

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 6, 2014 – 7:30 P.M.  
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, January 6, 2014 at 7:30 p.m. in the Council chambers of the Municipal Building.

**A. Welcome by Vice Mayor Lowe**

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

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

*Absent:*   *Edward B. Morgan, Mayor*

Administrative/Town Staff:                   Gregory W. Kelly, Town Manager  
  Cecile Rosenbaum, Town Clerk  
  Deborah Icenhour, Town Attorney  
  Mark Godbey, Town Treasurer  
  Jim Smith, Dir. Of Wastewater Operations/Town Eng.  
  John Dew, Dir. Public Services/Construction  
  Floyd Bailey, Dir. Information Technology  
  Tony Sullivan, Chief of Police  
  Kevin Worley, Dir. of Parks & Recreation

Visitors:   Members of the LEGO Cyborg 7 team, Karen Elmore,  
  Link Elmore, Susan Howard

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**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Bob Howard, Council member.

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**D. SPECIAL EMPLOYEE ACKNOWLEDGEMENTS**

- Mr. Kelly noted that Patsy Owens was unable to attend the meeting to receive her retirement gift because of the inclement weather. Mr. Kelly noted that Mrs. Owens hoped to attend the regular February meeting.
- Mr. Kelly recognized Joey Burke who has retired as Chief of the Abingdon Fire Department after eleven (11) years of service. Mr. Kelly presented Mr. Burke with a framed town seal and a special gift from the Council and thanked him for his years of service.
- Mr. Kelly recognized Officer John Holbrook for his ten (10) years of service to the Abingdon Police Department and presented him with a plague and service pin.

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#### **E. APPROVAL OF MINUTES**

- December 2, 2013 Work Session Meeting
- December 2, 2013 Regular Meeting

**On motion of Mr. Howard, seconded by Mrs. Duehring, the Council approved the minutes of the December 2, 2013 work session meeting and the minutes of the December 2, 2013 regular meeting as presented.**

**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>Vice Mayor Lowe</b> | <b>Aye</b> |

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#### **F. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

##### **1. Variance Request – Road width variance request for the Academy Drive Widening Project.**

John Dew, Director of Public Services and Construction reported that the town is preparing to proceed with the Academy Drive Widening Project. This project is a result of a commitment the town made as part of a deed agreement dated December 31, 2008 between William Regional Arts Center and the town. Mr. Dew indicated that the original project plans called for a roadway width of 24 feet and noted that does not

comply with town's standard road width of 34 feet. Mr. Dew commented that given the function and limited local access to the street, the reduction in the road width would not present a hardship to the project. Mr. Dew indicated that the matter had been before the town's Planning Commission for consideration and they had unanimously recommended approval of the request.

**On motion of Mr. Howard/seconded by Mr. Humphreys, the Council, on recommendation from the Planning Commission, granted the requested road width variance for the Academy Drive Widening Project.**

The roll call vote was as follows:

|                 |     |
|-----------------|-----|
| Mr. Howard      | Aye |
| Mr. Humphreys   | Aye |
| Mrs. Duehring   | Aye |
| Vice Mayor Lowe | Aye |

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2. **Consideration of Petition to vacate the Johnston Street right-of way from Court Street to approximately 560 feet west of Court Street, abutting property of Tax Map Nos. 005-6-1A, 012-4-1, 012-4-3, 012-4-5, 012-4-6, 012-4-8, 012-1-33, and 013-1-1.**

John Dew, Director of Public Services and Construction reported that he had received two (2) petitions to vacate unopened rights of way from K-Va-T Food Stores who have located their new headquarters on the property formerly owned by Johnston Memorial Hospital. Mr. Dew noted that Council had held a public hearing at the regular December meeting and appointed a board of viewers to review the requests and make a recommendation to Council as prescribed by the Town Code. The members of the Board of Viewers (Dan Mathews, Al Bradley, and Monty Vernon), as well as members of the town staff, had reviewed the request and recommended that Council not vacate the Johnston Street right of way and cited that it would create a violation of the town's Subdivision Ordinance, Article V, Division 8, Section 5.20 Lots (c).

Mrs. Lowe inquired if the request would impact the Jackson Street walking trail and clarified the location of adjoining property owned by a Mr. Withers.

Mr. Humphreys commented on the number of rights of way vacation requests.

**On motion of Mr. Howard, seconded by Mrs. Duehring, Council concurred with the recommendation of the Board of Viewers and town staff to not grant the right of vacation request for Johnson Street right-of way from Court Street to approximately 560 feet west of Court Street, abutting property of Tax Map Nos. 005-6-1A, 012-4-1, 012-4-3, 012-4-5, 012-4-6, 012-4-8, 012-1-33, and 013-1-1.**

**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>Vice Mayor Lowe</b> | <b>Aye</b> |

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3. **Consideration of the Petition to vacate the unopened right-of-way formerly known as Mountain View Street from Johnston Street to Jackson Street, abutting property of Tax Map Nos. 012-4-5A, 012-4-5, and 012-4-3.**

Mr. Dew reported that the Board of Viewers had considered the second request and they did not oppose grant the vacation of Mountain View Street right of way, but added that they would recommend retaining full width of the right of way as a easement for existing or future draining and utilities.

**On motion of Mrs. Duehring, seconded by Mr. Howard, the Council concurred with the recommendation of the Board of Viewers and town staff and approved the right of way vacation for Mountain View Street Mountain View Street from Johnston Street to Jackson Street, abutting property of Tax Map Nos. 012-4-5A, 012-4-5, and 012-4-3, but retaining full width of the right of way as an easement for existing or future drainage and utilities.**

**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>Vice Mayor Lowe</b> | <b>Aye</b> |

Mr. Dew noted that he would be presenting Council with an Ordinance for consideration relative to the Council's actions on the requests by K-Va-T as soon as he received from them a plat depicting the changes approved by Council.

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**G. SECOND READINGS – None**

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**H. SECOND READINGS OF ORDINANCES - None**

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**I. CONSIDERATION OF ANY BIDS - None**

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**J. REPORTS FROM THE TOWN MANAGER**

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**K. RESOLUTIONS**

**1. Consideration of Resolution of the Council of the Town of Abingdon, Virginia in Support of Consideration by the Virginia Department of Rails and Public Transportation of Passenger Service into Southwest Virginia and Beyond into Northeast Tennessee and Consideration of a Passenger Station within the Town of Abingdon and Washington County.**

Garrett Jackson, Assistant Town Manager reported that the Resolution before Council for consideration was a result of several meetings with Council, staff, TDX and surrounding area representatives to express their commitment to bringing rail service from Roanoke to Bristol, Virginia and beyond. Mr. Jackson noted that the Town has a viable railway station already in place that would be a valuable tourist asset for the town and surrounding area if railway service were established.

**On motion of Mr. Humphreys, seconded by Mr. Howard, Council members approved the resolution as presented and read into the record by Mrs. Duehring has follows:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON IN SUPPORT OF CONSIDERATION BY THE VIRGINIA DEPARTMENT OF RAILS AND PUBLIC TRANSPORTATION OF PASSENGER SERVICE INTO SOUTHWEST VIRGINIA AND BEYOND INTO NORTHEAST TENNESSEE AND CONSIDERATION OF A PASSENGER STATION WITHIN THE TOWN OF ABINGDON IN WASHINGTON COUNTY**

**WHEREAS**, the Virginia Department of Rails and Public Transportation (DRPT) is currently working with Norfolk Southern Railroad (NS) to evaluate the feasibility of extending passenger rail service into Southwest Virginia; and

**WHEREAS**, the introduction of passenger rail would assist in alleviating the freight and personal vehicle congestion along U.S. Interstate 81, and improve our transportation infrastructure in Southwest Virginia; and

**WHEREAS**, such rail service route would traverse Washington County and pass through the Town of Abingdon; and

**WHEREAS**, the Town of Abingdon expresses interest in being considered as a possible stop along this service route through correspondence and meetings with DRPT; and

**WHEREAS**, the Town of Abingdon is owner of its 1912 Passenger Station, which it has recently renovated to its original look, and proposes to utilize it as a visitors center and passenger station, for use by the rail service, once more; and

**WHEREAS**, many citizens of Abingdon have expressed support for the possibility of a stop within this community as an additional mode of public transportation and to facilitate opportunities for economic development in both the Town and County; and

**WHEREAS**, the Council of the Town of Abingdon respectfully requests full and fair consideration by DRPT and NS as to the feasibility of passenger rail service in Southwest Virginia; and

**WHEREAS**, the Council of the Town of Abingdon strongly encourages DRPT to consider the Town as a possible stop and joins other Southwest Virginia localities in the support of passenger rail service through our region; and

**WHEREAS**, the Council of the Town of Abingdon directs a copy of this Resolution be forwarded to the Director of DRPT, the County of Washington, and our representatives in the Virginia General Assembly and United States Congress.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Town of Abingdon that it supports consideration by the Virginia Department of Transportation of Passenger Service into Southwest Virginia and Beyond into Northeast Tennessee and consideration of a passenger station within the Town of Abingdon in Washington County, Virginia.

**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>Vice Mayor Lowe</b> | <b>Aye</b> |

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**2. Consideration of a Resolution of the Council of the Town of Abingdon, Virginia in Support of the Proposed Beaches to Bluegrass Trail.**

Garrett Jackson, Assistant Town Manager reported that the Resolution before Council was a result of legislative action passed in 1972 and set forth to establish side trails from Virginia Beach to the Cumberland Gap. Mr. Jackson recommended Council consider approving the resolution in support of the proposed trail.

**On motion of Mr. Howard, seconded by Mr. Humphreys Council members approved the Resolution as presented and read into the record by Mr. Humphreys as follows:**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA IN  
SUPPORT OF THE PROPOSED BEACHES TO BLUEGRASS TRAIL**

**WHEREAS**, the Beaches to Bluegrass Trail is a proposed, statewide, shared-use trail that will connect the Cumberland Gap to the Atlantic Ocean through southern and southwestern Virginia; and

**WHEREAS**, trails, bicycle routes and lanes, pedestrian walkways, and greenways encourage walking, running, bicycling and horseback riding, which lead to healthier lifestyles for our citizens, as well as energy independence and reduced carbon emissions; and

**WHEREAS**, trails, bikeways, paths, and greenways foster economic development, create jobs, attract visitors to our county and encourage a better, more healthy and enjoyable quality of life for our workers and citizens; and

**WHEREAS**, time spent in nature helps renew the mind, body and spirit and trails, bikeways, paths, and greenways contribute to safer, more livable, family-friendly communities; and

**WHEREAS**, Abingdon, Virginia is blessed with the scenic and seasonal beauty of the rivers, streams, mountains, and valleys, as well as the wildlife of Virginia's Great Valley and Southern Appalachian Region; and

**WHEREAS**, Abingdon has the good fortune to already be a destination for trail users who enjoy the Virginia Creeper National Recreation Trail, the Overmountain Victory National Historic Trail, the Appalachian National Scenic Trail, the Crooked Road Virginia's Heritage Music Trail, and the Abingdon Urban Path System ; and

**WHEREAS**, Abingdon has been the host to the Virginia Highlands Festival, the annual January Jams Music Experience, the Thursday Jams Summer Music Experience, the Overmountain Victory Trail Association History Symposium, the Overmountain Victory Trail Association Semi-Annual Conference, the Southern Appalachian Greenways Alliance Conference, and the 2011 Biennial Conference on National Scenic and Historic Trails; and

**NOW THEREFORE BE IT RESOLVED** that the Council of the Town of Abingdon strongly supports the development of the Beaches to Bluegrass Trail; and

**BE IT FURTHER RESOLVED** that the Town of Abingdon is committed to working with other localities to connect these trails, bikeways, paths, and greenways; and

**BE IT FURTHER RESOLVED** that the Council of the Town of Abingdon is committed to working with our state and congressional representatives to support legislation promoting active, human-powered transportation facilities for the betterment of our county, region, state, and country.

**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>Vice Mayor Lowe</b> | <b>Aye</b> |

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## **L. MATTERS NOT ON THE AGENDA**

- Vice Mayor Lowe thanked all the members of the Abingdon Fire Department for attending the meeting for the recognition of Joey Burke, who is retiring as Chief of the Department.

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## **M. APPOINTMENTS TO BOARDS AND COMMITTEES**

### **1. Economic Development Authority**

- *Appointment to the EDA for the expired term of Kyle Macione who declined reappointment*

### **2. Board of Architectural Review**

- *Appointment of member to fill the expired term of Dr. Charles (Mike) Owens who is not eligible for reappointment*

Mr. Kelly, Town Manager reported that Council had not received additional applications for the positions and recommended that Council consider the appointments at the regular February, 2014 meeting.

No action was taken by Council on this matter.

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## **N. COUNCIL MEMBER REPORTS**

- Mr. Humphreys thanked the Fire Department for Christmas Dinner event he recently attended.
- Mr. Howard announced that he will be seeking re-election to the Town Council in the spring.
- Vice Mayor Lowe announced that she would be seeking re-election to the Town Council in the spring.
- Mr. Humphreys announced that he would be seeking re-election to the Town Council in the spring.
- Mrs. Lowe noted that the annual Rotary Frolics would be held the on January 31<sup>st</sup> and February 1<sup>st</sup> at the Barter Theatre.



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Cathy Lowe, Vice Mayor

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Cecile M. Rosenbaum, Town Clerk