

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
SPECIAL MEETING MINUTES
REGULAR MEETING MINUTES
MARCH 10, 2020 – 5:30 P.M.**

A SPECIAL MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON MARCH 10, 2020 AT 5:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael D. Barber; Vice-Mayor Merissa Sachs; Samuel M. Bishop; Johana Hicks; Steve Huppert; 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 Reid Broughton.

I. CALL TO ORDER

II. DISCUSSION BY MAYOR AND COUNCIL

A. Proposed Flow Control Ordinance

Paul Jacobson of Sands Anderson, PC, attorney for Montgomery Regional Solid Waste Authority (MRSWA), explained the benefits of flow control to current services provided by MRSWA and advised that, without flow control, services, specifically recycling, may be reduced or eliminated, and costs to residents could increase in time through increases in **tipping fees**. Councilman Stipes voiced support for MRSWA, but cautioned against government mandating services for businesses. Mr. Stipes said he was not convinced that MRSWA operations would be harmed without flow control, and he supported fewer government restrictions for the private sector. Councilman Bishop agreed with Mr. Stipes and stated he could not support placing these additional restrictions on businesses. Councilwoman Sachs expressed concern that flow control had been proposed after Container First Services (CFS) had heavily invested in the community to provide solid waste disposal services. Alan Cummins, Executive Director of MRSWA, explained that flow control had been discussed during the formation of MRSWA in 2008, and it had been decided that an economies of scale approach would be appropriate in remaining viable.

According to Mr. Cummins, MRSWA has seen a significant drop in tonnage received and believed it necessary to enforce flow control to continue meeting solid waste disposal needs of the community. Councilwoman Hicks shared Ms. Sachs' concern with the negative impact flow control would have on an existing local business that had significant investment in the community, and voiced her shared opinion that government overreach was not beneficial to the community. Ms. Hicks stated that this issue was a no-win situation. Councilman Showalter expressed his concern with the potential for fee increases to residents without the implementation of flow control. Mr. Cummins clarified that, as a non-profit authority, increases would only be made to tipping fees if tonnage loss continued each year. Mr. Jacobson and Mr. Cummins talked about the process for breaking down trash and recycling, and explained the difference between a materials recovery station (CFS) and a licensed transfer station (MRSWA), and noted that CFS and MRSWA offered different services to the community. Councilman

Showalter recommended that, if the flow control ordinance was not approved, Council should consider creating a solid waste enterprise fund to support future solid waste disposal services, and further recommended the Planning Commission review current ordinances with regard to solid waste transfer stations. Council expressed interest in the possibility of future discussions regarding mandatory garbage collection for new residents, with grandfathered status for existing residents.

III. ADJOURNMENT

-----*Recess until 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 10, 2020 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael D. Barber; Vice-Mayor Merissa Sachs; Samuel M. Bishop; Johana Hicks; Steve Huppert; 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 Reid Broughton; Finance Director/Treasurer Val Tweedie; Public Relations Specialist Amy Southall; Police Chief Mark Sisson, Planning Director Will Drake.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

- A. Public Hearing for a Conditional Use Permit request by Cole Shows Amusement Co. Inc. (applicant) for property owned by Rockstep Christiansburg LLC for a carnival at 782 New River Road, N.W. (tax map no. 435-A-41) in the B-3, General Business zoning district.

W.D. Cole, representative of Cole Shows Amusement Co., Inc., explained the CUP request to host a carnival in the parking lot of the New River Valley Mall. Cole Shows Amusement Co. held its carnival at the same location last year, which Mr. Cole noted was very well received, but the event was cut short due to complaints from an anchor store in the mall. Mr. Cole noted that the carnival would be set up in a different location in the parking lot to avoid parking concerns. The Police Department has recommended two officers patrol the event during the day, and four during peak times and on weekends, which is included in the CUP.

IV. CONSENT AGENDA

- A. Approval of Minutes of February 22, 2020 and February 25, 2020.
- B. Award Contract to King General Contractors, Inc. in the amount of \$153,867.90 for construction of the Christiansburg Fire Department Improvements Phase II project.

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

V. INTRODUCTIONS AND PRESENTATIONS

- A. Lea Wall and Sarah Vogel to present on NRV Homegrown Business Alliance.

Ms. Wall presented on the NRV Homegrown Go Local business alliance launched in 2019 as an initiative to support and promote local business through a Go Local Card program. The program supports local businesses by encouraging local buying through discount cards and providing businesses with free exposure through its discount directory. The business alliance currently supports two-hundred twenty-nine businesses in the New River Valley. In addition to supporting local businesses, and the local economy, the program also serves as a fundraiser for New River Valley schools. Ms. Wall announced board members as Mike Donnelly, Stacy Martin, John Wilburn, Rebecca Stump, and Marie March, who is the main financial backer of the alliance.

VI. CITIZEN COMMENTS

- A. Andrew Hicks, son of Councilwoman Johana Hicks, presented his statement in opposition to the closing of Hickok Street for use as the location of the Farmers Market and other special events. Mr. Hicks stated his belief that the dedicated road should continue to serve as a travel connection between Main Street and College Street, and he proposed relocating the market to the Downtown Park. Mr. Hicks provided Council with his own drawings of his proposal for their consideration. Council thanked Mr. Hicks for his comments, and Councilman Showalter invited him to attend future community input meetings regarding the Farmers Market location and to bring his drawings with him. Councilman Huppert commended Mr. Hicks on bringing his concerns to Council, and Councilwoman Hicks expressed her pride in her son. A copy of Mr. Hicks' letter is attached to these minutes and is a part of the official record.

VII. COMMITTEE REPORTS

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

- A. Council action on:
 - 1. Rezoning request by RWW36, LLC (applicant/property owner) for an approximately 1.976 acre property located at the intersection of Roanoke Street and the 460 westbound off-ramp (tax map no. 529-A-48) to the B-3 General Business District. The property was acquired from the Virginia Department of Transportation and does not currently lie within a designated

zoning district. The property is undesignated on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held February 25, 2020.

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

2. Proposed Ordinance Amending Chapter 28 “Solid Waste and Recycling” of the Christiansburg Town Code by adding Article III. Solid Waste Flow Control, establishing an obligation to obtain a Solid Waste Collection and Disposal Permit and the requirement that all garbage, trash, or refuse generated or collected within the Town of Christiansburg shall be only delivered to facilities of the Montgomery Regional Solid Waste Authority. The Public Hearing was held February 25, 2020.

Councilman Showalter made a motion to approve the proposed ordinance as amended, seconded by Councilman Huppert. Councilwoman Hicks stated this has been a difficult decision to make after hearing both sides of the argument, but ultimately believes private enterprise and government should be separate. Councilwoman Sachs encouraged the public to watch the work session video to hear the discussions regarding this matter, and agreed with Councilwoman Hicks that it was not an easy decision. Councilwoman Sachs stressed her opinion that flow control should have been enacted before any private businesses invested in the community, but also expressed concern for the impact no flow control may have on residents. Councilman Showalter commented there would be no winners regardless of Council’s vote, and that his main priority was to keep costs down for citizens. Councilman Stipes noted that there were no guarantees that there would be a fee increase without flow control. He expressed support for MRSWA, but stressed his belief that the private sector and government should be kept separate, and that the needs of the community would be better met without flow control. Councilman Huppert commented on the informative work session on flow control held on March 10, which presented good arguments for both sides. However, while he is concerned with the possibility of a future fee increase, he is in support of implementing flow control at this time. Councilman Bishop agreed that the decision was a difficult one, but simply stated that one of his goals as a member of council was to bring businesses into Christiansburg, not run them out through government regulations. Council voted on the motion as follows: Bishop – Nay; Hicks – Nay; Huppert – Aye; Sachs – Nay; Showalter – Aye; Stipes – Nay. On a vote of 4 – 2, the motion was denied.

- B. Resolution for Approval of Budget Amendment #3 for FY 2019-2020.

Councilman Stipes made a motion to approve the Budget Amendment #3 as modified during the work session on March 3, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Discussion of Shared Use Agreement for Public Use of Private Property - Courtyard Area at 100 W. Main Street.

Town Manager Wingfield reported on the Shared Use Agreement that would allow public access to a future public pocket park on the lawn area located off the sidewalk at the Great

Road on Main. The park is proposed by a community group as part of the Rally SWVA. The agreement has been reviewed by the Rally Community Group, and the Town's attorney, and has been found to be satisfactory to both parties. Mr. Wingfield noted that the Town has been designated to oversee that the property remains public during the term of the agreement. Councilman Stipes made a motion to approve the Shared Use Agreement for Public Use of Private Property, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

D. Hickok Street closure.

Mayor Barber presented the recommendation that Hickok Street be reopened for public transportation use, except for during times of use for the Farmers' Market and other special events. Mayor Barber noted that Hickok Street would be temporarily closed for a construction project during the 2021 and 2022 Farmers Market seasons, and that Council could discuss eliminating the market or moving it to an alternate location during preparations for the 2021 season. Councilman Showalter made a motion to approve reopening Hickok Street for public use, but reserving the right to re-close the street for the Farmers' Market and other special events, seconded by Councilwoman Hicks. Councilwoman Sachs, who serves on the Central Business District Committee, said the decision to close Hickok Street was made in anticipation of an increased number of special events, and was not a decision taken lightly. The increased number of special events has been limited, and Ms. Sachs expressed support for re-opening the street with the right to re-close temporarily for events. Councilman Stipes noted that when Council voted to close Hickok Street, it also agreed to re-visit the matter in the future to determine if the road should be re-opened for public use.

Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

E. Consideration and Signing of Town Council Code of Ethics (All Members).

Mayor Barber reported that the Town Council Code of Ethics was originally drafted and approved in 2007. Mayor Barber clarified that if amended and reaffirmed, the Code of Ethics would not need to be individually signed if approved by Council. The document had recently been reviewed by Attorney Reid Broughton, who noted that implementation of a code of ethics was not an uncommon practice among local governments. Councilwoman Hicks read a statement in opposition to the Town Council Code of Ethics and stated she would not sign it, if it was adopted by Council. Councilman Stipes made a motion to adopt the Town Council Code of Ethics, with the expectation that, if adopted, each member of Council would be obligated to abide by its contents in good faith. Councilwoman Sachs seconded the motion. Council voted on the motion as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

IX. STAFF REPORTS

A. Town Manager:

- Reported on the process to update the Town's software systems, and noted a proposal would be presented to the Finance Committee in the near future for review and recommendation.
- New River Valley Home Builder's Association 2020 NRV Home Expo is scheduled for March 14 & 15 at the recreation center.

B. Town Attorney:

C. Other Staff:

- Planning Director Will Drake asked Council to direct the Planning Commission to study possible code amendments for setbacks pertaining to gutters, eaves, roofs, and other projections. Council agreed and added a request that Planning Commission study ordinance definitions for solid waste transfer stations and materials recovery stations for possible clarification. Councilwoman Hicks made a motion to direct the Planning Commission ordinance studies as requested, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

IX. COUNCIL REPORTS

- A. Councilwoman Hicks asked what measures the Town was taking to address the coronavirus threat. Town Manager Wingfield reported that the Town was working with the State Health Department to implement internal safety procedures, and was following CDC guidelines and State level recommendations, both of which have been posted on the Town's website for public information. The Town emergency services chiefs are working with surrounding localities to develop a mutual response to the virus, if needed.
- B. Councilman Bishop, no report.
- C. Councilman Showalter recommended the Town attorneys and the Solid Waste Committee review ideas to increase garbage volume at MRSWA, including mandatory new town resident garbage service that would include a grandfather clause for existing residents.
- D. Councilman Stipes commented on the delayed budget process and recommended that Town Manager Wingfield and Finance Director Val Tweedie present the draft budget to Council as a whole during the March 17 work session, and to bypass an initial review by the Finance Committee. Councilman Showalter, member of the Finance Committee, agreed with the recommendation. After discussion, a majority of Council agreed to cancel review of the draft budget by the Finance Committee, and to hear initial presentation of the draft as a whole.
- E. Councilman Huppert questioned the decision to cancel initial review of the draft budget by the Finance Committee, which he noted was an important step in the budget process. He then commended the recreation department on improvements to the Summit Ridge pocket park, and reported on upcoming swim meets.
- F. Councilwoman Sachs acknowledged and welcomed Elli Travis, Justin Sanders, and Mike Larkin as they are part of the community group working on the RALLY grant project. Ms. Sachs talked about the purpose of RALLY as a community engagement forum and welcomed all to attend its next meeting on March 16, 6:00 P.M. at Great Road on Main. Ms. Sachs then asked Finance Director Val Tweedie to report on the recoding of the Farmers Market expenses at the request of Council, and Ms. Tweedie explained the updated Chart of Accounts that more accurately categorized expense accounts.

G. Mayor Barber requested Council approval for the purchase of a small banner style sign recognizing Vietnam Veterans Day that would be placed in downtown near the Christmas tree. In addition, Mayor Barber requested Council approval to draft a proclamation designating March as Autism Awareness Month that would encompass all special needs. Council agreed to both requests, and Councilman Huppert, as a Vietnam veteran, stated his appreciation for the Town's efforts to honor Vietnam Veterans Day.

XI. OTHER BUSINESS

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:10 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor