

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JULY 11, 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 JULY 11, 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 Susan Waddell; Director of Public Relations Melissa Powell; Finance Director/Treasurer Val Tweedie; Assistant to the Town Manager Adam Carpenetti; Director of Engineering Wayne Nelson; Director of Human Resources Dave Brahmstadt; Director of Public Works Jim Lancianese; Planner Will Drake; Assistant Superintendent of Streets Travis Moles; Director of Parks and Recreation Brad Epperley; Supervisor of Outdoor Sports Facilities and Parks Nick Yopp; Supervisor of Park Maintenance Forest Redd; Supervisor of Community Programs Pam Peyton; Supervisor of Senior and Special Populations Programs Tammy Caldwell; Fire Chief Billy Hanks; Police Chief Mark Sisson.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

IV. CONSENT AGENDA

- A. Meeting Minutes of June 27, 2017.
- B. Falling Branch Connector Road Engineering Design Contract.
- C. Approval of contract for Managed Print Services by Virginia Business Systems.
- D. Amendment to the contract to upgrade current water distribution to SCADA System.

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

VI. CITIZEN COMMENTS

- A. Update on proposed Sister City Program by Marty Gordon. Mr. Gordon provided Council with follow-up information on the Sister City Program he proposed on July 11, 2017. Also provided for Council consideration was a draft resolution in support of the establishment of a Sister City Program with Christiansburg, Ohio for the purpose of building relationships, providing educational, trade, and tourism opportunities, and enhancing cultural awareness. The resolution called for the appointment of a Program Committee to work with Christiansburg, Ohio in overseeing the program. Mr. Gordon shared with Council photographs of various buildings in Christiansburg, Ohio that had been fashioned after, and named after, buildings in Christiansburg, Virginia, and spoke about the extraordinary efforts of the small town to raise money to meet its infrastructure needs. According to Mr. Gordon, Christiansburg, Ohio

was interested in pursuing a Sister City partnership with the Town and was eager to meet with Mr.

Gordon and the appointed Program Committee to further discuss. Councilman Huppert said he presented this idea to the Montgomery Museum Board, which expressed interest in receiving additional information from Mr. Gordon. In closing, Mr. Gordon noted that on July 31st Ignite would hold the first Arts Council meeting at 7:00 P.M. and he invited all to attend.

VII. INTRODUCTIONS AND PRESENTATIONS

A. Community Engagement:

1. Introduction of Jill's Buddy Camp volunteers for their service and contribution to the community by Melissa Powell, Director of Public Relations.

Director of Public Relations Melissa Powell invited the staff and volunteers involved with Jill's Buddy Camp to stand for the presentation of a resolution in recognition of their service and contribution to the community. Mr. Brad Epperley, Director of Parks and Recreation, spoke briefly about the purpose, goals, and activities of Jill's Buddy Camp, and thanked each staff member and volunteer for their efforts in making the camp a success for the third consecutive year. At the encouragement of Councilman Hall, several young volunteers shared their experiences working with the camp, and each expressed that the experience had impacted them in positive ways. Each staff member and volunteer was provided a certificate of appreciation from the Town.

VIII. DISCUSSION BY MAYOR AND COUNCIL

Councilman Hall made a motion to amend the agenda to include Council discussion and action on the proposed Sister City Program. Councilman Bishop seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. The matter was placed as Item 5 under Discussions by Mayor and Council.

A. Council action on:

1. Dale Buckner request for street closure for annual gospel singing event. Per Town Manager Wingfield, an event application was submitted by Mr. Buckner and approved by the Events Committee. Councilman Stipes made a motion to approve the street closures as noted in the application, seconded by Councilman Hall. Mr. Buckner took a moment to explain the change in street closing locations for the third annual Gospel Sing, which was meant to condense the event into a smaller location out of consideration for the businesses located on Main Street. An earlier street closure time was chosen to allow for proper set up of stage and sound system, and the date of the event was changed from August to October due to weather temperatures. According to Mr. Buckner, the date of October 14, 2017 would not conflict with a Virginia Tech home game or banner space across Main Street. Ignite has agreed to allow the use of its parking lot on Main Street for the event. Council expressed appreciation for Mr. Buckner's efforts in organizing the event each year and voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes -Aye. In support of the event, the Town will provide a map of parking and will include the event on its website Calendar of Events.
2. Authorization of demolition of structures at 1135 Radford Street, N.W. (tax parcel 525 – ((2)) – 1-7, 36-39, 41). Town Manager Randy Wingfield reported that the commercial property at 1135 consisted of two buildings in severe disrepair. The Town has sent the property owner numerous notices over several years calling for repairs, with no responses or action. The property has been boarded up, but has not been maintained. The Town has determined that demolition was necessary and would take action to perform the demolition at the cost of the property owner. If unpaid by the property owner, the Town would place a lien on the property as a means of recovering costs. Councilman Showalter asked if there was a policy in place for handling the demolition of personal property, and stressed that the situation should be researched thoroughly before any action is taken by the Town. If there is no policy in place, Council Showalter urged that one be adopted before the Town takes responsibility for demolishing privately owned properties, with the intent to place a lien if costs are not paid by property owners. Town Manager Wingfield noted that the Town has followed

protocol for addressing derelict properties with the assistance of Town Attorney Theresa

Fontana, including notice of intent to place a lien on the property if costs are unpaid by the owner. Due to continuing concerns with a lack of policy directly related to the Town demolishing private property, with the intent to recover costs, Councilman Hall made a motion to table the matter until further research could be done, seconded by Councilman Showalter. Mayor Barber commented that Council could vote to move forward with demolishing the structures at 1135 Radford Street since due notice has been given in compliance with Town Code, and could make the action contingent on further research into proper protocol for placing a lien on private property to recover all costs associated with demolition. Town Attorney Susan Waddell noted that Town Code currently provides an avenue for the Town to recover all costs associated with demolition through the court system, and she read the notice to the property owners of 1135 Radford Road that clearly stated the Town's intent to recover costs if the Town was forced to demolish the structures through inaction of the property owner. After receiving assurance from Town Attorney Waddell that the Town had the authority to recover all costs associated with demolition through a property lien, Councilman Hall withdrew his motion to table the matter and Councilman Showalter withdrew his second. Councilman Hall then made a motion to authorize the demolition of the property at 1135 Radford Road, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. Councilman Showalter recommended Town Attorneys draft a policy of standard procedure for demolition of privately-owned property for consistency and direction in handling those matters in the future.

3. 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. The Public Hearing was held June 27, 2017. Councilman Collins stated that he had attended each Planning Commission discussion on the request and understood the commission's support. However, after researching all that the request involved, Councilman Collins explained he had changed his position on amending the ordinance as requested. Mr. Collins stated that he respected those involved with the request, but had determined it was in the best interest of the town to preserve and protect the integrity of the I-2 General Industrial Zoning, which was intended for industrial development/manufacturing. At the request of Council, Town Manager Wingfield provided information on the few vacant properties located in the industrial park. Michael Abraham, owner of the building to be leased by the Moose Lodge, and John Beamer, Administrator of the Moose Lodge, requested an opportunity to respond to comments. The Public Hearing was held on July 11, 2017, and the request to respond was denied by Mayor Barber. Councilman Huppert made a motion to table the matter to allow Mr. Abraham and Mr. Beamer the opportunity to present the Town with their comments. The motion died for lack of a second. Councilman Hall stated his reluctance to disagree with the Planning Commission, which recommended approval, and he thanked Town staff for the written responses to his questions. However, Councilman Hall explained that his concerns remained with protecting the integrity of the Town's zoning districts, and he talked about his concern with the consumption of alcohol on premises if the request was approved. For the stated reasons, Councilman Hall made a motion to deny the request, stressing that his motion should not be viewed as opposition to the Moose Lodge. Councilman Hall expressed support for the Moose Lodge's civic and community involvements and encouraged the club to seek a more appropriate meeting location. Councilman Stipes seconded the motion, noting the importance of preserving the I-2 General Industrial zoning for industry that would expand the job base in Christiansburg. Councilman Stipes expressed his support for the Moose Lodge, noting his lack of support for the ordinance amendment request was due to location only. Councilman Huppert noted that he could support both sides of the argument in this request, but agreed that industrial park property should be preserved for industrial businesses and that a more appropriate location could be found for the Moose Lodge. Town Manager Wingfield commented that notice of the request was sent to neighboring property owners including across public streets. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. The request was denied.
4. Contingent on the above item, a Conditional Use Permit request for Club/Lodge (Applicant: Moose Lodge) in the I-2 General Industrial District at 225 Industrial Drive. The Public Hearing was held June 27, 2017. See above action.
5. Resolution in support of implementing a Sister City Program in Christiansburg, Virginia with the intent to pursue adopting Christiansburg, Ohio as a sister city. Councilman Hall made a motion to

adopt the resolution, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

B. Discussion of requirement for department heads to live within Town limits.

Councilman Showalter requested Council consider adopting a policy requiring that municipal officers and department heads be residents of the Town as a condition of employment. Mr. Showalter said his request was based on the belief that living within Town limits would give top administration an investment in the Town, and a level of commitment to the Town, that could otherwise be lost if living outside Town limits. Councilman Showalter stressed that he would want current staff grandfathered, and that any residency requirements would be for future hires only. Currently, the Town Manager is the only municipal officer/staff member required to live within Town limits as a condition of employment. Councilman Showalter said this topic had been discussed by Council in the past. Councilman Hall said he could understand requiring municipal officers to be Town residents, but expressed concern with placing the requirement on department head positions, noting that several valuable department heads live outside Town limits. Councilman Stipes expressed the same concern, noting that a residency requirement could prevent skilled, knowledgeable people from seeking employment with the Town, pointing out examples among the Town's current department head staff. Mayor Barber informed Council that Section 2.03, Municipal Officers, of the *Christiansburg Charter* prohibited the Town from requiring that municipal officers be town residents at the time of employment or appointment. Town Attorney Waddell expressed concern that the Town could limit its ability to secure professionals with needed knowledge if it were to require town residency, that it could, in effect, be tying its hands. Mayor Barber spoke briefly about the valuable department heads who live outside Town limits, and expressed concern that the Town could lose out on skillful employees in the future due to a residency requirement. Councilman Huppert said he did not understand why the issue was being discussed, and he did not believe that living in Montgomery County diminished a department head's level of commitment to the Town. Councilman Showalter stated that Town residency fostered ownership in the Town, and he believed that was crucial for Town leadership. Council agreed that certain aspects of the discussion made sense, but overall requiring Town residency for municipal officers and department heads could be limiting to the Town with future hires. Council did question why they were not provided with summaries of past discussions regarding this topic, and requested that they be provided existing background information in preparation of Council discussions. Councilman Showalter withdrew this topic of discussion, noting it could be brought back up in the future if Council desired.

IX. COMMITTEE REPORTS

X. STAFF REPORTS

A. Town Manager Wingfield:

- Town staff is in the process of compiling a Rate and Fee Comparison, which is expected to be available in August.
- A report was provided on the Pepper Street retaining wall matter. Design was estimated to cost \$2,250, and the property owner would be unable to cover the costs. Repairs to the wall have been estimated to cost close to \$100,000 and the assessed value of the existing house is just over \$100,000. Town Manager Wingfield said he has searched for financial assistance opportunities for the repairs, with no success. Councilman Showalter said the Town needed to review and inspect all town-owned walls and create a policy to address maintenance/upkeep. It was noted that the Pepper Street retaining wall was built in sections and Town could repair the section that was failing, without disturbing the rest of the wall. Town Attorney Waddell reviewed with Council portions of the nuisance ordinance of the *Christiansburg Town Code* that outlined procedures and gave authorization to place a lien on property to recover the costs associated with addressing matters determined to meet the definition of a nuisance. Councilman Hall stressed the importance of clearly stating the Town's intent to place a lien on property, if costs are not paid by owner, in any notices sent to property owners notifying of repairs to be made on their property. Town Manager Wingfield said that notices have been sent to the property owner requesting repairs to the retaining wall. The owner has said he was unable to afford the repairs, and has been informed that a lien would be placed. Council stated written notices should state the Town's intent to repair the wall and recover

the costs through a lien on the property, if costs are not paid by the owner. Council discussed Town-owned retaining walls in need of maintenance, and Councilman Showalter requested Town Manager Wingfield compile a list of walls for Council review and discussion.

- The Town has received a request to expand free aquatic center annual membership to lifetime members of the Lifesaving and Rescue Department. There are sixty-six life Rescue members; fifty-three live in Montgomery County and there are approximately ten life Fire members. Council requested the matter be placed on the agenda for the July 25, 2017 meeting and to include Fire Department life members.

B. Town Attorney:

C. Other Staff:

XI. COUNCIL REPORTS

- Councilman Collins reported on the recent annual employee picnic held at the aquatic center and thanked the organizers for a successful and fun event. He then commended town crews on the repaving of West Main Street and recognized Marty Gordon's efforts in presenting the sister-city program to Council.
- Councilman Bishop – No report.
- Councilman Hall reported that the next Recreation Advisory Commission meeting was scheduled for August 7, and he invited all to attend and to place matters of interest on meeting agendas. He then reported on the success of the recent World Series event held at Harkrader, and asked Director of Parks and Recreation Brad Epperley to report on the SWVA Elite Championship Tournament scheduled to be held at Harkrader Sports Complex June 14 – 16. Councilman Hall then expressed appreciation for Director of Public Works Jim Lanciañese and the Public Works crews for their quick response to citizen complaints.
- Councilman Stipes informed Council that the Street Committee would report on the East Main Street parking situation, brought to Council's attention on June 27, during the July 25th council meeting.
- Councilman Showalter – No report.
- Councilman Huppert reported on the SWVA Elite Championship Tournament, and the Summer Awards event at the aquatic center, scheduled for the weekend of July 14 – 15. He then referred to a recent article in the newspaper regarding the population growth of Montgomery County and offered to provide a copy to Council.
- Mayor Barber reported on the Rally North America's Rally Appalachia 2 event, which held its starting line on West Main Street on July 11, 2017. The event consisted of 50 - 70 teams that made twenty-five stops to historical and scenic points of interest along the Appalachian Mountains. The event was held as a fundraiser for the charity Hope for the Warriors. Mayor Barber expressed his honor at serving as Grand Marshall and he thanked Tourism Director Lisa Bleakley and Public Relations Director Melissa Powell for their efforts in hosting the event. Mayor Barber then reminded Council of the closed work session with Montgomery County School Board on July 18, 2017 at 6:00 P.M.

XII. CLOSED MEETING:

1. Councilman Bishop made a motion 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 the New River Valley Mall real estate assessment. Councilman Collins seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
2. Reconvene in Open Meeting. Councilman Bishop made a motion to reconvene in Open Meeting, seconded by Councilman Stipes. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

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. Mayor Barber stated the consensus of Council to authorize the Town Attorneys to act on behalf of the Town concerning the New River Valley Mall real estate assessment matter.

XIII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 9:20 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor