

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
WORK SESSION AND SPECIAL MEETING* MINUTES
APRIL 18, 2018 – 6:00 P.M.**

**Council agreed to not hold the scheduled special meeting for the purpose of taking action on the matters discussed during the work session. Council action on those matters was scheduled for the next regular council meeting.*

A WORK SESSION OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON APRIL 18, 2018 AT 6:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Bradford J. Stipes; Samuel M. Bishop; Harry Collins; Steve Huppert; Merissa Sachs; Henry Showalter. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Theresa Fontana; Director of Public Relations Melissa Demmitt; Planning Director Andrew Warren; Police Chief Mark Sisson.

WORK SESSION

- I. Call to Order by Mayor Barber
- II. Discussions by Mayor and Council Members
 - A. Proposed ordinance to amend Chapter 24 “Nuisances” of the *Christiansburg Town Code* in regards to Article II – Regulation of Noise. See comments below.
 - B. Proposed ordinance to amend Chapter 42 “Zoning” of the *Christiansburg Town Code* in regards to permitting a loudspeaker/sound amplification/outdoor sound system to be used in excess of the Chapter 24 “Nuisances” Article II – Regulation of Noise by Conditional Use Permit in the A, MU-1, MU-2, B-1, B-2, B-3, I-1, and I-2 zoning districts.

Planning Director Andrew Warren provided a brief overview and summary of the proposed changes to Chapter 24 and Chapter 42 of the *Christiansburg Town Code* that included noises prohibited based on the decibel system with various factors, the Conditional Use Permit purpose and process, definitions, and enforcement of the code. Mr. Warren called attention to the process used in modifying the ordinances that included two public input meetings, a Planning Commission Public Hearing, a Town Council Public Hearing, and tonight’s work session, with Council action scheduled for April 24, 2018, and noted that the Planning Commission had unanimously recommended Town Council approval of the proposed amendments. Council discussed with Mr. Warren the effect of ambient noise levels on decibel measurements and the application of the Conditional Use Permit process for specific situations. Mr. Warren noted that a CUP for noise allowances would not be permitted in areas zoned residential. Town Attorney Theresa Fontana noted that the changes were meant to provide for more flexibility within the ordinance as opposed to the former “one size fits all” approach and explained how the CUP process was designed to limit conflicts arising from noise. Councilman Stipes commented that, while clarification was needed within *Town Code* pertaining to noise, the principal foundation that people should be able to enjoy their

property without a “nuisance”, as legally defined, had not changed, and further noted that the Town had been encouraged via email from several individuals in the business community to employ the decibel system when measuring noise to be more objective in addressing complaints. Councilman Showalter asked how businesses would determine the decibel level of noise generated when requesting a CUP, and Town Manager Wingfield and Police Chief Sisson responded that the Town would work with businesses in determining appropriate and reasonable noise levels during the CUP process. Councilman Huppert provided several noise conflict scenarios and asked how each would be handled by law enforcement officers. Police Chief Sisson said the goal of his department was to diffuse situations that arose within the community pertaining to noise and that the department took a reactive approach, not a proactive approach in addressing noise complaints.

Dr. John Casali, Virginia Tech Professor of Industrial and Systems Engineering, and CTO of HEAR (Hearing, Ergonomics, and Acoustics Resources), LLC, introduced himself and clarified that he was not present as a paid consultant, but had offered his objective expertise on the subject of sound and noise after attending the first neighborhood meeting regarding noise generated by Starlight Drive-In Theater. Dr. Casali, after providing the Planning Commission with his knowledge and insight on the subject of noise, and giving a noise demonstration with a decibel meter, had been invited by Council to provide the same presentation for their benefit, but was not being paid for his services. Dr. Casali stressed that he was present strictly for technical issues and his opinions were his own, with his goal being to find the best compromise for all involved.

Dr. Casali explained the four sets of revisions to the noise ordinance since the first Planning Commission meeting, and noted that with the inclusion of decibel measurement criteria, the once subjective ordinance, would become more quantitative, objective, and defensible, and he talked about the necessity to protect residential property owners rights, as well as to protect the ability of business owners to conduct business with reasonable sound emission, which would be done through the CUP process. Highlights of Mr. Casali’s presentation are as follows:

- The draft ordinance is compatible with Montgomery County’s noise ordinance, which should facilitate enforcement.
- The draft ordinance is a civil code, which lowers the burden of proof and may be an advantage for violators because it does not carry the criminal stigma.
- Recommended reconsidering the defined **five minutes** for animal noise, i.e. barking dogs, to **1 to 2 minutes with at least one occurrence** to avoid opportunities to circumvent the ordinance, and to address the most frequent animal noise complaint, which is dogs barking at cars or passersby.
- Explained dBA versus dBC on the decibel system and explained how they would apply in addressing noise issues and which would be more applicable for specific situations.
- Reviewed and explained the decibel measurement criteria and variables set forth in the draft ordinance and gave an audio demonstration for use in understanding the noise level benchmarks established in the draft ordinance.
- Reported that the draft ordinance was in compliance with the typical municipal ordinance and was in line with Montgomery County guidelines.

Council discussed the Conditional Use Permit process and the one-time \$750.00 application fee and agreed to assume the fee for Conditional Use Permit applications pertaining to the noise ordinance for a certain period of time. Specific details will be decided and presented during the regular council meeting on April 24, 2018. Town Attorney Fontana advised that the ordinance must be content neutral and can not show preference for certain types of

businesses, that it must be broad, with the use of the Conditional Use Permit process for all special situations that don't fit within the ordinance.

Town Council thanked Dr. Casali and Planning Director Andrew Warren for their presentations.

III. Adjournment

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 7:40 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor