

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
FEBRUARY 26, 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 26, 2019 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Steve Huppert; Samuel M. Bishop; Harry Collins; Merissa Sachs; Henry Showalter; Bradford J. Stipes. 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; 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. Ordinance to amend Chapter 42, “Zoning” of the Christiansburg Town Code for the purpose of amending and clarifying the permitted uses in the I-2, General Industrial District.
There was no one to speak for or against this matter.
- B. Ordinance to amend Chapter 42, “Zoning” of the Christiansburg Town Code for the purpose of amending and clarifying the permitted automotive service uses, including towing services, in the business and industrial zoning districts.
There was no one to speak for or against this matter.

IV. CONSENT AGENDA

- A. Council meeting minutes of February 12, 2019.
- B. Monthly bill list.
- C. Award contract to King General Contractors in the amount of \$672,716.80 for construction of the Huckleberry Trail Phase III Base Bid.
- D. Agreement for Cooperation in Furnishing Law Enforcement Services.
- E. Schedule Public Hearing on March 26, 2019 for a street vacation request by Hash Investments LLC, for an ordinance vacating the entirety of Bristol Drive, S.E.

Mayor Barber directed that Item D be stricken from the Consent Agenda due to several minor administrative errors that needed correction.

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

V. INTRODUCTIONS AND PRESENTATIONS

A. Introduction of New Employees:

1. Casper Violette, Public Works
 - Shane Scott, Maintenance Worker, Streets
2. Mike Huesman, Public Works
 - Kevin Floyd, Maintenance Worker, ROW

B. Ernie Wade of the Kiwanis Club of Christiansburg to request September 21, 2019 street closures for Wilderness Trail Festival.

Mr. Ernie Wade and Mr. Jim Vanhoozier, representatives of the Kiwanis Club, presented a request for street closures during the Wilderness Trail Festival on September 21, 2019. A map indicating specific closures was provided to Council for review. Mr. Wade noted that the closure locations would be the same as during last year's festival, and Mr. Vanhoozier explained the planned layout of vendors. Mayor Barber noted that appropriate department heads and the events coordinator had reviewed the request and support the street closures as requested. Councilwoman Sachs commented that she heard complaints last year from citizens that tenants could not access their property due to the street closures. Mr. Wade said that Commerce Street would be left open as an access point. Councilman Huppert talked about the success of the Wilderness Trail Festival and thanked the Kiwanis Club for its efforts in organizing the downtown event. Councilman Showalter echoed Mr. Huppert's comments and stated he receives positive feedback about the event each year from citizens.

- C. Montgomery Museum of Art and History Executive Director Sue Farrar to present on Museum programs. Ms. Farrar was unable to be present.
- D. Montgomery Regional Solid Waste Authority Executive Director Alan Cummins and Attorney Paul Jacobson to speak in regards to a solid waste flow control ordinance.

Mr. Cummins thanked Council for the opportunity to speak and introduced Attorney Paul Jacobson who provided Council with a brief history on the creation of the Montgomery Regional Solid Waste Authority (MRSWA) by Christiansburg, Blacksburg, Montgomery County, and Virginia Tech, for the purpose of establishing a regional solid waste disposal and recycling facility for member locality use. MRSWA relies on volume of received solid waste tonnage for economies of scale and members' fee rates are effected positively by increases in volume and negatively by declines. MRSWA anticipates the potential for increased costs due to volume increases by private collection companies. As a result, MRSWA is requesting member localities adopt a solid waste flow control ordinance as allowed by State Code. The flow control

ordinance would require all solid waste collection in Montgomery County to be taken to MRSWA for disposal, including collections by private companies. The proposed flow control ordinance would not effect the ability of private companies to be paid for solid waste collection, but would only direct where solid waste collection could be disposed of. Mr. Jacobson noted that Virginia Tech would be exempt from participating in the ordinance adoption, because it controls all of its solid waste collection and is already contractually bound to dispose at MRSWA. Mr. Jacobson talked about the legal aspects of the ordinance, which is permitted by law for facilities that are publicly owned. Councilman Stipes recognized Barry Helms, Town representative on the MRSWA, and asked for his opinion on the proposed flow control ordinance. Mr. Helms stated that the long-term impact of the ordinance could serve the Town well, and he urged Council to consider the request. Mr. Cummins spoke to the success of the Town's recycling program, which he noted had evolved through public programs and information. Mr. Cummins thanked Council for its time and consideration.

VI. CITIZEN COMMENTS

- A. Remon Yassa, Owner/Manager of Christiansburg BP Handy Mart, reiterated his proposal of March 27, 2018 that the Town reduce its cigarette tax to \$1/carton and \$0.10/pack as a way to increase revenue for businesses and the Town. Mr. Yassa reported that the legal age for smoking would increase from 18 to 21 in July 2019, and noted that approximately 40% of smokers are between 18 and 21. As a result, business that sell cigarettes are expected to experience an overall decline in revenue. Mr. Yassa thanked Council for its consideration.
- B. Chris Waltz, 1370 Rigby Street, expressed concern that the proposed ordinance to amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies Ordinance would violate the constitution by suppressing the right to free speech. Mr. Waltz talked about the importance of the freedom of speech and freedom of press afforded by the constitution, and said it was a slap for Council to consider approving the ordinance amendment.
- C. Lisa Gardner, 11 Phlegar Street, provided Council with a copy of the Constitution, and talked about the first amendment that provides free speech rights under federal law. Ms. Gardner said that government bodies were not given the right to restrict free speech, and that the fee provided for in the proposed ordinance to amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies Ordinance was a restriction. Ms. Gardner also expressed opposition to portions of the ordinance amendment that she said restricted the right to demonstrate.
- D. Jared and Marie March, 2198 Sowers Road, Floyd, spoke in opposition to the proposed ordinance to amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies Ordinance. Mr. March explained that he understood the safety concerns as laid out in the ordinance that pertained to "events", but stressed that "assemblies" were different and should not be restricted with a fee or application wait time, and he cautioned against approving the ordinance for the sake of safety. Mr. March stated that the proposed ordinance amendment was unconstitutional, and to approve it would erode the God-given rights of the people. Mrs. March noted that Council had been provided an ACLU information sheet for review.

VII. COMMITTEE REPORTS

- A. Councilwoman Sachs reported that the Central Business District Committee would meet tomorrow to discuss the Town's recycling program.

VIII. DISCUSSION BY MAYOR AND COUNCIL

- A. Ordinance to Amend Chapter 18, Finance and Taxation -- Article VII. Transient Lodging in regards to Homestay uses. The Public Hearing was held February 12, 2019.

Councilman Showalter made a motion to approve the ordinance amendment as presented, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Ordinance to Amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies. The Public Hearing was held February 12, 2019.

Major Chris Ramsey was present to answer questions. Town Manager Wingfield reported that he received a telephone call from Jason Lambert of Salem opposing the proposed ordinance amendment as he considered it a violation of rights.

Councilwoman Sachs stated that she believed further clarification was needed regarding the items regarding video-making and religious gatherings, and requested further information on both topics. She further noted that she understood the reason for the application fee, but requested that it be waived, expressing that free speech should be free. In addition, Ms. Sachs noted that the ACLU information states that permits are not required for assemblies; therefore, in light of her concerns, Ms. Sachs made a motion that Council table this matter for further review, with a vote on March 12. Councilman Bishop seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Kiwanis Club of Christiansburg request for September 21, 2019 street closures for Wilderness Trail Festival.

Councilman Stipes made a motion to approve the street closure request as presented, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- D. Consideration of resolution of support for allowance of local government collection on sales tax on internet sales.

Councilwoman Sachs expressed support for taking a formal stand for sales tax collection of internet sales, noting that the Town is losing revenue by not doing so. Councilman Stipes said this was out of the Town's purview and is not in favor of taking a formal stand on the matter. Councilmen Showalter, Collins, Bishop each expressed interest in receiving additional information for consideration, and Council directed Town Manager Wingfield to develop a resolution and present it to Council for consideration. Town Manager Wingfield noted that Blacksburg and the County had approved support for collection of sales tax on internet sales in response to a Chamber of Commerce request. Mayor Barber noted this has been discussed by Council in the past.

E. VT Montgomery Executive Airport Authority – FY 2019/2020 Finance Report/Request. (Stipes)

Councilman Stipes gave a brief background on the Town's involvements as members of the NRV Airport and the Virginia Tech Montgomery Executive Airport, and presented a request from the Virginia Tech Montgomery Executive Airport Authority to increase the annual membership contribution from \$50,000 to \$60,000. The airport is in need of on-site airplane repair services, and noted that the airport turns every \$1 of local money into \$18.5 through grants. As the liaison, Mr. Stipes said he only supported the increase if the other members were willing to participate. Council expressed support for adding the \$10,000 increase to the FY 2019-2020 Annual Budget.

IX. STAFF REPORTS

A. Town Manager Wingfield:

- Mr. Wingfield provided an update on the review of the three Public-Private Education and Infrastructure Act (PPEA) proposals received for development of the former Truman Wilson land into a Town park. Mr. Wingfield stated that Council can review the proposals by the full-body or establish a smaller committee to review the proposals. If a committee were to be preferred, then he recommended having a Parks and Recreation Advisory Commission member, the Parks and Recreation Advisory Commission's Council liaison (Councilman Collins), and at least one member representative of the Finance Committee on the committee. Mayor Barber said that both Finance Committee could even serve depending on available. Mr. Wingfield mentioned that the Parks and Recreation Advisory Commission had previously selected Cord Hall as its representative should Council prefer the Committee route. Additionally, the Staff involved in either option would be the Directors of Engineering, Finance, and Parks and Recreation, the Assistant Town Manager, and himself. Council, by consensus, agreed to the committee option instead of a full-Council review given the difficulty in scheduling meetings for this first stage. Mr. Wingfield briefly highlighted a potential schedule moving forward with a Council final decision on the PPEA occurring on April 23, 2019. Council scheduled a preliminary PPEA Committee meeting for March 5, 2019 at 5:00 P.M.

B. Town Attorney:

C. Other Staff:

X. COUNCIL REPORTS

- A. Councilman Huppert reported on the Relay for Life fundraising at the aquatic center on March 14, 2019, and praised legislation that raised the legal smoking age from 18 to 21.
- B. Councilwoman Sachs, no report
- C. Councilman Stipes reminded Council of the ACCE fundraiser event this Thursday in partnership with Virginia Tech at Cassell Coliseum. Mr. Stipes said he planned to attend and encourage fellow Councilmembers to attend. Councilman Showalter said the ACCE program was also hosting a 5K fundraiser and he would provide further details once they are available to him.
- D. Councilman Showalter reported that the Water, Sewer, Solid Waste, Stormwater Committee was scheduled to meet tomorrow with a full agenda. Mr. Showalter said he would like to schedule a work session to discuss with Council the results and recommendations from that meeting.

- E. Councilman Collins reported on the Montgomery County Drug Court that graduated three participants last Friday at its inaugural graduation ceremony, and noted that the county spends \$156,000 each year on community services, like the drug court program. Pulaski County also has a drug court program. Mr. Collins then reported that the CHS wrestling team broke their 17-year winning streak and lost the state championship this year. However, several athletes on the indoor track team, and dive team, won state championships and will be recognized by Council at a future meeting.
- F. Mayor Barber noted he would prepare resolutions for each of the high school athlete state champions, and requested Council let the Clerk of Council know the dates they are available to meet in a work session to discuss matters from the Water, Sewer, Solid Waste, Stormwater Committee.

XI. OTHER BUSINESS

Councilman Showalter thanked Boys Scout Troop 141 for being present and leading out in the Pledge of Allegiance. Mr. Showalter said he was a former Boy Scout in Troop 141, and introduced to the troop Mayor Barber and Councilman Stipes who are Eagle Scouts.

- A. Closed Meeting:
 - 1. Councilman Huppert made a motion to enter into a Closed meeting in accordance with Code of Virginia § 2.2-3711(29) for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. The Closed Meeting pertains to discussions regarding the Market Place performance agreement. 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 Showalter 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 8:26 P.M.