



**TOWN OF ABINGDON, VIRGINIA
TOWN COUNCIL REGULAR MEETING
MONDAY, AUGUST 2, 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 Amanda Pillion

D. PRAYER – Pastor Dwayne Knight, Valley Street Baptist

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

- July 6, 2021 meeting
- July 15, 2021 retreat

H. PROCLAMATIONS

1. Proclamation on the occasion to honor and recognize the Abingdon High School Baseball Team 2021 VHSL Class 3 Baseball State runner-up
2. Proclamation on the occasion to honor and recognize Lauren Wimmer, Abingdon High School 2021 VHSL Class 3 Tennis Singles State Champion
3. Proclamation on the occasion to honor and recognize Xander Brown and Dylan Phillips for second-place finishes, Abingdon High School 2021 VHSL Track and Field
4. Proclamation recognizing Holston Mountain Artisans in celebration of their Fiftieth Anniversary

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

1. An Ordinance accepting Atmos Energy Corporation bid for natural gas franchise, privilege, lease or right proposed to be granted – ***James Morani, Town Manager***

L. SECOND READING OF ORDINANCES

M. CONSIDERATION OF BIDS

N. NEW BUSINESS

O. OLD BUSINESS

P. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER

1. Abingdon Police Department Update – ***APD Chief Holbrook***
2. Allocation of funds received from the American Rescue Plan Act of 2021 (ARPA) – ***James Morani, Town Manager***
3. Discussion regarding Hassinger House – ***James Morani, Town Manager***

Q. COUNCIL MEMBER REPORTS

R. APPOINTMENTS TO BOARDS AND COMMITTEES

1. Virginia Highlands Small Business Incubator
 - Appointment to fill expired term or reappointment of an additional term of Sylvia Robbins
 - Appointment to fill expired term or reappointment of an additional term of Michael Spiegler
 - Appointment to fill expired term or reappointment of an additional term of Doris Shuman
 - Appointment to fill expired term or reappointment of an additional term of Kent Peterson

If Council so desires, closed session pursuant to Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the purpose of considering applications for appointment for position on Virginia Highlands Small Business Incubator.

S. ADJOURNMENT

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
TUESDAY, JULY 6, 2021 – 6:30 PM
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Tuesday, July 6, 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
Donna Quetsch, Vice Mayor
Derek Webb, Mayor

Member(s) Absent:

Amanda Pillion

C. PLEDGE OF ALLEGIANCE

D. PRAYER – *Billy Fullen*

E. APPROVAL OF AGENDA (VIDEO)

On motion of Mr. Owens, seconded by Mr. Anderson, amended the agenda to include a closed session pursuant to the Code of Virginia, Section 2.2-3711(A)(1) for the purpose of considering applications for appointment for position on the Abingdon Redevelopment and Housing Authority.

The roll call vote was as follows:

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

F. PUBLIC COMMENTS (VIDEO)

- Eric McReynolds, spokesperson for American History Preservation
- Billy Fullen
- Dr. Mark J. Matney
- Stephen Jett

G. APPROVAL OF MINUTES (VIDEO

- June 7, 2021 meeting
- June 22, 2021 mid-month meeting

On motion of Mr. Anderson, seconded by Mrs. Quetsch, approved the June 7, 2021 minutes as presented.

The roll call vote was as follows:

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

On motion of Mr. Owens, seconded by Mrs. Quetsch, approved the June 22, 2021 mid-month minutes as presented.

The roll call vote was as follows:

Mr. Owens	Aye
Mr. Anderson	Abstain (absent from meeting)
Mrs. Pillion	Absent
Mrs. Quetsch	Aye
Mayor Webb	Aye

H. PROCLAMATIONS

I. PUBLIC HEARING

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* (VIDEO)

On motion of Mr. Owens, seconded by Mr. Anderson, adopted Ordinance to transition Council elections from May to November as presented.

The roll call vote was as follows:

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

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

On motion of Mrs. Quetsch, seconded by Mr. Owens, adopted Ordinance to amend Chapter 82 of the Town Code pertaining to ride-share as presented.

The roll call vote was as follows:

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

M. CONSIDERATION OF BIDS

1. Consideration of bids for natural gas franchise, privilege, lease or right proposed to be granted – ***James Morani, Town Manager (VIDEO)***

Town Manager James Morani advised Council that one sealed bid was received from Atmos Energy Corporation. Mr. Morani stated that an Ordinance would be prepared for the franchise with Atmos Energy Corporation for presentation at the August meeting.

N. NEW BUSINESS

O. OLD BUSINESS

P. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER (VIDEO)

Town Manager James Morani advised Council that the fiscal year closed strong.

Q. COUNCIL MEMBER REPORTS

Mayor Webb thanked the Council members for their hard work.

R. APPOINTMENTS TO BOARDS AND COMMITTEES (VIDEO)

On motion by Mr. Owens, seconded by Mr. Anderson, to go into closed session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the purpose of considering applications for appointment for position on the Abingdon Redevelopment and Housing Authority.

The roll call vote was as follows:

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

**On motion by Mr. Owens, seconded by Mr. Anderson, reconvened in open session.
The roll call vote was as follows:**

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

Mr. Owens moved that the Town Council certify that, in closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in the motion.

The certification was as follows:

Mr. Owens	I so certify
Mr. Anderson	I so certify
Mrs. Pillion	Absent
Mrs. Quetsch	I so certify
Mayor Webb	I so certify

1. Abingdon Redevelopment and Housing Authority
- Appointment to fill unexpired term of Constance Daggs

On motion by Mr. Owens, seconded by Mrs. Quetsch, to appoint Katlin Kasmi to the Abingdon Redevelopment and Housing Authority to fill the unexpired term of Constance Daggs.

The roll call vote was as follows:

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

2. Recreation Advisory Commission
- Reappointment of Derek Webb, who is eligible to serve an additional term

On motion by Mr. Owens, seconded by Mrs. Quetsch, to reappoint Derek Webb to serve an additional term of the Recreation Advisory Commission.

The roll call vote was as follows:

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

Mayor Webb declared the meeting adjourned.

Mayor Derek Webb

Kimberly Kingsley, Clerk

**TOWN OF ABINGDON
COUNCIL RETREAT
THURSDAY, JULY 15, 2021 – 8:30 AM
JUBILEE HOUSE RETREAT AND CONFERENCE CENTER**

A Retreat of the Abingdon Town Council was held on Thursday, July 15, 2021 at 8:30 am at the Jubilee House Retreat and Conference Center.

A. WELCOME – *Mayor Webb*

B. ROLL CALL

Members of Council Present:

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

Meeting Facilitators:

Kimball Payne, The Berkley Group
Kelsey Wong, The Berkley Group

Mr. Payne thanked the Council members for the opportunity to facilitate their retreat. He provided information on his background in local government. Ms. Wong also introduced herself.

Mr. Payne suggested the following goals for the retreat:

- Get to know each other better and build relationships
- Work as a team and develop consensus
- Identify steps to improve Council effectiveness
- Gain a better understanding of Council, Mayor, and Manager roles and responsibilities
- Develop a plan for utilizing ARPA funding
- Identify major goals and priorities
- Identify objectives, with assigned responsibility and timelines, to advance the goals
- Craft a work plan for the next 18 to 24 months
- Understand constraints to progress and identify means to overcome them

He then mentioned some themes that might run through the day's discussions:

- Council dynamics and processes
- Council/manager/mayor roles, responsibilities, and relationship
- Public engagement
- Limitations – staff, finances, time, statutes, Dillon Rule

He concluded his introductory remarks by listing some proposed ground rules for the retreat:

- Everyone participates

- Engage
- Be honest
- Listen to each other
- Respect different opinions
- No idea is too outlandish
- Seek to understand
- Ask questions
- Seek consensus (formal action at a future Council meeting)
- Use the parking lot for issues that may evade consensus or require more background
- Have fun
- We will take breaks when it seems appropriate

Council accepted the goals and ground rules by unanimous consent.

Mr. Payne then asked each Council member to answer the following questions: *Why do you serve on Council? What would you like to be remembered for? Tell your colleagues something about yourself that they probably don't know.*

The Council members spoke to a desire to serve the town and make it a better place for citizens. Each said that he or she didn't really want to leave a personal legacy but just wanted to do what they thought was best for the community. Council members also shared interesting facts and stories about themselves.

To get an understanding of Council's vision for Abingdon, Mr. Payne asked the members to describe the Town of Abingdon in the future (5,10, 20 years out) and to suggest what would be different or better as a result of this Council's initiatives. The responses were captured on Flip Chart #1, as follows:

Future

Affordable housing

Young families

Vibrant downtown

Unique (not Asheville) – be yourself [a desire for Abingdon to be Abingdon and not try to copy another community.]

Community

Tourism destination

Service center for the region (w/in 1.5 hr. drive)

Adequate workforce

Active, engaged citizenry

Financially stable, sustainable

Vibrant small business community

Mr. Payne then shared with Council the common themes and other issues that he heard when he conducted interviews with each Council member in preparation for the retreat.

Common Themes

- ARPA funding and how to use it
- Infrastructure projects: Park St, Main St. flooding, Fields Penn House; Meadows complex
- CIP
- Council relations; unity, communications
- Council/Manager roles and responsibilities
- Rules of Procedure for effective meetings
- Outsourcing operations at the wastewater treatment plant (WWTP)

Other Issues/Ideas

- Tourism plan
- Non-profit advisory council
- Charter change
- Historic properties
- Events philosophy
- Mountain bike park
- Stable finances
- Disposition of underutilized Town properties

He said that it was time to start discussing the issues identified by Council members and suggested starting with Town Council expectations, relationships, and effectiveness.

The following questions were offered to encourage the conversation.

- *How is Council doing as a governing body?*
- *What is working well?*
- *What areas might need improvement?*
- *Are there any expectations that are not being met?*
- *What is the quality of communications among Council members?*
- *How effective, useful, or relevant is Council's Code of Ethics? What changes might be appropriate?*
- *How effective, useful, or relevant are Council's Meeting Rules and Regulations? What changes might be appropriate?*

The discussion of Council's performance evolved to include the Town Manager. Mr. Payne had offered the following questions regarding that relationship.

- *How is the relationship between the Manager and Council?*
- *Are roles, responsibilities, and boundaries understood and respected by Council members, employees, and the public?*
- *Are performance expectations documented, understood, and followed up on?*
- *What areas need clarification or improvement?*
- *What is the quality of communications between the Manager and Council?*

The facilitator reviewed the principles of the council/manager form of government and the roles and responsibilities, as well as boundaries, between the Council, the manager, and staff. The role of the Mayor and Council's expectations of that position were also discussed.

Among the principles of the Council/Manager form of government that Mr. Payne reviewed were the following:

- ❖ The Council determines the vision for the community and adopts ordinances, and sets policy, among its other responsibilities, to achieve the vision.
- ❖ Council acts as a body, in public by majority vote; no single Council member has the authority solely to set or change policy, or commit town resources
- ❖ Council hires a professional manager to serve as the chief administrative officer of the organization
- ❖ The manager is apolitical, is responsible for the day-to-day operations of the local government, and operates under a code of ethics
- ❖ The manager's specific responsibilities and authority are stipulated by state statute, local charter, and local code.
- ❖ The manager is responsible for personnel management of the organization and, except as may be limited by charter, hires, trains, disciplines, and terminates all employees of the local government.
- ❖ Except for positions reporting directly to the governing body, Council has no role in personnel management beyond adopting organizational policies and procedures.
- ❖ Council directs staff through the manager; no Council member has the authority to give direction to staff
- ❖ One of the manager's primary responsibilities is to keep the Council informed. Sharing information with Council is guided by the following principles:
 - Information is shared with all Council members equally and at the same time
 - Responses to inquiries from individual Council members are shared with all Council members
 - Council learns of bad news from the manager first
 - There should be no surprises

Points from the discussion were captured on Flip Charts #2 and #3. Asterisks (*) indicate an action item.

Flip Chart #2

Council

Communications could be better *[among Council members]*

***Behavioral expectations on agenda** *[in response to concerns about certain citizens disrupting Council meetings and how the Mayor, as presiding officer, might address that – the facilitator offered to provide an example]*

Trust – address immediately

Informed

Orientation

***Agenda summary sheet** *[a summary of the agenda item will be provided along with backup information – the facilitator agreed to provide an example]*

Electronic agendas *[four of the five Council members agreed to receive the agenda packet electronically]*

5 calendar days in advance *[of the meeting is when the agenda packet will be delivered] [Council also agreed that it was not necessary to include proof of publication in the agenda packets.]*

Flip Chart #3

Mayor -Expectations

Presider

Facilitator of decision making

Ceremonial head/spokesperson

Communicator

Manager

Value of monthly reports

***Annual evaluation (template)** *[the facilitator agreed to provide a template for consideration]*

Council broke for lunch at noon and reconvened at 12:45 p.m.

Director of Economic Development and Tourism/Assistant Town Manager Tonya Triplett and Director of Finance Steve Trotman joined the group for the afternoon session of the retreat.

Mr. Payne suggested that before addressing specific topics identified on the agenda, Council discuss town operations. He asked the following questions:

- *Are there other areas of Town operations that should be addressed?*
- *What is the Town doing well?*

- *What could be done better?*
- *Is there anything that the Town is not doing that it should be doing?*
- *Is there anything that the Town is doing that it could stop doing?*

The discussion was capture on Flip Charts #4-#6.

Flip Chart #4

Town Ops

Doing well

Council
Core Services
Supporting staff
Business support
Financial stability
County relations

Flip Chart #5

Could Do Better

Doing too much
Chamber & others stepping up
Dependency
Communicate good news (brag)
***Tourism plan (6 mos.), w/metrics (ROI)**
Code enforcement
Project completion
Abingdon Main Street
County relations
Relationship with schools – facilities use

Flip Chart #6

Stop

Buying and maintaining historic properties
Doing things the way they have always been done; e.g.,
 Tourism
 Non-profit funding
 Rec. center (Coomes)
 Fire Protection Services

Stop subsidizing the County

[Non-profit app*] *[the facilitator agreed to share an example from another community]*

Being adversarial

The discussion continued with a focus on specific action items and how to utilize the \$8.2 million in American Rescue Plan Act (ARPA) funds that the Town would be receiving. Mr. Payne also suggested some questions to ask when considering alternative forms of service delivery, such as outsourcing operations at the WWTP.

1. Should the service be delivered by government?
2. What are the expectations related to service delivery?
3. How well is the service being delivered?
4. Can service delivery be improved in house?
5. Should the service be contracted out?
6. What are the legal implications?
7. How to measure performance and ensure accountability?
8. What will happen to existing employees who are currently responsible for service delivery?

With respect to the WWTP, Mr. Morani advised that the Town would be receiving proposals from firms interested in operating the facility and that he would be bringing together a team to review the proposals. There was a discussion about the advisability of including a member, or members, of Council on the review team. Ms. Quetsch expressed an interest in serving on the review team and Council agreed by unanimous consent.

Major points from the discussion were captured on Flip Charts #7-#9.

Flip Chart #7

To Do

Expand Historic District

Infrastructure

Stormwater/flooding

Sports Complex – Finish work → complete the master plan, restrooms

Operations plan (Jan. 1)

House – research, RFP?

[Set aside] \$2 million [of ARPA funds to complete the work in the original construction bid that was deferred due to cost and available funding]

***Next agenda – Aug 2nd – Bike Park? (in triangle)**

Spring – Bid batting cage

Review master plan – 90 days

Flip Chart #8

ARPA \$

- **Stormwater - #1, hire an engineer by Oct 1**
 - **Immediately – figure out where you are on stormwater management** *[what work has been done previously is still relevant?]*
 - **\$4 million**
- **Creeper Trail Trestles**
 - **\$1-1.25 million** *[settled on \$1.25 million]*
 - **Bid by March 1, 2022**
- **Green Spring Road** *[culvert replacement and associated work]*
 - **0.825 million**
 - **Hire engineer by Oct 1**

Flip Chart #9

***Adopt CIP for FY2023** *[and subsequent years]* – **May 2022**

Aug 2 – ARPA plan to Council

Sep 7th – Outsourcing WWTP *[operations]* **decision**

This concluded the retreat. Mr. Payne thanked the Council on behalf of himself, Ms. Wong, and The Berkley Group for the opportunity to be of service. He advised that he would prepare notes from the retreat and provide them to Mr. Morani for use as he deemed appropriate. Council members expressed their appreciation for Mr. Payne's and Ms. Wong's assistance.

Mayor Webb declared the meeting adjourned 4:30 p.m.

Derek Webb, Mayor

Kimberly Kingsley, Clerk

***AN ORDINANCE OF THE COUNCIL
FOR THE TOWN OF ABINGDON, VIRGINIA
TO ACCEPT THE HIGHEST BID AND ESTABLISH CRITERIA,
PROCEDURES AND STANDARDS BY WHICH THE TOWN WILL GRANT AND
ENFORCE A NATURAL GAS FRANCHISE
WITH ATMOS ENERGY CORPORATION***

WHEREAS, pursuant to Virginia Code § 15.2-2101, et seq., localities may accept the highest bid from a responsible bidder and shall adopt the ordinance as advertised; and

WHEREAS, Town Council wishes to accept the highest bid and adopt an ordinance to establish criteria, procedures and standards by which the Town will grant and enforce an ordinance for natural gas franchise with Atmos Energy Corporation;

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Abingdon that the following Ordinance be adopted:

FRANCHISE AGREEMENT

THIS **FRANCHISE AGREEMENT** (referred to herein as "Agreement") is made and executed on August ____, 2021 by and between the Town of Abingdon, Virginia (referred to herein as the "Town") and Atmos Energy Corporation, its successors and assigns (referred to herein as "Grantee").

WITNESSETH:

WHEREAS, the existing natural gas franchise between the Town and Grantee expired on 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 Grantee 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 for consideration of bids for natural gas franchise, privilege, lease or right proposed to be granted and solicited sealed bids therefore; and,

WHEREAS, the Town has determined that Grantee's bid was the highest and best bid and is granting this franchise to Atmos Energy Corporation.

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 Atmos Energy Corporation, 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, 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 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 passage by the Council for the Town of Abingdon directing the Town Manager to execute said Franchise Agreement. The existing franchise between the Town and Grantee which expired by its terms on May 7, 2021, is hereby mutually terminated by the parties as of the effective date of this Agreement.

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 and find it to be in correct form, as set forth above, on August 2, 2021.

Cameron Bell, Counsel

This ordinance was adopted on _____ 2021, to take effect on _____, 2021.

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 August 2, 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



To: Mayor & Council
From: James Morani, Town Manager
Date: July 27, 2021
RE: 2021 American Rescue Plan Act (ARPA)
Coronavirus State & Local Fiscal Relief Funding (CSLFRF)

During the recent retreat held on July 15, 2021, council members expressed their intent to judiciously and deliberately use the American Rescue Plan Act (ARPA) funds in ways that benefit the town's citizens, mitigate the negative economic consequences of the COVID-19 pandemic, and address critical long-term infrastructure needs, while maintaining compliance with eligible use and restrictions outlined by the U.S. Treasury. As reported previously, the Treasury outlined four broad categories of eligible uses but did not provide an exhaustive list, relying instead on a series of FAQs based on recipient inquiries. It is important to note that many uses will be interpretational based on current and ongoing guidelines.

The Town of Abingdon was designated by statute to receive a total \$8,162,143 in ARPA funds to be distributed in two equal tranches of \$4,081,072 each. The first tranche was received on June 30, 2021 with the second and final tranche expected in June 2022. Projects must be initiated and funding encumbered by the end of calendar year 2024, although actual cash outlays are allowed until December 31, 2026.

During the retreat, the council preliminarily allocated funds (both tranches) and authorized town management and staff to determine scope and costs for the following ARPA related projects:

Flood mitigation & stormwater management	\$4,000,000
Completion of The Meadows Sports Complex	\$2,000,000
Virginia Creeper Trail trestle repairs	\$1,250,000
Green Spring Road culvert replacement	\$ 825,000

The list of priorities outlined above by council members, none of which are specifically outlined in the four general categories, but likely included based on July 19, 2021 FAQs, must be deemed an eligible use. Relevant FAQs addressing these specific projects are included in **Addendum A** to this memo with emphasis added by highlighting considered justification for the project(s).

As a reminder the Government Finance Officers Association (GFOA) issued guiding principles (**Addendum B**) that council and staff should continually reference as projects and expenditures are considered.

Thank you.



ADDENDUM A

Eligibility justification based on U.S. Treasury FAQ Guidance

The Meadows Sports Complex & Virginia Creeper Trail projects

2.18. Would investments in improving outdoor spaces (e.g. parks) be an eligible use of funds as a response to the public health emergency and/or its negative economic impacts? [6/23]

There are multiple ways that investments in improving outdoor spaces could qualify as eligible uses; several are highlighted below, though there may be other ways that a specific investment in outdoor spaces would meet eligible use criteria.

First, in recognition of the disproportionate negative economic impacts on certain communities and populations, the Interim Final Rule identifies certain types of services that are eligible uses when provided in a Qualified Census Tract (QCT), to families and individuals living in QCTs, or when these services are provided by Tribal governments. Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic.

These programs and services include services designed to build stronger neighborhoods and communities and to address health disparities and the social determinants of health. The Interim Final Rule provides a non-exhaustive list of eligible services to respond to the needs of communities disproportionately impacted by the pandemic, and recipients may identify other uses of funds that do so, consistent with the Rule's framework. For example, investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19.

Second, recipients may provide assistance to small businesses in all communities. Assistance to small businesses could include support to enhance outdoor spaces for COVID-19 mitigation (e.g., restaurant patios) or to improve the built environment of the neighborhood (e.g., façade improvements).

Third, many governments saw significantly increased use of parks during the pandemic that resulted in damage or increased maintenance needs. The Interim Final Rule recognizes that "decrease[s] to a state or local government's ability to effectively administer services" can constitute a negative economic impact of the pandemic.

E Main Street Flood Mitigation & Green Spring Road projects

6.14. How should states and local governments assess whether a stormwater management project, such as a culvert replacement, is an eligible project for State and Local Fiscal Recovery Funds? [7/14]

FAQ 6.7 describes the overall approach that recipients may take to evaluate the eligibility of water or sewer projects. For stormwater management projects specifically, as noted in the **EPA's Overview of Clean Water State Revolving Fund Eligibilities**, "Stormwater projects must have a water quality benefit." Thus, to be eligible under CSFRF/CLFRF, stormwater management projects should be designed to incorporate water quality benefits consistent with the goals of the Clean Water Act. Summary of the Clean Water Act.

CWSRF Program Eligibilities

To be eligible for CWSRF assistance, a project must meet the criteria of one of the eleven CWSRF eligibilities. Section 603(c) of the Clean Water Act (CWA) states that the CWSRF can provide assistance:

- (5) for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;
- (6) to any municipality, intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;
- (9) for reusing or recycling wastewater, stormwater, or subsurface drainage water.



ADDENDUM B

GFOA American Rescue Plan Act Guiding Principles (March 2021)

Temporary Nature of ARPA Funds. ARPA funds are non-recurring so their use should be applied primarily to non-recurring expenditures.

- Care should be taken to avoid creating new programs or add-ons to existing programs that require an ongoing financial commitment.
- Replenishing reserves used to offset revenue declines during the pandemic should be given high priority to rebuild financial flexibility/stability and restore fiscal resiliency.
- Use of ARPA funds to cover operating deficits caused by COVID-19 should be considered temporary and additional budget restraint may be necessary to achieve/maintain structural balance in future budgets.
- Investment in critical infrastructure is particularly well suited use of ARPA funds because it is a non-recurring expenditure that can be targeted to strategically important long- term assets that provide benefits over many years. However, care should be taken to assess any on-going operating costs that may be associated with the project.

ARPA Scanning and Partnering Efforts. State and local jurisdictions should be aware of plans for ARPA funding throughout their communities.

- Local jurisdictions should be cognizant of state-level ARPA efforts, especially regarding infrastructure, potential enhancements of state funding resources, and existing or new state law requirements.
- Consider regional initiatives, including partnering with other ARPA recipients. It is possible there are many beneficiaries of ARPA funding within your community, such as schools, transportation agencies and local economic development authorities. Be sure to understand what they are planning and augment their efforts; alternatively, creating cooperative spending plans to enhance the structural financial condition of your community.

Take Time and Careful Consideration. ARPA funds will be issued in two tranches to local governments. Throughout the years of outlays, and until the end of calendar year 2024, consider how the funds may be used to address rescue efforts and lead to recovery.

- Use other dedicated grants and programs first whenever possible and save ARPA funds for priorities not eligible for other federal and state assistance programs.
- Whenever possible, expenditures related to the ARPA funding should be spread over the qualifying period (through December 31, 2024) to enhance budgetary and financial stability.
- Adequate time should be taken to carefully consider all alternatives for the prudent use of ARPA funding prior to committing the resources to ensure the best use of the temporary funding.

The influx of funds will undoubtedly benefit state and local finances, and aid in the recovery from the budgetary, economic, and financial impacts of the pandemic. Rating agencies will evaluate a government's use of the ARPA funds in formulating its credit opinion and, importantly, will consider your government's level of reserves and structural budget balance, or efforts to return to structural balance, as part of their credit analysis. Finance officers will play a critical role in highlighting the need to use ARPA funds prudently with an eye towards long-term financial stability and sustainable operating performance. The funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize.

Virginia Highlands Small Business Incubator
Board of Directors
Director-Cathy Lowe
276-492-2060
Updated: August 4, 2020

Term: One year running from September 1st of the year of appointment through August 31st of one year later and may be reappointed at the discretion of the appointing body.

Name	Governing Body	Address	Phone Number	Appointment Date	Appointment End
Ben Harrell	Washington County			9/12/2019	One Year Term Or Until Replaced
Kyle Macione	Washington County			9/12/2019	One Year Term Or Until Replaced
Jack Phelps, Jr.	Washington County			9/13/2005	One Year Term Or Until Replaced
John Brickey	Washington County			4/3/2020	One Year Term Or Until Replaced
Kent Peterson	Town of Abingdon	260 Stonewall Heights Abingdon, VA 24210	276-698-7970 Kepeterson57@gmail.com	8/4/2020	One Year Term Or Until Replaced
Mark Graham	Member at Large	19089 Lexi Drive Abingdon VA 24210	276-356-1312		One Year Term Or Until Replaced
Sylvia Robbins	Town of Abingdon	20854 Deer Run Drive, Unit A Abingdon, VA 24210	757-897-9543 Sylvia.robbins@edwardjones.com	8/4/2020	One Year Term Or Until Replaced

Michael A. Spiegler President	Town of Abingdon	848 French Moore Jr. Blvd Abingdon, VA 24210	276-628-8700	10/7/2010 Re: 9/1/2013 Re: 9/4/2018 Re: 8/4/2020	One Year Term Or Until Replaced
Doris Clendenen Shuman	Town of Abingdon	164 Valley Street NW Abingdon, VA 24210	276-698-8882 dorisshuman@gmail.com	8/4/2020	One Year Term Or Until Replaced

*Please refer any questions regarding the County appointees to Jason Berry, County Administrator and/or Cathy Lowe, Virginia Highlands Small Business Incubator Director.



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

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 (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 Kenton Thompson Date: 07/26/2021

Address 301 Valley Street NE City/State Abingdon, VA Zip 24210

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

Telephone: 276-477-4164

Email Address: (required) kthompsoncpa@gmail.com

Place of Employment: RSM US LLP

Address: 300 S Tryon Street, Suite 1500, Charlotte, NC 28202

Description of job duties: Senior Director - Valuation Services

Educational background:

B.S.B.A. - University of Central Florida - Major in Accounting, minor in Computer Science;

M. Div. - Asbury Theological Seminary; Industry Certificate in the Business of Craft Brewing - Portland State University

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?

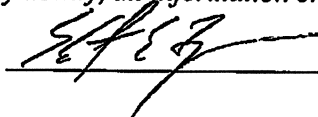
I have been a CPA for over 37 years, a licensed Real Estate Broker for over 20 years. I have extensive experience working with clients

in a wide range of industries, including numerous start-ups in technology, manufacturing, service and retail businesses.

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 type="checkbox"/>	Sustain Abingdon Committee <input type="checkbox"/>
Historic Preservation Review Board */** <input type="checkbox"/>	Tourism Advisory Committee ** <input 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

Note: All applicants are subject to background verification.



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- 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) _____

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? _____

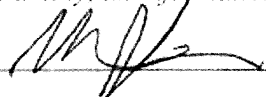
Why do you wish to serve the Town in this capacity? Do you have an area of interest or background that you believe would be a beneficial service in this capacity? If so, what is it and how would it be helpful?

I 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"/>

***May be required to attend training and/or obtain certification during term**

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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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