

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JULY 25, 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 25, 2017 AT 7:00 P.M.

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

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Jim Guynn; Director of Public Relations Melissa Powell; Finance Director/Treasurer Val Tweedie; Director of Engineering Wayne Nelson; Director of Parks and Recreation Brad Epperley; Police Chief Mark Sisson; Planning Director Andrew Warren.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

1. Public Hearing for a Conditional Use Permit request by Jeff Holland of Network Building + Consulting, LLC (representing Shentel), agent for Schaeffer Memorial Baptist Church, for a 110-foot tall steel monopole-style communications tower at 570 High Street, N.E. in the R-3 Multi-Family Residential District. The Applicant requests two waivers for: (1) the allowable height of monopoles in a residential district; and (2) the minimum setbacks from all property lines of no less than the height of the tower.

Max Wiegard of Gentry Locke in Roanoke, representing applicant, Shentel, explained to Council the CUP request and the two waivers. Planning Director Andrew Warren provided Council with a revised site plan for the replacement tower, along with a copy of Mr. Wiegard's PowerPoint presentation. Mr. Wiegard provided background on the existing pole which was erected by Ntelos in 1999 on property owned by Schaeffer Memorial Baptist Church. The wooden pole has since been sold to Grain Communications, which rents pole space to Shentel and Ntelos. Shentel is proposing, as part of its infrastructure upgrade in Montgomery County and the New River Valley, to replace the wood monopole with a state of the art steel monopole that would offer wireless broadband service to its customers, and would improve cellular performance and indoor signals. According to Mr. Wiegard, the existing wood pole was not structurally sound enough to handle the additional weight of the upgraded cellular equipment, which is the reason for the request to construct a steel pole. Mr. Wiegard explained the design and location of the equipment that would be attached to the monopole, designed to minimize visibility of the equipment. Shentel would lease space on the pole to other cell providers. Mr. Wiegard explained that existing mature trees on the property would interfere with cellular reception if the pole were not constructed to a height of 110-feet. Because of the needed additional height, the monopole could not meet setback requirements standard for this type of facility, which was why the applicant has requested a waiver of the setback requirements. Mr. Wiegard explained the safety features of the monopole, which was designed to collapse on itself and fall within a fifty-foot radius in the event of a major windstorm. He noted that the existing wood monopole offered no safety features in the event that it fell. Mr. Wiegard reported that a community meeting was held several months ago for public information, and several citizens expressed concerns with possible adverse health effects of radio frequency signals, and the potential devaluing of nearby real estate. He provided Council with statistical information pertaining to effects of radio frequency signals from cell towers, and with information on areas of poor cell coverage in Christiansburg in comparison with anticipated improved coverage with

upgrades. Mayor Barber asked if Shentel intended to provide liability insurance for the surrounding properties that could be impacted by the pole. Mr. Wiegard responded that it did not, that its lease was with the church which provided a level of liability insurance for its own property. Councilman Huppert commented that he had attended the Planning Commission discussion on this matter and expressed support for the request. Councilman Bishop asked if the location of the monopole would fall within the historic district; Planning Director Andrew Warren responded that Shaeffer Memorial Baptist Church was on the historic registry, but had not been incorporated into the Cambria Historic District. Councilman Stipes asked if there had been any additional comments from the community in response to Shentel's response to concerns voiced at the information meeting. Mr. Wiegard said there had been no additional comments.

William Smith, 569 High Street, said he lives directly across from the proposed pole location and he expressed concerns with possible adverse health effects from the radio frequency signals. Mr. Smith said he learned through research that the closer a person lives to a cell tower the more likely they are to experience health problems, including cancer. Possible negative impacts on real estate value, and the close proximity of the proposed monopole to his front porch, were also concerns presented by Mr. Smith. Mr. Smith stated that the proposed placement of the monopole would be detrimental to him and his property and he asked Council to consider his comments. Town Manager Wingfield noted that federal law prohibited considering health affects when determining telecommunications placement.

Allen Palmer, 525 High Street, expressed his concerns with the potential negative impact of the monopole on neighboring residents, and asked if Shentel could guarantee that neighboring property values would not decrease, and that there would be no adverse health effects on those living nearby, with placement of their pole. He then asked if there was a method in place for building concealed poles, and for minimizing visual pollution and radioactive frequency energy (RFE). Mr. Palmer presented information for Council to consider on the effects of RFE on human health, including a risk of cancer.

Pete Whitlock, 530 High Street, lives next to the proposed monopole site, and he expressed that approving the tower would be a complete disregard to those living in the area, and that the assets of the community would be degraded by placement of the proposed pole. Mr. Whitlock attended the public information meeting held by Shentel, and he stated that it was his belief that the monopole would not be in the best interest of Shaeffer Memorial Baptist Church, the community center, or neighboring residents. Mr. Whitlock asked Council to consider those living in the neighborhood and the concerns expressed by the community.

2. Public Hearing for a Conditional Use Permit request by Ashley Jones, New River Barbell and Fitness, agent for Kevin Carter, for a private recreational facility (gym) at 492 Reading Road, S.E., Unit C in the I-2 General Industrial District.

Trey Walls, on behalf of Ashley Jones, explained the request to operation a recreational facility at 492 Reading Road. The gym would be located in a 1,500 square-foot, two-bay garage facility that is part of a larger building. All fitness activities would take place indoors and he explained the hours of operation and expected membership. Mr. Walls noted that the facility was compliant with the Town's master plan, as it would bring people into the area for recreational purposes, and he agreed to comply with the conditions set forth in the CUP. There are currently three businesses located in the building that share bathrooms and parking.

Mike Martin, 475 Arrowhead Trail, expressed his support for the gym, but requested that the owners be cognizant of noise during hours of operation. Mr. Martin's residence is located a couple of hundred feet from the business location and he often hears loud music coming from the building, sometimes early in the morning. Mayor Barber noted that the Town has received noise complaints over the years from residents living near the building. Mr. Walls said he would be respectful to neighboring residents with regard to loud music/noises. Planning Director Andrew Warren noted that Ms. Jones has been working with the building inspections to meet all building code requirements.

Chris Waltz, 1370 Rigby Street, requested that Council consider that the request at hand was similar in nature to the Moose Lodge request for an ordinance amendment and Conditional Use Permit, which was denied on July 11, 2017.

IV. CONSENT AGENDA

- A. Meeting Minutes of July 11, 2017.
- B. Monthly Bills.
- C. Schedule Public Hearing for August 22, 2017 for a Rezoning request from Agriculture to I-2 General Industrial District for a 64.114-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).
- D. VDOT Revenue Sharing Appendix As.
- E. VDOT Primary Extension Project Administration Agreements.
- F. Norfolk Southern (NS) Construction Agreement.
- G. Virginia Department of Conservation and Recreation Funding Agreement.
- H. Contract for Fire Alarm System at Police Department PD 18-001.
- I. Amendment to contract for Microwave Radio Network RES-16-006.

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

VI. CITIZEN COMMENTS

- A. Stacy Martin, 1480 Turnberry Lane, Riner, noted that he had discussed the proposed sign ordinance amendment with Planning Director Andrew Warren and had concerns regarding the lack of guidelines for what can be put inside windows. He requested that Council and the Planning Commission meet with the public to listen to concerns regarding limitations on small businesses, and to discuss ways to establish Christiansburg as a small business hub.

VII. INTRODUCTIONS AND PRESENTATIONS

Councilman Stipes noted that the agenda packet for tonight's meeting did not contain Planning Commission action on the Public Hearing items, and he requested that Council be provided that information in the future. Planning Director Andrew Warren instructed that Planning Commission action could be accessed through a link on the Public Hearing cover sheet included in the agenda packet. A link is provided out of consideration for the potential lengthiness of agenda packets.

VIII. COMMITTEE REPORTS

- A. Street Committee report/recommendation on:

- 1. East Main Street parking with regards to signage and increased fines.

Councilman Stipes reported that the Street Committee met twice to discuss the parking concerns raised at the July 25, 2017 meeting, and recommended that the five available parking spaces on East Main Street should be clearly defined pavement marking and signage prohibiting courthouse parking. Parking fines for violations in those parking spaces would be increased to \$50 with a resolution in the Council packet, and would be clearly stated on parking signs. Parking in those five spaces would have a one-hour time limit. Councilman Stipes noted that there was ample courthouse parking located behind the courthouse, and directional signs would be posted indicating available parking for

courthouse business. Councilman Stipes further noted that Police Chief Sisson, Engineering Director Wayne Nelson, and Public Works Director Jim Lancianese would make recommendations on ways to inform the public of the parking changes and the locations of available parking for courthouse business. The Street Committee will review the matter in a couple of months.

IX. DISCUSSION BY MAYOR AND COUNCIL

A. Council action on:

1. East Main Street parking with regards to signage and a resolution for increased fines. Councilman Stipes made a motion to approve the Street Committee recommendations to reserve the five parking spaces on East Main Street, indicated during the Street Committee report, with Courthouse parking prohibited and pavement marking and signage, and a resolution to increase parking violation fines to \$50. Councilman Huppert seconded the motion. Councilman Bishop expressed concern with raising the fine amount, considering parking fines were recently increased town-wide, and he recommended beginning with signage and pavement markings, then monitoring results. Council was polled on the motion as follows: Bishop – Nay; Collins – Aye; Hall – Absent; Huppert – Aye; Showalter – Aye; Stipes – Aye.
2. Extension of Aquatic Center membership to Fire and Rescue Life Members. It was noted that the Aquatic Advisory Board supported extending free membership to the life members of the fire and rescue departments. Councilman Huppert made a motion to approve, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Absent; Huppert – Aye; Showalter – Aye; Stipes – Aye.

- B. An ordinance amending Chapter 2 “Administration” of the Christiansburg Town Code to revise the manner in which deeds, contracts, etc. are approved and executed. Town Manager Wingfield explained that the ordinance amendment would authorize the Town Manager to approve construction contracts and purchase orders for vehicles, equipment, and projects that have been appropriated in the budget, with the exception of contracts for legal services, and contracts in excess of \$100,000. Councilman Stipes made a motion to approve the ordinance amendment, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Absent; Huppert – Aye; Showalter – Aye; Stipes – Aye.

X. STAFF REPORTS

A. Town Manager Wingfield:

- Reported on the first Christiansburg Arts Council meeting held last night, with good attendance and positive discussion.
- Reported on the Diamond Hills Park sewer overflow. Town Manager Wingfield authorized an emergency repair contract with E.C. Pace to replace a 540’ portion of pipe due to a collapse. The contract cost was \$79,227.
- The Engineering Department has begun taking inventory of Town-owned retaining walls and determined that the College Street was on private property according to an old survey. The Town has performed repairs on that wall in the past, but formally owned the property.
- The Kenneth B. Gibson Memorial Park and Ride is now open for use. A ribbon cutting is being planned, potentially for August, and details will be provided to Council as they come available.
- The Farmers’ Market Committee has recommended closure of Hickok Street, which has been discussed with the Central Business District Committee. Mr. Wingfield explained the vision for the location to establish it as a community gathering place, and he requested authorization to contact the property owners for input. It was the consensus of Council to approve Mr. Wingfield’s request in moving forward with plans for Hickok Street.

B. Town Attorney:

C. Other Staff:

XI. COUNCIL REPORTS

- Councilman Huppert provided information on Heritage Day scheduled for August 26, 2017, and announced that the aquatic center has hosted two meets in July with another one scheduled for July 28
- He then commended Town crews on the downtown flower beds and requested his appreciation be passed on to the appropriate work crews.
- Councilman Stipes welcomed Matthew Hobson, Executive Director of the New River Valley 911 Authority, to the Council meeting.
- Councilman Bishop – No report.
- Councilman Collins thanked Matthew Hobson, Executive Director of the New River Valley 911 Authority, for attending tonight's meeting and offered the Town's assistance to him as he settles into working with the localities of the 911 Authority.
- Councilman Showalter talked about the Central Business District Committee meeting and the discussion of the vision for Hickok Street, and he expressed his hopes for a public input meeting for ideas and feedback on creating a destination place in that location. He further noted that the focus of the Central Business District Committee and Town staff remained on downtown revitalization, and growing the Farmers' Market.
- Mayor Barber appointed Councilman Stipes and Councilman Bishop to serve on the Wayfinding Committee along with Melissa Powell, Wayne Nelson, and Brad Epperley. Councilman Collins and Councilman Showalter will serve as alternates.

XII. CLOSED MEETING:

1. Councilman Bishop made a motion to enter into a Closed Meeting in accordance with the Virginia Code Sections as follows. The motion was seconded by Councilman Collins and voted upon as follows: Bishop – Aye; Collins – Aye; Hall – Absent; Huppert – Aye; Showalter – Aye; Stipes – Aye.
 - a. Virginia Code Section 2.2-3711(A)(5), for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. The Closed Meeting is being held to discuss an economic development prospect.
 - b. Virginia Code of Virginia § 2.2-3711(3). 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 discussions with the Montgomery County School Board.
 - c. Councilman Bishop made a motion to enter into a Request for 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.
 - d. 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 Starlight Drive-In Theater Noise Ordinance violation litigation.

2. Reconvene in Open Meeting. Councilman Bishop made a motion to reconvene in Open Meeting, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Hall – Absent; 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 Stipes and Council voted as follows: Bishop – Aye; Collins – Aye; Hall – Absent; Huppert – Aye; Showalter – Aye; Stipes - Aye.
4. Council action on the matter. Concerning Closed Meeting Discussion #3, Councilman Collins moved to authorize legal counsel to complete settlement by entering into the order that reduces the tax by the amount of \$18,485.09 for the year 2017. Councilman Bishop seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Hall – Absent; Huppert – Aye; Showalter – Aye; Stipes – Aye.

XIII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 10:11 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor