

AN ORDINANCE OF THE COUNCIL

FOR THE TOWN OF ABINGDON, VIRGINIA TO AMEND

Part II – Code, Chapter 2 – Administration, Article VI. – Planning Commission;

Division 2 – Powers and Duties, Sub-section 2-326. – Town Provisions.

WHEREAS, §15.2- 2212 of the Code of Virginia 1950, as amended, grants the local governing body the authority to appoint members of a local planning commission; and

WHEREAS, the Town of Abingdon's current Code, Chapter 2 – Administration, Article VI. – Planning Commission; Division 2 – Powers and Duties, Sub-section 2-326 – Town provisions, the Council for the Town of Abingdon has found it in the best interest to amend the body of its ordinance; and

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

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

2. The Town of Abingdon's Code – Part II, Chapter 2 – Administration, Article VI. – Planning Commission; Division 2 – Powers and Duties, Sub-section 2-326 – Town provisions that is proposed for amendment currently appears as follows:

Sec. 2-326. - Town provisions.

(a) *Name*. There is hereby created a town planning commission, which commission shall be known as the "Abingdon Town Planning Commission" which may be referred to in this Code as the planning commission.

(b) *Composition, qualifications and appointment of members*. The planning commission shall consist of not less than seven or more than 15 members, one of whom shall be a member of the town council and one of whom shall be the town manager. The remaining members, to be known as appointed members, shall all be residents of the town and at least half of them shall be owners of real property, within the town. All members shall be appointed by the town council and must have knowledge and experience to make decisions on questions of community growth and development.

(c) *Terms of members; filling vacancies*.

(1) With the exception of council members, the appointed members shall be appointed for terms of four years, beginning on July 1 and ending on June 30 of the relevant years. Any vacancy in membership may be filled by appointment by the town council. Such

appointment in case of an appointed member shall be for the unexpired term. The term of any council member appointed to the planning commission shall be a two-year term. The council member may serve two consecutive terms.

- (2) The council may appoint any member for two consecutive terms.
- (3) To fill a vacancy of an appointed member, the council may follow this procedure or any part thereof. The director of planning shall notify the council 60 days prior to the end of the term or terms to expire. The council shall not appoint any member to the commission without having received a letter of interest and qualification for membership from the candidate. The council shall fill any vacancy it may choose to fill, provided the commission shall never have less than seven members.
- (4) In reviewing the qualifications of current appointed members to the planning commission, the council shall consider the following:
 - a. Attendance and participation at meetings of the commission or its committees;
 - b. Attendance at such annual training programs as the town council deems appropriate and approves.
 - c. A witnessed knowledge of and experience in dealing with questions of community growth and development.
- (d) *Compensation of members.* All members of the planning commission shall serve as such without compensation.
- (e) *Removal of members.* Any appointed member of the planning commission may be removed by the town council for malfeasance in office. Such removal may be made only after a public hearing at which such member is given an opportunity to appear and be heard on the charges against him/her. In addition, any member who is absent for more than three consecutive regularly scheduled meetings and whose absences are deemed unexcused, shall be requested by the council to voluntarily relinquish their position.
- (f) *[Powers and duties.]* The planning commission shall have all the powers and duties which are now or may hereafter be granted to or imposed upon such commissions by the Code of Virginia, town ordinances and in these bylaws.

BE IT FURTHER ORDAINED, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, Chapter 2 – Administration, Article VI. – Planning Commission, Division 2 – Powers and Duties, Sub-section 2-326 – Town provisions be amended as follows:

Sec. 2-326. - Town provisions.

- (a) *Name.* There is hereby created a town planning commission, which commission shall be known as the "Abingdon Town Planning Commission" which may be referred to in this Code as the planning commission.
- (b) *Composition, qualifications and appointment of members.* The planning commission shall consist of not less than seven or more than 15 members, one of whom may be a member of the town council. The remaining members, to be known as appointed members, shall all be

residents of the town and at least half of them shall be owners of real property, within the town. All members shall be appointed by the town council and must have knowledge and experience to make decisions on questions of community growth and development.

(c) *Terms of members; filling vacancies.*

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(2) The council may appoint any member for two consecutive terms.

(3) To fill a vacancy of an appointed member, the council may follow this procedure or any part thereof. The director of planning shall notify the council 60 days prior to the end of the term or terms to expire. The council shall not appoint any member to the commission without having received a letter of interest and qualification for membership from the candidate. The council shall fill any vacancy it may choose to fill, provided the commission shall never have less than seven members.

(4) In reviewing the qualifications of current appointed members to the planning commission, the council shall consider the following:

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b. Attendance at such annual training programs as the town council deems appropriate and approves.

c. A witnessed knowledge of and experience in dealing with questions of community growth and development.

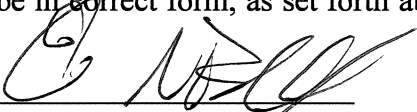
(d) *Compensation of members.* All members of the planning commission shall serve as such without compensation.

(e) *Removal of members.* Any appointed member of the planning commission may be removed by the town council for malfeasance in office. Such removal may be made only after a public hearing at which such member is given an opportunity to appear and be heard on the charges against him/her. In addition, any member who is absent for more than three consecutive regularly scheduled meetings and whose absences are deemed unexcused, shall be requested by the council to voluntarily relinquish their position.

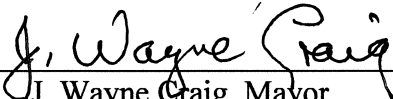
(f) *Powers and duties.* The planning commission shall have all the powers and duties which are now or may hereafter be granted to or imposed upon such commissions by the Code of Virginia and town ordinances.

CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Part II – Code, Chapter 2 – Administration, Article VI. – Planning Commission, Division 2 – Powers and Duties, Sub-section 2-326 – Town provisions, and find it to be in correct form, as set forth above, this 18th day of May, 2020.


Cameron Bell, Counsel

This ordinance was adopted on May 18, 2020, to take effect on May 18, 2020.

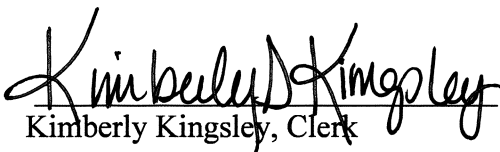

J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the “Town”), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on May 18, 2020. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

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

WITNESS MY HAND and the seal of the Town of Abingdon as of May 18, 2020.

(SEAL)


Kimberly Kingsley, Clerk