

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JUNE 13, 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 JUNE 13, 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; Director of Public Relations Melissa Powell; Police Chief Mark Sisson; Building Official Jerry Heinline; Engineering Director Wayne Nelson; Public Works Director Jim Lancianese; Assistant Superintendent of Streets Travis Moles; Wastewater Treatment Superintendent Ryan Hendrix.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

1. Add item as part of the Consent Agenda under Item B.1. to schedule a Public Hearing for July 25, 2017 for a Conditional Use Permit for a private recreational facility in the I-2 General Industrial District at 492 Reading Road, Unit C by Ashley Jones, New River Barbell and Fitness.

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

III. PUBLIC HEARINGS

1. Request for 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 the Oak Tree Townhomes Subdivision for Roger and Barbara J. Woody.

Project Manager Doug Meredith was present and offered to answer questions of Council. There were no questions or comments regarding this matter.

2. Proposed Annual Budget for Fiscal Year 2017-18.

Council was provided a copy of the proposed Annual Budget in the agenda packet for review. Town Manager Randy Wingfield called attention to the budget rollover items outlined in the document and offered to answer any questions. There were no questions or comments regarding this matter.

3. Ordinance amending Chapter 34 "Traffic and Motor Vehicles" of the Christiansburg Town Code in regards to parking fine increases.

The amendment would increase the current fine of \$10.00 to \$25.00. There were no questions or comments regarding this matter.

IV. CONSENT AGENDA

A. Meeting Minutes of May 23, 2017 and June 1, 2017.

B. Schedule Public Hearings:

1. July 25, 2017

- Conditional Use Permit request for a 110-foot steel Monopole-style Cell Tower to replace the existing 70-foot Cell Tower in the R-3 Multi-Family District at 570 High Street NE by Network Building + Consulting on behalf of Shentel, (Property Owner: Schaeffer Memorial Baptist Church).
- Rezoning request from A Agricultural to I-2 General Industrial District for a 77.42-acre parcel (Tax Map No. 558-A 24) located at the end of Parkway Drive adjacent to the Falling Branch Corporate Park by the Montgomery County Economic Development Authority (Property Owner: Cox Family Farms LLC).
- Conditional Use Permit request for a private recreational facility in the I-2 General Industrial District at 495 Reading Road, Unit C by Ashley Jones, New River Barbell and Fitness.

C. Park Street Sidewalk and Storm Drain – Phase 2, Construction Engineering and Inspection Term Services Project Contract.

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. OTHER BUSINESS

A. Closed Meeting:

1. Councilman Bishop made a request to enter into a Closed Meeting under Virginia Code Section 2.2-3711(A)(7), for 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. Specifically related to a threat of litigation in regards to the Starlight Drive-In Theater Noise Ordinance violation. The motion was seconded by Councilman Stipes and voted upon by Council 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. The motion was seconded by Councilman Hall and Council voted as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes - Aye.
4. Council action on the matter. No action.

VI. CITIZEN COMMENTS

- A. Christiansburg resident Chris Waltz expressed concern with Council's practice of going into Closed Meetings to seek legal advice on various matters, even though it is permitted by state code. Mr. Waltz said Closed Meetings were not conducive to open government and requested that all Council matters be made public.

- B. Marty Gordon, Merrimac Road, Blacksburg, proposed that Council consider starting a sister-city program in Christiansburg by adopting its namesake, Christiansburg, Ohio. Mr. Gordon talked about the interesting similarities between the two towns, and noted that Christiansburg, Ohio was named by an early settler who was a native of Christiansburg, Virginia, according to Wikipedia. Christiansburg, Ohio has a population of approximately 526, and is celebrating its bicentennial this year. Mr. Gordon encouraged Council to appoint a committee to look into this possibility, and he offered his service on the committee. Councilman Huppert pointed out that Montgomery Museum may be interested in the information provided and requested that Mr. Gordon consider presenting to the museum. Council expressed appreciation for the information provided.
- C. Stacy Martin, 1645 N. Franklin Street, addressed Council regarding the Starlight Drive-In Theater and informed that a polled recently taken at the theater showed that 95% of visitors on that day were from out of town. Mr. Martin said that currently Town Code did not address drive-in theaters and he requested that Council adopt an ordinance that would provide protection and direction for the theater. Mr. Martin further stated that he believed Christiansburg was the only locality to ever take a drive-in theater to court for noise ordinance violations, and he informed he was starting a buy-local campaign to encourage the support of local businesses.

VII. INTRODUCTIONS AND PRESENTATIONS

VIII. OLD BUSINESS

A. Council action on:

1. Ordinance for water and sewer rates for FY 2017 – 18. The Public Hearing was held June 1, 2017.

Councilman Hall made a motion to adopt the ordinance for water and sewer rates for FY 2017-18 as presented, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

2. Ordinance amending Chapter 34 “Traffic and Motor Vehicles” of the Christiansburg Town Code in regards to parking fine increases.

Councilman Bishop made a motion to adopt the ordinance amending the Chapter 34 “Traffic and Motor Vehicles” of the Christiansburg Town Code as presented, seconded by Councilman Stipes. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

3. Lease on the former Truman Wilson land.

According to Town Manager Wingfield, the Town currently leases the former Truman Wilson land to Mr. Charles King under terms that allow for property upkeep and the repair/replacement of fencing on the property in lieu of rental payments. Mr. King has requested renewal of the lease under the same conditions, with the completion of fence replacement on the property. An aerial map was used to indicate location of fencing to be replaced and for verification of replaced fencing. The lease agreement has been reviewed and approved by the Town Attorney. Mr. King requested that the Town send a letter to neighboring property owners notifying them of the fence replacement work to be done. Councilman Hall made a motion to renew the lease with the current, unmodified terms, seconded by Councilman Stipes. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

VIII. NEW BUSINESS

- A. Building Code enforcement issue regarding retaining wall repair at 13 Pepper Street, N.E.

Town Manager Wingfield discussed with Council the need for repairs of a portion of the retaining wall along the sidewalk on Pepper Street. The wall is in serious disrepair and Council was provided a copy of an estimate indicating repair costs of \$75,000 to \$100,000. The property owner has been notified by the Town of the need for repairs, but responded that he could not afford the estimated costs to repair the wall. Building Official Jerry Heinline said there may be several options for repairing the wall, but with the wall so close to the front of the house, he is concerned that the house foundation could be compromised. Mr. Heinline noted that the Town has monitored the situation for five years and it is now at the point that it could be a threat to public safety. Mr. Heinline further noted that he has unsuccessfully sought grants and other types of resources, such as Virginia Tech, to provide assistance in repairing the wall. Mr. Heinline expressed concern that if the Town were to take the property owner to court, it would likely be successful, but would still be in the same situation with the owner unable to afford the repairs. Mr. Heinline commented that he believed a favorable option would be for the Town to repair the wall, then place a lien on the property, which would allow the owner to remain in his home. However, he recommended a meeting between the Town and property owner to discuss all options and determine the best course of action. The owner has lived at that location since purchasing the property in 1979. Through the discussion with Mr. Heinline, Council determined that the retaining wall created a threat to public safety and directed that the sidewalk along the wall be closed to pedestrians immediately. Councilman Stipes noted that there were remedies that could be applied that would arrest further failure of the retaining wall, and he stressed that any action taken with regards to repairs should be mutually agreed upon by the Town and the property owner. Mayor Barber requested that Town Manager Wingfield and Building Official Heinline schedule a meeting with the property owner to discuss the matter, and Council directed that the sidewalk in the area of the wall disrepair be closed to the public. In closing, Councilman Showalter recommended repairing/reinforcing the entire wall to prevent disrepair from being an ongoing issue.

IX. COMMITTEE REPORTS

A. Street Committee:

1. Replat of Public Utility Easement Vacation and Relocation for Montgomery County (Falling Branch Elementary School).

Councilman Stipes reported that the request was to accommodate the construction of new classrooms at Falling Branch Elementary School, and would also provide a new sewer connection. Councilman Stipes made a motion to approve the public utility easement vacation/relocation as requested, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

2. Replat of Tax Map 466-8-1 to Vacate a Portion of Public Utility Easement (parcel located on corner of Central Avenue NE and N. Franklin Street).

Councilman Stipes reported that the requested action would allow Town & Country Veterinary Clinic to build a freestanding clinic at the noted location. The public utility easement is not needed by the Town 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 Wingfield:

1. Downtown Master Plan. The plan will be based on two separate studies, one of Cambria and one of the downtown area, and would be done in sections that would address specific topics. Town staff will meet with Central Business District members Councilman Showalter and Councilman Bishop to discuss the specifics of the studies. Mayor Barber noted that downtown property owner, Ray Alcorn was interested in meeting with the Town to discuss ideas for revitalizing the downtown area. Council scheduled a work session to meet with Mr. Alcorn on June 22, 2017 at 6:00 P.M.

2. The Town received a request from Foursquare Church for a boundary line adjustment that would bring the church property into town limits. The Town would need to work with the Montgomery County Board of Supervisors on the request, and Council directed Town Manager Wingfield to proceed with the matter.

B. Town Attorney:

C. Other Staff:

XI. COUNCIL REPORTS

- A. Councilman Hall reported on the June Recreation Advisory Commission meeting, which included details on plans for the July 4th celebration. He then reported on the various programs offered at the recreation center and highlighted Jill's Buddy Camp, a summer camp program that pairs children with special needs with teenagers. Mr. Hall encouraged Council and citizens to become involved with the Parks and Recreation Department through its programs and by attending monthly Recreation Advisory Commission meetings held the first Monday of each month. **Mr. Hall noted that the Recreation Advisory Commission meeting for July had been cancelled due to the July 4th holiday.**
- B. Councilman Bishop – No report.
- C. Councilman Collins expressed support for Mr. Gordon's suggestion to consider adopting a sister city program, and offered his assistance in moving forward. He then reported that plans were moving forward for a parade in honor of the Christiansburg High School wrestling program.
- D. Councilman Stipes – No report.
- E. Councilman Showalter – No report.
- F. Councilman Huppert reported on the news coverage of the fire department's involvement in the Make A Wish program, then reported on the success of the aquatic center summer programs. In closing, he expressed concern with the recent closing of Applebees and recommended Council request an update from Director of Economic Development Brian Hamilton on the Marketplace property, and seek advice on ways to encourage businesses.
- G. Mayor Barber reported that the Town had received an email from MBC Development Corporation requesting that the Town reappointment him to serve another three-year term on its board. Mayor Barber has served in this capacity for several years, and Councilman Showalter made a motion to reappoint Mayor Barber as requested, seconded by Councilman Collins. Council voted on the matter as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

Councilman Showalter reported on a presentation giving during a recent NRV Regional Commission meeting outlining a New River Community Services pilot drug rehabilitation program used by the Pulaski County court system. The grant-funded, three-year program has received the support of local judges and currently has eleven participants. The NRV Regional Commission is expected to review the program and make a recommendation to the regional on expanding the program.

XIII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:52 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor