TOWN OF ABINGDON REGULAR COUNCIL MEETING MONDAY, APRIL 4, 2022 – 6:30 pm COUNCIL CHAMBERS – MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Monday, April 4, 2022, at 6:30 pm in the Council Chamber of the Municipal Building.

A. WELCOME – Mayor Webb

Mayor Webb conveyed that Councilman James "Scabbo" Anderson passed recently and requested a moment of silence to honor his legacy and commitment to this community.

B. ROLL CALL

Members of Council Present:

Mike Owens

Amanda Pillion

Donna Quetsch, Vice Mayor

Derek Webb, Mayor

C. PLEDGE OF ALLEGIANCE

D. PRAYER – Brad Farmer, Executive Director of Faith In Action

E. APPROVAL OF AGENDA (VIDEO 9:34 - 10:10)

Mayor Webb requested that Item P-1, Swearing-in of Abingdon Police Department Sergeants, be moved to Item H-2, under the Proclamation for the Indoor Track Team.

On motion of Mr. Owens, seconded by Mrs. Quetsch, adopted the agenda with an amendment requested by Mayor Webb.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

F. PUBLIC COMMENTS - None

G. APPROVAL OF MINUTES (VIDEO 10:11 – 10:42)

- March 7, 2022
- March 16, 2022

On motion of Mrs. Pillion, seconded by Mrs. Quetsch, approved the March 7, 2022 and March 16, 2022 minutes as presented.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

H. PROCLAMATIONS (VIDEO 10:44 – 29:40)

1. Proclamation honoring and recognizing the Abingdon High School Girls' and Boys' Indoor Track Teams Region 3D Championship & Boys' Class 3 State Championship

Mayor Webb invited Coach Swiney to address his team. Mrs. Pillion read the Proclamation into the record, and Council presented the members with a framed Proclamation.

- I. PUBLIC HEARING Please place your name on the sign-up sheet provided, and comments are limited to five (5) minutes per person.
 - 1. Amendment of Ordinance, 62-61 paved sidewalks to be kept clean and unobstructed, to allow commercial business an annual sidewalk usage permit (VIDEO 37:09 41:48)

Ms. Rice informed the Council of requests for "outdoor retail"; in sales, advertisement, seating, and other encroachments on sidewalks. She stated that the Town's ordinances presently do not allow sidewalk usage by private businesses. The primary concerns for unpermitted sidewalk usage include vehicular and pedestrian accidents and damage to private property encroaching into the public right of way.

Ms. Rice advised that through working with other Town departments, the staff requests the Council approves an ordinance amendment to allow encroachments on the sidewalks, subject to an annual permitting process with an appropriate fee schedule. The permit would allow the ability to ensure adequate width of the sidewalk exists for ADA compliance; proof of liability coverage for seating and dining; and proof that outdoor alcohol consumption was permitted.

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

2. Proposed Zoning Text Amendment to Appendix B – Zoning Ordinance, Article 8. OH Old and Historic District, Section 8-2. Subsection 8-2-13 to add Hotels as a Special Use (VIDEO 41:49 – 45:43)

Ms. Rice advised Nate Berg to request that the Planning Commission add Hotels to permitted uses in the Old and Historic District, Sub-district 13. The Planning Commission initiated

Regular meeting minutes

the request for an amendment and asked staff to review Hotels as a special use rather than a permitted use. Ms. Rice discussed the staff's findings presented to the Planning Commission at the March 28, 2022 meeting, which voted unanimously. Ms. Rice requested Town Council decide whether to approve or deny the proposed ordinance for the Zoning Text Amendment.

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

3. Proposed Zoning Text Amendment to Appendix B – Zoning Ordinance, Article 10. B-1 Limited Business District, Section 10-2 Special Uses, Section 10-2-2 to add Hotels (VIDEO 45:55 – 50:29)

Ms. Rice conveyed that Nate Berg requested the Planning Commission add Hotels to permitted uses in the B1 Limited Business District. The Planning Commission initiated the request for an amendment and asked the staff to review Hotels as a special use rather than a permitted use. Ms. Rice discussed the staff's findings presented to the Planning Commission on March 28, 2022. Discussion ensued.

Mayor Webb declared the public hearing open for comment.

Nate Berg addressed the Council, stating that his plan was for a small boutique hotel.

Hearing no further comments, Mayor Webb closed the public hearing.

4. Proposed Zoning map amendment to rezone Tax Map ID 013-1-133, parcel consisting of 1.012 acres more or less located at 216 Park Street from M-1 Limited Industrial District to B-1 Limited Business District (VIDEO 50:31 – 54:50)

Ms. Rice stated that The Clink, LLC and Nate Berg requested approval for a zone map amendment for M-1, limited industrial, to B-1 limited business located at 216 Park Street, parcel number 013-1-133. Property owners ask to renovate a two-story brick building and add a third floor. The footprint of the building will remain unchanged for proposed use as a boutique hotel/short-term rental. Ms. Rice stated that access to the site would continue on Park Street, and adjoining properties are B-1 to the north and west, with adjacent parcels zoned M-1; and properties to the south zoned R-3. Ms. Rice stated B-1 or limited businesses are more appropriate for this land.

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

5. Proposed special use permit to renovate the two-story brick building and add 3rd floor as is required for action within the designated flood hazard area per Section No. 15- 9 of the Zoning Ordinance in the AE Flood Hazard District. Tax Map ID 013-1-133 at 216 Park Street (VIDEO 54:50 – 1:01:17)

Ms. Rice stated should the Council zone this property from M-1 to B-1, this parcel is part of the flood hazard area, which takes up approximately two-thirds of the parcel on the southern portion. She stated this was original the Washington County Jail and Holston Mountain Artisans. Mr. Berg wants to renovate the two-story brick building and add a third floor. The footprint of the building remains the same, and it is currently in the flood plain, and nothing will change the base flowing elevation. She stated that all uses, activities and development occurring within any flood hazard district shall be undertaken upon the issuance of a special use permit.

Ms. Rice stated Town Engineer Tyler Vencill determined this required a special use permit. However, he also determined based on the study provided a conservative approach without additional project cross information assumes that the improvements fall within section E as a substantial improvement defined as any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of the construction of the improvement.

Ms. Rice conveyed the flood report indicated that no addition or new construction is proposed outside the existing building footprint and, therefore, will not increase the base flood elevation. Mr. Vencill's opinion was the criteria set out within the Town's Code had been performed using good engineering principles and methods and satisfied those requirements.

Ms. Rice recommended approval of the special use permit based on the Flood Hazard District's utilization; however, should the site include new encroachments or construction, additional analysis would be required. It is recommended that this development be undertaken only in strict compliance with the provisions of any other applicable codes or ordinances. Ms. Rice announced that the Planning Commission approved the special use permit. However, staff had conditions with this approval, including the submittal of a final site plan with landscaping and lighting, sign permits, and applicable building permits to ensure compliance with the Virginia USBC for construction and required floodproofing.

Mayor Webb questioned if the parcel had adequate parking, with Ms. Rice responding parcel had adequate shared parking with no subdivision requested. Mr. Owens inquired if the developer would coordinate curbing with the Park Street project. Councilman Owens asked if the developer could coordinate curbing with the Park Street project. Nate Berg responded those improvements fall right in line with this project; essentially it saves them from some work as those improvements will stretch all along Park Street and incorporate those into the submitted site plan.

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

Regular meeting minutes

6. Proposed use of property, namely 306 Depot Square, also known as *The Train Station*, for lease as a retail incubator. (VIDEO 1:01:07 – 1:06:26)

Tonya Triplett, Assistant Town Manager and Director of Economic Development & Tourism, stated there was very little open space for businesses and discussed the possibility of *The Train Station* being used as a retail incubator. Counsel Bell advised that the only thing being discussed is that a public hearing must be held by statute to lease property. Mr. Bell stated that any other uses discussed would require a lease and presented to Council for consideration.

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

J. RESOLUTIONS

1. Resolution for Blanket Project Funding Commitment and Blanket Signature Authority to administer transportation projects under agreement with the Virginia Department of Transportation – *Michael Surrett, Interim Director of Public Works* (VIDEO 1:06:27 – 1:08:05)

Mr. Surrett advised that it was time to renew the blanket authority and signature for the Town Manager to execute agreements through the VDOT programs. Mr. Surrett requested the Council support the Resolution.

On motion of Mr. Owens, seconded by Mrs. Pillion, approved the Resolution as presented.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

2. Resolution supporting the French Moore, Jr. Boulevard Extension and Cook Street Extension for Virginia Department of Transportation Smart Scale evaluation cycle for funding - *Michael Surrett, Interim Director of Public Works* (VIDEO 1:08:05 – 1:10:13)

Mr. Surrett advised that the Town is currently in round five with Smart Scale with the two projects, with the French Moore Jr. Boulevard being submitted by the Bristol MPO, and the Cook Street extension will be submitted by Town staff. Mr. Surrett stated this Resolution was needed as support for the application. Discussion ensued regarding procedure and the timetable.

On motion of Mrs. Pillion, seconded by Mrs. Quetsch, approved the Resolution as presented.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

3. Resolution approving special use permit to renovate the two-story brick building and add a third floor as is required for action within designated flood hazard area per Section No. 15-9 of the Zoning Ordinance in the AE Flood Hazard District, Tax Map ID 013-1-133 at 216 Park Street – *Mayana Rice, Director of Community Development* (VIDEO 1:10:15-1:11:51)

Ms. Rice stated that the Planning Commission voted to recommend approval with no comments during the public hearing. Ms. Rice recommended approving the Resolution subject to the staff's recommendations to submit a final site plan with landscaping, a final site plan with final lighting plan, a site plan with a sign permit, and submittal of all applicable building permits to Community Development to ensure compliance with Virginia USBC for both constructions permitting and for required floodproofing.

On motion of Mr. Owens, seconded by Mrs. Quetsch, approved the Resolution as presented with staff's conditions as set forth by Ms. Rice.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

K. FIRST READING OF ORDINANCES

1. First reading – Amendment of Ordinance, 62-61 Paved sidewalks to be kept clean and unobstructed, to allow commercial business an annual sidewalk usage permit – Mayana Rice, Director of Community Development (VIDEO 1:11:54 – 1:13:12)

Ms. Rice stated that this amendment allows commercial businesses to use approved portions of sidewalks only upon Town approval of an annual sidewalk usage permit. Staff is recommending approval, and there were no public comments during the public hearing.

On motion of Mr. Owens, seconded by Mrs. Pillion, adopted Ordinance as presented and dispelled with second reading.

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

2. First Reading – Proposed Zoning Text Amendment to Appendix B – Zoning Ordinance, Article 8. OH Old and Historic District, Section 8-2. Subsection 8-2-13 to add Hotels as a Special Use. – *Mayana Rice*, *Director of Community Development* (VIDEO 1:13:13 - 1:14:41)

Ms. Rice advised the Planning Commission held a public hearing on March 28, 2022 and recommended unanimously to approve it, and no public comments for either suggested amendments during the public hearings.

Council considered Items K-2 and K-3 under one motion.

On motion of Mrs. Pillion, seconded by Mrs. Quetsch, adopted Ordinances as presented and dispelled with second reading.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

3. First Reading – Proposed Zoning Text Amendment to Appendix B – Zoning Ordinance, Article 10. B-1 Limited Business District, Section 10-2 Special Uses, Section 10-2-2 to add Hotels. *Mayana Rice, Director of Community Development*

See Item K- 2.

4. First Reading - Proposed Zoning map amendment to rezone Tax Map ID 013-1-133, parcel consisting of 1.012 acres more or less located at 216 Park Street from M-1 Limited Industrial District to B-1 Limited Business District – *Mayana Rice, Director of Community Development* (VIDEO 1:14:46 – 1:15:51)

Ms. Rice stated the Planning Commission held a public hearing on March 28, 2022 and unanimously approved, and no public comments during the public hearing.

On motion of Mr. Owens, seconded by Mrs. Pillion, adopted Ordinance as presented and dispelled with second reading.

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

5. First Reading – Proposed Ordinance to establish and enact Inflow and Infiltration of Stormwater and Enforcement of Sewer Use Standards, Article II Sewers and Sewage Disposal, Division 4 Wastewater Discharge, Sections 74-98 to 74-103 – *Cameron Bell, Counsel* (VIDEO 1:15:52 – 1:19:26)

Mr. Bell advised this Ordinance was addressed pre-pandemic regarding wastewater discharge and fines.

On motion of Mrs. Quetsch, seconded by Mr. Owens, adopted Ordinance as presented and dispelled with second reading.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

L. SECOND READING OF ORDINANCES

M. CONSIDERATION OF BIDS

N. NEW BUSINESS

1. Authorization for Petition to fill Council the vacancy of Mr. James Anderson – *Cameron Bell, Counsel* (VIDEO 1:19:34 – 1:21:46)

Mr. Bell advised there were two statutory periods, to file a petition with the Court, which will then enter an Order to the election board to set an election to fill Mr. Anderson's remaining term, probably during the next regular election in November. Mr. Bell stated there is a forty-five-day period in which Council could fill an interim until the election occurs.

On motion of Mrs. Pillion, seconded by Mrs. Quetsch, authorized Cameron Bell to file a Petition to fill Council vacancy of James Anderson.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

O. OLD BUSINESS

P. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER

1. Swearing-in of Abingdon Police Department Sergeants – Chief Jon Holbrook (VIDEO 29:40 – 37:01) Item moved after Item H-1

Mayor Webb invited Chief Jon Holbrook to introduce David Cody Johnson and Matthew R. Fields. Chief Holbrook announced Mr. Johnson and Mr. Fields' promotions as Sergeants for the Abingdon Police Department. Sergeants Johnson and Fields accepted oaths of office, and Council congratulated them on their promotions.

2. Memorandum of Understanding by and between the Town of Damascus and the Town of Abingdon regarding maintenance of the Virginia Creeper Trail – Cameron Bell, Counsel (VIDEO 1:22:13 – 1:25:53)

Mr. Bell advised there was nothing in writing regarding the jointly owned section regarding maintenance and would suggest a general Memorandum of Understanding that the Town would adequately fund maintenance and Damascus would participate financially when available. Discussion ensued.

On motion of Mr. Owens, seconded by Mrs. Pillion, authorized Cameron Bell to draft a Memorandum of Understanding and the Town Manager enter into the Memorandum of Understanding with the Town of Damascus.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

3. Presentation of quarterly report – *Project Manager Christopher Pritt, Woodard & Curran* (VIDEO 1:25:54 – 1:50:04)

Christopher Pritt provided Council with a quarterly report, including system upgrades, no overflows during February, and assistance with the Inflow and Infiltration and overflow issues throughout the Town's collection system. Discussion ensued.

4. Presentation of Arborist yearly report – *Kevin Sigmon*, *Arborist* (VIDEO 1:50:09 - 2:04:21)

Mr. Sigmon presented his "State of the Trees Address," covering several topics, including the Arbor Day Celebration on April 14, 2022 at the E. B. Stanley Middle School.

Regular meeting minutes

5. Discussion regarding Section 38-28, Weeds and trash as a public nuisance – Mayana Rice, Director of Community Development (VIDEO 2:04:24 – 2:09:33)

Ms. Rice advised the ordinance has been in effect for more than twenty-five years, and staff provided a public notification for media distribution as a reminder. Ms. Rice stated that the majority of previous years involve weed growing season. Ms. Rice stated that the process is complaint-driven, and the goal is compliance. She said that after the steps had been completed and the property the Town would then need to mow and assess fees.

Q. COUNCIL MEMBER REPORTS (2:09:33 – 2:12:13)

Due to the forty-five-day deadline, Counsel Bell requested a consensus to solicit applications for the Interim Town Council member position. This person would fill the position until the next election in November. Mr. Bell stated four seats, including one for a two-year term and three for four-year terms. Council authorized Mr. Bell and Mr. Mathers to facilitate the process of soliciting applications.

Mayor Webb thanked Mr. Mathers for filling in as Interim Town Manager.

R. CLOSED SESSION

1. Closed session pursuant to Code of Virginia, 1950, as amended, to discuss a matter involving disposition of publicly held real property because discussion in an open meeting would adversely affect our bargaining position. (VIDEO 2:12:13 – 2:28:35)

On motion of Mr. Owens, seconded by Mrs. Pillion, to convene in closed session pursuant to Code of Virginia, 1950, as amended, Section 2.2-3711(A)(3) to discuss a matter involving disposition of publicly held real property because discussion in an open meeting would adversely affect our bargaining positon, and pursuant to Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the purpose of considering applications for appointment for position on Tourism Advisory Board, Sustain Abingdon, and Planning Commission.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

On motion by Mr. Owens, seconded by Mrs. Pillion, reconvened in open session. (VIDEO 2:28:36-2:28:54)

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

Mr. Owens 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. (VIDEO 2:28:55 – 2:29:24)

The certification was as follows:

| Mr. Owens | I so certify | |
|--------------|--------------|--|
| Mrs. Pillion | I so certify | |
| Mrs. Quetsch | I so certify | |
| Mayor Webb | I so certify | |

S. APPOINTMENTS TO BOARDS AND COMMITTEES (VIDEO 2:29:25 – 2:31:15)

- 1. Tourism Advisory Committee
 - Appointment to fill vacancy of retail or downtown business owner

On motion by Mr. Owens, seconded by Mrs. Pillion, appointed Jessica Smith to serve as the retail/downtown business owner on the Tourism Advisory Committee.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

- 2. Sustain Abingdon
 - Appointment to fill unexpired term of Erin Bond
 - Appointment to fill unexpired term of Joel Taylor

On motion by Mr. Owens, seconded by Mrs. Pillion, appointed Elizabeth Hill Gardner and Tom McMullen to serve on the Sustain Abingdon committee.

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |

Mayor Webb

Aye

- 3. Planning Commission
 - Appointment of Council member to fill unexpired term of Councilman James Anderson

On motion by Mr. Owens, seconded by Mrs. Pillion, appointed Vice Mayor Donna Quetsch to fill unexpired term of Councilman James Anderson on the Planning Commission.

The roll call vote was as follows:

| Mr. Owens | Aye |
|--------------|-----|
| Mrs. Pillion | Aye |
| Mrs. Quetsch | Aye |
| Mayor Webb | Aye |

Mayor Webb declared the meeting adjourned.

Mayor Derek Webb