



**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 7, 2015 - 5:30 P.M.
GRAND BALLROOM SOUTHWEST HIGHER EDUCATION CENTER**

A regular meeting of the Abingdon Town Council was held on Monday, December 7, 2015 at 5:30 p.m. at the Southwest Higher Education Grand Ballroom.

A. WELCOME – *Mayor Morgan*

B. ROLL CALL

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, Assistant Town
Manager/Town Clerk
Tonya Triplett, Deputy Clerk
Deb Icenhour, Town Attorney
Kim Kingsley, Deputy Treasurer
Chuck Banner, Dir. of Finance
Matthew Johnson, Dir. Of Planning
John Dew, Dir. Public Services/Construction
Tony Sullivan, Police Chief
John McCormick, Fire Chief

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rick Humphreys, Council Member

D. APPROVAL OF MINUTES

- November 2, 2015 Work Session Meeting
- November 2, 2015 Regular Council Meeting
- November 18, 2015 Work Session Meeting

On motion by Mrs. Lowe, seconded by Mr. Humphreys, the Council

approved the minutes of the November 2, 2015 work session, November 2, 2015 regular council meeting and November 18, 2015 work session minutes as presented.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

E. EMPLOYEE RECOGNITIONS – *None.*

F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. Public Hearing – First Reading of Fire Code Ordinance

Deb Icenhour, Town Attorney and John McCormick, Fire Chief reviewed updates to the Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend, and Reenact Chapter 34, Fire Prevention and Protection, Article III, Section 34-511 through Section 34-58 of the Code of Ordinances of the Town of Abingdon. The updates allows the town to hire staff, approve fees for services, allows local certified fire officials to carry out annual inspections and to implement and update the code, which will improve the town’s rating and reduce fire insurance premiums for business owners and residents.

Mayor Morgan declared the public hearing open and asked if anyone would like to speak. Hearing none, Mayor Morgan declared the public hearing closed.

2. Public Hearing – First Reading of Taxicab Ordinance

Deb Icenhour, Town Attorney reviewed an Ordinance of the Council of the Town of Abingdon, Virginia to Repeal, Amend and Reenact Article II, Chapter 82, Section 82-26 through Section 82-69 of the Code of Ordinances of the Town of Abingdon to Amend and Update Requirements for the establishment, licensure, and operation of a taxicab service within the town. The updates include changes to the current ordinance that would provide a service and business opportunity, addresses insurance, penalties, ADA and DMV requirements, inspections and background checks.

Mayor Morgan declared the public hearing open and asked if anyone would like to speak. Hearing none, Mayor Morgan declared the public hearing closed

3. Public Hearing - Request for Special Use Permit - Kilo Delta, LLC.

Matthew Johnson, Director of Planning reviewed a special use permit request from Spencer Webb, Kilo Delta, LLC., pursuant to Article 13, Section 11-2-3, Special Uses, of the Zoning Ordinance, in the B-2 General Business District, of the Town of

Abingdon, to operate a pet grooming facility. Located at 1283 West Main Street, Tax Map No. 104C2-1-9.

Mr. Johnson stated the Planning Commission had reviewed the application and voted unanimously to approve the request.

Mayor Morgan declared the public hearing open and asked if anyone would like to speak. Spencer Webb, applicant stated she would not be boarding animals, only grooming.

Mayor Morgan declared the public hearing closed.

On motion by Mrs. Lowe, seconded by Mrs. Duehring, the Council approved the Special Use Permit for Kilo Delta, LLC., pursuant to Article 13, Section 11-2-3, Special Uses, of the Zoning Ordinance, in the B-2 General Business District, of the Town of Abingdon, to operate a pet grooming facility. Located at 1283 West Main Street, Tax Map No. 104C2-1-9. The special use permit is restricted to Kilo Delta, LLC., and cannot be transferred to another business in that location.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

- 4. **Public Hearing - Acceptance of gift and Authorization of the Town Manager to accept a Deed of Gift of property to the town relative to the Fairview Homestead site.** Deb Icenhour, Town Attorney, reviewed the deed of gift of approx. 2.8 acres from James D. Moore, Jr. Family Ltd Partnership relative to the Fairview Homestead.

Mayor Morgan declared the public hearing open and asked if anyone would like to speak. James D. Moore, Jr. thanked volunteers at Fairview Homestead and Old Glade Antique Tractor Association for efforts in the Fairview Homestead project and preservation. Mayor Morgan declared the public hearing closed.

On motion by Mr. Howard, seconded by Mr. Humphreys, the Council accepted the deed of gift of approx. 2.8 acres relative to the Fairview Homestead from James D. Moore, Jr. Family Ltd Partnership and authorized Mr. Kelly, Town Manager to execute all necessary documents.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye

Mr. Humphreys Aye
Mrs. Lowe Aye
Mayor Morgan Aye

5. Public Hearing - Lease agreement by and between the town of Abingdon and Charles D. Vess for the property commonly referred to as The Summers Law Office and located on Court Street

Deb Icenhour, Town Attorney reviewed the five (5) year lease agreement by and between the Town of Abingdon and Charles D. Vess for 657 sq. ft. property commonly referred to as The Summers Law Office, located on Court Street.

Mr. Kelly, Town Manager stated the property is a historic property, has gone through extensive renovations and now we have a tenant that is willing to help maintain the property.

Mayor Morgan declared the public hearing open and asked if anyone would like to speak.

Polly Mallory, 112 East Main Street thanked Council for allowing Charles Vess the opportunity to occupy a studio in downtown Abingdon.

Nancy Hart, 221 East Main Street is a business owner on Courthouse Hill. Ms. Hart thanked Council for allowing another artist to join Courthouse Hill.

Mayor Morgan declared the public hearing closed.

On motion by Mr. Humphreys, seconded by Mrs. Lowe, the Council approved the five (5) year lease agreement between Town of Abingdon and Charles D. Vess for The Summers Law Office located on Court Street and authorized Mr. Kelly, Town Manager to execute all necessary documents.

The roll call vote was as follows:

Mrs. Duehring Aye
Mr. Howard Aye
Mr. Humphreys Aye
Mrs. Lowe Aye
Mayor Morgan Aye

G. SECOND READING OF ORDINANCES – None.

H. CONSIDERATION OF ANY BIDS – None.

I. REPORTS FROM THE TOWN MANAGER

J. RESOLUTIONS - Resolution of the Council of the Town of Abingdon, Virginia to Establish an Urban System Highway Project for additional storm water Management along Route 11 (West Main Street)

John Dew, Director of Public Services/Construction reviewed a Resolution of the Council of the Town of Abingdon, Virginia to Establish an Urban System Highway Project for additional storm water Management along Route 11 (West Main Street)

On motion by Mrs. Lowe, seconded by Mr. Howard, the Council approved and adopted the resolution to establish an Urban System Highway Project for additional storm water management along Route 11 (West Main Street)

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye



A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA TO ESTABLISH AN URBAN SYSTEM HIGHWAY PROJECT FOR ADDITIONAL STORM WATER MANAGEMENT ALONG ROUTE 11 (WEST MAIN STREET)


WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by council resolution be made in order that the Department program an urban highway project in the Town of Abingdon, Virginia; now

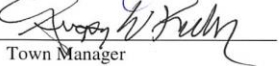
THEREFORE, BE IT FURTHER RESOLVED, that the Council of the Town of Abingdon, Virginia, requests the Virginia Department of Transportation to establish an urban system highway project for the improvement/addition of storm water management/storm water control to Rte. 11 (West Main Street), from 0.16 Mi .E. Int. Rte. 11 and Rte. 140 to 0.19 Mi. E. Int. Rte. 11 and Rte. 140, a distance of approximately 0.03 mile, Project number 0011-140-106, UPC 71689;

BE IT FURTHER RESOLVED, that the Council of the Town of Abingdon, Virginia, hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with the project financial document and Section 33.2-348 of the *Code of Virginia*, and that, if the Town of Abingdon, Virginia subsequently elects to cancel this project, the Town of Abingdon, Virginia hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation;

BE IT FURTHER RESOLVED, that the Town of Abingdon, Virginia, Town Council hereby grants authority for the Town Manager to execute required project agreements (local/state agreements), including agreements for administration, for the above project(s).

TOWN OF ABINGDON, VIRGINIA

By: 
Mayor

By: 
Town Manager

The undersigned clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of a resolution duly adopted at a meeting of the Council held on December 7 2015. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. I further

certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing resolution was as follows:

MEMBERS	ATTENDANCE	VOTE
Edward B. Morgan, Mayor	Present	Aye
Cathy C. Lowe, Vice Mayor	Present	Aye
Robert M. Howard	Present	Aye
Richard E. Humphreys	Present	Aye
Jayne A. Duehring	Present	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of Dec. 8, 2015.

(SEAL)

Tonya Triplett
Clerk, Town of Abingdon

K. APPOINTMENTS TO BOARDS AND COMMITTEES

On motion of Mrs. Lowe seconded by Mrs. Duehring, the Council went into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended, for the consideration and discussion of appointments to town committees.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

On motion of Mr. Humphreys, seconded by Mrs. Lowe, the council reconvened in regular session.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

The Deputy Town Clerk, Tonya Triplett, 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:

Mrs. Duehring	I so certify
Mr. Howard	I so certify
Mr. Humphreys	I so certify
Mrs. Lowe	I so certify
Mayor Morgan	I so certify

1. Redevelopment & Housing

On motion of Mrs. Lowe, seconded by Mr. Humphreys, the Council appointed Mike Rush to the Redevelopment & Housing Authority.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

2. Tourism Advisory Committee

On motion of Mrs. Lowe, seconded by Mrs. Duehring, the Council reappointed Kathleen Bundy, who is eligible for another term to the Tourism Advisory Committee.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye

Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

3. Sustain Abingdon

On motion of Mrs. Duehring, seconded by Mrs. Lowe, the Council appointed Thomas Keys, Fred Johnson and Barbara Williamson, to the Sustain Abingdon Committee.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

4. Fairview Committee

On motion of Mr. Humphreys, seconded by Mr. Howard, the Council appointed Michael Hagy to the Fairview Committee.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

5. Tree Commission

On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council appointed Chris Sullivan to the Tree Commission.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

6. Sinking Spring Cemetery Committee

On motion of Mr. Humphreys, seconded by Mrs. Lowe, the Council reappointed Martha Keys, who is eligible for another term to the Sinking Spring Cemetery Committee.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

L. COUNCIL MEMBER REPORTS**M. SECOND READINGS**

- 1. SECOND READING - PROPOSED REZONING - CEMA CORP, 440 Green Spring Road, Abingdon, VA 24211, applicant, application to rezone property, namely Tax Map No. 021-1-5; Tax Map No. 021-1-58; and a portion of Tax Map No. 105-A-39, consisting of approximately 33.189 acres, more or less, from AFOS Agricultural, Forrestral, and Open Space District to B - 2 General Business District.**

Matthew Johnson, Director of Planning reviewed the application.

Steven Spangler with Marathon Realty stated the project will increase jobs and the tax base and reported the Virginia Creeper Trail Club has declared the project will have no harmful impact on the trail. He stated this is the first step and if the rezoning is passed the developer will work diligently to make sure the project is something that everyone could be proud of.

At this time Council allowed comments from the public:

- David Everest, 21390 Sheffield Court, spoke in favor of the project.
- Richard Rose, 262 Bradley Street, spoke in favor of the project and its many benefits.
- Joe Levine, 350 Green Spring Road, spoke in opposition of the project and asked Council to vote no.
- Jimmy Woods, 1085 Canterbury Lane, spoke in favor of the project and the sports complex.
- Nan Harmon, 498 Green Spring Road, spoke in opposition of the project and has concerns about the town budget.

- Pam Murray, 1101 Hillview Drive, spoke in favor of the project and thanked Dr. French Moore and Dr. David Brillhart for their work on the Virginia Creeper Trail.
- Donna Akers, 8487 Oaks Road, Boone, NC, spoke in opposition and has concerns about archeology surveys and history of the property.
- Eric Reese, 950 Timberland St., spoke in opposition and has concerns about traffic. Mr. Reese stated the French Moore Blvd connection would help relieve the traffic problem. He also has concerns about the process.
- Michael Trepiccione, 289 Lowland Street, stated he is not against Food City, but is opposed to this location.
- Buddy Honaker, 17231 Cary Drive, spoke in favor of the project and stated the Food City distribution center has 700+ employees and continues to add jobs.
- Steven Jett, 333 Court Street, spoke in opposition of the project and doesn't want the uniqueness of Abingdon jeopardized.
- Jim Brown, 1051 Clark Street, stated the closest building is two football fields away from the Virginia Creeper Trail and all land that joins the trail is being held for the sports complex and there are no historical buildings included in the rezoning.
- Cindy Patterson, 410 Green Spring Road, owns and operates B&B she is not aware to any lodging properties that operate at full capacity and with the Fairfield Inn being built at Exit 19 there will be enough to serve the area. Ms. Patterson is not opposed to development, just not this location.
- Alice Warren, 20191 Avondale Road, spoke in opposition of the project and asked Council to consider the Cook Street to French Moore Blvd. extension instead.
- James Patterson, 410 Green Spring Road questioned if the Town has plans to take his property. Mayor Morgan stated there had not been a request to take his property. Mr. Kelly explained an ordinance would have to be adopted, that there are many contingencies and no site plan has been submitted yet. The property is only being rezoned at the present time.
- John White, 24648 South Way, spoke in favor of the project and has faith that Food City and Steve Smith will do what they say they will do.
- William Hatcher, 780 Wingfoot Court, spoke in favor of the project and feels it will improve safety and traffic. Mr. Hatcher stated only a sliver of the roof line will be visible, will have no impact on the trail and will improve the quality of life in Abingdon.

- Mary Zukowski, 124 Elder Spirit Court, spoke in opposition of the project, also feels French Moore Blvd. extension would help the traffic problem and asked Council to vote no on the rezoning.
- Laurel Flaccavento, has a business at 380 East Main Street, spoke in opposition of the project. Mrs. Flaccavento stated we had fought Walmart, won and refocused the unique strength of the community.
- Mike Owens, 236 Barter Drive, spoke in favor of the rezoning.
- William Sprinkle, 19066 Lake Road, spoke in favor of the project and stated K-VA-T is one of the best corporate sponsors in the area.
- Michael Bragg, 432 East Main Street, spoke in opposition of the project and has concerns for the historical district, heritage and downtown businesses.
- Kathy Baldwin, 14228 Indian Run Road, Glade Spring, spoke in opposition of the project and feels it will compromise the quality of life in Abingdon. Ms. Baldwin stated there are already many vacant buildings in town.
- David Winship, 855 Edgemont North Street, spoke in opposition of the project and asked Council to preserve our heritage.
- Davenna Sexton, 430 Fairway Drive, asked Council not to rezone the property and feels development will destroy the trail head and increase traffic congestion.
- Wayne Craig, 204 Glenrochie Drive, spoke in opposition and is concerned about the traffic impact as the development will create 12,600 trips a day.
- Karla Dolce, 315 Lowland Street, spoke in opposition and stated the traffic improvements will cost the tax payers \$ 8 million, the project will create low paying jobs and suggested Council focus on the Cook Street/French Moore Blvd. extension.
- Amanda Pillion, 205 Stonewall Heights, spoke in favor of the project and stated she is very pleased with the renovation process of the K-VA-T Corporate Offices and stated it is a nice addition to the neighborhood. Abingdon does not have adequate recreation facilities for the youth and a sports complex is needed.
- Barry Proctor lives in Morningside and owns a business at 117 W. Main Street, spoke in opposition and has concerns that the development is an old school strip mall and will increase traffic congestion. Mr. Proctor stated Food City needs this project in order to be competitive with Walmart and stated once it is rezoned there's no going back.

- Nick Proctor, 11092 Treeline Drive, spoke in opposition of the project and stated the project contradicts the Comprehensive Plan.
- Nena Lindrose, 527 Redstone, Bristol, TN, spoke in opposition of the project, and is concerned about preservation.
- Brad Kreps, 424 Baugh Lane, stated he feels the project doesn't line up with the Comprehensive Plan, but asked Council to help him understand why they are in favor of the project and why Council feels the town allocation is a good use for the road project.
- Mark Hurt, 401 Winterham Drive, is upset with the process, feels the need to have more public discussion and stated we are not ready for a decision until more discussion takes place.
- Travis Staton, 1090 Old Berry Drive, CEO of United Way of Southwest Virginia, expressed concerns about heart disease, childhood obesity, diabetes and cancer in Southwest Virginia and stated the importance of healthy eating and physical activity. Mr. Staton encouraged Council to place interest on children and what can be done to provide them a healthy and better lifestyle.

Mayor declared a 10 minute recess

- Steve Smith, 19042 Lake Road, stated he has two hats to wear, one for his customers and the other his associates. Mr. Smith stated that historic qualities and modern businesses can co-exist and in fact complement each other. While traffic is frustrating in Abingdon there are communities that lack traffic and that is equally frustrating. Mr. Smith stated he makes no apologies for being an entrepreneur and running a successful business. He gives his word that given the opportunity; he will build a first class supermarket and will do it the right way.

On motion Mr. Howard, seconded by Mrs. Lowe, the Council, approved the rezoning of 33.189-acre tract of land, owned by the CEMA Corporation, on second reading, subject to an archeological study being conducted on the property to determine if there are any archeological relics and or artifacts of historic significance and if so, found or revealed the developer will take the recommended preservation actions set forth in the study as required by applicable state and federal oversight agencies.

Mayor Morgan thanked everyone for attending and thanked everyone for the many thoughtful expressions and concerns that have been shared. All have been read, considered and will help shape the venture in a positive way. If he leaves a legacy it will be the entrance corridor overlay district ordinance, which gives Council the tools to manage growth. The ordinance has already significantly impacted and contributed to the growth and prosperity of Abingdon and gives the Planning Commission and Council the legal ability

and negotiation tools to shape the development in a way that would contribute to the quality of life in Abingdon. We need the jobs and tax revenue with will bring. Property taxes have not raises in sixteen (16) years and the opportunity for a private/public partnership will contribute to the health and fitness of the community. Mayor Morgan stated there are many people retiring to Abingdon but we strive to strike a balance that encourages young families to move and stay here. He feels it is the best long term interest of our community and that it will not impact the Virginia Creeper Trail.

Jayne Duehring, Council Member stated Council has listened to everyone and has struggled with the decision. On November 21 the headline in the paper was, "Save The Meadows." Mrs. Duehring stated it is not our land, it is owned by a developer. It is valuable land economically and will not lay undisturbed forever. Why now? Because we have a proposal from a local developer who has a good reputation and that 57% of the property will be in the stewardship of the town which can be placed in a restrictive covenant or recreational easement. It's not our land now, but it can be our land and for that reason she supports the project.

The roll call vote was as follows:

Mrs. Duehring	Aye
Mr. Howard	Aye
Mr. Humphreys	Aye
Mrs. Lowe	Aye
Mayor Morgan	Aye

Mayor Morgan adjourned the meeting.

Edward B. Morgan, Mayor

Tonya H. Triplett, Deputy Clerk