

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
WORK SESSION MINUTES – 6:00 P.M.
REGULAR MEETING MINUTES – 7:00 P.M.
MAY 9, 2017 – 7:00 P.M.**

WORK SESSION

- I. Call to order by Mayor Barber.
- II. Discussion regarding the Annual Budget for FY 2017 – 2018.
- III. Adjournment

-----*Recess until 7:00 P.M.*-----

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON MAY 9, 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: Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Jim Guynn; Planning Director Andrew Warren; Finance Director/Treasurer Valerie Tweedie; Director of Public Relations Melissa Powell; Director of Engineering Wayne Nelson.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

- A. Conditional Use Permit request by ETR Investments for a Game Room in the B-3 General Business District at 77 Scattergood Drive NW [Tax No. 496-20 4].

Eddie Roberts, representative of the applicant, reported that the property at 77 Scattergood Drive was used for a childcare/event facility, and the Conditional Use Permit would allow for a licensed after-school program that would be open to the public in Fall 2017. The flex-care facility, called Galaxy Play, would offer a children's museum and play area, with teachers and adult supervision for after-school care. There were no questions or comments from the public.

IV. CONSENT AGENDA

- A. Meeting Minutes of April 18, 2017 and April 25, 2017.

B. Schedule Public Hearings:

1. June 13, 2017 - An Ordinance to Vacate Public Rights-of-Way for Portions of Pin Oak Drive and Twisted Oak Drive to convert to private drives contained in Phases XI, XII, XIII (currently under construction) of Oak Tree Townhomes Subdivision to convert to private drive for Roger and Barbara J. Woody.
2. June 27, 2017 - An Ordinance to Amend Chapter 42 "Zoning" of the Christiansburg Town Code in regards to permit "Clubs/Lodges" with a Conditional Use Permit in the I-2 General Industrial District.
3. June 27, 2017 - Contingent on the above item, a Conditional Use Permit request for Club/Lodge (Applicant: Moose Lodge) in the I-2 General Industrial zoning district at 225 Industrial Drive.
4. June 27, 2017 - An Ordinance to Amend Chapter 4 "Advertising" and Chapter 42 "Zoning" for the purpose of regulating the time, place, and manner for displaying signs in the Town of Christiansburg.

C. Public Hearing for FY 2017-2018 rates and fees to be rescheduled.

D. Annual request by Montgomery-Floyd Regional Library to waive Loud Speaker Permit fees for 2017.

E. Proclamations for the month of May:

- Nurses Week, May 6-12, 2017
- Travel and Tourism Week, May 7-13, 2017
- Infrastructure Week, May 15-19, 2017
- Police Week, May 15-21, 2017
- EMS Week, May 21-27, 2017
- Public Works Week, May 21-27, 2017
- Water Safety Month
- Building Safety Month

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

V. CITIZEN COMMENTS: In response to the number of citizens present to speak about the Starlight Drive-In Movie Theater, Mayor Barber clarified that the Town had no intentions of shutting the theater down, but that the Town was working with the owner to bring the business into compliance with the noise ordinance.

- A. Dennis Kiernan, 1380 Starlight Court, noted that noise was never a concern until 2016 when the sound system was upgraded. Mr. Kiernan described the noise volume as extreme, and expressed dismay at the language that could be heard by residents during R rated movies, including his son, who often has trouble sleeping because of the noise volume. Mr. Kiernan does not want the movie theater to be closed down, he just wants the noise volume adjusted so that it was not a nuisance to nearby residents.
- B. Ronald Harris, a 53-year resident of 1360 Starlight Court, reported he had no complaints about the theater until 2016 when the sound system was upgraded. Now noise from the theater can be heard from inside his house, with the windows and doors shut, and he just wants the business to be respectful of nearby residences.
- C. Marissa Sachs, 65 Mulberry Drive, read a letter on behalf of William Kraft, owner of Sue's Trailer Park since 2005, expressing support for the Starlight Drive-In as a unique, historic asset in Christiansburg that offered affordable family entertainment.
- D. Carol Lindstrom, 630 Depot Street NE, said she understands both sides of argument concerning the Starlight Drive-In, and she highlighted the situations as an opportunity for the Town to foster relationships between citizens and business to work together to develop a solution to the problem.
- E. Jiffy Day, sole proprietor of a small business, playwright, and self-published author, described the Starlight Drive-In as a landmark in Christiansburg, and suggested the Town bring in a mediator to work

with the owner of the theater and residents to find resolution. Mr. Day expressed support for both the business and the residents, and stated that compromises would be necessary in this matter.

- F. James Grubb, 1290 Flint Drive, noted that he could hear movie sounds in his home with the doors/windows closed and his television on, and he questioned the necessity of such a high speaker volume at the theater. Mr. Grubb expressed his desire to work with the theater to come to an agreement as he does not want the theater to close, and supported the idea of a mediator in seeking resolution.
- G. Jonathan Taylor 685 School Lane, employee of Starlight Drive-In, stated support for the theater owner, Mrs. Beasley, who he said has spent time and money adjusting the sound system to reduce the noise volume of movies. Mr. Taylor spoke of the theater's zoning district and corresponding noise exemptions, and detailed efforts to adjust the noise volume, which he said resulted in complaints from customers. Mr. Taylor said Ms. Beasley does not want to be at odds with the community and he invited the Town to measure the sound decibels to understand the noise level and to determine compliance with Town Code.
- H. Stuart Quesenberry, a friend of Dennis Kiernan's friend, said he has been at the Kiernan's house at times when the windows rattled from movie noise. Mr. Quesenberry said another concern was the tendency of Mr. Kiernan's son to repeat things he has heard, including language from R rated movies that can be heard in their house from Starlight.
- I. Ronnie Summer of Pembroke expressed support for Starlight, noting that he and his wife go to the theater every week and enjoy the relaxing experience.
- J. Meghan Dorsett, 630 Depot Street NE, explained the importance of the Starlight to tourism in Christiansburg, noting that she often refers travelers to her store to the theater, which often results in an overnight stay. Ms. Dorsett expressed support for the business owner and residents working together to find a solution to the problem, which could include the placement of sound barriers.
- K. Peggy Beasley, 365 Starlight Drive, owner of Starlight Drive-In Theater, said she was just trying to make a living and has spent time and money adjusting the sound system to find a balance between the residents and her paying customers. However, Ms. Beasley stressed that citizens will not pay to see a movie that cannot be heard.
- L. Eddie Roberts of 26 Patriot Way expressed support for conflict resolution and he offered his services to help the Town, business, and residents resolve the issue.
- M. Karen Irish, 90 Revolution Circle, noting the Public Hearing on April 25 for a rezoning request by Snyder-Hunt Company, LLP, asked Council to take note that Neil Nicholson works for Stateson Homes and signed the request to change the rezoning from R-1 Single-Family Residential to R-3 Multi-Family Residential. Mr. Nicholson spoke in support of the request during the Public Hearing.
- N. Marissa Sachs, 65 Mulberry Lane, expressed her offense at Town Attorney Jim Guynn's attention to his cellphone during citizen comments. Mr. Guynn noted at the close of the meeting that he had been reviewing the Town's noise ordinance in response to citizen comments about the Starlight Drive-In Theater.
- O. Shirley Akers, board member of the Christiansburg Community Center, and part of the coalition that involves Christiansburg Institute and Christiansburg Institute Alumni, Inc., spoke to Council about her endeavor to have Schaeffer Memorial Baptist Church and the Christiansburg Community Center included as part of the Town's historic district, and she asked for the Town's guidance in moving forward. Mayor Barber said he had recently sent Ms. Akers information on requesting historic status, and Ms. Akers replied she had not seen that information. Meghan Dorsett explained that when the application to establish the Cambria Historic District was processed, National Historical Register guidelines prevented the inclusion of both the church and the community center. However, those guidelines have since changed, and Ms. Dorsett encouraged Ms. Akers to pursue amending the Cambria Historic District to include Schaeffer Memorial Baptist Church and the Christiansburg Community Center. Mayor Barber asked Planning Director Warren to work with Ms. Akers on this matter.
- P. Thomas Irish, 90 Revolution Circle, referred to an email he sent Council on May 5th reminding them that in 2014 Stateson Homes submitted a signed proffer that the property in its current rezoning request would only be developed as single-family homes.
- Q. Spence Taylor of the Villas at Peppers Ferry expressed his appreciation for Planning Director Andrew Warren's willingness to work with him in answering his questions regarding the rezoning request by Snyder-Hunt Company LLP heard during the April 25th meeting.

VI. INTRODUCTIONS AND PRESENTATIONS

A. Council action on:

1. Rezoning request by Snyder-Hunt Company LLP for a 7.93-acre portion of Tax Map No. 435-A 40 located north of Quin W. Stuart Boulevard NW from R-1, Single Family Residential to R-3, Multi-Family Residential. The Public Hearing was held April 25, 2017.

Councilman Stipes apologized for missing the Public Hearing due to a family emergency, but noted that he had reviewed the history of the property, including past rezoning requests and submitted proffers, which had received community and Council support. Councilman Stipes stressed his support for Stateson Homes as a responsible developer, noting that he understood the reasons for the current rezoning and Conditional Use Permit requests. However, because of the volume of opposition and the promises of the developer in the past concerning development of the property, Councilman Stipes said he supported the property remaining R-1 Single Family Residential and he made a motion to deny the request, seconded by Councilman Hall. Councilman Huppert referred to Council action on the request by Stateson Homes in 2014, but noted that he had toured the site and understood the reasons behind the current rezoning request. Councilman Huppert expressed his support for the developer, but said he also understood the concerns of neighboring residents with regards to proposed density, and he wanted to do what would be best for the future of the Town. Councilman Hall noted that Stateson Homes was a reputable developer in Christiansburg, and he expressed appreciation for the developer's efforts in 2014 to bring the proposed development and the Villas at Peppers Ferry together. However, at that time, expectations were set and trust was established, with the stoplight at Quin Stuart Boulevard/Peppers Ferry Road the driving force behind the agreements between the developer, neighboring residents, and the Town. Councilman Hall said he wanted Stateson Homes to develop the site using the original plans. Councilman Collins noted that he heard both sides of the argument during the Planning Commission Public Hearing. He expressed that he valued Stateson Homes as a responsible developer and cautioned that denying the request could lead to a less desirable development by someone else. Councilman Bishop stated he had studied the proffers submitted and accepted in 2014, and struggled to support the new rezoning request under consideration. Councilman Stipes added that the Town had demonstrated its support for the developer by changing its ordinance to allow the density requested in 2015. Councilman Showalter said he had been struggling with the request since the Public Hearing and he asked if the financial situation faced by the developer had improved. Todd Robertson of Stateson Homes responded that the financial situation was unchanged. Financing was available, but the appraisal did not come through at the value necessary to move forward with original plans. Councilman Showalter talked about the quality product Stateson Homes has brought to Christiansburg, including pedestrian considerations and more greenspace. He stated that he did understand the concerns expressed by residents of the Villas at Peppers Ferry, but believed that the development would be beneficial to the Town and he supported the request based on past products delivered by the developer. Council voted on the motion to deny as follows: Bishop – Aye; Collins – Nay; Hall – Aye; Huppert – Nay; Showalter – Nay; Stipes – Aye. Noting a tie, Mayor Barber voted Nay and the motion was denied.

Councilman Huppert made a motion to approve the rezoning request, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Nay; Collins – Aye; Hall – Nay; Huppert – Aye; Showalter – Aye; Stipes – Nay. Noting a tie, Mayor Barber voted Aye to approve the motion and the rezoning request was approved.

2. Contingent upon the above rezoning request, a Conditional Use Permit request by Snyder-Hunt Company LLP for a 7.93-acre portion of Tax Map No. 435-A 40 located north of Quin W. Stuart Boulevard NW for a Planned Housing Development in the R-3 Multi-Family Residential District. The Public Hearing was held April 25, 2017. Councilman Showalter made a motion to approve the Conditional Use Permit, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Nay; Collins – Aye; Hall – Nay; Huppert – Aye; Showalter – Aye; Stipes – Nay. Noting a tie, Mayor Barber voted Aye and the CUP request was approved.

- A. Approval of construction contract for the Downtown and Primary Street Extension Paving project, subject to final review and approval by legal counsel (Nelson). Wayne Nelson, Director of Engineering, reported that the Town solicited bids for the resurfacing of Depot Street from Lester Street to Roanoke Street, and West Main Street from Radford Street to Moose Drive, and he recommended approval of a contract with Norwood Development. Grant funding would provide \$400,000 of the \$669,000 project. Councilman Hall made a motion to approve the contract as recommended, subject to the Town's legal approval, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- B. Approval of Professional Services Contract for the Arrowhead Sewer System Evaluation Survey and Infiltration and Inflow Study, subject to final review and approval by legal counsel. (Nelson). Wayne Nelson, Director of Engineering, recommended Council approve a Professional Services Contract with CHA Consulting for and I & I study of the Arrowhead Basin, with a \$98,000 contingent. Councilman Hall made a motion to approve the contract as recommended, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- C. Approval of Professional Services Contract for the Church, Rigby, Ellett Drainage Improvements, King Street Extension project, subject to final review and approval by legal counsel (Nelson). Wayne Nelson, Director of Engineering, recommended Council approve the noted contract with Thompson and Litton for design extension for the Church, Rigby, Ellett Drainage Improvement project. The project would be issued under the *Small Purchases Policy*, and is expected to be under construction this summer. Councilman Bishop made a motion to approve the Professional Services Contract as recommended, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- D. Reappointment of Matthew Carroll to the Fire and Rescue Commission. Mayor Barber reported that Matthew Carroll has served on the Fire and Rescue Commission for three years, with good attendance, and a high recommendation of reappointment from Chief Billy Hanks and Chief Joe Coyle. Councilman Hall made a motion to reappoint Mr. Carroll to the Fire and Rescue Commission, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

IX. COMMITTEE REPORTS

- A. Councilman Hall reported on the discussions of the Water and Sewer Committee that focused on moving forward with establishing an affordable curb-side recycling program that would complement the current private recycling program. Councilman Showalter thanked Town staff for its involvement in the recycling discussions and for Town Manager Wingfield's leadership and support.
- B. Councilman Stipes reported that the Bikeway, Walkway Committee was currently focused on developing plans for a major extension of the Huckleberry Trail from North Franklin Street to Roanoke Street, through Cambria.
- C. Councilman Showalter reported on the community involvements of the NRV Regional Commission that currently include a focused effort on developing and promoting tourism initiatives.
- D. Councilman Hall invited all to attend the Parks and Recreation Commission meeting on June 5, and he thanked the Town for its support of Child Abuse Prevention Month, and expressed appreciation for the police department's leadership efforts in fighting child abuse.

X. STAFF REPORTS

- A. Town Manager Wingfield:
 - The Farmers' Market opened May 4th.
 - Sheriff Partin invited Council to the annual fallen officer ceremony scheduled for May 22 at 5:00 P.M.

- A work session of Council for the discussion of water and sewer rates, and the annual budget, was added to the North Christiansburg Regional Park work session scheduled for May 16 at 6:00 P.M.
- Public Hearings for water and sewer rates for FY 2017-18, and the Annual Budget for FY 2017-18, was scheduled for June 1 at 6:00 P.M.

B. Town Attorney:

C. Other Staff:

1. Report by Wayne Nelson, Director of Engineering, on the North Franklin/Cambria Street intersection improvement project. Mr. Nelson updated Council on the portion of the North Franklin Street improvement project that includes installation of a stoplight at Trinity Baptist Church, and dedication of right-of-way in front of Food Lion, creating a public street, and closing off the various existing entrances onto North Franklin Street in that vicinity. A field survey and traffic counts have been completed, and Mr. Nelson provided Council with the results, presented as alternatives for consideration. Of the four alternatives presented, only options 2 and 2B did not receive a failure rating. Mr. Nelson talked about the details of each alternative and noted the design Public Hearing was expected to be held in June 2018. He then offered to answer questions of Council. Councilman Hall noted that 98% of the project would be grant-funded, with the remaining 2% funded by the Town, and Council talked about the importance of the connector road that would tie into this project, and the improvements to traffic safety by eliminating the numerous entrances onto North Franklin Street.

XI. COUNCIL REPORTS

- Councilman Huppert reported on the upcoming Cruise-In event, and expressed support for a Town curbside recycling program.
- Councilman Showalter reported he and representatives of Blacksburg Transit met with citizens to discuss the current transit system in Christiansburg, and he noted that there was more interest in traditional routes, rather than the Go Anywhere route. Mr. Showalter talked about the importance of meeting the needs of the citizens who utilize the bus service, which will be the focus of discussions at a Blacksburg Transit committee meeting on May 11.
- Councilman Stipes spoke briefly about the annual budget process and called attention to a letter Council received from Phyllis Olinger expressing concerns with past rate/fee increases, and the current proposed water and sewer rate increase for FY 2017-18.
- Councilman Hall reiterated Councilman Showalter's comments regarding the importance of offering transit routes that meet the needs of the public.
- Councilman Bishop – No report.
- Councilman Collins spoke about his attendance at the Access to Community College Education (ACCE) program held last night at Lane Stadium, and he expressed support for the program that offers free community college tuition to worthy students.
- Mayor Barber also reported on the ACCE program, noting the benefits of the program to the community. He then requested the Town consider adopting a policy establishing a camp/resting location for individuals biking trail systems that run through Christiansburg. Mayor Barber commented that he received a recent inquiry about this type of facility, and that in the past individuals have used areas behind the Fire Department and near the skatepark as stopping points. In response to concerns regarding the Starlight Drive-In Theater, Mayor Barber stated that the Town had no intention of closing the theater, but that the theater needed to comply with the noise ordinance in effect. He noted that Police Chief Sisson has been working extensively with the owner to find resolution to the ongoing noise concerns, and that upgrading the sound system may have changed the theater's status with regards to the noise ordinance.

XII. OTHER BUSINESS

XIII. ADJOURNMENT

There being no further business to bring before Council,
Mayor Barber adjourned the meeting at 9:06 P.M.

Michele M. Stipes, Clerk of Council

D. Michael Barber, Mayor