



## AGENDA

REGULAR MEETING OF TOWN COUNCIL  
CHRISTIANSBURG TOWN HALL  
100 EAST MAIN STREET  
JUNE 9, 2020 – 7:00 P.M.

*(The meeting will be livestreamed on Facebook)*

Declarations of Emergency have been made at all levels of government including the Town of Christiansburg. During a declared disaster, the Code of Virginia requires and allows governing bodies of localities and other public entities to conduct their meetings in manners which are consistent with providing continuity of government and in a safe and healthy manner, and for the public safety, health and welfare for the governing body and all attendees/interested parties consistent with open government. The COVID-19 virus makes it impractical and unsafe for Christiansburg Town Council to physically assemble in one location. The virus also makes it impractical and unsafe, as well as potentially life threatening, for the public, and the Town staff, to gather in the same location. As a result, the meeting will be conducted virtually. The Council members and any necessary staff will join the meeting via electronic communications without a quorum of Town Council physically assembled at one location pursuant to, and authorized by, Code of Virginia § 2.2-3708.2(A)(3) and the Continuity of Government Ordinance passed by Christiansburg Town Council on March 24, 2020. The meeting will be streamed live on the Town of Christiansburg's Facebook page at [www.facebook.com/cburgvagov](https://www.facebook.com/cburgvagov) and will be uploaded to the Town's YouTube page once the meeting concludes. Members of the public can also call into the meeting using one of these phone numbers: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799. Webinar ID: 843 4259 3761. Members of the public who join the meeting will be in listen-mode only. If you would like to submit public comment, please email [info@christiansburg.org](mailto:info@christiansburg.org) with your full name, address and comments prior to 6 p.m. on Tuesday, June 9, 2020.

### REGULAR MEETING

#### I. CALL TO ORDER

- A. Moment of Reflection
- B. Pledge of Allegiance

#### II. ADJUSTMENT OF THE AGENDA

#### III. PUBLIC HEARINGS (none)

#### IV. CONSENT AGENDA

- A. [Approval of Minutes of May 26, 2020](#)
- B. [Approval of Change Order #2 totaling \\$293,320.58 for FY 2020 Primary Extension and Annual Paving.](#)
- C. [Resolution of Support for Projects and Use of Bond Financing by the New River Valley Regional Water Authority.](#)
- D. Schedule a Public Hearing on July 28, 2020 for a rezoning request by Caldwell Construction (applicant) for property owned by Sandra Hawks and Janice Blevins et al, located between the eastern and western terminus of Vinnie Avenue, N.W. (100 Vinnie Avenue N.W., tax map no. 435-A-45). The request is to rezone the approximately 4.52 acre parcel from R-1A Rural Residential to R-1 Single-Family Residential. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.
- E. Schedule a Public Hearing on July 28, 2020 for a Conditional Use Permit request – contingent on the preceding request – by Caldwell Construction (applicant) for property owned by Sandra Hawks and Janice Blevins et al, for a planned housing development to consist of single-family homes at a density of development not to exceed 4.3 units per acre located between the eastern and western terminus of Vinnie Avenue, N.W. (100 Vinnie Avenue N.W., tax map no. 435-A-45) in the R-1, Single-Family Residential District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

**V. INTRODUCTIONS AND PRESENTATIONS**

**VI. CITIZEN COMMENTS**

**VII. COMMITTEE REPORTS**

**VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL**

- A. [Resolution to adopt the personal property tax rate for FY 2020 -2021](#)
- B. [Resolution to adopt the real estate tax rate for FY 2020 – 2021](#)
- C. [Resolution to adopt the Annual Budget FY 2020-2021](#)
- D. [Resolution to appropriate budgeted funds for FY 2020 – 2021](#)
- E. [Appointment of Dr. Sharon Scott as at-large representative to the Montgomery Regional Solid Waste Authority for a four-year term beginning July 1, 2020. Al Bowman has asked to not be reappointed as the at-large representative after 25 years of service on the Board.](#)
- F. [Discussion of potential immediate Town actions to alleviate stormwater issues in the College Street area.](#)

G. Discussion of potential closed meeting in accordance with Code of Virginia § 2.2-3711 (A)(1) in regards to Town Council members and the Code of Ethics.

IX. STAFF REPORTS

- A. Town Manager
- B. Town Attorney
- C. Other Staff

X. COUNCIL REPORTS

XI. OTHER BUSINESS

XII. ADJOURNMENT

Upcoming meetings of Council:

June 23, 2020, 7:00 P.M. – Regular meeting

July 14, 2020, 7:00 P.M. – Regular meeting

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
REGULAR MEETING MINUTES  
MAY 26, 2020 – 7:00 P.M.**

Declarations of Emergency have been made at all levels of government including the Town of Christiansburg. During a declared disaster, the Code of Virginia requires and allows governing bodies of localities and other public entities to conduct their meetings in manners which are consistent with providing continuity of government and in a safe and healthy manner, and for the public safety, health and welfare for the governing body and all attendees/interested parties consistent with open government. The COVID-19 virus makes it impractical and unsafe for Christiansburg Town Council to physically assemble in one location. The virus also makes it impractical and unsafe, as well as potentially life threatening, for the public, and the Town staff, to gather in the same location. As a result, the meeting was conducted virtually via Zoom. The Council members and any necessary staff joined the meeting via electronic communications without a quorum of Town Council physically assembled at one location pursuant to, and authorized by, Code of Virginia § 2.2-3708.2(A)(3) and the Continuity of Government Ordinance passed by Christiansburg Town Council on March 24, 2020.

The meeting will be streamed live on the Town of Christiansburg's Facebook page at [www.facebook.com/cburgvagov](https://www.facebook.com/cburgvagov) and will be uploaded to the Town's YouTube page once the meeting concludes. Members of the public can also call into the meeting using one of these phone numbers: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799. Webinar ID: 865 4512 1983. Members of the public who join the meeting by phone will be in listen-mode only.

The public may submit comments by any of the following means:

- Online at [www.christiansburg.org/publichearings](http://www.christiansburg.org/publichearings).
- By e-mail to [info@christiansburg.org](mailto:info@christiansburg.org).
- By voicemail at (540) 382-6128 ext. 1109.
- By mail to Town Hall, ATTN: Town Council (please allow adequate mailing time).
- By using the Town Hall drop box and labeling your comments for ATTN: Town Council.

In order for Town Council to receive submitted comments prior to the meeting and for the comments to be reflected in the minutes, comments must be submitted by 6 p.m. on May 26, 2020. Please provide your full name and address. You may also sign up to speak live during the meeting through means of electronic communication at [www.christiansburg.org/publichearings](http://www.christiansburg.org/publichearings) by 6 p.m. on May 26, 2020.

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY,  
CHRISTIANSBURG, VA. WAS HELD ELECTRONICALLY VIA ZOOM ON MAY 26, 2020 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Merissa Sachs; Samuel M. Bishop; Johana Hicks; Steve Huppert; Henry Showalter; Bradford J. Stipes. ABSENT: None

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Reid Broughton; Finance Director Val Tweedie; Police Chief Mark Sisson; Rescue Chief Joe Coyle.

I. CALL TO ORDER

- A. Moment of Reflection. Mayor Barber recognized Memorial Day and asked those participating to remember our veterans and those who gave their lives while serving the country.
- B. Pledge of Allegiance.

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

- A. Annual Budget for FY 2020 – 2021.

Finance Director Val Tweedie and Town Manager Wingfield provided a brief presentation on the \$49.7 million annual budget and highlighted the changes per Council direction. Ms. Tweedie noted that the economic outlook with regards to COVID-19 impacts was better than expected due to strict controls over expenditures by removing all non-essential items and the expectation that projected revenues will be met. Ms. Tweedie provided an overview of the capital projects that remained in the budget, community support as directed by Council, and the assigned/unassigned fund balance which was high at 42.26%. Ms. Tweedie recommended leaving the fund balance as is due to the uncertainty of COVID-19. Councilwoman Hicks asked why the Marketplace stormwater pond was given priority over other infrastructure needs in Town. Town Manager Wingfield responded that the \$1.38 million was offered as an incentive to primarily relocate the entrance to align with the intersection of North Franklin and Shoppers Way. The stormwater retention pond already existed on the property. Ms. Hicks then asked about the recently proposed residential use of the property, and Mr. Wingfield noted that any residential use would require a Conditional Use Permit. Councilman Showalter asked that discussion be directed back to the annual budget. Councilman Huppert commented he was impressed with the meals tax revenue received and projections for lodging, considering the economic impacts of COVID-19, and noted that several restaurants in Christiansburg have decided to permanently shut-down.

- B. Lease agreement with Fiber Technologies Solutions, LLC for 415 Cambria Street, N.W. Town Manager Wingfield provided Council with a brief overview of the details of the lease agreement, which was included in the agenda packet for review. Councilwoman Hicks made a motion to amend the agenda to include Council action on this matter, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

IV. CONSENT AGENDA

- A. Approval of Minutes of May 12, 2020
- B. Monthly Bill List
- C. Approval of Change Order #4, totaling \$113,766.85, for Huckleberry Trail Phase III Project.
- D. Schedule Public Hearings as follows:

June 23, 2020

- Rezoning request by Magnolia Point Community, LLC (applicant) for property owned by International Church of the Foursquare Gospel A CA Corp, located northeast of the intersection of Peppers Ferry Road NW and New Village Drive NW (tax map no. 434-A-8A). The request is to rezone the approximately 9.14 acre property from A, Agricultural to R-3, Multi-Family Residential with proffers. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.
- Conditional Use Permit request – contingent on the preceding item – by Magnolia Point Community, LLC (applicant) for property owned by International Church of the Foursquare Gospel A CA Corp for a planned housing development to consist of multi-family dwellings and townhomes at a density of development of approximately 16 units per acre on property located northeast of the intersection of Peppers Ferry Road NW and Village Drive NW (tax map no. 434-A-8A) in the R-3, Multi-Family Residential District.
- Street vacation request by Gay and Neel, Inc. for an ordinance to vacate an approximately 0.12 acre portion of right-of-way along the east side of N. Franklin Street, located adjacent to the intersection of N. Franklin Street and Akers Farm Road, N.E. The portion of right-of-way adjoins 100 Akers Farm Road, N.E. (tax map no. 466-22-1).

July 14, 2020

- Rezoning request by the Montgomery County School Board for property located at 208 College Street NW (tax map no. 526-A-175). The request is to rezone the property from R-2, Two-Family Residential to B-3, General Business. The property is designated as Downtown / Mixed-use on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.
- Conditional Use Permit request – contingent on the preceding item – by the Montgomery County School Board for property located at 208 College Street NW (tax map no. 526-A-175). The request is for a commercial garage / maintenance shop and contractor storage yard in the B-3, General Business District.
- Rezoning request by Golden Triangle Development, LLC for a 2 acre property (tax map no. 530-2-87C) located north of Glade Drive SE and south of Interstate 81, adjacent to the Reagan's Pointe Subdivision. The request is to rezone the property from A – Agricultural to R-3, Multi-Family Residential. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

- Conditional Use Permit request – contingent on the preceding request – to amend the approved planned housing development for the Reagan's Pointe Subdivision. The request is to modify the approved development plan in order to allow nine additional single-family dwellings to be constructed within the development, a portion of which will be located on tax map no. 530-2-87C, in the R-3, Multi-Family Residential District.

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

## V. INTRODUCTIONS AND PRESENTATIONS

## VI. CITIZEN COMMENTS

- A. Brian Hendricks, 840 College Street, Christiansburg, VA 24073 (submitted May 26 via our online public comment form).

*"Given the damaging flooding this weekend along College Street (and other locations), what is going to be done to address the storm-water issues in that area. While the ground was already saturated and the storm was quick and intense, this is not a one-time experience and needs to be addressed. I have lived on College St. for 8 years and have seen similar events several times throughout the years. Why is the drainage from Main Street being released through people's yards, including mine, where it then funnels downhill and meets up with the already overflowing College Street drainage to flood out yards, basements, and houses regularly? The system in place clearly can't handle what is being fed to it with disastrous consequences."*

- B. Barbara Haley, 962 College Street, Christiansburg, VA 24073 (submitted May 26 via our online public comment form).

*"I would like to know what is going to be done regarding the flood problem every time it rains. The evergreens that border 960 College St and 962 College St are dead. I would be interested in knowing what is coming from the storm drain on Main St. My neighbors all have water in their basements from all of the fancy last week and from Sunday's storm. There is also standing water in the downstairs of my son's house. I have called the public works dept regarding the standing water but nothing gets done about it."*

Mayor Barber noted that he had contacted Police Chief Sisson and Fire Chief Hanks to address the concerns expressed in Barbara Haley's comments.

Town Manager Wingfield shared a spreadsheet that outlined stormwater projects completed and future projects that included many projects that alleviate stormwater issues on College Street and surrounding areas. Mayor Barber suggested discussing expediting planned projects that impact College Street, and Council agreed to discuss that action in the fall with the anticipated budget amendment.

## VII. COMMITTEE REPORTS

## VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

- A. Lease agreement with Fiber Technologies Solutions, LLC for 415 Cambria Street, N.W. Councilwoman Sachs made a motion to authorize Town Manager Wingfield to execute the lease agreement as presented. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

## IX. STAFF REPORTS

- A. Town Manager:

- B. Town Attorney:

- C. Other Staff:

- Police Chief Mark Sisson and Rescue Chief Joe Coyle reported on ongoing activities and efforts of the New River Valley Public Health Task Force to address public health and safety during the COVID-19 pandemic. Chief Sisson reported that 2,500 tests had been administered, with 69 positive in Montgomery County, with 12 hospitalizations and one death. Chief Sisson noted that was a 3.9% positive rate, which was much lower than the state average, and he applauded the efforts of the community in slowing the spread of the virus. The NRV Public Health Task Force is currently working with Senator Tim Kaine regarding appropriate distribution of the funding the county received through the CARES Act. Funding was issued for COVID-19 recovery only, however, Chief Sisson asked Senator Kaine to consider allowing a portion of the funds to be used for economic recovery. Chief Sisson encouraged all citizens and businesses to follow the Governor's guidelines in matters concerning COVID-19. Rescue Chief Joe Coyle reported that emergency call volume had decreased by 12%, which he believed may be due to fears of COVID-19 exposure, and he urged anyone sick to seek medical attention. Chief Coyle reported that local emergency responders were adequately stocked with PPE, and announced the rescue squad had recently received an American Heart Association Award in recognition of the speed in which the squad gets medical care to heart attack patients. Town Manager Wingfield noted that the Town would seek reimbursement for all PPE under the CARES Act.
    - Finance Director Val Tweedie brought attention that the 90-day period associated with the Council action to forgo penalty and interest with utility billing was at an end and the Town would begin water shut-off for non-payment on June 24<sup>th</sup>, and noted that approximately 875 residents had not paid one or more bills in recent months. Councilman Bishop asked if the Town provided reminders of past due accounts and Ms. Tweedie responded that past due notice was given on water bills and residents in default were encouraged to contact the Town to avoid water shut-off.

## X. COUNCIL REPORTS

- A. Councilman Stipes expressed sympathy for residents affected by the recent flooding in town, and offered reassurance that the Town cared about them and was prioritizing projects to address the needs in Town. Mr. Stipes talked about the problems that contributed to the flooding and noted

the need to revisit the project prioritization. Mr. Stipes then thanked Councilman Huppert for his letter in the newspaper expressing support for the Town park for the health of the public, and commented that, over time, recreation measures that were initially criticized were later embraced by the community, and he believed the park would be no different.

- B. Councilman Showalter echoed the comments of Councilman Stipes regarding the recent flooding event and noted Council was looking forward to feedback from Town staff at the end of the first quarter in hopes of expediting the College Street and/or Phelgar Street capital improvement projects. Mr. Showalter requested that Town staff present options at the next council meeting for temporary flood control measures that could be considered for these two areas until permanent work could be completed. Councilman Showalter commended Councilman Huppert on his letter in the newspaper that focused on the benefits of recreation on the overall health of the community, and he concluded by thanking first responders for their efforts to support the community during the COVID-19 crisis.
- C. Councilman Huppert expressed appreciation for the comments about his letter in the newspaper. He then talked about the impact the COVID-19 crisis has had on businesses and he encouraged everyone to support all businesses upon reopening.
- D. Councilman Bishop agreed with previous comments regarding the recent flooding event and stressed that the infrastructure deficiencies impacting Hillcrest, College, Phlegar, and other streets, needed to be addressed immediately. He then saluted first responders for their support of the community and efforts to keep the community safe.
- E. Councilwoman Sachs echoed comments previously made with regard to the recent flooding and Councilman Huppert's letter in the newspaper. In addition, Ms. Sachs noted the recent loss of Dorothy Hawley, and icon in Christiansburg as owner of Country Kitchen. She then thanked local business, Sign-a-Rama, for working with Montgomery County Public Schools in regards to the Christiansburg High School 2020 graduate yard signs placed at the high school.
- F. Councilwoman Hicks thanked Chief Sisson, Chief Coyle and Chief Hanks for their service, especially during the recent flooding event, and offered condolences to the family who lost their dog to flooding. She then talked about the recreation closures, and noted that she did not support spending money on the Marketplace stormwater pond, but supported any measures that could be taken to prevent the flooding recently experienced in Town. Mrs. Hicks commended Ms. Tweedie on the draft budget and thanked first responders and individuals staying home during the COVID-19 crisis.
- G. Mayor Barber echoed the comments above regarding the recent flooding and expressed appreciation for all that the first responders were doing to keep the community safe and informed during this time.

## XI. OTHER BUSINESS

## XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:14 P.M.



**TOWN OF CHRISTIANSBURG  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**  
Consent Agenda

**Meeting Date:**  
June 9, 2020

**ITEM TITLE:**  
Approval of Change Order #2 totaling \$293,320.58 for FY 2020 Primary Extension and Annual Paving.

**DESCRIPTION:**  
Change Order #2 for the Primary Extension and Annual Paving, 2020 awarded to Boxley Materials Company.

**POTENTIAL ACTION:**  
Approve Change Order #2 and authorize the Town Manager to execute the change order for the subject work.

**DEPARTMENT:**  
Engineering

**PRESENTER:**  
Wayne Nelson

**ITEM HISTORY:**  
The Primary Extension and Annual Paving 2020 included Radford Street, portions of North Franklin Street, Windsong Lane NW, Beaver Drive NW, Tall Oak Boulevard NW, and Oak Tree Boulevard NW. Bids received were less than anticipated and additional funding is available to pave more local streets. These streets include portions of Stafford Drive NW, Alexa Lane NW, Buffalo Drive NW, and Lynn Drive NW. The provided Change Order #2 is an approximation of the total cost for these streets and is subject to Contractor acceptance. The contract will also be extended for an additional 30 days to complete these streets.

**Date:** **Action Taken:**

**Information Provided:**  
Draft Change Order #2

**Change Order No. \_\_\_\_\_**

Date of Issuance: 6/2/2020  
 Owner: Town of Christiansburg  
 Contractor: Boxley Material Company  
 Engineer:  
 Project: Primary and Annual Paving, 2020

Effective Date: 6/2/2020  
 Owner's Contract No.: IFB #20-0014  
 Contractor's Project No.:  
 Engineer's Project No.:  
 Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Change Order #002 is being created to establish estimated quantities for paving additional local streets to include Alexa Ln, Buffalo Dr, Lynn Dr, and portions of Stafford Dr. Existing contract work shall be completed by June 30, 2020. Additional work identified in Change Order #002 shall be completed by July 31, 2020.

Attachments: *Estimated Quantities Spreadsheet*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price:  \$ 995,089.55	Original Contract Times: Substantial Completion: <u>June 30, 2020</u> Ready for Final Payment: <u>June 30, 2020</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> :  \$ 81,290.91	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order:  \$ 1,076,380.46	Contract Times prior to this Change Order: Substantial Completion: <u>June 30, 2020</u> Ready for Final Payment: <u>June 30, 2020</u> days or dates
[Increase] [Decrease] of this Change Order:  \$ 293,320.58	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>July 31, 2020</u> Ready for Final Payment: <u>July 31, 2020</u> days or dates
Contract Price incorporating this Change Order:  \$ 1,369,701.04	Contract Times with all approved Change Orders: Substantial Completion: <u>July 31, 2020</u> Ready for Final Payment: <u>July 31, 2020</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Title: _____ Date: _____	By: _____ Title: _____ Date: _____	By: _____ Title: _____ Date: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title: \_\_\_\_\_

**Boxley Unit**

<b>Items</b>	<b>Price</b>	<b>Est. Quantity</b>	<b>Est. Price</b>
AGGR. MATL. NO. 21A (DRESS SHOULDERS*)	\$ 37.33	326	\$ 12,169.58
ASPHALT CONCRETE TY. SM-9.5D	\$ 108.09	2,280	\$ 246,445.20
ASPHALT CONCRETE TY. BM-25.0A	\$ 107.39	35	\$ 3,758.65
FLEX. PAVE. TIE-IN PLANING	\$ 5.45	1,220	\$ 6,649.00
FLEX. PAVE PLANING 0"-2"	\$ 5.19		\$ -
NS TOPSOIL	\$ 87.07	45	\$ 3,918.15
PERMANENT SEED	\$ 19.00	20	\$ 380.00
TY.B CL.I PAVE. LINE MARK.4"	\$ 0.75		\$ -
TY.B CL.II PAVE. LINE MARK.24"	\$ 15.57		\$ -
NS DEEP MILL(UP TO 4")	\$ 11.74		\$ -
NS DEEP MILL(UP TO 8")	\$ 47.63		\$ -
TEMP. PVMT MRKG, TY. A, 4"	\$ 0.18		\$ -
REMOBILIZATION	\$ 10,000.00	2	\$ 20,000.00
			\$ 293,320.58



**TOWN OF CHRISTIANSBURG  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**  
Consent Agenda

**Meeting Date:**  
June 9, 2020

**ITEM TITLE:**  
Resolution of Support for Projects and Use of Bond Financing by the New River Valley Regional Water Authority

**DESCRIPTION:**  
This resolution recognizes Council's adopted resolution approving the Second Amended and Restated Water Agreement on October 22, 2019 which approved the joinder of Montgomery County to the New River Valley Regional Water Authority. This committed the Town to purchase its potable water as required from the Authority at the rates and charges permitted by law. Furthermore, it recognizes that the Authority is working with the Virginia Resources Authority ("VRA"), as administrator of the Virginia Water Supply Revolving Fund, to purchase the Authority's Tax-Exempt Water System Revenue Bond, Series 2020 to pay for the NRV Regional Water Authority Water Treatment Plant Upgrade. The principal amount will not exceed \$36,928,000 and mature no later than December 31, 2055. Also the interest will not be greater than 2.5 percent per year.

As a reminder the bonding will finance the complete refurbishment and upgrade of the Authority's Water Treatment Plant on Peppers Ferry Road-- which was constructed in the 1950s and last significantly upgraded in the 1970s--and other improvements of the Authority's water system. The VRA asks that all members of the Authority affirm its support for the project.

**POTENTIAL ACTION:**  
Motion to Approve.

**DEPARTMENT(S):**  
Administration

**PRESENTER:**  
Randy Wingfield, Town Manager

**INFORMATION PROVIDED:**  
Draft Resolution

**RESOLUTION OF SUPPORT FOR PROJECTS AND USE OF BOND FINANCING BY  
THE NEW RIVER VALLEY REGIONAL WATER AUTHORITY**

**WHEREAS**, on October 22, 2019, the Town Council of the Town of Christiansburg, Virginia (the “Council”), adopted its resolution approving the Second Amended and Restated Water Agreement (the “Water Agreement”), by which it approved the joinder of Montgomery County to the New River Valley Regional Water Authority (the “Authority”), and agreed to purchase its potable water requirements from the Authority at such rates and charges as may be set in accordance with law; and

**WHEREAS**, the Authority has received a commitment from the Virginia Resources Authority (“VRA”), as administrator of the Virginia Water Supply Revolving Fund, to purchase the Authority’s Tax-Exempt Water System Revenue Bond, Series 2020 (the “Local Bond”), in order to finance the below-defined Project; and

**WHEREAS**, the Local Bond will be in a principal amount not to exceed \$36,928,000, shall mature no later than December 31, 2055, and shall bear interest (also referred to as a “Cost of Funds”) not to exceed 2.5 percent per year (the “Parameters”); and

**WHEREAS**, the Local Bond will provide funds to finance (i) the NRV Regional Water Authority Water Treatment Plant Upgrade, which will include a complete refurbishment and upgrade of the Authority’s Water Treatment Plant, which was constructed in the 1950s and last significantly upgraded in the 1970s, and (ii) other improvements of the Authority’s water system, including costs of issuance (collectively the “Project”); and

**WHEREAS**, the Council has been asked by VRA, along with the other parties to the Water Agreement, to adopt and provide a resolution affirming its support of the acquisition, construction, equipping, occupation, operation, and use of the Project and the issuance of the Local Bond by the Authority.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Christiansburg, Virginia, affirms its support of the acquisition, construction, equipping, occupation, operation, and use of the Project and the related issuance of the Local Bond by the Authority, subject to the Parameters; and

**BE IT FURTHER RESOLVED**, that the Secretary of the Council is authorized and directed to certify copies of this Resolution to the Authority and VRA, and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon its adoption.

June \_\_, 2020



**TOWN OF CHRISTIANSBURG  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:** Discussion/Action by Mayor and Council      **Meeting Date:** 6-09-2020

**ITEM TITLE:**

**Resolution to adopt ordinance setting the personal property tax rate for calendar 2020 at 45 cents per \$100**

**DESCRIPTION:**

Each year the Town Council must set and approve the tax rate to be assessed on personal property. There is no change in the rate from prior years. The tax rate is to be set at 45 cents per \$100 of assessed value.

**POTENTIAL ACTION:**

Approval of resolution to adopt ordinance setting the personal property tax rate for calendar year 2020 at 45 cents per hundred.

**DEPARTMENT:** Finance

**PRESENTER:** Val Tweedie

**ITEM HISTORY:**

The tax rate for personal property has been set at 45 cents per hundred since 1988. The rate will remain unchanged.

AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA, HELD AT THE CHRISTIANSBURG TOWN HALL ON JUNE 9, 2020 AT 7:00 PM

**AN ORDINANCE TO PROVIDE FOR THE ANNUAL LEVY ON ALL TAXABLE TANGIBLE PERSONAL PROPERTY AND MACHINERY AND TOOLS IN THE TOWN OF CHRISTIANSBURG; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the annual levy of a tax on tangible personal property and machinery and tools in the Town of Christiansburg is necessary to provide for the daily operation of various municipal departments and services, and the payment of municipal debt and interest thereon; and

**WHEREAS**, the annual levy is made each year at the same time the budget is adopted and becomes effective for the current calendar year and payable in December; and

**WHEREAS**, the personal property tax on motor vehicles, trailers, semi-trailers, and boats is prorated based upon the period of ownership during the calendar year;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Christiansburg, Virginia, that:

1. The tax levy for calendar year 2020 on all taxable tangible personal property and machinery and tools in the Town of Christiansburg shall be **\$0.45 per \$100 of assessed value**.
2. The amount of the tax levy is unchanged from the previous year.
3. If any part of this Ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.
4. This Ordinance shall take effect July 1, 2020.

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 June 9, 2020, 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:

Aye                    Nay                    Abstain                    Absent

Mayor D. Michael Barber\*

Samuel M. Bishop

Johana Hicks

Steve Huppert

Merissa Sachs

Henry D. Showalter

Bradford J. Stipes

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

ORDINANCE NO. \_\_\_\_\_

SEAL:

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Michele M. Stipes, Town Clerk

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D. Michael Barber, Mayor



**TOWN OF CHRISTIANSBURG  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:** Discussion/Action by Mayor and Council

**MEETING DATE:** 06-09-2020

**ITEM TITLE:**

**Resolution to adopt ordinance setting the real estate tax rate for calendar 2020 at 16 cents per \$100**

**DESCRIPTION:**

Each year the Town Council must set and approve the tax rate to be assessed on real estate. The tax rate will remain unchanged at 16 cents per \$100 of assessed value.

**POTENTIAL ACTION:**

Approval of resolution to adopt ordinance setting the real estate tax rate for calendar year 2020

**DEPARTMENT:** Finance

**PRESENTER:** Val Tweedie

**ITEM HISTORY:**

No public hearing was required, as the tax rate will remain the same as last year.

ORDINANCE NO. \_\_\_\_\_

AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA, HELD AT THE CHRISTIANSBURG TOWN HALL ON JUNE 9, 2020 AT 7:00 PM

**AN ORDINANCE TO PROVIDE FOR THE ANNUAL LEVY ON TAXABLE REAL ESTATE IN THE TOWN OF CHRISTIANSBURG; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the annual levy of a tax on all taxable real estate and mobile homes in the Town of Christiansburg is necessary to provide for the daily operation of various municipal departments and services, and the payment of municipal debt and interest thereon; and

**WHEREAS**, the annual levy is made each year at the same time the budget is adopted and becomes effective for the current calendar year and payable in December; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Christiansburg, Virginia, that:

1. All taxable real property and improvements and mobile homes located in the Town of Christiansburg shall be assessed at 100% of fair market value and the Town's tax levy shall be **\$0.16 per \$100 of assessed value** effective for calendar year 2020.
2. The amount of the tax levy is unchanged from the previous year.
3. If any part of this Ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.
4. This Ordinance shall take effect July 1, 2020.

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 June 9, 2020, 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>
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Mayor D. Michael Barber\*  
Samuel M. Bishop  
Johana Hicks  
Steve Huppert  
Merissa Sachs  
Henry D. Showalter  
Bradford J. Stipes

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

ORDINANCE NO. \_\_\_\_\_

SEAL:

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Michele M. Stipes, Town Clerk

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D. Michael Barber, Mayor

**RESOLUTION NO. \_\_\_\_\_**

AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA, HELD AT THE CHRISTIANSBURG TOWN HALL ON JUNE 09, 2020 AT 7:00 PM

**A RESOLUTION ADOPTING A BUDGET FOR THE TOWN OF CHRISTIANSBURG, VIRGINIA, FOR FISCAL YEAR 2021; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Virginia Code § 15.2-2503 provides that the Town Council must approve a budget for fiscal planning purposes each year that includes a complete and itemized plan of all estimated revenues, contemplated expenditures, and estimate borrowing; and

WHEREAS, Town staff prepared a proposed budget titled “Town of Christiansburg Budget, FY 2020-2021,” for the fiscal year beginning July 1, 2020 and ending June 30, 2021 (“FY 2021 Budget”), which was the subject of a duly advertised public hearing held on May 26, 2020, and was considered and discussed by Town Council through a series of budget work sessions; and

WHEREAS, the budget includes implementation of the approved real estate tax rate, personal property tax rate duly adopted by ordinance on 06-09-2020 as well as water, sewer, garbage, storm water, permits and other fees to remain unchanged as delineated in the budget document;

WHEREAS, Town Council is of the opinion that the Town government can operate for the twelve month period beginning July 1, 2020 and ending June 30, 2021, with the revenues and expenditures in the FY 2021 Budget;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Christiansburg that:

1. The FY 2021 Budget is hereby approved and adopted in its entirety. A summary of the FY 2021 Budget is attached hereto as Exhibit A.
2. Amendments to the adopted FY 2021 Budget may be enacted by Town Council by resolution from time to time.
3. The Town Manager is hereby authorized and directed to take all appropriate administrative action necessary and prudent to implement this Resolution.
4. If any provision of this Resolution is declared invalid, the decision shall not affect the validity of the Resolution as a whole or any remaining provisions of the Resolution.
5. This Resolution shall become effective July 1, 2020.

Upon motion for approval and a call for an aye and nay vote on the foregoing Resolution at a regular meeting of the Council of the Town of Christiansburg, Virginia held June 09, 2020, 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:

Aye

Nay

Abstain

Absent

Mayor D. Michael Barber\*

Samuel M. Bishop

Johana Hicks

Steve Huppert

Merissa Sachs

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

Exhibit A to Budget Resolution

REVENUE

Revenue General Fund	\$28,775,873
Use of Carryover General Fund	3,397,197
Use of reserves	2,235,000
Cemetery Fund	86,000
Special Revenue Fund	1,435,437
Special Revenue Fund Carryover	429,876
Capital Project Funds	2,848,425
Capital Project Funds Carryover	
Water and Sewer Enterprise Fund	11,162,500
Use of Carry over Water and Sewer	1,844,128
Revenue Storm Water Utility Fund	1,390,500
<u>Use of Carry over storm water fund</u>	348,820
<b>Total Revenue/Sources</b>	<b>\$53,953,756</b>

APPROPRIATIONS

General Fund	\$ 27,808,653
General Fund Capital Acquisitions	4,343,269
Cemetery Fund	261,949
Cemetery Fund Capital Acquisitions	23,000
Cemetery Perpetual Care	35,500
Capital Project Funds	4,870,124
Special Revenue Fund	1,865,313
Water and Sewer Enterprise	8,979,897
Water and Sewer Enterprise Capital Acquisitions	4,026,731
Storm Water Utility Enterprise	778,280
<u>Storm Water Utility Enterprise Capital Acquisitions</u>	961,041
<b>Total Expenditures/appropriations</b>	<b>\$ 53,953,756</b>

Full budget document is available on the website.

**RESOLUTION NO. \_\_\_\_**

AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA, HELD AT THE CHRISTIANSBURG TOWN HALL ON JUNE 09, 2020 AT 7:00 PM

**A RESOLUTION APPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2021 ALL FUNDS BUDGETED FOR EXPENDITURE IN THE FISCAL YEAR 2021 BUDGET; REAPPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2021 ALL CAPITAL IMPROVEMENT PROJECT FUNDS APPROPRIATED IN FISCAL YEAR 2020 BUT NOT EXPENDED IN FISCAL YEAR 2020; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Council adopted a budget for the fiscal year beginning on July 1, 2020 and ending on June 30, 2021 (“FY 2021 Budget”); and

WHEREAS, pursuant to Virginia Code § 15.2-2506, the Town Council must also take action to appropriate all funds to be expended each fiscal year before the Town may obligate or expend such funds; and

WHEREAS, the Town must spend all appropriated funds in the same fiscal year they were appropriated, unless Town Council votes to re-appropriate such unspent funds for expenditure in the following fiscal year; and

WHEREAS, the Town Council appropriated for expenditure in fiscal year 2020 certain capital improvement funds that were not fully expended in fiscal year 2020, therefore, Town Council desires to re-appropriate such funds for expenditure in fiscal year 2021;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Christiansburg that:

1. The budgeted expenditures in each fund category, as reflected in the FY 2021 Budget, are hereby appropriated for expenditure in fiscal year 2021.
2. Certain capital improvement project funds that were appropriated for expenditure in fiscal year 2020 but not spent in fiscal year 2020 are hereby re-appropriated for expenditure in fiscal year 2021, as set forth in the FY 2021 Budget.
3. Supplemental appropriations may be enacted by the Town Council from time to time.
4. The Town Manager is hereby authorized and directed to take all appropriate administrative action necessary and prudent to implement this Resolution.
5. If any provision of this Resolution is declared invalid, the decision shall not affect the validity of the Resolution as a whole or any remaining provisions of the Resolution.
6. This Resolution shall become effective July 1, 2020.

Upon motion for approval and a call for an aye and nay vote on the foregoing Resolution at a regular meeting of the Council of the Town of Christiansburg, Virginia held June 09, 2020, 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:

Aye      Nay      Abstain      Absent

Mayor D. Michael Barber\*

Samuel M. Bishop

Johana Hicks

Steve Huppert

Merissa Sachs

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  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Discussion and Action by Mayor and Council

**Meeting Date:**

June 9, 2020

**ITEM TITLE:**

Appointment of Dr. Sharon Scott as at-large representative to the Montgomery Regional Solid Waste Authority for a four-year term beginning July 1, 2020.

**DESCRIPTION:**

Al Bowman has asked to not be reappointed as the at-large representative after 25 years of service on the Board. Dr. Scott—Executive Director, Montgomery County Chamber of Commerce--was unanimously recommended by the Montgomery Regional Solid Waste Authority Board of Directors. The at-large board member must be appointed by all of the authority members.

**POTENTIAL ACTION:**

Approve appointment of Dr. Scott to the Montgomery Regional Solid Waste Authority.

**DEPARTMENT(S):**

Administration

**PRESENTER:**

Randy Wingfield, Town Manager



**TOWN OF CHRISTIANSBURG  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Discussion and Action by Mayor and Council

**Meeting Date:**

June 9, 2020

**ITEM TITLE:**

Discussion of potential immediate Town actions to alleviate stormwater issues in the College Street area.

**DESCRIPTION:**

At the May 26, 2020 meeting, Council requested that they be provided an update of potential immediate actions that the Town can take to address the impacts of stormwater in the College Street area. This list was provided to Council by email late last week, but this provides an opportunity for further discussion and possible direction to Staff.

**POTENTIAL ACTION:**

Further Staff Direction

**DEPARTMENT(S):**

Administration

**PRESENTER:**

Randy Wingfield, Town Manager

**INFORMATION PROVIDED:**

Immediate Actions the Town Can Take in Regards to College Street Stormwater Issues

## Immediate Actions the Town Can Take in Regards to College Street Stormwater Issues

- Public Works staff will check the ditches, drains and inlets in this area for blockades before any expected major rain events.
- Planning, Engineering, and Building Inspections staff will identify and speak to property owners in drainage way in regards to fences and structures in the drainage way and ask for their cooperation in removing obstacles to the flow of the water.
- Engineering staff will review the functionality of the existing stormwater ponds and system and perform inspections in accordance with the MS4 Program.
- Administration and Engineering staff will review project prioritization with Town Council in regards to stormwater capital projects and the timeframe for a long-term capital project for the College Street area.
- Administration and Engineering staff will review Town Codes and development standards in regards to stormwater for potential amendment by Town Council.
- Town Council requirement of overdesign of stormwater for future projects that require Conditional Use Permit approvals and/or denial of rezoning requests that do not proffer it in appropriate areas.
- Town staff will support citizens' efforts to work with FEMA and/or Army Corps of Engineers to reassess Floodplain boundaries if desired by Town Council – though some property owners may disagree with this action as Floodplain designation leads to requirements of Flood Insurance, greater cost for Flood Insurance, greater restrictions, and potential devaluation of property.
- The Town may overdesign our own future projects in regards to stormwater, particularly in areas with a past history of stormwater issues.



**TOWN OF CHRISTIANSBURG  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Discussion and Action by Mayor and Council

**Meeting Date:**

June 9, 2020

**ITEM TITLE:**

Discussion of potential closed meeting in accordance with Code of Virginia § 2.2-3711(A)(1) in regards to Town Council members and the Code of Ethics.

**DESCRIPTION:**

Code of Virginia § 2.2-3711(A)(1) contains provisions for allowances of closed meetings in regards to "Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body." Town Council will discuss a potential closed meeting in regards to Town Council members and the Code of Ethics. Town Attorney Reid Broughton is prepared to answer any questions in regards to the legality and content of the potential meeting.

**POTENTIAL ACTION:**

Schedule a closed meeting in regards to Town Council members and the Code of Ethics (Council vote).

**DEPARTMENT(S):**

Mayor and Town Council

**PRESENTER:**

Mayor Barber

**INFORMATION PROVIDED:**

Code of Virginia § 2.2-3711

Town Council Code of Ethics

## § 2.2-3711. Closed meetings authorized for certain limited purposes

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.
3. 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.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of

a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § [2.2-3705.1](#).

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § [2.2-3705.5](#).

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to

subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which

individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § [32.1-283.6](#), those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § [32.1-283.8](#).

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ [54.1-2515](#) et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § [2.2-3801](#), which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ [23.1-700](#) et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § [56-484.15](#), of trade secrets submitted by CMRS providers, as defined in § [56-484.12](#), related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § [2.2-4019](#) or [2.2-4020](#) during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to

previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § [2.2-3705.6](#) by a responsible public entity or an affected locality or public entity, as those terms are defined in § [33.2-1800](#), or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § [2.2-3705.6](#) by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § [2.2-3705.2](#) relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ [37.2-900](#) et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § [2.2-3705.6](#). However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ [15.2-7200](#) et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ [15.2-5431.1](#) et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § [2.2-3705.6](#).

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § [24.2-410.2](#) or [24.2-625.1](#).

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ [9.1-1109](#) et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § [2.2-3706](#).

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § [2.2-3705.4](#), and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § [2.2-3705.6](#) related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § [51.1-124.30](#), by the Investment Advisory Committee appointed pursuant to § [51.1-124.26](#), by any local retirement system, acting pursuant to § [51.1-803](#), by the Board of the

Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

1968, c. 479, § 2.1-344; 1970, c. 456; 1973, c. 461; 1974, c. 332; 1976, cc. 467, 709; 1979, cc. 369, 684; 1980, cc. 221, 475, 476, 754; 1981, cc. 35, 471; 1982, cc. 497, 516; 1984, cc. 473, 513; 1985, c. 277; 1988, c. 891; 1989, cc. 56, 358, 478; 1990, cc. 435, 538; 1991, c. 708; 1992, c. 444; 1993, cc. 270, 499; 1995, c. 499; 1996, cc. 855, 862, 902, 905, 1046; 1997, cc. 439, 641, 785, 861; 1999, cc. 485, 518, 703, 726, 849, 867, 868; 2000, cc. 382, 400, 720, 1064; 2001, cc. 231, 844; 2002, cc. 87, 393, 455, 478, 499, 655, 715, 830; 2003, cc. 274, 291, 332, 618, 703; 2004, cc. 398, 690, 770; 2005, cc. 258, 411, 568; 2006, cc. 430, 499, 518, 560; 2007, cc. 133, 374, 566, 739; 2008, cc. 626, 633, 668, 721, 743; 2009, cc. 223, 325, 472, 765, 810, 827, 845; 2010, cc. 310, 630, 808; 2011, cc. 89, 111, 147, 536, 541, 816, 874; 2012, cc. 476, 507, 803, 835; 2013, cc. 571, 580, 695; 2014, c. 225; 2015, cc. 27, 38, 108, 169, 182, 549, 730; 2016, cc. 544, 620, 716, 724, 725, 775, 778, 779; 2017, cc. 587, 616, 778, 796, 804, 816, 824; 2018, cc. 48, 532, 533, 600, 829; 2019, cc. 4, 170, 358, 426, 500, 729, 775, 834.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## **CHRISTIANSBURG TOWN COUNCIL CODE OF ETHICS**

**The citizens of Christiansburg are entitled to fair, ethical, accountable, and effective local government. Such a government requires that elected public officials:**

- **Comply with both the letter and spirit of the laws, ordinances, and policies of Town government.**
- **Be independent, impartial and fair in their judgment and actions.**
- **Use their public office for the public good and not for personal gain.**
- **Conduct public deliberations and processes openly.**
- **Act with respect and civility.**

- 1. Council Members shall work for the common good of the people of Christiansburg and not for any private or personal interest. They will treat all persons, claims, and transactions in a fair and equitable manner.**
- 2. Council Members shall at all times refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Town Council, boards, commissions, committees, staff, or the public.**
- 3. Council Members duties shall be performed in accordance with the rules established by the Town Council. A Council Member shall respect a decision by Council once it has been made by the majority of Council.**
- 4. It is the responsibility of Council Members to share information that is relevant to any matter under consideration that they have received from sources outside of the decision-making process with all other Council Members.**
- 5. Council Members shall interact with one another honestly, forthrightly, truthfully, and respectfully. Discussions shall focus on issues, policies, and other substantive matters relating to the function of Town Government.**
- 6. Council Members shall respect and preserve the confidentiality of information provided to them concerning the matters of the Town. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.**
- 7. To the best of their ability, Council Members shall represent the official policies and positions of the Town Council. When presenting their own personal opinions or positions, members shall explicitly state that they do not represent the official position of the Council or the Town.**
- 8. Council Members shall support and maintain a positive and constructive environment for residents, businesses, Town employees, and others involved in**

**Town activities. Council Members shall listen to concerns and requests by town residents and then pass that information to the Town Manager.**

- 9. Members of the Council have the primary responsibility to ensure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of Town Government.**
- 10. Members of Christiansburg Town Council have the responsibility to intervene when actions of any member or members appear to be in violation of this Code Ethics.**
- 11. The Code of Ethics shall be reaffirmed by majority vote of Town Council each annual reorganizational meeting, typically scheduled the first regular meeting in January.**

**Adopted by Town Council**

**Amended and Reaffirmed by Town Council**

**July 17, 2007**

**March 10, 2020**