

RESOLUTION 1-D-13

A RESOLUTION APPROVING THE TERMS OF A JOINDER AGREEMENT AND OF A
WATER AGREEMENT AND PROVIDING THAT MONTGOMERY COUNTY,
VIRGINIA JOIN THE BLACKSBURG-CHRISTIANSBURG-V.P.I WATER
AUTHORITY

WHEREAS, the Board of Supervisors of Montgomery County, Virginia (“Montgomery County”), the Town Council of the Town of Christiansburg, Virginia (“Christiansburg”), and the Board of Visitors of Virginia Polytechnic Institute and State University (“Virginia Tech”) have determined or will determine concurrently that it is in the best interests of their citizens, administration, staff, students, and faculty that Montgomery County join and become a member of the Authority pursuant to the provisions of the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended (“the Act”), and

WHEREAS, this Council approves of Montgomery County becoming a member of the Authority by the adoption of this resolution concurrently with resolutions adopted or to be adopted by Montgomery County, Christiansburg, and Virginia Tech, and a public hearing has been held in accordance with the requirements of §§ 15.2-5104 and 15.2-5112 of the Act.

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

1. Approval of the Joinder Agreement. That the Council hereby determines that it is in the best interests of the citizens of the Town of Blacksburg (“Blacksburg”) that Blacksburg enter into a Joinder Agreement among Blacksburg, Christiansburg, Virginia Tech,

Montgomery County, and the Authority, to be dated as agreed by the parties (the “Joinder Agreement”), and that Montgomery County join and become a member of the Authority and hereby authorizes and directs the Mayor and the Town Clerk to execute and deliver the Joinder Agreement substantially in the form presented to this meeting, with such minor revisions and adjustments as the Mayor shall approve, and to execute and file with the State Corporation Commission the Amended and Restated Articles of Incorporation of the Blacksburg-Christiansburg-V.P.I. Water Authority contained in Section 4 of this Resolution substantially in the form contained in this Resolution, with such minor revisions and adjustments as the Mayor shall approve.

2. Approval of the Water Agreement. That the Council hereby determines that it is in the best interests of the citizens of Blacksburg that Blacksburg enter into an Amended and Restated Water Agreement among Blacksburg, Christiansburg, Virginia Tech, Montgomery County, the Authority, and the Montgomery County Public Service Authority, to be dated as agreed by the parties (the “Water Agreement”), and hereby authorizes and directs the Mayor and the Town Clerk to execute and deliver the Water Agreement substantially in the form presented to this meeting, with such minor revisions and adjustments as the Mayor shall approve.

3. Appointment and Confirmation of Member. That the Council hereby appoints the following person to serve the following term on the Board of the Authority:

Name	Address	Term of Office	
		beginning	ending
Phyllis Albritton-Webb	1003 Highland Circle, Blacksburg	09/01/10	08/31/14

4. Amended and Restated Articles of Incorporation. That the Council does hereby FIND as a matter of fact that inclusion in the Amended and Restated Articles of Incorporation of the Authority of preliminary estimates of capital costs, proposals for specific projects to be undertaken by the Authority, and preliminary estimates of initial rates is impractical. The Amended and Restated Articles of Incorporation of the Blacksburg-Christiansburg-V.P.I. Water Authority are hereby amended and restated as follows:

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF THE
BLACKSBURG-CHRISTIANSBURG-V.P.I. WATER AUTHORITY**

The Board of Visitors of Virginia Polytechnic Institute and State University, the Town Council of the Town of Blacksburg, the Town Council of the Town of Christiansburg, and the Board of Supervisors of Montgomery County, Virginia, have, by concurrent resolutions, adopted the following Amended and Restated Articles of Incorporation of the Blacksburg-Christiansburg-V.P.I. Water Authority, pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended) (“Act”).

ARTICLE I

The name of the Authority shall be the NRV Regional Water Authority and the address of its principal office is 3515 Peppers Ferry Road, Radford, Virginia 24141.

ARTICLE II

The names of the political subdivisions participating in the NRV Regional Water Authority (the “Authority”) are Virginia Polytechnic Institute and State University, the Town of Blacksburg, the Town of Christiansburg, and Montgomery County, Virginia (collectively, the “Members”), each of which hereby acknowledges, covenants, and agrees that these Amended and Restated Articles of Incorporation shall not be further amended or changed without the

express agreement of each of the governing bodies of each of the participating political subdivisions.

ARTICLE III

The Board of the Authority shall consist of five board members. The names, addresses, and terms of office of the initial board members of the reconstituted Board of the NRV Regional Water Authority are as follows:

	Name	Address	Term of Office	
			beginning	ending
1.				
2.				
3.				
4.				
5.				

The governing body of each participating political subdivision has initially appointed the number of board members set forth opposite its name below:

Montgomery County – One, for a term of 4 years

Virginia Polytechnic Institute and State University – One, for a term of 3 years

Town of Blacksburg – One, for a term of 2 years

Town of Christiansburg - One, for a term of 1 year

The fifth initial Board Member has been chosen by the initial four Board Members for an initial term of one (1) year.

Upon the expiration of the term of any initial Board Member chosen by the initial four Board Members, the remaining Board Members shall elect a successor. Upon the expiration of the term of any of the initial four Board Members chosen by one of the participating political subdivisions, such political subdivision shall promptly choose a successor.

The participating political subdivision will appoint successors to fulfill the terms of Board Members appointed by such participating subdivision who die, resign, or are disqualified.

After the initial terms, each Board Member shall be appointed for a four-year term and shall serve until a successor is appointed and qualified. Each Board Member shall have a vote and when required by law or when requested by any Board Member, such vote shall be recorded by “yeas” or “nays.”

Each board member shall be reimbursed by the Authority for the amount of actual expenses incurred in the performance of Authority duties.

ARTICLE IV

The purposes for which the Authority is being reorganized are to exercise all the powers granted to the Authority to acquire, finance, construct, operate, manage, and maintain a wholesale water treatment and transmission system and related facilities for the purpose of selling water wholesale to its Members pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended (the “Act”). The Authority shall have all of the rights, powers, and duties of an authority under the Act.

It is not practicable to set forth herein information regarding preliminary estimates of capital costs, proposals for specific projects to be undertaken, or initial rates for the proposed projects.

ARTICLE V

The Authority shall provide water to its Members.

ARTICLE VI

The Authority shall cause an annual audit of its books and records to be made by the State Auditor of Public Accounts or by an independent certified public accountant at the end of

each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.

ARTICLE VII

The term of existence of the Authority shall be 50 years from the effective date of the Members' resolutions authorizing these Amended and Restated Articles.

IN WITNESS WHEREOF, the Board of Supervisors of Montgomery County, the Town Council of the Town of Blacksburg, Virginia, the Town Council of the Town of Christiansburg, Virginia, the Board of Visitors of Virginia Polytechnic Institute and State University, and the Board of Directors of the Blacksburg-Christiansburg-V.P.I. Water Authority have caused these Amended and Restated Articles of Incorporation to be executed in their respective names, and their respective seals have been affixed hereto and attested by the respective secretaries and clerks of each.

BLACKSBURG-CHRISTIANSBURG-V.P.I.
WATER AUTHORITY

TOWN OF BLACKSBURG, VIRGINIA

By: _____
Chairman

By: _____
Mayor

WITNESS: _____ (SEAL)
Secretary

WITNESS: _____ (SEAL)
Clerk

MONTGOMERY COUNTY, VIRGINIA

TOWN OF CHRISTIANSBURG,
VIRGINIA

By: _____
Chairman, Board of Supervisors

By: _____
Mayor

WITNESS: _____ (SEAL)
Secretary

WITNESS: _____ (SEAL)
Clerk

VIRGINIA POLYTECHNIC INSTITUTE
AND STATE UNIVERSITY

By: _____
Rector, Board of Visitors

WITNESS: _____ (SEAL)
Secretary

5. Action to Be Taken. That the appropriate officials of the Town of Blacksburg shall take all action necessary or convenient to file and otherwise cause the Amended and Restated Articles of Incorporation to become effective.

6. Effective immediately. That this resolution shall take effect immediately upon its adoption.

ATTEST:

Donna Boone Caldwell
Town Clerk

Don Brandon
Mayor

Date of Adoption: January 22, 2013

AN ORDINANCE TO ENACT SECTION 2-6, SUBMISSION REQUIREMENTS, OF ARTICLE I, CHAPTER 2 “ADMINISTRATION” OF THE *CHRISTIANSBURG TOWN CODE*; PROVIDING REQUIREMENTS FOR SUBMISSION OF APPLICATIONS FOR A SPECIAL EXCEPTION, CONDITIONAL USE PERMIT, VARIANCE, REZONING, ZONING ORDINANCE MODIFICATION, CONDITIONAL ZONING, SITE PLAN REVIEW, SUBDIVISION PLAT REVIEW OR A LAND DISTURBING PERMIT, INCLUDING BUILDING PERMITS AND EROSION AND SEDIMENT CONTROL PERMITS.

WHEREAS, in the interest of collecting delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on property, the Town of Christiansburg requires delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on property be paid in full prior to submitting application for a special exception, Conditional Use Permit, variance, rezoning, Zoning Ordinance modification, conditional zoning, site plan review, subdivision plat review or a land disturbing permit, including building permits and erosion and sediment control permits; and

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (February 6, 2013 and February 13, 2013) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg;

WHEREAS, a public hearing of Council of the Town was held February 19, 2013 and,

WHEREAS, Council deems proper so to do,

THEREFORE, be it ordained by the Council of the Town of Christiansburg, Virginia that it hereby enacts Section 2-6, Submission Requirements, Chapter 2, Administration, as follows (Authority: Code of Virginia § 15.2-2286):

ARTICLE I. IN GENERAL

Secs. 2-6. Submission requirements.

Prior to the application for a special exception, Conditional Use Permit, variance, rezoning, Zoning Ordinance modification, conditional zoning, site plan review, subdivision plat review or a land disturbing permit, including building permits and erosion and sediment control permits, the property owner, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, will submit satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the Town of Christiansburg and have been properly assessed against the subject property, have been paid.

Secs. 2-7--2-30. Reserved.

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 _____, 2013, 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 Richard G. Ballengee*				
D. Michael Barber				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				
James W. "Jim" Vanhoozier				

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

SEAL:

Michele M. Stipes, Town Clerk

Richard G. Ballengee, Mayor

AN ORDINANCE AMENDING CHAPTER 24 “SOLID WASTE, WEEDS, TREE TRIMMINGS, LEAVES” OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO THE DEFINITION OF “GRASS OR WEEDS”

WHEREAS, the Council for the Town of Christiansburg desires to amend the definition of “grass or weeds” in Chapter 24 “Solid Waste, Weeds, Tree Trimmings, Leaves”, to exclude Town-owned property and conservation easements; and

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (February 6, 2013 and February 13, 2013) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg;

WHEREAS, a public hearing of Council of the Town was held February 19, 2013 and,

WHEREAS, Council deems proper so to do,

THEREFORE, be it ordained by the Council of the Town of Christiansburg, Virginia that the definition of “grass and weeds” in Section 24-106 of Chapter 24 “Solid Waste, Weeds, Tree Trimmings, Leaves” of the *Christiansburg Town Code* be amended as follows:

ARTICLE IV. UNLAWFUL ACCUMULATIONS OF DEBRIS OR GROWTH OF WEEDS, ETC.

Sec. 24-106. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Debris includes cuttings of weeds, trees, or bushes, garbage, trash, junk, refuse, litter, discarded motor vehicles or parts thereof, or any other material which may endanger the health or safety of the residents of the Town or which may provide harborage for snakes, rats or mosquitoes, or any thing or any condition which may be a fire menace or breeding place for rats and mosquitoes or which gives off obnoxious or offensive odors.

Grass or weeds means uncultivated grass or weeds of any kind, poison ivy, poison oak and honeysuckle. Such term shall not include **Town-owned property, conservation easements, or** trees, shrubbery, hedges, flowers and garden vegetables or other farm crops planted or cultivated and harvested in the regular course of agricultural pursuits.

Person responsible for real property means the owner or occupant of real property or any person in possession thereof or having charge thereof, as tenant, executor, administrator, trustee, guardian or agent, and the beneficiary of any easement or writ of use thereof.

Tall grass or tall weeds means growth in excess of 12 inches in height.
(Code 1972, § 15-39.1)

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 _____ 2013, 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 Richard G. Ballengee*				
D. Michael Barber				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				
James W. "Jim" Vanhoozier				

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

SEAL:

Michele M. Stipes, Town Clerk

Richard G. Ballengee, Mayor