

**TOWN OF ABINGDON  
SPECIAL CALLED COUNCIL MEETING  
MONDAY, APRIL 27, 2015 – 8:30 A.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A special called meeting of the Abingdon Town Council was held on Monday, April 27, 2015 at 8:30 a.m. in the Council chambers of the Municipal Building.

**A. Welcome by Mayor Morgan**

**B. Roll Call – Cecile Rosenbaum, Town Clerk**

Members of Council Present: Edward B. Morgan, Mayor  
Mrs. Cathy Lowe, Vice Mayor  
Mr. Richard E. Humphreys  
Mr. Robert M. Howard  
Mrs. Jayne A. Duehring

Administrative/Town Staff: Gregory W. Kelly, Town Manager  
Cecile Rosenbaum, Clerk/Int. Asst. Town Manager  
Deb Icenhour, Town Attorney  
Kevin Costello, Dir. of Tourism  
Matthew Johnson, Dir. of Planning  
Floyd Bailey, Dir. of IT

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Lowe.

\*\*\* At this time, Mayor Morgan congratulated Cecile Rosenbaum on her recent award as the Virginia Municipal Clerk's Association Clerk of the Year award.

**D. PETITIONS, PUBLIC HEARINGS AND FIRST READINGS OF ORDINANCES**

- 1. Public Hearing – Pursuant to the Code of the Town of Abingdon, Virginia, Article 8 – Old and Historic District, Section 8-12 Right of Appeal, the Barter Foundations, Inc. filed an Application for Certificate of Appropriateness for the erection of a temporary tent structure over the Barter Green (parcel number 012-1-122) beginning April 30, 2015 through October 30, 2015. The Historic Preservation Review Board denied the Certificate of Appropriateness at its**

**regular meeting on March 16, 2015 and Barter Foundation noted their appeal of the decision on March 18, 2015.**

Matthew Johnson, Director of Planning reported that the Barter Theatre had applied for a Certificate of Appropriateness to locate a temporary event tent on the Barter Green and at a hearing before the Historic Preservation Review Board (HPRB) the COA was denied. Barter noted their appeal on March 18, 2015 and now the matter was before Council for a public hearing.

Deb Icenhour, Town Attorney commented that Council was hearing an appeal from the HPRB and detailed the three (3) options Council could consider which were to affirm the decision of the HPRB, modify the decision or reverse the decision of the Board. Ms. Icenhour noted that Council could deliberate the matter with a broader scope than the HPRB relative to issues involving economic impact of the tent and overall aesthetics and sound regulation.

Mayor Morgan declared the public hearing open and noted that Council would hear from the folks designated to speak on behalf of Barter as well as those who had signed the sheet indicating their wish to speak.

Nancy DeFriece, Barter Board President asked the Barter Board members in attendance to stand to be recognized and thanked Council for the opportunity to speak. Mrs. DeFriece asked Council to reverse the decision of the HPRB and approve the COA for the erection of the tent.

Kyle Macione, Barter Board member and property owner in the historic district asked Council to reverse the decision of the HPRB and approve the tent and noted it was a test market for expanding the Theatre's revenue base.

Janet Woolwine, Barter Board member and business owner in town asked Council to reverse the decision of the HPRB and allow the tent to be assembled for the 2015 season. Ms. Woolwine noted the impact that Barter has on the local economy.

Nick Piper, Associate Artistic Director of the Barter commented on the programming already planned for the 2015 season using the tent and asked the COA be approved.

Mayor Morgan asked if anyone present wished to speak in opposition to the tent.

Jeff Johnson, HPRB member and owner of property in the historic district commented that he was opposed to the Barter Tent COA. Mr. Johnson questioned the appropriateness of the tent in the historic district, the lack of guidelines for such a structure, the lack of success he felt the tent had during the 2014 season, and the loud noise during the performance which disturbed the neighboring homeowners. Mr.

Johnson asked Council to affirm the decision of the HPRB and commented that it was the town's historic district, not the Barter historic district.

Ramsey White, business owner and town resident commented that his wife, Betsy was the chair of the HPRB and he was speaking in opposition to the tent. Mr. White noted the details of a letter sent to Council by Congressman Rick Boucher who is a homeowner across the street from Barter Green and reiterated his opposition to the tent.

Mayor Morgan inquired if there were others who wished to speak to note their opposition to the tent. No speakers came forward.

Mayor Morgan asked Ms. Rosenbaum, Town Clerk to read the list of names on the signup sheet to speak and the following individuals spoke in favor of the Barter Tent for the 2015 season:

- I.B. Dent
- Dr. French Moore, Jr.
- Lee Coburn
- Jack Hinschelwood

Mayor Morgan noted it was 9:45 a.m. and declared a 5 minute recess.

At 9:50 Mayor Morgan called the meeting back to order.

The following individuals spoke in support of the Barter Tent:

- K.C. StLouis
- Ben Jennings
- Becky Caldwell
- Ms. Hall from backstage at Barter

Hearing no further comments Mayor Morgan closed the public hearing.

Mr. Humphreys commented on the approval of all tents in town and a compromise for the issue.

Mrs. Lowe indicated that she had served on the Planning Commission and her experience supported the idea of a compromise to resolve the tent issue.

Mr. Howard noted that he was a resident of the historic district and served on Council for many years and he felt a compromise could be reached.

Mrs. Duehring noted that she was the Council representative to the HPRB and all persons involved in this issue contributed extensively to the community. Ms. Duehring noted that competition for tourism dollars was fierce but she felt a fair decision could be reached.

Mayor Morgan commented that his goal was to make Abingdon an even better place to live and that included being a good neighbor to all.

Mrs. Duehring indicated her desire to make the motion relative to the Barter Tent and on her motion, seconded by Mrs. Lowe, approved the Certificate of Appropriateness made by the Barter Theatre to erect a temporary tent structure over the Barter Green beginning April 30, 2015 through October 30, 2015 with the following conditions being met by the Barter:

- Time limit for the COA is 180 days, April 30, 2015 through October 30, 2015.
- Noise limitation to acoustic music only with the condition that if microphones are to be used, prior permission must be granted by the Town Manager for each event through the use of a Noise Amplification permit.
- Parking for Barter events must be managed by Barter attendants and if trolleys are needed to assist with transportation, a request must be made in writing and the fee paid in whole prior to the event.
- The tent must have a favorable inspection from the State Fire Marshall and the town's Building Inspection Department and provide liability insurance listing of at least \$1,000,000 per event, with a \$2,000,000 aggregate.
- The Barter understands that the town will pursue all remedies available to them should the Barter default on any of the conditions set forth.
- Barter agrees to apply for the COA for the tent for the 2016 season during the summer months of 2015 for planning purposes before a season of events is finalized.
- 3<sup>rd</sup> parties using the tent must comply with all the conditions and restrictions as set forth for Barter.

Mr. Humphreys commented that he felt the motion was too encompassing and asked if the restrictions could be left to the discretion of the Town Manager.

Mr. Howard commented that he would like to see an Ordinance revision take place to assist in handling temporary structure requests.

Ms. Duehring repeated each restriction in the motion and Council discussion ensued on each issue.

Mr. Humphreys noted his desire to have good neighbors and improve quality of life.

Mrs. Lowe commented that the motion will require Barter to comply and be a good neighbor and noted, for the record, that she inquired if Mr. Rose, Barter's Artistic Director, nodded his head in agreement to the restrictions and conditions in the motion.

Mayor Morgan asked for roll call vote and it was as follows:

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

<b>Mr. Howard</b>	<b>Aye</b>
<b>Mr. Humphreys</b>	<b>Aye</b>
<b>Mrs. Duehring</b>	<b>Aye</b>
<b>Mrs. Lowe</b>	<b>Aye</b>
<b>Mayor Morgan</b>	<b>Aye</b>



Mr. Humphreys commented on the loss of Abingdon resident Elmer Rosenbaum who had just celebrated his 100<sup>th</sup> birthday.

Mayor Morgan commented on the need for discussion of the Ordinance revision to assist in managing tent requests in town in the future.

Mayor Morgan declared the meeting recessed until the April 29<sup>th</sup> Council work session meeting.



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Edward B. Morgan, Mayor



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Cecile M. Rosenbaum, Town Clerk