

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
REGULAR MEETING MINUTES  
APRIL 18, 2017 – 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 APRIL 18, 2017 AT 7:00 P.M.

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

ADMINISTRATION PRESENT: Assistant Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Theresa Fontana; Planning Director Andrew Warren; Finance Director/Treasurer Valerie Tweedie; Director of Public Relations Melissa Powell; Director of Human Resources Dave Brahmstadt; Police Chief Sisson.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

- A. Add a Closed Meeting under Virginia Code Section 2.2-3711(A)(1), for the 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. The meeting would pertain to Acting Town Manager Randy Wingfield.
- b. Remove Item D under Old Business and add to May 2, 2017 work session agenda.

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

III. PUBLIC HEARINGS

- A. Conditional Use Permit request for a public amusement center (trampoline park and fun center) in the B-3 General Business zoning district at 200 Midway Plaza Drive, NW. (This matter has been rescheduled for April 25, 2017).

IV. CONSENT AGENDA

- A. Meeting Minutes of March 28, 2017
- B. Schedule Public Hearing for May 23, 2017 for a Conditional Use Permit request for Club/Lodge (Applicant: Moose Lodge) in the B-3 General Business zoning district at 2790 Roanoke Street (former Wagon Wheel/Huckleberry Inn restaurants).

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

## V. CITIZEN COMMENTS

- A. Shirley Akers of 515 Depot Street, N.E. spoke to Council on behalf of her church family and other Depot Street residents regarding concerns with a structure at 335 Depot Street, N.E. marked for demolition by the Town. The concern is over rodents and other things that may be released into the surrounding area with the demolition of the building. A church and several homes adjoin the property that is to be demolished. Ms. Akers questioned if the property owner would be responsible for exterminating the property prior to demolition. Mayor Barber said he has spoken with Ms. Akers regarding her concerns and had turned the matter over to Building Official Jerry Heinline to address. Councilman Hall noted that Council recently heard a presentation on dilapidated buildings from Building Official Jerry Heinline, but specific details of demolition were not addressed. Acting Town Manager Wingfield noted that in the past, extermination was the responsibility of the property owner, and that the Town had only experienced a rodent problem from the demolition of an old mill. He further noted that if the Town determined extermination proven to be necessary, the property owner would be held responsible. Mayor Barber noted that Building Official Jerry Heinline would address the concern expressed to Council.

## VI. INTRODUCTIONS AND PRESENTATIONS

- A. Proclamation recognizing April 9 – 15, 2017 as National Public Safety Telecommunicators Week. Councilman Hall made a motion to approve the proclamation as presented by Mayor Barber, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. A copy of the proclamation is attached.
- B. Resolution recognizing Christiansburg Rescue Squad's 70 years of service. Councilman Bishop made a motion to approve the resolution as presented by Mayor Barber, seconded by Councilman Huppert. Councilman Hall pointed out that Councilman Sam Bishop was a life member of the Christiansburg Rescue Squad, and commended him for his service to the community. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. A copy of the resolution is attached.
- C. Sue Farrar, Director of the Montgomery Museum and Lewis Miller Regional Art Center, to address Council regarding Junior Appalachian Musicians (JAM), which will teach heritage music to students in grades 4-8 after school.

Sue Farrar introduced to Council the Junior Appalachian Musicians (JAM) program that the Montgomery Museum was working to bring to Montgomery County. JAM would offer students in grades 4 – 8 an affordable opportunity to learn to play traditional mountain music in an after-school, small-group setting. Ms. Farrar noted that the program was designed to build self-confidence and social skills among young students through the cultural experience of mountain music. There are currently forty JAM programs located across four states. The Montgomery County JAM program will be housed at 100 West Main Street, and a JAM performance is scheduled for June 17 during the Wilderness Trail Festival. Mike Larkin, Montgomery Museum board member, spoke to Council about the progression to bring JAM to the community, which would begin with students at Christiansburg Elementary School, but was expected to expand throughout the county. The program would be operated as a 501(C)(3) and would rely on grant-funding, community contributions and fundraisers. Mr. Larkin asked the Town to consider providing a \$1,000 contribution to help meet start-up costs. Council spoke in support of JAM and thanked the staff and board of Montgomery Museum for taking a leadership role in bringing the program to Christiansburg.

- D. Chris Tuck to address Council with an update on Montgomery County.

Chris Tuck, Montgomery County Board of Supervisor, provided Council with an update on Montgomery County. Mr. Tuck began his report with a focus on the County's efforts to meet the needs within the school districts concerning school facilities. He pointed out that the unexpected costs associated with the roof collapse at Blacksburg High School came at a time when several large construction projects were underway, which forced a change in funding priorities. Mr. Tuck explained the County's debt to expenditures policy, and how the unexpected costs impacted the county's debt to the point it exceeded the debt ceiling, limiting its funding capabilities. He pointed out that the County sets aside 2% each year for future school construction, and spoke about future school construction/renovation projections for the

Christiansburg strand. Mr. Tuck talked about the advantages of renovating Christiansburg High School versus rebuilding, and referenced Auburn High School as an example of successful renovation. He then briefly spoke about the annual budget recently adopted by the county, which resulted in the school board receiving an extra \$540,000. The additional funding will allow the county to participate in the Achieving a College Education (ACE) program, as well as upgrade/expand parks and recreation facilities. Councilman Huppert asked about the timeframe for the renovation of Falling Branch Elementary School. Mr. Tuck responded that currently there was no set timeframe for renovating the building; however, the County was prepared to open a partial wing to begin moving students out of trailers. Mr. Tuck noted that the County expected to sell the old Blacksburg Middle School property next week, and that 100% of the proceeds of the sale would be reinvested in education.

- E. Julie Dellorso and Dionne Harrison to speak regarding Child Abuse Prevention Month. This matter was postponed until April 25, 2017.

## VII. OLD BUSINESS

- A. Action to repeal *Christiansburg Town Code* Section 22-1, "Aggressive Solicitation" (Fontana/Sisson). Council was provided a copy of the document to be repealed in the agenda packet.

Town Attorney Fontana reported that the Town's "Aggressive Solicitation" ordinance had been deemed unconstitutional because of the way case law had changed over the years, and she, along with the Christiansburg Police Department, recommended repealing the ordinance. Based on the recommendation, Councilman Stipes made a motion to repeal *Christiansburg Town Code* Section 22-1 "Aggressive Solicitation", seconded by Councilman Hall. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

- B. Adoption of proposed ordinance *Christiansburg Town Code* Section 34-26, "Interference with Traffic Prohibited" (Fontana/Sisson).

Town Attorney Fontana reported that proposed ordinance *Christiansburg Town Code* Section 34-26, "Interference with Traffic Prohibited" was drafted in a manner to prohibit activities occurring in roadways between pedestrians and motor vehicle operators, for the purpose of increasing public safety. Town Attorney Fontana has spoken at length on this matter with Council, and it was stressed that the ordinance would not suppress first amendment rights, but would prevent individuals from interacting with motor vehicle operators while in traffic or travel lanes. The proposed ordinance is constitutionally neutral and valid for enforcement, and would allow officers to ticket both the pedestrian and the motor vehicle operator in cases of violation. Councilman Hall made a motion to adopt the proposed ordinance *Christiansburg Town Code* Section 34-26, "Interference with Traffic Prohibited" as explained by Town Attorney Fontana, and as provided in the agenda packet, seconded by Councilman Stipes. Councilman Stipes offered his opinion as a traffic engineer that the proposed ordinance served an important purpose in addressing public safety in roadways/travel lanes, and did not infringe upon first amendment rights. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. Councilman Collins requested the media consider providing information to the community on the details of the new ordinance.

- C. Recommendation of award for wayfinding sign design service contract. (Powell).

Public Relations Director Melissa Powell recommended that Council award the wayfinding design bid contract to the low bidder, KMA Design, at \$38,906.10, for design development and construction document development for Town signage. If awarded, KMA Design would provide the Town with professional assistance in establishing a cohesive design standard for wayfinding, gateway, and various other signage that reflected the Town's brand. Ms. Powell noted that six proposals were received in response to the RFP, and she talked about the impressive, thorough proposal submitted by KMA Design, that included a schedule that called for community involvement. Ms. Powell explained to Council the elements involved in the design process and noted that the Town would issue an RFP for sign construction and implementation following the completion of the design and construction document development. Both Ms. Powell and Acting Town Manager Wingfield expressed support for the recommendation. Based on the recommendation, Councilman Hall made a motion to award the design

service contract to KMA Design, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

- D. Discussion of budgetary community support requests (special appropriations). This matter was tabled until the May 2 work session.
- E. Request by Sue Farrar, Executive Director of Montgomery Museum and Lewis Miller Regional Art Center, for street closures for 2017 museum-sponsored downtown events. Acting Town Attorney Wingfield reported that the Events Committee recommended approval of the requested street closures, and that all appropriate applications have been submitted. Councilman Huppert made a motion to approve the street closures as requested, seconded by Councilman Hall. Council voted on the motion as follows: Bishop-Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

## VIII. NEW BUSINESS

- A. Request by Downtown Christiansburg, Inc. for street closures for a Wine & Artisans event on May 19, 2017.  
Acting Town Manager Wingfield reported that the Events Committee has not reviewed DCI's street closures request for the Wine & Artisans event, and was not prepared to give a recommendation at this time. The festival would be held on Hickok Street, with street closure from 3:00 P.M. – 10:00 P.M., and would host two wineries, several artisans and food trucks, along with live music. Councilman Hall referred to past, successful events well-organized by DCI, and made a motion to approve the street closures as requested subject to approval of the Events Committee. Councilman Collins seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- B. Report on a petition to establish a Community Development Authority (CDA). Acting Town Manager Wingfield reported that the Town received a copy of a petition submitted by the developers of the former Kmart property to Montgomery County requesting the establishment of a Community Development Authority (CDA) to facilitate the financing of roads, water/sewer lines, and other infrastructure, at the former Kmart site. A CDA is a special taxing district and would allow the Town could assist with the financing of infrastructure improvements through the issuance of revenue bonds, as explained by Town Attorney Fontana. Town Attorney Fontana further explained that before the Town could consider the petition, it would need to adopt an ordinance to allow the consideration of the petition. An ordinance would also be required to approve CDA requests. If Council were to move forward in considering CDA requests, it would be required to appoint a five member CDA Board that would work directly with the developer. Town Attorney Fontana reviewed with Council how the issuance of revenue bonds could impact the Town in beneficial ways, and advised on measures the Town could take to protect itself in cases of default. Council was provided a list of CDA pros and cons, along with information on CDA's based on research done by the Fauquier County Planning Commission. Town Attorney Fontana noted that CDA's were more common in larger urban areas. Brian Hamilton, Montgomery County Economic Development Director, informed Council that Roanoke County successfully used a CDA in the development of a mall, and he briefly reiterated the process and procedures of a CDA. Council discussed the information it was provided and raised questions concerning costs and benefits to the Town. Councilman Hall commented that CDA's were not common in this area, and he didn't see the necessity in establishing one in response to the petition. Councilman Showalter asked Mr. Hamilton if it would be beneficial to the Town in the future to establish a CDA, and if it could be a cooperation between the Town and County. Mr. Hamilton replied that it would be a Council decision on how to move forward, but agreed that it could be handled as a cooperation of the two governments. Acting Town Manager Wingfield reminded Council that it could adopt an ordinance allowing the consideration of petitions, then consider requests on a case-by-case basis. He and Town Attorney Fontana offered to provide Council with information on the direct benefits to the Town, along with the Town's responsibility in terms of considering and approving requests, and a sample ordinance. Councilman Stipes said he could see some benefit in having the option to consider requests, and he referenced the Market Place property.

## IX. COMMITTEE REPORTS

- A. Street Committee Report/Recommendation on:

1. Plat of Subdivision of Tax Parcel 496-(A)-1E creating 3 lots at 670 Scattergood Drive, N.W.

Councilman Stipes reported that the subdivision request was to divide one lot into three, with a structure existing on Lot 1 and development on Lot 2. Development on Lot 3 is limited due to terrain. The request conforms to zoning and subdivision ordinances, and Councilman Stipes made a motion to approve the request, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

## X. STAFF REPORTS

### A. Town Manager:

1. Acting Town Manager Wingfield reported that the Town has received requests from two property owners for cost reimbursement for sewer back-ups in Town lines that were determined to be the fault of the Town. Plumbing contractors were hired by both property owners, and the bills were provided to the Town for consideration. Former Town Manager Biggs had reviewed the request from the property owner on Dogwood Lane and had planned to approve the request himself. Acting Town Manager Wingfield asked Council for guidance in responding to the requests. The Town's insurance adjuster was expected to deny the request for property on Depot Street because of the Town's sovereign immunity; however, Mr. Wingfield stated that the sewer backups were a clear result of the actions of the Town, and were therefore the responsibility of the Town. Because of the circumstances, Council authorized Acting Town Manager Wingfield to handle the two current requests, and to use his own judgement in answering future requests, unless they are controversial in nature. Town Attorney Fontana noted that any claim settled by the Town would be reflected in the monthly bills.
2. A budget work session was scheduled for May 2, 2017 at 6:00 P.M.

### B. Town Attorney:

### C. Other Staff:

1. Planning Director Andrew Warren reported that the Town planned to advertise for a vacancy on the Board of Zoning Appeals within the next two weeks. The vacancy is due to the resignation of Tacy Newell.

## XI. COUNCIL REPORTS

- A. Councilman Collins expressed his appreciation for the privilege to work with the Town and his fellow Council members.
- B. Councilman Bishop – No report.
- C. Councilman Hall reminded Council of the child abuse prevention seminar scheduled for April 27 at 6:00 P.M. at the Montgomery County Courthouse, and reported on the scheduled guest speaker who is a member of the Christiansburg Police Department.
- D. Councilman Stipes noted that Mayor Barber, Council, and several members of Town staff attended Steve Bigg's funeral in North Carolina earlier in the day. He asked that members of the faith community keep Mr. Bigg's family in prayer.
- E. Mayor Barber congratulated and thanked the Kiwanis Club and the recreation department for a successful Easter egg hunt. He then reported on the recent stream clean-up of Crab Creek and several branches by approximately twelve volunteers consisting of community and staff. In closing he commended Police Chief Sisson, the police department, and Public Relations Director Melissa Powell on their handling of recent events involving Steve Biggs, noting that the Town had received a complement from the Town of Clayton on information provided on behalf of the Town by Ms. Powell.

## XII. OTHER BUSINESS

### A. Closed Meeting:

1. Councilman Bishop made a motion to enter into a Closed Meeting under Virginia Code Section 2.2-3711(A)(1) for the 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. The Closed Meeting was held to discuss the Town Manager. The motion was seconded by Councilman Stipes and Council was polled as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

2. Reconvene in Open Meeting

3. Certification. Councilman Bishop 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 Hall. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

4. Council Action on the Matter. Councilman Hall made a motion to appoint Acting Town Manager Randy Wingfield to serve as Interim Town Manager at a salary of \$130,000 per year. Councilman Huppert seconded the motion, and Council voted as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. Mr. Wingfield thanked Council for the appointment, and Council thanked him for his leadership and willingness to serve.

XIII. ADJOURNMENT

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 9:51 P.M.

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Michele M. Stipes, Clerk of Council

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D. Michael Barber, Mayor