 Ms. Patterson, seconded by Mr. Bradley, 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. Bradley moved that the Town Council certify that, in the 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 that motion, seconded by Mr. Webb.

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 Mrs. Quetsch, seconded by Mr. Bradley, Council appointed Ben Abel to the Virginia Highlands Small Business Incubator board to fill the expired term of Carolyn Kelly.


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