

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
FEBRUARY 12, 2019 – 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 FEBRUARY 12, 2019 AT 7:00 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; Assistant Town Manager Andrew Warren; Clerk of Council Michele Stipes; Town Attorney Jim Guynn; Finance Director/Treasurer Val Tweedie; Public Relations Specialist Anaika Miller; Director of Engineering Wayne Nelson; Planning Director Will Drake; Building Official Jerry Heinline; Police Chief Mark Sisson; Major Chris Ramsey; Public Works Director Jim Lancianese; Superintendent of Streets Travis Moles.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARING

- A. Conditional Use Permit request by SHAH Development LLC, for a residential development to consist of multiple-family dwellings at a density of development not to exceed 20 dwelling units per acre on an approximately 5.7-acre property located at 2000 Sunset Drive, N.E. (tax map nos. 436-A-22A and 436-A-42) in the B-3, General Business District.

Councilman Collins announced that he would abstain from action on this matter due to his employer's involvement with SHAH Development, LLC. Thom Rutledge, project manager for SHAH Development, explained the CUP request for property adjacent to the Commonwealth Senior Living community, for multiple-family dwellings that would be similar in scale to the new apartment development next to The Villas at Peppers Ferry. A single-family residence exists on the property and the developer has worked with the owner, along with interested residents of Commonwealth Senior Living, in designing the proposed development. Mr. Rutledge walked through the specifics of the proposed development and reported on the Planning Commission review. The Planning Commission has recommended approval of the CUP request with four conditions. Mr. Rutledge noted that the only ingress/egress for the property was the intersection of Farmview Road and North Franklin Street. Councilman Huppert asked if Farmview Road would be adequate in accommodating the additional traffic the development would generate. Councilman Stipes replied that a traffic impact analysis done several years ago in response to a proposed large-scale development along Farmview Road indicated that Farmview Road would be adequate in handling the additional traffic that the current request

would generate. Mr. Rutledge noted that the rental property would be ADA compliant and would be owned and operated by SHAH Development.

B. Conditional Use Permit request by Michael Abraham, agent for The Threshold Center LLC, for a private recreational facility (gym) at 225 Industrial Drive, N.E. (tax map nos. 500-A-5K, 5K1) in the I-2, General Industrial District.

There were no comments for or against this request.

C. Ordinance to Amend Chapter 18, Finance and Taxation -- Article VII. Transient Lodging in regards to Homestay uses.

Assistant Town Manager Andrew Warren provided Council with an overview of the homestay ordinance adopted by Council on January 22, and explained proposed changes to Chapter 18 of *Town Code* that would correspond with the homestay ordinance in reference to taxation of homestay use. In addition, the proposed amendments include replacing the use of the term "hotel" with "transient lodging facility" and the removal of other outdated terms, along with adding the requirement that homestay uses register with the Town's finance department in compliance with State Code, and obtain a BPOL license similar to home occupations, with a required monthly reporting.

Deveron Milne, 1275 Tranquility Via, Airbnb host, expressed support for requiring monthly reporting and payment of BPOL tax, which is a requirement of the state and an efficient manner of reporting, as opposed to quarterly reporting.

D. Ordinance to Amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies.

Major Chris Ramsey, Christiansburg Police Department, provided an overview of the proposed amendment to Chapter 26 of *Town Code*, and noted that the proposed amendment would simply codify current Town policy with regard to special events and outdoor assemblies.

Major Ramsey summarized the ordinance and explained that the purpose of the ordinance was not to prohibit assemblies, but to protect the safety and welfare of the community. The ordinance is broken down into two sections: 1) Parades, Festivals; 2) Picketing, Demonstrations, and is consistent with the ordinance adopted by Blacksburg, which is important due to an existing Mutual Aid Agreement. Council expressed appreciation for the presentation and the proactive efforts of the Police Department. Councilman Stipes made a motion to place the matter on the agenda for Council action, seconded by Councilman Showalter. The motion and second were then withdrawn pending citizen comments on the matter.

Chris Waltz, 1370 Rigby Street, questioned why the proposed ordinance amendment had not provided to the public for review, and he expressed concern with the potential for limiting free speech by requiring a fee for events. He requested the public be given an opportunity to review the proposed ordinance amendment prior to Council action. Town Manager Wingfield noted that a copy of the proposed amendment had been placed on the Town's website and in the agenda packet for review. Councilman Stipes made a motion to place Public Hearing items A and B on the agenda for Council action, seconded by Councilwoman Sachs. After a brief Council discussion concerning the potential for a premature vote on items A and B, Council

voted on the motion as follows: Bishop – Nay; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Nay; Stipes – Nay. Noting a tie, Mayor Barber voted aye to approve the motion.

IV. CONSENT AGENDA

- A. Council meeting minutes of January 17, 2019, January 22, 2019, January 29, 2019.
- B. Certification of Fire Department Officers.
- C. Contract with MBP for PPEA consulting services for former Truman Wilson development as a park (\$22,750).

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

V. INTRODUCTIONS AND PRESENTATIONS

- A. Dr. Noelle Bissell of the New River Health District to provide health department program updates.

Dr. Bissell thanked Council for the opportunity to speak and introduced two programs of the New River Health District that focused on educating the public and erasing stigmas surrounding sexually transmitted infections (STI) and addiction, both of which Dr. Bissell stressed were a current public health threat in the New River Valley. Dr. Bissell provided nationwide statistics for both health concerns, and talked about the impacts of untreated STI's and drug abuse in NRV communities that are exacerbated by the stigmas surrounding those affected. Dr. Bissell stated that the narrative of both crisis needed to change in order to bring positive change to the community, and she described efforts of the New River Health District to do that through community partnerships, campaigns, and marketing appeals, and she encouraged Council to become engaged in the efforts. Council thanked Dr. Bissell for her report.

VI. CITIZEN COMMENTS

- A. Brandon Semel, 435 Oak Tree Boulevard, read Council a letter he recently submitted to the Roanoke Times urging government offices in Montgomery County to following the lead of Montgomery County Public Schools to derecognize Lee-Jackson Day as a holiday. Mr. Semel talked about the history of generals Lee and Jackson in fighting for the confederate constitution, and how the values of the two men were in opposition to the Pledge of Allegiance to the United States and the values of Martin Luther King, Jr., who is also commemorated each January. Mr. Semel expressed support for unity and brotherhood, and thanked Council for its time.
- B. Montgomery County School Board member Jamie Bond, 2263 Pilot Road, introduced herself as the recent, County-appointed liaison to Christiansburg Town Council. Ms. Bond plans to periodically attend council meetings and requested she be provided information on meetings that may be of interest to the school board. Council thanked Ms. Bond for her service.

VII. COMMITTEE REPORTS

- A. Councilman Collins noted he recently visited the rescue squad and was pleased with construction progress at the facility.
- B. Councilman Stipes reported he attended a Virginia Tech Montgomery Executive Airport Authority meeting today and planned to place discussion of the Town's annual contribution to the authority on the agenda for February 26, with his proposal that the Town increase its contribution to \$60,000 per year, contingent on the other authority owners participating in the increase. Currently, each authority member contributions \$50,000 annually.
- C. Councilman Huppert reported that the recently revised fee schedule at the aquatic center has resulted in 496 new memberships, totaling \$15,000 in revenue, of which 300 are Town residents.

VIII. DISCUSSION BY MAYOR AND COUNCIL

- A. Approval of the Safe Ride Home Program for St. Patrick's Day using one car for one night (3/16) through Hooptie Ride at a cost of \$300.00.

Councilwoman Sachs presented this request through the Central Business District Committee and made a motion to approve the request, seconded by Councilman Collins. Ms. Sachs talked about the success of the program on New Year's Eve and noted the program had the support of the Police Department. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Conditional Use Permit request by SHAH Development LLC, for a residential development to consist of multiple-family dwellings at a density of development not to exceed 20 dwelling units per acre on an approximately 5.7-acre property located at 2000 Sunset Drive, N.E. (tax map nos. 436-A-22A and 436-A-42) in the B-3, General Business District. The Planning Commission recommended approval with five conditions.

Councilman Stipes made a motion to issue the CUP with conditions as recommended by the Planning Commission, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Abstain; Collins – Abstain; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Conditional Use Permit request by Michael Abraham, agent for The Threshold Center LLC, for a private recreational facility (gym) at 225 Industrial Drive, N.E. (tax map nos. 500-A-5K, 5K1) in the I-2, General Industrial District. The Planning Commission recommended approval with four conditions and Planning Director Will Drake read the conditions.

Councilman Showalter made a motion to issue the CUP with four conditions as recommended by the Planning Commission, seconded by Councilman Stipes. Councilman Collins explained that the CUP was originally requested by potential tenants, who paid the \$750 CUP fee, but subsequently dropped the request. The Town will not issue refunds on CUP or rezoning fees if funds had been expended for advertising. The present request, paid for by the former applicants, was made by the owner of the property and there is no prospective tenant at this time. Councilman Stipes commented that he previously voted against a CUP request for this property for club use because it was a use that would not create jobs. In addition, he noted,

the Town has not been timely in following through with direction at that time to review allowable uses in the I-2 General Industrial District. As such, Councilman Stipes expressed he would support the present CUP request because it was a use that would create jobs. Councilman Showalter commented that his concern with the previous CUP request for club use was the expected consumption of alcohol and hard liquor on the property. Mr. Showalter noted that the present request for gym use was consistent with other approved CUP applications in industrial zones, and he is supportive of the request, but agreed that a review of industrial zone uses was needed. At Councilman Huppert's inquiry, it was noted that there was no prospective tenant at this time, and no scheduled operation of the facility as a gym. Council voted on the motion as follows: Bishop – Aye; Collins – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

IX. STAFF REPORTS

A. Town Manager Wingfield:

- Mr. Wingfield presented a request by Marc Manley of a state falconry group to use Town property along Wades Lane to falcon hunt for rabbits and squirrels. Mr. Wingfield noted the potential economic impact of the activity, but expressed concern with possible liability to the Town and suggested private property might be better suited for the private group. Attorney Jim Guynn agreed and noted there were no provisions for indemnification for personal harm ahead of time. Mr. Wingfield offered to work with the group to find suitable private property, and Council agreed with that approach to the request.
- Mr. Wingfield announced that the Montgomery Tourism Marketing Grant Program closes March 2, which is open to local businesses and non-profits for seed funding for tourism initiatives. Information about the program can be found on the County's website.
- The Small Business Development Council has hired Cheryl Tucker as the small business development advisor for the New River Valley. Ms. Tucker holds degrees from Virginia Tech in accounting and finance, a Master's degree in marketing, and is a former accountant with Certified Public Accountant certification and pharmaceutical representative and also has significant small business experience.

B. Town Attorney:

C. Other Staff:

- A. Assistant Town Manager Warren reported that a Public Hearing on amendments to the zoning ordinance pertaining to industrial district uses is scheduled for February 26.

X. COUNCIL REPORTS

- A. Councilman Collins was pleased to share several posts by citizens on the "Why I Love Christiansburg" section of the Town's website, that included things such as the location of the town, available recreation, and the school system.
- B. Councilman Bishop, no report.
- C. Councilman Showalter, no report.
- D. Councilman Stipes, no report.
- E. Councilman Huppert, no report.
- F. Councilwoman Sachs, no report.

G. Mayor Barber reported on the h'ARTS on Main event scheduled for February 15 and 16 at the Great Road on Main Concert Hall at 100 W. Main Street. Mr. Barber will be emceeing the event that will include a presentation by Scott Crawford, entertainment by the Little Leapers, and an appearance by P. Buckley Moss, and he encouraged all to attend.

XI. OTHER BUSINESS

A. Closed Meeting:

1. Councilman Huppert made a motion to enter into a Closed meeting in accordance with Code of Virginia § 2.2-3711(3) for the 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 regarding potential lease of Town-owned property at 415 Cambria Street, N.W., as well as purchase of potential public works property in Montgomery County. Councilman Showalter seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.
2. Reconvene in Open Meeting.
3. Certification. Councilman Huppert 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 Sachs and voted upon as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes - Aye.
4. Council action on the matters. No action was taken by Council.

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:55 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor