**TOWN OF ABINGDON, VIRGINIA**
**REGULAR SESSION**
**MONDAY, MARCH 2, 2020 – 6:30 pm**
**COUNCIL CHAMBERS**
**TOWN HALL**

# AGENDA

***Welcome to the Town of Abingdon, Virginia Council meeting. We appreciate your interest and we encourage public participation in our meeting. Your comments are important to our decision making process. Please note that there will be an opportunity during the meeting for you to address the Council members when the Mayor declares the public comments open. We do request that anyone addressing the Council, sign-up, approach the podium, identify your first and last name and give your complete mailing address.***

**A. WELCOME –** ***Mayor Craig***

**B. ROLL CALL –** ***Kim Kingsley, Clerk***

**C. PLEDGE OF ALLEGIANCE –** ***Mayor Wayne Craig***

**D. PUBLIC COMMENTS –** Please place your name on the sign-up sheet provided and comments are limited to three (3) minutes per person.

**E. APPROVAL OF MINUTES**

- January 6, 2020 Regular Meeting
- January 22, 2020 Work Session
- February 2, 2020 Regular Meeting

**F. PROCLAMATIONS**

1. Proclamation recognizing March 2020 as Meals on Wheels month – ***Cindy Patterson, Vice Mayor***

**G. RESOLUTIONS**

**H. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

1. Public Hearing / First Reading of Ordinance – Zoning Text Amendment to the Code of the Town of Abingdon, Virginia, Appendix B – Zoning Ordinance, Article 21. – Signs, Section 21-8. – Prohibited Signs, 21-8-1 t. – ***James Morani, Town Manager***

**I. SECOND READINGS**

1. Second Reading - proposed amendment to Town of Abingdon Code, Part II – Code, Chapter 2 – Administration, Division 4, Ordinances and Resolutions, Section 2-96 Generally. – ***James Morani, Town Manager***
2. Second Reading - proposed amendment to Section 2-129. – Fire Department – ***James Morani, Town Manager***
3. Second Reading - proposed amendment to Town of Abingdon Code, Part II – Chapter 2 – Administration, Article V. – Procurement; Sales – ***James Morani, Town Manager***
4. Second Reading - proposed amendment to the Town of Abingdon Code, Part II – Chapter 74 – Utilities, Article II. – Sewers and Sewage Disposal, Division 1. – Generally, Section 74-28. – Administration and Section 74-34. – Application for Service. – ***James Morani, Town Manager***
5. Second Reading – proposed amendment to Town of Abingdon Code, Part II – Chapter 74 – Utilities, Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision I. – In General, Section 74-82. – Administration.; Subdivision III. – Administration, Section 74-123. – Wastewater Analysis and Section 74-124. – Permit – Requirement. – ***James Morani, Town Manager***

**J. CONSIDERATION OF BIDS –**

**K. REPORTS FROM THE TOWN MANAGER / STAFF**

1. Update regarding the Abingdon Sessions – ***Jayne Duehring, Director of Tourism***

**L. OLD BUSINESS - MATTERS NOT ON THE AGENDA**

**M. COUNCIL MEMBER REPORTS**

**N. APPOINTMENTS TO BOARDS AND COMMITTEES**

1. **Historic Preservation Review Board**
   - Appointment to fill the expired term of Andrew Neese
   - Reappointment of Byrum Geisler, who is eligible to serve an additional term.
2. **Board of Building Code Appeals**
   - Appointment to fill the expired term of Charlie Day
   - Appointment to fill the expired term of Bob Baker
3. **Sustain Abingdon**
   - Appointment to fill an vacancy
   - Reappointment of Melissa Kalb, who is eligible to serve an additional two year term
4. **Economic Development Authority**
   - Appointment to an unexpired term of Alex Brown, who is unable to complete his term
5. **Recreation Advisory Commiss**ion
   - Appointment to fill the appointment of Larry Bales, who does not wish to serve an additional term
   - Appointment to fill the appointment of Steve Puckett, who does not wish to serve an additional term

**O. ADJOURNMENT**

**TOWN OF ABINGDON**
**REGULAR MEETING**
**MONDAY, JANUARY 6, 2020 – 6:30 PM**
**COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, January 6, 2020 at 6:30 pm in the Council Chambers, 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

**C. PLEDGE OF ALLEGIANCE –** *Al Bradley, Councilmember*

**D. PUBLIC COMMENTS –** Please place your name on the sign-up sheet provided and comments are limited to three (3) minutes per person. **(VIDEO 6:51 – 16:18)**

- Link Elmore
- Anita Manuel
- Billy E. Fullen

**E. APPROVAL OF MINUTES (VIDEO 16:30 – 19:02)**

- December 2, 2019 regular meeting
- December 19, 2019 work session

Ms. Patterson advised of one change to the December 2, 2019 minutes pertaining to Section M - Council Members Reports to stated "honored to serve" not "honored to service; and one change to the December 19, 2019 work session pertaining to H. – Reports from Council / Staff to state "regarding getting a recycle program back to Abingdon" from "regarding a recycling program."

**On motion by Ms. Patterson, seconded by Mr. Bradley, Council approved the December 2, 2019 regular meeting minutes with noted correction.**

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

**Mr. Bradley Aye**

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| | |
|---|---|
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

**On motion by Ms. Patterson, seconded by Mr. Webby, Council approved the December 19, 2019 work session minutes with noted correction.**

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

| | |
|---|---|
| **Mr. Bradley** | **Aye** |
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

**F. PROCLAMATION –** None

**G. RESOLUTIONS -** None

**H. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES -**

1. Resolution for submission of proposed changes to Town of Abingdon Charter – ***James Morani, Town Manager*** **(VIDEO 19:22 – 21:55)**

Town Manager Morani stated the presented modification to the proposed Charter resulting from discussion in the December work session.

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

**On motion by Ms. Patterson, seconded by Mr. Bradley, Council adopted the Resolution in support of an act to amend and reenact Part I – Charter, Chapters 1 -7 as presented.**

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

| | |
|---|---|
| **Mr. Bradley** | **Aye** |
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

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## I. SECOND READINGS

1. Second Reading of Ordinance regarding adoption of Town of Abingdon Code, Chapter 2 – Administration, Article VII. Boards, Commissions and Committees – ***James Morani, Town Manager*** **(VIDEO 21:58 – 23:48)(25:36 – 26:50)**

Town Manager Morani stated that this is the second reading of the Ordinance. Mr. Morani also updated Council that this ordinance was regarding serving and how uniformity is addressed.

**On motion by Mr. Bradley, seconded by Mr. Webb, Council adopted the proposed Ordinance relating to Chapter 2 – Administration, Article VII. Boards, Commissions and Committees as presented.**

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

| | |
|---|---|
| **Mr. Bradley** | **Aye** |
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

2. Second Reading of Ordinance to repeal, amend and reenact Part II – Code, Chapter 54, Parks and Recreation, Article II. – Advisory Commission – ***James Morani, Town Manager*** **(VIDEO 23:51 – 25:26)**

Town Manager Morani stated that this matter has been through the first reading and Mr. Bell stated that the appointment term was changed from three to four-years and language referring to expiring annually that is being removed regarding the Recreation Advisory Committee.

**On motion by Mr. Webb, seconded by Ms. Patterson adopted the proposed repeal, amendment and reenactment Part II – Code, Chapter 54, Parks and Recreation, Article II. – Advisory Commission as presented.**

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

| | |
|---|---|
| **Mr. Bradley** | **Aye** |
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

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3. Second Reading of Ordinance to repeal, amend and reenact Part II – Code, Chapter 2 – Administration, Article III. – Officers and Employees, Section 2-126. – Town Manager; Treasurer – ***James Morani, Town Manager*** **(VIDEO 25:26 – 34:27)**

Mr. Bell stated that the Council is only addressing Section 2-126 and at the present time Section 2-129 Fire Department is still in effect since the Charter has not been changed. Discussion ensued.

**On motion by Mr. Webb, seconded by Ms. Patterson adopted the proposed repeal, amendment and reenactment Part II – Code, Chapter 2 – Administration, Article III. – Officers and Employees, Section 2-126. – Town Manager, Treasurer as presented.**

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

| | |
|---|---|
| **Mr. Bradley** | **Aye** |
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

**J. CONSIDERATION OF BIDS –**

1. Authorization to award contract to Hydrostructures for on-call engineering services – ***John Dew, Director of Public Works*** **(VIDEO 34:29 – 36:59)**

Mr. Dew advised Council that a result of the Infrastructure and Infiltration study, several areas need to be addressed and additional work not anticipated, he would propose hiring an additional on-call engineering service, namely Hydrostructures.

**On motion by Mr. Bradley, seconded by Mr. Webb, to authorize the Town Manager to enter into competitive negotiation with Hydrostructures to be added to our list of wastewater treatment and collection on-call consultants.**

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

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

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2. Authorization to award contract to Dovetail Cultural Resource to perform professional services associated with Historic District. – *Jason Boswell, Director of Planning* **(VIDEO 37:45 – 40:34)**

Town Manager Morani stated this is a contract for performing surveys of the structures through the historic district, original and the expanded district, as it is estimated that one has not been completed for 30-40 years. Mr. Morani stated that a portion of this is being funded through a grant for $26,000 awarded by DHR and the staff has ranked the bidders recommending Dovetail Resource out of Fredericksburg. This will include all the structures and some outreach to residents. Discussion ensued. Mr. Morani advised Council that this does not include structures on Bradley Street as that would require a separate contract.

**On motion by Mr. Bradley, seconded by Ms. Patterson, to authorize the Town Manager to engage the services of Dovetail Cultural Resource to perform professional services associated with Historic District.**

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

| | |
|---|---|
| **Mr. Bradley** | **Aye** |
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

**K. REPORTS FROM THE TOWN MANAGER / STAFF**

1. Consideration of financing IT equipment/software – ***Floyd Bailey, IT Director*** **(VIDEO 40:41 – 57:48)**

Mr. Bailey presented information to Council with regard to the need to upgrade IT equipment/software to remedy storage issues. Lengthily discussion ensured.

**On motion by Mr. Bradley, seconded by Mr. Webb, to authorize the Town Manager, working with Finance Director, to secure leasing for IT equipment/software upgrades.**

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

| | |
|---|---|
| **Mr. Bradley** | **Aye** |
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

DRAFT

## L. OLD BUSINESS - MATTERS NOT ON THE AGENDA (VIDEO 57:51 – 1:09:25)

Town Manager James Morani provided an update with regard to the Barter Theatre crosswalk. John Dew, Director of Public Services also provided an update regarding additional enhancements to increase the visibility. Discussion ensued. Jackie Blevins, Director of Advancement at Barter Theatre, also addressed the Council.

## M. COUNCIL MEMBER REPORTS (VIDEO 1:09:26 – 1:15:06)

Mr. Bradley wished everyone a Happy New Year. Mrs. Quetsch provided the Council with the Finance Committee update. Ms. Patterson stated that it had been a busy December attending Council meetings, Conflict of Interest Act training and several events. Ms. Patterson also stated that she was speaking with a Roanoke company regarding recycling. Mr. Webb stated that he attended several events, including the Finance Committee and Recreational Advisory Committee meetings. Mr. Webb also stated that he plans on attending an upcoming meeting regarding the sports complex later this month.

## N. APPOINTMENTS TO BOARDS AND COMMITTEES (VIDEO 1:15:09 – 1:16:13)

1. **Tourism Advisory Committee**

   - Appointment to fill the (Attractions – Barter Theatre entity) unexpired term of Kalonn Roberts, who is unable to serve appointed term

**On motion by Ms. Patterson, seconded by Mr. Webb, Council appointed Daniel McNeillie, Director of Marketing, to fill the unexpired term of Kalonn Roberts.**

**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.

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J. Wayne Craig, Mayor

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Kimberly Kingsley, Clerk

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**TOWN OF ABINGDON**
**WORK SESSION**
**WEDNESDAY, JANUARY 22, 2020 – 2:30 PM**
**COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A work session of the Abingdon Town Council was held on Wednesday, January 22, 2020, 2019 at 2:30 pm in the Council Chambers 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 he and Vice-Mayor Patterson received complaints regarding Elderspirit regarding a matter that was discussed at a meeting recently. Mayor Craig explained that this matter would be treated as an agenda item so staff could respond, if necessary.

Town Manager James Morani stated that he spoke with staff, including Chief Tony Sullivan and Town Counsel, Cameron Bell and provided an update regarding the matter recently filed in the Washington County General District Court.

H. Randall Grumpelt was called to speak on this matter at this time. Discussion ensued.

**C. PUBLIC COMMENTS (VIDEO )**

- H. Randall Grumpelt
- Michael Miano

John Dew, Director of Public Works, introduced Matt Henderson, Facilities Maintenance Manager and was welcomed by the Council.

**D. NEW BUSINESS**

1. Discussion regarding proposed amendment to Town of Abingdon Code, Part II – Code, Chapter 2 – Administration, Division 4, Ordinances and Resolutions, Section 2-96 Generally. – ***James Morani, Town Manager***

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Cameron Bell, Counsel stated that the proposed amendment to this Ordinance would set forth procedures for enacting an ordinance and effective from the date of their passage, unless indicated otherwise in the ordinance or resolution. Council agreed to place this matter on the February 3, 2020 agenda for consideration.

2. Discussion regarding amendment to Section 2-129. – Fire Department – ***James Morani, Town Manager***

Cameron Bell, Counsel reported that this section is being amended to state that the Town Manager or designee shall appoint the fire department officers, as provided in Code of Virginia, Section 27-13 as a result of the proposed Charter amendments. Council agreed to place this matter on the February 3, 2020 agenda for consideration.

3. Discussion regarding proposed amendment to Town of Abingdon Code, Part II – Chapter 2 – Administration, Article V. – Procurement; Sales – ***James Morani, Town Manager***

Town Manager James Morani stated that this proposed amendment states that the Town of Abingdon will follow the Virginia Public Procurement Act and that the Town Manager or designee may establish purchasing procedures in writing that do not require competitive sealed bids or competitive negotiation for certain contracts that are consistent with the Act. Council agreed to place this matter on the February 3, 2020 agenda for consideration.

4. Discussion regarding proposed amendment to the Town of Abingdon Code, Part II – Code, Chapter 74 – Utilities, Article II. – Sewers and Sewage Disposal – ***James Morani, Town Manager***

Town Manager James Morani stated as a result of an Inflow and Infiltration System study and a review of the Town code that lead to the proposed amendments. Mr. Morani stated that Section 74-34. Application for Service would allow the Town Manager or designee to refuse any application if there were insufficient capacity in the sewage works to allow for a new connection and Section 74-28. Administration changes “facility manager” to “town manager”. Council agreed to place this matter on the February 3, 2020 agenda for consideration.

5. Discussion regarding recent Infrastructure and Infiltration sewer study – ***John Dew, Director of Public Services***

John Dew provided Council with an update regarding two projects identified that require immediate attention, namely East Valley Street/Walden Road that includes grade problems, and a force main at Exit 19. Mayor Craig questioned as to whether both studies had been finalized and requested that they be posted to the Town’s website at that time.

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6. Discussion regarding alternative election of mayor and council at November general election – ***James Morani, Town Manager***

Town Manager James Morani stated that information contained in the Code of Virginia and Town Code was included in the packet as discussion was held regarding moving from the May election to the General Election in the Fall. Discussion ensued and Council asked Mr. Morani to contact Richard Macbeth, a citizen who spoke during the public comments recently.

7. Discussion regarding handicapped parking on Main Street – ***John Dew, Director of Public Services***

John Dew briefed the Council with regard to regulations required for on-street parking and that his professional opinion was that off-street parking was far better for safety issues. Discussion ensured.

8. Discussion regarding recycling – ***Cindy Patterson, Vice-Mayor***

Joseph Benedetto with Recycling & Disposal Solutions from Roanoke, Virginia presented information to Council. Discussion ensued and it was agreed that John Dew, Director of Public Works and Town Manager James Morani would meet with Mr. Benedetto to discuss the possibility of working with the Town.

**E. UNFINISHED BUSINESS**

1. Discussion regarding a lease agreement by and between The Town of Abingdon, Virginia and Senior Services Center, Inc. dba The Community Center of Abingdon for a portion of property located at 300 Senior Drive, including a non-exclusive fifteen-foot (15') wide permanent easement for ingress and egress. – ***James Morani, Town Manager***

Town Manager advised Council that the proposed lease has been agreed upon and this matter will be scheduled for public hearing at an upcoming meeting.

**F. MATTERS NOT ON THE AGENDA -** None

**G. REPORTS FROM COUNCIL / STAFF –** None

Mayor Craig adjourned the meeting.

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J. Wayne Craig, Mayor

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Kimberly Kingsley, Clerk

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**TOWN OF ABINGDON**
**REGULAR MEETING**
**MONDAY, FEBRUARY 3, 2020 – 6:30 PM**
**COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, February 3, 2020 at 6:30 pm in the Council Chambers, 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

**C. PLEDGE OF ALLEGIANCE –** *Derek Webb, Councilmember*

**D. PUBLIC COMMENTS –** Please place your name on the sign-up sheet provided and comments are limited to three (3) minutes per person. **(VIDEO 2:37 – 8:47)**

- Don McDonald
- Anita Manuel

**E. APPROVAL OF MINUTES (VIDEO 8:50 – 8:55)**

- January 6, 2020 regular meeting
- January 22, 2020 work session

Mayor Craig advised Council would dispense with approval of the minutes until the next meeting.

**F. PROCLAMATION –** None

**G. RESOLUTIONS -** None

**H. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES -**

1. First Reading - proposed amendment to Town of Abingdon Code, Part II – Code, Chapter 2 – Administration, Division 4, Ordinances and Resolutions, Section 2-96 Generally. – ***James Morani, Town Manager*** **(VIDEO 9:03 – 11:14)**

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Town Manager Morani advised Council that this was a change to the enacting clause of all ordinances and the effective date. Discussion ensued.

Mayor Craig questioned whether this proposal should be rejected. Hearing no comments, the matter will be considered for a second reading.

2. First Reading - proposed amendment to Section 2-129. – Fire Department – ***James Morani, Town Manager*** **(VIDEO 11:14 – 12:01)**

Town Manager Morani stated that this change was consistent with the proposed Charter amendment of the Town Manager or designee shall appoint fire department officers as provided by Code of Virginia, Section 27-13.

Mayor Craig questioned whether this proposal should be rejected. Hearing no comments, the matter will be considered for a second reading.

3. First Reading - proposed amendment to Town of Abingdon Code, Part II – Chapter 2 – Administration, Article V. – Procurement; Sales – ***James Morani, Town Manager*** **(VIDEO 12:02 – 12:40)**

Town Manager Morani stated that this ordinance will adopt the Virginia Public Procurement Act and that the Town Manager or designee could establish purchasing procedures in writing not requiring competitive sealed bids or competitive negotiations for certain contracts consistent with the Virginia Public Procurement Act.

Mayor Craig questioned whether this proposal should be rejected. Hearing no comments, the matter will be considered for a second reading.

4. First Reading - proposed amendment to the Town of Abingdon Code, Part II – Code, Chapter 74 – Utilities, Article II. – Sewers and Sewage Disposal – ***James Morani, Town Manager*** **(VIDEO 12:41 – 14:17)**

Town Manager Morani explained that the changes included clarifying the term "Facility Manager" to the Town Manager or designee and enacting the Town Manager or designee to refuse an application should there be insufficient capacity in the sewage works to allow for a new connection. Mr. Morani reminded Council that each section was reviewed at the last work session and the red-lined draft form that was provided, were inadvertently admitted from this packet.

Mayor Craig questioned whether this proposal should be rejected. Hearing no comments, the matter will be considered for a second reading.

**I. SECOND READINGS -** None

DRAFT

**J. CONSIDERATION OF BIDS –** None

**K. REPORTS FROM THE TOWN MANAGER / STAFF**

***1.*** Presentation of quarterly financial report and revenue projection – ***Chuck Banner, Director of Finance –Treasurer*** **(VIDEO 14:23 – 22:44)**

Chuck Banner, Director of Finance – Treasurer presented the General and Sewer Fund summary as of December 31, 2019 to Council. Mrs. Quetsch, Chairperson of Finance Committee, stated that would like this presentation to become a standard practice. Mayor Craig that it was very beneficial and Mr. Bradley requested that any future reports be included with the agenda.

2. Possible appointment of Town representative to the board of Community Center of Abingdon – ***James Morani, Town Manager*** **(VIDEO 22:45 – 26:04)**

Town Manager Morani stated that this matter is for discussion purposes, however feels that the non-departmental process should be completed prior to making a decision. Mayor Craig stated that he felt if Washington County appointed a representative that the Town should also. Mrs. Quetsch volunteered to serve as the Town's representative.

**On motion by Mr. Webb, seconded by Mr. Bradley, Council appointed Donna Quetsch to be the Town's representative to the board of The Community Center of Abingdon.**

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

| | |
|---|---|
| **Mr. Bradley** | **Aye** |
| **Mrs. Quetsch** | **Aye** |
| **Mr. Webb** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mayor Craig** | **Aye** |

Town Manager Morani provided Council with a brief update regarding the non-departmental funding requests received. Mr. Morani stated it was decided during last month's Finance Committee meeting that he would appoint a staff committee that would review the requests and provide a rating based on established criteria. Mr. Morani stated that this was proposed to streamline the process prior to the March 26, 2020 meeting. Mr. Morani advised that during the next two weeks, he would be meeting with department heads to discuss inter-departmental budgets. Ms. Patterson requested that Council receive a copy of the non-departmental requests. **(VIDEO 26:06 – 29:07)**

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**L. OLD BUSINESS - MATTERS NOT ON THE AGENDA (VIDEO 29:11 – 30:10)**

Ms. Patterson provided an update with regard to recycling and that a late February meeting will be held with Carol Doss, Executive Director of Upper Tennessee River Roundtable.

**M. COUNCIL MEMBER REPORTS (VIDEO 30:14 – 37:13)**

Mr. Bradley briefed Council regarding discussions involving vehicles parked as advertisements parked on lots was discussed at the Planning Commission and the Comprehensive Plan was on next month's agenda. Mayor Craig thanked the Planning Commission for addressing that issue.

Mrs. Quetsch stated that she had been busy and enjoyed serving.

Ms. Patterson expressed that she attended all meetings, participated in the Martin Luther King Parade and Business Challenge kickoff. She provide an update from the Tree Commission that several evasive Bradford pear trees would be removed in the Main Street area and was devastated that the large oak tree was lost at the Tourism Department recently. Ms. Patterson announced that the sixth-largest red mulberry tree in the Commonwealth is located on her property. She also requested support as she would be a candidate for re-election in May.

Mr. Webb stated that it was a busy month with the Finance Committee and regular monthly meetings with the Recreation Advisory Committee and would be travelling to Richmond to participate in the Virginia Legislative Day.

Mayor Craig stated that he serves on the District III board and was saddened to learn that Executive Director David Richardson had resigned for health reasons.

Counsel Cameron Bell provided Council with an update regarding the Icenhour and Kelly EEOC matters.

**N. APPOINTMENTS TO BOARDS AND COMMITTEES -** None

Mayor Craig adjourned the meeting.

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J. Wayne Craig, Mayor

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Kimberly Kingsley, Clerk

DRAFT

# PROCLAMATION

## March 2020 as March for Meals Month

***Whereas***, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors, 60 years and older; and

***Whereas***, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

***Whereas***, the 2020 observance of March for Meals provides an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation. The week of March 16-20 is considered "Community Champions Week" when local leaders, local celebrities and other prominent figures deliver meals and speak out for seniors, to help raise awareness for the power of Meals on Wheels; and

***Whereas***, Meals on Wheels programs–both congregate and home-delivered, in the Town of Abingdon and Washington County, have served our communities admirably for several years; and

***Whereas***, volunteers for Meals on Wheels programs are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

***Whereas***, the Meals on Wheels program provides nutritious meals to seniors throughout the Town and County that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

***Now, Therefore***, I, J. Wayne Craig, Mayor for the Town of Abingdon, do hereby proclaim March 2020 as March for Meals Month and the "Community Champions Week" and urge every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and all the volunteers who care for them. Our recognition of, and involvement in, the national 2020 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

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J. Wayne Craig, Mayor

March 2, 2020

**AN ORDINANCE OF THE COUNCIL**
**FOR THE TOWN OF ABINGDON, VIRGINIA**
**TO AMEND**
**ABINGDON ZONING ORDINANCE**
**ARTICLE 21, SIGNS**
**SECTION 21-8**

**WHEREAS,** § 15.2-2200 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

**WHEREAS,** upon the recommendation of the Planning Commission, the Council for the Town of Abingdon has found it in the best interest of its residents to amend the Town of Abingdon's current Zoning Ordinance, Article 21. Signs, Section 21-8-1(t); and

**NOW, THEREFORE BE IT ORDAINED** by the Council of the Town of Abingdon, after notice pursuant to § 15.2-2204 of the Code of Virginia 1950, as amended, and public hearing of the Planning Commission on February 25, 2020, and public hearing of the Council for the Town of Abingdon on March 2, 2020, as required by law that:

1. This ordinance shall take effect immediately upon passage by the Town Council;

2. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

3. The Town of Abingdon's Zoning Ordinance Article 21, Signs, Section 21-8-1(t), that is proposed for amendment currently appears as follows:

**ARTICLE 21. – SIGNS**

Sec. 21-8-1. The following signs are prohibited within the town unless otherwise stated in this article:

t. Signs attached, painted, or mounted to unlicensed and inoperative or generally stationary vehicles.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Planning Commission on February 25, 2020, Town of Abingdon Zoning Ordinance Article 21, Signs, Section 21-8-1(t), be amended as follows:

**ARTICLE 21. – SIGNS**

Sec. 21-8-1. The following signs are prohibited within the town unless otherwise stated in this article:

t. Vehicles and trailers shall not be used primarily as static displays, advertising a business, product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Town of Abingdon Zoning Ordinance Article 21, Signs, Section 21-8-1(t), and find it to be in correct form, as set forth above, this _____ day of _____, 2020.

_____
Cameron Bell, Counsel

**This ordinance was adopted on the ____ day of _____, to take effect on _____.**

_____
J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on _____, 20__. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, 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 ordinance was as follows:

| MEMBERS | ATTENDANCE | VOTE |
|---|---|---|
| J. Wayne Craig, Mayor | | |
| Cindy Patterson, Vice Mayor | | |
| Al Bradley | | |
| Donna Quetsch | | |
| Derek Webb | | |

WITNESS MY HAND and the seal of the Town of Abingdon as of _____, 20__.

(SEAL)

_____
Kimberly Kingsley, Clerk

The Town of Abingdon will hold a public hearing before the members of the Town Council on Monday, March 2, 2020 at 6:30 pm, in the Council Chambers of the Town Hall, 133 West Main Street, Abingdon, Virginia pursuant to Virginia Code Section § 15.2-2204 and The Code for the Town of Abingdon, Article 21 – Signs, to consider the following:

**PROPOSED ZONING TEXT AMENDMENT – Part II – Code; Appendix B – Zoning Ordinance, Article 21. – Signs, Section 21-8. Prohibited signs, 21-8-1(t)**.

A copy of this proposed amendment is on file for review by the public in the Town Manager's Office, 133 West Main Street, Abingdon, VA 24210. All interested citizens are invited to attend.

_____
James Morani, Town Manager

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**Please Advertise in Bristol Herald Courier under the Town of Abingdon Seal on:**

Monday, February 17, 2020
Monday, February 24, 2020

I, Cameron Bell, Counsel for the Town of Abingdon, VA, do hereby acknowledge that this notice is true and correct in form and that it meets all of the procedural and substantive requirements set forth in the Town Code, this _____ day of February, 2020.

_____

**AN ORDINANCE OF THE COUNCIL**
**FOR THE TOWN OF ABINGDON, VIRGINIA**
**TO AMEND**
**PART II – CODE, CHAPTER 2 – ADMINISTRATION,**
**ARTICLE II. – COUNCIL; DIVISION 4. – ORDINANCES AND RESOLUTIONS,**
**SECTION 2-96. - GENERALLY**

**WHEREAS,** §15.2-1102 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

**WHEREAS,** the Town of Abingdon's current Code, Chapter 2 – Administration, Article II. – Council; Division 4. – Ordinances and Resolutions, Section 2-96. - Generally, the Council for the Town of Abingdon has found it in the best interest to clarify Council's actions regarding ordinances or resolutions to repeal, amend and reenact the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's Code – Part II, Chapter 2 – Administration, Article II. – Council; Division 4. – Ordinances and Resolutions, Section 2-96. - Generally that is proposed for amendment currently appears as follows:

**DIVISION 4. - ORDINANCES AND RESOLUTIONS**

Sec. 2-96. - Generally.

(a) Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

(b) The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the Town of Abingdon." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirements of such reading have been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or

amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least three of the members.

(c) All ordinances and resolutions passed by the council shall be in effect from and after 30 days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed.

(d) Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the town clerk.

(e) Every member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon unless permitted by law.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, Chapter 2 – Administration, Article II. – Council; Division 4. – Ordinances and Resolutions, Section 2-96. - Generally be amended as follows:

**DIVISION 4. - ORDINANCES AND RESOLUTIONS**

**Sec. 2-96. - Generally.**

(b) The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the Town of Abingdon." An ordinance passed as an emergency measure by the affirmative vote of two-thirds of its members present may be passed without a second reading. Otherwise, all ordinances shall be passed only after two readings of the ordinance at regular or special meetings not less than seven days apart, unless the requirements of such second reading have been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least three of the members.

(c) All ordinances and resolutions passed by the council shall be in effect from the date of their passage, unless indicated otherwise in the ordinance or resolution.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Part II – Code, Chapter 2 – Administration, Article II. – Council; Division 4. – Ordinances and Resolutions, Section 2-96. - Generally, and find it to be in correct form, as set forth above, this _____ day of _____, 2020.

_____
Cameron Bell, Counsel

**This ordinance was adopted on the ____ day of _____, to take effect on _____.**

_____
J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on _____, 20__. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, 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 ordinance was as follows:

| MEMBERS | ATTENDANCE | VOTE |
|---|---|---|
| J. Wayne Craig, Mayor | | |
| Cindy Patterson, Vice Mayor | | |
| Al Bradley | | |
| Donna Quetsch | | |
| Derek Webb | | |

WITNESS MY HAND and the seal of the Town of Abingdon as of _____, 20__.

(SEAL)

_____
Kimberly Kingsley, Clerk

**AN ORDINANCE OF THE COUNCIL FOR THE TOWN OF ABINGDON, VIRGINIA TO AMEND**
**PART II – CODE, CHAPTER 2 – ADMINISTRATION, ARTICLE III. – OFFICERS AND EMPLOYEES, SECTION 2-129. – FIRE DEPARTMENTS**

**WHEREAS,** §15.2-2200 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

**WHEREAS,** the Town of Abingdon's current Code, Chapter 2 – Administration, Article III. – Officers and Employees, Section 2-129. – Fire Department, the Council for the Town of Abingdon has found it in the best interest that the Fire Department be a department under the Town Manager to amend the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's Code – Part II, Chapter 2 – Administration, Article III. – Officers and Employees, Section 2-129. – Fire Department that is proposed for amendment currently appears as follows:

Sec. 2-129. - Fire department.

At the first meeting in July following each councilmanic election, or as soon thereafter as practicable, the council shall appoint fire department officers, as provided in Code of Virginia, § 27-13.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, Chapter 2 – Administration, Article III. – Officers and Employees, Section 2-129. – Fire Department be amended as follows:

Sec. 2-129. - Fire department.

The town manager or designee shall appoint fire department officers, as provided in Code of Virginia, § 27-13, as may be amended, at times specified in the appointment.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Part II – Code, Chapter 2 – Administration, Article II. – Council; Division 4. – Ordinances and Resolutions, Section 2-96. - Generally, and find it to be in correct form, as set forth above, this ____ day of _____, 2020.

_____
Cameron Bell, Counsel

**This ordinance was adopted on the_____day of_____, to take effect on_____.**

_____
J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on_____, 20_. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, 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 ordinance was as follows:

| MEMBERS | ATTENDANCE | VOTE |
|---|---|---|
| J. Wayne Craig, Mayor | | |
| Cindy Patterson, Vice Mayor | | |
| Al Bradley | | |
| Donna Quetsch | | |
| Derek Webb | | |

WITNESS MY HAND and the seal of the Town of Abingdon as of_____, 20_.

(SEAL)

_____
Kimberly Kingsley, Clerk

**AN ORDINANCE OF THE COUNCIL**
**FOR THE TOWN OF ABINGDON, VIRGINIA**
**TO REPEAL, AMEND AND REENACT**
**PART II – CODE, CHAPTER 2 – ADMINISTRATION,**
**ARTICLE V. – PROCUREMENT; SALES**

**WHEREAS,** §15.2-1102 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

**WHEREAS,** the Town of Abingdon's current Code, Chapter 2 – Administration, Article V. – Procurement; Sales, the Council for the Town of Abingdon has found it in the best interest to adopt the Virginia Public Procurement Act, and repeal, amend and reenact, the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's Code – Part II, Chapter 2 – Administration, Article V. Procurement; Sales that is proposed to repeal, amend and reenact, currently appears as follows:

ARTICLE V. - PROCUREMENT; SALES

DIVISION 1. - GENERALLY

Sec. 2-176. - Purpose.

(a) The purpose of this article is to enunciate the public policies of this town pertaining to governmental procurement from nongovernment sources.

(b) The provisions of this article shall not apply to those contracts entered into prior to January 1, 1983, which shall continue to be governed by the laws in effect at the time those contracts were executed.

(c) To the end that this town obtains high quality goods and services at reasonable costs, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business and that no offeror be arbitrarily or capriciously excluded, it is the intent of the council that competition be sought to the maximum feasible degree, that the town enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs

of the town rather than being drawn to favor a particular vendor, and that the town and vendor freely exchange information concerning what is sought to be procured and what is offered.

Sec. 2-177. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Competitive negotiation* means a method of contractor selection which includes the following elements:

(1) Issuance of a written request for proposal indicating in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor.

(2) Public notice of the request for proposal at least ten days prior to the date set for receipt of proposals by posting in a public place normally used for posting of public notices and by publication in a newspaper of general circulation in the area which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably expected to submit proposals in response to the particular request. In addition, proposals may be solicited directly from potential contractors.

(3) a. *Procurement of professional services.* The public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. The request for proposal shall not, however, request that the offerors furnish estimates of manhours or cost for services. At the discussion stage, the town may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing and where appropriate, nonbinding estimates of price for services. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this provision, on the basis of evaluation factors published in the request for proposal and all information developed in the selection process to this point, the town shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the town can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the town determine in writing and in its sole discretion that only one offeror is fully qualified, or that one officer is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

Multiphase professional services contracts satisfactory and advantageous to the state department of transportation for environmental, location, design and inspection work regarding highways and bridges may be negotiated and awarded based on a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases.

b. *Procurement of other than professional services.* Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the request for proposal, including price if so stated in the request for proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the town shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. Should the town determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

*Competitive sealed bidding* means a method of contractor selection which includes the following elements:

(1) Issuance of a written invitation to bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the town has provided for prequalification of bidders, the invitation to bid shall include a statement of any requisite qualifications of potential contractors. When it is impractical to prepare initially a purchase description to support an award based on prices, an invitation to bid may be issued requesting the submission of unpriced offers to be followed by an invitation to bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(2) Public notice of the invitation to bid at least ten days prior to the date set for the receipt of bids by posting in a designated public area, or publication in a newspaper of general circulation, or both. In addition, bids may be solicited directly from potential contractors. Any additional solicitation shall include businesses selected from a list made available by the state department of minority business enterprise.

(3) Public opening and announcement of all bids received.

(4) Evaluation of bids based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose, which are helpful in determining acceptability.

(5) Award to the lowest responsive and responsible bidder. When the terms and conditions of responsible bids are so provided in the invitation to bid, awards may be made to more than one bidder.

(6) Competitive sealed bidding shall not be required for the procurement of professional services.

*Construction* means building, altering, repairing, improving, or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.

*Construction management contract* means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

*Design-build contract* means a contract between the town and another party in which the party contracting with the town agrees to both design and build the structure, roadway or other item specified in the contract.

*Goods* means all material, equipment, supplies, printing and automated data processing hardware and software.

*Informality* means a minor defect or variation of a bid or proposal from the exact requirements of the invitation to bid, or the request for proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured.

*Multiphase professional services contract* means a contract for the providing of professional services where the total scope of work of the second or subsequent phase of the contract cannot be specified without the results of the first or prior phase of the contract.

*Nonprofessional services* means any services not specifically identified as professional services in the definition of "professional services."

*Potential bidder or offeror,* for the purposes of sections 2-229 and 2-233, means a person who, at the time the town negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under such contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

*Professional services* means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, medicine, optometry, pharmacy or professional engineering.

*Responsible bidder or offeror* means a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance and who has been prequalified, if required.

*Services* means any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

*Sheltered workshop* means a work-oriented rehabilitative facility with a controlled working environment and individual goals which utilize work experience and related services for assisting the handicapped person to progress toward normal living and a productive vocational status.

Sec. 2-178. - Compliance with conditions on federal grants or contracts.

Where a procurement transaction involves the expenditures of federal assistance or contract funds, the receipt of which is conditioned on compliance with mandatory requirements in federal

laws or regulations not in conformance with the provisions of this article, the town may comply with such federal requirements, notwithstanding the provision of this article only by resolution of the town council that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this article in conflict with the conditions of the grant or contract.

Sec. 2-179. - Cooperative procurement.

The town may participate in, sponsor, conduct or administer a cooperative procurement agreement with one or more public bodies or agencies of the U.S. for the purpose of combining requirements to increase the efficiency or reduce administrative expense. Any public body which enters into a cooperative procurement agreement with the town shall comply with the policies and procedures adopted by the town by this article.

Sec. 2-180. - Sales of personal property to be based on competition.

(a) All contracts for sale of supplies and equipment shall be in accordance with this article.

(b) All sales of such personal property which has become obsolete and unusable shall be based wherever feasible on competitive bids. If the amount of the sale is estimated to exceed $5,000.00, sealed bids shall, unless the council shall provide otherwise, be solicited by public notice inserted at least once in a newspaper of countywide circulation and at least five calendar days before the final date of submitting bids.

Secs. 2-181—2-190. - Reserved.

DIVISION 2. - CONTRACT FORMATION AND ADMINISTRATION

Sec. 2-191. - Methods of procurement.

All public contracts with nongovernmental contractors for the purchase of lease of goods, or for the purchase of services, insurance or construction shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

(1) Professional services shall be procured by competitive negotiation.

(2) Upon a determination in writing made in advance by the town council that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.

a. Insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services in subdivision 3b of the definition of "competitive negotiation" in Section 2.2-4301 of the Code of Virginia, 1950, as amended. The basis for this determination shall be documented in writing.

b. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the town and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

1. For the alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than $1,000,000.00;

2. For the construction of highways and any drainage, dredging, excavation, grading or similar work upon real property; or

3. As otherwise provided in Section 2.2-4300, et seq. of the Code of Virginia, 1950, as amended.

(3) Upon a determination in writing made in advance by the town council that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The town shall issue a written notice stating that only one source was determined to be practicably available and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. The notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the town awards or announces its decision to award the contract, whichever comes first.

(4) In case of an emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The town shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the town awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable.

(5) The town may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts not expected to exceed $50,000.00; however, such small purchase procedures shall provide for competition wherever practicable.

(6) Upon a determination made in advance by the council and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public; such items may be purchased at the auction. The writing shall document the basis for this determination.

Sec. 2-192. - Competitive bidding on state-aid projects.

No contract for the construction of any building or for an addition to or improvement of an existing building by the town or subdivision of the town government for which state funds of $30,000.00 or more, either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under Section 2.2-4305 of the Code of Virginia, 1950, as amended. The procedure for the advertising for bids or for proposals and for letting of the contract shall conform, mutatis mutandis, to this article. A person who has been engaged as an architect or engineer for the same project under a separate contract shall not be eligible to bid on or submit a proposal for any such contract or to have the contract awarded to him.

Sec. 2-193. - Cancellation, rejection of bids; waiver of informalities.

An invitation to bid, a request for proposal, any other solicitation, or any and all bids or proposals, may be canceled or rejected. The reasons for cancellation or rejection shall be made part of the contract file. The town may waive informalities in bids.

Sec. 2-194. - Contract pricing arrangements.

(a) Except as prohibited in this article, public contracts may be awarded on a fixed price or cost reimbursement basis, or on any other basis that is not prohibited.

(b) Except in case of emergency affecting public health, safety or welfare, no public contract shall be awarded on the basis of cost plus a percentage of cost. A policy or contract of insurance or prepaid coverage having a premium computed on the basis of claims paid or incurred, plus the insurance carrier's administrative costs and retention stated in whole or in part as a percentage of such claims shall not be prohibited by this section.

Sec. 2-195. - Discrimination prohibited.

In the solicitation or awarding of contracts, the town shall not discriminate because of the race, religion, color, sex or national origin of the bidder or offeror.

Sec. 2-196. - Exceptions to requirement for competitive procurement.

(a) The town may enter into contracts without competition for the purchase of goods or services:

(1) Which are produced or performed by persons, or in schools or workshops, under the supervision of the state department for the visually handicapped; or

(2) Which are performed or produced by nonprofit sheltered workshops serving the handicapped.

(b) The town may enter into contracts without competition for:

(1) Legal services provided that the pertinent provisions of Code of Virginia, § 2.1-117 et seq., remain applicable; or

(2) Expert witnesses and other services associated with litigation or regulatory proceedings.

(c) The council may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

(d) The town may enter into contracts without competitive sealed bidding or competitive negotiation for insurance if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance by use of competitive principles and provided that the town has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The writing shall document the basis for this determination.

Sec. 2-197. - Prequalification.

Prospective contractors may be prequalified for particular types of supplies, services, insurance or construction, and consideration of bids or proposals limited to prequalified contractors. Any prequalification procedure shall be established in writing and sufficiently in advance of its implementation to allow potential contractors a fair opportunity to complete the process.

Sec. 2-198. - Debarment.

Prospective contractors may be debarred from particular types of supplies, services, insurance or construction, for specified periods of time. Any debarment procedure shall be established in writing by the council. Any debarment procedure may provide for the debarment on the basis of unsatisfactory performance for a public body.

Sec. 2-199. - Preference for state products with recycled content, state firms.

(a) In the case of a tie bid, preference shall be given to goods, services and construction produced in Virginia or provided by persons resident in the state if such a choice is available; otherwise the tie shall be decided by lot.

(b) Whenever any bidder is a resident of any other state and such state, under its laws, allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder who is a resident of the state.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in the case of a tie bid in instances where goods are being offered, and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the greatest amount of recycled content.

Sec. 2-200. - Preference for local products and firms.

(a) The council may, in the case of a tie bid, give preference to goods, services and construction produced in the town or county, or provided by persons having principal places of business in the town or county, if such a choice is available; otherwise the tie shall be decided by lot, unless section 2-199 shall apply.

(b) The provisions of this section shall apply only to bids submitted pursuant to a written invitation to bid.

Sec. 2-201. - Use of brand names.

Unless otherwise provided in the invitation to bid, the name of a certain brand, make or manufacturer does not restrict bidders to the specific brand, make or manufacturer named; it conveys the general style, type, character and quality of the article desired, and any article which the town in its sole discretion determines to be the equal of that specified, considering quality, workmanship and economy of operation, and suitability for the purpose intended, shall be accepted.

Sec. 2-202. - Comments concerning specifications.

The town shall establish procedures whereby comments concerning specifications or other provisions in invitations to bid or requests for proposal can be received and considered prior to the time set for receipt of bids or proposals or award of the contract.

Sec. 2-203. - Employment discrimination by contractor prohibited.

There shall be included in every contract of over $10,000.00 the provisions in subsections (1) and (2) of this section.

(1) During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth provisions of this nondiscrimination clause.

b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

(2) The contractor will include the provisions of the foregoing subsections a, b and c of subsection (1) of this section in every subcontract or purchase order of over $10,000.00 so that the provisions will be binding upon each subcontractor or vendor.

Sec. 2-204. - Public inspection of procurement records.

(a) Except as provided in this article, all proceedings, records, contracts and other public records relating to procurement shall be open to the inspection of any citizen, or any interested person, in accordance with the state freedom of information act (Code of Virginia, § 2.1-340 et seq.).

(b) Cost estimates relating to a proposed procurement transaction prepared by or for the town shall not be open to public inspection.

(c) Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to the award, except if the town decides not to accept any of the bids and reopen the contract. Otherwise bid records shall be open to public inspection only after award of the contract.

(d) Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

(e) Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction shall not be subject to public disclosure under the state freedom of information act (Code of Virginia, § 2.1-340 et seq.); however, the bidder, offeror or contractor must invoke the protections of this section prior to or upon submission

of the data or other materials, and must identify the data or other materials to be protected and state the reasons why protection is necessary.

Sec. 2-205. - Negotiation with lowest responsible bidder.

Unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that if the bid from the lowest responsible bidder exceeds available funds, the council may negotiate with the apparent low bidder to obtain a contract price within the available funds; however, such negotiation may be undertaken only under conditions and procedures described in writing and approved by the council prior to issuance of the invitation to bid and summarized therein.

Sec. 2-206. - Withdrawal of bid due to error.

(a) A bidder for a public construction contract, other than a contract for construction or maintenance of public highways, may withdraw his bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. One of the following procedures for withdrawal of a bid shall be selected by the council and stated in the advertisement for bids:

(1) The bidder shall give notice in writing of his claim of right to withdraw his bid within two business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice; or

(2) The bidder shall submit to the town or designated official his original work papers, documents and materials used in the preparation of the bid within one day after the date fixed for submission of bids.

The work papers shall be delivered by the bidder in person or by registered mail at or prior to the time fixed for the opening of bids. In either instance, such work papers, documents and materials may be considered as trade secrets or proprietary information subject to the conditions of Code of Virginia, § 11-52D. The bids shall be opened one day following the time fixed by the town for the submission of bids. Thereafter, the bidder shall have two hours after the opening of bids within which to claim in writing any mistake as defined herein and withdraw his bid. The contract shall not be awarded by the town until the two-hour period has elapsed. Such mistake shall be proved only from the original work papers, documents and materials delivered as required herein.

(b) The council may establish procedures for the withdrawal of bids for other than construction contracts.

(c) No bid may be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent.

(d) If a bid is withdrawn under the authority of this section, the lowest remaining bid shall be deemed to be the low bid.

(e) No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

(f) If the council denies the withdrawal of a bid under the provisions of this section, it shall notify the bidder in writing stating the reasons for its decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder.

Sec. 2-207. - Modification of the contract.

(a) A public contract may include provisions for modifications of the contract during performance, but no fixed price contract may be increased by more than 25 percent of the amount of the contract or $10,000.00, whichever is greater, without the advance approval of council by resolution.

(b) Nothing in this section shall prevent the town from placing greater restrictions on contract modifications.

Sec. 2-208. - Retainage on construction contracts.

(a) In any public contract for construction which provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least 95 percent of the earned sum when payment is due, with not more than five percent being retained to assure faithful performance of the contract. All amounts withheld may be included in the final payment.

(b) Any subcontract for a public project which provides for similar progress payments shall be subject to the same limitations.

Sec. 2-209. - Deposit of certain retained funds on certain contracts; penalty for failure to timely complete.

(a) The town, or an agency thereof, when contracting directly with contractors for public contracts of $200,000.00 or more for construction of highways, roads, streets, bridges, parking lots, demolition, clearing, grading, excavating, paving, pile driving, miscellaneous drainage structures, and the installation of water, gas, sewer lines and pumping stations where portions of the contract price are to be retained, shall include in the bid proposal an option for the contractor to use an escrow account procedure for utilization of the town's retainage funds by so indicating in the space provided in the proposal documents. In the event the contractor elects to use the escrow account procedure, the "escrow agreement" form included in the bid proposal and contract shall be executed and submitted to the town within 15 calendar days after notification. If the "escrow agreement" form is not submitted within the 15-day period, the contractor shall forfeit his rights to the use of the escrow account procedure.

(b) In order to have retained funds paid to an escrow agent, the contractor, the escrow agent, and the surety shall execute an "escrow agreement" form. The contractor's escrow agent shall be a trust company, bank or savings institution with its principal office located in the commonwealth. The "escrow agreement" and all regulations promulgated by the town entering into the contract shall be substantially the same as that used by the state department of transportation.

(c) This section shall not apply to public contracts for construction for railroads, public transit systems, runways, dams, foundations, installation or maintenance of power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter, the installation or maintenance of telephone, telegraph or signal systems for public utilities and the construction or maintenance of solid waste or recycling facilities and treatment plants.

(d) Any such public contract for construction with the town, or an agency thereof, which includes payment of interest on retained funds, may require a provision whereby the contractor, exclusive of reasonable circumstances beyond the control of the contractor stated in the contract, shall pay a specified penalty for each day exceeding the completion date stated in the contract.

(e) Any subcontract for such public project which provides for similar progress payments shall be subject to the provisions of this section.

Sec. 2-210. - Public construction contract provisions barring damages for unreasonable delays declared void.

(a) Any provision contained in any public construction contract entered into on or after July 1, 1991, that purports to waive, release, or extinguish the rights of a contractor to recover costs or damages for unreasonable delay in performing such contract, either on his behalf or on behalf of his subcontractor if and to the extent such delay is caused by acts or omissions of the town, its agents or employees and due to causes within their control is against public policy and is void and unenforceable.

(b) Subsection (a) of this section shall not be construed to render void any provision of a public construction contract that:

(1) Allows the town to recover that portion of delay costs caused by the acts or omissions of the contractor, or its subcontractors, agents or employees;

(2) Requires notice of any delay by the party claiming the delay;

(3) Provides for liquidated damages for delay; or

(4) Provides for arbitration or any other procedure designed to settle contract disputes.

(c) A contractor making a claim against a public body for costs or damages due to the alleged delaying of the contractor in the performance of its work under any public construction contract shall be liable to the town and shall pay it for a percentage of all costs incurred by the town in investigating, analyzing, negotiating, litigating and arbitrating the claim, which percentage shall be equal to the percentage of the contractor's total delay claim which is determined through litigation or arbitration to be false or to have no basis in law or in fact.

Sec. 2-211. - Bid bonds.

(a) Except in cases of emergency, all bids or proposals for construction contracts in excess of $100,000.00 shall be accompanied by a bid bond from a surety company selected by the bidder which is legally authorized to do business in the state, as a guarantee that if the contract is awarded to such bidder, that bidder will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent of the bid.

(b) No forfeiture under a bid bond shall exceed the lesser of:

(1) The difference between the bid for which the bond was written and the next low bid; or

(2) The face amount of the bid bond.

(c) Nothing in this section shall preclude the town from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than $100,000.00.

Sec. 2-212. - Performance and payment bonds.

(a) Upon the award of any public construction contract exceeding $100,000.00 awarded to any prime contractor, such contractor shall furnish to the town the following bonds:

(1) A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract.

(2) A payment bond in the sum of the contract amount. Such bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded, or to any subcontractors, in the prosecution of the work provided for in such contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

(b) Each of such bonds shall be executed by one or more surety companies selected by the contractor which are legally authorized to do business in the state.

(c) Bonds required for the contracts shall be payable to the town.

(d) Each of the bonds shall be filed with the clerk of the council or a designated official thereof.

(e) Nothing in this section shall preclude the town from requiring payment or performance bonds for construction contracts below $100,000.00.

(f) Nothing in this section shall preclude such contractor from requiring each subcontractor to furnish a payment bond with surety thereon in the sum of the full amount of the contract with such subcontractor conditioned upon the payment to all persons who have and fulfill contracts which are directly with the subcontractor for performing labor and furnishing materials in the prosecution of the work as provided for in the subcontract.

Sec. 2-213. - Action on performance bond.

No action against the surety on a performance bond shall be brought unless within one year after:

(1) Completion of the contract, including the expiration of all warranties and guarantees; or

(2) Discovery of the defect or breach of warranty, if the action be for such.

Sec. 2-214. - Actions on payment bonds.

(a) Subject to the provisions of subsection (b) of this section, any claimant who has performed labor or furnished material in accordance with the contract documents in the prosecution of the work provided in any contract for which a payment bond has been given, and who has not been paid in full therefor before the expiration of 90 days after the day on which such claimant performed the last of such labor or furnished the last of such materials for which he claims payment, may bring an action on such payment bond to recover any amount due him for such labor or material, and may prosecute such action to final judgment and have execution on the judgment. The obligee named in the bond need not be named a party to such action.

(b) Any claimant who has a direct contractual relationship with any subcontractor from whom the contractor has not required a subcontractor payment bond under section 2-212(f) but who has no contractual relationship, express or implied, with such contractor, may bring an action on the contractor's payment bond only if he has given written notice to such contractor within 180 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished. Any claimant who has a direct contractual relationship with a subcontractor from whom the contractor has required a subcontractor payment bond under section 2-212(f) but who has no contractual relationship, express or implied, with such contractor, may bring an action on the subcontractor's payment bond. Notice to the contractor shall be served by registered or certified mail, postage prepaid, in an envelope addressed to such contractor at any place where his office is regularly maintained for the transaction of business. Claims for sums withheld as retainages with respect to labor performed or materials furnished shall not be subject to the time limitations stated in this subsection.

(c) Any action on a payment bond must be brought within one year after the day on which the person bringing such action last performed labor or last furnished or supplied materials.

Sec. 2-215. - Alternative forms of security.

(a) In lieu of a bid, payment, or performance bond, a bidder may furnish a certified check or cash escrow in the face amount required for the bond.

(b) If approved by the town attorney, a bidder may furnish a personal bond, property bond or bank or savings and loan association's letter of credit on certain designated funds in the face amount required for the bid, payment or performance bond. Approval shall be granted only upon a determination that the alternative form of security proffered affords protection to the town equivalent to a corporate surety's bond.

Sec. 2-216. - Bonds on other than construction contracts.

The council may require bid, payment or performance bonds for contracts for goods and services if provided for in the invitation to bid or request for proposal.

Secs. 2-217—2-225. - Reserved.

DIVISION 3. - REMEDIES

Sec. 2-226. - Ineligibility.

(a) Any offeror, bidder or contractor refused permission to, or disqualified from, participation in public contracts shall be notified in writing. Such notice shall state the reasons for the action taken. This decision shall be final unless the bidder, offeror or contractor appeals within 30 days of receipt by invoking administrative procedures meeting the standards of section 2-234, if available, or in the alternative by instituting legal action as provided in section 2-233.

(b) If, upon appeal, it is determined that the action taken was arbitrary or capricious, or not in accordance with the Constitution of the state, statutes or regulations, the sole relief shall be restoration of eligibility.

Sec. 2-227. - Appeal of denial of withdrawal of bid.

(a) A decision denying withdrawal of bid under the provisions of section 2-206 shall be final and conclusive unless the bidder appeals the decision within ten days after receipt of the decision by invoking administrative procedures under section 2-234, if available, or in the alternative by instituting legal action as provided in section 2-233.

(b) If no bid bond was posted, a bidder refused withdrawal of a bid under the provisions of section 2-206, prior to appealing, shall deliver to the council a certified check or cash bond in the amount of the difference between the amount sought to be withdrawn and the next low bid. Such security shall be released only upon a final determination that the bidder was entitled to withdraw the bid.

(c) If upon appeal, it is determined that the decision refusing withdrawal of the bid was arbitrary and capricious, the sole relief shall be the withdrawal of the bid.

Sec. 2-228. - Determination of nonresponsibility.

(a) Any bidder who, despite being the apparent low bidder, is determined not to be a responsible bidder for a particular contract shall be notified in writing. Such notice shall state the basis for the determination, which shall be final unless the bidder appeals the decision within ten days by invoking administrative procedures under section 2-234, if available, or in the alternative, by instituting legal action as provided in section 2-233.

(b) If, upon appeal, it is determined that the decision of the council was arbitrary or capricious, and the award of the contract in question has not been made, the sole relief shall be finding that the bidder in question is a responsible bidder for the contract. If it is determined that the decision of the council was arbitrary or capricious, the relief shall be as set forth in section 2-229(b).

(c) A bidder contesting the determination that he is not a responsible bidder for a particular contract shall proceed under this article and may not protest the award or proposed award under section 2-229.

(d) Nothing contained in this section shall be construed to require the council when procuring by competitive negotiation, to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous.

Sec. 2-229. - Protest of award or decision to award.

(a) Any bidder or offeror may protest the award or decision to award a contract by submitting such protest in writing to the council, or an official designated by the council, no later than ten days after the award or the announcement of the decision to award, whichever occurs first. Any potential bidder or offeror on a contract negotiated on a sole source or emergency basis who desires to protest the award or decision to award such contract shall submit such protest in the same manner no later than ten days after posting or publication of the notice of such contract as provided in section 2-191. However, if the protest of any actual or potential bidder or offeror depends in whole or in part upon information contained in public records pertaining to the procurement transaction which are subject to inspection under section 2-204, then the time within which the protest must be submitted shall expire ten days after those records are available for inspection by such bidder or offeror under section 2-204, or at such later time as provided in this section. No protest shall lie for a claim that the selected bidder or offeror is not a responsible bidder or offeror. The written protest shall include the basis for the protest and the relief sought. The council or designated official shall issue a decision in writing within ten days stating the reasons for the action taken. The decision shall be final unless the bidder or offeror appeals within ten days of the decision by invoking administrative procedure under section 2-234, if available; or in the alternative by instituting legal action as provided in section 2-233.

(b) If prior to an award it is determined that the decision to award is arbitrary or capricious, then the sole relief shall be a finding to that effect. The council shall cancel the proposed award or revise it to comply with the law. If, after an award, it is determined that an award of a contract was arbitrary or capricious, then the sole relief shall be as hereinafter provided. Where the award has been made but performance has not begun, the performance of the contract may be enjoined. Where award has been made and performance begun, the council may declare the contract void upon a finding that this action is in the best interest of the public. When a contract is declared void, the performing contractor shall be compensated for the cost of performance up to the time of such declaration. In no event shall the performing contract be entitled to lost profits.

(c) Where the council, a designated official, or an appeals board determines, after a hearing held following reasonable notice to all bidders, that there is probable cause to believe that a decision to award was based on fraud or corruption or an act in violation of division 4 of this article, the council, a designated official or appeals board may enjoin the award of the contract to a particular bidder.

Sec. 2-230. - Effect of appeal on contract.

Pending final determination of a protest or appeal, the validity of a contract awarded or accepted in good faith in accordance with this article shall not be affected by the fact that a protest or appeal has been filed.

Sec. 2-231. - Stay of award during protest.

An award need not be delayed for the period allowed a bidder or offeror to protest, but upon a timely protest, no further action to award the contract will be taken unless there is a written

determination that proceeding without delay is necessary to protect the public interest or unless the bid or offer would expire.

Sec. 2-232. - Contractual disputes.

(a) Contractual claims, whether for money or other relief, shall be submitted in writing no later than 60 days after final payment; however written notice of the contractor's intention to file such claim shall have been given at the time of occurrence or beginning of the work upon which the claim is based. Nothing in this section shall preclude a contract from requiring submission of an invoice for final payment within a certain time after completion and acceptance of the work or acceptance of the goods. Pendency of claims shall not delay payment of amounts agreed due in the final payment.

(b) The council shall include in its contracts a procedure for consideration of contractual claims. Such procedure, which may be incorporated into the contract by reference, shall establish a time limit for a final decision in writing by the council.

(c) A contractor may not invoke administrative procedures under section 2-234 or institute legal action as provided in section 2-233 prior to the receipt of the council's decision on the claims unless the council fails to render a decision within the time specified in the contract.

(d) The decision of the council shall be final and conclusive unless the contractor appeals within six months of the date of the final decision on the claim by the town by invoking the administrative procedures of section 2-234, if available, or in the alternative by instituting legal action as provided in section 2-233.

Sec. 2-233. - Legal actions.

(a) A bidder or offeror, actual or prospective, who is refused permission or disqualified from participation in bidding or competitive negotiation, or who is determined not to be a responsible bidder or offeror for a particular contract, may bring an action in the county circuit court challenging that decision, which shall be reversed only if the petitioner establishes that the decision was arbitrary or capricious.

(b) A bidder denied withdrawal of a bid under this article may bring an action in the county circuit court challenging that decision, which shall be reversed only if the bidder establishes that the decision of the town was clearly erroneous.

(c) A bidder, offeror or contractor or a potential bidder or offeror on a contract negotiated on a sole source or emergency basis, whose appeal is denied, may bring an action in the county circuit court challenging the award or the proposed award of a contract, which shall be reversed only if the petitioner establishes that the award or proposed award is not an honest exercise of discretion, but rather is arbitrary or capricious or not in accordance with the Constitution of the state, statutes, regulations or the terms and conditions of the invitation to bid or the request for proposal.

(d) If injunctive relief is granted, the court, upon request of the town, shall require the posting of reasonable security to protect the town.

(e) A contractor may bring an action involving a contract dispute with the town in the county circuit court.

(f) A bidder, offeror or contractor need not utilize any administrative procedures under section 2-234, but if those procedures are invoked by the bidder, offeror or contractor, the procedures shall be exhausted prior to instituting legal action concerning the same procurement transaction unless the town agrees otherwise.

(g) Nothing in this section shall be construed to prevent the town from instituting legal action against a contractor.

Sec. 2-234. - Administrative appeals procedure.

(a) The council may establish an administrative procedure for hearing protests of a decision to award or an award, appeals from refusals to allow withdrawal of bids, appeals from disqualifications and determinations of nonresponsibility, and appeals from decisions on disputes arising during the performance of a contract, or any of these. Such administrative procedure shall provide for a hearing before a disinterested person or panel, the opportunity to present pertinent information and the issuance of a written decision containing findings of fact. The disinterested person or panel shall not be an employee of the town against whom the claim has been filed. The findings of fact shall be final and conclusive and shall not be set aside unless the same are fraudulent or arbitrary or capricious, or so grossly erroneous as to imply bad faith. No determination on an issue of law shall be final if appropriate legal action is instituted in a timely manner.

(b) Any party to the administrative procedure, including the town, shall be entitled to institute judicial review if such action is brought within 30 days of receipt of the written decision.

Secs. 2-235—2-245. - Reserved.

DIVISION 4. - ETHICS IN PUBLIC CONTRACTING

Sec. 2-246. - Purpose.

The provisions of this division supplement, but do not supersede, other provisions of law including, but not limited to, the state and local government conflict of interests act (Code of Virginia, § 2.1-639.1 et seq.), the state governmental frauds act (Code of Virginia, § 18.2-498.1 et seq.), and Code of Virginia, §§ 18.2-438 et seq. and 18.2-446 et seq. The provisions of this division apply notwithstanding the fact that the conduct described may not constitute a violation of the state and local government conflict of interests act (Code of Virginia, § 2.1-639.1 et seq.).

Sec. 2-247. - Definitions.

The words defined in this section shall have the meanings set forth below throughout this division:

*Immediate family* means a spouse, children, parents, brothers and sisters, and any other persons living in the same household as the employee.

*Official responsibility* means administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction, or any claim resulting therefrom.

*Pecuniary interest arising from the procurement* means a personal interest in a contract as defined in the state and local government conflict of interests act (Code of Virginia, § 2.1-639.1 et seq.).

*Procurement transaction* means all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

*Town employee* means any person employed by the town, including elected officials or appointed members of governing bodies.

Sec. 2-248. - Proscribed participation by town employees in procurement transactions.

Except as may be specifically allowed by provisions of the state and local government conflict of interests act (Code of Virginia, § 2.1-639.1 et seq.), no town employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the town when the employee knows that:

(1) The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction;

(2) The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent;

(3) The employee, the employee's partner or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or

(4) The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

Sec. 2-249. - Solicitation or acceptance of a gift.

No town employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The town may recover the value of anything conveyed in violation of this section.

Sec. 2-250. - Disclosure of subsequent employment.

No town employee or former town employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the town unless the employee or former employee provides written notification to the town, or a public official if designated by the town, or both, prior to commencement of employment by that bidder, offeror or contractor.

Sec. 2-251. - Gifts by bidders, offerors, contractors, or subcontractors.

No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction, any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

Sec. 2-252. - Kickbacks.

(a) No contractor or subcontractor shall demand or receive from any of his suppliers or his subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, unless consideration of substantially equal or greater value is exchanged.

(b) No subcontractor or supplier shall make, or offer to make, kickbacks as described in this section.

(c) No person shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything of value in return for an agreement not to compete on a public contract.

(d) If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the town and will be recoverable from both the maker and recipient. Recovery from one offending party shall not preclude recovery from other offending parties.

Sec. 2-253. - Purchase of building materials, etc., equipment from architect or engineer prohibited.

(a) No building materials, supplies or equipment for any building or structure constructed by or for the town shall be sold by or purchased from any person employed as an independent contractor by the town to furnish architectural or engineering services, but not construction, for such building or structure or from any partnership, association or corporation in which such architect or engineer has a personal interest as defined in Code of Virginia, § 2.1-639.2.

(b) No building materials, supplies or equipment for any building or structure constructed by or for the town shall be sold by or purchased from any person who has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the town

to furnish architectural or engineering services in which such person has a personal interest as defined in Code of Virginia, § 2.1-639.2.

(c) The provisions of subsections (a) and (b) of this section shall not apply in cases of emergency.

Sec. 2-254. - Certification of compliance required; penalty for false statements.

(a) The town may require town employees having official responsibility for procurement transactions in which they participated to annually submit for such transactions a written certification that they complied with the provisions of this division.

(b) Any town employee required to submit a certification as provided in subsection (a) of this section who knowingly makes a false statement in such certification shall be punished as provided in section 2-256.

Sec. 2-255. - Misrepresentations prohibited.

No town employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representation; or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry.

Sec. 2-256. - Penalty for violation.

Willful violation of any provision of this division shall constitute a class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.

Secs. 2-257—2-300. - Reserved.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, Chapter 2 – Administration, Article V. – Procurement; Sales be repealed, amended and reenacted as follows:

**ARTICLE V. - PROCUREMENT**

Sec. 2-176. – Virginia Public Procurement Act, Code of Virginia, Chapter 43

In order that the Town shall obtain high quality goods and services at reasonable cost, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business and that no offeror be arbitrarily or capriciously excluded, the Town adopts, and incorporates by reference, the Virginia Public Procurement Act, Virginia Code § 2.2-4300, *et seq.*, as may be amended, to govern the Town's procurement of goods and services.

The town manager or designee may establish purchasing procedures in writing that do not require competitive sealed bids or competitive negotiation for certain contracts that are consistent with the Virginia Public Procurement Act.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Part II – Code, Chapter 2 – Administration, Article V. – Procurement, and find it to be in correct form, as set forth above, this _____ day of _____, 2020.

_____
Cameron Bell, Counsel

**This ordinance was adopted on the ____ day of _____, to take effect on _____.**

_____
J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on _____, 20__. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, 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 ordinance was as follows:

| MEMBERS | ATTENDANCE | VOTE |
|---|---|---|
| J. Wayne Craig, Mayor | | |
| Cindy Patterson, Vice Mayor | | |
| Al Bradley | | |
| Donna Quetsch | | |
| Derek Webb | | |

WITNESS MY HAND and the seal of the Town of Abingdon as of _____, 20__.

(SEAL)

_____
Kimberly Kingsley, Clerk

**AN ORDINANCE OF THE COUNCIL FOR THE TOWN OF ABINGDON, VIRGINIA TO AMEND PART II – CODE, CHAPTER 74 – UTILITIES; ARTICLE II. – SEWERS AND SEWAGE DISPOSAL, DIVISION 1. – GENERALLY, SECTION 74-28. – ADMINISTRATION AND SECTION 74-34. – APPLICATION FOR SERVICE**

**WHEREAS,** §15.2-1102 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

**WHEREAS,** the Town of Abingdon's current Code, Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 1. – Generally, Section 74-28. – Administration and Section 74-34. – Application for Service, the Council for the Town of Abingdon has found it in the best interest to amend the sections of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's Code – Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 1. – Generally, Section 74-28. – Administration and Section 74-34. – Application for Service that is proposed for amendment currently appears as follows:

**Sec. 74-28. - Administration.**

(a) Except as otherwise provided herein, the town manager shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the town manager may be delegated by the town manager to other town personnel.

(b) To protect the POTW, the town may prepare and implement discharge policy documents that regulate the discharge of specific wastes deemed appropriate by the facility manager. These policy documents must be approved by town council and will become an enforceable component of this article.

(c) The town may enter into contracts or agreements with other jurisdictions to provide wastewater conveyance and treatment services. These contracts or agreements shall require the jurisdiction to comply with all provisions of this chapter, at a minimum, and shall specify the party responsible for the administration of the program within that jurisdiction.

**Sec. 74-34. - Application for service.**

Application for sewer service shall be made to the town on such form as the town may furnish. The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the director of public works.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, , Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 1. – Generally, Section 74-28. – Administration and Section 74-34. – Application for Service be amended as follows:

**Sec. 74-28. - Administration.**

(a) Except as otherwise provided herein, the Town Manager shall administer, implement, and enforce the provisions of this chapter. The Town Manager may delegate any powers granted to or duties imposed upon the Town Manager to other town personnel.

(b) To protect the POTW, the Town Manager or designee may prepare and implement discharge policy documents that regulate the discharge of specific wastes deemed appropriate by the Town Manager or designee. These policy documents must be approved by town council and will become an enforceable component of this article.

(c) The town may enter into contracts or agreements with other jurisdictions to provide wastewater conveyance and treatment services. These contracts or agreements shall require the jurisdiction to comply with all provisions of this chapter, at a minimum, and shall specify the party responsible for the administration of the program within that jurisdiction.

**Sec. 74-34. - Application for service.**

Application for sewer service shall be made to the town on such form as the town may furnish. The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Town Manager or designee. The Town Manager or designee may refuse any application, if in the sole discretion of the Town Manager or designee, there is insufficient capacity in the sewage works to allow a new connection.

## CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 1. – Generally, Section 74-28. – Administration and Section 74-34. – Application for Service, and find it to be in correct form, as set forth above, this _____ day of March, 2020.

_____

Cameron Bell, Counsel

**This ordinance was adopted on the_____day of_____, to take effect on_____.**

_____
J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on_____, 2020. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, 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 ordinance was as follows:

| MEMBERS | ATTENDANCE | VOTE |
|---|---|---|
| J. Wayne Craig, Mayor | | |
| Cindy Patterson, Vice Mayor | | |
| Al Bradley | | |
| Donna Quetsch | | |
| Derek Webb | | |

WITNESS MY HAND and the seal of the Town of Abingdon as of_____, 2020.

(SEAL)

_____
Kimberly Kingsley, Clerk

**AN ORDINANCE OF THE COUNCIL FOR THE TOWN OF ABINGDON, VIRGINIA TO AMEND PART II – CODE, CHAPTER 74 – UTILITIES; ARTICLE II. – SEWERS AND SEWAGE DISPOSAL**
**DIVISION 4. – WASTEWATER DISCHARGE**

**SUBDIVISION 1. – IN GENERAL, SECTION 74-82 – ADMINISTRATION**

**SUBDIVISION III. – ADMINISTRATION,**
**SECTION 74-123. – WASTEWATER ANALYSIS**
**AND SECTION 74-124. – PERMIT-REQUIREMENT**

**WHEREAS,** §15.2-1102 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

**WHEREAS,** the Town of Abingdon's current Code, Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision 1. – In General, Section 74-82 – Administration; Subdivision III. – Administration, Section 74-123. – Wastewater Analysis and Section 74-124. – Permit-Requirement, the Council for the Town of Abingdon has found it in the best interest to amend the sections of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's Code – Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision 1. – In General, Section 74-82. - Administration; Subdivision III. - Administration, Section 74-123. – Wastewater Analysis and Section 74-124. – Permit-Requirement that is proposed for amendment currently appears as follows:

Sec. 74-82. - Administration.

Except as otherwise provided herein, the facility manager shall administer, implement, and enforce the provisions of this division, any powers granted to or duties imposed upon the facility manager may be delegated by the facility manager to other town personnel.

Sec. 74-123. - Wastewater analysis.

When required by the facility manager, a user must submit information on the nature and characteristics of its wastewater by completing a wastewater survey within 60 days of the request. The facility manager is authorized to prepare a form for this purpose and may periodically require industrial users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this article.

Sec. 74-124. - Permit—Requirement.

(a) Individual wastewater discharge permit requirement:

(1) No user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the facility manager, except that a user that has filed a timely application pursuant to section 74-125 of this division may continue to discharge for the time period specified therein.

(2) The facility manager may require other users to obtain wastewater discharge permits as necessary to carry out the purpose of this division.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 74-191 through 74-197 and 74-203 through 74-207 of this division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(b) General permits requirement:

(1) At the discretion of the facility manager, the facility manager may use general permits to control discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations;

(4) Require the same or similar monitoring; and

(5) In the opinion of the facility manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) To be covered by the general permit, the SIU or discharger must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with section 74-161(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the town manager has provided written notice to the

SIU or discharger that such a waiver request has been granted in accordance with section 74-161(b).

(3) The facility manager will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU or discharger meets the criteria in section 74-124(b.1) and applicable state regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.

(4) The facility manager may not control an SIU or discharger through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula (section 74-93(3)) or net/gross calculations (section 74-93(5)).

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, , Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision 1. – In General, Section 74-82. - Administration; Subdivision III. - Administration, Section 74-123. – Wastewater Analysis and Section 74-124. – Permit-Requirement be repealed, amended and reenacted as follows:

**Sec. 74-82. – Administration.**

Except as otherwise provided herein, the Town Manager shall administer, implement, and enforce the provisions of this division. The Town Manager may delegate any powers granted to or duties imposed upon the Town Manager to other town personnel.

**Sec. 74-123. - Wastewater analysis.**

When required by the Town Manager or designee, a user must submit information on the nature and characteristics of its wastewater by completing a wastewater survey within 60 days of the request. The Town Manager or designee is authorized to prepare a form for this purpose and may periodically require industrial users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this article.

**Sec. 74-124. - Permit—Requirement.**

(a) Individual wastewater discharge permit requirement:

(1) No user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Town Manager or designee, except that a user that has filed a timely application pursuant to section 74-125 of this division may continue to discharge for the time period specified therein.

(2) The Town Manager or designee may require other users to obtain wastewater discharge permits as necessary to carry out the purpose of this division.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions

set out in sections 74-191 through 74-197 and 74-203 through 74-207 of this division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(b) General permits requirement:

(1) At the discretion of the Town Manager, the Town Manager or designee may use general permits to control discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(i) Involve the same or substantially similar types of operations;
(ii) Discharge the same types of wastes;
(iii) Require the same effluent limitations;
(iv) Require the same or similar monitoring; and
(v) In the opinion of the Town Manager or designee, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) To be covered by the general permit, the SIU or discharger must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with section 74-161(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the Town Manager or designee deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the town manager has provided written notice to the SIU or discharger that such a waiver request has been granted in accordance with section 74-161(b).

(3) The Town Manager or designee will retain a copy of the general permit, documentation to support the his or her determination that a specific SIU or discharger meets the criteria in section 74-124(b.1) and applicable state regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.

(4) The Town Manager or designee may not control an SIU or discharger through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula (section 74-93(3)) or net/gross calculations (section 74-93(5)).

## CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision 1. – In General, Section 74-82. - Administration; Subdivision III. - Administration, Section 74-123. –

Wastewater Analysis and Section 74-124. – Permit-Requirement, and find it to be in correct form, as set forth above, this _____ day of February, 2020.

_____
Cameron Bell, Counsel

**This ordinance was adopted on the_____day of_____, to take effect on_____.**

_____
J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on_____, 2020. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, 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 ordinance was as follows:

| MEMBERS | ATTENDANCE | VOTE |
|---|---|---|
| J. Wayne Craig, Mayor | | |
| Cindy Patterson, Vice Mayor | | |
| Al Bradley | | |
| Donna Quetsch | | |
| Derek Webb | | |

WITNESS MY HAND and the seal of the Town of Abingdon as of_____, 2020.

(SEAL)

_____
Kimberly Kingsley, Clerk

TOWN OF ABINGDON

**Historic Preservation Review Board**

CURRENT MEMBERS

APPOINTMENT DATES & EXPIRATION DATES

3-YEAR TERMS - Not more than two terms consecutively.

First Wednesday each month at 5:15pm, Arthur Campbell Room

Staff Contact: Jason Boswell, Interim Director of Planning

Phone Number: 276-628-3167

Updated: September 5, 2018

| Name | Email Address | Address | Phone # | Appointment Date | Term Expiration Date | Eligible for Another Term |
|---|---|---|---|---|---|---|
| **Bryum L. Geisler** (Replaces Betty White) | bgeisler@pennstuart.com | 228 E. Main St. Abingdon, VA 24210 | 276-623-4114 (w)<br>276-698-8294 (c) | March, 2017<br>1st term | March 2020 | Yes |
| **Derek Webb (Council Member)** | dwebb@abingdon-va.gov | 390 Winterham Drive Abingdon, VA 24210 | 276-791-0284 | July 2018 | July 2021 | Yes |
| **Michael Weaver** | mwearver@thelandgroupinc.com | 610 Colonial Road SW Abingdon, VA 24210 | 276-698-9522 (c)<br>276-619-2205 (w) | September 2015<br>1st term<br>September 2018<br>2nd term | September 2021 | Yes |
| **Samuel Andrew Neese** (filled in for expired term for Mike Owens) | andrewneese@lycos.com | 633 Hagy Street Abingdon VA 24210 | 276-619-1187 | March 2017<br>2nd term | March 2020 | No |
| **Jeff Johnson** | jjohnson@paramontltd.com | 102 East Main Street Abingdon, VA 24210 | 276-628-1173 (h)<br>276-608-3700 (c) | October 2017<br>2nd term | October 2020 | No |

**PUBLIC DOCUMENT –**
**SUBJECT TO FREEDOM OF INFORMATION ACT**

**APPLICATION EXPIRES DECEMBER 31, 2020**

**Board and Commission Application**

The Abingdon Town Council has adopted this application for use by individuals interested in appointment to any of the Town's advisory boards and commissions. To ensure your application will receive full consideration, please answer all questions completely. Questions? Call 276-492-2149

**Please return this application either:**

- **In person (3rd floor of the Town Hall), 133 West Main Street, Abingdon, VA;**
- **By mail, Boards and Commissions, Town of Abingdon, P.O. Box 789, Abingdon, VA 24212; or**
- **kkingsley@abingdon-va.gov**

*****PLEASE PRINT OR TYPE*****

Name Richard E. "Rick" Humphreys Date: February 14, 2020
Address 107 Park Street SE City/State Abingdon, VA Zip 24210-3309

Do you live inside the Town limits of Abingdon? Yes ☑ No ☐

Telephone: 276-608-3465

Email Address: *(required)* humplings@naxs.net

Place of Employment: Retired; Innkeeper; Real Estate Management

Address: 107 Park Street SE, 119 Park Street SE, 221 Park Street SE; 350 Park Street SE Abingdon, VA
16244 Mountain Springs Rd. Abingdon, VA with some Real estate in NC.

Description of job duties: All LLC requirements, financial and adminstrative. I also can clean, scrub commodes, do laundry; make beds.

Educational background:

1. Past-President of Washington County Preservation Society
2. Past-Vice-President of the Historic Society of Washington County Virginia
3. Restored 119 Park Street, located in the Historic District to Department of Interior Standards.
4. Restored 107 Park Street, located in the Historic District to the Department of Interior Standards and received Federal; State Tax Credits.
5. Consulted; was directly involved in restoration and new build on property, 124 Park Street, 121-123 Railroad Street that are adjacent to Abingdon Historic District
6. Restored 221 Park Street to the Department of Interior Standards.
7. Consulted and Involved in Restoration of 170 E. main Street in the Abingdon Historic District to the Department of Interior Standards and project was awarded Federal; State Tax Credits.

Are you currently serving on a board or commission of the Town of Abingdon? Yes ☐ No ☑

If so, which Board(s) or Commission(s)? N/A

When do(es) your present term(s) expire? (mm/yy) N/A

Have you ever served on any boards or commissions in the past, either Abingdon or in other localities?
Yes ✓ No __

If so, name and date(s) of service? ① Abingdon Tree Commission - 2010 thru 2014
(see below)

Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it behelpful?
To serve as a steward to our present historic district and properties and to preserve and protect them as close to code, adopted statues and the Department of Interior Standards will allow.

*To the best of my ability, all information on this application is true and correct.*

SIGNATURE Richard Everett Hengley

**Thank you for your interest in appointment to the Town's Advisory Boards and Commissions. ****

Members of the Planning Commission, Economic Development Authority, Board of Zoning Appeals, Housing and Redevelopment Authority, and Historic Preservation Review Board are required to complete a Statement of Economic Interest.

Please check any other committees you are willing to serve on:

| | |
|---|---|
| Board of Building Code Appeals ** ☐ | Planning Commission */** ☐ |
| Board of Zoning Appeals ☐ | Recreation Advisory Commission ☐ |
| Economic Development Authority ☐ | Sinking Springs Cemetery Committee ** ☐ |
| Infrastructure Advisory Committee ☐ | Sustain Abingdon Committee ☐ |
| Historic Preservation Review Board */** ☑ | Tourism Advisory Committee ** ☐ |
| Housing and Redevelopment Authority ☐ | Tree Commission ☐ |
| Muster Grounds Steering Committee ☐ | Virginia Highlands Small Business Incubator ☐ |

***May be required to attend training and/or obtain certification during term**
****Appointment contingent upon residency, qualified voter, or other qualifications as set forth in Ordinance and/or bylaws**
**Note: All applicants are subject to background verification.**

2. Town of Abingdon Planning Commission - Certified Planning Commissioner 2014 thru 2018
3. Veteran's Park Foundation Committee - Town Representative 2014 thru 2018
4. Mount Rogers Planning Commission - Town Representative 2014 thru 2018
5. Abingdon Redevelopment and Housing Authority approx. 2000 thru 2010
6. Fairview Committee 2010 thru 2014
7. Muster Ground Steering Committee 2007 thru 2018
8. Member of the Abingdon Town Council - 2010-2018, Vice Mayor 2014-2018

**Town of Abingdon**
**Board and Commission Application**

The Abingdon Town Council has adopted this application for use by individuals interested in appointment to any of the Town's advisory boards and commissions. To ensure your application will receive full consideration, please answer all questions completely. Questions? Call 628-3167
*Return this application either online, in person, by mail or by fax to the Town of Abingdon, ATTN: Town Manager, P.O. Box 789, 133 West Main Street, Abingdon, VA 24212. FAX 276-698-3328*

*****PLEASE PRINT OR TYPE***** 2020.02.18 updated application date via phone (KSK)

**PERSONAL INFORMATION**

Name Krist Hartshorn Date 1/21/17

Address 356 Augusta Drive City/State Abingdon, VA Zip 24211

Do you live inside the Town limits of Abingdon? YES X NO____

Telephone: *Home*____ *Work*____
*Cell* (276) 492-6654 *Fax*____

Email Address: *(required)* kristihartshorn@gmail.com

**PLACE OF EMPLOYMENT** Retired- Washington County Schools

Address ____

Description of job duties: Speech/Language Therapist

**EDUCATIONAL BACKGROUND Please list including names of all schools and years attended.**
B.S. Penn State University- 1980

**BOARD PREFERENCE**
Are you currently serving on a board or commission of the Town of Abingdon? Yes____ No X



rec 1/23/17

If so, which Board(s) or Commission(s)? _____

When do(es) your present term(s) expire? (mm/yy) _____

*Town of Abingdon*
*Board and Commission Application*

Have you ever served on any boards or commissions in the past either here or in other localities?

Yes__ No X

If so, what were they and when did you serve?

_____

_____

Please list the name(s) of the board(s) to which you are applying or seeking reappointment to (see attached list and board and commission description):

Historic Preservation Review Board

_____

_____

Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it behelpful?

I have been a resident of the Town of Abingdon since 1994. In 2007 my husband & I purchased the very neglected property at 227 E. Main Street. We restored the house and operated it as a successful vacation rental property for 5 years. We now use it as a full time rental property. While restoring this cottage we worked with the Historic Preservation Board on choosing paint colors and I have a vested interest in the function of this board. By operating a cottage business I became aware of the importance of tourism in our town, as well as the importance of a rental properties and necessity of maintaining the Historic District.

→

***To the best of my ability, all information on this application is truthful.***

**SIGNATURE** Kristi Hunter

**Thank you for your interest in appointment to the Town of Abingdon's Advisory Boards and Commissions.**

Members of the Planning Commission, Economic Development Authority, Board of Zoning Appeals, and Housing and Redevelopment Authority are required to complete a Statement of Economic Interest.

Please check any other committees you are willing to serve on

| | |
|---|---|
| ☐ Board of Building Code Appeals | ☐ Planning Commission |
| ☐ Board of Zoning Appeals | ☐ Recreation Advisory Commission |
| ☐ Economic Development Authority | ☐ Sinking Springs Cemetery Committee |
| ☐ Fairview Committee | ☐ Sustain Abingdon Committee |
| ■ Historic Preservation Review Board | ☐ Tourism Advisory Committee |
| ☐ Housing and Redevelopment Authority | ☐ Tree Commission |
| ☐ Muster Grounds Steering Committee | ☐ Virginia Highlands Small Business Incubator |

**PUBLIC DOCUMENT –**
**SUBJECT TO FREEDOM OF INFORMATION ACT**

**APPLICATION EXPIRES DECEMBER 31, 2020**

**Board and Commission Application**

The Abingdon Town Council has adopted this application for use by individuals interested in appointment to any of the Town's advisory boards and commissions. To ensure your application will receive full consideration, please answer all questions completely. Questions? Call 276-492-2149

**Please return this application either:**

- **In person (3rd floor of the Town Hall), 133 West Main Street, Abingdon, VA;**
- **By mail, Boards and Commissions, Town of Abingdon, P.O. Box 789, Abingdon, VA 24212; or**
- **kkingsley@abingdon-va.gov**

*****PLEASE PRINT OR TYPE*****

**Name** Richard Morgan **Date:** 2-20-20
**Address** 171 Valley St NW **City/State** Abingdon **Zip** 24210

**Do you live inside the Town limits of Abingdon? Yes** [X] **No** [ ]

**Telephone:** 828-778-4365

**Email Address:** ***(required)*** RLM3231@gmail.com

**Place of Employment:** Retired

**Address:** TVA Knoxville, TN

**Description of job duties:** economic dev and natural Resources

**Educational background:**

masters, Duke biology

**Are you currently serving on a board or commission of the Town of Abingdon? Yes ☐ No ☒**

**If so, which Board(s) or Commission(s)?** _____

**When do(es) your present term(s) expire? (mm/yy)** _____

**Have you ever served on any boards or commissions in the past, either Abingdon or in other localities?**
**Yes** ☒ **No** ☐

**If so, name and date(s) of service?** Town of Mars Hill, NC planning board, Town Council

**Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it be helpful?**
Several Historical Projects for Historical Society, Wash Co
interest in historical preservation to Abingdon
willingness to serve.

***To the best of my ability, all information on this application is true and correct.***

**SIGNATURE** Richard Morgan

**Thank you for your interest in appointment to the Town's Advisory Boards and Commissions. ****

Members of the Planning Commission, Economic Development Authority, Board of Zoning Appeals, Housing and Redevelopment Authority, and Historic Preservation Review Board are required to complete a Statement of Economic Interest.

Please check any other committees you are willing to serve on:

| | |
|---|---|
| Board of Building Code Appeals ** ☐ | Planning Commission */** ☐ |
| Board of Zoning Appeals ☐ | Recreation Advisory Commission ☐ |
| Economic Development Authority ☐ | Sinking Springs Cemetery Committee ** ☐ |
| Infrastructure Advisory Committee ☐ | Sustain Abingdon Committee ☐ |
| Historic Preservation Review Board */** ☒ | Tourism Advisory Committee ** ☐ |
| Housing and Redevelopment Authority ☐ | Tree Commission ☐ |
| Muster Grounds Steering Committee ☐ | Virginia Highlands Small Business Incubator ☐ |

***May be required to attend training and/or obtain certification during term**
****Appointment contingent upon residency, qualified voter, or other qualifications as set forth in Ordinance and/or bylaws**
**Note: All applicants are subject to background verification.**

TOWN OF ABINGDON

# BOARD OF BUILDINGS CODE APPEALS

CURRENT MEMBERS
ADDRESSES & PHONE NUMBERS
APPOINTMENT DATES & EXPIRATION
5 YEAR TERMS
Staff Contact: Rick Statzer, Building Official
Phone Number: 276-628-3167

**Updated: November 2019**

| **Name** | **Address** | **Phone #** | **Appointment Date** | **Term Expiration Date** | **Eligible for Another Term** |
|---|---|---|---|---|---|
| **Charlie Day** | P.O. Box 650 Abingdon VA 24212 | 276-628-5123 | March 1, 2010 Reappt. March, 2015 | March 1, 2020 | No |
| **Bob Baker** | 26366 Biscay Drive Abingdon VA 24211 | 276-628-6704 | March 1, 2010 Reappt March, 2015 | March 1, 2020 | No |
| **Mike Mason** | 173 Hillside Drive Abingdon VA 24210 | 540-230-9409 | November 2019 | November 2024 | Yes |
| **Nathan Berg** | 254 Valley Street NE Abingdon VA 24210 | 276-206-9989 | November 2019 | November 2024 | Yes |
| **Ed Fuqua** | 839 Wolf Creek Trail Abingdon, VA 24210 | 276-492-3705 | May 6, 2019 | April 2024 | Yes |
| **Tandy Rasnake** | 20157 Woodland Hills Road, Abingdon, VA 24210 | 276-628-3237 | March 6, 2012 (Reappt 4/2017) | March 2022 | No |
| **Michael Scott** | 18071 Jeb Stuart Highway Abingdon, VA 24211 | 276-623-0047 | March 6, 2012 (Reappt 4/2017) | March 2022 | No |

**PUBLIC DOCUMENT –**
**SUBJECT TO FREEDOM OF INFORMATION ACT**

**APPLICATION EXPIRES DECEMBER 31, 2020**

**Board and Commission Application**

The Abingdon Town Council has adopted this application for use by individuals interested in appointment to any of the Town's advisory boards and commissions. To ensure your application will receive full consideration, please answer all questions completely. Questions? Call 276-492-2149

**Please return this application either:**

- **In person (3rd floor of the Town Hall), 133 West Main Street, Abingdon, VA;**
- **By mail, Boards and Commissions, Town of Abingdon, P.O. Box 789, Abingdon, VA 24212; or**
- **kkingsley@abingdon-va.gov**

*****PLEASE PRINT OR TYPE*****

Name Michael Weaver Date: 02-24-2020
Address 610 Colonial Rd. SW, Abingdon City/State VA Zip 24210

Do you live inside the Town limits of Abingdon? Yes [✓] No [ ]

Telephone: 276-698-9522

Email Address: *(required)* dmweaver76@gmail.com

Place of Employment: The Lane Group, Inc.

Address: 310 W. Valley Street, Abingdon, VA 24210

Description of job duties: Architect & Project Management

Educational background:

1976 – B. Architecture / Virginia Tech

Are you currently serving on a board or commission of the Town of Abingdon? Yes ☑ No ☐

If so, which Board(s) or Commission(s)? Historic Preservation Review Board

When do(es) your present term(s) expire? (mm/yy) September 2021

Have you ever served on any boards or commissions in the past, either Abingdon or in other localities?
Yes ✓ No __

If so, name and date(s) of service? Historic Preservation Review Board since 2015.

Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it be helpful?
My experience as an architect will be beneficial to the Town in this capacity.

*To the best of my ability, all information on this application is true and correct.*

SIGNATURE [signature]

**Thank you for your interest in appointment to the Town's Advisory Boards and Commissions.** **

Members of the Planning Commission, Economic Development Authority, Board of Zoning Appeals, Housing and Redevelopment Authority, and Historic Preservation Review Board are required to complete a Statement of Economic Interest.

Please check any other committees you are willing to serve on:

| | |
|---|---|
| Board of Building Code Appeals ** ☑ | Planning Commission */** ☑ |
| Board of Zoning Appeals ☐ | Recreation Advisory Commission ☐ |
| Economic Development Authority ☐ | Sinking Springs Cemetery Committee ** ☐ |
| Infrastructure Advisory Committee ☐ | Sustain Abingdon Committee ☐ |
| Historic Preservation Review Board */** ☑ | Tourism Advisory Committee ** ☐ |
| Housing and Redevelopment Authority ☐ | Tree Commission ☐ |
| Muster Grounds Steering Committee ☐ | Virginia Highlands Small Business Incubator ☐ |

***May be required to attend training and/or obtain certification during term**
****Appointment contingent upon residency, qualified voter, or other qualifications as set forth in Ordinance and/or bylaws**
**Note: All applicants are subject to background verification.**

Sustain Abingdon
APPOINTMENT & EXPIRATION DATES
2-YEAR TERM
(with exception of town staff)
Staff Contact: Sarita Moore
Phone Number: 276-628-3167
2nd Wednesday every other month at noon, Arthur Campbell Room
Updated: February 2020

| Name | Address | Phone # | Appointment Date | Term Expiration Date | Eligible for Another Term |
|---|---|---|---|---|---|
| Town Manager | P.O. Box 789 Abingdon, VA 24212 | 276-628-3167 | Continual | | |
| Sherrie Leab | 16088 Majestic Drive Bristol, 24202 | 423-502-5033 (c)<br>276-676-2209 (W)<br>sleab@tnc.org | Sept 2016<br>1st term<br>Sept 2018<br>2nd term | September, 2020 | No |
| Kevin Worley | P. O. Box 789 Abingdon VA 24212 | 276-492-2144 | Town Staff | | |
| Vacant<br>(Tom McMullen expired – Sept 2019) | | | | | |
| Sarita Moore | P.O. Box 789 Abingdon, VA 24212 | 276-628-4321 | Town Staff | | |
| Ashby Dickerson<br>(filled unexpired term - Doane) | 305 Fairway Drive Abingdon VA 24211 | 276-628-6308<br>hdickerson@pennstuart.com | Sept 2019<br>1st term | January 2021 | Yes |
| Tim Wade | 14629 Branch St. Abingdon VA 24210 | 4276-274-1696<br>919-370-2208<br>Timw11@yahoo.com | Sept 2016<br>1st term<br>Sept 2018<br>2nd term | September 2020 | No |
| Rick Statzer | P O Box 789 Abingdon, VA 24210 | 276-628-3167 | Sustainability Coordinator – NOT A VOTING MEMBER | | |

| | | | | | |
|---|---|---|---|---|---|
| Melissa Kalb (replaced Thomas Keys) | 1151 Panorama Drive Abingdon VA 24210 | 410-739-6007<br>Kalb.melissa@gmail.com | February 2018 | February 2020 | Yes |
| Bradley Conkle | 29085 Hart Run Rd Abingdon, VA 24211 | 276-475-2051<br>276-451-5715<br>Bradcon66@gmail.com | Sept 2016<br>1st term<br>Sept 2018<br>2nd term | September 2020 | No |
| Anita Manuel | 320 Madison Street SE Abingdon VA 24210 | aimanuelnw@gmail.com | January 2019 | January 2021 | Yes |
| Chelsea Goulding | 12204 Friendship Road Chilhowie, VA 24319 | cgoulding@asdevelop.org | February 2019 | February 2021 | Yes |

Not less than 7 members, but not more than 11 members, one of whom can be the Town Manager

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- **kkingsley@abingdon-va.gov**

*****PLEASE PRINT OR TYPE*****

Name Erin Bond Date: Feb. 18, 2020

Address 283 Whites Mill Rd City/State Abingdon, VA Zip 24210

Do you live inside the Town limits of Abingdon? Yes ☑ No ☐

Telephone: 276-274-9009

Email Address: *(required)* erinbond@gmail.com

Place of Employment: self-employed

Address:

Description of job duties:

Educational background:

MFA, Creative Writing/Nonfiction

BA, English

Are you currently serving on a board or commission of the Town of Abingdon? Yes ☐ No ☑

If so, which Board(s) or Commission(s)? _____

When do(es) your present term(s) expire? (mm/yy) _____

Have you ever served on any boards or commissions in the past, either Abingdon or in other localities?
Yes __ No X

If so, name and date(s) of service? n/a

Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it be helpful?

I heard about volunteer opportunities from my neighbor, Tom McMullen. I'm a home gardener interested in conservation and sustainability and local development.

I have a background in marketing and social media (primarily YouTube) and have experience organizing study abroad trips for college students.

*To the best of my ability, all information on this application is true and correct.*

SIGNATURE _____

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| Board of Zoning Appeals ☐ | Recreation Advisory Commission ☐ |
| Economic Development Authority ☐ | Sinking Springs Cemetery Committee ** ☐ |
| Infrastructure Advisory Committee ☐ | Sustain Abingdon Committee ☑ |
| Historic Preservation Review Board */** ☐ | Tourism Advisory Committee ** ☑ |
| Housing and Redevelopment Authority ☐ | Tree Commission ☐ |
| Muster Grounds Steering Committee ☐ | Virginia Highlands Small Business Incubator ☐ |

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- **kkingsley@abingdon-va.gov**

*****PLEASE PRINT OR TYPE*****

Name Deborah Robinson Date: 2/21/20
Address 269 Morningside Lane City/State Abingdon Zip 24210

Do you live inside the Town limits of Abingdon? Yes ✓ No_____

Telephone: 724-244-1109

Email Address: *(required)* debbierobinson@outlook.com

Place of Employment: Contura Energy

Address: 340 MLK Jr. Blvd, Bristol TN 37620

Description of job duties: Insurance Manager - Workers Compensation Claims

Educational background:

Currently pursuing Bachelor's Degree; hold Associate's Degree in Management

Are you currently serving on a board or commission of the Town of Abingdon? Yes_____ No ✓

If so, which Board(s) or Commission(s)? NA

When do(es) your present term(s) expire? (mm/yy) NA

Have you ever served on any boards or commissions in the past, either Abingdon or in other localities?
Yes ✓ No __

If so, name and date(s) of service? Friends of Russell County Animals - Jan 18 - Feb 20
Animal Defense League - May 14 - Nov 18
Happy Tails Animal Rescue - Dec 13 - Oct 15

Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it be helpful?
I want to give back & help Abingdon grow in the sustainability area. We need to provide resources now and teach future generations on responsible ways to ensure a clean Earth.

*To the best of my ability, all information on this application is true and correct.*

SIGNATURE [signature]

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| Economic Development Authority ☐ | Sinking Springs Cemetery Committee ** ☐ |
| Infrastructure Advisory Committee ☐ | Sustain Abingdon Committee ☑ |
| Historic Preservation Review Board */** ☐ | Tourism Advisory Committee ** ☐ |
| Housing and Redevelopment Authority ☐ | Tree Commission ☐ |
| Muster Grounds Steering Committee ☐ | Virginia Highlands Small Business Incubator ☐ |

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TOWN OF ABINGDON

# ECONOMIC DEVELOPMENT AUTHORITY

CURRENT MEMBERS
ADDRESSES & PHONE NUMBERS
APPOINTMENT DATES & EXPIRATION DATES
4-YEAR TERMS
2nd Thursday every other month at 3:00 pm, Arthur Campbell Room
UPDATED: August 6, 2019

| Name | Address | Phone # | Appointment Date | Term Expiration Date | Eligible for Another Term |
|---|---|---|---|---|---|
| **Alex Brown** (filled unexpired term of Tarn Rosenbaum) | 20520 Vances Mill Rd. Abingdon, VA 24211 | 276-258-5314 (h)<br>540-230-8724 (c)<br>540-230-5724 (w)<br>albrown2@vt.edu | March 5, 2018<br>1st term | September 2020 | Yes |
| **Shana Carrico** | 368 Beverly Dr. Abingdon, VA 24210 | 917-544-5492<br><br>shanacarrico@gmail.com | September 2016<br>1st term | September 2020 | Yes |
| **Kenneth Shuman** (filled expired term for Kyle Macione) | 164 Valley Street Abingdon VA 24210 | 276-698-5368<br>Kenny.shuman@healthsmart.com | February 2018<br>2nd term | March 2022 | No |
| **Don Adams** (filled the unexpired term of Rich Buddington) | 20080 Tall Oaks Drive Abingdon VA 24210 | 276-628-5823<br>Donadams81@hotmail.com | July, 2018 | November 2022 | Yes |
| **Robert Trevorrow** (filled expired term of John Mahaffey) | 148 Stonewall Heights Abingdon, VA 24210 | 908-894-3798 | August 2019<br>1st term | August 2023 | Yes |
| **Ernest Daniels** (filled the expired term of Laura L. Blevins) | 335 Oak Hill Street NE Abingdon, VA 24210 | 276-356-2782<br>hr@theccoa.org | August 2019<br>1st term | August 2023 | Yes |
| **Nathan Louis Berg** (Filled expired term for Milton Maiden) | 254 Valley St., NE, Abingdon, VA 24210 | 276-206-9989 (h)<br>276-477-0184 (w)<br><br>nbeg@wallacebrosconstruction.com | March 5, 2018<br>1st term | March 2022 | Yes |

TOWN OF ABINGDON

# RECREATION ADVISORY COMMISSION

CURRENT MEMBERS

**The terms of office of the members of the Commission shall be for three year or until their successors are appointed and qualified. Vacancies in such Commission occurring otherwise than by expiration of the term shall be filled by the Council for the unexpired term.**

Staff Contact: Jennifer Johnson, Director of Indoor Parks and Recreation
Phone Number: 276-623-5279

| **Name** | **Address** | **Phone #** | **Appointment Date** | **Term Expiration Date** | **Eligible for Another Term** |
|---|---|---|---|---|---|
| Derek Webb (Council Member) | 390 Winterham Drive Abingdon, VA 24210 | 276-791-0284 | July 2, 2018 | July, 2021 | |
| David Childress | 130 Longview Drive Abingdon VA 24211 | 276-628-5303 | Sept 2019 | Sept 2022 | Yes |
| Amanda Pillion | 205 Stonewall Heights NE Abingdon VA 24210 | 276-623-3022 | Sept 2019 | Sept 2022 | Yes |
| Larry Bales | P O Box 825 Abingdon, VA 24212 | 276-628-9535 276-608-259 | Sept 2018 | Sept * | |
| Don Yates | 216 Hassinger Street Abingdon, VA 24210 | 276-451-8450 | Sept 2018 | Sept * | |
| Travis "Brock" Hawkins | 761 Mosby Street Abingdon, VA 24210 | 276-356-2051 | Sept 2018 | Sept * | |
| Steve Puckett | 17520 Mahogany Drive Abingdon, VA 24210 | 276-608-0323 | Sept 2018 | Sept * | |
| Eddie Ramirez | 21380 Sheffield Court Abingdon, VA 24210 | 276-608-9219 | Sept 2018 | Sept * | |
| Jimmy Woods | 1085 Canterbury Lane Abingdon, VA 24210 | 276-356-2857 | Sept 2018 | Sept * | |