



**TOWN OF ABINGDON, VIRGINIA  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, JULY 6, 2021 – 6:30 pm  
TOWN HALL - COUNCIL CHAMBERS**

**DRAFT AGENDA**

*Please note there will be an opportunity during the meeting for citizens to address the Town Council when the Mayor declares public comments open. We request that anyone addressing the Council, sign up, approach the podium when called, state your first and last name, and provide your complete mailing address.*

- A. WELCOME – Mayor Webb**
- B. ROLL CALL – Kim Kingsley, Clerk**
- C. PLEDGE OF ALLEGIANCE – Councilmember Mike Owens**
- D. PRAYER – Billy Fullen**
- E. APPROVAL OF AGENDA – Mayor Webb**
- F. PUBLIC COMMENTS** – Please place your name on the sign-up sheet provided and comments are limited to three (3) minutes per person.
- G. APPROVAL OF MINUTES**
  - June 7, 2021 meeting
  - June 22, 2021 mid-month meeting
- H. PROCLAMATIONS**
- I. PUBLIC HEARING -** Please place your name on the sign-up sheet provided and comments are limited to five (5) minutes per person.
- J. RESOLUTIONS**
- K. FIRST READING OF ORDINANCES**
- L. SECOND READING OF ORDINANCES**
  - 1. An Ordinance of the Council to transition Council elections from May to November – *Cameron Bell, Town Counsel*
  - 2. An Ordinance to amend Chapter 82 of the Town of Abingdon Code pertaining to ride-share – *James Morani, Town Manager*
- M. CONSIDERATION OF BIDS**
  - 1. Consideration of bids for natural gas franchise, privilege, lease or right proposed to be granted – *James Morani, Town Manager*
- N. NEW BUSINESS**
- O. OLD BUSINESS**

**P. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER**

**Q. COUNCIL MEMBER REPORTS**

**R. APPOINTMENTS TO BOARDS AND COMMITTEES**

1. Abingdon Redevelopment and Housing Authority
  - Appointment to fill unexpired term of Constance Daggs
2. Recreation Advisory Commission
  - Reappointment of Derek Webb, who is eligible to serve an additional term

**S. ADJOURNMENT**

**TOWN OF ABINGDON  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 7, 2021 – 6:30 PM  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, June 7, 2021 at 6:30 pm in the Council Chamber of the Municipal Building.

**A. WELCOME – *Mayor Webb***

**B. ROLL CALL**

Members of Council Present:

Mike Owens  
James Anderson  
Amanda Pillion  
Donna Quetsch, Vice Mayor  
Derek Webb, Mayor

**C. PLEDGE OF ALLEGIANCE**

**D. PRAYER – Pastor Steven Bednar**

**E. APPROVAL OF AGENDA (VIDEO 9:36 – 10:02)**

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

The roll call vote was as follows:

Mr. Owens	Aye
Mr. Anderson	Aye
Mrs. Pillion	Aye
Mrs. Quetsch	Aye
Mayor Webb	Aye

**F. PUBLIC COMMENTS (VIDEO 10:03 – 15:51)**

- Wayne Craig
- Richard Morgan

**G. APPROVAL OF MINUTES (VIDEO 15:52 – 16:31)**

- May 3, 2021 minutes
- May 20, 2021 mid-month meeting

On motion of Mr. Anderson, seconded by Mr. Owens, approved the May 3, 2021 and the May 20, 2021 mid-month minutes as presented.

The roll call vote was as follows:

Mr. Owens	Aye
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<b>Mr. Anderson</b>	<b>Aye</b>
<b>Mrs. Pillion</b>	<b>Aye</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mayor Webb</b>	<b>Aye</b>

#### **H. PROCLAMATIONS (VIDEO 16:33 – 19:18)**

Mayor Webb read into record Proclamation on the occasion to recognize June 6 – 12, 2021 at National Garden Week. Mayor Webb and Council presented members of the Abingdon Garden Club with a framed Proclamation.

#### **I. PUBLIC HEARING -** Please place your name on the sign-up sheet provided and comments are limited to five (5) minutes per person.

1. **Public Hearing** – Sale of real property, namely Hassinger House, also known as Abingdon Convention and Visitors Bureau, 335 Cummings Street, Parcel Number 020-11-1 – ***James Morani, Town Manager (VIDEO 19:24 – 21:40)***

Mayor Webb declared the public hearing open for comment. Wayne Craig addressed the Council. Hearing no further comments, Mayor Webb closed the public hearing.

2. **Public Hearing -** Solicit public input for local community development in relation to Community Development Block Grant (CDBG) proposal to be submitted to the Virginia Department of Housing and Community Development for General Community Support in the COVID-19 Environment Program. The General Community Support in the COVID-19 Environment Program will consist of a partnership between the Town, locally owned dine-in restaurants to provide ready-to-go meals to Faith In Action for families in need. – ***Tonya Triplett, Director of Economic Development and Tourism/Assistant Town Manager (VIDEO 21:41 – 23:33)***

Tonya Triplett, Director of Economic Development and Tourism/Assistant Town Manager addressed the Council to advise the continuation of the grant from January 2020 with the DHCD offering an additional \$200,000. Mrs. Triplett stated that she has requested the pre-COVID regulations and include the locally owned sit-down, full-service restaurants who have opened during the pandemic.

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

#### **J. RESOLUTIONS**

1. Resolution of the Council supporting local community development in relation to Community Development Block Grant proposal requesting additional funding to be submitted to the Virginia Department of Housing and Community Development for General Community Support in the COVID-19 Environment Program. – ***Tonya Triplett, Director of Economic Development and Tourism/Assistant Town Manager (VIDEO 23:36 – 24:46)***

Cameron Bell, Counsel advised Council that communications with the Virginia Department of Housing and Community Development regarding language for the Resolution and requested that the matter be tabled and revisited at the next meeting.

**On motion of Mrs. Quetsch, seconded by Mrs. Pillion, tabled matter to a later date.**

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

<b>Mr. Owens</b>	<b>Aye</b>
<b>Mr. Anderson</b>	<b>Aye</b>
<b>Mrs. Pillion</b>	<b>Aye</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mayor Webb</b>	<b>Aye</b>

2. Resolution of the Council to establish fees and charges for services – ***James Morani, Town Manager (VIDEO 24:47 – 26:55)***

Town Manager James Morani advised Council that this Resolution includes sewer fee adjustment of four percent effective July 1, as well as trash and all other fees being set by the Town Manager as has been the practice. Mr. Morani stated that the Ordinance included the tax rates as required by statute. Mayor Webb clarified that the sewer and trash fees were recommended by the Town's financial advisors last year but adopting this year as a result of the pandemic.

**On motion of Mr. Owens, seconded by Mrs. Quetsch, adopted Resolution as presented.**

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

<b>Mr. Owens</b>	<b>Aye</b>
<b>Mr. Anderson</b>	<b>Aye</b>
<b>Mrs. Pillion</b>	<b>Aye</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mayor Webb</b>	<b>Aye</b>

3. Resolution of the Council supporting the expansion of passenger rail service – ***James Morani, Town Manager (VIDEO 26:55 – 28:18)***

Town Manager James Morani stated that this Resolution is the Town's support for the expansion of passenger rail service in Southwest Virginia. Mr. Morani stated that upon passenger this will be forwarded to our legislatures for presentation to the Governor.

**On motion of Mrs. Quetsch, seconded by Mrs. Pillion, adopted Resolution as presented.**

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

Mr. Owens	Aye
Mr. Anderson	Aye
Mrs. Pillion	Aye
Mrs. Quetsch	Aye
Mayor Webb	Aye

#### **K. FIRST READING OF ORDINANCES**

1. An Ordinance of the Council to transition Council elections from May to November. – ***Cameron Bell, Town Counsel (VIDEO 28:20 – 29:47)***

Cameron Bell conveyed that legislature passed this session ordering elections to be transitioned from May to November by statute 15.2-1400, which requires Council to adopt an Ordinance. Mr. Bell stated that the Ordinance would be effective July 1, but it will affect every election conducted after January 1, 2022.

Mayor Webb questioned whether this matter should be rejected. Hearing no comment, matter will move to a second reading.

2. An Ordinance to amend Chapter 82 of the Town of Abingdon Code pertaining to ride-share – ***James Morani, Town Manager (VIDEO 29:48 – 30:46)***

Town Manager James Morani stated that this Ordinance would amend the Town Code to redefine the definition of “taxicab” to exclude ride-sharing services such as Uber and Lyft.

Mayor Webb questioned whether this matter should be rejected. Hearing no comment, matter will move to a second reading.

#### **L. SECOND READING OF ORDINANCES**

1. Ordinance of the Council for the Town of Abingdon, Virginia proposing a budget for the Town of Abingdon, Virginia to make appropriation for the current expenses of the Town and to fix a tax rate upon real and personal property, for the fiscal year beginning July 1, 2021 and ending June 30, 2022. – ***Steve Trotman, Director of Finance (VIDEO 30:49 – 33:58)***

Director of Finance Steve Trotman presented a revised budget ordinance to Council as a result on increase revenues. Mr. Trotman stated that he felt confident that the trend would continue and amended the budget to include a two-percent Cost of Living Adjustment as this was deferred from the current budget due to the pandemic.

**On motion of Mrs. Quetsch, seconded by Mr. Owens, approved the presented Fiscal Year 2021-2022 budget, which included a 2% cost of living increase for full-time employees, including Council appointees.**

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

Mr. Owens	Aye
Mr. Anderson	Aye
Mrs. Pillion	Aye
Mrs. Quetsch	Aye

**Mayor Webb**

**Aye**

**M. CONSIDERATION OF BIDS**

**N. NEW BUSINESS**

1. Request for Proposals (RFP) by the Town of Abingdon for sale of 335 Cummings Street, Parcel No. 020-11-1 – *James Morani, Town Manager* (VIDEO 34:02 – 38:57)

Town Manager James Morani presented the Request for Proposal for authorization to publish. Mayor Webb stated that this was discussed at the last meeting and changes were made based on the requests of citizens regarding the covenants. Cameron Bell, Counsel, discussed the deed restrictions included in the proposed RFP. Discussion ensued.

**On motion of Mrs. Quetsch, seconded by Mrs. Pillion, approved the Request for Proposals as it is presented.**

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

<b>Mr. Owens</b>	<b>Aye</b>
<b>Mr. Anderson</b>	<b>Aye</b>
<b>Mrs. Pillion</b>	<b>Aye</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mayor Webb</b>	<b>Aye</b>

**O. OLD BUSINESS**

**P. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER (VIDEO 38:48 – 41:40)**

Town Manager James Morani updated Council with regard to sales, lodging and meals tax collections with a comparison of the April/May 2019 revenue to April/May 2021, and feels very cautiously optimistic.

**Q. COUNCIL MEMBER REPORTS (VIDEO 41:42 – 46:52)**

Mrs. Pillion addressed matters and events regarding interactions between Town Council, Manager, and members of the Veterans Memorial Foundation Board.

**R. APPOINTMENTS TO BOARDS AND COMMITTEES**

Mayor Webb declared the meeting adjourned.

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Mayor Derek Webb

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Kimberly Kingsley, Clerk

**TOWN OF ABINGDON  
MID-MONTH COUNCIL MEETING  
TUESDAY, JUNE 22, 2021 – 2:30 PM  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A mid-month meeting of the Abingdon Town Council was held on Tuesday, June 22, 2021 at 2:30 pm in the Council Chamber of the Municipal Building.

**A. WELCOME – *Mayor Webb***

**B. ROLL CALL**

Members of Council Present:

Mike Owens  
Amanda Pillion  
Donna Quetsch, Vice Mayor  
Derek Webb, Mayor

Member(s) of Council Absent:

James Anderson

**C. PLEDGE OF ALLEGIANCE**

**D. APPROVAL OF AGENDA (VIDEO 6:47 – 1:35:14)**

**On motion of Mrs. Quetsch, seconded by Mr. Owens, approved the agenda as presented.**

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

<b>Mr. Owens</b>	<b>Aye</b>
<b>Mr. Anderson</b>	<b>Absent</b>
<b>Mrs. Pillion</b>	<b>Aye</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mayor Webb</b>	<b>Aye</b>

**E. PUBLIC COMMENTS**

- No public comments

**F. PUBLIC HEARINGS**

**G. PROCLAMATIONS**

**H. NEW BUSINESS**

1. Discussion regarding wastewater operations – ***James Morani, Town Manager (VIDEO 7:44 – 1:12:24)***

Mike Greenberg, Jay Sheehan and Andy Jackson with Woodard & Curran addressed Council with a concept presentation and discussion regarding the benefits of contract operations for Wolf Creek Water Reclamation Facility, including providing employees the resources, training and management structure to be successful; allow Town management to focus upon other areas of importance; develop a more resilient wastewater utility system; develop consistency within the



annual budget process; most effective means to remain on the leading edge of technology; shift daily accountability to a professional operations/engineering firm; recruiting/retention/succession planning for professional; and access to resources that are vested in utility success. Discussion ensued. Council was in favor of pursuing a Request for Proposals for Contract Operations and directed Town Manager and Counsel to prepare said request.

2. Presentation regarding American Rescue Plan Act of 2021 – *Steve Trotman, Director of Finance* (VIDEO 1:12:27 – 1:33:59)

Steve Trotman, Director of Finance presented Council with background and Treasury guidance for the American Rescue Plan Act (Coronavirus State & Local Fiscal Recovery Fund) regarding the \$8,162,143 allocated to the Town. Mr. Trotman advised Council that a separate fund had been established for the fund for recordkeeping purposes.

**I. RESOLUTIONS**

**J. ORDINANCES**

**K. UNFINISHED BUSINESS**

**L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER** (VIDEO 1:34:11 – 1:34:57)

Town Manager James Morani reported that the meals and lodging tax trend is maintaining and the Town is in a good position for recovery.

**M. COUNCIL MEMBER REPORTS**

**N. CLOSED SESSION**

**O. ADJOURN**

Mayor Webb declared the meeting adjourned.

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Mayor Derek Webb

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Kimberly Kingsley, Clerk

***AN ORDINANCE OF THE COUNCIL  
TO TRANSITION COUNCIL ELECTIONS  
FROM MAY TO NOVEMBER***

**WHEREAS**, Virginia Code § 15.2-1400 was amended in pertinent part to state that

Notwithstanding the provisions of §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for . . . members of a local governing body, . . . shall be held at the time of the November general election for terms to commence January 1. That any city or town currently providing for the election of its . . . governing body . . . at a May election shall, by ordinance, provide for the transition of such elections to the November general election date. No term of a mayor, a member of council, shall be shortened in implementing the change to the November election date. Mayors and members of a council . . . who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve; and

**WHEREAS**, by Charter Section 3.1, Town Council elections have been conducted in May, pursuant to the above-referenced change in Virginia Code, Council will adopt this ordinance to transition elections to the November general election date.

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

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

**BE IT FURTHER ORDAINED**, that:

Any Town Council election to be conducted after January 1, 2022, shall be held on the November general election date. Members of a council who were elected at a May general election and whose terms are to expire as of June 30, 2021, shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

## 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, and find it to be in correct form, as set forth above, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Cameron Bell, Counsel

This ordinance was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, to take effect on \_\_\_\_\_.

\_\_\_\_\_  
Derek Webb, 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 \_\_\_\_\_, 2021. 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
Derek Webb, Mayor		
Donna Quetsch, Vice Mayor		
Amanda Pillion		
James Anderson		
Mike Owens		

WITNESS MY HAND and the seal of the Town of Abingdon as of \_\_\_\_\_, 2021.

(SEAL)

\_\_\_\_\_  
Kimberly Kingsley, Clerk

**AN ORDINANCE OF THE COUNCIL  
FOR THE TOWN OF ABINGDON, VIRGINIA TO AMEND  
CODE, CHAPTER 82 – VEHICLES FOR HIRE  
ARTICLE II. – TAXICABS, SECTION 82-26**

**WHEREAS**, pursuant to Virginia Code § 46.2-2000, et seq., localities may regulate certain for-hire transportation; and

**WHEREAS**, Town Council wishes to amend an ordinance definition of taxicabs;

**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 current Code, Chapter 82 – Vehicles for Hire, Article II – Taxicabs, Section 82-26 that is proposed for amendment states:

**TAXICAB**

Any motor vehicle used for the transportation of passengers for hire or reward upon the streets of the Town, except buses operated under franchise and over fixed routes between fixed terminuses.

**BE IT FURTHER ORDAINED**, that Code, Chapter 82 – Vehicles for Hire, Article II – Taxicabs, Section 82-26 be amended as follows:

**TAXICAB**

*Any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, not operating on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier, transportation network company, TNC partner, or nonemergency medical transportation carrier as defined in Virginia Code § 46.2-2000.*

## 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 Code, Chapter 82 – Vehicles for Hire, Article II – Taxicabs, Section 82-26, and find it to be in correct form, as set forth above, on June 7, 2021.

\_\_\_\_\_  
Cameron Bell, Counsel

This ordinance was adopted on \_\_\_\_\_, to take effect on \_\_\_\_\_.

\_\_\_\_\_  
Derek Webb, 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 June 7, 2021. 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
Derek Webb, Mayor		
Donna Quetsch, Vice Mayor		
Amanda Pillion		
James Anderson		
Mike Owens		

WITNESS MY HAND and the seal of the Town of Abingdon as of June 7, 2021.

(SEAL)

\_\_\_\_\_  
Kimberly Kingsley, Clerk





The Abingdon Town Council will accept bids pursuant to §15.2-2101(B) of the Code of Virginia, 1950, as amended, for natural gas franchise, privilege, lease or right proposed to be granted at its next regular meeting to be held on Tuesday, July 6, 2021 at 6:30 pm, Council Chambers, 133 West Main Street, Abingdon, Virginia. Bids shall be in writing and delivered to James Morani, Town Manager, by July 6, 2021 at 6:30 pm to be opened in public session. The Council shall have the right to reject any and all bids.

A sample of a proposed Franchise Agreement is available for inspection in the Office of the Town Manager, 133 West Main Street, during regular office hours. Any questions should be addressed to James Morani, Town Manager.

  
James Morani, Town Manager

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Please advertise in Bristol Herald Courier under the Town of Abingdon seal on:

Tuesday, June 22, 2021

Tuesday, June 29, 2021

# Order Confirmation

Order# 0001223770

**Client:** TOWN OF ABINGDON  
**Phone:** 2766283167

**Pavor :** TOWN OF ABINGDON  
**Phone:** 2766283167

**Account:** 2157052  
**Address:** PO BOX 789  
ABINGDON VA 24212

**Account:** 2157052  
**Address:** PO BOX 789  
ABINGDON VA 24212

**Sales Rep** **Acct Rep** **Ordered By**  
hjonestri retailopen\_TR Kim Kingsley

**Fax:** 2766286611  
**Email:** kkinsley@abingdon-va.gov

**Total Amount** \$458.60

**Payment Amount** \$0.00

**Amount Due** \$458.60 **Tear Sheets** **Proofs** **Affidavits** **PO Number:**

**Tax Amount:** 0.00

**Payment Meth:** Invoice - Statement

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0001223770-01	CLS Legal Liner	2 X 24 li	\$0.00

## Production Method

AdBooker (liner)

## Production Notes

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
TRI Bristol Herald Courier	C-Legal Ads	Propos-Sld Bids-RFP	2

**Run Schedule Invoice Text:** The Abingdon Town Council will accept bids pursuant to

**Run Dates** 6/22/2021, 6/29/2021

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
TRI heraldcourier.com	C-Legal Ads	Propos-Sld Bids-RFP	17

**Run Schedule Invoice Text:** The Abingdon Town Council will accept bids pursuant to

**Run Dates** 6/22/2021, 6/23/2021, 6/24/2021, 6/25/2021, 6/26/2021, 6/27/2021, 6/28/2021, 6/29/2021, 6/30/2021, 7/ 1/2021, 7/ 2/2021, 7/ 3/2021, 7/ 4/2021, 7/ 5/2021, 7/ 6/2021, 7/ 7/2021, 7/ 8/2021

**TagLine:** THEABINGDONTOWNCOUNCILWILLACCEPTBIDSPURSUANTTO1522101BOFTHECODEOFVIRGINIA1950  
ASAMENDEDFORNATURALGASFRANCHISEPRIVILEGELEASEORR

## Ad Content Proof

Note: Ad size does not reflect actual ad



The Abingdon Town Council will accept bids pursuant to §15.2-2101(B) of the Code of Virginia, 1950, as amended, for natural gas franchise, privilege, lease or right proposed to be granted at its next regular meeting to be held on Tuesday, July 6, 2021 at 6:30 pm, Council Chambers, 133 West Main Street, Abingdon, Virginia. Bids shall be in writing and delivered to James Morani, Town Manager, by July 6, 2021 at 6:30 pm to be opened in public session. The Council shall have the right to reject any and all bids.

A sample of a proposed Franchise Agreement is available for inspection in the Office of the Town Manager, 133 West Main Street, during regular office hours. Any questions should be addressed to James Morani, Town Manager.

James Morani, Town Manager



## **FRANCHISE AGREEMENT**

THIS **FRANCHISE AGREEMENT** (sometimes referred to herein as the "Agreement") is made and executed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by and between the Town of Abingdon, Virginia, (sometimes referred to herein as the "Town") and \_\_\_\_\_ (referred to herein as "Grantee").

### **WITNESSETH:**

**WHEREAS**, the existing natural gas franchise between the Town of Abingdon, Virginia, and Atmos Energy Corporation expires May 7, 2021; and

**WHEREAS**, in order to protect the health, safety and welfare of the citizens of the Town, to protect and preserve the Town's public right-of-way and infrastructure and to provide for the orderly administration of the franchise contemplated herein, it is necessary and appropriate to require the Franchisee to conduct its business and operations in a lawful manner in compliance with the terms and conditions set forth herein below; and,

**WHEREAS**, the Town duly advertised, in accordance with all applicable law, a public notice of the sale of this franchise and solicited sealed bids therefore; and,

**WHEREAS**, the Town has determined that \_\_\_\_\_'s bid was the highest and best bid and pursuant to Town Ordinance \_\_\_\_\_ is granting this franchise to \_\_\_\_\_.

**NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:**

**SECTION I:** There is hereby granted to \_\_\_\_\_, its successors and assigns (hereinafter for convenience, individually and collectively, referred to as

"Grantee"), the right, authority, privilege and franchise to construct, maintain, replace, repair and operate a system of gas mains, service pipes, regulator stations and all other necessary and appropriate equipment and facilities for the transmission, distribution and sale of natural gas in, upon, under, along, across and over the highways, streets, avenues, roads, alleys, lanes, ways, utility easements, parkways and other public grounds in the present or future corporate limits and in the environs of the community and Town of Abingdon (hereinafter for convenience referred to as "Town"), for the supplying and selling of natural gas and its by-products to said Town and the inhabitants, industries, institutions and businesses thereof, and for such purposes to construct, lay down, maintain, replace, repair and operate all necessary gas mains, service pipes and other appliances, fixtures and facilities as may be necessary for the transmission, distribution and sale of such natural gas to said Town and the inhabitants thereof for domestic, commercial, industrial and institutional uses, and for other purposes for which it may hereafter be used, for a period of thirty (30) years from and after the passage and approval of this Agreement.

SECTION II: All gas mains, service pipes, fixtures, facilities and other appliances so laid, constructed and maintained by virtue of this Agreement, shall be so laid, constructed and maintained in accordance with the best, latest and most acceptable engineering practices and in full accord with any and all applicable engineering codes adopted or approved by the natural gas distribution industry and/or engineering profession and in accordance with any applicable statutes of the Commonwealth of Virginia and the Rules and Regulations of the Commonwealth of Virginia State Corporation Commission (hereinafter for convenience referred to as "State Corporation Commission") or of any other governmental regulatory commission, board or agency having jurisdiction over the Grantee. Said facilities shall be so constructed as not to interfere with the drainage of said Town or interfere with or injure any sewer or any other

improvement which said Town has heretofore made or may hereafter make in, upon or along any highway, street, avenue, road, alley, lane, way, utility easement, parkway or other public ground, or unnecessarily impede or obstruct such highways, streets, avenues, roads, alleys, lanes, ways, utility easements, parkways and other public grounds of said Town.

SECTION III: When the streets, avenues, alleys and other public ways are opened, or any other opening is made by Grantee within the Town, whether the same be made for the purpose of laying, constructing, replacing, maintaining or repairing the mains, pipes and other appliances and fixtures of Grantee, said Grantee will place and maintain all necessary safety devices, barriers, lights and warnings to properly notify all persons of any dangers resulting from such entrances, and will comply with all safety regulations required by federal, state and local laws.

SECTION IV: In the event it becomes necessary or expedient for the Town to change the course or grade of any public highway, street, avenue, road, alley, lane, way, utility easement, parkway, or other public ground in which Grantee is maintaining gas mains, pipes or other appliances and fixtures, upon notification by the Town, the Grantee will remove or change the location or depth of such mains, pipes or other appliances and fixtures as necessary to conform to the proposed street alteration at Grantee's own expense.

SECTION V: When any public highway, street, avenue, road, alley, lane, way, utility easement, parkway, or other public way is entered by Grantee, it shall, immediately following completion of work, restore the same to its former condition and to the reasonable satisfaction of the Town. In the event the Grantee shall fail to restore said streets, avenues, alleys or other public ways to their former state, the Town may, after giving Grantee reasonable written notice and failure by Grantee to make such restoration, make such restoration itself and charge the reasonable costs thereof to

Grantee. All pavement cuts or excavations, except in response to an emergency, shall be performed only upon permission of the Director of Public Works or designee under such reasonable terms and conditions as the Director of Public Works or designee may prescribe. Grantee shall give notice to the Town of emergency work as soon as possible after the commencement of such work. Notice shall be given by contacting the Town personnel designated for this purpose.

SECTION VI: Grantee shall at all times indemnify and hold harmless the Town from and against any and all lawful claims for injury to any person or property by reason of said Grantee or its employees' failure to exercise due care and diligence in and about the installing and maintenance of said system, guarding trenches and excavations while said system is being installed or subsequent extensions, repairs or alterations are being made or generally in the operation and maintenance of said system, provided the Grantee shall have been notified in writing of any claim against the Town on account thereof, and shall have been afforded the opportunity fully to defend the same.

SECTION VII: Town and Grantee hereby agree that this Agreement shall from time to time be subject to rules and regulations adopted by Grantee and approved by the State Corporation Commission or any other regulatory body having jurisdiction thereof during the term of this Agreement, and shall also be subject to all Rules and Regulations adopted and approved by the State Corporation Commission or any other regulatory body having jurisdiction over Grantee, and that all such Rules and Regulations shall be and become a part of this Agreement to the same extent and with the same effect as if said Rules and Regulations were herein set out in full. Grantee shall not be obligated or required to make any extension of distribution mains or service lines except in accordance with the provisions relating thereto adopted or approved by the State Corporation Commission.

SECTION VIII: Nothing herein contained shall be construed as preventing Grantee from installing, placing, replacing, taking up, repairing or removing gas pipes, mains, service pipes or other devices for furnishing gas services, from using any easements for gas service which are shown on any plat or plats of any portion of said Town heretofore or hereafter platted or recorded or any such easement which may hereafter be created, granted or dedicated for any such utility purposed by any person, firm or corporation whatsoever.

SECTION IX: Grantee shall execute a bond with good and sufficient security in favor of the Town, in the sum of Twenty-five Thousand Dollars (\$25,000.00), conditioned upon the proper performance of all the Grantee's obligations and agreements hereunder.

SECTION X: If any section or portion of any section of this Agreement shall hereafter be declared or determined by any court of competent authority to be invalid, Grantee at its election (to be given to the Town by notice in writing within thirty (30) days after such declaration or determination) may ratify or confirm the remaining portions of this Agreement and upon such ratification or confirmation the remaining portions of this Agreement shall remain in full force and effect.

SECTION XI: Grantee shall, within sixty (60) days after the passage of the Agreement, file with the Town Clerk of the Town its unconditional acceptance, signed by its authorized officer, of the terms and conditions of this Agreement and after filing of such acceptance, this Agreement shall constitute a contract between the parties thereto and shall, subject to the rights and powers vested in the State Corporation Commission or such other regulatory body of the Commonwealth of Virginia as may hereafter succeed to the rights and powers of the State Corporation Commission or as may exercise statutory jurisdiction of natural gas companies furnishing gas service in the

Commonwealth of Virginia, be the measure of the rights, powers, obligations, privileges and liabilities of said Town and of said Grantee.

SECTION XII: All rights herein granted or authorized shall be subject to and governed only by this Agreement, provided, however, that the Town expressly reserves unto itself all of its police powers to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights herein granted not inconsistent with the provisions of this Agreement. All the privileges given and obligations created by this Agreement shall be binding upon the successors and assigns of Grantee.

SECTION XIII: In consideration of the benefits which in the judgment of said Town will accrue to it by reason of the construction and operation of said gas system and as an inducement to Grantee proposing to construct, maintain and operate said system, the Town hereby agrees with Grantee that no franchise or pipe line tax, not now existing, shall be imposed or charged against Grantee by Town during the life of this franchise, but said Town hereby expressly reserves the right of assessing or charging any other valid tax of any nature, whether ad valorem or otherwise, which is now authorized or which may be hereafter authorized by the general laws of the Commonwealth of Virginia.

SECTION XIV: Grantee shall not be required to perform any covenant or obligation in this Agreement, or be liable in damages to the Town, so long as the performance or non-performance of the covenant or obligation is delayed, caused or prevented by an act of God, force majeure or by the other party. An "act of God" or "force majeure" is defined for purposes of this Agreement as strikes, lockouts, sit-downs, material or labor restrictions by any governmental authority, unusual transportation delays, riots, floods, washouts, explosions, earthquakes, fire, storms, weather (including wet grounds or inclement weather which prevents construction), acts of the public

enemy, wars, terrorism, insurrections, and/or any other cause not reasonably within the control of Grantee or which by the exercise of due diligence Grantee is unable wholly or in part, to prevent or overcome.

SECTION XV: This new Agreement shall take effect and be in force immediately upon its passage by the Town of Abingdon, Virginia and approval by the Mayor of said Town. The existing franchise between the Town and Atmos Energy Corporation which is scheduled to expire by its terms on May 7, 2021, is hereby mutually terminated by the parties as of the effective date of this Agreement.

Passed in Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ Ayes

\_\_\_\_\_ Nays

\_\_\_\_\_ Not voting

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
BY: \_\_\_\_\_

Town's Mailing Address and Phone Number:

\_\_\_\_\_

TOWN OF ABINGDON  
**REDEVELOPMENT & HOUSING AUTHORITY**  
 CURRENT MEMBERS  
 APPOINTMENT & EXPIRATION DATES  
 4-YEAR TERMS  
 2<sup>nd</sup> Wednesday of Each Month; 5 – 7 pm  
 190 East Main Street, Abingdon VA  
 Staff Contact: Mark Adams - Director  
 Phone Number: 276-628-5661  
 markadams.arha@gmail.com  
**UPDATED: February 2021**

Name	Address	Phone #	Appointment Date	Term Expiration Date	Eligible for Another Term
<b>Debbie Loveland</b> <a href="mailto:debbieloveland@hotmail.com">debbieloveland@hotmail.com</a>	315 Lowland Street, SE Abingdon VA 24210	540-940-7363	February 2021	(4 year term) February 2025	Yes
<b>Dorothea Denice Frazier</b> <a href="mailto:dorotheafrazier@yahoo.com">dorotheafrazier@yahoo.com</a>	P O Box 1282 Abingdon VA 24212-1282	276-739-9938	February 5, 2018	(4 year term) February, 2022	Yes
<b>Tracy Meek</b> <a href="mailto:Tracy.L.meek@gmail.com">Tracy.L.meek@gmail.com</a>	236 Baugh Lane Abingdon VA 24210	276-206-1583 (c)	December 4, 2017 (replaced Vickye Hall)	(4 year term) December, 2021	Yes
<b>Michael Rush</b> <a href="mailto:Michaelrush1962@gmail.com">Michaelrush1962@gmail.com</a>	610 Colonial Road Abingdon VA 24210	276-492-3044 (C)	December 2015 (1 <sup>st</sup> term) December 2019 (2 <sup>nd</sup> term)	(4 year term) December, 2023	No
(to fill the unexpired term of Constance Daggs)			September 4, 2018	(4 year term) September 2022	Yes





PUBLIC DOCUMENT –  
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APPLICATION EXPIRES DECEMBER 31, 2021

**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 (3<sup>rd</sup> 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](mailto:kkingsley@abingdon-va.gov)

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

Name Katlin Kazmi Date: 6/9/2021

Address 631 Repass St. City/State Abingdon, VA Zip 24210

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

Telephone: 276-275-1097

Email Address: (required) katlinkazmi@gmail.com

Place of Employment: Region VII Virtual Academy, Executive Director / The Pakalachian Food Truck, Co-Owner

Address: \_\_\_\_\_

Description of job duties: Varied

Educational background:  
B.S. in Human Development - Virginia Tech / Masters in Elementary Education - University of Virginia

Ed. S. Educational Policy and Leadership -Virginia Tech

Revised 2021.05.21

Rec. 6/9/21

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? \_\_\_\_\_

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?

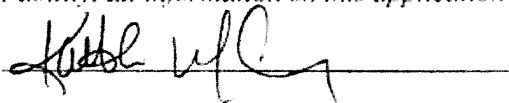
I am very invested in seeing the town prosper and grow. I have made Abingdon my home and want to do my part in making

it a great place to live and visit. I believe Southwest Virginia is special and Abingdon in particular has untapped potential.

Are you presently more than 30 days delinquent on Town of Abingdon taxes? Yes ☐ No ☒

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

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 circle any other committees you are willing to serve on:

Board of Building Code Appeals ** <input type="checkbox"/>	Planning Commission */** <input checked="" type="checkbox"/>
Board of Zoning Appeals <input type="checkbox"/>	Recreation Advisory Commission <input type="checkbox"/>
Economic Development Authority <input checked="" type="checkbox"/>	Sinking Spring Cemetery Committee ** <input type="checkbox"/>
Infrastructure Advisory Committee <input checked="" type="checkbox"/>	Sustain Abingdon Committee <input checked="" type="checkbox"/>
Historic Preservation Review Board */** <input type="checkbox"/>	Tourism Advisory Committee ** <input checked="" type="checkbox"/>
Housing and Redevelopment Authority <input checked="" type="checkbox"/>	Tree Commission <input type="checkbox"/>
Muster Grounds Steering Committee <input type="checkbox"/>	Virginia Highlands Small Business Incubator <input checked="" type="checkbox"/>

**\*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**

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- [kkingsley@abingdon-va.gov](mailto:kkingsley@abingdon-va.gov)

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

Name Mohsin Kazmi Date: 6/9/2021

Address 631 Repass St. City/State Abingdon, VA Zip 24210

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

Telephone: 201-835-9580

Email Address: (required) emailmohsinkazmi@gmail.com

Place of Employment: Tamandua Expeditions, Co-Owner / The Pakalachian Food Truck, Co-Owner

Address: \_\_\_\_\_

Description of job duties: Varied

Educational background:  
B.S. in Human Development - Virginia Tech / Masters in Environmental Science and Policy - Johns Hopkins Hopkins

Revised 2021.05.21

rec. 6/9/21

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) \_\_\_\_\_

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Yes ☐ No ☒

If so, name and date(s) of service? \_\_\_\_\_

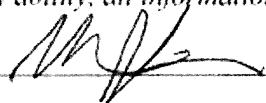
Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it be helpful?

I have experience in tourism, conservation non-profit management, as well  
as an entrepreneurial spirit. I plan on spending the rest of my life here in SWVA  
and I am motivated to make Abingdon a place that appeals to everyone for many years to come.

Are you presently more than 30 days delinquent on Town of Abingdon taxes? Yes ☐ No ☒

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

SIGNATURE



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

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Housing and Redevelopment Authority <input checked="" type="checkbox"/>	Tree Commission <input checked="" type="checkbox"/>
Muster Grounds Steering Committee <input type="checkbox"/>	Virginia Highlands Small Business Incubator <input checked="" type="checkbox"/>

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

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

Name FRANK J. STEPHON, IV Date: FEB 6, 2021

Address 19668 OLD JONESBORO ROAD City/State ABINGDON Zip 24210

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

Telephone: 276-525-0746

Email Address: (required) stephontax@yahoo.co

Place of Employment: RETIRED

Address: \_\_\_\_\_

Description of job duties: SELF EMPLOYED TAX PREPARATION & BOOKKEEPING

Educational background:

BS DEGREE - BLUEFIELD STATE COLLEGE, ONE YEAR POSTGRAD VA TECH

Rec. 2/8/2021

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? WASHINGTON COUNTY SERVICE AUTHORITY 16 YEARS ENDING 6/22/15.

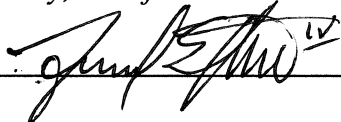
Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it be helpful?

I AM INTERESTED IN HELPING PEOPLE FIND A HOME. I AM A LIFELONG ABINGDON RESIDENT AND OWN THREE PROPERTIES IN THE TOWN .

I BELIEVE THAT MY BOARD SERVICE WOULD BE HELPFUL IN UNDERSTANDING THE WORKINGS OF LOCAL GOVERNMENT BOARDS AND AUTHORITIES.

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

SIGNATURE



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

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