

**AN ORDINANCE OF THE COUNCIL
FOR THE TOWN OF ABINGDON, VIRGINIA
TO AMEND CHAPTER 44. LAND USE;
DIVISION 4 HISTORIC PRESERVATION REVIEW BOARD,
SECTION 2-4-2. APPOINTMENT; TERMS; AND MEMBERSHIP**

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

WHEREAS, upon the recommendation of the Planning Commission, the Council for the Town of Abingdon has found it in the best interest of its residents to amend the Town of Abingdon's current Chapter 44. Land Use; Division 4. Historic Preservation Review Board; Section 2-4-2. Appointment; Terms; and Membership; and

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Abingdon, after notice pursuant to § 15.2-2204 of the Code of Virginia 1950, as amended, and public hearing of the Planning Commission on April 24, 2023, and public hearing of the Council for the Town of Abingdon on May 1, 2023, as required by law that:

1. This ordinance shall take effect immediately upon passage by the Town Council;
2. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and
3. The Town of Abingdon's Ordinance Chapter 44. Land Use; Division 4. Historic Preservation Review Board; Section 2-4-2. Appointment; Terms; and Memberships that is proposed for amendment currently appears as follows:

**Section 2-4-2 Appointment; terms; and membership.
[1-3-2023 by Ord. No. 2023.01.03]**

- (a) The HPRB shall consist of five members appointed by the Town Council, one of whom shall be a resident of the OH District and all of whom shall have a demonstrated interest, competence, or knowledge in historic preservation. All members must be residents and qualified voters of the Town; provided, the Town Council may in its discretion appoint any nonresident of the Town who is otherwise qualified under this section and holds or is employed by a person or firm holding a current business license issued by the Town.
- (b) At least one HPRB member shall be either a registered architect with a demonstrated

interest in historic preservation or an architectural historian meeting the professional qualifications standards of the 36 CFR 61, Appendix A. Similarly, at least one additional HPRB member shall have professional training or equivalent experience in any one of the following disciplines: architecture, history, architectural history, American studies, archaeology, or planning.

- (c) The HPRB members shall be appointed for three-year terms and serve until their respective successors are appointed. If at any time hereafter all five positions on the HPRB are vacant, the HPRB members shall be appointed for three-year staggered terms, one member to serve for one year, two members to serve for two years, two members to serve for three years and all members to serve three-year terms thereafter.
- (d) The Town Council shall have the discretion to appoint members to serve consecutive terms. Members may serve any number of terms but not more than two terms consecutively.
- (e) Vacancies caused by death, resignation or otherwise shall be filled:
 - (1) Promptly and in any event not more than 90 days following the date on which the vacancy occurs; and
 - (2) For the unexpired term in the same manner original appointments are made.
- (f) The Town Council shall have the discretion to remove members for habitual failure to attend meetings.

BE IT FURTHER ORDAINED, that upon the recommendation of the Planning Commission on April 24, 2023, Town of Abingdon Ordinance Chapter 44. Land Use; Division 4. Historic Preservation Review Board; Section 2-4-2. Appointment; Terms; and Memberships, be amended as follows:

Section 2-4-2 Appointment; terms; and membership.

- (a) The HPRB shall consist of five members appointed by the Town Council, one of whom shall be a resident of the OH District and all of whom shall have a demonstrated interest, competence, or knowledge in historic preservation. All members must be residents and qualified voters of the Town; provided, the Town Council may in its discretion appoint any nonresident of the Town who is otherwise qualified under this section and holds or is employed by a person or firm holding a current business license issued by the Town.
- (b) At least one HPRB member shall be either a registered architect with a demonstrated interest in historic preservation or an architectural historian meeting the professional qualifications standards of the 36 CFR 61, Appendix A. Similarly, at least one additional HPRB member shall have professional training or equivalent experience in any one of the following disciplines: architecture, history, architectural history, American studies, archaeology, or planning.

- (c) The HPRB members shall be appointed for three-year terms and serve until their respective successors are appointed. If at any time hereafter all five positions on the HPRB are vacant, the HPRB members shall be appointed for three-year staggered terms, one member to serve for one year, two members to serve for two years, two members to serve for three years and all members to serve three-year terms thereafter.
- (d) The Town Council shall have the discretion to appoint members to serve consecutive terms.
- (e) Vacancies caused by death, resignation or otherwise shall be filled:
 - (1) Promptly and in any event not more than 90 days following the date on which the vacancy occurs; and
 - (2) For the unexpired term in the same manner original appointments are made.
 - (3) If after two (2) consecutive terms of a three (3)-year period have been fulfilled and no individual applies or is appointed following a forty-five (45)-day period, the vacant position on the Board may be filled by the same individual who vacated said position for another three (3)-year term. There shall be no more than three consecutive terms.
- (f) The Town Council shall have the discretion to remove members for habitual failure to attend meetings.

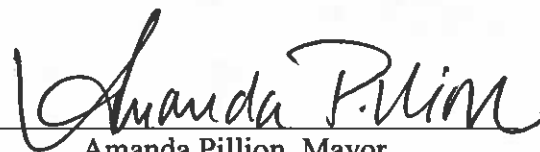
CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Town of Abingdon Ordinance Chapter 44. Land Use; Division 4. Historic Preservation Review Board; Section 2-4-2. Appointment; Terms; and Memberships and find it to be in correct form, as set forth above, this 1st day of May, 2023.



Cameron Bell, Counsel

This ordinance was adopted on May 1, 2023, to take effect on immediately.



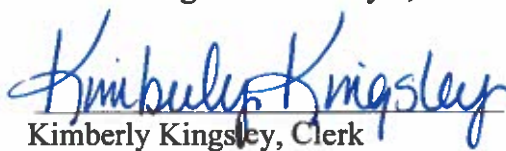
Amanda Pillion, Mayor

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 1, 2023. 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
Amanda Pillion, Mayor	Yes	Aye
Dwyane Anderson, Vice Mayor	Yes	Aye
Wayne Austin	Yes	Aye
Donna Quetsch	Yes	Aye
Derek Webb	Yes	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of May 1, 2023.

(SEAL)


 Kimberly Kingsley, Clerk