



TOWN COUNCIL SPECIAL MEETING

Monday, May 1, 2023 @ 6:30pm in the Town Hall Conference Room

View meeting online LIVE at <https://www.frontroyalva.com/673/Town-Hall-Live>

1. Roll Call
2. Amend Previously Adopted Ordinance Amendment to Town Code Chapter 75.44.C. Real and Personal Property Taxes and Rates to Change the Effective Date
3. PUBLIC HEARING – Ordinance Amendment to Chapter 175 to amend the definition of “cemetery” and add “churchyard” to Section 175-3; add “cemetery” as a use by special use permit in the Residential District (R-3) to Section 175-30 and to add supplemental provisions for cemeteries in Residential District (R-3) by special use permit to Section 175-107.4.

TOWN COUNCIL WORK SESSION

Begins immediately after the Special Meeting

1. Continued Discussion of Rezoning Application for an Amendment of the Zoning Map to reclassify approximately 43.9 acres from Estate Residential District R-E to Residential District R1A – NVR - Saddle Crest – *Lauren Kopishke*
2. Items Slated for Public Hearing
 - A. Ordinance Amendment to Chapter 175-137 Fees, Charges and Expenses to add the application fee of \$400.00 for processing a Local Board of Building Code Appeals (LBBCA) Application. – *Lauren Kopishke*
 - B. Ordinance Amendment to Chapter 98 to Amend Sections 98-2, 98-3 and 98-61 Peddlers and Itinerant Merchants to Incorporate Additional Legislation Enacted by the Code of Virginia Regarding Mobile Food Units – *BJ Wilson*
3. FY2022-2023 Write Off for Bad Debt – *BJ Wilson*
4. Discussion on the Future Direction of Front Royal Economic Development Authority
5. Adjourn



Council Special Meeting Agenda Statement

Item # 02

Meeting Date: May 1, 2023

Agenda Item: Amend Previously Adopted Ordinance Amendment to Town Code Chapter 75.44.C. Real and Personal Property Taxes and Rates to Change the Effective Date

Summary: Council adopted an Ordinance Amendment to Chapter 75-44.C. Real and Personal Property Taxes and Rates at their April 24, 2023 Regular Meeting effective July 1, 2023. Staff realized on April 25, 2023 that tax rates are approved for the calendar year not the fiscal year; therefore Council is requested to amend the previously adopted ordinance amendment to Town Code Chapter 75-44.C. Real and Personal Property Taxes and Rates to reflect "effective upon passage" instead of "effective July 1, 2023" as presented.

Budget/Funding: None

Meetings: Public Hearing held April 24, 2023.

Proposed Motion: I move that Council approve an amendment to the previously adopted ordinance amendment to Town Code Chapter 75.44.C. Real and Personal Property Taxes and Rates to amend the Effective Date from "July 1, 2023" to "Effective Upon Passage", as presented.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Seacock _____

**AN ORDINANCE TO AMEND SECTION 75-44.C. OF THE FRONT ROYAL TOWN
CODE PERTAINING TO REAL ESTATE AND PERSONAL PROPERTY TAX RATES**

75-44 REAL AND PERSONAL PROPERTY TAXES AND RATES

C. There is hereby imposed upon all real property within the limits of the Town of Front Royal, Virginia, an effective tax rate in the amount of ~~thirteen (\$0.13)~~ **(\$0.10)** per one hundred dollars (\$100.00) of assessed valuation and a tax upon all tangible personal property located within the limits of the Town of Front Royal, Virginia, in the amount of sixty-four cents (\$0.64) per one hundred dollars (\$100.00) of assessed valuation. The tax on all personal property shall include all Machinery and Tools. The tax on all real property shall include all mobile homes.

This ordinance shall become effective ~~July 1, 2023~~ **upon passage.**

APPROVED:

Lori A. Cockrell, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2023 upon the following recorded vote:

Melissa DeDomenico-Payne ☐ Yes ☐ No

H. Bruce Rappaport ☐ Yes ☐ No

Joshua L. Ingram ☐ Yes ☐ No

Duane R. "Skip" Rogers ☐ Yes ☐ No

Amber F. Morris ☐ Yes ☐ No

R. Wayne Sealock ☐ Yes ☐ No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____.

Approved as to Form and Legality:

George M. Sonnett, Jr., Town Attorney

Dated: _____



Council Special Meeting Agenda Statement

Item # 03

Meeting Date: May 1, 2023

Agenda Item: PUBLIC HEARING - Ordinance Amendment to Chapter 175 to amend the definition of "cemetery" and add "churchyard" to §175-3; add "cemetery" as a use by special use permit in the Residential District (R-3) to §175-30 and to add supplemental provisions for cemeteries in Residential District (R-3) by special use permit to §175-107.4.

Summary: Council has received a request to amend Town Code Chapter 175 in the following sections:

- amend the definition of "cemetery" and add "churchyard" to §175-3
- add "cemetery" as a use by special use permit in the Residential District (R-3) to §175-30
- add supplemental provisions for cemeteries in Residential District (R-3) by special use permit to §175-107.4.

Budget/Funding: None

Meetings: Work Session held April 10, 2023

Proposed Motion: I move that Council approve an ordinance amendment to Chapter 175 to amend the definition of "cemetery" and add "churchyard" to §175-3; add "cemetery" as a use by special use permit in the Residential District (R-3) to §175-30 and to add supplemental provisions for cemeteries in Residential District (R-3) by special use permit to §175-107.4, as presented.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Seacock _____

AN ORDINANCE TO AMEND CHAPTER 175 OF THE FRONT ROYAL TOWN CODE BY ADDING THE DEFINITION OF CEMETERY AND CHURCHYARD TO SECTION 175-3; ADD CEMETERY AS A USE BY SPECIAL USE PERMIT IN THE RESIDENTIAL DISTRICT (R-3) TO SECTION 175-30 AND TO ADD AND SUPPLEMENTAL PROVISIONS FOR CEMETERIES IN RESIDENTIAL DISTRICT (R-3) BY SPECIAL USE PERMIT AS NEW SECTION 175-107.4.

175-3 DEFINITIONS

CEMETERY ~~--A place for burial of the human dead.~~ Any land or structure used or intended to be used for the interment of human remains. The sprinkling or interment of ashes on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. Cemeteries are subject to performance standards in Section 175-107.4 and local regulation pursuant to Virginia Code §§§ 15.2-978, 15.2-1111, and 57-26 and may be for public or private use.

CHURCHYARD- an area of land not exceeding two (2) acres, surrounding and located on the same lot or parcel as a church, which may be used as a cemetery.

175-30 USES PERMITTED BY SPECIAL PERMIT (R-3)

The following uses are permitted within the R-3 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-3 District:

RESIDENTIAL:

Apartments as set forth in Section 175-113.

Townhouses on sites over one (1) acre, as set forth in Section 175-112.

COMMERCIAL:

Bed and Breakfast Uses set forth in Town Code Section 175-107.2.

Community Centers (public).

Conversion of a structure originally designed and intended for occupancy as a single-family dwelling into a structure with more than one (1) dwelling.

Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

Nursing homes, as set forth in Section 175-107.

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums.

Fire and Rescue Squad & Police Stations

Public Libraries

Community Center (public)

MISCELLANEOUS:

Any use permitted under Section 175-29, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-36, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Cemetery, subject to the provisions in Section 175-107.4.

Lodging houses, rooming houses and boarding houses.

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

175-107.4 CEMETERIES IN RESIDENTIAL DISTRICT (R-3) BY SPECIAL PERMIT

The following provisions shall apply to cemetery uses located in residential (R-3) zoning districts:

- A. Cemetery uses shall be located within a churchyard and designated on a plat to be submitted with the application.
- B. Cemetery uses shall be marked with a fence or stone.
- C. The location of cemeteries shall be registered with the Planning and Zoning Department.
- D. Cemetery uses shall be set back 150 feet from lot lines.
- E. Cemetery uses shall be set back a minimum of 250 yards from a residence if property owner consent is not received to be located closer to the residence (§57-26 Code of Virginia).
- F. Cemetery uses shall be set back a minimum of 300 yards from a city, town, or water company well (§57-26 Code of Virginia).

This ordinance shall become effective upon passage.

APPROVED:

Lori A. Cockrell, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Ordinance was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2023 upon the following recorded vote:

Melissa DeDomenico-Payne ☐ Yes ☐ No

H. Bruce Rappaport ☐ Yes ☐ No

Joshua L. Ingram ☐ Yes ☐ No

Duane R. "Skip" Rogers ☐ Yes ☐ No

Amber F. Morris ☐ Yes ☐ No

R. Wayne Sealock ☐ Yes ☐ No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____.

Approved as to Form and Legality:

George M. Sonnett, Jr., Town Attorney

Dated: _____

DRAFT



**Town of Front Royal
Planning Commission Review**

April 5, 2023

This is to certify that **Proposed Ordinance Amendment # 2300137**, has been:

☒ Recommended for Approval
☐ Recommended for Denial
☐ Postponed

by the Planning Commission for the following request:

23000137 - An amendment to Chapter 175 of the Town of Front Royal Zoning Ordinance to amend the definition of "cemetery" to Chapter 175-3; add "cemeteries" as an accessory use to churches in the Residential District (R-3), and to add supplemental regulations for "Cemeteries" to Chapter 175-30.2.

CERTIFIED by the Planning Commission


Vice Chairman Wells

CONDITIONED UPON THE FOLLOWING (if applicable):

Moved Williams Seconded Marshner

Wells y Marshner y Merchant Absent Wood y Williams y



Work Session Agenda Statement

Item # 1

Meeting Date: May 1, 2023

Agenda Item: Rezoning Application Amendment of the Zoning Map to reclassify approximately 43.9 acres from Estate Residential District R-E to Residential District R1A – NVR Saddle Crest Project

Summary: Council had a work session on April 10, 2023, and as a response to feedback from that meeting the applicant has made adjustments to the proffers and Concept Plan.

The ordinance identifies the R-E Residential District as composed of quiet, very low-density residential areas, on estate-sized lots (1 du/acre) connected to public water and sewer with the R1-A Residential District as being designed to accommodate single-family residential development of a medium density on smaller individual lots.

The stated purpose of the rezoning request is to allow for the construction of a 128-lot subdivision (NVR Saddle Crest). Proffers and a Concept Plan have been submitted for the site. It should be noted that proffers take a credit for by-right housing. The applicant has chosen to remove cash proffers in exchange for construction of a portion of the East-West Connector, and the reservation of 5.5 acres for extension of the LRP flyover if it is ever deemed necessary. The concept plan shows the construction of walking trails and park areas which will be maintained by an HOA.

This Planning area has been envisioned for residential and flex industrial development for the past 25 years. This application brings the vision of the past and proposed Comprehensive Plans into fruition.

Budget/Funding: None

Staff Recommendation: Staff recommends approval of this application.

- The Applicant is proposing to begin construction of two lanes of the East-West Connector
 - The applicant will need Council to approve a dedication Plat for the utilization of this land for public right-of-way (ROW) purposes.
- The traffic study performed by Kittleson Engineering demonstrates no need for right-of-way improvements as a result of this development.
- The Comprehensive Plan envisions this area of Town developed as residential land.
 - Past Comprehensive Plans envisioned this area as residential uses despite presence of the railroad.

PROFFER STATEMENT

REZONING: RZ# 2200385
Estate Residential District (R-E) to Residential District (R-1A)

PROPERTY: 44.183 Acres +/-;
Tax Map Parcel 20A221-3A (the "Property")

RECORD OWNERS: Thomas H. Sayre and Carla A. Sayre (collectively "Owner")

APPLICANT: NVR, INC. ("Applicant")

ORIGINAL DATE
OF PROFFERS: September 14, 2022

REVISION DATE(S): December 28, 2022; March 6, 2023; April 27, 2023

The undersigned Owner hereby proffers that the use and development of the above-referenced parcel, which is requested to be rezoned, shall be in substantial conformance with the following conditions, which shall supersede all other proffers on the Property that may have been made prior hereto. In the event that the above-referenced R-1A conditional rezoning is not granted as applied for by the Owner, these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Town Council of the Town of Front Royal, Virginia (the "Town Council") decision granting the rezoning may be contested in the appropriate court. If the Town Council's decision is contested, and the Owner elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Town Council which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Owner from conforming with State and/or Federal regulations shall be considered null and void. The term "Owner" as referenced herein shall include within its meaning all future owners and successors in interest.

1. Land Use

- 1.1 The Property shall be developed as a residential single-family detached community.
- 1.2 The number of homes constructed on this Property shall not exceed 1 30~~34~~ single family detached units.

2. Site Development

- 2.1 Applicant shall develop the Property in conformance with the Saddle Crest Concept Plan dated April 26, 2023 ~~August 24, 2022, and revised through December 23, 2022~~ (“Concept Plan”) to include walking trails, which is attached hereto and incorporated herein by reference as “Exhibit A.”
- 2.2 Applicant shall incorporate a mixture of vegetative screening/existing vegetation, where appropriate fencing, other appropriate barriers, and open space on the Property’s shared boundary with the Norfolk Southern railroad line to minimize the impacts of the railroad to the future residents of the Property. Applicant proffers to submit a detailed plan as part of the subdivision approval process with the Town of Front Royal. Said planting scheme shall include where appropriate native species to promote plant longevity.
- 2.3 The Property shall be served by public water and sewer which shall be installed by the Applicant and dedicated to the Town of Front Royal, Virginia (the “Town”). Applicant shall be responsible for the cost of construction of the aforementioned public water and sewer.
- 2.4.1 The open space areas labeled as “Reservation” shall be available for dedication to the Town for the construction of the extension of Leach Run Parkway at such time as funding is available for said construction. At such time and after a demand is made in writing by the Town for the dedication of the land for Leach Run Parkway, the Property shall be dedicated within 30 days by the owner which is anticipated to be the future homeowners’ association for the subdivision. At all times before the aforementioned dedication, the Property will be held in title by the Applicant and then the future homeowners’ association for the subdivision and maintained for trails and recreational uses for the benefit of the residents of Saddle Crest.
- 2.5 Applicant shall install appropriate storm water management facilities on the Property including a storm water retention pond. The pond shall be located in the open space which shall be conveyed to the future homeowners’ association for the subdivision. The homeowners’ association shall be responsible for the maintenance of the pond. Applicant shall be responsible for the cost of construction of the aforementioned facilities.
- 2.6 A portion of the Property shall be reserved as open space. Such open space shall be conveyed to and maintained by the future homeowners’ association for the subdivision constructed on the Property.
- 2.7 Applicant ~~shall~~ may install one or more entrance features on the open spaces depicted on Exhibit A, which are adjacent to Shenandoah Shores Road and also adjacent to the East-West Connector, all at the discretion of the Applicant. ,to include, but not be limited to, a monument sign identifying the subdivision and the

~~entrance to the Property. Once installed, the entrances features(s) shall be maintained by the future homeowners' association for the subdivision.~~

- 2.8 The Concept Plan provides for ~~a the installation of a two-lane road in the area dedicated for the East-West Connector drainage improvements along with a twenty foot (20') emergency access gravel driveway as depicted on the attached and incorporated Concept Plan. The aforementioned construction shall occur provided the portion of the East-West Connector has been dedicated by the owner of said real property prior to the approval of this proffered rezoning. future connection to the East-West Connector if and when it is constructed. At such time and after a demand is made in writing by the Town for the dedication of the connection to the East-West Connector, the Property shall be dedicated within 30 days by the owner which is anticipated to be the future homeowner's association for the subdivision.~~

3. Transportation

- 3.1 ~~Subject to the provisions for changing the entrance as more specifically set forth above, the Property shall be served by a single access point on Shenandoah Shores Road as depicted on Exhibit A which shall be constructed in accordance with the Town or Virginia Department of Transportation ("VDOT") standards, as appropriate. Applicant shall be responsible for the cost of construction of the aforementioned entrance.~~

- 3.12 The roads within the subdivision on the Property shall be public, constructed to Town or VDOT standards, as appropriate, dedicated to the Town and maintained by the Town. Applicant shall be responsible for the cost of construction of the aforementioned roads and other public features, including, but not limited to, sidewalks.

4. Homeowners' Association

- 4.1 Applicant shall create a homeowners' association to maintain the open space areas of the Property, entrances feature(s) and the storm water management pond constructed on the Property.

5. Public Schools

- 5.1 ~~Applicant proffers to pay the amount of \$3,551.25 to the Town at the time of the issuance of each Certificate of Occupancy for each single family detached residence. Said funds are proffered to be paid to the Town to defer the costs of public schools and/or other public facilities.~~

[remainder of page intentionally left blank]

Respectfully submitted,

OWNER:

THOMAS HALL SAYRE

STATE/Commonwealth of _____, AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____,
202~~32~~, by THOMAS HALL SAYRE.

NOTARY PUBLIC

My commission expires: _____
Registration number: _____

CARLA A. SAYRE

STATE/Commonwealth of _____, AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____,
202~~32~~, by CARLA A. SAYRE.

NOTARY PUBLIC

My commission expires: _____
Registration number: _____

SADDLE CREST

CONCEPT PLAN

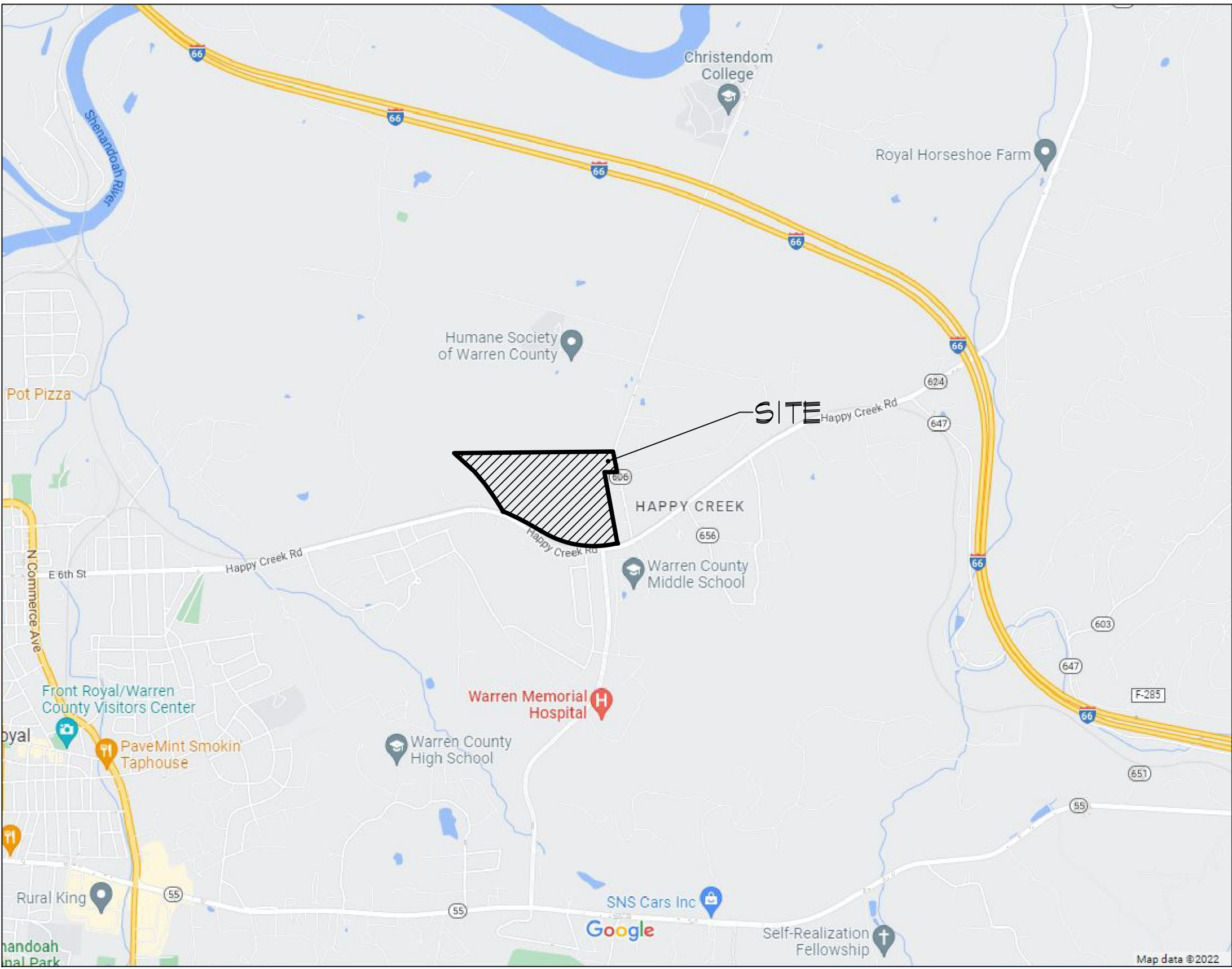
FRONT ROYAL, VIRGINIA

GENERAL NOTES

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH ALL IMPROVEMENTS THEREON AND ALL APPURTENANCES THERETO BELONGING, LOCATED AND BEING IN THE TOWN OF FRONT ROYAL, COUNTY OF WARREN, COMMONWEALTH OF VIRGINIA, AND BEING DESIGNATED AS FOLLOWS:

PARCEL 3A –PID 20A221–3A: 44.183 ACRES, MORE OR LESS, AS THE SAME IS SET FORTH ON PLAT ENTITLED "PLAT SHOWING DIVISION OF THE LAND OF R. ALTON MORRISON" ATTACHED TO DEED DATED APRIL 26, 1999, RECORDED AS INSTRUMENT NUMBER 990002893, AS CORRECTED IN INSTRUMENT NUMBER 990003204, AS FURTHER CORRECTED IN INSTRUMENT NUMBER 990007978, AMONG THE LAND RECORDS OF WARREN COUNTY, VIRGINIA, AND TO WHICH REFERENCES ARE HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY HEREBY CONVEYED.

- BOUNDARY AND NORTH MERIDIAN INFORMATION SHOWN HEREON IS BASED ON EXISTING LAND RECORDS OF WARREN COUNTY, VIRGINIA AND FIELD SURVEY PERFORMED BY MORRIS & RITCHIE ASSOCIATES INC. ON JUNE 8, 2022. BEARING AND/OR DISTANCES MAY VARY FROM RECORD AND ARE SHOWN AS SURVEYED.
- SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X – AREAS DETERMINED TO BE OUTSIDE THE 500–YEAR FLOODPLAIN – BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY–PANEL NUMBERS 51187C0117C, 51187C0116C DATED JUNE 3, 2008.
- ALL EASEMENTS AND RIGHTS–OF–WAY APPARENT FROM A CAREFUL PHYSICAL INSPECTION OF THE SURVEYED PROPERTY, OR AS IDENTIFIED IN SCHEDULE B – PART II ARE CORRECTLY SHOWN UNLESS OTHERWISE NOTED.
- NO EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WERE OBSERVED.
- NO EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL WAS OBSERVED.
- NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES AND NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED.
- THERE ARE NO OBSERVED PARTY WALLS.
- NO EVIDENCE OF BURIAL GROUND OR CEMETERIES.
- WATERS OF THE U.S. (INCLUDING WETLANDS) DELINEATION SHOWN HEREON HAS BEEN PREPARED BY WETLANDS STUDIES AND SOLUTIONS, INC DATED: 5/11/22
- TOPOGRAPHIC INFORMATION SHOWN BASED ON A FIELD SURVEY PERFORMED BY MORRIS & RITCHIE ASSOCIATES, INC. IN JUNE 8, 2022.
- THE PROPERTY HAS DIRECT ACCESS TO TO SHENANDOAH SHORES ROAD, STATE ROUTE 606, A PUBLIC RIGHT–OF–WAY.
- THE UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON MARKING BY MISS UTILITY 811. NO ADDITIONAL INVESTIGATION OF UNDERGROUND UTILITIES WAS PERFORMED PURSUANT TO THE CONTRACTED SCOPE OF WORK.
- THIS CONCEPT PLAN IS SUBJECT TO CHANGE BASED ON FINAL ENGINEERING AND DESIGN.



VICINITY MAP
SCALE: 1"=2000'

Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET
2	NOTES & DETAILS
3	EXISTING CONDITIONS
4	LAYOUT PLAN
5	ILLUSTRATIVE PLAN

APPLICANT
MR. RICHARD LANHAM
NVR, INC.
3926 PENDER DRIVE, SUITE 200
FAIRFAX, VA 22030

OWNERS
SAYRE THOMAS HALL ET
835 SHENANDOAH SHORES RD
FRONT ROYAL, VA 22630

PREPARED BY
MORRIS & RITCHIE ASSOCIATES, INC.
604 SOUTH KING STREET, SUITE 200
LEESBURG, VIRGINIA 20175
CONTACT: TODD HECK

DATE	REVISIONS
12/23/2022	REVISED PER FRONT ROYAL AND CLIENT COMMENTS
04/26/2023	REVISED PER FRONT ROYAL AND CLIENT COMMENTS

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
604 SOUTH KING STREET, SUITE 200
LEESBURG, VA 20175
PHONE: (703) 984-4047
MRAGTA.COM
Copyright 2022 Morris & Ritchie Associates, Inc.



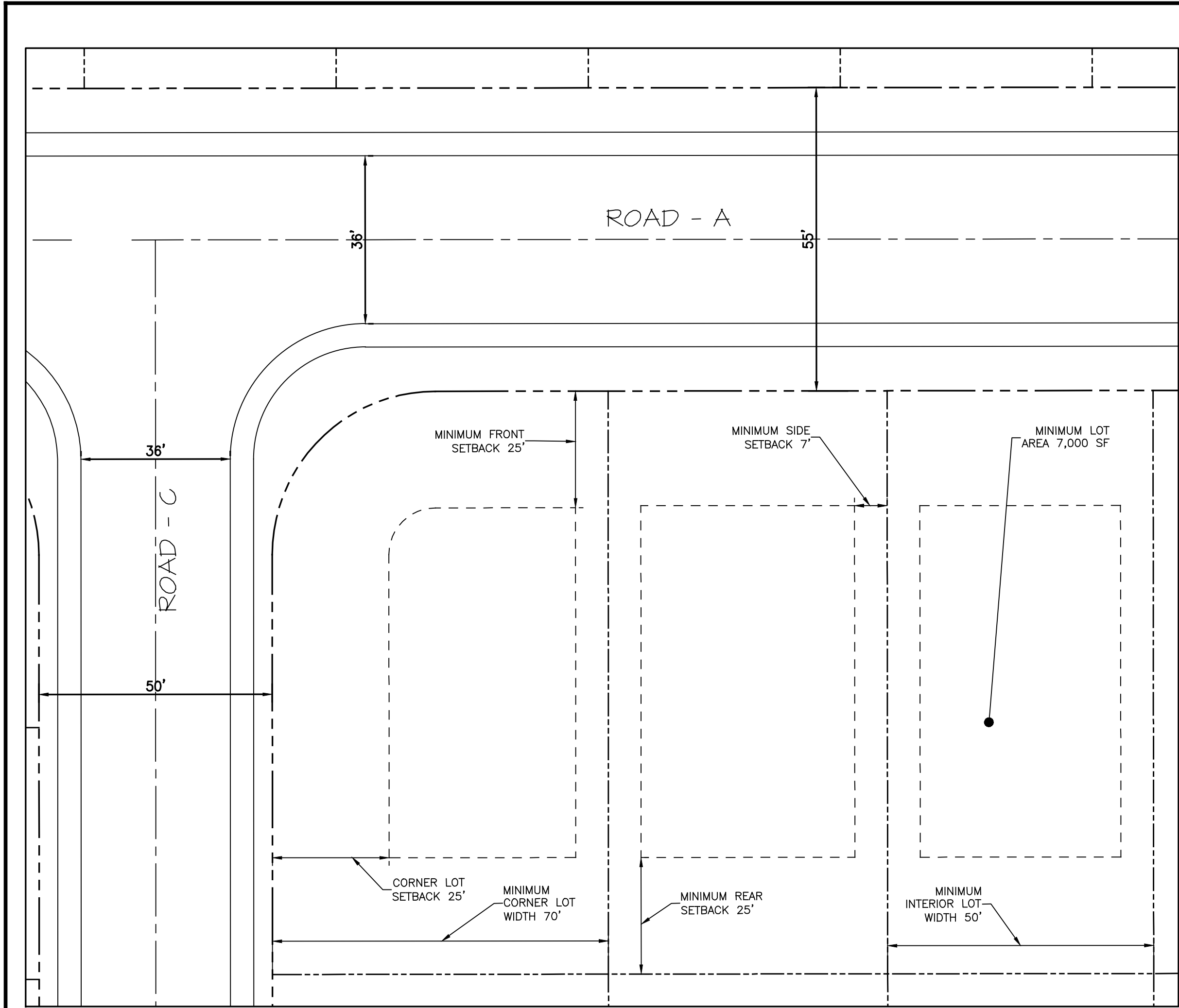
COVER SHEET

SADDLE CREST
CONCEPT PLAN

FRONT ROYAL, VA

JOB NO.: 21115
SCALE: AS SHOWN
DATE: 2022–08–24
DRAWN BY: JAE
DESIGN BY: JAE
REVIEW BY: JKE
SHEET: 1 OF 5

L:\Projects\Soysa Property_Front Royal-Ryan Homes\REZONING SHEETS\NOTES & DETAILS.dwg, 4/26/2023 1:37:59 PM, CSullivan, Inc.



TYPICAL LOT DETAIL

LEGEND

---	EX. R/W LINE
---	EX. PROPERTY LINE
---	EX. ADJ. PROPERTY LINE
---	EX. BUILDING
---	EX. EASEMENT
---	EX. PAVEMENT
---	EX. CURB
---	EX. WALKWAY
---	EX. POWER POLE
---	EX. METAL FENCE LINE
---	OVERHEAD ELECTRIC
---	WOODEN FENCE
---	IRON PIN SET
---	IRON PIN FOUND
---	CAPPED REBAR FOUND

PROJECT NOTES

1. PHYSICAL ADDRESS IS 835 SHENANDOAH SHORES RD, FRONT ROYAL, VIRGINIA 22630, PER COUNTY GIS.
2. PARCEL PIN: 20A221-3A
3. TOTAL PARCEL AREA: 44.183 AC AS SURVEYED
4. EXISTING USE: AGRICULTURE/UNDEVELOPED
5. PROPOSED USE: RESIDENTIAL
6. EXISTING ZONING: R-E
7. PROPOSED ZONING: R-1A

ZONING REQUIREMENTS

ZONING:	R-1A	Units
	Min. Lot Area:	7,000 SF
	Min. Lot Width Interior:	50 FT
	Min. Lot Width Corner:	70 FT
Setbacks:	Front:	25 FT
	Side:	7 FT
	Rear:	25 FT
	Corner Lot Front:	25 FT

DENSITY SUMMARY

ZONE	LOTS	ACRES	UNITS PER ACRES
R-1A	128	44.183	2.897

ZONING REQUIREMENTS
(R-1A) SECTION 175-18.1

175-18.3 AREA (R-1A)

Notwithstanding the provisions of Section 175-128, all newly established uses, with the exception of single-family dwellings, shall be required to meet the minimum area requirements at the time of establishment of the use.

- A. Minimum lot size:
1. Single family dwellings: seven thousand (7,000) square feet.
 2. Schools: twenty thousand (20,000) square feet.
 3. Churches: twenty thousand (20,000) square feet.
 4. Parks and playgrounds: five thousand (5,000) square feet.
 5. Public utilities: no regulation.
 6. Other public facility uses: twenty thousand (20,000) square feet.

- B. Minimum lot width:
1. Single-family dwellings:
 - a. Corner lots: seventy (70) feet.
 - b. Interior lots: fifty (50) feet.
 2. Parks and playgrounds and public utilities: no regulation.
 3. All other uses: one hundred (100) feet.

- C. Minimum district size: three (3) acres.

175-18.4 HEIGHT(R-1A)

- A. Single-family dwellings: thirty-five (35) feet maximum.

- B. Public or semipublic buildings: forty-five (45) feet maximum, provided that the required front, side and rear yards are increased by two (2) feet for each foot in height over thirty-five (35) feet.

- C. Exemptions from height requirements:
1. Church spires.
 2. Belfries.
 3. Cupolas.
 4. Municipal water towers.
 5. Chimneys.
 6. Flues.
 7. Flagpoles.
 8. Television antennas.
 9. Radio aerials.

- D. Accessory buildings and structures:

1. On lots with an area of less than five-tenths (0.5) acre: two-thirds (2/3) height of principal structure.
2. On lots with an area of five-tenths (0.5) acre or more: not to exceed height of principal structure or thirty-five (35) feet, whichever is less.

175-18.5 MINIMUM YARD DIMENSIONS (R-1A)

- A. Single-family dwellings:
1. Front setback: twenty-five (25) feet.
 2. Side: seven (7) feet.
 3. Corner side: twenty-five (25) feet.
 4. Rear: twenty-five (25) feet.

- B. Other principal structures:
1. Front setback: twenty-five (25) feet.
 2. Side: fifteen (15) feet.
 3. Rear: thirty (30) feet.
 4. Corner side: twenty-five (25) feet.

- C. Accessory buildings and structures:
1. Front setback: thirty (30) feet.
 2. Side: five (5) feet or fifty percent (50%) of building height, whichever is greater.
 3. Rear: five (5) feet or fifty percent (50%) of building height, whichever is greater.
 4. Corner side: twenty-five (25) feet.

- D. Notwithstanding the provisions above, the front setback on any lot located within a block that is fifty percent (50%) or more developed shall conform with any consistently established setback along the block.

- E. The main or front building facade and entrance for any single-family dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1.

(Added "E" 2-26-01-Effective Upon Passage)

175-18.6 LOT COVERAGE (R-1A)

- A. Maximum building coverage: thirty-five percent (35%)
- B. Accessory building coverage: thirty percent (30%) of any required yard

175-18.7 OFF-STREET PARKING (R-1A)

- A. Space requirements:

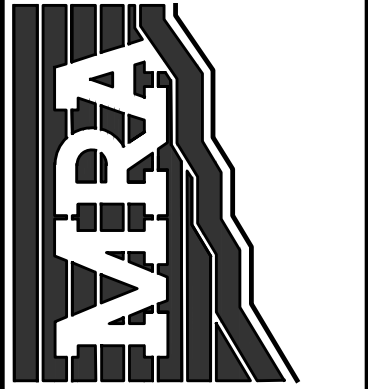
1. Single-family dwellings: two (2) spaces per unit.
2. Churches/assembly area: one (1) space per four (4) fixed seats in the main assembly or one (1) per one hundred (100) net square feet.
3. Schools: one (1) space per employee plus parking space for assembly areas as provided in Subsection A (2) above.
4. Libraries: one (1) space per one thousand (1,000) gross square feet.

- B. Location: Minimum setback for driveways and parking: three (3) feet from side and rear property lines for parking areas consisting of no more than 4,500 square feet in area. All parking areas with more than 4,500 square feet in area shall meet the requirements of Section 148-870. (Amended 6-13-16 - Effective Upon Passage)

- C. Parking spaces where one car is parked behind another car are permitted in this district for individual dwelling units.

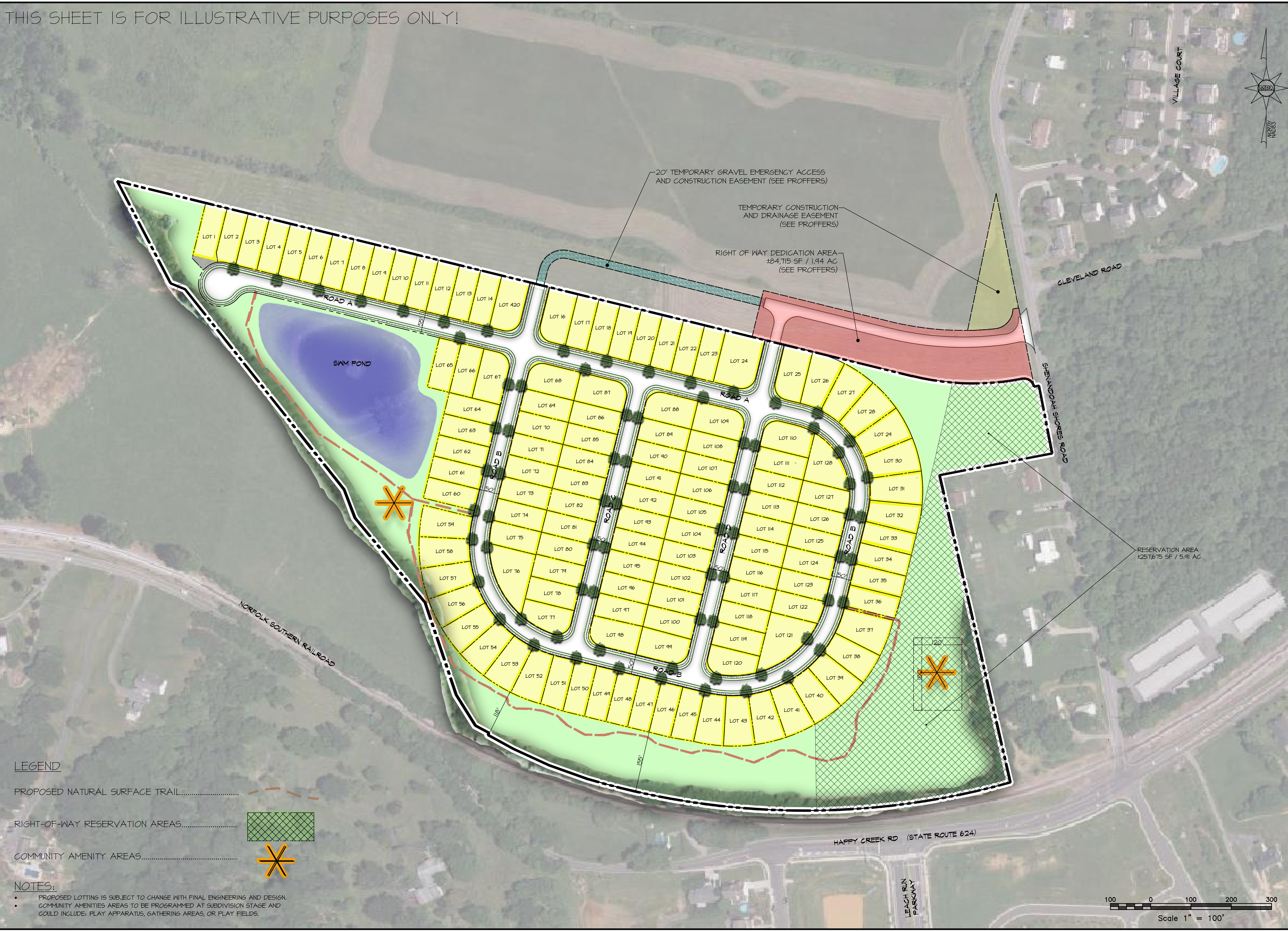
DATE	REVISIONS	REVISED PER	FRONT ROYAL AND CLIENT COMMENTS
12/23/2022			
04/26/2023			

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
604 SOUTH KING STREET, SUITE 200
LEESBURG, VA 20175
PHONE: (703) 984-4047
MRAGTA.COM
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NOTES & DETAILS	SADDLE CREST CONCEPT PLAN FRONT ROYAL, VA
JOB NO.: 21115	
SCALE:	
DATE: 2022-08-24	
DRAWN BY: JAE	
DESIGN BY: JAE	
REVIEW BY: JKE	
SHEET: 2 OF 5	

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY!



LEGEND

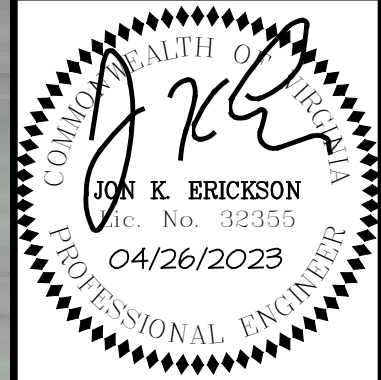
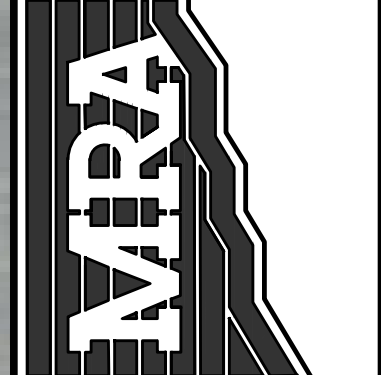
- PROPOSED NATURAL SURFACE TRAIL.....
- RIGHT-OF-WAY RESERVATION AREAS.....
- COMMUNITY AMENITY AREAS.....

NOTES:

- PROPOSED LOTTING IS SUBJECT TO CHANGE WITH FINAL ENGINEERING AND DESIGN.
- COMMUNITY AMENITIES AREAS TO BE PROGRAMMED AT SUBDIVISION STAGE AND COULD INCLUDE: PLAY APPARATUS, GATHERING AREAS, OR PLAY FIELDS.

DATE	REVISIONS
12/23/2022	REVISED PER FRONT ROYAL AND CLIENT COMMENTS
04/26/2023	REVISED PER FRONT ROYAL AND CLIENT COMMENTS

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MRA@GMAIL.COM
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ILLUSTRATIVE PLAN
**SADDLE CREST
CONCEPT PLAN**
FRONT ROYAL, VA

JOB NO.: 21115
SCALE: AS SHOWN
DATE: 2022-08-24
DRAWN BY: JAE
DESIGN BY: JAE
REVIEW BY: JKE
SHEET: 5 OF 5



Work Session Agenda Statement

Item #02A

Meeting Date: May 1, 2023

Agenda Item: Ordinance Amendment to Chapter 175-137 Fees, Charges and Expenses to add the application fee of \$400.00 for processing a Local Board of Building Code Appeals (LBBCA) Application

Summary: Council established the Local Building Code Board of Appeals (LBBCA) in January 2023. Per Town Code, the Board is required to provide a means for an aggrieved party to appeal the determination of the Town's Property Maintenance Official. To start the appeals process, an application must be submitted to the Boards' Clerk.

At the first meeting of the LBBCA, the members determined a fee of \$400 was appropriate.

A zoning text amendment is required to update the schedule of fees to add the aforementioned application fee. Planning Commission forward a recommendation of approval to Town Council at their April 19, 2023 regular meeting.

Budget/Funding: \$400/application covers the cost of the Board

Staff Recommendation: Staff recommends approval and for Council to advertise for a public hearing.

DRAFT AMENDMENT
FEES, CHARGES AND EXPENSES

This draft amendment proposed to update the Town's fees related to Planning and Zoning to add a fee for processing the Local Board of Building Code Appeals application.

175-137 FEES, CHARGES AND EXPENSES

A. The Town Council hereby establishes the following schedule of fees, charges, and expenses for zoning permits, certificates of use, special permits, variances, appeals, amendments and other matters pertaining to this chapter.

For processing an Administrative Variance - \$100.00

For processing a Board of Architectural Review request –

- Administrative Review: \$50.00
- Board of Architectural Review: \$100.00
- Demolition of Historically Significant Structure: \$200.00

For processing a Board of Zoning Appeals application - \$400.00

For issuing a Certificate of Compliance - \$25.00

For processing an application to amend the Comprehensive Plan - \$400.00

For processing a Local Board of Building Code Appeals application - \$400.00

For processing an amendment to the Zoning Ordinance - \$400.00

For processing a Rezoning application –

- 1 acre or less: \$500.00
- Over 1 acre: \$500.00 + \$100.00 per acre over 1st acre
- Downzoning: \$400.00

Proffer amendment or Concept Plan/Master Land Use Plan Revision - \$400.00

For processing an application for a Sign Permit –

- Permanent: \$50.00
- Permanent (Entrance Corridor): \$75.00
- Temporary: \$25.00
- Relocation of previously approved sign: no charge for review

Requested Re-advertisement - \$200.00 per meeting

For processing an application for a Special Use Permit - \$400.00

For a Zoning Permit, Commercial Accessories/Additions - \$100.00

For a Zoning Permit, Residential Accessories/Additions - \$25.00

For a Zoning Permit, Multi-Family Residential Dwelling - \$50.00 per unit

For a Zoning Permit, New Commercial - \$100.00

For a Zoning Permit, New Single-Family Residential Dwelling - \$75.00

For a Zoning Permit, Portable Storage Container (Residential or Commercial) - \$25.00 each

For a Zoning Permit, Fences (for all uses) - \$25.00

Construction or Land Disturbance Activity without a Permit – double zoning permit regular fee

Requested Copies –

- Letter Paper Size: \$0.15 per sheet (b&w) or \$2.00 per sheet (color)
- Legal Paper Size: \$0.50 per sheet (b&w) or \$2.50 per sheet (color)

- 11" x 17" Paper Size: \$0.75 per sheet (b&w) or \$3.50 per sheet (color)
- Bond Paper for over 11" x 17" Sizes: \$0.50 per s.f. (b&w) or \$3.00 per s.f. (color)
- Copy of Zoning Ordinance: \$15.00
- Copy of the Comprehensive Plan (each): \$20.00

Editorial Notes:

Proposed new text is shown in highlighted font.

DRAFT



**Town of Front Royal
Planning Commission Review**

April 19, 2023

This is to certify that the **Proposed Ordinance Amendment # 2300161** has been:

☒ Recommended for Approval
☐ Recommended for Denial
☐ Postponed

by the Planning Commission for the following request:

2300161 – An amendment to Chapter 175-137 Fees, Charges and Expenses of the Town of Front Royal Zoning Ordinance to add the application fee of \$400.00 for processing a Local Board of Building Code Appeals Application.

CERTIFIED by the Planning Commission


Chairman Merchant

CONDITIONED UPON THE FOLLOWING (if applicable):

Moved Wood Seconded Wells

Wells y Marshner Absent Merchant y Wood y Williams y



Work Session Agenda Statement

Item # 02B

Meeting Date: May 1, 2023

Agenda Item: Ordinance Amendment to Chapter 98 to Amend Sections 98-2, 98-3 and 9861 Peddlers and Itinerant Merchants to Incorporate Additional Legislation Enacted by the Code of Virginia Regarding Mobile Food Units.

Summary: Council is requested to approve a revision to the Town of Front Royal Municipal Code 98-2 Definitions, 98-3 License Requirement, and 98-61 Licensing – Peddlers and Itinerant Merchants to incorporate additional legislation enacted by the Code of Virginia regarding mobile food units.

Code of Virginia § 58.1-3715.1 states:

§ 58.1-3715.1. License requirements for mobile food units.

A. For purposes of this section, unless the context requires a different meaning:

"Mobile food unit" means a restaurant that is mounted on wheels and readily moveable from place to place at all times during operation.

"New business" means a business that locates for the first time to do business in a locality. A business shall not be deemed to be a new business based on a merger, acquisition, similar business combination, name change, or change to its business form.

B. If the owner of a new business that operates a mobile food unit pays the license tax required by the locality in which the mobile food unit is registered, such owner shall not be required to pay any further license tax imposed by any other locality for conducting business from such mobile food unit in the confines of such other locality. The exemption from paying the license tax in other localities shall expire two years after the payment of the initial license tax in the locality in which the mobile food unit is registered, and during the two-year period, the owner shall be entitled to exempt up to three mobile food units from license taxation in other localities.

C. The owner of a mobile food unit shall be required to register with the commissioner of the revenue or director of finance in any locality in which he conducts business from such mobile food unit, regardless of whether the owner is exempt from paying license tax in the locality pursuant to the provisions of this section.

Budget/Funding: N/A

Staff Recommendation: Staff recommends that Council approve as presented and set a public hearing.

AN ORDINANCE TO AMEND CHAPTER 98 OF THE FRONT ROYAL TOWN CODE BY ADDING THE DEFINITION OF MOBILE FOOD UNIT AND NEW BUSINESS TO SECTION 98-2; ADD ADDITIONAL INFORMATION AS 98-3.B. LICENSE REQUIREMENT; AND ADD MOBILE FOOD UNIT AS 98-61.C. LICENSING-PEDDLERS AND ITINERANT MERCHANTS

98-2 DEFINITIONS

MOBILE FOOD UNIT means a restaurant that is mounted on wheels and readily moveable from place to place at all times during operation.

NEW BUSINESS means a business that locates for the first time to do business in a locality. A business shall not be deemed to be a new business based on a merger, acquisition, similar business combination, name change, or change to its business form.

98-3 LICENSE REQUIREMENT

A. Every person shall apply for a license for each business, trade, profession, occupation or calling (collectively hereinafter "a business"), unless otherwise exempted by law, when engaging in a business in the Town of Front Royal if **(i)** the person has a definite place of business in this jurisdiction; **(ii)** there is no definite place of business anywhere and the person resides in this jurisdiction; or **(iii)** there is no definite place of business in this jurisdiction but the person operates amusement machines or is classified as an itinerant merchant, peddler, carnival, circus, contractor subject to Virginia Code Section 58.1-3715, or public service corporation. A separate license shall be required for each definite place of business and for each business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: **(i)** each business or profession is subject to licensure at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of the Town of Front Royal; **(ii)** all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and **(iii)** the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

Every person and business entity engaged in any business in the Town of Front Royal shall obtain a license from the Town of Front Royal Department of Finance before the commencement of such business, the minimum fee for which shall be ten dollars (\$10.00), unless exempt from licensing. Each year thereafter, such persons and entities shall pay an annual minimum license fee of ten dollars (\$10.00). In no instance shall this minimum fee create a refund.

B. If the owner of a new business that operates a mobile food unit pays the license tax required by the locality in which the mobile food unit is registered, such owner shall not be required to pay any further license tax imposed by any other locality for conducting business from such mobile food unit in the confines of such other locality. The exemption from paying the license tax in other localities shall expire two years after the payment of the initial license tax in the locality in which the mobile food unit is registered, and during the two-year period, the owner shall be entitled to exempt up to three mobile food units from license taxation in other localities

98-61 LICENSING – PEDDLERS AND ITINERANT MERCHANTS

C. Mobile Food Unit

If the owner of a new business that operates a mobile food unit pays the license tax required by the locality in which the mobile food unit is registered, such owner shall not be required to pay any further license tax

imposed by the Town for conducting business from such mobile food unit in the confines of the Town. The exemption from paying the license tax shall expire two years after the payment of the initial license tax in the locality in which the mobile food unit is registered, and during the two-year period, the owner shall be entitled to exempt up to three mobile food units from license taxation in other localities.

D. Violation

Any peddler or itinerant merchant who shall offer for sale or sell or barter without a license shall be guilty of a Class I Misdemeanor and shall be fined not less than fifty dollars (\$50.00) no more than two thousand five hundred dollars (\$2,500.00) for each offense, and in addition, shall be required to purchase the appropriate license from the Town.

E. Enforcement

It shall be the duty of the police officers and the officers of the Town to enforce the provisions of the section and to have warrants issued against any person committing a violation.

APPROVED:

Lori A. Cockrell, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Ordinance was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2023 upon the following recorded vote:

Melissa DeDomenico-Payne	__ Yes __ No	H. Bruce Rappaport	__ Yes __ No
Joshua L. Ingram	__ Yes __ No	Duane R. "Skip" Rogers	__ Yes __ No
Amber F. Morris	__ Yes __ No	R. Wayne Sealock	__ Yes __ No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____.

Approved as to Form and Legality:

George M. Sonnett, Jr., Town Attorney

Dated: _____



Work Session Agenda Statement

Item # 03

Meeting Date: May 1, 2023

Agenda Item: FY2022-2023 Write Off for Bad Debt

Summary: Council is requested to approve the removal of 5 years or older of outstanding accounts receivable (bad debts) totaling \$47,314.36 (151 utility accounts) on the Town's ledger for the remainder of fiscal year 2022-2023.

Staff has identified the accounts as bad debt and uncollectible based upon the Bad Debt Policy approved by Town Council in March 2019 and statute of limitations. All possible recourse of attempting to collect these amounts has been completed and the accounts have no activity for at least 5 years.

The amount of bad debt previously approved to be removed by Council is as follows:

Annually the Town of Front Royal bills approximately \$30 million for utility service. The Town of Front Royal Department of Finance collects approximately 99% of the utilities billed annually before accounts are deemed uncollectible and written off.

Budget/Funding:	0002-0401	Electric Allowance Uncollectible Utility Bills
	0003-0401	Sewer Allowance Uncollectible Utility Bills
	0004-0401	Water Allowance Uncollectible Utility Bills
	0005-0401	Solid Waste Allowance Uncollectible Utility Bills

Staff Recommendation: Staff recommends Council approving write-offs as presented under the consent agenda on May 22, 2023.

Write-Off Accounts FY2023

Customer Account Number	Balance	Service Address	Final Bill Due Date
07-325000-15	\$ 412.27	133 BEEDEN LN	2/2/2018
05-207000-8	\$ 158.52	139-A W MAIN ST	1/8/2018
05-280000-8	\$ 708.06	604 W MAIN ST	12/3/2017
05-661000-5	\$ 688.62	233 S ROYAL AVE	4/19/2011
04-208000-25	\$ 370.26	210 VIRGINIA AVE #13	11/29/2017
03-616075-19	\$ 139.07	915-D N ROYAL AVE	12/28/2017
04-228000-12	\$ 82.71	122 VIRGINIA AVE #5	8/11/2017
01-718100-1	\$ 272.09	749 W 16TH ST	8/18/2017
08-810000-8	\$ 212.55	347 OSAGE ST #2	9/1/2017
04-302002-1	\$ 67.58	135 N ROYAL AVE APT 1	8/25/2017
05-133000-11	\$ 91.29	220-B E MAIN ST	10/11/2017
07-266022-7	\$ 240.56	415 E CRISER RD #204	4/13/2018
04-222000-14	\$ 165.91	204 VIRGINIA AVE #409	3/31/2012
03-315000-16	\$ 157.06	353 KENDRICK LN #24	9/15/2017
08-144300-19	\$ 41.91	604 MIDLAND AVE	4/24/2018
03-616075-20	\$ 122.71	915-D N ROYAL AVE	3/9/2018
10-593001-2	\$ 924.25	1037 WINE ST	10/31/2017
02-161000-16	\$ 241.41	1122 N SHENANDOAH AVE #4	5/31/2018
02-302001-8	\$ 264.77	117 W 12TH ST #2	5/9/2018
03-230015-25	\$ 126.07	650-F W 11TH ST	12/26/2017
04-664000-28	\$ 74.40	718 WARREN AVE #4	7/14/2017
03-616025-21	\$ 98.78	915-A N ROYAL AVE	10/3/2017
03-664000-1	\$ 431.16	322 N ROYAL AVE	8/2/2017
02-231050-19	\$ 327.98	134 W 13TH ST	7/28/2017
03-202000-27	\$ 196.48	708 W 11TH ST #5	5/17/2018
04-216000-24	\$ 46.01	204 VIRGINIA AVE #202	2/2/2018
06-683697-2	\$ 568.81	456 CHERRYDALE AVE	5/31/2018
05-604000-21	\$ 398.63	19 S ROYAL AVE #8	3/14/2018
07-373000-12	\$ 407.71	472 HILL ST	12/22/2017
08-830000-12	\$ 944.79	402 OSAGE ST	12/8/2017
02-466000-32	\$ 188.54	1095 N ROYAL AVE #6	6/12/2018
01-330052-9	\$ 513.30	604 EARL CT	11/8/2017
04-672000-33	\$ 119.29	716 WARREN AVE #3	3/24/2017
01-408050-2	\$ 435.24	33 W 18TH ST	2/16/2018
03-230000-12	\$ 68.15	650-D W 11TH ST	8/25/2017
03-300000-25	\$ 102.84	353 KENDRICK LN #33	4/13/2018
03-595050-3	\$ 1,330.34	20 E 8TH ST - STORAGE UNITS #3	3/9/2018
02-537000-12	\$ 676.36	323 W 9TH ST	11/27/2017
08-702000-42	\$ 74.25	118-A S ROYAL AVE	6/12/2018
03-355000-5	\$ 437.96	629 W 11TH ST	12/1/2017
03-301000-38	\$ 66.77	353 KENDRICK LN #34	7/7/2017
03-494000-27	\$ 350.44	1308-A MADISON AVE	2/2/2018
01-579105-7	\$ 174.73	1632 EDMONT AVE	12/8/2017
03-354000-3	\$ 366.13	627 W 11TH ST	10/31/2017
03-179000-2	\$ 427.46	830 W 11TH ST	10/24/2017
10-220000-3	\$ 510.58	1412 JOHN MARSHALL HWY	3/29/2013
06-197000-4	\$ 1,028.24	24 W PROSPECT ST	2/10/2017
06-247000-7	\$ 117.03	502 GRAND AVE	11/6/2017
01-180343-2	\$ 113.32	58 ACE CT LOT#79	6/15/2018
03-595000-5	\$ 14.32	20 E 8TH ST #4	3/9/2018
05-663400-16	\$ 237.38	8 W PROSPECT ST #3	5/8/2018
07-591152-8	\$ 347.84	25 SHENANDOAH COMMONS WAY #104	8/4/2017

Write-Off Accounts FY2023

03-573000-9	\$ 885.88	343 W 10TH ST	2/28/2018
10-190000-11	\$ 121.43	1473 ANDERSON ST	10/25/2017
05-195000-22	\$ 51.44	112 E MAIN ST #2	5/14/2018
07-331100-15	\$ 72.26	142 BEEDEN LN	4/30/2018
10-116000-7	\$ 627.35	5 MORAIN ST	4/20/2018
03-595100-10	\$ 186.37	20 E 8TH ST #5	3/9/2018
03-595010-9	\$ 89.42	20 E 8TH ST #4	3/9/2018
03-177000-18	\$ 89.56	838 W 11TH ST	9/28/2017
09-628000-6	\$ 435.69	125 JAMESTOWN RD	8/18/2017
05-198000-9	\$ 159.00	114 E MAIN ST	11/24/2017
02-617000-1	\$ 271.83	1313 MONROE AVE	10/3/2017
10-194020-11	\$ 262.97	1433 ANDERSON ST	9/1/2017
04-121000-7	\$ 284.48	506 VIRGINIA AVE #1	9/27/2017
10-155022-15	\$ 47.33	1347 ROBIN HOOD LN #11	10/4/2017
09-112001-26	\$ 307.49	207 CLOUD ST #2	3/12/2018
04-573100-7	\$ 524.79	213 CHESTER ST #4	2/16/2018
04-649000-25	\$ 64.46	631 N ROYAL AVE #2	4/26/2018
09-559000-9	\$ 23.26	828 STONEWALL DR	7/31/2015
03-230010-16	\$ 66.84	650-E W 11TH ST	1/26/2018
02-542000-8	\$ 425.94	334 W 9TH ST	7/7/2017
01-643000-12	\$ 149.42	120 W 17TH ST	1/26/2018
04-539200-8	\$ 82.29	220 E 4TH ST	8/25/2017
10-242000-14	\$ 2,804.38	510 ROSS AVE	11/30/2010
07-266009-7	\$ 133.57	413 E CRISER RD #204	3/16/2018
04-612000-7	\$ 146.93	415 WARREN AVE #1	9/15/2017
08-615300-18	\$ 538.97	123 STEELE AVE	9/27/2017
03-242000-9	\$ 137.66	622 W 11TH ST	7/27/2017
01-705000-7	\$ 638.47	1412 N SHENANDOAH AVE	5/8/2018
06-114000-4	\$ 200.62	437 SOUTH ST	6/30/2017
05-191000-39	\$ 221.34	112 E MAIN ST #7	2/2/2018
07-350000-10	\$ 1,112.54	436 ACTON ST	10/24/2017
06-716000-25	\$ 54.60	124 W JACKSON ST #4	10/11/2017
09-730000-5	\$ 836.01	99 CHARLES ST	12/26/2017
04-387500-28	\$ 202.99	127 CHESTER ST #4	11/27/2017
04-144000-12	\$ 255.45	120 W 6TH ST #6	3/19/2018
09-486001-2	\$ 100.75	511 CABLE ST	10/3/2017
07-388000-1	\$ 26.09	426 HILL ST	11/13/2017
06-298000-10	\$ 569.91	208 GRAND AVE	7/7/2017
10-147091-21	\$ 70.15	67 ROYAL LN #3	10/16/2017
07-591196-11	\$ 48.02	17 SHENANDOAH COMMONS WAY #102	6/8/2018
08-810000-9	\$ 132.86	347 OSAGE ST #2	12/1/2017
06-551100-4	\$ 436.15	584 BROWN AVE	4/27/2018
10-485000-10	\$ 92.66	217 RANDOLPH AVE	3/2/2012
03-595200-8	\$ 18.85	20 E 8TH ST #6	3/9/2018
04-216000-22	\$ 106.39	204 VIRGINIA AVE #202	7/7/2017
10-160000-5	\$ 654.23	1433 JOHN MARSHALL HWY	8/25/2017
07-109200-7	\$ 79.63	5499 BROWNTOWN RD	1/5/2018
03-595400-2	\$ 432.03	20 E 8TH ST #8	3/9/2018
01-570000-1	\$ 13.79	203 E 17TH ST	8/18/2017
03-353000-11	\$ 1,278.17	625 W 11TH ST	5/17/2018
10-233500-11	\$ 178.53	514 BRAXTON RD	5/30/2018
08-153250-15	\$ 427.91	246 E 6TH ST #7	7/7/2017
02-116000-11	\$ 223.62	600 W 14TH ST	8/18/2017
03-334000-20	\$ 28.68	363 KENDRICK LN #42	9/22/2017
08-659300-23	\$ 243.56	306 S ROYAL AVE #3	2/16/2018

Write-Off Accounts FY2023

03-322000-19	\$ 85.84	363 KENDRICK LN #54	12/22/2017
08-633000-12	\$ 251.98	514 CARTER ST	6/30/2017
09-367000-18	\$ 368.27	560 E PROSPECT ST	2/23/2018
07-591223-25	\$ 143.87	13 SHENANDOAH COMMONS WAY #202	12/15/2017
07-529002-1	\$ 141.70	440 REMOUNT RD LOT #14	11/16/2017
07-718000-2	\$ 36.94	29 BEE ST	9/8/2017
02-575000-7	\$ 204.39	115 W 8TH ST	9/8/2017
01-751130-20	\$ 115.68	1416 N SHENANDOAH AVE #12	1/17/2018
04-711000-14	\$ 474.77	711 WARREN AVE	8/4/2017
08-120000-21	\$ 189.07	634 BEL AIR AVE	1/10/2018
08-371006-5	\$ 1,123.28	318 LOOP RD	5/8/2017
04-215000-28	\$ 79.72	204 VIRGINIA AVE #201	5/31/2018
03-595300-10	\$ 40.40	20 E 8TH ST #7	3/9/2018
04-664000-30	\$ 791.43	718 WARREN AVE #4	4/24/2018
08-259000-1	\$ 103.64	402 WASHINGTON AVE	7/14/2017
08-791000-1	\$ 444.00	223 E. PROSPECT ST	8/25/2017
03-686002-5	\$ 178.25	122-C N ROYAL AVE	7/28/2017
08-812000-11	\$ 134.46	347 OSAGE ST #4	9/22/2017
09-260000-17	\$ 52.26	312 FRAZIER PL	10/2/2017
08-335333-4	\$ 2,998.30	983 MEADOW CT	9/30/2011
10-611000-8	\$ 215.69	1058 BRAXTON RD	12/22/2017
03-201000-19	\$ 192.65	708 W 11TH ST #4	4/13/2018
07-267020-13	\$ 193.92	409 E CRISER RD #202	10/3/2017
08-340061-3	\$ 71.59	848 VILLAGE CT	9/22/2017
01-685100-13	\$ 388.09	121 W 14TH ST #2	5/26/2017
07-331000-12	\$ 671.34	201 ACTON ST	1/26/2018
07-267023-23	\$ 22.27	409 E CRISER RD #301	4/26/2018
04-226000-15	\$ 137.38	122 VIRGINIA AVE #2	7/28/2017
06-525000-15	\$ 103.86	613 RIVER DR	9/15/2017
03-608000-1	\$ 127.78	816 COMMERCE AVE	2/23/2018
08-138000-1	\$ 105.79	705 MIDLAND AVE	3/19/2018
01-330105-9	\$ 219.78	1515 MALLARD PL	11/2/2012
01-589000-11	\$ 354.09	124 E 15TH ST	2/26/2018
06-133000-10	\$ 213.41	20 W STONEWALL DR #2	4/27/2018
05-162000-19	\$ 47.75	128 E MAIN ST #2	1/26/2018
02-583000-1	\$ 104.71	820 VIRGINIA AVE	4/13/2018
07-591224-22	\$ 56.96	13 SHENANDOAH COMMONS WAY #203	12/30/2010
08-633000-14	\$ 306.59	514 CARTER ST	1/29/2018
03-610000-3	\$ 355.23	816-A COMMERCE AVE	2/23/2018
08-335898-5	\$ 692.55	1035 MEADOW LN	5/8/2018
06-683620-10	\$ 143.58	434-A CHERRYDALE AVE	6/21/2018
05-725000-15	\$ 136.73	539 S ROYAL AVE #2	2/28/2011
05-572000-2	\$ 89.18	529-A E MAIN ST	7/21/2017
04-215000-26	\$ 47.25	204 VIRGINIA AVE #201	7/7/2017
Total	\$ 47,314.36		



Work Session Agenda Statement

Item # 04

Meeting Date: May 1, 2023

Agenda Item: Discussion on the Future Direction of Front Royal Economic Development Authority

Summary: Below is a brief timeline of the creation of the Front Royal Economic Development Authority (FREDA).

April 9, 2020 – General Assembly enacted legislation for Front Royal (excerpt below)

§ [15.2-4905](#) of the Code of Virginia is amended and reenacted as follows:

*Notwithstanding the provisions of this section, and notwithstanding the provisions of any other law, general or special, nothing herein shall be deemed to impair the authority of the town council of the **Town of Front Royal** from creating its own independent industrial development authority, separate and apart for all purposes from any currently existing or future industrial development authority. A **Town of Front Royal** independent industrial development authority, created solely by the town, shall have all powers granted industrial development authorities generally as set forth in this chapter. Such industrial development authority may also include Warren County in any of its economic development projects for a period of five years ending July 1, 2025.*

February 22, 2021 – Council formalized the establishment of the Front Royal Economic Development Authority (FREDA) effective March 15, 2021. Town Manager Steven Hicks was appointed to oversee FREDA as the Executive Director.

February 23, 2021 – News Release went out with the above information.

December 12, 2021 – Seven appointments were made to FREDA

January 20, 2022 – First Meeting of FREDA

August 2022 – Town Manager Steven Hicks left as Town Manager

Budget/Funding: None

Staff Recommendation: Council takes desired action

Bylaws of the Economic Development Authority of the Town of Front Royal, Virginia

Article I. Purposes and Powers

The Economic Development Authority of the Town of Front Royal, Virginia, also to be known as the “Front Royal EDA”, shall fulfill all the purposes and intents of the General Assembly of Virginia, as expressed in Title 15.2, Chapter 49, Code of Virginia, as amended. The Front Royal EDA shall also fulfill all purposes and intents as set out in Chapter 16 of the Municipal Code of the Town of Front Royal, which is the Ordinance creating the Front Royal EDA and all other matters as hereinafter provided. The general purpose of the Front Royal EDA shall be to foster and stimulate the development and redevelopment of industry, commerce, higher education, and all other purposes set forth in the Industrial Development and Revenue Bond Act, Virginia Code § 15.2-4900, *et seq.* as it now exists or may from time to time be amended, in particular in the Town of Front Royal and in general in the Front Royal-Warren County community, for the general good of the people of the Town of Front Royal and, wherever possible, the people of the County of Warren, and for the citizens of the Commonwealth of Virginia. The Front Royal EDA shall have all powers that have been granted to it by Title 15.2, Chapter 49, Codes of Virginia, 1950, as amended, and all other powers that may hereinafter be granted to it by an enactment of the General Assembly and also that may be granted by the Front Royal Town Council.

Article II. Offices and Records

1. The principal offices of the Front Royal EDA shall be located in the Town Offices of the Town of Front Royal, 102 E. Main Street, Front Royal, County of Warren, Virginia.
2. Except as otherwise required by resolution of the Front Royal EDA, or as the business and affairs of the Front Royal EDA may require, all the books and records of the Front Royal EDA shall be kept at the principal office to be designated as herein above provided.
3. The Board of Directors of the Front Royal EDA shall keep minutes of its proceedings to be kept contemporaneously with its proceedings, which minutes shall also be electronically recorded, (unless its proceedings are properly in closed meeting in accordance with the Virginia Freedom of Information Act (Title 2.2, Chapter 37 of the Code of Virginia, as amended)), which minutes shall be open to public inspection during normal business hours and under terms and conditions as provided by law.
4. The Front Royal EDA shall keep suitable records of its financial transactions and, unless exempted by Va. Code § 30-140, as amended, the Front Royal EDA shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the Finance Director of the Town of Front Royal of the locality and shall be open to public inspection during normal business hours and under terms and conditions as provided by law.

Article III. Governance of Front Royal EDA by Board of Directors

1. The Front Royal EDA shall be governed by a Board of Directors composed of seven (7) Directors, appointed by the Town Council of the Town of Front Royal, Virginia ("Town Council"). Appointments shall be for terms of four (4) years, except appointments to fill vacancies which shall be for the unexpired portion of such term. If, at the end of any term of office of any Director, a successor shall not have been appointed or qualified, the Director whose term of office shall have expired shall continue to hold office until his successor shall be appointed and qualified. The seven (7) Directors of the Front Royal EDA shall be appointed initially for terms of one (1), two (2), three (3), and four (4) years; two (2) being appointed for one-year terms; two (2) being appointed for two-year terms; two (2) being appointed for three-year terms; and one (1) being appointed for a four (4)-year term.
2. All powers and duties of the Front Royal EDA shall be exercised and performed by the Board of Directors, acting by majority vote of those Directors present at a meeting at which a quorum is present, except that no facilities owned by the Front Royal EDA shall be leased or disposed of in any manner without a majority vote of all the members of the Board of Directors.
3. Four (4) members of the Board of Directors of the Front Royal EDA shall constitute a quorum of the Board of Directors for the purposes of conducting its business and exercising its powers and for all other purposes. A vacancy in the membership of the Board of Directors shall not impair the right of a quorum to exercise all the powers and perform all the duties of the Board of Directors.
4. Each Director shall be a resident of the Town of Front Royal or Warren County when appointed as a Director of the Front Royal EDA. Residents of Warren County must own a business within the corporate limits of the Town of Front Royal. When a Director ceases to be a resident of the Town of Front Royal, or if a resident of Warren County ceases to be owner of a business within the corporate limits of the Town of Front Royal or ceases to be a resident of Warren County, that Director's office shall become immediately vacant, and a new Director may be appointed for the remainder of the term.
5. No Director shall be an officer or employee of the Town of Front Royal or the County of Warren.
6. Each Director shall, before entering upon his duties, take and subscribe the oath prescribed by Va. Code § 49-1, or its successor provision.
7. Per Resolution dated December 13, 2021, the Directors shall receive no salary but may be compensated \$200.00 per monthly meeting attended. There will not be compensation for additional meetings. Reimbursement for necessary traveling and other expenses incurred in the performance of their duties shall be approved by the Town Manager or his designee.
8. The Board of Directors of the Front Royal EDA shall keep 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 Va. Code § 30-140 or its successors provision, it shall arrange to have the same audited annually. Copies of such audit shall be furnished to Town

Council annually and shall be open to public inspection during normal business hours and under terms and conditions as provided by law.

9. The Board of Directors shall have the right to prepare, or delegate the preparation of, confidential reports for submission to any person, governmental body or agency consistent with the purposes and powers stated by law and these Bylaws; and the right to receive from any source confidential reports consistent with the purposes and powers stated by law and these Bylaws; but no action binding the Front Royal EDA may be taken respecting such reports except as provided by law and these Bylaws.
10. As a condition to service of office, each Director of the Front Royal EDA shall timely complete and file, in accordance with all requirements of the Code of Virginia, any legally mandated publicly filed Statement of Economic Interests or Disclosures or Real Estate Disclosures or financial statements and comply with all requirements of the State and Local Government Conflicts of Interests Act as provided in Title 2.2, Chapter 31, of the Code of Virginia, or its successor provisions.
11. Any amendment to these By-Laws shall not become effective until approved and ratified by the Town Council of the Town of Front Royal pursuant to Section 16-4(J) of the Town Code.
12. A member of the Board of Directors of the Front Royal EDA may be removed from office by the Town Council without limitation in the event that the Board member is absent from any three (3) consecutive meetings of the Front Royal EDA or is absent from any four (4) meetings of the Front Royal EDA within any twelve (12)-month period, in accordance with Va. Code § 15.2-4904. A., as amended, or upon unanimous vote of the Town Council. In any such event, a successor shall be appointed by Town Council for the unexpired portion of the term of the member who has been removed.

Article IV. Officers

1. The Board of Directors of the Front Royal EDA may elect from its membership a Chairman, and Vice-Chairman, and from its 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.
2. The terms of office for the officers shall end December 31st of the year to which they are elected. New officers shall be elected at the first meeting in January of each year.
3. The duties of the Chairman shall be to preside at meetings of the Board of Directors, and of the Executive Committee, if such Committee is appointed by the Board of Directors; to call special meetings; to call special elections; to be *ex officio* member of all committees or the Front Royal EDA if not actually voted or appointed by the Board of Directors to be a member of a particular committee; to sign with the Secretary or any other proper officer of the Front Royal EDA thereunto authorized by the Board of Directors, to sign any documents or instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws to some other

officer of the Board of Directors, or shall be required by law to be otherwise signed or executed; and in general, shall perform all duties incident to the office of Chairman; and shall perform such other duties as may be prescribed by the Board of Directors from time to time. The Chairman shall have an equal vote with the other Directors.

4. The duties of the Vice-Chairman shall be to preside at meetings on request of the Chairman, or in the absence of the Chairman, and in case of the death or resignation of the Chairman shall become the Chairman for the remainder of the term for which the Chairman was elected. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairman. The Vice-Chairman shall perform such other duties as may be assigned by the Board of Directors from time to time.
5. The Town will provide support staff for the preparation of the minutes of meetings of the Board of Directors and the Executive Committee and be available for public inspection as herein before provided; to have custody of all important records of the Front Royal EDA; and to see that all notices are duly given as required by these Bylaws or by the Board of Directors.

The Executive Director shall call meetings of the Board of Directors to order in the absence of the Chairman and Vice- Chairman and thereupon to conduct an election for a temporary presiding officer for that meeting; and in general, to perform such other duties as from time to time may be assigned by the Board of Directors. In the absence of support staff, the Chairman shall appoint a Director responsible for the preparation of minutes of the meeting.

6. Town Staff shall keep suitable records of all financial transactions of the Front Royal EDA, to have such records audited annually, to furnish a copy of such audit to the Town Council; to make available for public inspection at reasonable times each such annual audit; to have charge and custody of all funds and be responsible for their investment and depositing in the name of the Front Royal EDA when authorized by the Board of Directors; and in general, to perform all duties incident to the Office of Treasurer and such other duties as from time to time may be assigned by the Board of Directors.

Article V. Election of Officers

1. Regular elections for the upcoming calendar year shall be held at the first-regular meeting of the calendar year.
2. Special elections shall be held at a regular meeting or at a meeting designated by the Chairman of the Board of Directors in order to fill vacancies or to fill newly created offices, but only after specific notice, as hereinafter provided for, has been given.
3. Any vacancies for any cause on the Front Royal EDA shall be filled by Town Council.

Article VI. Meetings

1. Regular meetings of the Board of Directors shall be held monthly on a date set by the Chairman with appropriate notice as contained in these By-Laws or may be held at such intervals as set by the Board of Directors, but not less than quarterly.
2. Special meetings or work sessions of the Board of Directors may be called by or at the request of the Chairman or of any three Directors.
3. At each meeting, the names of each member of the Board of Director in attendance shall be entered into the minutes. If a Director leaves the meeting before its conclusion, the time the Director leaves the meeting shall be entered into the minutes.
4. Regular meetings shall be established at the annual meeting. Notices of special, emergency and continued meetings shall be given to each Director such as is reasonably under the circumstances and posted on the Town's web site and such other locations as public notices are posted contemporaneously with the notice provided to the Directors. Notices sent electronically by e-mail shall be deemed as a written notice.
5. Any person may annually file a written request for notification with the Front Royal EDA. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The Front Royal EDA receiving such request shall provide notice of meetings directly to such person. Without objection by such person, the Authority may provide electronic notice of all meetings to such requests.
6. At least one (1) copy of all agenda packets and, unless exempt, all materials furnished to members of the Board of Directors shall be made available for public inspection at the same time such documents are furnished to the Board of Directors.
7. Four (4) members of the Board of Directors shall constitute a quorum of the Board of Directors for the purpose of conducting its business and exercising its powers.
8. The agenda will be set by the Chairman or if there is an Executive Director of the Front Royal EDA, in consultation with the Chairman.
9. The vote of the adoption of every resolution, any proposals creating a liability, or for the appropriation or expenditure of funds shall be by "yes" or "no" vote of each member voting. The names of members voting for and against shall be entered upon the minutes of the meeting.
10. Remote participation at meetings by electronic means by members of the Board of Directors of the Front Royal EDA shall be governed by the applicable provisions of the Virginia Freedom of Information Act and the written policy adopted by Town Council, as the same from time to time may be amended, which Town Council written policy is incorporated by reference herein and made a part hereof.

11. Unless otherwise provided, procedure at meetings shall follow the most recent edition of *Robert's Rules of Order*.
12. The Board of Directors shall vote on and approve all minutes of the meetings of the Board of Directors of the EDA at the next meeting thereof.

Article VII. Staff

1. The Board of Directors shall appoint such employees as the Board of Directors deem necessary and appropriate to accomplish the purposes and powers of the Front Royal EDA.
2. The employees of the Front Royal EDA may prepare and submit confidential reports and recommendations to the Board of Directors, but no action binding on the Front Royal EDA shall be taken respecting such reports except as provided in Article III.
3. Expenditure of the Front Royal EDA funds shall be governed by procurement procedures adopted by the Board of Directors and will adhere to the Town of Front Royal's procurement policy and procedures and the applicable provisions of the Virginia Public Procurement Act. Staff approvals of expenditures must also conform with the fiscal budget adopted annually by the Board of Directors and abide by an adopted financial management policy adopted by the Board of Directors.

Article VIII. Fiscal Year

The fiscal year of the Front Royal EDA shall be from July 1 until June 30 of the following year.

Article IX. Committees

1. Upon the adoption by the Board of Directors of an Executive Committee may form, such committee shall be composed of, but not limited to, the Chairman, Vice-Chairman, Secretary and Treasurer of the Authority. An Executive Committee, if one is created by the Front Royal EDA, shall be subject to the same provisions, *mutatis mutandis*, as those applicable to the whole Front Royal EDA, shall meet at such times and such places as the Chairman may designate. The Executive Committee shall keep minutes of its meetings, which shall be preserved along with the minutes of the Board of Directors and distributed to the Board of Directors at its regular meeting. Three (3) members of the Executive Committee shall constitute a quorum. In the absence of any member of the Executive Committee, the Chairman may appoint a director to act on the Executive Committee pro tempore, and such appointment shall be recorded in the record book of the Authority.
2. The Chairman may, with the advice and consent of the Board of Directors, appoint members to committees and such appointments shall be recorded in the record book of the Front Royal EDA.

Article X. Powers, Duties, and Limitations on Authority

1. The Front Royal EDA, its Board of Directors, and its individual Directors shall have and exercise all powers and duties and be subject to all duties and responsibilities and shall enjoy

all exemptions from liability, as shall be set forth in the Industrial Development and Revenue Bond Act, Code of Virginia, 1950, §§ 15.2-4900 *et seq.*, as amended, or its successor provisions.

2. The Authority of the Front Royal EDA is limited to the express conditions of the Town of Front Royal Town Code and, specifically, limited pursuant to Section 16-5(B) of the Front Royal Town Code and shall follow the Town of Front Royal's Procurement Policy.
3. All agreements, arrangements, and instruments which purports to be legally binding and to which the Front Royal EDA is a party shall be reviewed by a qualified and licensed attorney-at-law shall have affixed there to the signature and date of such signing by such attorney with the notation "Approved as to Legal Form" prior to execution thereof by the Front Royal EDA. Any Front Royal EDA agreement, arrangement, or instrument development, redevelopment or financing agreement or arrangement not in conformity with this provision shall be null and void.
4. The Front Royal EDA and its Board of Directors shall have all powers, duties, liabilities, immunities from liabilities, and shall have such limitations upon its authority as set forth in the Industrial Development and Revenue Bond Act of the Code of Virginia and as set forth in in this Chapter, particularly 16-6 (A) and (B) herein.

Article XI. Amendments

Except as otherwise provided by law, these Bylaws may be amended, added to, altered or repealed in whole or in part by the Board of Directors at any meeting of the Board of Directors, provided proper notice thereof is given in the notice of such meeting, and such notice is delivered to each member of the Board of Directors and the public, in advance, as provided in these Bylaws Any Director may waive written notice.

Attachments: Town Code Chapter 16 – Industrial Development Authority
Code of Virginia §15.2-4900 Industrial Development and Revenue Bond Act

Approved by the Front Royal Economic Development Authority July 14, 2022.

Adopted by the Front Royal Town Council July 25, 2022.

Chapter 16**INDUSTRIAL DEVELOPMENT AUTHORITY****Sections:**

- 16-1 (RESERVED)**
- 16-2 (RESERVED)**
- 16-3 ESTABLISHMENT**
- 16-4 BOARD OF DIRECTORS; TERMS AND QUALIFICATIONS OF OFFICE**
- 16-5 OFFICERS**
- 16-6 POWERS, DUTIES, AND LIMITATIONS**

Revised/Re-codified 3-11-85. (*Chapter 2-43 of the 1965 Code; adopted 12-11-67*). Other amendments noted where applicable. The Entire Chapter was repealed and re-enacted on July 13, 2020.

16-1 (RESERVED)**16-2 (RESERVED)****16-3 ESTABLISHMENT**

There is hereby created, pursuant to Title 15.2, Chapter 49, the Industrial Development and Revenue Bond Act, of the Code of Virginia, by the Town Council of the Town of Front Royal, Virginia, a political subdivision of the Commonwealth of Virginia ("Town Council") to be known as the Economic Development Authority of the Town of Front Royal, Virginia, also to be known as the "Front Royal EDA".

16-4 BOARD OF DIRECTORS: TERMS AND QUALIFICATIONS OF OFFICE

- A. The Front Royal EDA created in this Chapter shall be governed by a Board of Directors composed of seven (7) Directors to be appointed by Town Council. Appointments shall be for terms of four (4) years, except appointments to fill vacancies which shall be for the unexpired portion of such term. If, at the end of any term of office of any Director, a successor shall not have been appointed or qualified, the Director whose term of office shall have expired shall continue to hold office until his successor shall be appointed and qualified.
- B. The seven (7) Directors of the Front Royal EDA shall be appointed initially for terms of one (1), two (2), three (3) and four (4) years, two (2) being appointed for one-year terms; two (2) being appointed for two-year terms; two (2) being appointed for three-year terms and one (1) being appointed for a four (4)-year term. Subsequent appointments shall be for terms of four (4) years, except appointments to fill vacancies, which shall be for the unexpired terms.
- C. Each Director shall, before entering upon his duties, take and subscribe the oath prescribed by Va. Code § 49-1, or its successor provision.

- D. No Director shall be an officer or employee of the Town of Front Royal or the County of Warren.
- E. Each Director shall be a resident of the Town of Front Royal or Warren County when appointed as a Director the Front Royal EDA. Residents of Warren County must own a business within the corporate limits of the Town of Front Royal. When a Director ceases to be a resident of the Town of Front Royal, or if a resident of Warren County ceases to be owner of a business within the corporate limits of the Town of Front Royal or ceases to be a resident of Warren County, that Director's office shall become immediately vacant and a new Director may be appointed for the remainder of the term.

(Amended 4-26-21 to Add Warren County Residents Requirement-Effective Upon Passage)

- F. The Directors shall receive no salary but receive a stipend per resolution approved by Town Council for meeting attendance. Reimbursement for necessary traveling and other expenses incurred in the performance of their duties shall be at the Executive Director's direction.

(Amended 7-25-22-Effective Upon Passage)

- G. Four (4) members of the Board of Directors of the Front Royal EDA shall constitute a quorum of the Board of Directors for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the Front Royal EDA shall be leased or disposed of in any manner without a majority vote of all members of the Board of Directors. No vacancy in the membership of the Board of Directors shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.
- H. The Board of Directors of the Front Royal EDA shall keep 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 Va. Code § 30-140 or its successors provision, it shall arrange to have the same audited annually. Copies of such audit shall be furnished to Town Council annually and shall be open to public inspection.
- I. As a condition to service of office, each Director of the Front Royal EDA shall timely complete and file, in accordance with all requirements of the Code of Virginia, the Statement of Economic Disclosure and comply with all requirements; and to complete training, of the State and Local Government Conflict of Interests Act (provided by the Virginia Conflict of Interest and Ethics Advisory Council) and the Virginia Freedom of Information Advisory Council (provided by the Freedom of Information Advisory Council) within two months of starting their position, and then once every two years based on the date of the last completed training.

(Amended 7-25-22 to include training-Effective Upon Passage)

- J. The Board of Directors of the Front Royal EDA shall, upon its formation, promptly promulgate and execute Bylaws, which shall not become effective until ratified by Town

Council; and upon ratification by Town Council, shall be binding upon the Front Royal EDA and its Board of Directors and each of its Directors in each Director's official position as such.

16-5 OFFICERS

The Board of Directors of the Front Royal EDA shall elect from its membership a Chairman, a Vice-Chairman, and from its 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.

16-6 POWERS, DUTIES, AND LIMITATIONS

A. In general and except as expressly set forth in this Chapter, the Front Royal EDA, its Board of Directors, and its individual Directors shall have and exercise all powers and duties and be subject to all duties and responsibilities and shall enjoy all exemptions from liability, as shall be set forth in the Industrial Development and Revenue Bond Act, Code of Virginia, 1950, §§ 15.2-4900 *et seq.*, as amended, or its successor provisions.

B. Town Council hereby exercises its power and discretion, under the Industrial Development and Revenue Bond Act of the Code of Virginia and under this Chapter, to limit the type and number of facilities that the Front Royal EDA may finance or assist with financing or facilitate for development under this Chapter. Within any development or redevelopment area or facility the Front Royal EDA or Town Council or a developer proposes for promotion, development, redevelopment, financing, or assist with financing using the Front Royal EDA as a development or redevelopment promoter or facilitator, it may do so only (i) under the authority of this Chapter and under the authority of the Industrial Development and Revenue Bond Act.

(Amended 7-25-22-Effective Upon Passage)

- C. All agreements, arrangements, and instruments which purports to be legally binding and to which the Front Royal EDA is a party shall be reviewed by a qualified and licensed attorney-at-law and shall have affixed there to the signature and date of such signing by such attorney with the notation "Approved as to Legal Form" prior to execution thereof by the Front Royal EDA. Any Front Royal EDA agreement, arrangement, or instrument development, redevelopment or financing agreement or arrangement not in conformity with this provision shall be null and void.
- D. The Front Royal EDA and its Board of Directors shall have all powers, duties, liabilities, immunities from liabilities, and shall have such limitations upon its authority as set forth in the Industrial Development and Revenue Bond Act of the Code of Virginia and as set forth in in this Chapter, particularly 16-6 (A) and (B) herein.



Town of Front Royal

www.frontroyalva.com

News Release

Public Information Officer: Todd C. Jones
Town Hall | 102 E. Main St, Front Royal, VA 22630
(540) 631-3600 | PIO@FrontRoyalVa.com

Council Approves establishing Front Royal Economic Development Authority

Front Royal, VA (February 22, 2021) - The Front Royal Town Council is pleased to announce plans to establish the Front Royal Economic Development Authority (FREDA) March 15, 2021 and will be naming Town Manager, Steven Hicks as the Executive Director. The Town is currently seeking applicants to serve as members of the Board of Directors until March 31, 2021. Last year the Virginia General Assembly authorized the formation of the FREDA. Since that authorization, the Town has codified the Town EDA in Town Code.

The decision to move forward with FREDA was not taken hastily or lightly. The Town's decision to move forward with its own independent EDA has more to do with the present and future rather than the past.

The Town has re-development and economic development needs now that Council does not believe the County's EDA is in the position to perform. Small businesses have been impacted by the pandemic and are in need of recovery. In addition, there are many empty storefronts now and Council hopes we can prevent more in the coming years. Having FREDA will also make it easier and quicker to improve the quality of life and appearance of Front Royal by addressing blighted properties through various tools and resources available to EDA's.

The challenges facing the current County EDA are significant. For example, on September 25, 2019, the EDA agreed to enter into a Confession of Judgment with The First Bank and Trust. The Confession of Judgment and supporting documentation appear to indicate the following:

- The sum for the judgment is \$9,015,742 at an annual interest rate of 6%
- The loan was a line of credit up to \$17 million
- Security for the loan in part stated, "Security agreement granting an interest in **all of borrower's accounts and government payments** and programs including but not limited to all **present and future payments** now or hereafter appropriated and **made or to be made by the Town of Front Royal, Virginia and/or the County of Warren, Virginia**, to the borrower...."

Based upon legal interpretation, this Confession of Judgment means all EDA assets not currently secured by another party are subject to the Confession of Judgment or in essence, property of The First Bank and Trust Company up to \$9M. This Confession of Judgment impairs buying property for the County or the Town unless the bank allows it. If the EDA enters into a lease, lease revenues would go to The First Bank and Trust Company. Due to the low creditworthiness of the EDA, it cannot obtain bonds, loans or other type of financing without the County and/or Town's direct involvement. Couple this Confession of Judgment with the EDA's insolvency, on-going litigation, lack of three years of audits and low creditworthiness, it will be difficult for the EDA to function as a traditional EDA for many years in order to help our community, specifically our Town.

The Front Royal Town Council is committed towards working in partnership with Warren County and its EDA. By no means should the Town's initiative to focus on the Town's re-development be construed as an unwillingness to work with the County. We just believe from a business perspective; formalizing FREDa is the only way the Town can focus on re-development with real results. The Town Council would consider joining the County's EDA in the future once all of the following takes place with the County's EDA:

1. It not only has produced missing audits, but previous and future audits need to be clean.
2. It is solvent.
3. The Confession of Judgment is released.
4. All possible criminal investigations and civil litigation has been concluded.
5. The Town taxpayers have recovered all misappropriated, stolen or fraudulently obtained assets by the EDA or its employee(s).

As part of the Town's FY22 Budget, the Town will be able to invest \$100,000 without sacrificing services to start FREDa. Additionally, the Town anticipates receiving over \$100,000 from the sale of real estate which will be re-invested into our Town.

In conclusion, considering the state of affairs with the County's EDA and in consideration of the Town's needs to expand its tax base through economic development and marketing, it is imperative that the Town move towards ramping up its own EDA as soon as possible.

If any member of the public or press has any further questions, please contact Todd C. Jones, Town Public Information Officer.

###

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.

§ 15.2-4901. Purpose of chapter

It is the intent of the legislature by the passage of this chapter to authorize the creation of industrial development authorities by the localities in the Commonwealth so that such authorities may acquire, own, lease, and dispose of properties and make loans to the end that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit and commercial enterprises, and institutions of higher education to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources, and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity. Such authority shall not itself be authorized to operate any such manufacturing, industrial, nonprofit or commercial enterprise, or any facility of an institution of higher education.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to pollution control facilities to the end that such authorities may protect and promote the health of the inhabitants of the Commonwealth and the conservation, protection, and improvement of its natural resources by exercising such powers for the control or abatement of land, sewer, water, air, noise, and general environmental pollution derived from the operation of any industrial or medical facility and to vest such authorities with all powers that may be necessary to enable them to accomplish such purpose, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to medical facilities and facilities for the residence or care of the aged to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of medical facilities and facilities for the residence or care of the aged in order to provide modern and efficient medical services to the inhabitants of the Commonwealth and care of the aged of the Commonwealth in accordance with their special needs and also by assisting in the refinancing of medical facilities and facilities for the residence or care of the aged owned and operated by organizations which are exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code of 1954, as amended, in order to reduce the costs to residents of the Commonwealth of utilizing such facilities and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health and welfare. It is not intended hereby that any such authority shall itself be authorized to operate any such medical facility or facility for the residence or care of the aged.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for use by organizations (other than institutions organized and operated exclusively for religious purposes) which are described in § 501(c)(3) of the Internal Revenue Code of 1954, as amended, and which are exempt from federal income taxation pursuant to § 501(a) of the Internal Revenue

Code of 1954, as amended, to the end that such authorities may protect or promote the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of the aforesaid entities and organizations in order to provide operations, recreational, activity centers, and other facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their safety, health, welfare, convenience, or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for accredited nonprofit private institutions of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education to the end that such authorities may protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, and improvement of facilities of aforesaid institutions in order to provide improved educational facilities for the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience, or prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such educational facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to facilities for a locality, the Commonwealth and its agencies, and governmental and nonprofit organizations and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience, or prosperity.

It is further the intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities for museums and historical education, demonstration, and interpretation, together with any and all buildings, structures, or other facilities necessary or desirable in connection with the foregoing, for use by nonprofit organizations in order to promote tourism and economic development in the Commonwealth, to promote the knowledge of and appreciation by the citizens of the Commonwealth of the historical and cultural development and heritage of the Commonwealth and the United States and to promote thereby their health, welfare, convenience, and prosperity. It is not intended hereby that any such authority shall itself be authorized to operate any such facility.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilities devoted to the staging of equine events and activities (other than racing) for use by governmental or nonprofit, nonreligious organizations and operated by such governmental or nonprofit, nonreligious organizations in order to promote the equine industry and equine-related activities (other than racing) which are integral to the Commonwealth's economy and heritage and to promote thereby the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to acquiring, developing, owning, and operating an industrial park and any utilities that are intended primarily to serve the park and to issue bonds for such purposes. The bonds may be secured by revenues generated by the industrial park or the utilities being financed or by any other funds of the

authority.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities created by one or more municipalities whose housing authorities have not been activated as provided by §§ 36-4 and 36-4.1, in addition to the powers previously or hereafter granted in this chapter, the powers contained herein with respect to facilities used primarily for single or multi-family residences in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth. It is not intended hereby that any such authority shall itself be authorized to operate any such facility or exercise any powers of eminent domain set forth in § 36-27.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant industrial development authorities the powers contained herein with respect to public school buildings and facilities to promote the safety, health, welfare, convenience, and prosperity of the school children of the Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of school boards in order to provide for the modernization of public school buildings or facilities pursuant to Article 3 (§ 22.1-141.1 et seq.) of Chapter 9 of Title 22.1.

It is the further intent of the legislature and shall be the policy of the Commonwealth to grant to industrial development authorities the powers contained herein with respect to facilitating and supporting landowner access to carbon markets through aggregation of landowners to reach a size that attracts the investment of private capital. Such aggregation provides landowners of various size tracts of land enhanced opportunities to access capital and benefits that support and enhance the agriculture and forest industries for the health, welfare, convenience and prosperity of the inhabitants of the Commonwealth.

In any instance in this chapter where an industrial development authority may issue bonds through its authority to finance, the authority may also refinance such bonds.

This chapter shall be liberally construed in conformity with these intentions.

1966, c. 651, § 15.1-1375; 1972, c. 783; 1975, c. 489; 1977, c. 619; 1978, cc. 276, 526; 1984, c. 700; 1985, c. 317, § 15.1-1392; 1986, c. 473; 1988, c. 211; 1990, c. 312; 1991, c. 6; 1997, cc. 587, 758, 763; 2002, cc. 680, 725; 2005, c. 928; 2012, c. 498; 2019, cc. 546, 818, 819.

§ 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 the 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. Louisa County may, by ordinance, authorize an authority created or established under this chapter to acquire, own, operate, and regulate the use of airports, landing fields, and facilities, and other property incident thereto, including such facilities and property necessary for the servicing of aircraft. 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.

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; 2016, cc. 164, 312; 2017, c. 560.

§ 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 board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority; the board of supervisors of King William County may appoint nine members to serve on the board of the authority, 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 of the Town of Saint Paul 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 member 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 board of supervisors of Goochland County may appoint five members to serve on the board of the authority; the board of supervisors of Powhatan County may appoint five members to serve on the board of the 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 town council of the Town of Kenbridge may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Victoria 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; and the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council; however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the

city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council, and the board of supervisors of Louisa County may appoint directors to serve on the board of the authority for terms coincident with members of the board of supervisors.

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 or upon unanimous vote of the board of supervisors. In any 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, (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, and (iv) in Mathews County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Mathews. 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. Except as provided herein, 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. In the case of the Economic Development Authority of Goochland County, the Economic Development Authority of Powhatan County, the Industrial Development Authority of the Town of Kenbridge, and the Industrial Development Authority of the Town of Victoria, three 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.

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; 2016, c. 414; 2017, cc. 541, 557, 560; 2018, c. 310; 2019, c. 363; 2021, c. 3; 2021, Sp. Sess. I, cc. 321, 422.

§ 15.2-4905. Powers of authority

The authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To adopt and use a corporate seal and to alter the same at pleasure;
3. To enter into contracts; however, any written contract of the authority shall contain provisions addressing the issue of whether attorney's fees shall be recoverable by the prevailing party in the event the contract is subject to litigation;
4. To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one or more authority facilities including all real and personal properties which the board of directors of the authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;
5. To lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;
6. To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;
7. To issue its bonds for the purpose of carrying out any of its powers including specifically, but without intending to limit any power conferred by this section or this chapter, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from an authority to undertake financing pursuant hereto, unless the major part of the proceeds of such bonds will be used to redeem any prior long-term financing of such facility other than financings pursuant to this chapter or any similar law;
8. As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the authority;
9. To employ and pay compensation to such employees and agents, including attorneys, and real estate brokers whether engaged by the authority or otherwise, as the board of directors shall deem necessary in carrying on the business of the authority;
10. To exercise all powers expressly given the authority by the governing body of the locality which established the authority and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the authority's affairs;
11. To appoint an industrial advisory committee or similar committee or committees to advise the authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed \$50 per meeting day, and may be reimbursed for necessary traveling and other expenses incurred while on the business of the authority;

12. To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities, for the payment of principal of any bond of the authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of this chapter of such money, contributions, grants, and other financial assistance, and to this end the authority shall have the power to comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed; and

13. To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development, provided that such loans or grants shall be made only from revenues of the authority which have not been pledged or assigned for the payment of any of the authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefor. An authority may also be permitted to forgive loans or other obligations if it is deemed to further economic development. The word "revenues" as used in this subdivision includes contributions, grants and other financial assistance, as set out in subdivision 12.

The authority shall not have power to operate any facility as a business other than as lessor and shall not have the power to operate any single or multi-family housing facilities. However, the authority shall have the power to apply for, establish, operate and maintain a foreign-trade zone in accordance with the provisions of Chapter 14 (§ 62.1-159 et seq.) of Title 62.1. Any meeting held by the board of directors at which formal action is taken shall be open to the public.

If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution. Notwithstanding the foregoing, nothing contained herein shall be deemed to invalidate or otherwise impair any existing financing by an authority or the financing of any facilities for which application has been made to an authority prior to July 1, 1981.

Notwithstanding the provisions of this section, and notwithstanding the provisions of any other law, general or special, nothing herein shall be deemed to impair the authority of the town council of the Town of Front Royal from creating its own independent industrial development authority, separate and apart for all purposes from any currently existing or future industrial development authority. A Town of Front Royal independent industrial development authority, created solely by the town, shall have all powers granted industrial development authorities generally as set forth in this chapter. Such industrial development authority may also include Warren County in any of its economic development projects for a period of five years ending July 1, 2025.

1966, c. 651, § 15.1-1378; 1970, c. 598; 1972, c. 783; 1973, c. 528; 1981, c. 3; 1991, c. 6; 1993, c. 896; 1994, c. 317; 1997, cc. 587, 758, 763; 1998, c. 728; 2005, c. 575; 2020, c. 1001.

§ 15.2-4906. Public hearing and approval

A. Whenever federal law requires public hearings and public approval as a prerequisite to obtaining federal tax exemption for the interest paid on industrial development bonds, unless otherwise specified by federal law or regulation, the public hearing shall be conducted by the authority and the procedure for the public hearing and public approval shall be in accordance with this section.

B. For a public hearing by the authority, notice of the hearing shall be published once a week for two successive weeks in a newspaper having general circulation in the locality in which the

facility to be financed is to be located of intention to provide financing for a named individual or business entity. The applicant shall pay the cost of publication. The notice shall specify the time and place of hearing at which persons may appear and present their views. The hearing shall be held not less than six days nor more than twenty-one days after the second notice shall appear in such newspaper.

The notice shall contain: (i) the name and address of the authority; (ii) the name and address (principal place of business, if any) of the party seeking financing; (iii) the maximum dollar amount of financing sought; and (iv) the type of business and purpose and specific location, if known, of the facility to be financed.

If after the hearing has been held the authority approves the financing, a reasonably detailed summary of the comments expressed at the hearing shall be conveyed promptly to the locality's governing body together with the recommendation of the authority.

C. For public approval, the governing body of the locality on behalf of which the bonds of the authority are issued shall within sixty calendar days from the public hearing held by the authority either approve or disapprove financing of any facility recommended by the authority.

Action of the governing body shall be by a majority of a quorum set out in a resolution. Such vote shall be recorded and disclose how each member voted.

In case of a joint authority the approval required by the governing body of the locality shall be that governing body of the area where the facility will be located, if permitted by federal law or regulation.

The provisions of this section shall not apply to bonds, notes or other obligations issued pursuant to hearings held and governmental approvals obtained prior to the effective date of this act in compliance with federal law or regulation.

1983, c. 514, § 15.1-1378.1; 1997, c. 587.

§ 15.2-4907. Fiscal impact statement

Every request for industrial development (facility) financing when submitted to the governing body of the locality for approval shall be accompanied by a statement in the following form:

Date

(Name of Applicant)

(Facility)

a1. Maximum amount of financing sought\$____ b2. Estimated taxable value of the facility's real property to be constructed in the locality\$____ c3. Estimated real property tax per year using present tax rates\$____ d4. Estimated personal property tax per year using present tax rates\$____ e5. Estimated merchants' capital tax per year using present tax rates\$____ f6. a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality\$____ gb. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality\$____ hc. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality\$____ id. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality\$____ j7. Estimated number of regular employees on year round basis\$____ k8. Average annual salary per employee\$____

Signature

Authority Chairman

Name of Authority

If one or more of the above questions do not apply to the facility indicate by writing N/A (not applicable) on the appropriate line.

The provisions of this section shall not apply to bonds, notes or other obligations issued pursuant to hearings held and governmental approvals obtained prior to the effective date of this act in compliance with federal law or regulation.

1983, c. 514, § 15.1-1378.2; 1997, c. 587; 1998, c. 728.

§ 15.2-4908. Issuance of bonds, notes and other obligations of authority

A. Subject to the limitations of Chapter 50 (§ 15.2-5000 et seq.) of this title, the authority may issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of authority facilities and including the payment or retirement of bonds previously issued by it. All bonds issued by the authority shall be payable solely from the revenues and receipts derived from the leasing or sale by the authority of its facilities or any part thereof or from payments received by the authority in connection with its loans, and the authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds payable, both as to principal and interest: (i) from its revenues and receipts generally; (ii) exclusively from the revenues and receipts of a particular facility or loan; or (iii) exclusively from the revenues and receipts of certain designated facilities or loans whether or not they are financed in whole or in part from the proceeds of such bonds. Unless otherwise provided in the proceeding authorizing the issuance of the bonds, or in the trust indenture securing the bonds, all bonds shall be payable solely and exclusively from the revenues and receipts of a particular facility or loan. Bonds may be executed and delivered by the authority at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding 40 years from the date thereof, may be payable at such place or places whether within or outside the Commonwealth, may bear interest at such rate or rates, may be payable at such time or times, may be evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be determined by the board of directors. If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the authority are authorized to be issued an option to redeem all or any part thereof, at such price or prices and after such notice or notices and on such terms and conditions as may be determined by the board of directors and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the authority may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all costs, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same facility or any other facility, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Any bonds of the authority at any time outstanding may from time to time be refunded by the authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any costs, premiums or commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby, with the consent of the holders of the bonds so to be refunded, and regardless of whether the bonds to be refunded were issued in connection with the same facilities or separate facilities, and regardless of whether the bonds proposed to be refunded are payable on the same date or on different dates or are due serially or otherwise. The determination of the form, denominations, maturities, redemption provisions, places of payment, interest rate or rates, payment installations, dates and all other terms and provisions of bonds as authorized in this section may be made by the board of directors in such manner as the board may provide, including the determination by reference to indices and formulas or by agents designated by the

board of directors under guidelines established by it.

B. All bonds shall be signed by the chairman or vice-chairman of the authority or shall bear his facsimile signature, and the corporate seal of the authority or a facsimile thereof shall be impressed or imprinted thereon and attested by the signature of the secretary (or the secretary-treasurer) or the assistant secretary (or assistant secretary-treasurer) of the authority or shall bear his facsimile signature, and any coupons attached thereto shall bear the facsimile signature of the chairman. In case any officer whose signature or a facsimile signature appears on any bonds or coupons ceases to be an officer before delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. When the signatures of both the chairman or the vice-chairman and the secretary (or the secretary-treasurer) or the assistant secretary (or the assistant secretary-treasurer) are facsimiles, the bonds shall be authenticated by a corporate trustee or other authenticating agent approved by the authority.

C. If the proceeds derived from a particular bond issue, due to error of estimates or otherwise, are less than the cost of the authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such cost, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements or enlargements of the authority facilities for which such bonds shall have been issued.

D. Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which are mutilated, destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this chapter; however, nothing contained in this chapter shall be construed as affecting the powers and duties now conferred by law upon the State Corporation Commission.

E. All bonds issued under the provisions of this chapter shall have and are hereby declared to have all the qualities and incidents of and shall be and are hereby made negotiable instruments under the Uniform Commercial Code of Virginia (§ 8.1A-101 et seq.), subject only to provisions respecting registration of the bonds.

F. In addition to all other powers granted to the authority by this chapter, the authority may issue, from time to time, notes or other obligations of the authority for any of its authorized purposes. The provisions of this chapter which relate to bonds or revenue bonds shall apply to such notes or other obligations insofar as such provisions may be appropriate.

1966, c. 651, § 15.1-1379; 1968, c. 687; 1983, c. 514; 1991, c. 6; 1997, c. 587; 2003, cc. 353, 683.

§ 15.2-4909. Liability of Commonwealth, political subdivisions, directors and officers

A. Bonds issued pursuant to this chapter shall not be deemed to constitute a debt or a pledge of the faith and credit of the Commonwealth, or any political subdivision thereof, including the locality which created the authority issuing such bonds, but such bonds shall be payable solely from the funds provided therefor as herein authorized. All such bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth, nor any political subdivision thereof, nor the authority shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and that neither the faith and credit nor the taxing power of the Commonwealth, or any political subdivision

thereof, is pledged to the payment of the principal of such bonds or the interest thereon or other costs incident thereto.

B. Neither the directors of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

C. All expenses incurred in carrying out the provisions of this chapter shall be payable solely from the funds of the authority and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which moneys shall be available to the authority.

D. Bonds issued pursuant to the provisions of this chapter shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

1966, c. 651, § 15.1-1380; 1997, c. 587.

§ 15.2-4910. Security for payment of bonds; default

The principal of and interest on any bonds issued by the authority shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a trust indenture covering all or any part of the authority facilities from which revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such trust indenture may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents for any portions thereof leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement and trust indenture made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on such bonds have been fully paid. In the event of default in such payment or in any agreements of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any trust indenture executed as security therefor, such payment or agreements may be enforced by writ of mandamus, or by a suit, action or proceeding at law or in equity to compel the authority and the directors, officers, agents or employees thereof to perform the terms, provisions, and covenants contained in any trust indenture of the authority, by the appointment of a receiver in equity or by foreclosure of any such trust indenture or any one or more of said remedies.

1966, c. 651, § 15.1-1381; 1997, c. 587.

§ 15.2-4911. Rents, fees and other charges

The authority shall fix and revise from time to time the rents, fees and other charges to be paid to it in connection with the lease or sale of various authority facilities and for any other services furnished or provided by the authority. Such rents, fees and charges shall provide at least sufficient funds to pay the cost of maintaining, repairing and operating such projects and the principal and interest of any bonds issued by the authority or other debts contracted as the bonds become due and payable. The authority and the political subdivision in which all or any part of a particular authority facility is located may agree on payment by the authority on account of governmental services to be rendered by the political subdivision in such amounts as the authority may find to be consistent with the purposes of this chapter. A reserve may be accumulated and maintained out of the revenues and receipts of the authority for extraordinary repairs and expenses and for such other purposes as may be provided in any resolution authorizing a bond issue or in any trust indenture securing the authority's bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or securing any of the bonds or other obligations hereunder, the authority shall have exclusive control of the revenues and receipts derived from the lease or sale of any authority facility and the right to use the revenues and receipts in the exercise of its powers and duties set forth in this chapter.

1966, c. 651, § 15.1-1382; 1968, c. 687; 1973, c. 528; 1997, c. 587.

§ 15.2-4912. Exemption from taxation

The authority is hereby declared to be performing a public function in behalf of the locality with respect to which the authority is created and to be a public instrumentality of such locality. Accordingly, the income, including any profit made on the sale thereof from all bonds issued by the authority, shall at all times be exempt from all taxation by the Commonwealth or any political subdivision thereof.

1966, c. 651, § 15.1-1383; 1997, c. 587.

§ 15.2-4913. Authority to be nonprofit; excess earnings

The authority shall be nonprofit and no part of its net earnings remaining after payment of its expenses shall enure to the benefit of any individual, firm or corporation, except that if the board of directors of the authority determines that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority then any net earnings of the authority thereafter accruing shall be paid to the locality with respect to which the authority was created. However, nothing herein contained shall prevent the board of directors from transferring all or any part of its facilities or properties in accordance with the terms of any contract entered into by the authority.

1966, c. 651, § 15.1-1384; 1973, c. 528; 1997, c. 587.

§ 15.2-4914. Dissolution of authority; disposition of property

Whenever the board of directors of the authority by resolution determines that the purposes for which the authority was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, the then members of the board of directors of the authority shall thereupon execute and file for record with the governing body of the locality which created the authority, a resolution declaring such facts. If the governing body of the locality which created the authority is of the opinion that the facts stated in the authority's resolution are true and that the authority should be dissolved, it shall so resolve and the authority shall stand dissolved. Upon such dissolution, the title to all funds and properties owned by the authority at the time of such dissolution shall vest in the locality creating the authority and possession of such funds and properties shall forthwith be delivered to such locality.

1966, c. 651, § 15.1-1385; 1997, c. 587.

§ 15.2-4915. Bonds as legal investments and lawful security

The bonds issued pursuant to this chapter shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians and for all public funds of the Commonwealth or other political corporations or subdivisions of the Commonwealth. Such bonds shall be eligible to secure the deposit of public funds of the Commonwealth, localities, school districts or other political corporations or subdivisions of the Commonwealth, and shall be security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto.

1966, c. 651, § 15.1-1386; 1997, c. 587.

§ 15.2-4916. Authorities acting jointly

The powers herein conferred upon authorities created under this chapter may be exercised by two or more authorities acting jointly. Two or more localities may jointly create an authority, in which case each of the directors of such authority shall be appointed by the governing body of the respective locality which the director represents.

1966, c. 651, § 15.1-1387; 1982, c. 463; 1997, c. 587.

§ 15.2-4917. Facility sites

Any locality may acquire, pursuant to § 15.2-1800, but not by condemnation, a facility site and

may likewise transfer any facility site to an authority. Such transfer may be authorized by a resolution of the governing body of the locality without submission of the question to the voters and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law. Such facility sites may be located within or outside or partially within or outside the locality creating the authority. If a real estate broker licensed under § 54.1-2100 represents a party in a transaction through which a facility site is acquired, the locality may pay a reasonable brokerage fee to such real estate broker. 1966, c. 651, § 15.1-1388; 1997, c. 587; 1998, c. 728.

§ 15.2-4918. Provisions of chapter cumulative; construction

This chapter neither limits nor restricts any powers which the authority might otherwise have under any laws of this Commonwealth. No proceedings, notice or approval shall be required for the organization of the authority or the issuance of any bonds or any instrument as security therefor, except as herein provided. However, nothing herein shall be construed to deprive the Commonwealth and its political subdivisions of their respective police powers over properties of the authority or to impair any power thereover of any official or agency of the Commonwealth and its political subdivisions which may be otherwise provided by law. Nothing contained in this chapter shall be deemed to authorize the authority to occupy or use any land, streets, buildings, structures or other property of any kind, owned or used by any political subdivision within its jurisdiction, or any public improvement or facility maintained by such political subdivision for the use of its inhabitants, without first obtaining the consent of the governing body thereof. 1966, c. 651, § 15.1-1389; 1997, c. 587.

§ 15.2-4919. Provisions of chapter controlling over other statutes and charters

Any provision of this chapter which is found to be in conflict with any other statute or charter shall be controlling and shall supersede such other statute or charter to the extent of such conflict. 1966, c. 651, § 15.1-1390; 1997, c. 587; 2015, c. 709.

§ 15.2-4920. Validation of creation of authorities, appointment of directors and proceedings; curative resolutions

All proceedings heretofore taken with respect to the creation of authorities by any locality pursuant to this chapter are hereby validated and confirmed and all such authorities are declared to be legally created. All incumbent directors of authorities are declared to be and are lawfully appointed directors of authorities, notwithstanding any failure to conform to the requirements of this chapter, and all such appointments are hereby ratified, validated and confirmed. However, all terms of incumbent directors shall conform to § 15.2-4904. The governing body of any locality is hereby authorized to adopt such corrective resolutions as may be necessary to carry out the requirements of the immediately preceding sentence. All proceedings heretofore taken to provide for or with respect to the authorization, issuance, sale, execution or delivery of bonds by or on behalf of any authority are hereby validated, ratified, approved and confirmed, and any such bonds so issued shall be valid, legal, binding and enforceable obligations of such authority. 1980, c. 304, § 15.1-1391; 1997, c. 587.