

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
MARCH 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 MARCH 12, 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 Director Melissa Demmitt; Parks and Recreation Director Brad Epperley; Planning Director Will Drake; Police Chief Mark Sisson; Aquatics Director Terry Caldwell; Building Official Jerry Heinline; 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. Rezoning request by F&B LAND, LP for an amendment to proffers on an approximately 38-acre portion of tax map no. 525-A-4, located north of Diana Dr. N.W., east of Aldwych Ave. N.W., and south of Kensington Way, N.W. in the Kensington Subdivision. The property is zoned MU-1 with proffers and the request is to amend the proffers accepted with the 2006 rezoning action. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Steve Semones, of Balzer & Associates, provided Council with background on the original proffer statement that called for the improvement of Buffalo Drive to full public street standard, with time frames for completion. Mr. Semones explained that obstacles with stormwater management, and traffic flow concerns at the middle school, caused him to investigate amending the proffer statement to call for the design of a new road, rather than improvements to Buffalo Drive. Mr. Semones described the location of the proposed new street that would tie into Moose Drive, and would be built to standard with curb, gutter, and sidewalks. In addition, the developer has proposed to build a 400-foot trail system that would lead to the middle school. Councilman Collins, who serves as liaison to the Planning Commission, noted that the original proffer was dated 2006, and he asked for clarification on how many of the proffers had been completed to date. Assistant Town Manager Andrew Warren provided the original proffer statement and noted that five proffers had not been completed at this time, and he added that the proffer amendment included five proffers. Mr.

Semones explained that in addition to the proffers pertaining to Buffalo Drive improvements, several of the proffers had “triggers” before going into effect that delayed completion. He then described the Phase I pocket parks under construction, and the trail systems and connections that were dependent on development of the proposed new street. Councilman Collins questioned the intent of the developer to complete the proffers in a timely manner, since that had not been done with the original proffer statement. Councilman Stipes agreed, noting that there had been unkept promises with regard to the Kensington development. Councilman Huppert referred to an email Council received from a Kensington resident who claimed that the proffered greenspace was mud and gravel, and had not been developed for neighborhood use. Councilman Huppert also questioned when Diana Drive would be paved, and Mr. Semones informed that Diana Drive would be paved by the end of 2019, or prior to obtaining a Certificate of Occupancy for the first lot in Phase 6, which ever came first. Councilman Stipes asked if stormwater management requirements had been grandfathered for the Kensington development, and Mr. Semones replied that it had not been grandfathered.

Skip Harkrader, representing his father, Robert R Harkrader Jr., commented that his property surrounds the Town water tower off Buffalo Drive, and that since the proposed new street did not interfere with their ingress/egress off Buffalo Drive, the Harkrader family did not oppose the request, and he thanked Assistant Town Manager Andrew Warren and Planning Director Will Drake for their assistance in this matter. Mr. Harkrader stressed the importance of Buffalo Drive to his family and to the Town as ingress/egress access.

Dan Rhudy, owner of property off Buffalo Drive, commented that the proposed new street between Buffalo Drive and Diana Drive would provide traffic relief at the intersection of Moose Drive near the middle school, which he stated was greatly needed.

- B. Rezoning request by Cambria Storage Partners, LLC, agent for Kenson, Inc for an approximately 4-acre property located at 300 and 390 Cambria Street, N.W. (tax map no. 466-27-A) from the B-1, Limited Business District to the MU-1, Mixed Use: Residential-Limited Business District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

John Lugar of Virginia Varsity Storage in Salem, Virginia, explained to Council the rezoning request that would allow Virginia Varsity Storage on Cambria Street to expand to property located directly across the street. Mr. Lugar introduced his management team and provided a brief background on Virginia Varsity Storage and its success in Christiansburg. Council was shown a drawing of the property and proposed expansion, and Mr. Lugar explained the design and layout of the expansion facility that would allow the company to improve customer features, diversify products, and meet demand. Mr. Lugar noted a small portion of greenspace on the drawing that was unusable to the company and he offered it to the Town for a possible pocket park. Traffic impact would be minimal, and Mr. Lugar noted that the proposed facility would not interfere with construction of the Town’s future connector road, and added that the connector road had been included in plans for stormwater management, which would also accommodate runoff from the connector road. Mr. Lugar said the company wanted to be a good neighbor and he offered to answer questions.

- C. Conditional Use Permit request, contingent on the preceding item, by Cambria Storage Partners, LLC, agent for Kenson, Inc for mini-warehouses and related retail at 300 and 390 Cambria Street, N.W. (tax map no. 466-27-A) in the MU-1, Mixed Use: Residential-Limited Business District. There was no one to speak for or against this request.
- D. Conditional Use Permit request by Cole Shows Amusement Co Inc, agent for NRV Mall Associates LLC for a carnival at 782 New River Road, N.W., (tax map no. 435-A-41) in the B-3, General Business District.

Applicant R.C. Cole of Covington, Virginia, explained his request to host a carnival at the NRV Mall from May 2 – May 12, 2019, and noted no alcohol would be served during the event.

IV. CONSENT AGENDA

- A. Council meeting minutes of February 26, 2019.
- B. Monthly bill list.
- C. Schedule Public Hearing for April 9, 2019 for a street vacation request by Invest Squared LLC for an ordinance to vacate an approximately 3,800 sq. ft. portion of right-of-way along N. Franklin Street located between 850 N. Franklin Street (tax map no. 496-18-1) and 900 N. Franklin Street (tax map no. 496-18-2).

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

V. INTRODUCTIONS AND PRESENTATIONS

- A. Update on the Montgomery-Floyd Regional Library by Director Karim Khan.

Director Karim Khan thanked Council for the opportunity to provide an update on the library, and introduced Christiansburg branch manager, Salena Sullivan. Mr. Khan thanked Council for its continued support through contributions, and for also ensuring accessible roads during weather events. Mr. Khan provided an overview of library programs, operations, and usage during 2018, and introduced the newly implemented notification services that provide more effective communication between the library and citizens. Mr. Khan described ways the library has worked to become more user friendly, and to meet the needs and expectations of the community, including a new database that served as a resource for adults in search of employment and important services. Mr. Khan talked about the importance of community engagement programs and partnerships to the success of the library, and in closing reported on current planning for facility maintenance and upgrade needs. Council thanked Mr. Khan for his report and expressed appreciation for the library.

- B. Montgomery Museum of Art and History Executive Director Sue Farrar to request street closures for Cruise-In and Heritage Day events.

Ms. Farrar presented Council with her request for street closures for Cruise In on May 4, 2019, and for Heritage Day on August 24, 2019. Street closures for the Cruise In event would be the same as previous years, and Ms. Farrar shared a map detailing the street closures. The museum will hand-deliver a letter to each downtown merchant informing of the event and street closures. Assistant Town Manager Warren noted that the ABC area would be on private property and would be barricaded.

Ms. Farrar explained the planned expansion of the Heritage Day festival from the museum property down to Pepper Street and including a block of East Main Street at Town Hall. The museum has seen a decline in participation in the fundraiser event over the years and is hoping that expansion into downtown would increase attendance. Assistant Town Manager Warren noted that the museum worked with the Police Department on the street closure request to ensure access to and from the Police Department would not be blocked.

VI. CITIZEN COMMENTS

- A. Chris Waltz, 1370 Rigby Street, said he attended the March 5th work session discussion regarding the proposed ordinance amendment pertaining to outdoor assemblies, and he expressed concern that he was told by Town Attorney Popovich that applying for an assembly permit would trigger an investigation by the Police Department. Mr. Waltz expressed his belief that Council did not see freedom of speech as a right, and had presented the amendment under the guise of public safety, even though, in his opinion, it would do nothing to stop violent situations from occurring. Mr. Waltz said, as a veteran, he did not take his constitutional oath lightly.
- B. Christy Strawbridge, 240 Auburn Drive, referred to comments that the ordinance amendment pertaining to outdoor assemblies was proposed in the interest of public safety, and stated she did not believe the ordinance would protect law abiding citizens who want to protest, or the average hardworking citizen. She stated that removing the proposed processing fee did not change anything, and that the ordinance turned a right into a privilege. She asked Council to consider that many people who are working would have no time to give advance notice for the right to protest.
- C. Crystal Mello, 992 Poplar Hollow, Shawsville, said she was in Charlottesville when the violent protest took place, and expressed that the problem was that Charlottesville did not take advice from citizens regarding the types of groups that were coming to protest, and that the police were inactive during the event. She noted that a permit had been issued for the group, yet the event still turned violent. Ms. Mellow asked who would receive the \$25 processing fee, if approved, and disputed the 45-day advance notice, commenting that Roanoke required 14-day notice. Ms. Mellow stressed that the Town should take advice from citizens who were at the Charlottesville event when considering this matter.
- D. Adam Ryan, 2336 Platinum Drive, urged Council to vote down the proposed ordinance amendment pertaining to outdoor assemblies, and stated that the ordinance only served to criminalize community members who were expressing their rights. Mr. Ryan called the proposed amendment a total restriction on rights, and stated he would probably not comply with the ordinance if passed. Mr. Ryan said to pass the ordinance would send the message that the Town was prioritizing the convenience of police over rights of citizens.

VII. COMMITTEE REPORTS

- A. Councilwoman Sachs provided an update from the Central Business District Committee and announced that the Police Department, in partnership with Help Save the Next Girl, would offer safe rides home the night of March 16, 2019 for those celebrating St. Patrick's Day. The committee also discussed the farmer's market, a potential new "Love" sign, downtown/Cambria arts program, and the Cascade Grant Program. Ms. Sachs welcomed all to attend the meetings, which are held the fourth Wednesday each month. Ms. Sachs also reported that the Water, Sewer, Solid Waste Committee was currently discussing residential trash collection, dumpster services, Stormwater Utility Fee, and public education programs. Meetings are scheduled as needed, and meeting dates are posted to the Town's website when scheduled.

VIII. DISCUSSION BY MAYOR AND COUNCIL

- A. Appointment of Reba Smart to fill the vacant Parks and Recreation Advisory Commission position vacated by Tonia Winn and reappointment of Diane Fenton, Jim Williamson, and Mike Saylors to the Parks and Recreation Advisory Commission. The terms expire December 31, 2022.

Parks and Recreation Director Brad Epperley provided introduction of Reba Smart and each member up for reappointment, and introduced Christiansburg High School student, Kendall Lewis, who the Recreation Advisory Commission has recommended as the student representative. Mr. Epperley stated that the Recreation Advisory Commission has recommended the appointment/reappointment of each individual introduced. Councilman Stipes made a motion to appointment Reba Smart, reappointment Diane Fenton, Jim Williamson, and Mike Saylors, and appoint Kendall Lewis to serve as student representative. Councilman Collins seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. 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. The Public Hearing was held February 26, 2019.

Councilman Stipes made a motion to approve the amendment to Chapter 42 "Zoning" as presented, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye. Council thanked the Planning Commission for assisting Council in updating the ordinance pertaining to permitted uses in the 1-2 General Industrial District.

- C. 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. The Public Hearing was held February 26, 2019.

Councilman Collins 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.

- D. 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, and the matter was tabled on February 26, 2019 for further review. Mayor Barber noted that Council held a work session March 6, 2019 to further review the ordinance and address concerns. The \$25 processing fee has been stricken from the ordinance.

Councilman Stipes made a motion to approve the ordinance amendment as presented, seconded by Councilman Huppert. Councilwoman Sachs addressed comments she has received over the past two weeks and noted she shared some of the concerns. She stressed her support for maintaining freedom of speech, and noted that ordinance was designed to allow for preparation in the event of nonpeaceful demonstrations, and did not restrict peaceful demonstrations. Ms. Sachs stated that the Town had an obligation to protect all citizens, that citizens deserved police protection, including those demonstrating, and she emphasized that safety and preparedness must come first. Councilman Huppert agreed, stated that it was important to represent those who were demonstrating and those who were not. Councilman Stipes added that the proposed ordinance was based on guidelines established by the Governor, and had been drafted and reviewed with due diligence to ensure that it was not in violation of the Constitution. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- E. Montgomery Museum of Art and History request for street closures for Cruise-In and Heritage Day events.

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

- F. Consideration of support for resolution supporting collection on sales tax on internet sales.

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

- G. Discussion of Montgomery Regional Solid Waste Authority request for consideration of a solid waste flow control ordinance.

Town Manager Wingfield referred to information provided by Town Attorney Popovich and advised that the issue involved more than just approving the ordinance as requested at the February 26 council meeting. Mr. Wingfield noted that Blacksburg and Montgomery County had not taken action on this matter, and he recommended scheduling a meeting between the managers and town attorneys to discuss potential legal ramifications of this matter. Council expressed support for the recommendation.

- H. Merchant service fees.

Finance Director Val Tweedie asked for Council direction in what they want the policy to be regarding merchant service fees. Currently the Town pays the third-party fees for credit card usage. Ms. Tweedie provided Council with a memo that detailed the current process. Councilman Showalter stated that as stewards of tax money, the Town should not pay for fees

for credit card use, since many people choose to use credit cards to accrue personal benefits. Councilwoman Sachs agreed, noting that tax dollars should not be used to cover convenience fees. Ms. Tweedie said changing policy would require new software and transition would take approximately one-year. Council agreed to schedule a work session for further discussion of the matter.

IX. STAFF REPORTS

A. Town Manager Wingfield:

- The Water, Sewer, Solid Waste Committee has recommended that the Town not pursue garbage privatization at this time, but to revisit when the matter in two or three years. There are three private companies that have submitted proposals to the Town and Mr. Wingfield requested authorization to notify them of the Town's decision. Councilwoman Sachs said she would like to further review the matter in a meeting with the Finance Director and the Water, Sewer, Solid Waste Committee. Mr. Wingfield reported other Water, Sewer, Solid Waste Committee recommendations were to eliminate commercial dumpster service, establish an 8-cart maximum for commercial service, eliminate free service for non-profits, and add recycling to commercial business at residential rates. Councilman Bishop asked if eliminating dumpster service would eliminate jobs. Mr. Wingfield replied that those employee positions would be reassigned, not eliminated. Councilman Showalter noted that the committee has discussed placing stricter signage, and possible surveillance, at the recycling facility on Cambria Street to discourage regular trash dumping, which has become a significant problem. Councilman Bishop asked how much it cost the Town to not charge non-profits for service. Ms. Tweedie said she did not have the specific numbers with her, but that the Town provided service to thirty-eight non-profits. Ms. Sachs commented that the recommendation was in effort to keep service fair across the board.

B. Town Attorney:

C. Other Staff:

Assistant Town Manager Andrew Warren requested Council consider directing the Planning Commission to study possible code amendments to allow for a new planned commercial district option in the general business zoning district and allow for microbreweries, art galleries, studios, and similar leisure and entertainment uses in the general business and central business zoning districts. Council agreed to Mr. Warren's request.

X. COUNCIL REPORTS

- A. Councilman Collins read a post in the Why I Love My Hometown section of the Town's website by Phyllis Olinger, who expressed her appreciation for the superior quality of Christiansburg and Montgomery County, for top notch employees, and for affordable housing.
- B. Councilman Bishop reported that the Montgomery County Tourism Development Council had a booth set up in at an event in Lambsburg, Virginia, and that the council had formed a committee to review the potential location of a welcome center in Montgomery County.
- C. Councilman Showalter recommended a work session to discuss merchant service fees.
- D. Councilman Huppert reported on the Relay for Life fundraiser at the aquatic center scheduled for March 14, 2019. He then called attention to Councilwoman Sachs, who had recently been recognized as one of the outstanding women leaders in the community by the Montgomery County Chamber of Commerce. Council congratulated Ms. Sachs.

- E. Councilwoman Sachs complemented the Parks and Recreation Department for successfully hosting the home show last weekend, and the aquatic center for recently hosting a large swim meet. Ms. Sachs then reported she spoke with the Police Department regarding “clandestine lab remediation” and requested a committee to study this issue with the goal of developing a policy. Councilman Showalter recommended discussing the matter in a work session, since the issue would present active town involvement in personal property. Mayor Barber noted that Building Official Jerry Heinline has expressed interest in meeting with Council regarding this matter.
- F. Mayor Barber thanked Council for its due diligence in adopting the ordinance amendment pertaining to outdoor assemblies, adding that much of the public was not aware of the depth of information provided to Council in making its decision.

XI. OTHER BUSINESS

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:54 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor