

AGENDA  
REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG TOWN HALL  
100 EAST MAIN STREET  
JUNE 14, 2016 – 7:00 P.M.

MOMENT OF REFLECTION

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District.
2. Annual Budget for FY 2016-2017

REGULAR MEETING

- I. CALL TO ORDER BY MAYOR BARBER
- II. CONSENT AGENDA
  1. Council meeting minutes of May 24, 2016
  2. Contract renewal with Radford City for the use of the Aquatic Center
- III. RECOGNITIONS
- IV. CITIZENS' HEARINGS
  1. Opal Squires, Pulaski County Department of Social Services, to address Council regarding Safe Sleep for Children Initiative.
  2. Citizen Comments
- V. STAFF REPORTS:
- VI. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS
  1. An ordinance amending Chapter 18, "Finance and Taxation" of the Christiansburg Town Code, by amending article II, "Property Tax," Section 18-23, "Tax on real estate, tangible personal property, machinery and tools;" adopting Section 18-24, "Filing of personal property tax returns;" and adopting section 18-60, "personal property tax on motor vehicles, trailers, semi-trailers and boats-proration;" "For the purpose of establishing the proration of tangible personal property tax on motor vehicles, trailers, semi-trailers, and boats; and providing for an effective date". The Public Hearing was held on May 24, 2016.
  2. Proposed water fee increases for the Fiscal Year 2016 – 2017, effective July 1, 2016, in accordance with *Code of Virginia 15.2-2119 and 15.2-928*. The Public Hearing was held on May 24, 2016.

3. Ordinance amending Chapter 36 "Utilities" of the Christiansburg Town Code in regards to establishing a stormwater utility and system of stormwater utility fees. The Public Hearing was held on May 24, 2016.
4. Reappointment of Lea Wall to the Montgomery Tourism Development Council as the Christiansburg hotel representative. Ms. Wall's term expires July 22, 2016.
5. Bond Resolution Authorizing the Issuance and Sale of its General Obligation Refunding Bond, Series 2016 in a Maximum Principal Amount Not to Exceed \$1,320,000, and the execution and delivery of certain documents prepared in connection therewith.
6. Request to reallocate capital funds in the Annual Budget for FY 2015–2016 for the Rescue Squad.
7. Update on changes to the proposed sign ordinance amendment.
8. Councilman Stipes and Councilman Collins – Street Committee report/recommendation on:
  - a. Right of Way Dedication Plat For First Team Nissan Christiansburg Properties, LLC and the Town of Christiansburg to Dedicate all of Tax Map Number 436-7-10A (0.086 acres) and a portion of Tax Map Number 436-7-19 (0.003 acres) as Public Right of Way added to Farmview Road N.W.
9. Closed Meeting:
  - a. Request for a Closed Meeting under Virginia Code Section 2.2-3711(A)(3) for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The Closed Meeting pertains to leasing internet provider space on Town facilities.
  - b. Reconvene in Open Meeting.
  - c. Certification.
  - d. Council action on the matter.

## VII. COUNCIL REPORTS

## VIII. TOWN MANAGER'S REPORTS

1. Progress Reports and Announcements

## IX. ADJOURNMENT

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*The next regular Town Council meeting will be held at Christiansburg Town Hall on Tuesday, June 28, 2016 at 7:00 P.M.*



# TOWN OF CHRISTIANSBURG

100 East Main Street  
Christiansburg, VA 24073  
Phone (540) 382-6120 Fax (540) 381-7238

CUP Form 03/18/2014

## Conditional Use Permit Application

Landowner: Curtis Properties LLC Agent: Tow 360 LLC

Address: 409 Roanoke Street Address: 409 Roanoke Street C  
Christiansburg VA 24073 Christiansburg VA 24073

Phone: \_\_\_\_\_ Phone: 540-381-0360  
540-605-0041

I am requesting a Conditional Use Permit to allow Town of Christiansburg Police towing list  
(towing service)

on my property that is zoning classification B3 under Chapter 42: Zoning of the  
Christiansburg Town Code.

My property is located at 409 Roanoke Street C Christiansburg VA 24073

Tax Parcel(s): 018728 527-(A)-210

Fee: \$750.00

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge. I understand that Conditions may be placed on my property in regards to the above mentioned use/activity. I also understand that the Conditional Use Permit may be revoked and/or additional Conditional Use Permits required should questions regarding conformity arise.

Signature of Landowner(s): [Signature] Date: 4-26-16

Date: \_\_\_\_\_

Date: \_\_\_\_\_

This request was approved / disapproved by a vote of the Christiansburg Town Council on \_\_\_\_\_  
Any Conditions attached shall be considered requirements of the above request.

Town Manager \_\_\_\_\_

Date \_\_\_\_\_



**ESTABLISHED**  
NOVEMBER 10, 1792

**INCORPORATED**  
JANUARY 7, 1833

**MAYOR**  
D. MICHAEL BARBER

**COUNCIL MEMBERS**  
SAMUEL M. BISHOP  
HARRY COLLINS  
R. CORD HALL  
STEVE HUPPERT  
HENRY SHOWALTER  
BRADFORD J. "BRAD" STIPES

**TOWN MANAGER**  
BARRY D. HELMS

**ASSISTANT TOWN MANAGER**  
RANDY WINGFIELD

**ASSISTANT TO THE TOWN  
MANAGER**  
ADAM CARPENETTI

**DIRECTOR OF  
FINANCE/TOWN TREASURER**  
VALERIE L. TWEEDIE,  
CPA, CFE, CGFM

**CHIEF OF POLICE**  
MARK SISSON

**CLERK OF COUNCIL**  
MICHELE M. STIPES

**TOWN ATTORNEY**  
GUYNN & WADDELL, P.C.

# *Town of Christiansburg, Virginia 24073*

100 East Main Street ~ Telephone 540-382-6128 ~ Fax 540-382-7338

## Town of Christiansburg Planning Staff Report

Planning Commission Public Hearing Date: Monday, May 16, 2016 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, June 14, 2016 at 7:00 p.m.

Application Type: Conditional Use Permit

Applicant: Tow 360, LLC, agent for Curtis Properties, LLC

Location: 409 Roanoke Street

The Town of Christiansburg has received a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District. The zoning of the property is split between the B-3 General Business District and the R-2 Two-Family Residential District. Towing is not allowed in the R-2 Two-Family Residential District. A Conditional Use Permit for towing services could only be valid for the section of the property zoned B-3 General Business.

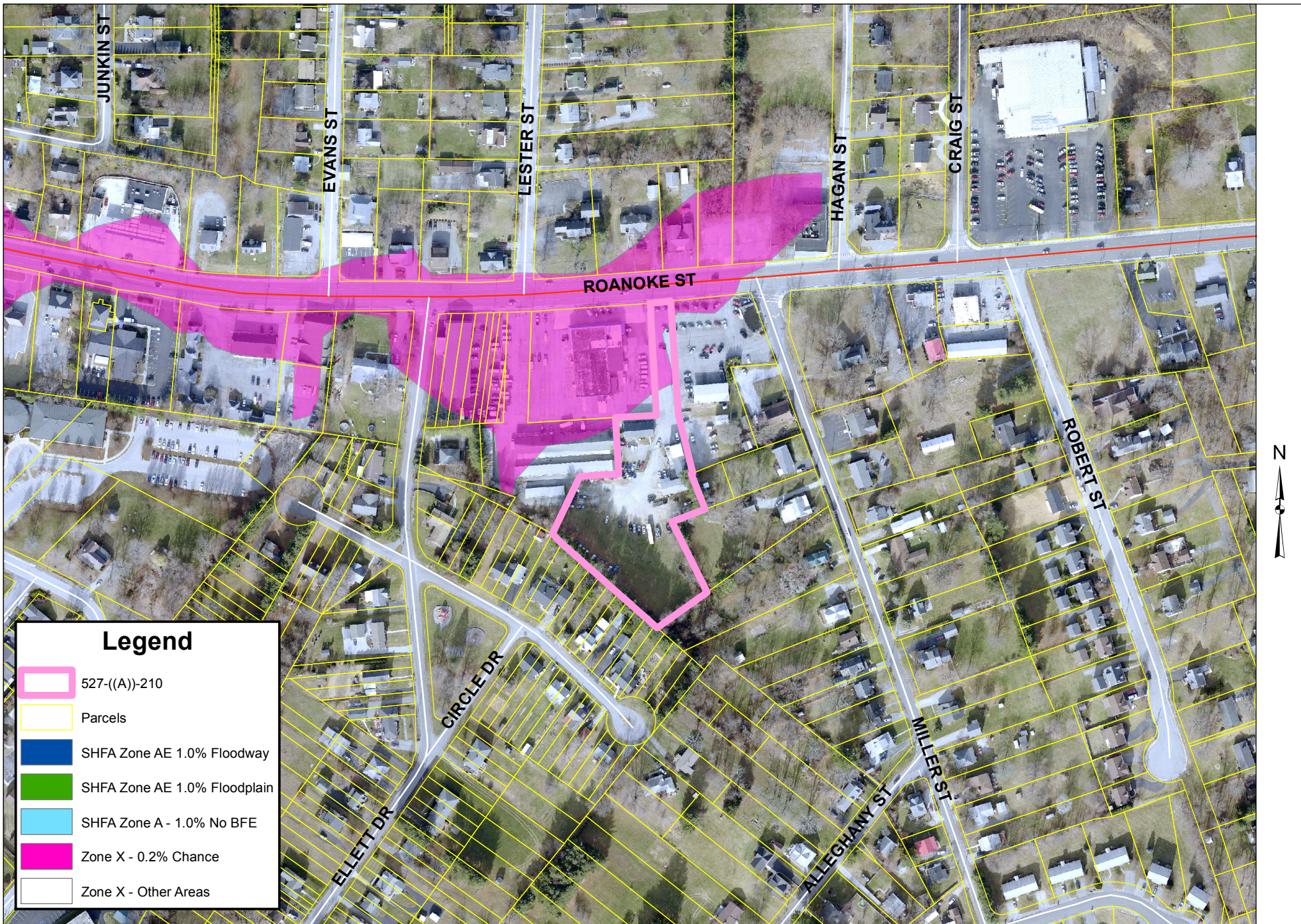
The property has an existing Conditional Use Permit for the temporary storage of repossessed automobiles and contractor equipment with an accompanying towing service. The existing Conditional Use Permit was approved by Town Council on November 1, 2005. The applicant has requested a second Conditional Use Permit for towing in order to operate a second, separate towing business on the property.

The northern portion of the property is located within the 500-Year Flood Hazard Area. The property does not lie within a Historic District. The adjoining properties are zoned B-3 General Business and R-2 Two-Family Residential. The adjoining properties contain houses and businesses.

The following suggested conditions are taken from previously approved Conditional Use Permits related to this request and are provided to Planning Commission for discussion purposes.

- This permit shall be valid for a single business to operate a towing service.
- This permit shall only be valid to the portion of the property zoned B-3 General Business.
- The property shall be maintained in a clean, sanitary, and sightly manner.
- All waste petroleum products and/or chemicals shall be disposed of properly and are not to accumulate upon the premises. Provisions shall be made for the capture of leaking petroleum products and/or chemicals.
- There shall be no storage of vehicles upon the premises except for vehicles left for temporary storage. All vehicles on the property shall have a State inspection decal that is either valid or dated within 90 days of its expiration. Towed vehicles shall remain on-premises no longer than three months.
- There shall be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
- There shall be no discernible noises to residential properties in the nearby vicinity between 7:00 p.m. and 7:00 a.m.
- This permit shall be subject to review by the Planning Commission in one year.



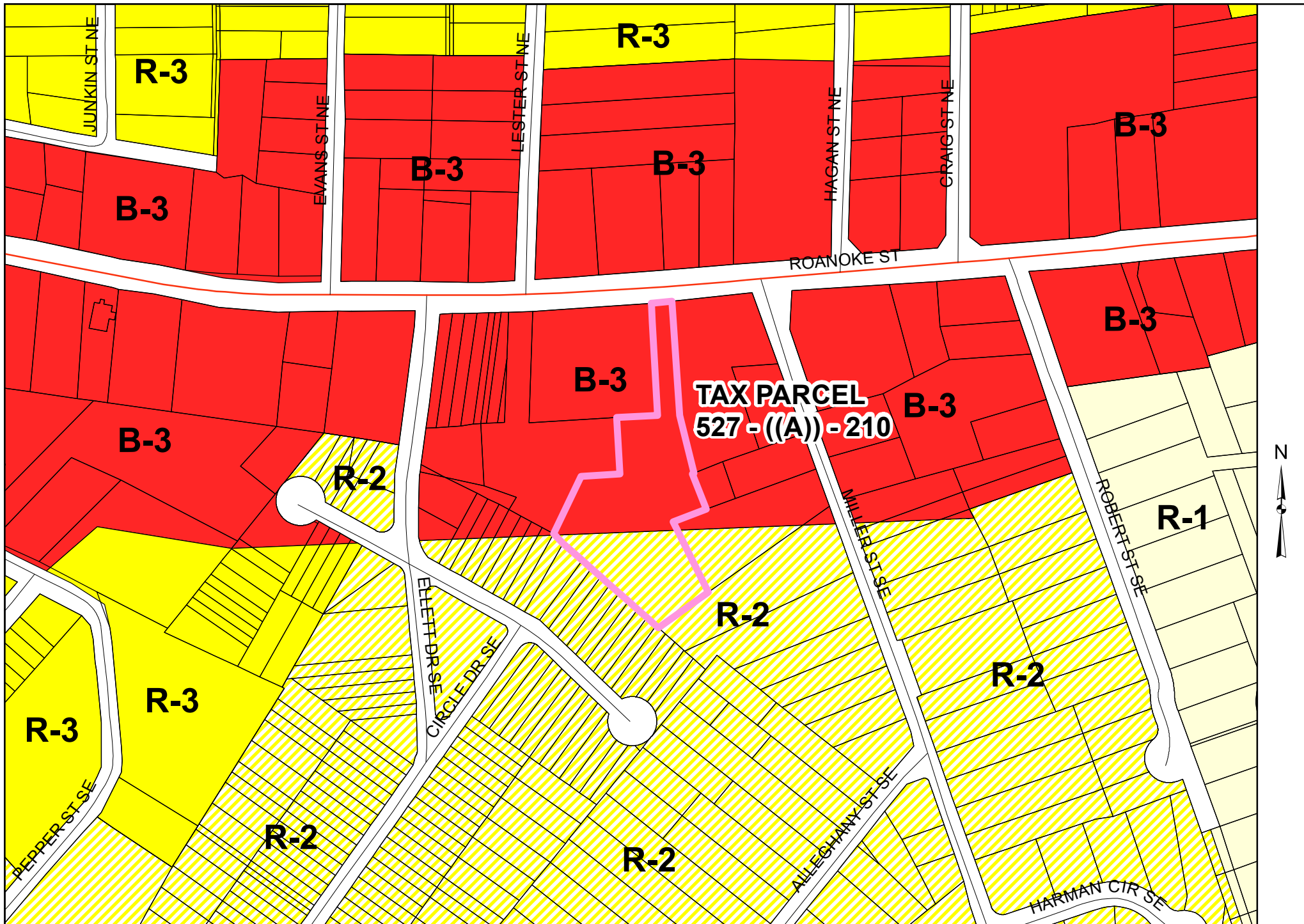


CUP REQUEST: 409 ROANOKE STREET

PC: MAY 16, 2016

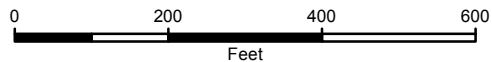
TC: JUNE 14, 2016



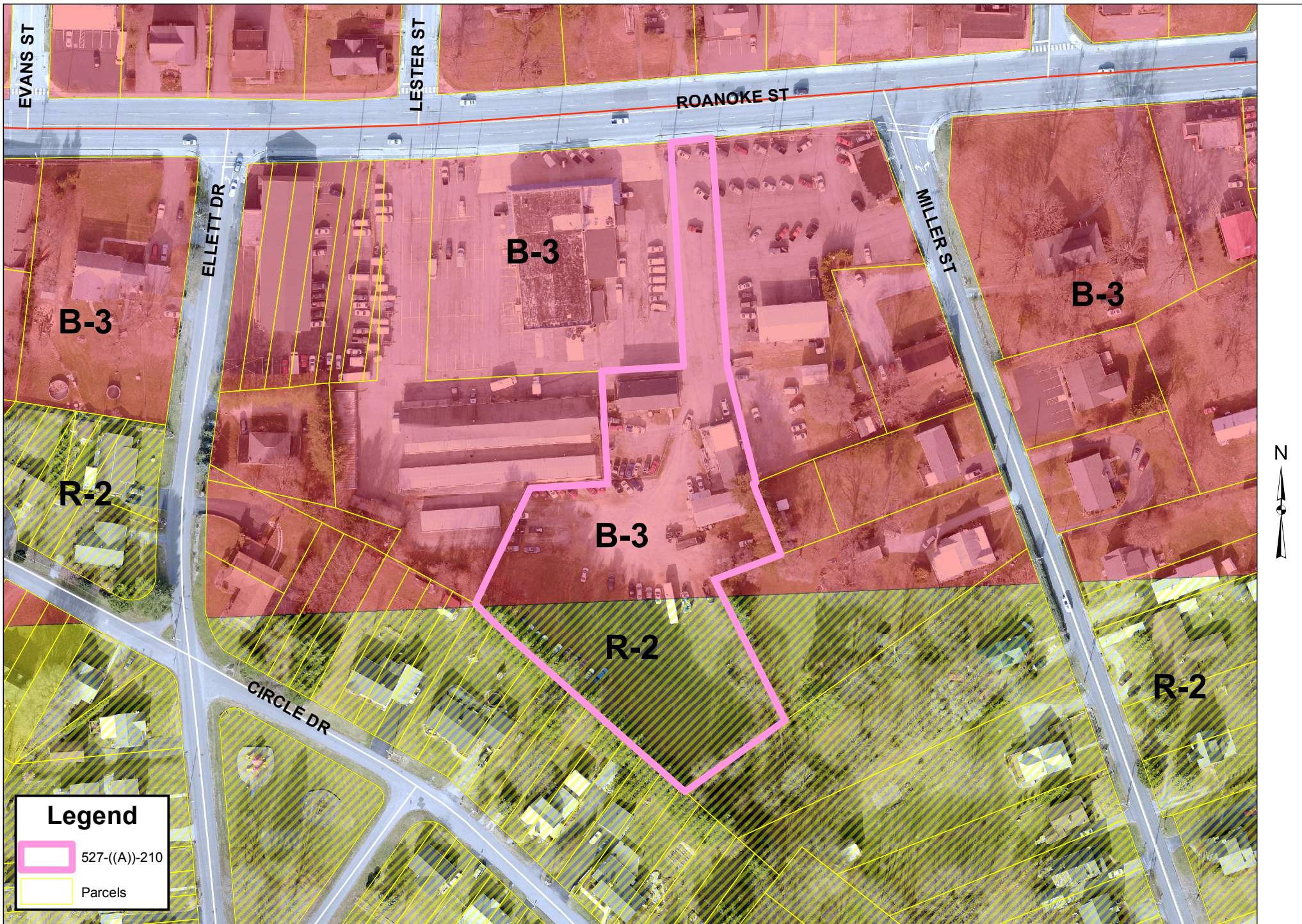


CUP REQUEST: 409 ROANOKE STREET

PC: MAY 16, 2016  
TC: JUNE 14, 2016







CUP REQUEST: 409 ROANOKE STREET

PC: MAY 16, 2016  
TC: JUNE 14, 2016

0 200 400 600  
Feet



**CUP: 409 Roanoke Street**

<b><u>Tax Map #</u></b>	<b><u>Owner(s)</u></b>		<b><u>Mailing Address</u></b>	<b><u>City, State, Zip</u></b>
527- A213A	CHRISTIANSBURG BLUE DEMON	WRESTLING CLUB	P O BOX 1563	CHRISTIANSBURG VA 24068 1563
527- A203	COCHRAN GLENN W		406 ROANOKE ST	CHRISTIANSBURG VA 24073
527- 24173-176	COLLINS RUSSELL M	COLLINS APRIL P	315 CIRCLE DR	CHRISTIANSBURG VA 24073
527- 24173-176	COLLINS RUSSELL M	COLLINS APRIL P	315 CIRCLE DR	CHRISTIANSBURG VA 24073
527- 24173-176	COLLINS RUSSELL M	COLLINS APRIL P	315 CIRCLE DR	CHRISTIANSBURG VA 24073
527- 24173-176	COLLINS RUSSELL M	COLLINS APRIL P	315 CIRCLE DR	CHRISTIANSBURG VA 24073
527- A204	CURTIS PROPERTIES LLC		P O BOX 2145	CHRISTIANSBURG VA 24068 2145
527- A210	CURTIS PROPERTIES LLC		415 ROANOKE ST	CHRISTIANSBURG VA 24073
527- A213	EAJ ENTERPRISES LLC		407 ROANOKE ST STE 2	CHRISTIANSBURG VA 24073
527- A199	GARDNER KEITH WILLIAM		1310 FLINT DR	CHRISTIANSBURG VA 24073
527- 24169-172	GREGORY EUGENE M	GREGORY RUTH S	321 CIRCLE DR	CHRISTIANSBURG VA 24073
527- 24169-172	GREGORY EUGENE M	GREGORY RUTH S	321 CIRCLE DR	CHRISTIANSBURG VA 24073
527- 24169-172	GREGORY EUGENE M	GREGORY RUTH S	321 CIRCLE DR	CHRISTIANSBURG VA 24073
527- 24169-172	GREGORY EUGENE M	GREGORY RUTH S	321 CIRCLE DR	CHRISTIANSBURG VA 24073
527- A207,208	HAWKINS WILLIAM R		109 MILLER ST	CHRISTIANSBURG VA 24073
527- A207,208	HAWKINS WILLIAM R		109 MILLER ST	CHRISTIANSBURG VA 24073
527- 17BK C 7,7A	LINKOUS WALKER	LINKOUS WAYNE	113 MILLER ST	CHRISTIANSBURG VA 24073
527- A209	MILLER WILLIAM C	MILLER NANCY W	111 MILLER ST	CHRISTIANSBURG VA 24073
527- A202	NEW RIVER COMM COLLEGE EDU	FOUNDATION ATTN: M ROWH	P O BOX 1127	DUBLIN VA 24084
527- A200	NEW RIVER COMMUNITY COLLEGE	EDUCATIONAL FOUNDATION	P O BOX 1127	DUBLIN VA 24084
527- A205	ROSS OMAR G	ROSS BRENDA KANE	1896 MUD PIKE	CHRISTIANSBURG VA 24073
527- 24165-168	SMITH ROBERT H	SMITH DONNA J	325 CIRCLE DR	CHRISTIANSBURG VA 24073
527- 24165-168	SMITH ROBERT H	SMITH DONNA J	325 CIRCLE DR	CHRISTIANSBURG VA 24073
527- 24165-168	SMITH ROBERT H	SMITH DONNA J	325 CIRCLE DR	CHRISTIANSBURG VA 24073
527- A215	STINE MARVI D	DUNCAN GREGORY D	P O BOX 6364	CHRISTIANSBURG VA 24068
527- 24177-180	WIMMER MARIE V		313 CIRCLE DR	CHRISTIANSBURG VA 24073





# Town of Christiansburg, Virginia

24073-3029

100 East Main Street  
Telephone 540-382-6128  
FAX 540-382-7338

November 4, 2005


OFFICE OF: Town Manager

American Lenders Service Co.  
c/o William Vaughn and Clay Blevins  
P.O. Box 1562  
Christiansburg, VA 24068

Dear Mr. Vaughn and Mr. Blevins:

Enclosed you will find a copy of the Conditional Use Permit, which was approved by Town Council at its November 1, 2005 meeting. Attached to the CUP request you will find a copy of the Christiansburg Planning Commission's resolution to Town Council recommending approval of the request, which specifies the conditions under which the permit was granted. These conditions are to be considered a part of the permit. Should you have any questions please contact Randy Wingfield of the Planning Commission staff at (540) 382-6120.

Sincerely yours,

  
R. Lance Terpenny  
Town Manager

RSW: rsw

Cc: Curtis Properties, L.L.C., c/o Joe Curtis, 415 Roanoke Street, Christiansburg, VA 24073

ESTABLISHED  
NOVEMBER 10, 1792

INCORPORATED  
JANUARY 7, 1833

MAYOR  
HAROLD G. LINKOUS

COUNCIL MEMBERS  
DALE F. ASHWORTH  
RICHARD G. BALLENGEE  
D. MICHAEL BARBER  
ANN H. CARTER  
H. EARNEST "ERNIE" WADE  
STEVE HUPPERT

TOWN MANAGER  
R. LANCE TERPENNY

TREASURER  
MARIE H. HOWARD

CLERK OF COUNCIL  
MICHELE M. STIPES

TOWN ATTORNEY  
GUYNN, MEMMER &  
DILLON, P.C.

# Resolution of the Town of Christiansburg Planning Commission

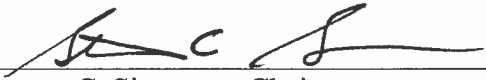
## Conditional Use Permit Application

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a Conditional Use Permit (CUP) request made by American Lenders Service Co. (acting as agent for property owner Curtis Properties, L.L.C.) for property at 409 Roanoke Street (tax parcel 527 – ((A)) – 210) for storage of repossessed vehicles and contractor equipment in the B-3 General Business District, has found following a duly advertised Joint Public Hearing with Council that the public necessity, convenience, general welfare and good zoning practices (**permit / ~~do not permit~~**) the issuance of a CUP to American Lenders Service Co. for storage of repossessed vehicles and contractor equipment at 409 Roanoke Street.

THEREFORE be it resolved that the Christiansburg Planning Commission (**recommends / ~~does not recommend~~**) that the Christiansburg Town Council approve the issuance of the Conditional Use Permit with the following condition(s):

1. There will be no storage of vehicles and/or contractor equipment upon the premises except for repossessed vehicles. All vehicles and/or contractor equipment are to be kept on-premises and not within any public right-of-way or adjacent property. All repossessed vehicles are not to be left on the property for a period exceeding sixty (60) days and all contractor equipment is not to be left on the property for a period exceeding thirty (30) days.

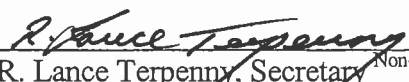
Dated this the 1st day of November 2005.

  
Steven C. Simmons, Chairperson  
Christiansburg Planning Commission

The above Resolution was adopted on motion by Booth seconded by Vanhoozier at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Joint Public Hearing on the above request on November 1, 2005. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Wayne E. Booth	✓			
Dan R. Canada	✓			
Ann H. Carter	✓			
Bob Poff	✓			
Steven C. Simmons, Chairperson	✓			
Bradford J. Stipes, Vice-Chairperson				
James "Jim" Vanhoozier	✓			✓

  
Steven C. Simmons, Chairperson

  
R. Lance Terpeny, Secretary Non-voting





# TOWN OF CHRISTIANSBURG

100 East Main Street

Christiansburg, VA 24073

Phone (540) 382-6120 Fax (540) 381-7238

## Conditional Use Permit Application

Landowner: CURTIS PROPERTIES LLC <sup>(tenant)</sup> ~~Land~~: AMERICAN LEADERS SERVICE Co.  
 Address: 415 ROANOKE ST. Address: 409 ROANOKE ST. P.O. Box 1562  
CHRISTIANSBURG VA 24073 CHRISTIANSBURG, VA 24073  
 Phone: (540) 381-2222 Phone: (540) 381-2442

I am requesting a Conditional Use Permit to allow REPOSSESSED AUTOMOBILES TO BE  
TEMPORARILY STORED (contractor equipment)  
 on my property that is zoning classification B-3 under Chapter 30: Zoning of the  
 Christiansburg Town Code.

My property is located at 409 ROANOKE ST. CHRISTIANSBURG VA  
 Tax Parcel(s): 527-(A)-210

Fee: \$200. *ad valorem*

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge. I understand that Conditions may be placed on my property in regards to the above mentioned use/activity. I also understand that the Conditional Use Permit may be revoked and/or additional Conditional Use Permits required should questions regarding conformity arise.

Signature of Landowner(s): [Signature] Date: 9/28/05  
 \_\_\_\_\_ Date: \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_

This request was approved / ~~disapproved~~ by a vote of the Christiansburg Town Council on  
11/1/05. Any Conditions attached shall be considered requirements of the above request.

R. Lance Terpenning  
 R. Lance Terpenning, Town Manager

11/04/05  
 Date



**ESTABLISHED**  
NOVEMBER 10, 1792

**INCORPORATED**  
JANUARY 7, 1833

**MAYOR**  
D. MICHAEL BARBER

**COUNCIL MEMBERS**  
SAMUEL M. BISHOP  
HARRY COLLINS  
R. CORD HALL  
STEVE HUPPERT  
HENRY SHOWALTER  
BRADFORD J. "BRAD" STIPES

**TOWN MANAGER**  
BARRY D. HELMS

**ASSISTANT TOWN MANAGER**  
RANDY WINGFIELD

**ASSISTANT TO THE TOWN  
MANAGER**  
ADAM CARPENETTI

**DIRECTOR OF  
FINANCE/TOWN TREASURER**  
VALERIE L. TWEEDIE,  
CPA, CFE, CGFM

**CHIEF OF POLICE**  
MARK SISSON

**CLERK OF COUNCIL**  
MICHELE M. STIPES

**TOWN ATTORNEY**  
GUYNN & WADDELL, P.C.

# *Town of Christiansburg, Virginia 24073*

100 East Main Street ~ Telephone 540-382-6128 ~ Fax 540-382-7338

## **MEMORANDUM**

**DATE:** Tuesday, May 27, 2016

**TO:** Planning Commission

**FROM:** Sara Morgan, Planning Commission Secretary

**SUBJECT:** Follow-up from the Public Hearing held on Monday, May 16, 2016 for a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 - ((A)) - 210)) in the B-3 General Business District.

### **Active Business Licenses**

The Finance Department shows three active business licenses on file for 409 Roanoke Street. These business licenses were renewed at the beginning of 2016 and are valid through December 31, 2016.

1. Hard Knocks Dent Repair
2. Bullet Recovery, LLC
3. J&K Environmental, LLC

### **Lawful Nonconforming Towing Business**

Randy Wingfield, Zoning Administrator confirmed that there is a grandfathered Towing use on the B-3 zoned portion of the property only. Bullet Recovery LLC has operated from the property since 2006 and possibly two companies operated on-site prior to this date.

### **Inoperable vehicles**

Planning Department staff visited 409 Roanoke Street on May 26, 2016 and found less than 5 inoperable vehicles on the property. No noise associated with the businesses was heard during this visit.

### **Noise Complaints**

The Police Department has no noise complaints on file for 409 Roanoke Street.

### **Operation of Two Towing Businesses on One Parcel**

The Police Department allows for two towing businesses to be operating on a single tax parcel. Separate mailing addresses (e.g. 409 Roanoke Street Suite B, Suite C) and separate business licenses are sufficient differentiation.

### **Police Department Site Visit**

Captain Altizer and Sergeant Townley visited 409 Roanoke Street in early May 2016. During this visit they inspected the impound/tow lot and spoke with Mr. Griffith regarding the provision of a separated lot for the separate towing businesses. The inspection concluded with the Police Department informing Mr. Griffith they were comfortable with Tow 360 operating on the property.

### **History**

The May 3, 2005 Official Zoning Map confirms the property was split zoned in its current form in 2005. This predates the November 1, 2005 Conditional use permit and all uses associated with the approved 2005 CUP are restricted to the portion of the property zoned B-3.



# Resolution of the Town of Christiansburg Planning Commission

## *Conditional Use Permit Application*

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a request made by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (**permit / ~~do not permit~~**) the issuance of a Conditional Use Permit (CUP) to Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District.

THEREFORE be it resolved that the Christiansburg Planning Commission (**recommends / ~~does not recommend~~**) that the Christiansburg Town Council approve the Conditional Use Permit with the following conditions:

1. This permit shall be valid for a single business to operate a towing service.
2. This permit shall only be valid to the portion of the property currently zoned B-3 General Business and labeled as "Permitted Towing Lot" on the accompanying map, *Permitted Towing Lot - 409 Roanoke Street CUP Request* dated June 1, 2016.
3. The property shall be maintained in a clean, sanitary, and sightly manner.
4. All waste petroleum products and/or chemicals shall be disposed of properly and are not to accumulate upon the premises. Provisions shall be made for the capture of leaking petroleum products and/or chemicals.
5. There shall be no storage of vehicles upon the premises except for vehicles left for temporary storage. All vehicles on the property shall have a State inspection decal that is either valid or dated within 90 days of its expiration. Towed vehicles shall remain on-premises no longer than three months.
6. There shall be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
7. There shall be no discernible noises to residential properties in the nearby vicinity between 7:00 p.m. and 7:00 a.m.
8. This permit shall be subject to review by the Planning Commission in one year.

Dated this the 31<sup>th</sup> day of May 2016.

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Craig Moore, Chairperson  
Christiansburg Planning Commission

The above Resolution was adopted on motion by Johnson seconded by Collins at a meeting of the

Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Public Hearing on the above request on May 16, 2016. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Matthew J. Beasley	X			
Ann H. Carter				X
Harry Collins	X			
David Franusich		X		
Hil Johnson	X			
Craig Moore, Chairperson	X			
T.L. Newell		X		
Virginia Peeples				X
Joe Powers				X
Jennifer D. Sowers, Vice-Chairperson	X			

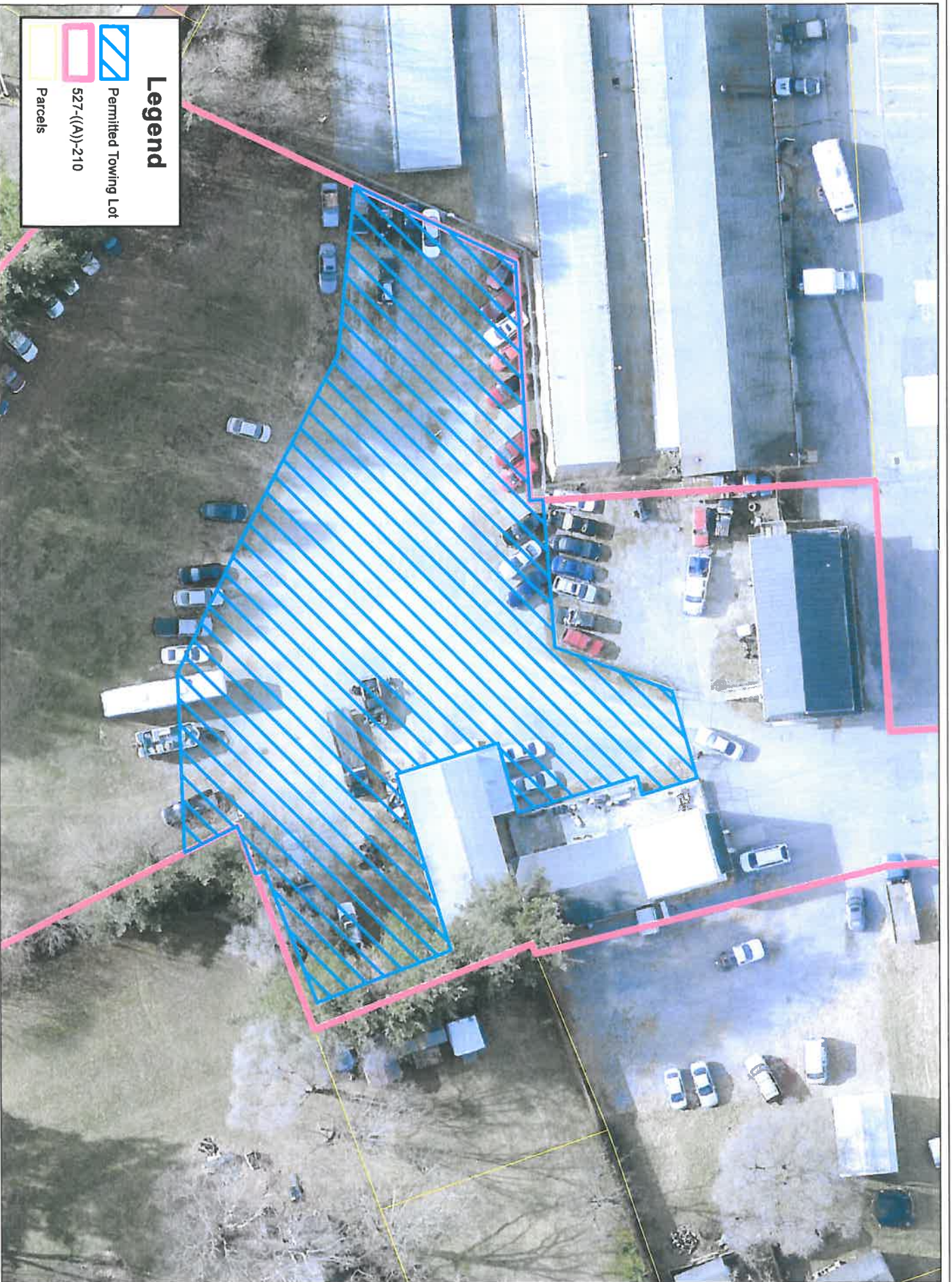
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Craig Moore, Chairperson

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Sara Morgan, Secretary <sup>Non-voting</sup>





**Legend**

 Permitted Towing Lot

 527-((A))-210

 Parcels

PERMITTED TOWING LOT - 409 ROANOKE STREET CUP REQUEST  
JUNE 1, 2016

0 50 100 150  
Feet

N

Proposed Budget FY 16 – 17

You can find a copy of the proposed budget at: [www.christiansburg.org/budget](http://www.christiansburg.org/budget)

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
REGULAR MEETING MINUTES  
MAY 24, 2016 – 7:00 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON MAY 24, 2016 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Henry Showalter; Samuel M. Bishop; R. Cord Hall; Steve Huppert; Harry Collins; Bradford J. Stipes. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Theresa Fontana; Treasurer/Finance Director Val Tweedie; Assistant to the Town Manager Adam Carpenetti; Director of Engineering and Special Projects Wayne Nelson; Environmental Project Manager John Burke; Sergeant Phillip Townley; Captain Derek Altizer; Police Chief Mark Sisson; Farmers' Market Manager Sarah Belcher; Public Relations Director Melissa Powell.

PLEDGE OF ALLEGIANCE

**PUBLIC HEARING**

1. Proration of personal property taxes. Mayor Barber explained that the change to proration would affect the way personal property taxes are assessed, but would not be a tax increase. Montgomery County currently prorates personal property taxes and Town Charter requires that the Town use the same assessment system as the County. The proration of personal property taxes will be voted on with the Annual Budget for FY 2016-2017. There was no one to speak for or against this matter.
2. Proposed water fee increases for the Fiscal Year 2016 – 2017, effective July 1, 2016, in accordance with *Code of Virginia 15.2-2119 and 15.2-928*, as follows:

Water Rates			
	Minimum Rate per Month (0 – 2,000 gallons)	Rate per 1,000 gallons (2,001 – 50,000 gallons)	Rate per 1,000 gallons (50,001 – 3,000,000 gallons) <sup>(1)</sup>
<b>Within Corporate Limits</b>	<del>\$10.50</del> <b><u>\$11.00</u></b>	<del>\$5.90</del> <b><u>\$6.14</u></b>	<del>\$3.50</del> <b><u>\$4.00</u></b>
<b>Outside Corporate Limits</b>	<del>\$15.75</del> <b><u>\$16.50</u></b>	<del>\$8.85</del> <b><u>\$9.21</u></b>	<del>\$5.25</del> <b><u>\$6.00</u></b>

Christiansburg resident Leslie Atkins addressed Council with his concern regarding the proposed water rate increases, stating that there had already been an increase to that particular fee during the FY 2015 - 2016. His main stated concern was the ability of individuals on a fixed income to continue to afford increases in utility fees. Mr. Atkins questioned how the Town planned to use the increased funds and noted the disrepair of several streets in Christiansburg. He also expressed his belief that ongoing Town construction projects seemed to take longer than necessary to complete, which he said causes him to question the efficiency of Town work crews. Mr. Atkins said he believes the increase would be a waste of money and he asked Council to reconsider the proposed fee increase.



3. Proposed Annual Budget for Fiscal Year 2016 – 2017. Town Manager Helms reported that the current, advertised budget was the version modified by Council after its last budget work session. He offered to answer questions of Council.
4. Ordinance amending Chapter 36 “Utilities” of the Christiansburg Town Code in regards to establishing a stormwater utility and system of stormwater utility fees. The second Public Hearing was necessary because the stormwater utility fee schedule had not been advertised publicly in the newspaper. Blacksburg resident Javad Torabinejad began by congratulating the Christiansburg High School wrestling team on its 15<sup>th</sup> consecutive state championship, and commended the team on setting a great example of team work. He then thanked Council for allowing him to again speak on the stormwater utility fee matter. Mr. Torabinejad said he fully supports the creation of such a fee to fund the construction, operation, and maintenance of stormwater programs in the area to protect the environment, and he spoke about the ways the Town can foster support for the program. However, he again stressed that the proposed stormwater utility fee policy is not a policy that is fair to all Christiansburg residents, and he recommended several changes to the policy that would impact owners of smaller properties and owners of properties with a low ratio of impervious areas. He encouraged Town planners to make preventative measures a priority in addressing stormwater management issues. Mr. Torabinejad then offered to further discuss his ideas with Council, if interested.

Phyllis Olinger, 307 Miller Street, said she is new to Christiansburg and loves living in the area; however, she felt compelled to address Council regarding the proposed stormwater fee on behalf of residents on a fixed income. The proposed fee would be \$72/year, or \$6/month, which Ms. Olinger said could force some senior citizens to choose between buying a week's worth of eggs or bread and paying the new fee. She requested that Council consider decreasing the proposed fee to \$3/month for individuals who qualify under the Personal Property Tax Relief Act. Town Manager Helms noted that one change to the proposed policy was to remove the railroad track exemption.

## **REGULAR MEETING**

- I. CALL TO ORDER BY MAYOR BARBER. Mayor Barber stated there was a quorum of Council present.
- II. CONSENT AGENDA:
  1. Council meeting minutes of May 10, 2016.
  2. Monthly Bills
  3. Resolution in recognition of the Christiansburg High School wrestling team for its 15<sup>th</sup> consecutive state championship. A copy of the resolution is attached herewith.

Councilman Hall made a motion to approve the consent agenda, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

- III. RECOGNITIONS:
  1. Christiansburg High School wrestling team state championship. Councilman Hall noted the absence of the wrestling team and voiced his concern that he may have miscommunicated the date and time of the meeting. Councilman Hall then made a motion to table the presentation until the June 14<sup>th</sup> meeting. Councilman Huppert seconded the motion and Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
  2. Department of Criminal Justice Services to present the Police Department with recertification as a Certified Crime Prevention Community. Victoria Cochran, Virginia's Deputy Secretary of Public Safety and Homeland Security, presented Chief Sisson and Mayor Barber with the Police Department's Certificate of Recertification as a Certified Crime Prevention Community. She commended Chief Sisson and his staff for meeting the elements and criteria set forth in the certification program, with special recognition of Sergeant Townley and Officer Delp under the leadership of Chief Sisson. Ms. Cochran

spoke highly of Chief Sisson's leadership over the past eight years and thanked him for his efforts in partnering with other local law enforcement agencies, organizations and businesses to strengthen the Christiansburg community. Chief Sisson thanked Ms. Cochran for the Certificate of Recertification, and he spoke briefly about what the accreditation means to him in supporting his vision of building a stronger community. Chief Sisson then recognized Sergeant Townley, Officer Delp, and Captain Altizer, who oversee the reaccreditation process and organize the Certified Crime Prevention Community programs. In closing, Chief Sisson introduced Rick Arrington, a retired law enforcement officer from Roanoke, who he said provided integral support to the Police Department as a representative of the Department of Criminal Justice System. Chief Sisson thanked Town Council for providing the resources that made accomplishments like the recertification possible.

#### IV. CITIZEN'S HEARING:

1. Chris Tuck, Chairman of the Board of Supervisors, to update Council on Montgomery County activities. Chris Tuck began his presentation by speaking about the successful partnership between Christiansburg and Montgomery County in addressing concerns regarding the Park and Ride formerly located near Falling Branch Elementary School, and he used that situation as an example of the progress that can be made when the two localities work together. Mr. Tuck then provided Council with information on items in Montgomery County's Annual Budget for FY 2016-2017, including funds being reserved to address problems with school facilities. Mr. Tuck said there was a specific focus on Christiansburg schools, but cautioned that the Town must work with the school board to meet the needs of the local school facilities. Mr. Tuck said his initial plan concerning Christiansburg schools was to eliminate all mobile units, and he briefly shared his ideas on ways to meet that goal. He was pleased to announce that there were no taxes increases proposed in the county's budget for the third consecutive year. Mr. Tuck also shared information on the proposed budgeted upgrades to the Sheriff's office meant to increase public safety. Mr. Tuck then informed Council that the County had recently implemented a citizen alert system with enough capacity to serve all residents of Montgomery County. The alert system is similar to the systems used by Christiansburg and Blacksburg, and Mr. Tuck suggested the Town and County work together to manage the alert system and its public information services. He then spoke about plans for vacant county school properties, and Councilman Collins asked what the County planned to do with funds received from the eventual sale of the old Blacksburg high school property, and if grants could be secured to fund school upgrades. Mr. Tuck responded that the school board has committed to using those funds one of two ways: reducing debt or funding future school capital. Mr. Tuck said he believed that the school board was leaning towards using the funds for future school capital, specifically schools in the Christiansburg strand. Concerning grant funding, Mr. Tuck said it was difficult for Montgomery County to obtain grant funding for educational purposes because it was considered a prosperous locality and could not meet many of the grant eligibility requirements. Mr. Tuck stressed that Montgomery County and the school board were working to find ways to address the needs within the different school districts without raising taxes. In closing, Mr. Tuck asked Council members to become involved with county efforts by attending board meetings and providing him with feedback on Council thoughts and ideas. Councilman Showalter asked if the school board had considered revitalizing existing Christiansburg school properties, since building new was not feasible at this time. Mr. Tuck replied that he was supportive of that idea, and noted the success of the renovations in the Auburn school district. However, from a financial standpoint, even renovations were not feasible at this time. Councilman Hall spoke about the overcrowding at Falling Branch Elementary School, and Councilman Showalter asked if the County intended to place a school resource officer (SRO) in Montgomery County schools to work with the Town's two SRO's. Mr. Tuck said that matter was not addressed in the County's 2016-2017 Annual Budget. Mayor Barber offered advice to seek simplicity in improving the school facilities in Christiansburg. Council expressed its appreciation for Mr. Tuck's leadership and advocacy as a member of the Board of Supervisors, and for communicating with Council on important county activities.
2. Cassandra Sabo and Courtney Baker to address Council regarding Relay for Life. Cassandra Sabo, event leader for Montgomery County Relay for Life, presented Council with a request for a Loud Speaker Permit and noted that a solicitation permit had already been submitted to the Town. The Relay for Life event is scheduled for June 3 – 4 from 6:00 p.m. until 6:00 a.m. The event will feature live bands and food, and according to Ms. Sabo, the event had seen a record year in fundraising and sponsorships. In closing, Ms. Sabo requested that the Town support the event's awareness effort "Paint the Town Purple" by placing purple ribbons, supplied by event coordinators, throughout Town. Councilman Hall made a

motion to amend the agenda to include Council discussion and action on this matter, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Bishop, Collins, Hall, Huppert, Showalter, Stipes. NAYS: None. Mayor Barber placed the matter as item # 5 under Discussions by Mayor and Council Members.

3. Opal Squires, Pulaski County Department of Social Services, to address council regarding Safe Sleep for Children. This matter was tabled until the June 14<sup>th</sup> regular Council meeting.

4. Citizen Comments:

- a. Nancy Miller, 110 North Street, spoke on behalf of herself and her husband Bill regarding the Conditional Use Permit request for a towing service that would allow wrecked vehicles on the lot adjoining their residential property. Mrs. Miller said she does not want to knock someone out of business, but she asked Council to consider the type of business and the business location before taking action on the request. The property in the request is in the center of Town and adjoins more than one other lot. Mrs. Miller was concerned that the wrecked vehicles would be unsightly and that a privacy screen, as required in the Planning Commission resolution, could not be constructed high enough to prevent visibility. In addition, Mrs. Miller said she was aware there were many factors involved in the amount of time a wrecked vehicle may be parked, and she was skeptical of the CUP condition that would place a limit on the amount of time a vehicle could be parked on the lot. In closing, Mrs. Miller asked Council to consider the neighboring residents and their value as citizen when taking action on the matter.
- b. Coach Steve Wright, 480 Tower Road, addressed Council regarding traffic concerns at Tower Road when entering onto Roanoke Street. The area has experienced significant growth in recent years with the construction of several hotels, restaurants, residential neighborhoods, and a church. Tower Road is also located near I-81 Exit 118. These issues combined have created a high density area with a high traffic volume. According to Mr. Wright, safely pulling out onto Roanoke Street from Tower Road was a challenge, and almost impossible when traffic was diverted from I-81 due to an accident. Mr. Wright said he believed a stoplight was necessary at Tower Road and Roanoke Street, in conjunction with the recently reduced speed limit, to improve traffic safety through the area. Mr. Wright said he understands the issue has come before Council in the past, but the problem has continued to increase with time. Councilman Showalter said he recognized the traffic dangers in that particular area of town, and he asked Town staff to contact local business owners in the area to seek support in finding measures to address the traffic concerns. Mayor Barber turned this matter over to the Street Committee for review and recommendation.

V. STAFF REPORTS:

1. Captain Altizer to provide an overview of the Towing Board and how the board regulates tow companies in Christiansburg. Sergeant Townley and Captain Altizer provided Council with an overview of the Christiansburg Police Department Towing Agreement, and introduced the Tow Board members as Fred Newhouse, Derek Altizer, Phil Townley, Derek Lancaster, Jeff Anderson, and Deborah Stump. The Tow Board was formed in 2014 to address public concerns, ensure compliance of the towing agreement, amend the agreement as necessary, and to consider sanctions when necessary. The Tow Board and Towing Agreement are regulated by State Code Section 46.2-1217. A copy of the Towing Agreement is attached herewith.
2. Adam Carpenetti, Assistant to the Town Manager, to update Council on Sunset Cemetery. Adam Carpenetti began his presentation by introducing the staff involved in overseeing the cemetery grounds as Kevin Poff, Kenny Franklin, and himself, along with the Cemetery Advisory Committee formed in 2013 to advise Council on matters related to the cemetery. Mr. Carpenetti provided Council with a brief history of the Town's involvement with Sunset Cemetery and explained the various operations and services of the cemetery. Mr. Carpenetti announced that the columbarium was recently completed and would be dedicated during a Memorial Day service on May 30th. He then provided an overview of the Sunset Cemetery Master Plan, and explained the plans for the future of the cemetery to include expansion; a new database for mapping, records management, and accounting; and the renovation/construction of an office building and dirt storage shed. Mr. Carpenetti then spoke about Kyle Cemetery located on Pepper



Street. The Town continues to work towards verifying ownership of the cemetery and has provided a fence and gate to protect the property. The Town is currently developing a long-term plan for Kyle Cemetery that would be implemented if it is determined that the Town owns the property. Council thanked Mr. Carpenetti for the update.

VI. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council to consider beginning each meeting with a Moment of Reflection. Mayor Barber noted that the Moment of Reflection would be for observance by Council members, not the audience, unless the audience chose to participate. Councilman Collins made a motion to begin each Council meeting with the observance of a Moment of Reflection, beginning immediately, to provide Council members the opportunity for private reflection or prayer prior to each meeting. Councilman Hall seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
2. Resolution for VDOT in reference to the Pavement Rating Project. Councilman Hall made a motion to approve the resolution, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
3. Reappointment of Ann Carter to the Cemetery Advisory Committee. Councilman Hall made a motion to reappoint Ann Carter to serve another term on the Cemetery Advisory Committee, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
4. Council to consider waiving the reconnect fee for water service turnoffs in the month of May 2016, due to the transition to a monthly billing cycle. Councilman Stipes made a motion to approve the recommendation of Town Manager Helms to waive the reconnection fee for water service cut offs in the month of May 2016, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
5. Request by Cassandra Sabo and Courtney Baker regarding the Relay for Life event. Councilman Hall made a motion to waive the loud speaker fee for the Relay for Life event, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

VIII. COUNCIL REPORTS:

- a. Councilman Stipes asked Town Manager Helms to provide Council with data on the impact of providing an exemption from the stormwater utility fee for residents that meet the qualifications of the Personal Property Tax Relief Act.
- b. Mayor Barber reminded Council that a discussion was needed to consider appointing a representative to the New River Valley Regional Commission. He then announced that a retirement dinner for Town Manager Helms had been scheduled for June 29, with details to come at a later date.

IX. TOWN MANAGER'S REPORTS:

1. PUBLIC HEARING REQUEST: Town Manager Helms presented the following request and recommended setting the Public Hearing for June 28, 2016:

- a. Conditional Use Permit request for a private school at 100 West Main Street in the B-3 General Business District.

On motion by Councilman Hall, seconded by Councilman Collins, Council voted to set the Public Hearing for June 28, 2016 as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

1. PROGRESS REPORTS AND ANNOUNCEMENTS:

- Town Manager Helms reported that the draft amended sign ordinance would soon go to the Planning Commission for review, then to Town Council for a Public Hearing. Council would be provided a copy of the draft ordinance prior to the Planning Commission review.

X. ADJOURNMENT:

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 9:16 P.M.

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Michele M. Stipes, Clerk of Council

\_\_\_\_\_  
D. Michael Barber, Mayor

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A WORK SESSION OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON MAY 24, 2016 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Henry Showalter; Samuel M. Bishop; R. Cord Hall; Steve Huppert; Harry Collins; Bradford J. Stipes. ABSENT: None.

WORK SESSION

I. CALL TO ORDER BY MAYOR BARBER

II. DISCUSSIONS BY MAYOR AND COUNCIL:

1. Proposed Annual Budget for Fiscal Year 2016-2017.

III. ADJOURNMENT

**AN ORDINANCE AMENDING CHAPTER 18, "FINANCE AND TAXATION," OF THE CHRISTIANSBURG TOWN CODE, BY AMENDING ARTICLE II, "PROPERTY TAX," SECTION 18-23, "TAX ON REAL ESTATE, TANGIBLE PERSONAL PROPERTY, MACHINERY AND TOOLS;" ADOPTING SECTION 18-24, "FILING OF PERSONAL PROPERTY TAX RETURNS;" AND ADOPTING SECTION 18-60, " PERSONAL PROPERTY TAX ON MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND BOATS-PRORATION;" FOR THE PURPOSE OF ESTABLISHING THE PRORATION OF TANGIBLE PERSONAL PROPERTY TAX ON MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS, AND BOATS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, section 58.1-3516 of the Code of Virginia (1950), as amended, authorizes Council to provide for the levy and collection of personal property tax after tax day for the balance of the tax year on motor vehicles, trailers, semi-trailers, and boats, which acquire situs within the Town; and

**WHEREAS**, a public hearing was advertised and held on \_\_\_\_\_, for the purpose of providing the public an opportunity to comment on the proposed ordinance for the proration of personal property tax on motor vehicles, trailers, semi-trailers, and boats within the Town; and

**WHEREAS**, the Town Council has considered the ordinance and public comments, and finds that it is in the best interests of the Town and its citizens to prorate tangible personal property tax on motor vehicles, trailers, semi-trailers, and boats as provided herein;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Christiansburg that Chapter 18, "Finance and Taxation," Article II, "Property Tax," Section 18-23, "Tax on real estate, tangible personal property, machinery and tools," Section 18-24, "Filing of personal property tax returns," and Section 18-60, " Personal property tax on motor vehicles, trailers, semi-trailers, and boats-proration," of the Christiansburg Town Code is hereby amended, reenacted, and adopted as follows:

## **Chapter 18 - FINANCE AND TAXATION**

\* \* \*

### **ARTICLE II. - PROPERTY TAX**

#### **DIVISION 1. - GENERALLY**

##### **Sec. 18-23. - Tax on real estate, tangible personal property, machinery and tools.**

- (a) Every person owning real estate, tangible personal property or machinery and tools shall pay a tax which shall be set by the town council annually with the adoption of the budget, on real estate, tangible property and machinery and tools.
- (b) Real estate, tangible personal property and machinery and tools taxes are due December 5 of each year, and if not paid on or before December 5 of each year, a penalty of ten percent is added. Notwithstanding the foregoing, the town may bill prorated personal



property taxes assessed pursuant to section 18-60 of this chapter, on or after December 15 of each year and such prorated taxes shall be due thirty days after the date of the tax bill. On all taxes remaining unpaid on January 1 of the following year (or remaining unpaid after thirty days if billed after December 15), interest at the rate of ten percent per annum is charged from January 1 the date of assessment until the time of payment.

**Sec. 18-24. – Filing of personal property tax returns.**

- (a) Every person in the town subject by law to tangible personal property taxation shall file a tangible personal property tax return with the Montgomery County commissioner of revenue on forms furnished by such office on or before May 1 of each calendar year; excepting motor vehicles, trailers, semi-trailers and boats (“vehicles”) that acquire situs within the town or are transferred to a new owner in the town after the personal property tax return is filed, for which the deadline shall be thirty (30) days following the date of such transfer or acquisition. Any person failing to file such return on or before the due date shall incur a penalty thereon of five (5) percent of the tax assessable on such return or ten dollars (\$10.00), whichever is greater, which shall be added to the amount of taxes or levies due from such taxpayer and which, when collected by the treasurer, shall be accounted for in his/her settlements; provided that the penalty shall not exceed the amount of tax assessable.
- (b) Notwithstanding the filing requirements above, any person owning or leasing a vehicle and for which there has been no change in situs or status for such vehicle, shall not be required to file another personal property tax return on such vehicle, until such situs or status changes.

For the purpose of this section, the term “change in status” shall mean one (1) or more of the following:

- (1) A change that occurs in the name or address of the person or persons, or entity, owning or leasing such tangible personal property.
- (2) A change occurs in the taxable situs of the tangible personal property.
- (3) Any action which causes personal property to acquire situs in the town occurs for which no personal property tax return has been filed by the owner.
- (4) Any change affecting the assessment or levy of the personal property tax occurs for which a tax return has been previously filed, or the use of a personal vehicle has changed to business use, thereby affecting the application of the Personal Property Tax Relief Act.

**Secs. 18-24~~25~~—18-49. - Reserved.**

**DIVISION 2. - PERSONAL PROPERTY TAX**

\* \* \*

Secs. 18-55—18-~~81~~59. - Reserved.

**Sec. 18-60. – Personal property tax on motor vehicles, trailers, and boats – proration.**

- (a) There shall be a tangible personal property tax at the rate established each year by the town council on motor vehicles, trailers, semi-trailers and boats ("taxable property") which have a situs within the town on January 1 ("tax day") of each year and which acquire situs within the town on or after January 2, 2016 ("situs day") and all years thereafter. When any person after tax day acquires taxable property, the personal property tax for that year shall be assessed to the owner on situs day and prorated on a monthly basis for the portion of the tax year during which the owner owns the taxable property and it has its situs in the town. For purposes of proration, a period of more than one-half (½) of a month shall be counted as a full month and a period of less than one-half (½) of a month shall not be counted. Personal property tax shall be due on December 5 or within thirty (30) days after presentation or mailing of the bill, whichever is later.
- (b) Upon application to the treasurer, the taxpayer may be relieved from personal property tax and receive a refund for personal property tax already paid (prorated on a monthly basis) when the taxable property loses its situs within the town or its title is transferred. In order to be eligible for a refund, the application must be submitted to the treasurer within three (3) years from the last day of the tax year during which the taxable personal property lost situs or had its title transferred. No refund of less than five dollars (\$5.00) shall be issued to a taxpayer, unless specifically requested by the taxpayer. No refund shall be made if the taxable property acquires a situs within the commonwealth in a non-prorating locality. When any taxable property loses its situs within the town and acquires a situs within another state, the taxpayer shall not be entitled to a refund except upon a showing of sufficient evidence that the taxpayer has been assessed and has paid taxes on such taxable property for the remainder of the tax year to such state.
- (c) An exemption from this tax and any interest or penalties arising therefrom shall be granted for any tax assessed, or portion thereof, for the period during which the property was legally assessed by another jurisdiction and such tax on the assessed property was paid.
- (d) Any person who moves from a non-prorating locality to the town after January 1 shall be entitled to a personal property tax credit for the remainder of the year for each motor vehicle on which he or she paid personal property taxes to a non-proration locality. If for any reason, the owner replaces the original vehicle upon which taxes are due to the non-prorating locality for the same tax year, the town shall provide a credit against the total tax due on the replacement vehicle in an amount equal to the tax paid to the non-prorating locality for the period of time commencing with the disposition of the original vehicle and continuing through the close of the tax year in which the owner incurred tax liability to the non-prorating locality for the original vehicle.

- (e) The treasurer may apply any refunds under this section to any delinquent accounts owed by the taxpayer to the town. In addition, a refund may be credited against the tax due on any other motor vehicle, trailer, semi-trailer, or boat owned by the taxpayer during the same year.
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This ordinance shall become effective immediately. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held \_\_\_\_\_, the members of the Council of the Town of Christiansburg, Virginia, present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop				
Harry Collins				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				

\*Votes only in the event of a tie vote by Council.

SEAL:

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Michele M. Stipes, Town Clerk

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D. Michael Barber, Mayor



**Town of Christiansburg**  
**Water and Sewer Utilities Service Fee Schedule**  
**Effective ~~April 1, 2016~~ July 1, 2016**

Water Rates			
	Minimum Rate per Month (0 – 2,000 gallons)	Rate per 1,000 gallons (2,001 – 50,000 gallons)	Rate per 1,000 gallons (50,001 – 3,000,000 gallons) <sup>(1)</sup>
<b>Within Corporate Limits</b>	<del>\$10.50</del> <b><u>\$11.00</u></b>	<del>\$5.90</del> <b><u>\$6.14</u></b>	<del>\$3.50</del> <b><u>\$4.00</u></b>
<b>Outside Corporate Limits</b>	<del>\$15.75</del> <b><u>\$16.50</u></b>	<del>\$8.85</del> <b><u>\$9.21</u></b>	<del>\$5.25</del> <b><u>\$6.00</u></b>

Water Rate Notes:

- 1) When a customer uses 3,000,000 gallons or more per one-month period, in lieu of the foregoing schedule, that customer shall pay for all the water used at a rate equal to 125 percent of that rate charged to the Town of Christiansburg by the NRV Regional Water Authority.
- 2) When more than one building or a multifamily living unit is served on the same premises from the same water meter, the minimum shall be charged for each building or family living unit and the minimum allowance of up to 2,000 gallons will apply to each minimum charge.

Sewer Service Rates		
	Minimum Rate per Month (0 – 2,000 gallons)	Rate per 1,000 gallons (+ 2,001 gallons)
<b>Within Corporate Limits</b>	\$15.00	\$8.50
<b>Outside Corporate Limits</b>	\$22.50	\$12.75

**Town of Christiansburg**  
**Water and Sewer Utilities Service Fee Schedule**  
**Effective April 1, 2016 ~~July 1, 2016~~**

Connection Fees		
	Water	Sewer
<b>Within Corporate Limits</b>	\$3,000.00 <sup>(1)</sup>	\$3,000.00 + \$5.00/linear ft. <sup>(3)</sup>
<b>Outside Corporate Limits</b>	\$4,500.00 (minimum) <sup>(2)</sup>	\$4,500.00 (minimum) <sup>(4)</sup>

Connection Fee Notes:

- 1) The cost of a five-eighths-inch water connection within the corporate limits will be \$3,000.00, if the distance from the water main to the property line is not over 40 feet. Should the distance from the water main to the property line be greater than 40 feet, the property owner must pay the actual cost of service lines in excess of 40 feet. The cost of water connections larger than five-eighths-inch will be \$3,000.00 plus the difference in actual cost of materials between a five-eighths-inch connection and larger connection.
- 2) The cost of all water connections outside the corporate limits will be based on the actual cost of materials and installation plus an administrative charge equal to 20 percent of such actual cost or a minimum fee of \$4,500.00, whichever is greater.
- 3) If the distance from the sewer main to the property line is greater than 40 feet, the property owner must pay for the actual cost of the lateral which is in excess of 40 feet in addition to the regular connection charges set forth above. The charge of \$5.00 per linear foot of the width of the lot frontage of the structure to be connected is not applicable for connections to any interceptor sewer main or to an existing collector sewer main which was installed prior to September 6, 1966, or which is located in a subdivision in which the subdivision developer has installed the sewer main to the property line.
- 4) Sewer connection fees outside the corporate limits of the Town will be made at actual cost of materials and installation plus an administrative charge equal to 20 percent of the actual cost, or a minimum fee of \$4,500.00, whichever is greater.

Sewer Main Extension Fee
\$5.00 per linear foot of the frontage of the property owner's lot or lots which will be served by the extension

Sewer Main Extension Fee Note: This cost will be in addition to the regular connection fee and will be paid at the time of connection. The Town Council may require that one-third of the estimated total cost based on \$5.00 per linear foot of main be paid by the property owners prior to the extension being started. Such extension will be made only with the Council's approval after cost estimates and the need for the extension have been determined.

**Town of Christiansburg**  
**Water and Sewer Utilities Service Fee Schedule**  
**Effective ~~April 1, 2016~~ July 1, 2016**

<b>Miscellaneous Fees and Deposits</b>	
<b>Water Turn On Fee for All Connections</b>	\$10.00 Fee
<b>Water Restore</b>	\$25.00 Fee
<b>Domestic Service for Homeowners</b>	\$50.00 Deposit
<b>Domestic Service for Lessees or Tenants</b>	\$50.00 Deposit
<b>Industrial, Commercial and Business Services, Including Apartment Houses</b>	A deposit in an amount equal to the average bill, but in no case less than \$50.00.
<b>Customer Whose Bill for Service Becomes Delinquent Twice or More in Succession</b>	A deposit in an amount which when added to the original deposit shall equal the amount of the average bill, but in all cases such additional service deposit shall be not less than an amount which when added to the original service deposit will equal \$50.00.
<b>For Bills Unpaid on the First of the First Month Following the Date of Bill Distribution</b>	10% penalty will be added
<b>For Bills Unpaid on the 10<sup>th</sup> of the Second Month Following the Date of Bill Distribution</b>	Service will be discontinued until all bills, penalty, and a \$25.00 service charge have been paid
<b>BOD High Strength Surcharge</b>	\$0.30 per Pound
<b>Suspended Solids High Strength Surcharge</b>	\$0.30 per Pound

# TOWN OF CHRISTIANSBURG

*Established November 10, 1792*

*Incorporated January 7, 1833*



## **RESOLUTION INCREASING WATER RATE FEES AND AMENDING “TOWN OF CHRISTIANSBURG WATER AND SEWER UTILITIES SERVICE FEE SCHEDULE” IN REGARDS TO WATER RATE FEES**

WHEREAS, Code of Virginia §15.2-2119 provides the authority for localities to collect fees and charges for the provision of water and sewer services.

WHEREAS, the Town of Christiansburg, Virginia provides water service to its citizens as well as many out of Town residents and purchases water for distribution from the NRV Water Authority; and,

WHEREAS, the NRV Water Authority has increased its rates and the cost of providing the service has increased for the Town; and,

WHEREAS, the Council of the Town of Christiansburg, Virginia has studied increases to the Town’s water rate fees; and,

WHEREAS, the Council of the Town of Christiansburg, Virginia held a public hearing on May 24, 2016 for such increases; and,

WHEREAS, the public hearing was advertised on May 16 and 23, 2016 in Roanoke Times, a newspaper of general circulation in the Town of Christiansburg; and,

WHEREAS, the Council of the Town of Christiansburg, Virginia has previously adopted the “Town of Christiansburg Water and Sewer Utilities Service Fee Schedule” to specify water rates in accordance with Sec. 36-63 of Chapter 36 “Utilities” of the Christiansburg Town Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of Town of Christiansburg, Virginia that the water rate fees be increased effective July 1, 2016 and the “Town of Christiansburg Water and Sewer Utilities Service Fee Schedule” be amended as presented at the public hearing.

Upon a call for an aye and nay vote on the foregoing resolution on a motion by \_\_\_\_\_ seconded by \_\_\_\_\_ at a regular meeting of the Council of the Town of Christiansburg, Virginia held June 14, 2016, members of the Council stood as indicated opposite their names as follows:

AYE

NAY

ABSTAIN

ABSENT

Samuel M. Bishop

Harry Collins

R. Cord Hall

Steve Huppert

Henry D. Showalter

Bradford J. Stipes

D. Michael Barber, Mayor\*

\*Votes only in the event of a tie.

\_\_\_\_\_  
D. Michael Barber, Mayor

ATTEST:

\_\_\_\_\_  
Michele M. Stipes, Clerk of Council



**Town of Christiansburg**  
**Proposed Stormwater Utility Fee Schedule**  
**Effective July 1, 2016**

<b>Residential Rate</b>
Residential properties will be charged a rate of \$6/month for each dwelling unit.

<b>Non-Residential Tiered Rates</b>		
Tier Number	Square feet of impervious area	Monthly Stormwater Utility Fee
1	Impervious area up to 6,060	\$6.00
2	6,061 to 10,000	\$12.00
3	10,001 to 20,000	\$19.80
4	20,001 to 30,000	\$39.61
5	30,001 to 40,000	\$59.41
6	40,001 to 50,000	\$79.21
7	50,001 to 60,000	\$99.01
8	60,001 to 70,000	\$118.81
9	70,001 to 80,000	\$138.62
10	80,001 to 90,000	\$158.42
11	90,001 to 100,000	\$178.22
12	100,001 to 133,000	\$198.02
13	133,001 to 167,000	\$263.37
14	167,001 to 200,000	\$330.70
15	200,001 to 250,000	\$396.04
16	250,001 to 300,000	\$495.05
17	300,001 to 400,000	\$594.06
18	400,001 to 500,000	\$792.08
19	500,001 to 600,000	\$990.10
20	600,001 to 750,000	\$1,188.12
21	750,001 to 1,000,000	\$1,485.15
22	1,000,001 or greater	\$1,980.20

**SUGGESTED CHANGES TO  
PROPOSED ORDINANCE AMENDING CHAPTER 36 "UTILITIES" OF THE  
CHRISTIANSBURG TOWN CODE TO ADOPT ARTICLE X, "STORMWATER UTILITY"**

May 24, 2016

The following summarizes the suggested changes to the draft ordinance as presented at the April 26, 2016 Council Meeting and are presented here for Council consideration for approval concurrent with the Ordinance adoption.

1. **ADD** the following paragraph under Sec. 36-302. Definitions:  
"Adjacent property" means, for the purpose of utility fee assessment, properties owned by a common entity that may apply to be grouped and assigned a tier based on the aggregate impervious area. Consistent with zoning ordinance, right-of-ways are not considered to separate adjacent properties."
2. **ADD** the following paragraph under Sec. 36-302. Definitions:  
"Hydrologic response" means the manner in which storm water collects, remains, infiltrates, and is conveyed from a property. It is dependent upon several factors including, but not limited to, the presence of impervious area, the size, shape, topographic, vegetative, and geologic conditions of a property, antecedent moisture conditions, and groundwater conditions on a property."
3. **REVISE** the following paragraph under Sec. 36-302. Definitions which reads as:  
"Undeveloped property" means any parcel which has not been altered from its natural state to disturb or alter the topography or soils on the property in a manner which substantially reduces the rate of infiltration of stormwater into the earth."  
to read as:  
"Undeveloped property" means any parcel of land which has not been altered from its natural state or which has been modified to such minimal degree that it has a hydrologic response comparable to land in an unaltered natural state. For the purpose of this article, undeveloped land includes property without a structure on a permanent foundation and with less than 500 square feet of impervious area."
4. **REVISE** the sentence under Sec. 36-303. Establishment of stormwater management utility; stormwater utility fee., paragraph (e) which reads as:  
"Notwithstanding subsection (b) of this section, and consistent with Code of Virginia § 15.2-2114, the stormwater utility fee shall be waived in its entirety for the following:"  
to read as:  
"Notwithstanding subsection (b) of this section, the stormwater utility fee shall be waived in its entirety for the following:"
5. **ADD** the following paragraph under Sec. 36-304. Stormwater utility fee calculations:  
"(h) Adjacent properties owned by a common entity may apply to be grouped and assigned a tier based on the aggregate impervious area and billed in a single bill."

**SUGGESTED CHANGES TO  
PROPOSED ORDINANCE AMENDING CHAPTER 36 "UTILITIES" OF THE  
CHRISTIANSBURG TOWN CODE TO ADOPT ARTICLE X, "STORMWATER UTILITY"**

May 24, 2016

6. **REVISE** the sentence under Sec. 36-307. Billing, enforcement, and interest, paragraph (a) which reads as:  
"However, where a tenant is the person to whom water or sewer service, or both, are billed, and the tenant fails to pay the utility fee, the delinquent utility fee shall be collected from the owner of the property."  
to read as:  
"However, where a tenant is the person to whom the stormwater utility fee is billed, and the tenant fails to pay the stormwater utility fee, the delinquent stormwater utility fee shall be collected from the owner of the property."
7. **DELETE** the sentence under Sec. 36-307. Billing, enforcement, and interest, paragraph (a) which reads as:  
"All properties subject to the utility fee shall be issued bills or statements for stormwater utility fees."
8. **REVISE** the sentence under Sec. 36-307. Billing, enforcement, and interest, paragraph (a) which reads as:  
"As permitted by Code of Virginia § 15.2-2114 (G), such bills or statements may be combined with sewer and water bills levied pursuant to Chapter 36, provided that all charges shall be separately stated."  
to read as:  
"As permitted by Code of Virginia § 15.2-2114 (G), such bills or statements may be combined with sewer and water bills levied pursuant to this chapter, provided that all charges shall be separately stated."
9. **ADD** the sentence under Sec. 36-307. Billing, enforcement, and interest, paragraph (a) which reads as:  
"All payments received shall be first credited to stormwater charges, and then to other charges."

**SUGGESTED CHANGES TO  
PROPOSED ORDINANCE AMENDING CHAPTER 36 "UTILITIES" OF THE  
CHRISTIANSBURG TOWN CODE TO ADOPT ARTICLE X, "STORMWATER UTILITY"**

May 24, 2016

10. **DELETE** the sentence of Sec. 36-307. Billing, enforcement, and interest, paragraph (a) which reads as:  
"The director of finance is hereby authorized and directed to create policies and procedures for the efficient billing and collection of the combined bill, including a policy for allocating payments to the separate charges stated on the combined bill."
11. **REVISE** Sec. 36-308. Petitions for adjustments, paragraph (f) which reads as:  
"The director of engineering, or the town manager in the case of an appeal, shall make a determination within forty-five (45) days of receipt of a complete submittal for the request for adjustment."  
to read as:  
"(f) The director of engineering, or in the case of an appeal, the town manager shall make a determination within forty-five (45) days of receipt of a complete submittal for the request for adjustment. "
12. **Add** the following section, "Sec. 36-309. Scope of Responsibility for the Stormwater System." as follows:  
"(a) The town's stormwater system consists of rivers, creeks, streams, branches, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, and other structures, natural or man-made, within the political boundaries of the Town of Christiansburg which control and/or convey stormwater, through which the town intentionally diverts surface waters from public streets and properties. The town owns or has legal access for purposes of operation, maintenance, and improvements to those segments of the system which are 1) located within public streets, rights-of-way, and easements; (2) are subject to easements, rights-of-way, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvements of systems and facilities; or (3) are located on public lands to which the town has adequate access for operation maintenance, and/or improvements of systems and facilities.  
  
(b) The operation, maintenance, and improvement of stormwater infrastructure and facilities which are located on private property or public property not owned by the town and for which there has been no public dedication of such systems and facilities shall be and remain the responsibility of the property owner.  
  
(c) It is the intent of this article to protect the public health, safety, and welfare of town property and persons in general. This article shall not create any special duty or responsibility of the town for the benefit of any individual person or property within or without the Town of Christiansburg. All decisions, actions, or inaction by the town related to the operation, maintenance, and improvements of the town's stormwater system and facilities shall be and remain at the town's sole discretion. The Town of Christiansburg reserves the right to assert all available immunities and



**SUGGESTED CHANGES TO  
PROPOSED ORDINANCE AMENDING CHAPTER 36 "UTILITIES" OF THE  
CHRISTIANSBURG TOWN CODE TO ADOPT ARTICLE X, "STORMWATER UTILITY"**

May 24, 2016

defenses in any action seeking to impose monetary damages upon the town, its officers, employees, and agents, arising out of operation, maintenance, and improvements of its stormwater system."

13. **Revise** the following, "Sec. 36-309. Severability."

to read as:

"Sec. 36-310. Severability."

**AN ORDINANCE AMENDING CHAPTER 36 “UTILITIES” OF THE  
CHRISTIANSBURG TOWN CODE TO ADOPT ARTICLE X, “STORMWATER  
UTILITY,” FOR THE PURPOSE OF ESTABLISHING A STORMWATER  
UTILITY AND SYSTEM OF STORMWATER UTILITY FEES AND CREDITS;  
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Town Council and town staff have discussed the need for increased funding for maintenance of the town’s stormwater infrastructure and for complying with federal and state environmental and stormwater regulations; and,

WHEREAS, Town Council established the Christiansburg Stormwater Stakeholders Committee (“Committee”) in 2015 to evaluate a proposed stormwater utility, including a possible stormwater utility fee structure; and,

WHEREAS, the Committee, which was comprised of representatives from the citizenry, local government, non-profits, and the business community, studied the issues in a series of comprehensive meetings (September 9, 2015 through November 23 2015); and,

WHEREAS, the Committee recommended to the Town Council that a stormwater management program should be established; and,

WHEREAS, the Committee also developed recommendations for a rate structure and the implementation of stormwater charges to fund the costs of complying with federal and state regulations as well as existing stormwater issues, which Town Council and town staff considered in developing this ordinance; and,

WHEREAS, Town Council finds that the proposed stormwater charges developed by the Committee, as modified and set forth in this ordinance, are based on an analysis that demonstrates a rational relationship between the amounts charged and the benefits received; and,

WHEREAS, notice of the intention of the Town Council to consider said ordinance was published two consecutive weeks (April 13, 2016 and April 20, 2016) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, in addition to extensive public outreach conducted by the Committee, a public hearing was held April 26, 2016 in accordance with Code of Virginia § 15.2-2114 (B), at which citizens were afforded the opportunity to present their opinions and views in support of or in opposition to the proposed stormwater utility; and,

WHEREAS, Council deems proper so to do,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Christiansburg that Chapter 36 “Utilities” of the *Christiansburg Town Code* is hereby amended and reordained by retitling Article III. “Charges and Rates” as Article III. “Water and Sewer Charges and Rates” and by the adoption of Article X. “Stormwater Utility” as follows:

## **Article X. Stormwater Utility**

### **Sec. 36-300. Authority.**

The town is authorized by Code of Virginia § 15.2-2114 to enact a system of utility fees to support a local stormwater management program consistent with the Virginia Stormwater Management Act (Code of Virginia, Title 62.1, Chapter 3.1, Article 2.3, §§ 62.1-44.15:24, et seq.) and all other state or federal regulations governing stormwater management.

### **Sec. 36-301. Findings and purpose.**

The purpose of this Article is to establish a stormwater utility and impose stormwater utility fees to fund compliance with state and federal regulations pertaining to stormwater management and maintenance of the town's stormwater infrastructure. The town council finds that an adequate and sustainable source of revenue for its stormwater management activities is necessary to protect the general health, safety, and welfare of the residents of the town, and that the town's stormwater management program benefits properties within the town through control of flooding, improvement of water quality, and protection of the town's natural environment.

Council recognizes that stormwater runoff is associated with all improved properties in the town, whether residential or nonresidential, and the quantity and quality of runoff is typically correlated to the amount of impervious surface and land-disturbing activities on the property. Further, the council finds that properties with higher amounts of impervious area contribute greater amounts of stormwater and pollutants to the waters of the Commonwealth and should carry a proportionate burden of the cost of the town's stormwater management program.

The council also recognizes that all property owners of developed properties have a responsibility to contribute to program costs by providing funding for necessary stormwater infrastructure upgrades that reduce pollutants that enter the waters of the Commonwealth, protect and restore streams and other aquatic habitat areas, collect and convey stormwater safely through all parts of the town, and comply with federal and state regulations for water quality improvements.

Therefore, council determines that it is in the best interest of the public to establish a stormwater utility and impose stormwater utility fees on all town property owners and/or their tenants that, to the extent practicable, allocates program costs on an equitable and rational basis related to the amount of impervious area located on their property.

### **Sec. 36-302. Definitions.**

The following words and terms used in this article shall have the following meanings:

"Adjacent property" means, for the purpose of utility fee assessment, properties owned by a common entity that may apply to be grouped and assigned a tier based

on the aggregate impervious area. Consistent with zoning ordinance, right-of-ways are not considered to separate adjacent properties.”

“Developed real property” means real property that has been altered from its natural state by the addition of improvements such as buildings, structures, and other impervious surfaces. For new construction, property shall be considered developed pursuant to this section upon (a) issuance of a certificate of occupancy or (b) certification of the final building permit inspection for those facilities not requiring a certificate of occupancy.

“Developed mixed-use property” for the purpose of this chapter means a developed lot or parcel containing at least one residential unit and impervious area associated with non-residential use.

“Developed nonresidential property” means developed property that does not serve a primary purpose of providing permanent dwelling units. Such property shall include, but is not limited to, commercial properties such as retail, hotels, motels, extended living facilities, restaurants, and offices, industrial properties, parking lots, recreational and cultural facilities, and churches.

“Developed residential property” means a developed lot or parcel containing at least one (1) dwelling unit, common areas, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities. Such property may include, but is not limited to, single-family houses, duplexes, apartments, townhouses, condominiums, and mobile homes.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Hydrologic response” means the manner in which storm water collects, remains, infiltrates, and is conveyed from a property. It is dependent upon several factors including, but not limited to, the presence of impervious area, the size, shape, topographic, vegetative, and geologic conditions of a property, antecedent moisture conditions, and groundwater conditions on a property.

“Impervious surface area” means the calculated area of a surface that is compacted or covered with material that is highly resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, structures, sidewalks, parking lots, gravel lots and driveways, and other similar surfaces.

“Revenues” means all rates, fees, assessments, rentals or other charges, or other income received by the stormwater management utility in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the town, funds provided by developers or individual residents, and the proceeds from sale of general obligation bonds for stormwater projects or stormwater revenue bonds.



“Stormwater billing unit” or “SBU” means the equivalent impervious area of a single-family residential developed property per dwelling unit located within the town based on the statistical average horizontal impervious area of a single-family residence in the town. A SBU equals three thousand and thirty (3,030) square feet of impervious surface area.

“Stormwater billing unit rate” or “SBU rate” means the amount charged for a stormwater billing unit.

“Stormwater management system” or “system” means the stormwater management infrastructure and equipment of the town and all improvements thereto for stormwater control in the town. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, stormwater structural best management practices, storm drains, conduits, pipelines, pumping and ventilation stations, and other plants, structures, and real and personal property used for support of the system (but not including private drainage systems).

“Stormwater management utility” or “utility” means the system of stormwater utility fees and the enterprise fund created by this article to maintain and operate the town’s stormwater management system.

“Stormwater utility credit manual” or “credit manual” means the Town of Christiansburg manual, as amended from time to time, that serves to provide guidance, procedures, and standards for providing stormwater utility fee credits to property owners that implement on-site systems, facilities, measures, or other actions that mitigate the impact of stormwater runoff on their properties.

“Stormwater utility fee” means the monthly utility charges based upon the SBU rate applied and billed to property owners or occupants of developed residential property, developed nonresidential property and developed mixed use property, all as more fully described in this article.

“Tiered rates” means the rates established for ranges of total impervious areas on developed nonresidential or mixed use properties. Rates for each tier are based on the low end of the impervious range divided by the SBU and multiplied by the SBU rate. Rates established by council can be found in the latest edition of the town stormwater utility fee schedule, which may be amended from time to time by the council.

“Undeveloped property” means any parcel of land which has not been altered from its natural state or which has been modified to such minimal degree that it has a hydrologic response comparable to land in an unaltered natural state. For the purpose of this article, undeveloped land includes property without a structure on a permanent foundation and with less than 500 square feet of impervious area.

**Sec. 36-303. Establishment of stormwater management utility; stormwater utility fee.**

(a) The stormwater management utility is hereby established to provide for the general health, safety and welfare of the town and its residents.

(b) A stormwater utility fee is hereby imposed on every parcel of developed real property in the town that appears on the real property assessment rolls as of December 31 of each year or as assessed by the State Corporation Commission. All stormwater utility fees and other income from the charges shall be deposited into the stormwater management enterprise fund.

(c) The SBU rate to be used for calculating the stormwater utility fee shall be at the rate specified in the latest edition of the stormwater utility fee schedule, which may be amended by ordinance from time to time by town council.

(d) Except as otherwise provided in this article, the impervious area for developed non-residential and mixed-use properties shall be determined by the town using aerial photography, as-built drawings, final approved site plans, professional surveys, field surveys or other appropriate engineering, surveying, and mapping analysis tools.

(e) Notwithstanding subsection (b) of this section, the stormwater utility fee shall be waived in its entirety for the following:

(1) A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system, except that the waiver of charges shall apply only to property covered by any such permit;

(2) Public roads and street rights-of-way that are owned and maintained by state or local agencies including property rights-of-way acquired through the acquisitions process; and

(3) Cemeteries as defined in Code of Virginia § 54.1-2310.

#### **Sec. 36-304. Stormwater utility fee calculations.**

Adequate revenues shall be generated to provide for an enterprise fund budget for expansion, operation, and maintenance of the stormwater management system, as well as compliance with regulatory requirements by setting sufficient levels of stormwater utility fees. Income from stormwater utility fees shall not exceed the costs incurred in providing the services and facilities described in this article (though rollover of enterprise funds shall be allowed to remain in the enterprise fund). These fees shall be billed to owners of all property in the town subject to the stormwater utility fee; provided, however, that where a tenant or occupant is the person to whom water or sewer service, or both, are billed, the utility fees may be billed to such tenant or occupant.

(a) For purposes of determining the stormwater utility fee, all properties in the town are classified into one of the following classes:

(1) Developed residential property;

(2) Developed mixed-use property;

(3) Developed nonresidential property; or

(4) Undeveloped property.

(b) The monthly stormwater utility fee for developed residential property shall equal the SBU rate. However, where more than one dwelling unit is located on a single lot or parcel the owner of the lot or parcel shall be charged a stormwater utility fee that is equal to the SBU rate multiplied by the number of dwelling units located on the lot or parcel.

(c) The monthly stormwater utility fee for developed non-residential property shall be determined by the applicable tiered rate based on the property's total impervious surface area as set forth in the tiered rate structure referenced in section 36-202.

(d) The monthly stormwater utility fee for developed mixed-use property shall be the greater of the fee as calculated by the methods set forth in subsection (b) or subsection (c).

(e) For purposes of impervious area evaluation under the non-residential tier system of charges, impervious surfaces within common areas is included in the impervious area evaluation.

(f) The stormwater utility fee for vacant developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.

(g) Undeveloped property shall be exempt from the stormwater utility fee; provided, however, that any impervious areas on the property greater than 500 square feet shall be subject to the monthly stormwater utility fee for developed nonresidential property, as set forth above in subsection (c).

(h) Adjacent properties owned by a common entity may apply to be grouped and assigned a tier based on the aggregate impervious area and billed in a single bill.

### **Sec. 36-305. Stormwater utility fee credits and exemptions.**

(a) The Director of Engineering is authorized to implement a system of credits approved by the town council in accordance with Code of Virginia § 15.2-2114 (D) and § 15.2-2114 (E) that will provide for partial waivers of stormwater utility fees for any property owner who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. The amount of the waiver shall be based in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility.

(b) Credit amounts are defined in the stormwater credit schedule established in the stormwater utility credit manual. A copy of the stormwater utility credit manual and

credit schedule shall be available on the town website and on file with the department of engineering. Nothing shall prevent the town council from modifying the adopted system of credits by resolution from time to time. Credits shall not be issued retroactively.

(c) An application for credits shall be submitted to the director of engineering and shall include a credit application form provided by the director of engineering and necessary documentation to meet the requirements set for in the credit manual. There is no fee for a credit application.

(d) Continued credit will be subject to the stormwater facility or practice remaining in compliance with the inspection, maintenance, and reporting requirements set forth in the credit manual.

(e) Except for new construction, applications for credits shall be made each year by January 1, with any approved credit to be effective on the following July 1. Applications for credits received after January 1 will be accepted but may not be reviewed until the following year, at the director of engineering's discretion.

#### **Sec. 36-306. Stormwater management enterprise fund.**

(a) The stormwater management enterprise fund is hereby established as a dedicated enterprise fund. The fund shall consist of revenues generated by stormwater utility fees, as well as all other revenues as defined in Sec. 36-302.

(b) The stormwater management enterprise fund shall be dedicated special revenue used only to pay for or recover costs permitted pursuant to Code of Virginia § 15.2-2114(A), as amended from time to time.

#### **Sec. 36-307. Billing, enforcement, and interest.**

(a) The stormwater utility fee shall be billed to the owner or tenant of each property subject to the fee. However, where a tenant is the person to whom the stormwater utility fee is billed, and the tenant fails to pay the stormwater utility fee, the delinquent stormwater utility fee shall be collected from the owner of the property. As permitted by Code of Virginia § 15.2-2114 (G), such bills or statements may be combined with sewer and water bills levied pursuant to this chapter, provided that all charges shall be separately stated. The combined bill shall be issued for one (1) total amount. All payments received shall be first credited to stormwater charges, and then to other charges. The bills or statements shall include a date by which payment shall be due. All bills for stormwater utility fees prescribed by this article shall be due and payable the date the water and sewer bill is due and shall be deemed delinquent if not paid in full within such time.

(b) Delinquent stormwater utility fees shall be subject to a penalty in accordance with Code of Virginia § 15.2-105. Interest on the balance of the account shall be imposed and collected on all such delinquent fees in accordance with Code of Virginia § 15.2-105.

(c) A delinquent stormwater utility fee, along with penalty and interest, shall constitute a lien on the property ranking on parity with liens for unpaid taxes and shall be recorded in the public records as set forth in Code of Virginia § 15.2-104 and collected in the same manner as provided for the collection of unpaid taxes or as otherwise permitted by law.

**Sec. 36-308. Petitions for adjustments.**

(a) Any property owner may request an adjustment of a stormwater utility bill by submitting a request in writing to the director of engineering within sixty (60) days after the date the bill is mailed or issued to the property owner. Grounds for adjustment of stormwater utility fees are limited to the following:

(1) An error was made regarding the square footage of the impervious area of the property;

(2) The property is exempt under the provisions of section 36-303 (e);

(3) There is a mathematical error in calculating the stormwater utility fee;

(4) The identification of the property owner invoiced is in error; or

(5) An approved credit was incorrectly applied.

(b) The property owner shall complete a stormwater utility fee adjustment application form available on the town's website or supplied by the director of engineering.

(c) If the application alleges an error in the amount of the impervious area, a scaled plan view of the property's impervious area will be provided by the town depicting all impervious areas within the property boundaries, including buildings, patios, driveways, walkways, parking areas, compacted gravel areas, and any other separate impervious structures identified in the town's impervious area database. This assessment will be the town's initial response to the request for adjustment.

(d) If the applicant is not satisfied with this initial response, the applicant may:

(1) Request a meeting with the director of engineering; and/or,

(2) Submit an appeal to the town manager with a revised plan signed and sealed by a professional engineer or professional land surveyor licensed in the Commonwealth of Virginia attesting to the accuracy of the impervious area measurements.

(e) The requirement for a plan view of the property's impervious area required in subsection (c) above may be waived by the director of engineering, if at the sole discretion of the director of engineering the error is obvious and is the result of a technical error or oversight by the town. In such case, the town shall be responsible for recalculating the impervious area of the property.

(f) The director of engineering, or in the case of an appeal, the town manager shall make a determination within forty-five (45) days of receipt of a complete submittal for the request for adjustment.

(g) The director of engineering's or town manager's decision on a stormwater utility fee adjustment petition is a final decision from which an aggrieved party may appeal to the Circuit Court of Montgomery County, Virginia.

**Sec. 36-309. Scope of Responsibility for the Stormwater System.**

(a) The town's stormwater system consists of rivers, creeks, streams, branches, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, and other structures, natural or man-made, within the political boundaries of the Town of Christiansburg which control and/or convey stormwater, through which the town intentionally diverts surface waters from public streets and properties. The town owns or has legal access for purposes of operation, maintenance, and improvements to those segments of the system which are 1) located within public streets, rights-of-way, and easements; (2) are subject to easements, rights-of-way, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvements of systems and facilities; or (3) are located on public lands to which the town has adequate access for operation maintenance, and/or improvements of systems and facilities.

(b) The operation, maintenance, and improvement of stormwater infrastructure and facilities which are located on private property or public property not owned by the town and for which there has been no public dedication of such systems and facilities shall be and remain the responsibility of the property owner.

(c) It is the intent of this article to protect the public health, safety, and welfare of town property and persons in general. This article shall not create any special duty or responsibility of the town for the benefit of any individual person or property within or without the Town of Christiansburg. All decisions, actions, or inaction by the town related to the operation, maintenance, and improvements of the town's stormwater system and facilities shall be and remain at the town's sole discretion. The Town of Christiansburg reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the town, its officers, employees, and agents, arising out of operation, maintenance, and improvements of its stormwater system.

**Sec. 36-310. Severability.**

The provisions of this article shall be deemed severable; and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this article shall remain in full force and effect and their validity unimpaired.

This ordinance shall become effective July 1, 2016. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.



Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held \_\_\_\_\_, 2016, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop				
Harry Collins				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				

\*Votes only in the event of a tie vote by Council.

SEAL:

\_\_\_\_\_  
Michele M. Stipes, Town Clerk

\_\_\_\_\_  
D. Michael Barber, Mayor

## **BOND PURCHASE AGREEMENT**

**Between:**            **National Bank of Blacksburg (the “Purchaser”)**  
                         **100 South Main Street**  
                         **Blacksburg, Virginia 24060**  
                         **Attention: Paul Mylum, Senior Vice President**  
                         **Telephone: (540) 951-6243**

**And:**                **Town of Christiansburg, Virginia (the “Issuer”)**  
                         **100 E. Main St.**  
                         **Christiansburg, VA 24073**  
                         **Attention: Barry Helms, Town Manager**  
                         **Telephone: (540) 382-6128**

**Dated:**            **As of June 1, 2016**

This Bond Purchase Agreement (the “Agreement”) is entered into as of the date set forth above between the Town of Christiansburg, Virginia (the “Issuer”) and National Bank of Blacksburg (the “Purchaser”). For and in consideration of the premises hereinafter contained, Issuer hereby agrees to issue and sell to Purchaser, and Purchaser agrees to purchase and accept, the Bond, as defined below, on the terms set forth herein. Pursuant to this Agreement, the Bank has determined to fund the Loan (as defined below), for the benefit of the Issuer, to finance the costs of the Project (as defined below), and to pay related costs and expenses.

### **ARTICLE I.    DEFINITIONS**

As used in this Agreement, the following terms will have the meanings indicated below unless the context clearly requires otherwise:

**“Agreement”** means this Bond Purchase Agreement executed by Issuer and Purchaser, including all exhibits, schedules and attachments attached hereto, and any amendments hereof.

**“Authorizing Statute”** means the Virginia Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended and such other applicable authority under the Code of Virginia of 1950, as amended.

**“Bank” or “Purchaser”** means National Bank of Blacksburg and its successors and assigns.

**“Bond”** means the Issuer’s \$1,315,000 General Obligation Refunding Bond, Series 2016, in the form substantially as attached hereto as Attachment 1.

**“Bond Counsel”** means Spotts Fain PC.

**“Code”** is defined in Section 3.1(f).

**“Issue Date”** is June 23, 2016.

**“Event of Default”** is defined in Section 6.1.

**“Issuer”** means the entity identified as such in the first paragraph of this Agreement, and its permitted successors and assigns.

**“Loan”** means the lending of proceeds of the Purchaser, in exchange for the security of the Issuer’s Bond and its execution of this Agreement, to the Issuer of funds to pay for the Project, subject to repayment under the terms and conditions of this Agreement.

**“Paying Agent”** means the Issuer’s duly appointed and serving Treasurer.

**“Project”** means the advance refunding of a portion of the Issuer’s \$1,970,000 General Obligation Public Improvement Bond, Series 2007 (the “2007 Bond or the “Advance Refunded Bond”), to be refunded with the Loan proceeds and the payment of related costs incurred in issuing the Bond.

**"Purchaser"** means the entity identified as such in the first paragraph of this Agreement, and its successors and assigns.

**“Resolution”** means the resolution of the governing body of the Issuer authorizing the execution and delivery of this Agreement and the issuance of the Bond.

**“State”** means the Commonwealth of Virginia.

## **ARTICLE II. PURCHASE OF BOND**

Section 2.1 **Purchase and Form of Bond.** On the terms, and subject to the conditions set forth in this Agreement, Purchaser hereby agrees to purchase the Bond from the Issuer, on the Issue Date, at a price of 100 percent of the par amount thereof. The principal amount of the Bond shall be \$1,315,000. The form of the Bond is attached hereto as Attachment 1. The Bond is issued pursuant to the Authorizing Statute.

Section 2.2 **Interest; Installments.** The Bond shall bear interest at the rate of 1.78% per annum, calculated on a 30/360-day basis. Issuer will repay the Bond in semiannual installments, including principal and interest on each August 1 and interest on each February 1, beginning August 1, 2016, and ending August 1, 2027. Payments shall be made consistent with the Schedule I affixed to the Bond, which such Schedule is incorporated herein and made a part of this Agreement by this reference.

Section 2.3 **Application.** Any payments by Issuer to Purchaser shall be applied first to pay accrued interest, and second to pay principal.

Section 2.4 **Option to Prepay.** Issuer shall have the right to prepay the amounts due hereunder in whole at any time and without penalty.

## **ARTICLE III. COVENANTS AND CONDITIONS**

Section 3.1 **Covenants of the Issuer.** As of the Issue Date, Issuer represents, covenants and warrants for the benefit of Purchaser as follows:

- (a) Issuer is a public body corporate and politic duly organized and existing under the constitution and laws of the State with full power and authority to issue the Bond, and to enter into this Agreement and the transactions contemplated hereby and to perform all of its obligations hereunder.
- (b) Issuer will do or cause to be done all things necessary to preserve and keep in full force and effect its existence as a public body corporate and politic. To the extent Issuer should merge with another entity under the laws of the State, Issuer agrees that as a condition to such merger it will require that the remaining or resulting entity shall be assigned Issuer's rights and shall assume Issuer's obligations under the Bond and this Agreement.
- (c) Issuer has been duly authorized to issue the Bond and to execute and deliver this Agreement by proper action by its governing body, or by other appropriate official approval, and all requirements have been met and procedures have occurred in order to ensure the validity and enforceability of the Bond and this Agreement, and Issuer has complied with such public bidding requirements as may be applicable to the Bond, this Agreement and the Project. On the Issue Date, Issuer shall cause to be delivered an opinion of Bond Counsel as to the federal and state tax exemption of interest on the Bond, with such changes therein as may be approved by Purchaser.
- (d) Issuer will provide Purchaser with current financial statements and budgets and such other financial information of Issuer as Purchaser may request, in such form and containing such information as may be

requested by Purchaser. Within 270 days of the close of each fiscal year of the Issuer, the Issuer shall provide Purchaser the complete audited financial statements of the Issuer.

- (e) Issuer will expend the proceeds of the Bond on the Issue Date to pay costs and expenses of the Project for which the Issuer may expend Bond proceeds under the Authorizing Statute and the Code.
- (f) Issuer will comply with all applicable provisions of the Internal Revenue Code of 1986, as amended (the “Code”), including Sections 103 and 148 thereof, and the regulations of the Treasury Department thereunder, from time to time proposed or in effect, in order to maintain the excludability from gross income for federal income tax purposes of the interest on the Bond. Issuer covenants and agrees that it will use the proceeds of the Bond as soon as practicable and with all reasonable dispatch for the purpose for which the Bond has been issued, and that no part of the proceeds of the Bond shall be invested in any securities, obligations or other investments except for the temporary period pending such use nor used, at any time, directly or indirectly, in a manner which, if such use had been reasonably anticipated on the date of issuance of the Bond, would have caused the Bond or related Bonds of the Project to be or become "arbitrage bonds" within the meaning of Section 103(b)(2) or Section 148 of the Code and the regulations of the Treasury Department thereunder proposed or in effect at the time of such use and applicable to obligations issued on the date of issuance of the Bond. In furtherance of the covenant contained in the preceding sentence, the Issuer agrees to comply with the tax compliance certificate delivered at the Issue Date and the provisions of Section 141 through 150 of the Code, as applicable.
- (g) The Issuer designates the Bond as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The Issuer represents and covenants as follows:
  - i. The Issuer will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in calendar year 2016, including the Bond, for the purpose of such Section 265(b)(3);
  - ii. The Issuer, all its “subordinate entities,” within the meaning of such Section 265(b)(3), and all entities which issue tax-exempt obligations on behalf of the Issuer and its subordinate entities have not authorized, in the aggregate, more than \$10,000,000 of tax-exempt obligations to be issued in calendar year 2016 (not including “private activity bonds,” within the meaning of Section 141 of the Code, other than “qualified 501(c)(3) bonds,” within the meaning of Section 145 of the Code), including the Bond;
  - iii. Barring circumstances unforeseen as of the date of delivery of the Bond, the Issuer will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the Issuer and such other entities in calendar year 2016, result in the Issuer and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in calendar year 2016 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Bond; and
  - iv. The Issuer has no reason to believe that the Issuer and such other entities will issue tax-exempt obligations in calendar year 2016 in an aggregate amount that will exceed such \$10,000,000 limit;provided, however, that if the Issuer receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (i) or (iii) above is not required for the Bond to be a qualified tax-exempt obligation, the Issuer need not comply with such covenant.
- (h) The issuance of the Bond and the execution, delivery and performance of this Agreement and compliance with the provisions thereof by Issuer does not conflict with or result in a violation or breach or constitute a default under, any resolution, bond, agreement, indenture, mortgage, note, lease or other instrument to which Issuer is a party or by which it is bound by any law or any rule, regulation, order or decree of any court, governmental agency or body having jurisdiction over Issuer or any of its activities or properties resulting in the creation or imposition of any lien, charge or other security interest or encumbrance of any nature whatsoever upon any property or assets of Issuer or to which it is subject.

Section 3.2      **Conditions.**      Purchaser's obligation to purchase the Bond on the Issue Date is subject to satisfaction of the following conditions:

- (a)      Purchaser shall have received a certified copy of the duly authorized Resolution, together with proof of its filing in the appropriate circuit court in accordance with Section 15.2-2607 of the Authorizing Statute;
- (b)      Purchaser shall have received an original of this Agreement and the Bond, duly executed by Issuer in accordance with the Resolution;
- (c)      Purchaser shall have received an opinion of Bond Counsel, in form and substance satisfactory to Purchaser's counsel, to the effect that:
  - i.          The Bond has been authorized and issued in accordance with the Constitution and laws of the State;
  - ii.        the Resolution, this Agreement, and the Bond are valid and legally binding obligations of Issuer, enforceable against Issuer in accordance with their terms, except to the extent that enforceability may be limited by or rendered ineffective by (A) bankruptcy, insolvency, fraudulent conveyance, reorganization, moratorium and other similar laws affecting creditors' rights generally; (B) the application of equitable principles and the exercise of judicial discretion in appropriate cases; (C) common law and statutes affecting the enforceability of contractual obligations generally; and (D) principles of public policy concerning, affecting or limiting the enforcement of rights or remedies against governmental entities such as Issuer;
  - iii.       the interest payable on the Bond is excludable from gross income under the Code; and
  - iv.        the Bond is not a "private activity bond" within the meaning of Section 141 of the Code, and
  - v.          the Bond is a qualified tax-exempt obligation under Section 265(b)(3)(B) of the Code;
- (d)      Purchaser shall have received the certificate of a duly authorized representative of Issuer to the effect that:
  - i.          there is no action, suit, proceeding, or investigation at law or in equity before or by any court or government, city or body pending or, to the best of the knowledge of Issuer, threatened against Issuer to restrain or enjoin the adoption of the Resolution or the execution and delivery of this Agreement or the issuance of the Bond, or the collection and application of funds as contemplated by this Agreement and the Bond, which in the reasonable judgment of Issuer, would have a material and adverse effect on the ability of Issuer to pay amounts due under the Bond;
  - ii.        there has not occurred any event or condition that has had or could be reasonably expected, either individually or in the aggregate, to have a Material Adverse Effect on the Issuer. For purposes of this section, a "Material Adverse Effect" means (A) a material adverse change in, or a material adverse effect on, the operations, business, assets, properties, liabilities (actual or contingent), condition (financial or otherwise) or prospects of the Issuer, taken as a whole; (B) a material impairment of the rights and remedies of the Purchaser under this Agreement or the Bond, or of the ability of Issuer to perform its obligations under this Agreement or the Bond; or (C) a material adverse effect upon the legality, validity, binding effect, or enforceability of this Agreement or the Bond against Issuer by the Purchaser, and
  - iii.       the adoption of the Resolution and the execution and delivery of this Agreement and the Bond do not and will not conflict in any material respect with or constitute on the part of Issuer a breach of or default under any law, charter provision, court decree, administrative regulation, resolution, ordinance, or other agreement or instrument to which Issuer is a party or by which it is bound.

- (e) Purchaser shall have received such additional legal opinions, certificates, proceedings, instruments, or other documents as Purchaser or Bond Counsel may reasonably request to evidence compliance by Issuer with the legal requirements for adoption of the Resolution, execution and delivery of this Agreement, issuance of the Bond, and the due performance or satisfaction by Issuer of all agreements then to be performed and all conditions then to be satisfied by Issuer.
- (f) Issuer shall have paid Purchaser's expenses, including any fees of its counsel, if any.

#### ARTICLE IV. PAYMENT AND SECURITY

Section 4.1 **Payment of Bond.** Issuer shall promptly pay the principal of, and interest and premium, if any, on the Bond in lawful money of the United States of America, in such amounts and on such dates as described in the Agreement and the Bond. Issuer shall pay Purchaser a charge on any delinquent payments in an amount sufficient to cover all additional costs and expenses incurred by Purchaser from such delinquent payment. In addition, Issuer shall pay a late charge of two and one-half percent (2 1/2%) on all delinquent payments of principal of and interest and premium, if any, on the Bond, and interest on said delinquent amounts from the date such amounts were due until paid at the rate of 12% per annum or the maximum amount permitted by law, whichever is less.

Section 4.2 **Tax Collection.** Until full payment and performance of all obligations of Issuer under the Bond and this Agreement, the Issuer will take all action necessary to ensure that a sufficient portion of its tax and other revenues collected during the current year are set aside or otherwise made available for payment of the Bond in accordance with its terms. Issuer certifies that the principal amount of the Bond does not exceed the anticipated taxes and revenues of Issuer for the current year.

Section 4.3 **Full Faith and Credit.** The full faith and credit of Issuer is irrevocably pledged for the payment of the principal of, and premium, if any, and interest on the Bond and all other payment obligations under this Agreement. Unless other funds are lawfully available and appropriated for timely payment of the Bond and all other payment obligations under this Agreement, Issuer shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in Issuer sufficient to pay when due the principal of and premium, if any, and interest on the Bond and all other payment obligations under the Agreement.

Section 4.4 **Obligations Absolute.** To the extent permitted by law, the obligations of Issuer to make the payments required under the Bond and this Agreement and to perform and observe the other agreements on its part contained in the Bond and this Agreement shall be absolute and unconditional and shall not be abated, rebated, set-off, reduced, abrogated, terminated, waived, diminished, postponed or otherwise modified in any manner or to any extent whatsoever while any portion of the Bond remains unpaid regardless of any contingency, act of God, event or cause whatsoever. Issuer shall pay absolutely the amounts required to be paid hereunder and under the Bond, regardless of any rights of set-off, recoupment, abatement or counterclaim that Issuer might otherwise have against Purchaser, its successors or assigns or any other party or parties.

Section 4.5 **Agreement to Survive.** The provisions of this Agreement will survive the issuance of the Bond and the payment of the purchase price therefor. This Agreement will terminate upon the payment in full of all amounts due under the Bond and this Agreement, provided that any prepayment is undertaken in accordance with Section 4.4 of this Agreement and further provided that Section 5.3 of this Agreement will survive its termination.

#### ARTICLE V. ASSIGNMENT; RISK OF LOSS

Section 5.1 **Assignment by Purchaser.** The Issuer expressly acknowledges that this Agreement and the Bond, including (without limitation) the right to receive payments required to be made by the Issuer hereunder and to compel or otherwise enforce performance by the Issuer of its other obligations hereunder, may be transferred, assigned and reassigned in whole or in part to one or more assignees or subassignees by the Purchaser at any time subsequent to their execution without the necessity of obtaining the consent of, but after giving notice to, the Issuer. Issuer agrees to execute all documents, including notices of assignment that may be reasonably requested by Purchaser or any further assignee to evidence any such assignment or reassignment, including without limitation the issuance of a new Bond of like tenor registered in the name of the assignee upon surrender of the old Bond. If any Bond is lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to Issuer, and Issuer



shall execute and deliver a new Bond of like tenor in lieu of and in substitution for the Bond so lost, destroyed or stolen, upon receipt of a written indemnity from Bank reasonably satisfactory to Issuer.

**Section 5.2 Assignment by Issuer.** NONE OF ISSUER'S OBLIGATIONS UNDER THE BOND OR THIS AGREEMENT MAY BE ASSIGNED BY ISSUER FOR ANY REASON, WITHOUT THE PRIOR WRITTEN CONSENT OF PURCHASER.

**Section 5.3 Risk of Loss Covenants.** To the extent permitted by law, Issuer shall bear the risk of loss for, shall pay directly, and shall defend against any and all claims, liabilities, proceedings, actions, expenses, damages or losses arising under or related to the Bond or this Agreement, including, but not limited to, the loss of federal tax exemption of the interest on the Bond, except that Issuer shall not bear the risk of loss of, nor pay for, any claims, liabilities, proceedings, actions, expenses, damages or losses that arise directly from the gross negligence or willful misconduct of the Purchaser.

## **ARTICLE VI. DEFAULT**

**Section 6.1 Events of Default Defined.** Any of the following shall constitute an "Event of Default" under this Agreement:

- (a) Failure by Issuer to make any payment of principal of, or interest or premium on, the Bond, or other payment required to be paid under the Agreement, at the time specified therein;
- (b) Failure by Issuer to observe and perform any covenant, condition or agreement on its part to be observed or performed with respect to the Bond or the Agreement, other than as referred to in subparagraph (a) above, for a period of thirty (30) days after written notice specifying such failure and requesting that it be remedied is given to Issuer by Purchaser, unless Purchaser shall agree in writing to an extension of such time prior to its expiration; provided that, if the failure stated in the notice cannot be corrected within the applicable period, Purchaser will not unreasonably withhold its consent to an extension of such time if corrective action is instituted by Issuer within the applicable period and diligently pursued until the default is corrected;
- (c) Any statement, representation or warranty made by Issuer in the Agreement or the Bond shall prove to have been false, incorrect, misleading or breached in any material respect on the date when made;
- (d) Issuer shall (i) apply for or consent to the appointment of a receiver, trustee, custodian or liquidator of Issuer, or of all or a substantial part of the assets of Issuer, (ii) be unable, fail or admit in writing its inability generally to pay its debts as they become due, (iii) make a general assignment for the benefit of creditors, (iv) have an order for relief entered against it under applicable federal bankruptcy law, or (v) file a voluntary petition in bankruptcy or a petition or an answer seeking reorganization or an arrangement with creditors or taking advantage of any insolvency law or any answer admitting the material allegations of a petition filed against Issuer in any bankruptcy, reorganization or insolvency proceeding;
- (e) Issuer shall default on any of its indebtedness issued whether or not on a parity basis with the Bond, which indebtedness remains uncured after any applicable cure period permitted by such indebtedness; or
- (f) An order, judgment or decree shall be entered by any court of competent jurisdiction, approving a petition or appointing a receiver, trustee, custodian or liquidator of Issuer or of all or a substantial part of the assets of Issuer, in each case without its application, approval or consent, and such order, judgment or decree shall continue unstayed and in effect for any period of 60 consecutive days.

**Section 6.2 Remedies on Default.** If an Event of Default shall have occurred, Purchaser may proceed against Issuer and its agents, officers and employees to protect and enforce the rights of Purchaser under the Bond and the Agreement by mandamus or by other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained in the Bond or in the Agreement, or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as Purchaser may deem most effectual to protect and to enforce its rights under the Bond or the Agreement, or to enjoin any act or thing which may be unlawful or in

violation of any right of Purchaser under the Bond or the Agreement, or to require Issuer to act as if it were the trustee of an express trust, or any combination of such remedies. While any Event of Default exists, the unpaid principal amount of the Bond shall bear interest at the rate of 12 percent per annum or the maximum rate permitted by applicable law, whichever is less.

**Section 6.3 No Remedy Exclusive.** No remedy conferred upon or reserved to Purchaser in this Agreement or the Bond is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or the Bond now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient. In order to entitle Purchaser to exercise any remedy reserved to it in this Article it shall not be necessary to give any notice, other than such notice as may be required in this Article.

**Section 6.4 Costs and Attorney Fees.** Upon the occurrence of an Event of Default by Issuer in the performance of any term of the Agreement or the Bond, Issuer agrees to pay to Purchaser or reimburse Purchaser for, in addition to all other amounts due hereunder, all of Purchaser's costs of collection, including reasonable attorney fees, whether or not suit or action is filed thereon. Any such costs shall be immediately due and payable upon written notice and demand given to Issuer, and shall bear interest at the rate of 12% per annum or the maximum amount permitted by law, whichever is less. In the event suit or action is instituted to enforce any of the terms of the Agreement or the Bond, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorneys' fees at trial or on appeal of such suit or action or in any bankruptcy proceeding, in addition to all other sums provided by law.

## **ARTICLE VII. MISCELLANEOUS**

**Section 7.1 Notices.** All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by certified mail, postage prepaid, to the parties hereto at the addresses immediately after the signatures to this Agreement (or at such other address as either party hereto shall designate in writing to the other for notices to such party), to any assignee at its address as it appears on the registration books maintained by Issuer.

**Section 7.2 Further Assurances.** Issuer agrees to execute such other and further documents and to take all such action as may be necessary or appropriate, from time to time, in the reasonable opinion of Purchaser, to consummate the transactions contemplated hereby and thereby, and to carry out the purposes and intentions of this Agreement.

**Section 7.3 Binding Effect.** This Agreement and the Bond shall inure to the benefit of and shall be binding upon Purchaser and Issuer and their respective successors and permitted assigns.

**Section 7.4 Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**Section 7.5 Waiver of Jury Trials.** Issuer and Purchaser hereby irrevocably waive all right to trial by jury in any action, proceeding or counterclaim (whether based on contract, tort or otherwise) arising out of or relating to the Bond or this Agreement or the actions of Purchaser or Issuer in the negotiation, administration, performance or enforcement hereof.

**Section 7.6 Amendments, Changes and Modifications.** This Agreement may only be amended in writing by Purchaser and Issuer.

**Section 7.7 Execution in Counterparts.** This Agreement hereunder may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**Section 7.8 Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State.

Section 7.9      **Captions.** The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 7.10      **No Fiduciary Relationship.** The Issuer acknowledges and agrees that: (i) the transaction contemplated by this Agreement is an arm's length, commercial transaction between the Issuer and the Purchaser in which the Purchaser is acting solely as a principal and is not acting as a municipal advisor, financial advisor or fiduciary to the Issuer; (ii) the Purchaser has not assumed any advisory or fiduciary responsibility to the Issuer with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto; (iii) the only obligations the Purchaser has to the Issuer with respect to the transaction contemplated hereby expressly are set forth in this Agreement; and (iv) the Issuer has consulted its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it has deemed appropriate.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, Purchaser and Issuer have caused the Bond Purchase Agreement to be executed in their names by their duly authorized representatives as of the date first above written.

<b>Purchaser: National Bank of Blacksburg</b>
By:
Name: Paul Mylum
Title: Senior Vice President

Address for Notice:  
100 South Main Street  
Blacksburg, Virginia 24060  
Telephone: (540) 951-6243  
Attention: Paul Mylum, Senior Vice President

<b>Issuer: Town of Christiansburg, Virginia</b>
By:
Name: D. Michael Barber
Title: Mayor

Attest:
By:
Name: Barry Helms
Title: Town Manager

Address for Notice:  
100 E. Main St.  
Christiansburg, VA 24073  
Telephone: (540) 382-6128  
Attention: Town Manager

Form of Bond

See Tab 3 in the Transcript

**CERTIFICATE OF THE CLERK OF THE  
TOWN OF CHRISTIANSBURG, VIRGINIA**

The undersigned Clerk of the Town of Christiansburg, Virginia (the "Town"), certifies that:

1. Upon notice duly give, a meeting of the Council (the "Council") of the Town was duly called and held on June 14, 2016 (the "Meeting").

2 Attached hereto is a true, correct and complete copy of a resolution (the "Resolution") of the Council entitled "Resolution of the Town Council of the Town of Christiansburg, Virginia, Authorizing the Issuance and Sale of its General Obligation Refunding Bond, Series 2016 in a Maximum Principal Amount Not to Exceed \$1,315,000, and the Execution and Delivery of Certain Documents Prepared in Connection Therewith," as recorded in full in the minutes of the Meeting and duly adopted by a majority of the members of the Council present and voting during the Meeting.

3. A summary of the members of the Council present or absent at the Meeting, and the recorded vote with respect to the Resolution, is set forth below:

Member Name	Voting				
	Present	Absent	Yes	No	Abstaining
D. Michael Barber, Mayor	_____	_____	_____	_____	_____
Samuel M. Bishop	_____	_____	_____	_____	_____
Harry Collins	_____	_____	_____	_____	_____
Cord Hall	_____	_____	_____	_____	_____
Steve Huppert	_____	_____	_____	_____	_____
Henry Showalter	_____	_____	_____	_____	_____
Bradford J. "Brad" Stipes	_____	_____	_____	_____	_____

4. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the Town, this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

\_\_\_\_\_  
Clerk of Town of Christiansburg, Virginia



**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
CHRISTIANSBURG, VIRGINIA, AUTHORIZING THE ISSUANCE AND  
SALE OF ITS GENERAL OBLIGATION REFUNDING BOND, SERIES  
2016 IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED  
\$1,320,000, AND THE EXECUTION AND DELIVERY OF CERTAIN  
DOCUMENTS PREPARED IN CONNECTION THEREWITH**

**WHEREAS**, the Town of Christiansburg, Virginia (the “Town”), has determined that it is necessary and advisable to borrow money and issue its general obligation bond to advance refund a portion of the Issuer’s \$1,970,000 General Obligation Public Improvement Bond, Series 2007 (the “2007 Bond”), all together with related administrative and financing costs (collectively, “the Project”); and

**WHEREAS**, the Council of the Town (the “Council”) has previously approved the services of the Virginia Municipal League/Virginia Association of Counties’ Finance Program (“VML/VACo”) to solicit proposals from banking institutions and received a proposal from National Bank of Blacksburg, a Virginia banking corporation (the “Bank”) to purchase the Bond (as defined below) and the Bank has indicated its willingness to purchase such Bond in accordance with the terms of the Bond Purchase Agreement between the Bank and the Town (the “Agreement”), the forms of which has been presented to the Council at this meeting;

**BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF  
CHRISTIANSBURG, VIRGINIA:**

**1. Authorization of Bond and Use of Proceeds.** Pursuant to the Constitution of the Commonwealth of Virginia and the Public Finance Act of 1991, as amended (the “Public Finance Act”), Title 15.2, Chapter 26 of the Code of Virginia of 1950, as amended (the “Virginia Code”), and without regard to any requirements or restrictions contained in any charter or special act of the Town, the Council hereby authorizes the borrowing from the Bank and the issuance of a general obligation bond of the Town in an aggregate principal amount not to exceed \$1,320,000, to fund the costs of the Project, including costs incurred in issuing the Bond (as hereinafter defined).

**2. Authorization of Bond Purchase Agreement.** The Council accepts the proposal of the Bank to purchase the Town’s Bond on the terms set forth in the Bank's proposal dated April 25, 2016 (the "Proposal"). The form of the Agreement related to the Bond and as submitted to the Council at this meeting is hereby approved. The Mayor and the Town Manager, either of whom may act (each an “Authorized Signatory”), are authorized to execute the Agreement in substantially such forms, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by such official, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the Bond to the Bank shall be upon the terms and conditions of the Agreement. The proceeds of such Bond shall be applied in the manner set forth in the Agreement. All capitalized terms used but not otherwise defined herein shall have the same meaning as set forth in the Agreement.

**3. Bond Details.** The Bond shall be issued as a single, fully registered bond designated “General Obligation Refunding Bond, Series 2016” (the “Bond”), shall be numbered R-1, and shall be in substantially the form of Exhibit A to this Resolution as hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing such Bond. The Council authorizes the issuance and sale of the Bond on such terms as shall be satisfactory to the Authorized Signatory; provided however, that the Bond (i) shall be in a principal amount not to exceed \$1,315,000, (ii) shall mature no later than August 1, 2027 and (iii) shall bear interest on the outstanding principal balance thereof at a rate of interest approved by the Authorized Signatory, with such rate to not exceed 1.78% per year (provided that default interest may be payable at a rate in excess thereof as provided in the related Agreement). As set forth in the Agreement, the Town agrees to pay any applicable late payment or similar costs and expenses described therein. Subject to the preceding terms, the Council further authorizes the Authorized Signatory to determine the final terms, purchase price, initial interest rate, interest rate adjustment provision, maturity date and amortization schedule of the Bond, all of which shall be evidenced by the execution and delivery of the Bond, and no further action shall be necessary on the part of the Council so long as such provisions are within the limits prescribed in this Resolution.

**4. Payment and Redemption Provisions.** The principal of and premium, if any, and interest on the Bond shall be payable as set forth in the Bond and the related Agreement. The Bond shall be subject to redemption on the terms set forth in the related Agreement. The principal of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America. Nothing in the Bond, this Resolution, or the Agreement shall be deemed to create or constitute an indebtedness of the Commonwealth of Virginia or any political subdivision thereof other than the Town, or a pledge of the full faith and credit of the Commonwealth of Virginia or of any political subdivision thereof other than the Town. The Town may, at its option, redeem, prepay or refund the Bond upon the terms set forth in the related Agreement.

**5. Execution and Form of Bond.** The Bond shall be signed by the Mayor or Vice-Mayor and the Town’s seal shall be affixed thereon and attested by the Clerk or Deputy Clerk of the Town. The Bond shall be issued as a typewritten bond in substantially the form of the Bond, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Authorized Signatory, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

**6. Pledge of Full Faith and Credit.** The full faith and credit of the Town are hereby irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Town sufficient to pay when due the principal of and premium, if any, and interest on the Bond.

**7. Preparation of Printed Bond; Mutilated or Destroyed Bond.** The Town shall initially issue the Bond in typewritten form. The printed Bond may be executed by manual or facsimile signature of the Mayor or Vice-Mayor, the Town's seal affixed thereto and attested by the Clerk or Deputy Clerk of the Town; provided, however, that if both such signatures are facsimiles, no bond shall be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication noted thereon. The typewritten Bond surrendered in any such exchange shall be canceled. If the Bond has been mutilated, lost or destroyed, the Town shall execute and deliver a new bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated bond or in lieu of and in substitution for such lost or destroyed bond; provided, however, that the Town shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the Town in connection therewith and, in the case of a lost or destroyed bond, (a) has filed with the Town an affidavit reasonably satisfactory to the Town that such bond was lost or destroyed and (b) has furnished to the Town reasonably satisfactory indemnity.

**8. Registration and Transfer of the Bond.** The Town appoints the Town Treasurer as paying agent and registrar (the "Registrar") for the Bond. Upon surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be reasonably satisfactory to the Registrar, the Town shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rates and registered in such name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the Town, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, interest and premium, if any, and the exercise of all other rights and powers of the owner, except that installments shall be paid to the person or entity shown as owner on the registration books.

**9. Delivery of Bonds.** The Mayor or Vice-Mayor and Clerk of the Town are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver it to the Issuer as the purchaser thereof as set forth in the Agreement.

**10. Escrow Deposit Agreement.** The Authorized Signatory is authorized and directed to execute an escrow agreement (the "Escrow Agreement") for the purpose of refunding the 2007 Bond, with U.S. Bank, National Association acting as escrow agent (the "Escrow Agent"). The Escrow Agreement shall be in the form approved by the Authorized Signatory, in collaboration with the Town's bond counsel, the execution thereof by the Authorized Signatory to constitute conclusive evidence of approval of the Escrow Agreement. The Escrow Agreement shall provide for the irrevocable deposit of a portion of the Bond proceeds in a separate escrow fund which shall be sufficient, when invested, to provide for payment of principal of and premium, if any, and interest on the portion of the refunded 2007 Bond. If requested by the

Town, the Escrow Agent is authorized to execute an initial and final subscription form for the purchase of investment and government securities.

**11. Tax Provisions.** The Town covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bond to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the Town shall comply with any provision of law that may require the Town at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the Town receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The Town shall pay any such required rebate from legally available funds. Each of the Mayor and the Town Manager of the Town is authorized to execute a Tax Compliance Agreement or any related document (the “Tax Documents”) setting forth the expected use and investment of the proceeds of the Bond.

**12. Bank-Qualification Designation.** The Town designates the Bond as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The Town represents and covenants as follows:

(a) The Town will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in calendar year 2016, including the Bond, for the purpose of such Section 265(b)(3);

(b) The Town, all its “subordinate entities,” within the meaning of such Section 265(b)(3), and all entities which issue tax-exempt obligations on behalf of the Town and its subordinate entities have not authorized, in the aggregate, more than \$10,000,000 of tax-exempt obligations to be issued in calendar year 2016 (not including “private activity bonds,” within the meaning of Section 141 of the Code, other than “qualified 501(c)(3) bonds,” within the meaning of Section 145 of the Code), including the Bond;

(c) Barring circumstances unforeseen as of the date of delivery of the Bond, the Town will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the Town and such other entities in calendar year 2016, result in the Town and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in calendar year 2016 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Bond; and

(d) The Town has no reason to believe that the Town and such other entities will issue tax-exempt obligations in calendar year 2016 in an aggregate amount that will exceed such \$10,000,000 limit;

provided, however, that if the Town receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (a) or (c) above is not required for the Bond to be a qualified tax-exempt obligation, the Town need not comply with such covenant.

**13. Tax and Other Documents.** Each of the Mayor and the Town Manager are authorized and directed to execute and deliver an IRS Form 8038-G in a form approved by such officers and the Town's bond counsel.

**14. Limitation of Liability of Officials of Town.** No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an officer, employee, member of Council, or agent of the Town in his or her individual capacity, and no officer of the Town or member of Council executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No officer, employee or agent of the Town shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution provided he or she acts in good faith.

**15. Conditions Precedent.** Upon the issuance of the Bond, all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this Resolution to have happened, exist and to have been performed precedent to or in the issuance of the Bond shall have happened, exist and have been performed.

**16. Other Actions.** All other actions of officials of the Town in conformity with the purposes and intent of this Resolution and the Agreement and in furtherance of the issuance and sale of the Bond are ratified, approved and confirmed. The officials of the Town are authorized and directed to execute and deliver on behalf of the Town such agreements and other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Bond or the Agreement, and all of the foregoing, previously done or performed by such officers of the Town, are in all respects approved, ratified and confirmed.

**17. Headings.** Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

**18. Constitutional Authority and Severability.** The Bond shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia (other than Subsection (2) thereof). The principal of and interest on the Bond shall be payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the Town subject to taxation, to the extent other funds of the Town are not lawfully available and appropriated for such purpose. If any court of competent jurisdiction shall hold any provision of this Resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

**19. Filing of Resolution.** The Authorized Signatory and Clerk to the Town are authorized and directed to see to the prompt filing of a certified copy of this Resolution in the Circuit Court having jurisdiction over the Town, in accordance with Sections 15.2-2607 and 15.2-2627 of the Public Finance Act.

**20. Effective Date.** This Resolution shall take effect immediately.

Adopted: June 14, 2016.

\_\_\_\_\_  
Mayor of the Town of Christiansburg, Virginia

**ATTEST:**

\_\_\_\_\_  
Clerk of the Town of Christiansburg, Virginia



**EXHIBIT A**

**(Form of Bond)**

*Interest on this bond is intended by the issuer thereof to be exempt from gross income for federal income tax purposes.*

**REGISTERED**

**DATED DATE**

**R-1**

**June 23, 2016**

**UNITED STATES OF AMERICA**

**COMMONWEALTH OF VIRGINIA**

**TOWN OF CHRISTIANBURG**

**\$1,315,000**

**GENERAL OBLIGATION REFUNDING BOND  
SERIES 2016**

**THE TOWN OF CHRISTIANBURG, VIRGINIA** (the "Town"), for value received, acknowledges itself indebted and promises to pay to **NATIONAL BANK OF BLACKSBURG** (the "Bank"), its registered assigns or legal representative, the principal amount of:

**ONE MILLION THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$1,315,000)**

on or before August 1, 2027, together with interest on the outstanding principal amount of this Bond at a rate of 1.78% per year, calculated on the basis of a 360-day year of twelve 30-day months. Interest on this Bond shall be payable in semi-annual installments, and principal of this Bond shall be payable in annual installments, all in the amounts and on the dates set forth in Schedule I attached hereto which is incorporated herein by this reference.

If any installment of principal of and interest on this Bond is not paid to the registered owner of this Bond on its due date, the Town shall pay to the registered owner a late payment charge in an amount equal to two and one-half percent (2 1/2%) of the overdue installment. Principal and other sums hereunder are payable in lawful money of the United States.

Subject to the provisions of the Bond Purchase Agreement dated as of June 1, 2016 (the "Agreement"), between the Bank and the Town, so long as this Bond is held by the Bank or its registered assigns or legal representative, interest is payable by check or draft mailed to the registered owner of this Bond at the address that appears on the registration books kept by the Treasurer of the Town, who has been appointed registrar and paying agent, or any successor bank or trust company (the "Registrar"). Principal of and premium, if any, and interest on this Bond shall be payable in lawful money of the United States of America. In case any payment date on this Bond shall not be a Business Day (as defined below), then payment of principal, premium, if any, and interest need not be made on such date, but may be made on the next

succeeding Business Day, and, if made on such next succeeding Business Day, no additional interest shall accrue for the period after such payment date. "Business Day" means any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banking institutions generally are open for business in New York and Virginia. If an Event of Default has occurred and is continuing under the Agreement, the unpaid principal amount of this Bond shall bear interest at the rate of 12 percent per annum or the maximum rate permitted under applicable law, whichever is less.

This Bond has been authorized by a resolution adopted by the Council of the Town on June 14, 2016 (the "Bond Resolution"), and is issued pursuant to the Constitution and the Public Finance Act of 1991 of the Commonwealth of Virginia, and the Agreement. Proceeds of this Bond will be used to provide funds to (a) finance the Project as defined in the Resolution, and (b) pay the issuance and financing costs incurred in issuing this Bond.

The full faith and credit of the Town are irrevocably pledged for the payment of principal of and interest and premium, if any, on this Bond and the performance of the Town's obligations under the Agreement. Unless other funds are lawfully available and appropriated for timely payment of this Bond, the Council of the Town shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Town sufficient to pay when due the principal of and interest and premium, if any, on this Bond.

The Bond is designated by the Town as a qualified tax-exempt obligation under Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the "Code"). Qualified tax-exempt obligations are commonly referred to as "bank qualified bonds." The Town covenants and agrees that it will comply with the exception to the provisions of Section 265 of the Code in order that the Bond may qualify as a qualified tax-exempt obligation.

Notwithstanding anything in this Bond to the contrary, in addition to the payments of the principal provided for by this Bond, the Town shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Agreement.

This Bond may be redeemed at the option of the Town upon the terms and conditions set forth in the Agreement. Capitalized terms used herein and not defined shall have the meaning as set forth in the Agreement.

Transfer of this Bond may be registered upon the registration books of the Bond Registrar. Prior to due presentment for registration of transfer of this Bond, the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal hereof and the exercise of all other rights and powers of the owner.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or to be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and this Bond, together with all other indebtedness of the Town, is within every debt and other limitation prescribed by the Constitution and statutes of the Commonwealth of Virginia.

**IN WITNESS WHEREOF**, the Town has caused this Bond to be signed by its Mayor and the seal of the Town to be affixed hereto and attested by the Clerk of the Town, and this bond to be dated the date first above written.

(SEAL)

\_\_\_\_\_  
Mayor of the Town of Christiansburg, Virginia

**ATTEST:**

\_\_\_\_\_  
Clerk of the Town of Christiansburg, Virginia

**SCHEDULE I**

**TOWN OF CHRISTIANBURG  
GENERAL OBLIGATION REFUNDING BOND  
SERIES 2016**

<b>Installment <u>Number</u></b>	<b>Principal Installment <u>Amount</u></b>	<b>Interest Installment <u>Amount</u></b>	<b><u>Due Date</u></b>
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[to be completed at closing]

## **Request for the Rescue Squad to reallocate funds.**

June 14, 2016

The Squad had \$20,000 allocated to resurfacing the bay floor in capital. This project was in the information gathering stage, but they have not yet done an RFP.

Unanticipated:

They just replaced one HVAC unit (\$11,000) and need to replace another.

Chief Coyle requests the reallocate the bay floor resurfacing funds to these unanticipated expenses.

He will submit bay floor in a subsequent year budget.

This would not change the dollar allocation in 10-3203-7008 but would change the use from bay floor to HVAC.



ESTABLISHED  
NOVEMBER 10, 1792

INCORPORATED  
JANUARY 7, 1833

MAYOR  
D. MICHAEL BARBER

COUNCIL MEMBERS  
SAMUEL M. BISHOP  
HARRY COLLINS  
R. CORD HALL  
STEVE HUPPERT  
HENRY SHOWALTER  
BRADFORD J. "BRAD" STIPES

TOWN MANAGER  
BARRY D. HELMS

ASSISTANT TOWN MANAGER  
RANDY WINGFIELD

ASSISTANT TO THE TOWN  
MANAGER  
ADAM CARPENETTI

DIRECTOR OF  
FINANCE/TOWN TREASURER  
VALERIE L. TWEEDIE,  
CPA, CFE, CGFM

CHIEF OF POLICE  
MARK SISSON

CLERK OF COUNCIL  
MICHELE M. STIPES

TOWN ATTORNEY  
GUYNNE & WADDELL, P.C.

# *Town of Christiansburg, Virginia 24073*

100 East Main Street ~ Telephone 540-382-6128 ~ Fax 540-382-7338

## **OFFICE OF: Planning Commission**

May 31, 2016

Mayor Barber and Town Council Members:

The Christiansburg Planning Commission has reviewed the Town's Capital Improvements Plan for the Fiscal Year 2016-2017 and has found it to be in accord with the Town's Comprehensive Plan and long range goals.

Sincerely yours,

Craig Moore, Chairperson  
Christiansburg Planning Commission

AFW: afw

**Christiansburg Planning Commission  
Minutes of May 16, 2016**

Present: Ann Carter  
Harry Collins  
Hil Johnson  
Craig Moore, Chairperson  
T.L. Newell  
Virginia Peeples  
Joe Powers  
Jennifer D. Sowers, Vice-Chairperson  
Sara Morgan, Secretary <sup>Non-Voting</sup>

Absent: Matthew J. Beasley  
David Franusich

Staff/Visitors: Andrew Warren, Planning Director  
Will Drake, staff  
Eric Griffith, Tow 360, LLC  
William Grubb, 409 Roanoke Street  
Nancy and William Miller, 111 Miller Street, S.E.  
Ronnie Hawkins, 109 Miller Street, S.E.

Chairperson Moore called the meeting to order at 7:01 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia.

Public Comment.

Chairperson Moore opened the floor for public comment. With no comments, Chairperson Moore closed the floor for public comment.

Approval of Planning Commission Minutes for April 18, 2016 meeting.

Chairperson Moore introduced the discussion. Commissioner Johnson made a motion to approve the April 18, 2016 Planning Commission meeting minutes. Commissioner Peeples seconded the motion, which passed 6-0. Commissioner Carter and Vice-Chairperson Sowers abstained as they were not present for the previous meeting.



Public Hearing on a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District.

Chairperson Moore opened the public hearing. The agent, Eric Griffith, stated he would like to operate a towing business on the property. Mr. Griffith stated the property has been approved for an existing towing business and he understands a Conditional Use Permit is required to operate an additional towing business.

Nancy Miller, 111 Miller Street, S.E. stated the property in question adjoins her backyard and is between the residential areas on Miller Street, S.E. and Circle Drive, S.E. Mrs. Miller stated she and her husband can hear vehicles being loaded and unloaded. Mrs. Miller stated a vehicle may remain on the property for two or three months. Mrs. Miller stated she and her husband believe the proposed use will lower their property's value. Mrs. Miller stated towed vehicles can be unsightly and there is no screening in the winter when the vegetation is gone. Mrs. Miller asked Planning Commission to deny the request.

Commissioner Powers asked Mrs. Miller to identify her property on the projection screen. Mrs. Miller identified her property and noted repossessed vehicles have been stored on the hill (southern portion of the property) in the past.

William Grubb, 409 Roanoke Street, Suite B-3, stated he rents Suite B-3 at 409 Roanoke Street and has been a resident for five years. Mr. Grubb stated a towing business is always needed in a busy, growing area. Mr. Grubb stated Christiansburg needs all the jobs and revenue it can generate. Mr. Grubb stated the current towing/repossession business at 409 Roanoke Street has not negatively impacted him and he supports the request.

Ronnie Hawkins, 109 Miller Street, S.E. stated the property has been very noisy in the past. Mr. Hawkins stated the business operations begin at 4:00 a.m. and continue throughout the day. Mr. Hawkins stated he supported the business in the past because he thought the cars would only be stored on the flat portion of the property. Mr. Hawkins stated the cars have also been stored on the hill. Mr. Hawkins stated the elevation of his property provides little screening from the cars. Mr. Hawkins stated the proposed use would depreciate the value of his property and noted the noise level would be tremendous. Mr. Hawkins stated the property is zoned commercial but is surrounded by residential uses.

Commissioner Powers asked Mr. Hawkins to identify his property on the projection screen. Mr. Hawkins identified his property and noted the pine trees at the rear of his property do not provide adequate screening. Mr. Hawkins stated he was worried about the noise and spectators coming to view the wrecked cars.

With no objections, Chairperson Moore closed the public hearing.

Public Hearing on a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District - (continued).

Chairperson Moore asked if there were outstanding violations or complaints against the property. Ms. Morgan stated the Planning Department does not have record of any violations since the repossession business began in 2005. Ms. Morgan stated she would follow-up with the Police Department regarding noise complaints.

Commissioner Powers stated the current permitted use is for repossessed vehicles and contractor equipment. Commissioner Powers asked if a repossessed vehicle is considered operable. Ms. Morgan stated a repossessed vehicle could be inoperable, but she believed they are typically operable. Ms. Morgan stated the 2005 Conditional Use Permit limits the storage of repossessed vehicles to 60 days and contractor equipment to 30 days.

Commissioner Powers asked if vehicles with flat tires or no tires would be considered inoperable. Ms. Morgan stated they would be considered inoperable and the Police Department Ordinance Officer would assist with any inoperable vehicle violations.

Commissioner Johnson inquired about vehicle licensing requirements. Ms. Morgan stated vehicles must have a valid state inspection sticker and license plate to be considered operable. Ms. Morgan stated more than five inoperable vehicles is considered an automobile graveyard and can be pursued as a zoning violation. Ms. Morgan noted staff refers violations of less than six inoperable vehicles to the Ordinance Officer.

Commissioner Powers asked staff to inspect the lot for inoperable vehicles. Commissioner Johnson asked if the 2005 Conditional Use Permit included a condition limiting noise or the hours of operation. Ms. Morgan stated the 2005 Conditional Use Permit does not include these conditions and noted the permit was approved before these conditions were common inclusions.

Commissioner Powers noted the 2005 Conditional Use Permit was limited to the portion of the property zoned B-3 General Business. Commissioner Powers noted the 2015 imagery depicts cars stored on the R-2 Two-Family Residential District portion of the property.

Commissioner Newell asked if the 2005 Conditional Use Permit is active. Ms. Morgan stated she believes the 2005 Conditional Use Permit is active. Mr. Warren stated there is a question of whether a nonconforming towing service is allowed over the entire parcel. Mr. Warren stated staff would confer with Mr. Wingfield, Assistant Town Manager/Zoning Administrator and provide this information to Planning Commission at the next meeting.

Public Hearing on a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District - (continued).

Commissioner Powers stated a towing business would need to have been operating before the southern portion of the property was zoned R-2 Two-Family Residential. Commissioner Powers stated this would have been a long time ago.

Commissioner Johnson asked how many buildings are located on the property. Ms. Morgan stated she believes there are three buildings. Commissioner Johnson asked how many businesses are located on the property. Ms. Morgan stated she would check with the Finance Department to see how many business licenses are registered to the property.

Mr. Griffith stated he was not aware the use was restricted to the B-3 General Business portion of the property until Mr. Drake brought it to his attention. Mr. Griffith stated he has moved every car out of the R-2 Two-Family portion of the property. Mr. Griffith stated he has mowed the property and maintained the fence line for the past twelve years.

Commissioner Powers asked who has been operating the nonconforming towing business. Mr. Griffith stated he has been running the towing business, Bullet Recovery, for the past 12 years. Mr. Griffith stated Bullet Recovery is owned by Angela Griffith and he is requesting to start his own, separate towing business.

Commissioner Powers inquired if the 2005 Conditional Use Permit was for a towing business. Ms. Morgan stated it was for the storage of repossessed vehicles and contractor equipment. Commissioner Powers inquired why a Conditional Use Permit for towing is required today if the property has a preexisting towing use. Ms. Morgan stated the current request is for a new, additional towing business.

Commissioner Powers asked if the Zoning Administrator has determined there is a preexisting towing business on the property. Mr. Warren stated Bullet Recovery is the preexisting towing business that has operated on the property for the past twelve years and there was a previous towing company before Bullet Recovery.

Mr. Warren stated Bullet Recovery is the existing towing business operating in Suite B-2 and Tow 360 is requesting to operate from Suite C. Mr. Warren stated he believes the Zoning Administrator has determined a separate, additional towing business requires a new Conditional Use Permit and is not covered by the preexisting status of the first towing business.

Public Hearing on a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District - (continued).

Commissioner Collins stated he did not believe multiple towing businesses could operate from a single property. Commissioner Newell stated she believed the State Police restrict the number of towing business to one property for their registration purposes, but it is not a requirement of Town Code.

Commissioner Powers asked if the businesses would share an impoundment lot. Mr. Griffith stated the impound lots are separated by a fence.

Chairperson Moore requested staff to provide additional information prior to the next meeting. Ms. Morgan stated staff will check with the Police Department regarding noise complaints, inspect the number of inoperable vehicles on the property, verify the status of the nonconforming towing use, verify the number of business licenses registered to the property, and confirm with the Police Department on the allowance of two separate towing businesses.

Commissioner Newell stated she was able to hear the noise from the current towing business from the western side of Circle Drive, S.E.

Commissioner Powers inquired about screening. Ms. Morgan stated staff could provide pictures of the property. Commissioner Johnson asked if Planning Commission would like to make a group visit to the property. Commissioner Powers suggested Planning Commission could make a visit during the first part of the next Planning Commission meeting.

Planning Commission discussed the possibility of a group site visit. Ms. Morgan stated staff will verify the State Code advertising requirements for a site visit and follow-up with Planning Commission.

Chairperson Moore stated Planning Commission will not vote on the Conditional Use Permit request tonight. Chairperson Moore stated the request will be further reviewed and discussed at the next Planning Commission meeting on May 31, 2016. Chairperson Moore noted Planning Commission will make a recommendation to approve/not approve to Town Council, with or without certain conditions. Chairperson Moore noted Town Council will hold a public hearing for this request on June 14, 2016 and encouraged the residents in attendance to continue to participate in the public hearing process.

Other business.

Chairperson Moore introduced the discussion. Commissioner Collins stated he proposed a moment of silence to precede Town Council meetings. Chairperson Moore noted Commissioner Collins initiated the saying of the Pledge of Allegiance before Planning Commission meetings.

Mr. Warren stated staff has been working with the Urban Development Areas (UDA) consultants and hope to receive a draft report from the consultants by the beginning of June. Mr. Warren noted once the draft report is received Planning Commission can move forward with an open house and schedule the public hearings for an amendment to the Comprehensive Plan in order to incorporate the UDA language.

Commissioner Collins noted Town Council hired Mr. Steve Biggs as the new Town Manager.

Commissioner Collins stated a grant was procured to enable the Blacksburg Transit Go Anywhere route to continue to operate.

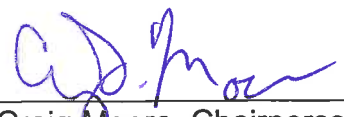
Commissioner Peebles asked if anything has been filed by the owners of 350 Industrial Drive, N.E. since the Board of Zoning Appeals hearing. Mr. Warren confirmed nothing had been received.

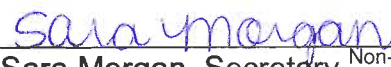
Mr. Warren stated the Board of Zoning Appeals will hold a hearing on May 19, 2016 for a variance request for the Farmhouse restaurant at 285 Ridinger Street, N.W. Mr. Warren stated the variance request is to permit an outdoor dining area and building addition to encroach into the front setback.

Commissioner Collins stated Planning Commission may have the opportunity to revise the I-2 General Industrial District Zoning Ordinance. Mr. Warren stated he believes there is an opportunity to review the industrial sections of the Zoning Ordinance. Mr. Warren stated this may include defining some of the specific uses and clearly defining which uses are permitted by right and which uses require a Conditional Use Permit.

Commissioner Powers stated the backyard chicken course was good, proactive outreach. Mr. Warren stated the Parks and Recreation Department partnered with Virginia Cooperative Extension to put the class together and Will Drake will present on behalf of the Town's Planning Department.

There being no more business, Chairperson Moore adjourned the meeting at 8:00 p.m.

  
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Craig Moore, Chairperson

  
\_\_\_\_\_  
Sara Morgan, Secretary Non-Voting

**Christiansburg Planning Commission  
Minutes of May 31, 2016**

Present: Matthew J. Beasley  
Harry Collins  
David Franusich  
Hil Johnson  
Craig Moore, Chairperson  
T.L. Newell  
Jennifer D. Sowers, Vice-Chairperson  
Sara Morgan, Secretary <sup>Non-Voting</sup>

Absent: Ann Carter  
Virginia Peeples  
Joe Powers

Staff/Visitors: Andrew Warren, Planning Director  
Randy Wingfield, Assistant Town Manager/Zoning Administrator  
Will Drake, staff  
Eric Griffith, Tow 360, LLC  
William Grubb, 409 Roanoke Street

Chairperson Moore called the meeting to order at 7:01 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia.

Public Comment

Chairperson Moore opened the floor for public comment. With no comments, Chairperson Moore closed the floor for public comment.

Site Visit at 409 Roanoke Street – Planning Commissioners will travel to site and conduct visit of the proposed Conditional Use Permit request to be discussed in item #4. Meeting will reconvene at Town Hall after site visit.

Chairperson Moore introduced the discussion. Mr. Warren stated Planning Commission would remain in open meeting during the site visit to 409 Roanoke Street. Planning Commission and staff traveled to 409 Roanoke Street. The property owner, Joe Curtis, was on site.

Mr. Griffith stated activity from the storage units at 405 Roanoke Street generates the noise issues discussed during the previous Planning Commission meeting.

Mr. Warren indicated the general vicinity of the boundary between the R-2 Two-Family Residential District and the B-3 General Business District on the property.

Site Visit at 409 Roanoke Street – Planning Commissioners will travel to site and conduct visit of the proposed Conditional Use Permit request to be discussed in item #4. Meeting will reconvene at Town Hall after site visit - (continued).

Commissioner Collins inquired about the location of the residential areas adjoining the property. Mr. Griffith indicated the placement of the homes on Miller Street, S.E. and Circle Drive, S.E.

Planning Commission viewed the separate impound lots and examined the visibility of the property from Roanoke Street and the adjoining residential properties.

Commissioner Franusich asked if a towing business currently operates on the property. Chairperson Moore stated an existing, grandfathered towing business operates out of Suite B-2 and identified the impound lot utilized by the existing towing business. Mr. Warren stated a Conditional Use Permit is required in order to permit a second towing business to operate on the property.

Vice-Chairperson Sowers asked if a person is living in the recreational vehicle (RV) parked on the property. Mr. Warren stated he was not aware of anyone living in the RV.

Commissioner Newell noted the property had been cleaned since she last viewed it.

Commissioner Johnson inquired if there was a limit on the number of stored vehicles. Ms. Morgan stated there is a limit on the number of inoperable vehicles.

Commissioner Newel inquired about the setbacks for the B-2 Central Business District and B-3 General Business District. Ms. Morgan stated both districts have 0-foot side and rear setback. Ms. Morgan noted the B-2 Central Business District requires a 10-foot setback from the boundary of a residential district and the B-3 General Business District requires a 20-foot setback from the boundary of a residential district.

Planning Commission returned to Town Hall.

Approval of Planning Commission Minutes for May 16, 2016 meeting.

Chairperson Moore introduced the discussion. Commissioner Newell made a motion to approve the May 16, 2016 Planning Commission meeting minutes. Vice-Chairperson Sowers seconded the motion, which passed 5-0. Commissioners Beasley and Franusich abstained as they were not present for the previous meeting.



Discussion on a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District. The public hearing for this item was held at the Planning Commission meeting on Monday, May 16, 2016.

Chairperson Moore introduced the discussion. Ms. Morgan reviewed the memorandum to Planning Commission which provided additional information requested by Planning Commission at the previous meeting.

Commissioner Collins asked if multiple towing businesses are allowed on a single property. Ms. Morgan stated the Police Department allows multiple towing businesses on a single property if the property contains different addresses.

Commissioner Newell inquired about the grandfathered towing business. Mr. Warren stated a towing use is grandfathered on the property. Mr. Warren stated the Conditional Use Permit approved in 2005 permitted the towing of repossessed automobiles and contractor equipment.

Mr. Wingfield stated the repossession business was originally operated by Alpha 2 Omega from 2005-2010. Mr. Wingfield stated Bullet Recovery has operated on the property since 2006. Mr. Wingfield noted Extreme Trucking operated on the property from 2013-2014. Mr. Wingfield stated business license records only extend back to businesses that were active in 2006.

Mr. Wingfield stated there has been a towing business on the property for many years. Mr. Wingfield stated there was a towing business with a fenced lot operating on the property when he began working for Christiansburg in 1998.

Commissioner Newell stated the Conditional Use Permit was for repossession and storage and there have been three businesses operating under the repossession Conditional Use Permit from the date it was approved. Mr. Wingfield stated there have been three businesses operating under the Conditional Use Permit, but not at the same time. Mr. Wingfield stated no more than two businesses have operated on the property at the same time. Mr. Wingfield stated one business was considered grandfathered and the other business operated under the Conditional Use Permit.

Commissioner Collins noted the applicant was highly recommended by Captain Altizer and Sergeant Townley of the Christiansburg Police Department.

Mr. Wingfield stated the 2005 Conditional Use Permit would be considered void as it has not been used for over two years. Commissioner Newell inquired if Bullet Recovery was operating under the Conditional Use Permit. Mr. Wingfield stated Alpha 2 Omega was operating under the Conditional Use Permit and he would consider Bullet Recovery operating as the grandfathered towing business.

Discussion on a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District. The public hearing for this item was held at the Planning Commission meeting on Monday, May 16, 2016 - (continued).

Chairperson Moore read the suggested conditions.

1. This permit shall be valid for a single business to operate a towing service.
2. This permit shall only be valid to the portion of the property zoned B-3 General Business.
3. The property shall be maintained in a clean, sanitary, and sightly manner.
4. All waste petroleum products and/or chemicals shall be disposed of properly and are not to accumulate upon the premises. Provisions shall be made for the capture of leaking petroleum products and/or chemicals.
5. There shall be no storage of vehicles upon the premises except for vehicles left for temporary storage. All vehicles on the property shall have a State inspection decal that is either valid or dated within 90 days of its expiration. Towed vehicles shall remain on-premises no longer than three months.
6. There shall be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
7. There shall be no discernible noises to residential properties in the nearby vicinity between 7:00 p.m. and 7:00 a.m.
8. This permit shall be subject to review by the Planning Commission in one year.

Commissioner Newell inquired about restricting the Conditional Use Permit to a specific suite address. Commissioner Newell noted the State Police requirements presented during the Conditional Use Permit request for a towing service at 980 Roanoke Street appear to differ from the Christiansburg requirements related to the number of allowable towing businesses on a single property. Commissioner Moore stated limiting the Conditional Use Permit to a specific address may restrict the applicant if the business were to move or expand into additional suites on the property.

Commissioner Fransich inquired if the present Conditional Use Permit request would supersede the grandfathered towing business. Mr. Wingfield stated the Conditional Use Permit would not supersede the grandfathered status of the original towing business. Mr. Wingfield noted the existing towing business could continue to operate if the Conditional Use Permit request were denied. Mr. Wingfield noted the grandfathered towing business is not specific to a particular business and if Bullet Recovery were to leave the property another commercial towing service could operate under the grandfathered status if they commenced operations within two years of the current business leaving.

Discussion on a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District. The public hearing for this item was held at the Planning Commission meeting on Monday, May 16, 2016 - (continued).

Mr. Wingfield stated two towing businesses could operate on the property if the Conditional Use Permit were approved. Mr. Wingfield stated if one of the towing businesses ceased operations and was not replaced by another towing business within two years the Conditional Use Permit would be void but the grandfathered towing business could continue. Mr. Wingfield stated he considers Bullet Recovery to be the grandfathered towing business and Tow 360 to be covered under the Conditional Use Permit, but he would need to consult with the Town Attorney.

Planning Commission discussed limiting the Conditional Use Permit to 409 Roanoke Street, Suite C. Mr. Wingfield suggested limiting the Conditional Use Permit to the tow lot designated for 409 Roanoke Street, Suite C.

Commissioner Franusich inquired why Bullet Recovery is grandfathered. Mr. Wingfield stated there has been a towing business operating on the property for decades and it predates the property's rezoning to B-3 General Business.

Mr. Warren stated Town Code distinguishes between a towing service and a repossession business. Mr. Warren noted a large portion of Mr. Griffith's business includes repossession.

Commissioner Newell stated there is an existing grandfathered towing business and there was a 2005 Conditional Use Permit for vehicle repossession which is now void. Mr. Wingfield stated a repossession business on its own does not require a Conditional Use Permit but the associated towing does require a Conditional Use Permit. Commissioner Newell clarified the present Conditional Use Permit is necessary because the 2005 Conditional Use Permit is void.

Commissioner Johnson asked if the entire property would become grandfathered if the grandfathered towing business were to merge with the new towing business. Mr. Wingfield stated the grandfathered towing business uses lot 2-B and lot 2-B would be grandfathered, but not the whole property. Chairperson Moore stated the grandfathered use could not expand and retain its grandfathered status.

Commissioner Newell noted the southern portion of the property zoned R-2 Two-Family Residential is landlocked. Commissioner Newell noted the residential zoning serves as a buffer to the adjacent homes. Commissioner Newell stated the property owner could request a rezoning to B-3 General Business. Commissioner Newell inquired if this would allow the applicant to utilize the entire property for towing under the Conditional Use Permit. Chairperson Moore suggested condition #2 be modified to read "This permit shall only be valid to the portion of the property currently zoned B-3 General Business". Planning Commission agreed.

Discussion on a Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District. The public hearing for this item was held at the Planning Commission meeting on Monday, May 16, 2016 - (continued).

Chairperson Moore asked if Planning Commission would like to consider a screening condition. Commissioner Johnson noted there was a fence along the property. Planning Commission did not feel a screening condition was necessary.

Commissioner Franusich stated he was concerned with the proximity to the homes and the implications to future land use.

Chairperson Moore asked if Planning Commission would like a map to denote the Suite C impound lot to which the Conditional Use Permit applies. Planning Commission agreed to limit the towing area to the gravel portion of the impound lot currently utilized by Suite C and to include an accompany map referenced by this condition. Mr. Griffith stated he was comfortable with this condition.

Commissioner Newell asked if the RV could be addressed. Chairperson Moore stated properly tagged and licensed personal property could be stored on the property. Ms. Morgan noted the Building Department responds to persons permanently living in RV's.

Commissioner Johnson made a motion to recommend Town Council approve the Conditional Use Permit with the drafted conditions, including the addition of the word "currently" to condition #2 noted above and the addition of a condition limiting the towing business to the gravel portion of the Suite C impound Lot with an accompanying map. Commissioner Collins seconded the motion, which passed 5-2. Commissioners Franusich and Newell voted no.

Chairperson Moore stated Planning Commission has recommended Town Council approve the request. Chairperson Moore encouraged the applicant to attend the Town Council meetings.

#### 2017 Capital Improvement Plan – Review and Recommendation

Chairperson Moore introduced the discussion. Mr. Wingfield stated Planning Commission may review the Capital Improvement Plan (CIP) under the Code of Virginia.

Mr. Wingfield stated the department heads provide five-year capital sheets. Mr. Wingfield stated each department head provides their list of proposed capital expenditures with a priority ranking. Mr. Wingfield noted the Administration Department also includes budget items.

2017 Capital Improvement Plan – Review and Recommendation - (continued).

Commissioner Johnson inquired who has final say on the CIP. Mr. Wingfield stated Town Council makes the final decision on the CIP. Mr. Wingfield noted he works with the Town Manager and the Treasurer to produce the draft budget which is brought to the Finance Committee. Mr. Wingfield stated the Finance Committee will fine-tune the budget and bring it before Town Council.

Commissioner Johnson inquired if the CIP is based on previous spending. Mr. Wingfield stated there is a general spending target. Mr. Wingfield stated this year the amount is roughly \$5.5 million and next year is scheduled to be \$5.6 million. Mr. Wingfield stated the Town generally increases the amount each year. Mr. Wingfield noted the spending amount does not include grant or revenue sharing funds.

Commissioner Johnson asked if grant funding has increased year over year. Mr. Wingfield stated grant funding may vary year to year, but the general trend has been an increase in grant funding.

Mr. Warren stated Planning Commission has been asked in previous years to review the CIP and make a finding that the CIP is in accordance with the long range goals of the Comprehensive Plan. Commissioner Beasley made a motion to affirm the 2017 Capital Improvement Plan is in accordance with the Comprehensive Plan. Vice-Chairperson Sowers seconded the motion.

Chairperson Newell stated she has a lot of respect for the effort Town Council, the Finance Committee, and the department heads put into the budget preparation process. Commissioner Newell stated she does not feel involved enough with the information to make an affirmative or negative vote and will abstain from voting. Commissioner Franusich agreed with Commissioner Newell.

Chairperson Moore stated he reviews the goals of the Comprehensive Plan and matches them to the general contributions of the line items in the CIP. Chairperson Moore noted there are line items for water, sewer, sidewalk, and trail improvements. Chairperson Moore noted funds are being allocated to line items that contribute to the goals and objectives of the Comprehensive Plan.

Commissioner Newell noted Planning Commission is receiving this information at the end of the process. Mr. Wingfield noted the State of Virginia does not require a review by Planning Commission and there would not be a penalty if Planning Commission did not pass the motion.

Chairperson Moore stated there may be an opportunity for Planning Commission to review the CIP in greater detail in the future.

2017 Capital Improvement Plan – Review and Recommendation - (continued).

Commissioner Johnson stated a lot of hard work has gone into the CIP but he is not sure if Planning Commission has reviewed it thoroughly enough to affirm it is in line with the Comprehensive Plan.

The motion passed 5-0, with Commissioners Franusich and Newell abstaining.

Chairperson Moore stated he appreciated the feedback. Mr. Warren stated the Planning Department can provide a future analysis of the CIP to highlight its general connections to the Comprehensive Plan.

Commissioner Newell stated the CIP contains items like snow plows with limited use and limited expense and longer-range items that contribute to the strategies and goals of the Comprehensive Plan. Commissioner Newell stated she would like the line item rankings proposed by the department heads to include a connection to the elements of the Comprehensive Plan. Commissioner Newell suggested a summary analysis of the CIP expenditures distributed among the goals and objectives of the Comprehensive Plan.

Mr. Wingfield stated he intends to work with the new Town Manager to develop a five-year outlook of the equipment and projects and will bring this information to Planning Commission. Mr. Warren stated a multi-year CIP outlook would assist future reviews of the CIP.

Commissioner Johnson noted the CIP demonstrates Christiansburg is making wise capital expenditures.

Commissioner Collins stated Mr. Wingfield and Mr. Helms are big proponents of infrastructure projects and the projects support the Comprehensive Plan. Commissioner Newell suggested planning commissioners highlight the amount of grants secured by the town as a way to stretch dollars when looking at the proposed budget items.

Other business

Chairperson Moore introduced the discussion. Mr. Wingfield stated the North Franklin Street/Cambria Street Interchange and North Franklin Street Entrance Consolidation projects were included in the House Bill Two (HB2) draft six-year plan. Mr. Wingfield stated the Connector Route was not included in the draft six-year plan, even though it scored very high. Mr. Wingfield noted the ramp off the 460 Bypass was also included in the draft six-year plan.

Chairperson Moore stated town staff did a superb job with the applications.

Other business - (continued).

Ms. Morgan stated a Conditional Use Permit for Ignite - Life Pacific College is scheduled for the next Planning Commission meeting on June 20, 2016. Ms. Morgan noted the B-2 Central Business District requires a Conditional Use Permit for classrooms and libraries. Ms. Morgan noted the Conditional Use Permit is on an accelerated schedule and Planning Commission and Town Council are both scheduled to hold their public hearing and decision on the same night of their respective meetings.

Ms. Morgan stated an Urban Development Areas (UDA) Open House is scheduled for June 20, 2016. Ms. Morgan noted the Open House will be held before the Planning Commission meeting, with the location and exact time to be determined. Ms. Morgan noted the Recreation Center is a possible location. Mr. Warren stated the UDA consultant will prepare conversational boards and staff is looking to schedule the open house from 3:00-6:00 p.m.

Commissioner Newell asked if the Open House will be marketed to the community. Mr. Warren stated staff will work with the Public Relations Director to publicize the event.

There being no more business, Chairperson Moore adjourned the meeting at 8:43 p.m.

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Craig Moore, Chairperson

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Sara Morgan, Secretary <sup>Non-Voting</sup>