

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JUNE 14, 2016 – 7:00 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON JUNE 14, 2016 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Henry Showalter; Samuel M. Bishop; Steve Huppert; Harry Collins; Bradford J. Stipes. ABSENT: R. Cord Hall.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Theresa Fontana; Treasurer/Finance Director Val Tweedie; Assistant to the Town Manager Adam Carpenetti; Planning Director Andrew Warren; Director of Engineering and Special Projects Wayne Nelson; Environmental Project Manager John Burke; Police Chief Mark Sisson; Farmers' Market Manager Sarah Belcher.

MOMENT OF REFLECTION

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District. Planning Director Andrew Warren explained that the request was for a second tow business at 409 Roanoke Street. There is currently a grandfathered tow business operated on the property, and the business requested would operate in a separate building with a separate tow lot. A repossession business is also operated at that location. Council was provided a map indicating 409 Roanoke Street and surrounding properties. A portion of the lot is zoned residential and is not included in the request. Planning Commission vote was 5 ayes, 2 nays, 3 absent. Councilman Collins noted that the Planning Commission did a site visit of the property as part of the review process.

Nancy Miller of 311 Miller Street spoke on behalf of herself and her husband, Bill Miller. Mrs. Miller said she understood changes had been made to the original CUP request, and she asked for clarification on the usage of the portion of the property that abuts her property. Using an aerial photo, Planning Director Andrew Warren explained the usage on the portions of the property that bordered residential properties, along with indicating the locations of the existing businesses and the business in the request. Mrs. Miller then stated that she was satisfied with the changes that would result in the business having minimal impact on her property, and would prevent wrecked vehicles from encroaching her yard. Mrs. Miller noted that Ronnie Hawkins, a neighboring property owner, was unable to attend the Public Hearing but had provided Council with a letter expressing his concerns with the request.

William Grubb, who lives on the residential portion of 309 Roanoke Street, spoke in favor of the request, commenting that the property/business owners are good stewards of the property, and are taxpaying citizens who want to expand a business that is beneficial to the community.

2. Annual Budget for FY 2016-2017. Town Manager Helms reported that the annual budget presented in the Public Hearing was the same budget presented on May 24, 2016, which had not been timely advertised. Consequently, a second Public Hearing was required for proper public notification. There were no comments pertaining to this Public Hearing.

REGULAR MEETING

I. CALL TO ORDER BY MAYOR BARBER. Mayor Barber stated there was a quorum of Council present

Councilman Collins made a motion to amend the agenda to add the following items: **1)** A second Closed Meeting matter pursuant to Virginia Code Section 2.2-3711(A)(7) for the 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; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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. The Closed Meeting pertains to property located on Industrial Drive. **2)** Council discussion and action on the CUP request by Tow 360, LLC for a towing service at 309 Roanoke Street. Councilman Showalter seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. Matter 1 was added as item 2 during the Closed Meeting and matter 2 was added as item 6A under Discussions by Mayor and Council Members.

II. CONSENT AGENDA:

1. Council meeting minutes of May 24, 2016
2. Contract renewal with Radford City for the use of the Aquatic Center

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

III. RECOGNITIONS:

1. Recognition of Christiansburg High School student Savannah Penven, winner of the Christiansburg Farmers' Market 2016 T-shirt Design Contest. Mayor Barber and Farmer's Market Manager Sarah Belcher presented Ms. Penven with a framed t-shirt displaying the screen print of her winning design. Ms. Belcher thanked Savannah for entering the contest and explained that nineteen design entries had been received from students of Montgomery County Public Schools and homeschools. T-shirts with Savannah's design could be purchased at the Farmers' Market on Thursdays. On behalf of Council, Mayor Barber thanked Savannah for her involvement with the Town and he asked her to share a little about herself. Savannah explained that she had graduated from Christiansburg High School in May 2016 and it was her AP art teacher who had encouraged her to enter the t-shirt design contest. Savannah said she would be studying Marketing Design at Radford University in the fall. In closing, Savannah introduced her parents to Council.
2. Mayor Barber read a resolution adopted by Council on May 24, 2016, recognizing the fifteenth consecutive State wrestling championship by the Christiansburg High School wrestling team. A framed copy of the resolution was presented to Coach Close, and each team member was introduced to Council and was congratulated by Council. Mayor Barber reported that the fifteenth consecutive State championship was the best record in Virginia for any sport. A copy of the resolution is attached herewith.

IV. CITIZEN'S HEARING:

1. Opal Squires, Pulaski County Department of Social Services, to address Council regarding Safe Sleep for Children Initiative. Opal Squires thanked Council for the opportunity to introduce to them a new Virginia initiative developed to bring awareness to the dangers of co-sleeping with infants, and the dangers that could be present in cribs. She then shared with Council a video presentation explaining Sudden Infant Death Syndrome and ways to prevent infant death during sleep. Ms. Squires offered to answer questions of Council, and Council thanked her for her presentation.

2. Citizen Comments:

- a. Blake Kiss, 185 Franklin Parke Court, addressed Council with his concern regarding the proposed storm water fee that is included in the annual budget and would soon be voted on. His two main concerns were the vague generalities in the citizen information letter as to how the fee benefits members of the community, and how the fee would improve water quality of streams and creeks. Mr. Kiss said there was no concrete evidence presented in the letter that the Town is in danger without the fee, and no proof that the fee would have a significant impact on any endangerment. The letter mentioned several communities that have enforced a similar stormwater fee, but Mr. Kiss said he was interested in the communities that have not. Mr. Kiss said he and his wife were raising a young family and \$72/year would have an impact on their finances. Residents already pay a number of taxes and fees to live in Christiansburg and he does not want to pay more if it is not justifiable. Mr. Kiss said compared to national averages, residents of Christiansburg make less money, but pay higher income taxes, and he is opposed to the fee since there has been no hard evidence presented on its benefits to the citizens of the community. He requested that Council consider finding other ways to come up with the revenue needed for stormwater projects. Councilman Huppert explained that State restrictions and demands have tightened on communities in regards to stormwater management, which has resulted in the need for the fee. Councilman Showalter said no one is happy about an additional tax or fee, but that it would be difficult for Christiansburg to come up with the \$1M necessary for the stormwater projects required by the government. Mayor Barber noted that the Town already supplements the costs of water and sewer annually. Engineering Director Wayne Nelson said the engineering department was working to post the stormwater management projects to the Town's website for public information. He explained that stormwater management was a long, dedicated process, and he spoke about current projects recently completed and underway, along with anticipated future projects. Until now, the Town has not had a dedicated funding source for projects, but now that projects are federally mandated, with DEQ involvement, the Town must find a way to pay for the projects. The federal mandates are for all Virginia localities. The Engineering Department was also working to develop a plan to prioritize stormwater projects in Town, and a list of necessary projects could be viewed at Town Hall. Councilman Stipes noted that the Town has received grant funding for a number of past projects, including the successful improvements to the stream at Independence Boulevard, which has eliminated the substantial flooding to homes in that area. He explained that the Town has carefully considered the proposed stormwater utility, and system of stormwater utility fees, and would leverage the fee funding to maximize it with grant funding. Mr. Kiss asked if the Town thought the fee would be eliminated once the stormwater projects were completed, and Councilman Stipes replied that the fee would not be temporary due to the continuing needs within the community in regards to stormwater management. Councilman Showalter pointed out that the fee could only be used to fund stormwater projects, and he reassured Mr. Kiss that any proposed fee would be studied and justified by Council before being approved.

V. STAFF REPORTS:

VI. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. An ordinance amending Chapter 18, "Finance and Taxation" of the Christiansburg Town Code, by amending article II, "Property Tax," Section 18-23, "Tax on real estate, tangible personal property, machinery and tools;" adopting Section 18-24, "Filing of personal property tax returns;" and adopting section 18-60, "personal property tax on motor vehicles, trailers, semi-trailers and boats-proration;" "For the purpose of establishing the proration of tangible personal property tax on motor vehicles, trailers, semi-trailers, and boats; and providing for an effective date". The Public Hearing was held on May 24, 2016. Based on the recommendation of Finance Director/Treasurer Val Tweedy, Councilman Stipes made a motion to approve the ordinance amendment, seconded by Councilman Showalter. Council was polled on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
2. Proposed water fee increases for the Fiscal Year 2016 – 2017, effective July 1, 2016, in accordance with *Code of Virginia 15.2-2119 and 15.2-928*. The Public Hearing was held on May 24, 2016. Councilman Stipes made a motion to table items 2 and 3 under Discussions by Mayor and Council Members until a full

Council was present, seconded by Councilman Showalter. Council was polled on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

3. Ordinance amending Chapter 36 “Utilities” of the Christiansburg Town Code in regards to establishing a stormwater utility and system of stormwater utility fees. The Public Hearing was held on May 24, 2016. This matter was tabled in the above action.
4. Reappointment of Lea Wall to the Montgomery Tourism Development Council as the Christiansburg hotel representative. Ms. Wall's term expires July 22, 2016. Mayor Barber reported that Lea Wall was traveling and would be available for introduction and reappointment at the July 12th regular meeting.
5. Bond Resolution Authorizing the Issuance and Sale of its General Obligation Refunding Bond, Series 2016 in a Maximum Principal Amount Not to Exceed \$1,320,000, and the execution and delivery of certain documents prepared in connection therewith. Finance Director/Treasurer Val Tweedie explained that the refunding would result in a \$9,000 per year savings due to a lower interest rate, and she recommended Council approval. Councilman Stipes made a motion to accept Ms. Tweedie's recommendation to approve the resolution, seconded by Councilman Collins. Council was polled on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
6. Request to reallocate capital funds in the Annual Budget for FY 2015–2016 for the Rescue Squad. Town Manager Helms explained that the rescue squad had planned to resurface its flooring, but has had two HVAC systems break down. One unit has already been replaced, and the squad wants to postpone resurfacing the flooring until a later year, and use that money to fund the replacement of the second HVAC unit. EMS Recovery funds would cover the HVAC replacement cost. Councilman Showalter made a motion to approve the request, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- 6a. Conditional Use Permit request by Tow 360, LLC, agent for Curtis Properties, LLC, for a towing service at 409 Roanoke Street (tax parcel 527 – ((A)) - 210) in the B-3 General Business District. The Public Hearing was held earlier this evening. Councilman Collins reported that during its study of the request, the Planning Commission did a site visit and met with surrounding neighbors concerning the CUP request. Satisfied with the Planning Commission recommendation to approve, Councilman Collins made a motion to issue the CUP with 8 conditions, seconded by Councilman Stipes. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
7. Update on changes to the proposed sign ordinance amendment. Andrew Warren explained the proposed updates to the sign ordinance and requested that Council hold a work session in July where he can present them with the full proposed amendment. The sub-committee working on the changes has focused on providing for a time frame for temporary signs, bringing the Code into compliance with the content neutral sign ruling, and moving the sign ordinance into the zoning ordinance, which would make it easier to enforce. Also, duplicate terms and outdated sections would be eliminated. Council thanked Mr. Warren for the update.
8. Resolution recognizing retiring Town Manager Barry D. Helms for his service to the Town and community. Mayor provided a copy to Council for consideration. Councilman Collins made a motion to adopt the resolution, seconded by Councilman Showalter. Councilman Stipes recommended the resolution be amended to include Mr. Helms' background prior to joining the Town of Christiansburg. Council was polled on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
9. Councilman Stipes and Councilman Collins – Street Committee report/recommendation on:
 - a. Right of Way Dedication Plat For First Team Nissan Christiansburg Properties, LLC and the Town of Christiansburg to Dedicate all of Tax Map Number 436-7-10A (0.086 acres) and a portion of Tax Map Number 436-7-19 (0.003 acres) as Public Right of Way added to Farmview Road N.W. Councilman Stipes reported that the Street Committee studied the right-of-way dedication plat dedicating public right-of-way to Farmview Road, N.W. Councilman Stipes made a motion to approve the right-of-way dedication, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

10. Closed Meeting:

- a. Councilman Showalter made a motion to enter into a Closed Meeting under **1)** Virginia Code Section 2.2-3711(A)(3) for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The Closed Meeting pertains to leasing internet provider space on Town facilities. And **2)** Virginia Code Section 2.2-3711(A)(7) for the 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; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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. The Closed Meeting pertains to property located on Industrial Drive. Councilman Stipes seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- b. Reconvene in Open Meeting.
- c. Certification. Councilman Showalter moved to certify that the Town Council of the Town of Christiansburg, meeting in Closed Meeting, to the best of each member's knowledge, discussed only the matters lawfully exempt from open meeting requirements by Virginia Law and only such matters as are identified in the Resolution to enter into Closed Meeting, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Showalter – Aye; Stipes – Aye.
- d. Council action on the matters. No action was taken by Council.

VIII. COUNCIL REPORTS:

- a. Councilman Huppert reported on the Relay for Life event held in Christiansburg on June 10, and he presented Mayor Barber with a t-shirt from the event. He reported that the event organizers had expressed appreciation for the Town's support, and that the event raised \$125,000 towards cancer research. He then reported on upcoming community events including Mountains of Music on June 18, Commonwealth Games at the aquatic center the weekend of June 18, and various local swim meets.
- b. Councilman Showalter reported on citizen concerns with a possible lag in rescue squad coverage. Recently, two Christiansburg calls were answered by Blacksburg Rescue Squad, and he asked if that was something that needed to be reviewed. Town Manager Helms commented that the rescue squad had recently hired four or five new part-time members, and that he was unaware of gaps in service. Councilman Bishop said he was aware of a recent delay, but noted that was not unusual, and could have been the result of how the calls were handled at the call center. Town Manager Helms said he would look into the matter further with the rescue squad.
- c. Councilman Stipes said he was glad Councilman Huppert was back from Netherlands.
- d. Councilman Bishop reported that the Montgomery County Tourism Commission was currently working on an active internet system.
- e. Councilman Collins reported on the recent downtown Cruise-In event, noting that organizers had expressed appreciation for the Town's support. He then reported that the Planning Department was holding an Urban Development Open House at the recreation center on June 20, which would be open to the public.
- f. Mayor Barber scheduled a work session for the Annual Budget for FY 2016-2017 for June 21, 2016 at 5:30 P.M. with a Special Meeting afterwards to take Council action on budget items. Mayor Barber pointed out that the Town needed to replace Ann Carter on the Montgomery County Economic Development Commission. He then reported that a representative was needed for the New River Valley Regional Commission. The Town has standing two positions and one appointee

must be an elected official. Councilman Collins agreed to fill the two year term and would serve along with current member Councilman Showalter.

IX. TOWN MANAGER'S REPORTS:

1. PUBLIC HEARING REQUEST: Town Manager Helms presented the following requests and recommended setting the Public Hearings as indicated:

June 28, 2016

- a. Proposed amendment to the Sewer Use Ordinance to set standards for industrial users.

August 9, 2016

- b. Proposed amendment to the Board of Zoning Appeals Ordinance to bring ordinance into compliance with Virginia State Code.

On motion by Councilman Showalter, seconded by Councilman Collins, Council voted to set the Public Hearings as indicated: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes - Aye.

2. PROGRESS REPORTS AND ANNOUNCEMENTS:

- Town Manager Helms reported that an employee has exhausted his leave time under FMLA and a 30-day extension. The employee needs continued medical treatment and recovery time and has requested an additional 6-month leave extension without pay. Town Manager Helms recommended Council approve the request. Councilman Stipes made a motion to approve the request, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- Kroger has requested an extension for placement of a new gas line and Town Manager Helms used an aerial map to indicate the location of the line placement. Kroger has also requested the Town vacate a portion of Stone Street that would give ownership to Kroger. The line placement and street vacation would not affect ingress or egress into the park on Depot Street. It was the consensus of Council to approve the extension request by Kroger for placement of a new gas line.

X. ADJOURNMENT:

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 10:03 P.M.

Michele M. Stipes, Clerk of Council

D. Michael Barber, Mayor