

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
AUGUST 8, 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 AUGUST 8, 2017 AT 7:00 P.M.

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

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Theresa Fontana; Director of Public Relations Melissa Powell; Finance Director/Treasurer Val Tweedie; Director of Engineering Wayne Nelson; Planning Director Andrew Warren; Building Official Jerry Heinline; Police Chief Mark Sisson; Rescue Chief Joe Coyle.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

- 1. Request to add the reappointment of Al Bowman as an at-large member of the Virginia Tech/Montgomery Regional Airport Authority Board. The matter was added to item G under Discussions and Action by Mayor and Council Members.

III. PUBLIC HEARINGS

- 1. Proposed ordinance amending Chapter 42 – Zoning of the Town Code for the purpose of regulating the time, place, and manner of displaying signs in the Town of Christiansburg.

Planning Director Andrew Warren provided Council with a brief overview of the revisions to the sign ordinance, which were provided in the agenda packet. The goal of the proposed revisions was to bring the ordinance into compliance after a Supreme Court ruling that signage regulations should be content neutral, and a model ordinance was provided by the state and used by Town staff in working with the Planning Commission Development Subcommittee, the Montgomery County Chamber of Commerce, and several business/property owners, in drafting the proposed revisions. In addition, the working group adjusted regulations to allow more flexibility for businesses, and moved the ordinance to the zoning ordinance for ease in enforcement. Mr. Warren reviewed with Council the differences in sign regulations between zoning districts, and summarized efforts to streamline the ordinance by removing outdated and duplicate definitions and sections. Mr. Warren noted that the county registrar's office has been notified of pending changes. There were no public comments during the Planning Commission Public Hearing on July 17; however, Mr. Warren presented Council with comments from the business community regarding nonconforming signage, including a request to raise the height of two adjacent billboards on Peppers Ferry Road that are impeded by the Renva Knowles Bridge. Town Council expressed appreciation for the efforts of the working group in drafting the proposed ordinance amendment. Several Planning Commission members were present at the Public Hearing in support of the proposed amendment.

Chip Dicks of Future Law, representing Lamar Advertising Company, commended Town staff and the Planning Commission on the proposed sign ordinance amendment. He then addressed Council regarding the two billboard signs on Peppers Ferry Road, mentioned by Planning Director Warren, that had extremely limited visibility due to the Renva Knowles Bridge. The reduced visibility has affected the company's ability to rent the sign spaces. Mr. Dicks noted that Lamar had raised these concerns during construction of the bridge, and he stressed that Lamar wanted to find a peaceful resolution to the situation, rather than taking

adverse action through the courts. Lamar has brought the matter to the attention of the Town again for consideration during the revision process. Mr. Dicks stated that the bridge railings completely blocked visibility of the billboards, and Lamar is requesting it be allowed to raise the poles of the signs to 35 feet under the nonconforming use provisions. Mr. Dicks said he appreciated the provisions written into the ordinance that provided flexibility for businesses, and asked that the Town consider incorporating Lamar's request into the sign ordinance.

IV. CONSENT AGENDA

- A. Meeting Minutes of July 25, 2017.
- B. Schedule Public Hearing on September 26, 2017 for a Conditional Use Permit request for an electronic readerboard in the B-2, Central Business District at 190 North Franklin Street (Pizza Inn) by J. Stuart and Jill Arbuckle.
- C. Schedule Public Hearing on Tuesday, August 22, 2017 for the Community Development Block Grant Annual Action Plan.
- D. Approval of the contract and purchase of a new ambulance for the Rescue Squad.

Councilman Hall made a motion to approve items B, C, and D of the consent agenda, seconded by Councilman Collins. Council voted on the motion as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

Councilman Showalter made a motion to approve the meeting minutes of July 25, 2017 as presented, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Absent; Collins – Aye; Hall – Abstain (absent from July 25th meeting); Huppert – Aye; Showalter – Aye; Stipes – Aye.

VI. CITIZEN COMMENTS

- A. Dr. Sharon Scott, 40 Sapphire Avenue, addressed Council on behalf of the Montgomery County Chamber of Commerce regarding the chamber's efforts to bolster brick and mortar businesses by supporting legislation to begin charging Virginia sales tax for online purchases. Mrs. Scott talked about the amount of money spent by consumers annually in online shopping, and how that negatively impacted brick and mortar businesses through loss of revenue, and the state and its localities through loss of sales tax revenue. Council was provided information outlining the Chamber's proposal via email. The Chamber has sent the proposal to state legislators for consideration, and Mrs. Scott requested that Christiansburg support the effort by contacting local legislators. Mrs. Scott noted that the program has received the support of the New River Valley Regional Commission.
- B. Jonathon Taylor, 685 School Lane, addressed Council regarding ongoing storm water issues on School Lane. Using Google Maps, Mr. Taylor described to Council the flow of storm water from East Main Street onto School Lane, that flooded culverts and yards, and resulted in loss of personal property. Mr. Taylor said he brought the matter to the attention of the Town in 2014 and 2015, with no results, and he requested the Town review the problem again and determine a resolution.
- C. Chris Waltz of 1370 Rigby Street addressed Council with concerns regarding the ordinance amendment to Chapter 34 of the Town Code, in reference to interference with traffic by pedestrians, which was on the agenda for Council discussion and action. Mr. Waltz said he believed the proposed amendment, and the ordinance it replaced, to be unconstitutional by violating a person's rights under the First Amendment to the Constitution to assist an individual in need, with the exception of assisting with a disabled vehicle. Mr. Waltz reviewed the First Amendment in comparison with the proposed amendment and the current ordinance. Council was provided with a copy of the First Amendment, along with Scriptures addressing the treatment of those in need, as well as quotes by Council and others.

VII. INTRODUCTIONS AND PRESENTATIONS

1. Building Official Jerry Heinline to present on the blighted structures program.

Using PowerPoint, Mr. Heinline reported to Council on the twelve blighted structures that had been taken down, or were in the process of demolition, in 2017, the majority of which had been, or would be, demolished by the property owner. Mr. Heinline described the due process of the blighted structures program, and talked about the difficulties in addressing some of the properties, including a property with no living heirs, and the occasional need for vermin-control. Council was shown before and after photographs of the properties that had been demolished, and current photographs of properties scheduled for future demolition. Mr. Heinline noted that all the structures had been vacant for more than five years. Town Attorney Fontana reviewed with Council the process to place a lien on property in situations where the Town incurred, but was unable to re-coop, costs of demolition. Mr. Heinline stressed that the Town makes every effort to work with property owners, and to encourage repairs when possible. The blighted structures program is a new initiative that will be included in future budgets, according to Mr. Heinline. Council thanked Mr. Heinline for the update.

2. Engineering Director Wayne Nelson and Planning Director Andrew Warren to present on Huckleberry Trail extension.

Mr. Nelson reported on Phase III of the Huckleberry Trail extension that would run through Oak Tree Boulevard to North Franklin Street, along Christiansburg High School property, to Independence Boulevard. The extension would tie into Phase II D, which is currently under construction. Council was shown slides indicating various routes considered, and the route ultimately selected with the assistance of the school administration. Mr. Nelson explained the considerations in determining the appropriate route that included not interfering with future high school renovations and existing gas lines. Council discussed with Mr. Nelson considerations for improving pedestrian/vehicle safety in an area between the high school and Horne Funeral home, that included possibly eliminating an existing entrance onto high school property. Mr. Nelson also reported on the progress being made on the North Franklin Street upgrades that would complement the extension of the Huckleberry Trail to Independence Boulevard. Funding is in place for Phase III of the extension and bids are expected to go out before December 2017. The Town has received approval from Montgomery County School Board for the trail route along high school property to Independence Boulevard. Mr. Nelson said he has been working with Christiansburg Institute to plan for a trail head on CI property during the next trail expansion. Council thanked Mr. Nelson for the update.

VIII. COMMITTEE REPORTS

A. Finance Committee Report:

1. Policy regarding pay for Council meeting attendance.

Councilman Stipes reported that the Finance Committee was asked to consider a policy that would provide pay to Council members for attendance at various committee meetings. After studying the request, the Finance Committee recommended that no changes be made to any policy at this time in regards to payment to Council members for meeting attendance, noting that council committees were a part of Council duties, and that many community/regional committees/boards/authorities that Council members served on paid a stipend for attendance. Councilman Showalter noted that this matter had been placed in the 2017-18 Annual Budget, which prompted the review.

IX. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

A. Deed of vacation of a 15-foot stormwater easement located on Church Street NE (Tax Parcel 497 - 32 - 6). Councilman Stipes made a motion to approve the deed of vacation, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

B. 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. The Public Hearing was held July 25, 2017. Councilman Stipes stated that Council had a responsibility to listen to the voice of citizens when considering requests for special permissions and special uses, like the CUP request before Council, and that many neighboring property owners had spoken out in opposition to the request. Councilman Hall said that, while Council had not been made aware of the community meeting held in March, it had heard from a number of residents with concerns and tremendous opposition to the request. Councilman Hall made a motion to deny the CUP request due to nonconformity pertaining to setback requirements. Councilman Stipes seconded the motion. Councilman Huppert commented that the existing cell tower was a wooden telephone pole and the proposed steel monopole would structurally be more reliable and safe, which could be better for the community. Councilman Hall reminded Council that it faced a similar issue several years ago with the Villas at Peppers Ferry community and was able to reach an agreeable solution. However, the main issue with the current request was that the proposed monopole placement was in a residential area and the neighbors were very opposed to it. Council voted on the motion as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Nay; Showalter – Nay; Stipes – Aye.

- C. 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. The Public Hearing was held July 25, 2017. The matter died for lack of motion.
- D. Discussion of I-1 and I-2 Zoning in Town, Especially Comparing Current Uses and Permitted Uses (Stipes). Noting the number of recent requests before Council in regards to industrial park property, Councilman Stipes recommended the Town inventory the current land uses on all property zoned industrial, to compare with permitted uses, with the intent of updating the industrial zoning district's permitted uses and definitions if deemed necessary. Councilman Showalter recommended assigning the project to the Planning Commission, and further recommended comparing Christiansburg's industrial zoning uses with the uses in other localities. Planning Director Warren agreed there was a need for a zoning ordinance review and offered to begin by working with the Planning Commission to develop an analysis of the Town's industrial zoning districts for Council consideration. Councilman Hall recommended a future work session between Town Council and the Planning Commission to discuss objectives in moving forward with the industrial zoning district review and any potential amendments.
- E. Resolution Supporting the Amendment of Chapter 638 of Virginia Acts of Assembly Relating to the New River Valley Emergency Communications Regional Authority. Councilman Hall made a motion to table the request until the Emergency Services Committee could meet. Councilman Stipes seconded the motion and Council voted as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- F. Ordinance amending Chapter 34 "Traffic and Motor Vehicles" in regards to interference with traffic. Councilman Collins made a motion to approve the ordinance amendment as presented in the agenda packet, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- G. Reappointment of Ann Carter to the Virginia Tech/Montgomery Regional Airport Authority Board. The term runs from September 1, 2017 to August 31, 2021. Mayor Barber stated that Michael St. Jean, Director of the VT/Montgomery Regional Airport Authority Board, had requested the reappointment of Ann Carter and the reappointment of Al Bowman as an at-large member. Ann Carter had called Mayor Barber and each Council member to let them know she would not be present at the meeting due to medical reasons, but was interested in continuing to serve. Councilman Showalter said that because Ann Carter was so well-known, and had an excellent attendance record, he was comfortable voting to reappoint her in her absence. Town Manager Wingfield noted that Mr. Bowman had not been contacted about the reappointment and was not present at the meeting. Councilman Hall made a motion to reappoint Ann Carter to serve on the Virginia Tech/Montgomery Regional Airport Authority Board, and to table the reappointment of Al Bowman until the August 22 meeting to allow him the opportunity to be present. Councilman Collins seconded the motion and Council voted as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye. Councilman Hall clarified that

he supported the reappointment of Mr. Bowman, but wanted to give him the opportunity to be present for the reappointment.

X. STAFF REPORTS

A. Town Manager Wingfield:

- Clean-up of the Diamond Hills Park waterline break was scheduled to begin next week.
- The Town received one application for the Board of Zoning Appeal vacancy. The applicant is a town employee and may be open to claims of a conflict if he were to serve on the BZA. The Town will re-advertise the position.

B. Town Attorney:

C. Other Staff:

XI. COUNCIL REPORTS

- Councilman Collins commended Anaika Miller, Public Relations Specialist, on the development of the Fiscal Year 2017-18 Budget Summary, which presented budget information in a condensed, easy-to-read, format. He then pointed out the number of Town staff present at the meeting and stated that Christiansburg staff was first in all areas and that he was proud to work with them.
- Councilman Hall echoed the comments of Mr. Collins regarding the budget summary and the dedicated service of Town staff. He then announced that the Parks and Recreation 9 & 10-year-old girls' softball team recently played in the state championship and represented the Town well. He then informed Town Manager Wingfield of a complaint at a obscured stop sign in the Sleepy Hollow area.
- Councilman Stipes- No report.
- Councilman Showalter – No report.
- Councilman Huppert reported on the three swim meets held at the aquatic center in July, including the Roanoke City Championship, and noted the aquatic center would be closed for maintenance from August 14 – 25. He then reported that Don Simpkins, owner of Angle Florist, had expressed appreciation for the efforts of the Town to provide parking for downtown retail, specifically mentioning Councilman Stipes and Police Chief Sisson.
- Mayor Barber said a representative of CrossPointe had met with him to invite the Town to partner with CrossPointe in working with Habitat for Humanity in framing walls for a house that was under construction. CrossPointe has requested Town participation by providing entertainment for children of volunteers for two hours from 11:00 A.M. to 1:00 P.M. Mayor Barber suggested possibly opening the aquatic center and asked Council if it wanted to pursue the request. Also, the Town has received a request from the Montgomery/Radford/Floyd branch of the NAACP to sponsor the Freedom Fund Banquet on October 7 at Virginia Tech. Several Council members expressed interest in attending the banquet.

XII. CLOSED MEETING:

- A. Councilman Hall made a motion to enter into a Closed Meeting in accordance with the 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. Councilman Stipes seconded the motion and Council voted as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.
- B. Reconvene in Open Meeting. Councilman Hall made a motion to reconvene in Open Meeting, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye.

C. Certification. Councilman Hall 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 Showalter and Council voted as follows: Bishop – Absent; Collins – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes - Aye.

D. Council action on the matter. No action was taken by Council.

XIII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 10:00 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor