



CITY OF EMPORIA

PUBLIC HEARING

- 1. Renaming of IDA to EDA – Request to Adopt Ordinance**
- 2. Planning Commission Membership – Request to Adopt Ordinance**

AGENDA
EMPORIA CITY COUNCIL
Regular Meeting
TUESDAY, SEPTEMBER 1, 2015 - 6:30 P.M.

OPENING PRAYER

ROLL CALL

APPROVAL OF MINUTES

August 18, 2015 ~ Public Hearing and Regular Meeting

APPROVAL OF AGENDA

NEW BUSINESS

15-73. Renaming of IDA to EDA – Request to Adopt Ordinance

15-74. Planning Commission Membership – Request to Adopt Ordinance

PUBLIC COMMENT

CLOSED SESSION

PUBLIC HEARINGS

1. Electronic Summons System Assessment – Request to Adopt Ordinance

Emporia's City Council held a Public Hearing on Tuesday, August 18, 2015, at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the session.

The following City Council members were present:

Councilman F. Woodrow Harris
Councilman James E. Ewing, III
Councilwoman Carolyn S. Carey
Councilwoman Doris T. White
Councilwoman Carol Mercer
Councilwoman Deborah D. Lynch

Others present:

C. Butler Barrett, City Attorney
Mary L. Person, Mayor
Brian S. Thrower, City Manager
Dr. Edwin C. Daley, Assistant City Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Ricky Pinksaw, Chief of Police
Sam Brown, City Sheriff
Mike Allen, Code Official

Absent:

Councilwoman L. Dale Temple

1. Electronic Summons System Assessment – Request to Adopt Ordinance

Mr. Thrower reported that the Virginia State Code Section 17.1-279.1 permits a locality's governing body to adopt an ordinance that will assess up to an additional \$5.00 as part of the costs in each criminal or traffic case in the locality's district or circuit courts. He also reported that the funds would be held for disbursement to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

Mr. Thrower stated that the Emporia Police Department promotes traffic safety and enforces violations of criminal law daily. He also stated that when motorists are stopped by police, it adds an element of danger, as both the motorists and officers are exposed to passing traffic. He further stated that an electronic summons system would lessen the chance of accidents during traffic stops and would also provide the motorist with a faster and more efficient transaction.

Mr. Thrower stated that an electronic summons system would improve efficiency and accuracy in the processing of summons. He also stated that the “dated” mobile hardware systems can be replaced/upgraded with these funds. He further stated that it would allow electronic scanning of license information and immediate transmission to the State’s electronic database. He stated that this would result in a more accurate data system and faster access to information by citizens and law enforcement. He also stated that the demand for additional police department records personnel to enter summons information will be eliminated.

Mr. Thrower stated that the accumulated funds would be held in a designated City account and will be utilized for the future purchase of an electronic summons system equipment.

Mayor Person asked if there was anyone present who wished to speak regarding this matter.

With there being no comments to come before City Council, Mayor Person declared the first public hearing closed.

Mary L. Person, Mayor

Tessie S. Wilkins, CMC
City Clerk

**MINUTES
EMPORIA CITY COUNCIL
CITY OF EMPORIA MUNICIPAL BUILDING
August 18, 2015**

Note to Reader: Although the printed agenda document for this City Council meeting is not part of these minutes, the agenda document provides background information on the items discussed by City Council during the meeting. A copy of the agenda document for this meeting may be obtained by contacting the Office of the City Clerk.

Emporia City Council held a regular meeting on Tuesday, August 18, 2015 at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Mary L. Person presided over the meeting with Carolyn Carey, Council Member offering the invocation.

ROLL CALL

The following City Council members were present:

Councilman F. Woodrow Harris
Councilman James E. Ewing, III
Councilwoman Carolyn S. Carey
Councilwoman Doris T. White
Councilwoman Carol Mercer
Councilwoman Deborah D. Lynch

Others present:

C. Butler Barrett, City Attorney
Mary L. Person, Mayor
Brian S. Thrower, City Manager
Dr. Edwin C. Daley, Assistant City Manager
Tessie S. Wilkins, City Clerk
W. S. Harris, Jr., Treasurer
Joyce E. Prince, Commissioner of the Revenue
Ricky Pinksaw, Chief of Police
Sam Brown, City Sheriff
Mike Allen, Code Official

Absent:

Councilwoman L. Dale Temple

MINUTES APPROVAL

Councilwoman Lynch moved to approve the minutes from the Tuesday, August 4, 2015, Regular meeting minutes as presented, seconded by Councilwoman White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

APPROVAL OF BILLS

A listing of the August 18, 2015 bills was presented to City Council members.

General Fund	\$	2,391,705.52
Utility Fund	\$	464,385.62

Councilwoman Lynch moved to approve the August 18, 2015 bills as presented, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

FINANCIAL AND TAX REPORTS

Honorable W. S. Harris, Jr., City Treasurer provided his report to City Council members. There were no questions regarding his report.

COMMISSIONER OF THE REVENUE REPORT

Honorable Joyce E. Prince, Commissioner of the Revenue provided her report to City Council members. There were no questions regarding her report.

PERMIT AND INSPECTION REPORT

Randy C. Pearce, Building/Fire Official provided his report to City Council members. There were no questions concerning his report.

POLICE REPORT

Ricky Pinksaw, Chief of Police provided his report to City Council members. There were no questions concerning his report.

CITY SHERIFF REPORT

Sam C. Brown, Sheriff provided his report to City Council members. There were no questions concerning his report.

CITY ATTORNEY REPORT

C. Butler Barrett, City Attorney had no matters to report to City Council members.

AGENDA APPROVAL

Councilman Ewing moved to approve the agenda as presented, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

UNFINISHED BUSINESS

15-55. Zoning Code Amendments – Floodplain Ordinance

Mr. Thrower stated that this item was the subject of the public hearing previously held on July 21, 2015.

Mr. Charles Kline, Floodplain Program Planner, with DCR stated that he has been working with City staff to update the City’s Floodplain Ordinance in accordance with Federal Emergency Management Agency (FEMA) regulations. He also gave the highlights of the code amendment changes.

Mr. Kline asked if anyone had questions.

Councilman Ewing made a motion to adopt **Ordinance No. 15-29** to amend Chapter 90, Article VI of the Code of the City of Emporia enact a certain section of the Code of Ordinances of the City of Emporia, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

NEW BUSINESS

15-67. Electronic Summons System Assessment – Request to Adopt Ordinance

Mr. Thrower stated that this item was the subject of the public hearing previously held.

Councilman Harris made a motion to adopt **Ordinance No. 15-30** to enact a certain section of the Code of Ordinances of the City of Emporia, seconded by Councilman Ewing, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

15-68. Architectural Compatibility Review – 310 North Main Street

Mr. Thrower stated that Billy Sole seeks architectural compatibility review approval to construct a 9,544 square foot addition to the rear of Calvary Baptist Church located at 310 North Main Street. He also stated that this portion of the building was previously destroyed by a fire. He further stated that according to the plans, the proposed addition would have a brick veneer which will match the existing sanctuary and annex. He stated that all other exterior building components appeared to be compatible with the existing buildings on the property and in the area.

Mr. Thrower reported that Section 90-80 (k) of the City’s Zoning Code requires the Planning Commission to review the proposal for architectural compatibility and forward its recommendation to City Council. He also reported that the City Council is vested with final decision-making authority.

He recommended that Council approve the Architectural Compatibility Review request. He stated that at the August 11, 2015, meeting the Planning Commission also voted (8 to 0) to recommend approval of the request.

Councilman Ewing made a motion to approve the architectural compatibility review for 310 North Main Street, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

15-69. Fire Program Funds – Appropriation Ordinance

Mr. Thrower reported that the City receives grant funds from the Virginia Department of Fire Program (VDFP) on an annual basis. He also reported that the VDFP allows the City to carry the unspent funds over from one fiscal year to the next. He further stated that the City has \$157,010.75 in carry over funds remaining. He further reported that Council would need to re-appropriate these funds into the FY16 Budget so that the Emporia Volunteer Fire Department can utilize these grant funds.

Councilman Ewing made a motion to adopt **Ordinance No. 15-31** to appropriate the sum of \$157,010.75 in previously received grant funds from the Virginia Department of Fire Programs from the Unappropriated Fund Balance of the General Fund for Fire Programs, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

15-70. Renaming of IDA to EDA – Request to Conduct a Public Hearing

Mr. Thrower stated that he was requesting Council to change the name of the Industrial Development Authority (IDA) to the Economic Development Authority (EDA), as authorized by State Code Section 15.2-4903. He also stated that the purpose of changing the name is to reflect the holistic makeup of Emporia’s economy with a focus on all business sectors. He further stated that this proposed change was discussed with the IDA at its meeting on Tuesday, January 27, 2015. He stated that the IDA did not express any concerns with changing the name to the EDA at that time.

Mr. Thrower stated that he also made some amendments clarifying appointment requirements and terms consistent with state code. He also stated that the proposed changes do not grant any additional powers to or take any powers away from the Authority.

He recommended that Council authorize conducting a public hearing on this matter at the September 1, 2015 meeting.

Councilman Harris made a motion to authorize conducting a public hearing, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

15-71. Planning Commission Membership – Request to Conduct a Public Hearing

Mr. Thrower reported that he had amended the ordinance to reflect the current number of members (nine) on the Planning Commission, as opposed to ten. He also reported that he amended the ordinance to state that one member of the Administrative branch of City government (staff) may be appointed to the Planning Commission, as opposed to shall be appointed. He further reported that this amendment also reflects the current composition of the Planning Commission and is consistent with state code.

He recommended that Council authorize conducting a public hearing on this matter at the September 1, 2015 meeting.

Councilwoman Carey made a motion to authorize a public hearing, seconded by Councilman Harris, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

15-72. Planning Commission – Unexpired Term (William C. Slate,

Mr. Thrower stated that William C. Slate, Jr., has submitted his letter of resignation from the Planning Commission effective August 12, 2015. He also stated that his unexpired four-year term on the Planning Commission has an expiration date of June 30, 2016. He further stated that City Council needs to make a nomination to fill the vacant seat.

Councilwoman White nominated William Clinton Slate III to fill the unexpired term of William C. Slate Jr., on the Planning Commission.

Councilwoman Carey made a motion to appoint William Clinton Slate III to fill the unexpired term of William C. Slate Jr., seconded by Councilwoman Lynch, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

PUBLIC COMMENT

Mayor Person asked if anyone wished to bring a matter before City Council members adhering to the three-minute time limitation.

Jethro Pierre, 182 Second Street, Emporia, VA, addressed Council asking for their support in his new business once it's open.

With there being no comments to come before City Council, Councilwoman Carey closed the public comment portion of the meeting.

*****CLOSED SESSION*****

Councilwoman White moved that Closed Session be entered for the purpose of discussing Virginia Code Sections § 2.2 3711 (A) (3) Acquisition of real property for a public purpose and disposition of publicly held real property pertaining to the location of the Social Services building where discussion in open session would adversely affect our negotiation strategy and (A) (7) Legal matter requiring the advice of counsel pertaining to the Training

School property located on Ruffin Street, seconded by Councilwoman Mercer, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

*****Regular Session*****

Councilwoman Mercer moved that the meeting be returned to Regular Session. Councilwoman White seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

CERTIFICATION

Councilwoman Mercer moved to certify the following:

1. only public business matters are lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Session to which this certification applies, and
2. only such public business matter as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

Councilwoman White seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye
Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

Councilman Harris made the motion authorizing utilization of up to \$80,000.00 from the City's undesignated fund balance for demolition of the Training School property if ordered or authorized by the Court, Councilman Ewing seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James E. Ewing	aye

Councilwoman Deborah D. Lynch	aye
Councilwoman Doris T. White	aye
Councilwoman Carol Mercer	aye
Councilwoman Carolyn S. Carey	aye

ADJOURNMENT

With no further business to come before City Council, Mayor Person adjourned the meeting.

Mary L. Person, Mayor

Tessie S. Wilkins, CMC
City Clerk



CITY OF EMPORIA

Memorandum

August 28, 2015

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager *BST*

SUBJECT: Renaming of IDA to EDA – Request to Adopt Ordinance

ITEM #: 15-73

As discussed at previous City Council Retreats, I am requesting you change the name of the Industrial Development Authority (IDA) to the Economic Development Authority (EDA), as authorized by State Code Section 15.2-4903. The purpose of changing the name is to reflect the holistic makeup of Emporia's economy with a focus on all business sectors. This proposed change was discussed with the IDA at its meeting on Tuesday, January 27, 2015. The IDA did not express any concerns with changing the name to the EDA at that time.

I have also made some amendments clarifying appointment requirements and terms consistent with state code. The proposed changes do not grant any additional powers to or take any powers away from the Authority.

Recommendation

I recommend you adopt the attached amended ordinance.

Attachments

Amended Ordinance

State Code Section 15.2-4900. Short Title (Industrial Development and Revenue Bond Act).

State Code Section 15.2-4902. Definitions.

State Code Section 15.2-4903. Creation of industrial development authorities.

State Code Section 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

Ordinance

AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE II
OF THE CODE OF THE CITY OF EMPORIA, VIRGINIA

BE IT ORDAINED by the City Council of the City of Emporia, Virginia, in regular assembly that:

Chapter 22, Article II of the Code be amended and re-enacted to read as follows:

ARTICLE II. - ~~INDUSTRIAL-ECONOMIC~~ DEVELOPMENT AUTHORITY

Sec. 22-31. - Definitions.

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

The authority means the ~~industrial-Economic d~~Development ~~a~~Authority of the City of Emporia, Virginia.

(Code 1972, § 2-146)

~~Cross-State Law reference— Definitions generally, § 1-2, Code of Virginia, §15.2-4902, Definitions.~~

Sec. 22-32. - Created.

- (a) There is hereby created a political subdivision of the commonwealth with such public and corporate powers as are set forth in the ~~state industrial development law~~ Industrial Development and Revenue Bond Act, including such powers as may be set forth from time to time in the state law.
- (b) The name of the political subdivision created hereby shall be the ~~industrial-Economic d~~Development ~~a~~Authority of the ~~e~~City of Emporia, Virginia.

(Code 1972, § 2-146)

~~State Law reference— Industrial Development and Revenue Bond Act, Code of Virginia, § 15.1-1373 et seq.; creation of industrial development authorities, Code of Virginia, § 15.1-1376; Code of Virginia, Chapter 49, Industrial Development and Revenue Bond Act, §15.2-4903, Creation of industrial development authorities.~~

Sec. 22-33. - Governed by board of directors; composition of board; appointment and terms of members.

- (a) The authority shall be governed by a (a) board of directors of seven members to be appointed by the city council.

- (b) ~~The terms~~Appointments of the directors shall be for terms of four years ~~effective March 1 in the year of appointment, except appointments to fill vacancies which shall be to fill vacancies shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority.~~
- (c) Each director shall, before entering upon his or her duties, take and subscribe the oath prescribed by state law and shall serve until their successors are appointed and qualified.
- (d) ~~No director shall be an officer or employee of the City of Emporia, Virginia. Every director shall, at the time of his or her appointment and thereafter, be a resident of Emporia or Greensville County. When a director ceases to be a resident of Emporia or Greensville County, the director's office shall be vacant and a new director may be appointed for the remainder of the term.~~

(Code 1972, § 2-147)

State Law reference— ~~Similar provisions, Code of Virginia, § 15.1-1377; form of general oath required of officers, Code of Virginia, § 49-1; Code of Virginia, §15.2-4904. Directors: qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.~~

Adopted: September 1, 2015

By _____
Mary L. Person
Mayor

Attest:

Form Approved:

City Clerk

City Attorney

Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 49. Industrial Development and Revenue Bond Act

§ 15.2-4900. Short title

This chapter shall be known and may be cited as the "Industrial Development and Revenue Bond Act."

1966, c. 651, § 15.1-1373; 1997, c. 587.

§ 15.2-4902. Definitions

Wherever used in this chapter, unless a different meaning clearly appears in the context:

"Authority" means any political subdivision, a body politic and corporate, created, organized and operated pursuant to the provisions of this chapter, or if the authority is abolished, the board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers given by this chapter are given by law.

"Authority facilities" or "facilities" means any or all (i) medical (including, but not limited to, office and treatment facilities), pollution control or industrial facilities; (ii) facilities for the residence or care of the aged; (iii) multi-state regional or national headquarters offices or operations centers; (iv) facilities for private, accredited and nonprofit institutions of collegiate, elementary, or secondary education in the Commonwealth whose primary purpose is to provide collegiate, elementary, secondary, or graduate education and not to provide religious training or theological education, such facilities being for use as academic or administration buildings or any other structure or application usual and customary to a college, elementary or secondary school campus other than chapels and their like; (v) parking facilities, including parking structures; (vi) facilities for use as office space by nonprofit, nonreligious organizations; (vii) facilities for museums and historical education, demonstration and interpretation, together with buildings, structures or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations; (viii) facilities for use by an organization (other than an organization organized and operated exclusively for religious purposes) which is described in § 501(c) (3) of the Internal Revenue Code of 1986, as amended, and which is exempt from federal income taxation pursuant to § 501 (a) of such Internal Revenue Code; (ix) facilities for use by a locality, the Commonwealth and its agencies, or other governmental organizations, provided that any such facilities owned by a locality, the Commonwealth or its agencies or other public bodies subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not be exempt from competitive procurement requirements, under the exception granted in subsection B of § 2.2-4344; (x) facilities devoted to the staging of equine events and activities (other than racing events); however, such facilities must be owned by a governmental or nonprofit, nonreligious organization and operated by any such governmental or nonprofit, nonreligious organization; (xi) facilities for commercial enterprises that are not enterprise zone facilities (as defined in § 1394 (b) of the Internal Revenue Code of 1986, as amended) now existing or hereafter acquired, constructed or installed by or for the authority pursuant to the terms of this chapter; however, facilities for commercial enterprise that are not enterprise zone facilities but which are taxable authority facilities shall constitute authority facilities only if the interest on any bonds issued to finance such facilities is not exempt from federal income taxation; (xii) enterprise zone facilities; and (xiii) facilities used primarily for single or multi-family residences. Clause (xiii) applies only to industrial development authorities created by one or more localities whose housing authorities have not been activated as provided by §§ 36-4 and 36-4.1. Any facility may be located within or outside or partly within or outside the locality creating the authority. Any facility may consist of or include any or all buildings, improvements, additions, extensions, replacements, machinery or equipment, and may also include appurtenances, lands, rights in land, water rights, franchises, furnishings, landscaping, utilities, approaches, roadways and other

facilities necessary or desirable in connection therewith or incidental thereto, acquired, constructed, or installed by or on behalf of the authority. A pollution control facility shall include any facility acquired, constructed or installed or any expenditure made, including the reconstruction, modernization or modification of any existing building, improvement, addition, extension, replacement, machinery or equipment, and which is designed to further the control or abatement of land, sewer, water, air, noise or general environmental pollution derived from the operation of any industrial or medical facility. Any facility may be constructed on or installed in or upon lands, structures, rights-of-way, easements, air rights, franchises or other property rights or interests whether owned by the authority or others.

"Bonds" or "revenue bonds" embraces notes, bonds and other obligations authorized to be issued by the authority pursuant to the provisions of this chapter.

"Cost" means, as applied to authority facilities, the cost of construction; the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other property rights and interests; the cost of demolishing, removing or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of all labor, materials, machinery and equipment; financing charges and interest on all bonds prior to and during construction and, if deemed advisable by the authority, for a period not exceeding one year after completion of such construction; cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the authority facilities; administrative expenses, provisions for working capital, reserves for interest and for extensions, enlargements, additions and improvements; and such other expenses as may be necessary or incident to the construction of the authority facilities, the financing of such construction and the placing of the authority facilities in operation. Any obligation or expense incurred by the Commonwealth or any agency thereof, with the approval of the authority, for studies, surveys, borings, preparation of plans and specifications or other work or materials in connection with the construction of the authority facilities may be regarded as a part of the cost of the authority facilities and may be reimbursed to the Commonwealth or any agency thereof out of the proceeds of the bonds issued for such authority facilities as hereinafter authorized.

"Enterprise" means any industry for manufacturing, processing, assembling, storing, warehousing, distributing, or selling any products of agriculture, mining, or industry and for research and development or scientific laboratories, including, but not limited to, the practice of medicine and all other activities related thereto or for such other businesses or activities as will be in the furtherance of the public purposes of this chapter.

"Loans" means any loans made by the authority in furtherance of the purposes of this chapter from the proceeds of the issuance and sale of the authority's bonds and from any of its revenues or other moneys available to it as provided herein.

"Revenues" means any or all fees, rates, rentals and receipts collected by, payable to or otherwise derived by the authority from, and all other moneys and income of whatsoever kind or character collected by, payable to or otherwise derived by the authority in connection with the ownership, leasing or sale of the authority facilities or in connection with any loans made by the authority under this chapter.

"Taxable authority facilities" means any private or commercial golf course, country club, massage

parlor, tennis club, skating facility (including roller skating, skateboard and ice skating), racquet sports facility, suntan facility, race track, or facility the primary purpose of which is one of the following: (i) retail food and beverage services (excluding grocery stores), (ii) automobile sales and service, (iii) recreation or entertainment, or (iv) banks, savings and loan institutions or mortgage loan companies. The foregoing sentence notwithstanding, no facility financed as an enterprise zone facility using tax-exempt "enterprise zone facility bonds" (as such term is used in § 1394 of the Internal Revenue Code) shall constitute a taxable authority facility.

"Trust indenture" means any trust agreement or mortgage under which bonds authorized pursuant to this chapter may be secured.

1966, c. 651, § 15.1-1374; 1968, c. 687; 1970, c. 725; 1972, c. 783; 1973, c. 528; 1977, cc. 238, 619, 673; 1978, c. 526; 1980, c. 372; 1983, c. 514; 1984, c. 700; 1986, c. 473; 1988, c. 211; 1990, cc. 312, 469; 1991, c. 6; 1994, c. 737; 1997, cc. 587, 758, 763; 1999, c. 379; 2005, c. 928; 2006, c. 324.

§ 15.2-4903. Creation of industrial development authorities

A. The governing body of any locality in this Commonwealth is hereby authorized to create by ordinance a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter. Any such ordinance may limit the type and number of facilities that the authority may otherwise finance under this chapter, which ordinance of limitation may, from time to time, be amended. In the absence of any such limitation, an authority shall have all powers granted under this chapter.

B. The name of the authority shall be the Industrial Development Authority of _____ (the blank spaces to be filled in with the name of the locality which created the authority, including the proper designation thereof as a county, city or town).

C. Notwithstanding subsection B, for any authority authorized by this section, the name of the authority may be the Economic Development Authority of _____ (the blank space to be filled in with the name of the locality that created the authority), if the governing body of such locality so chooses.

D. The authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916 may be named the Economic Development Authority of Halifax, Virginia, or such other name as the governing bodies of the Town of South Boston and Halifax County shall choose in the concurrent resolutions creating such authority. The authority jointly created by the City of Bedford and Bedford County pursuant to § 15.2-4916 may be named the Bedford Joint Economic Development Authority, or such other name as the governing bodies of the City of Bedford and Bedford County shall choose in the concurrent resolutions creating such authority.

1966, c. 651, § 15.1-1376; 1975, c. 254; 1997, c. 587; 1999, c. 157; 2000, c. 398; 2001, cc. 5, 6, 730; 2002, cc. 169, 680, 725; 2003, cc. 159, 343, 345, 350, 357; 2004, cc. 292, 782, 933.

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, however, the town council may at its option return to a seven member board by removing the last three members appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members, Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one at-large, with terms staggered as agreed upon by the board of supervisors, Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority, the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council, the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs, and one at-large member, with terms staggered as agreed upon by the city council, the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council, and the city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority, or is absent from any four meetings of the authority within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, and (iii) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

1966, c. 651, § 15.1-1377; 1979, c. 35; 1980, c. 304; 1982, c. 463; 1983, c. 514; 1984, c. 750; 1987, c. 368; 1990, c. 87; 1993, c. 896; 1996, cc. 589, 599; 1997, c. 587; 1999, cc. 337, 408, 414; 2000, c. 963; 2001, c. 121; 2003, cc. 347, 357; 2006, c. 687; 2007, cc. 283, 338; 2008, c. 619; 2009, cc. 199, 200, 460, 597; 2012, cc. 337, 352; 2013, c. 482; 2014, cc. 381, 382.



CITY OF EMPORIA

Memorandum

August 28, 2015

TO: The Honorable Mayor and City Council

FROM: Brian S. Thrower, City Manager *BST*

SUBJECT: Planning Commission Membership – Request to Adopt Ordinance

ITEM #: 15-74

Attached are proposed amendments to City Code Section 54-31 pertaining to the composition of the Planning Commission. In particular, I have amended the ordinance to reflect the current number of members (*nine*) on the Planning Commission, as opposed to *ten*. I have also amended the ordinance to state that one member of the administrative branch of City government (staff) *may* be appointed to the Planning Commission, as opposed to *shall* be appointed. This amendment also reflects the current composition of the Planning Commission and is consistent with state code.

Recommendation

I recommend you adopt the attached amended ordinance.

Attachments

Revised Ordinance

State Code Section 15.2-2210. Creation of local planning commissions; participation in planning district commissions or joint local commissions.

State Code Section 15.2-2212. Qualifications, appointment, removal, terms and compensation of members of local planning commissions.

Ordinance

**AN ORDINANCE TO AMEND CHAPTER 54, ARTICLE II
OF THE CODE OF THE CITY OF EMPORIA, VIRGINIA**

BE IT ORDAINED by the City Council of the City of Emporia, Virginia, in regular assembly that:

Chapter 54, Article II of the Code be amended and re-enacted to read as follows:

Sec. 54-31. - Creation; composition; appointment and terms of members.

- (a) There is hereby created a city planning commission, consisting of ~~ten-nine~~ members, appointed by the council, all of whom shall be residents of the city, and who shall be qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of such members shall be owners of real property.
- (b) One member of the planning commission may be a member of the council, and one member ~~shall~~ may be a member of the administrative branch of government of the city. The term of each of these two members shall be co-extensive with the term of office to which he has been elected or appointed, unless the city council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members, called "citizen members" of the planning commission shall serve ~~for staggered~~ terms of four years each.

(Code 1972, § 2-103)

State Law reference— ~~Similar provisions. Code of Virginia, § 15.1-437. Code of Virginia, §15.2210. Creation of local planning commissions: participation in planning district commissions or joint local commissions. §15.2-2212. Qualifications, appointment, removal, terms and compensation of members of local planning commissions.~~

Adopted: September 1, 2015

By _____
Mary L. Person
Mayor

Attest:

Form Approved:

City Clerk

City Attorney

8/12/2015

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2210. Creation of local planning commissions; participation in planning district commissions or joint local commissions.

Every locality shall by resolution or ordinance create a local planning commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of § 15.2-2200 the local planning commissions shall serve primarily in an advisory capacity to the governing bodies.

Any locality may participate in a planning district commission in accordance with Chapter 42 (§ 15.2-4200 et seq.) of this title or a joint local commission in accordance with § 15.2-2219.

1975, c. 641, § 15.1-427.1; 1997, c. 587.

8/12/2015

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2212. Qualifications, appointment, removal, terms and compensation of members of local planning commissions.

A local planning commission shall consist of no less than five nor more than fifteen members, appointed by the governing body, all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. The local governing body may require each member of the commission to take an oath of office.

One member of the commission may be a member of the governing body of the locality, and one member may be a member of the administrative branch of government of the locality. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed, unless the governing body, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. The local governing bodies may establish different terms of office for initial and subsequent appointments including terms of office that are concurrent with those of the appointing governing body. Vacancies shall be filled by appointment for the unexpired term only.

Members may be removed for malfeasance in office. Notwithstanding the foregoing provision, a member of a local planning commission may be removed from office by the local governing body without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

The local governing body may provide for compensation to commission members for their services, reimbursement for actual expenses incurred, or both.

Code 1950, §§ 15-901, 15-916, 15-963; 1956, cc. 282, 497; 1960, c. 309; 1962, c. 407, § 15.1-437; 1973, c. 160; 1974, c. 521; 1986, c. 208; 1988, c. 256; 1997, c. 587; 2006, c. 687.