

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JUNE 23, 2020 – 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 JUNE 23, 2020 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael 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 Val Tweedie; IT Director Craig Hatmaker; Public Relations Director Melissa Demmitt; Fire Chief Billy Hanks; Rescue Chief Joe Coyle.

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

- A. Rezoning request by Magnolia Point Community, LLC (applicant) for property owned by International Church of the Foursquare Gospel A CA Corp, located northeast of the intersection of Peppers Ferry Road NW and New Village Drive NW (tax map no. 434-A-8A). The request is to rezone the approximately 9.14 acre property from A, Agricultural to R-3, Multi-Family Residential with proffers. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Town Manager Randy Wingfield called attention to the revised proffer dated June 23, 2020 that was at Council's seats. Mr. Brian McCahill and Katherine Mahoney, both of Roanoke, and representatives of Fralin Homes, talked about the company's goals to maintain the reputation as a family-oriented, trustworthy developer, and to meet the need for affordable, upscale housing in Christiansburg. Mr. McCahill provided an overview of the proposed Magnolia Point Community rezoning request and highlighted the changes and key attributes made since their last presentation. Mr. McCahill noted that the property would have on-site staff once the project was completed, and it was further noted that Fralin Homes has existing developments in Christiansburg that were managed out of Roanoke. Mr. Robert Fralin described the proposed new road connection from the Magnolia Point Community to Walters Drive that

would be installed approximately halfway through construction of the development, and noted that additional traffic counts indicated that the road connection would adequately handle the additional traffic generated by the proposed neighborhood. Mr. Steve Semones of Balzer and Associates explained the proposed sidewalk plan and noted ongoing discussions with engineers on the site plan with regards to sidewalk location/connections, and future crosswalk connection. Councilwoman Hicks questioned if the developer intended to build a community playground. Mr. Fralin responded that 61% greenspace had been proposed that would include a clubhouse, pool, and trails, but that there were no initial plans for a playground. Councilman Showalter noted that Fralin Homes had a similar project on Peters Creek Road in Roanoke that was attractive and well-maintained. However, Councilman Showalter expressed concern with additional traffic traveling onto Peppers Ferry Road, especially when traveling left out of the neighborhood towards Christiansburg. Mr. Semones noted that he had worked with the Town's engineering department to get the exact traffic study parameters in planning the ingress/egress, and originally utilized a split of 75% eastbound and 25% westbound Peppers Ferry Road traffic but revised to 85% eastbound and 15% westbound because of staff comments and noted that the study found that a signal light was not warranted with either. Councilwoman Hicks expressed concern with potential overuse of public utilities in that area. Town Manager Wingfield reported that water volume and pressure were not a concern due to the location of the water line main, and that the developer was responsible for putting in water lines to the development.

- B. Conditional Use Permit request - contingent on the preceding item – by Magnolia Point Community, LLC (applicant) for property owned by International Church of the Foursquare Gospel A CA Corp for a planned housing development to consist of multi-family dwellings and townhomes at a density of development of approximately 16 units per acre on property located northeast of the intersection of Peppers Ferry Road NW and Village Drive NW (tax map no. 434-A-8A) in the R-3, Multi-Family Residential District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

No additional comments. Mayor Barber reported that the Planning Commission had voted 6-0, with four absences, in late 2019, in favor of issuing the Conditional Use Permit.

Robert Fralin requested Council consider taking action on the two requests for Magnolia Point Community, LLC, tonight, or waiting until the next meeting. Council agreed to take action at the July 14 meeting.

- C. Street vacation request by Gay and Neel, Inc. for an ordinance to vacate an approximately 0.12 acre portion of right-of-way along the east side of N. Franklin Street, located adjacent to the intersection of N. Franklin Street and Akers Farm Road, N.E. The portion of right-of-way adjoins 100 Akers Farm Road, N.E. (tax map no. 466-22-1).

There were no comments for or against the request.

- D. Town of Christiansburg Community Development Block Grant Substantial Amendment to the 2019 Annual Action Plan in response to the COVID-19 pandemic.

Town Manager Randy Wingfield explained the amendment is needed to receive additional funding for Covid-19 relief. Assistant Town Manager Andrew Warren provided a breakdown of

the proposed funding distribution to be used towards homeless prevention, food security, economic development, and healthcare. The next steps in the action plan process were further explained, noting that funding distribution was anticipated to occur in mid to late August. Councilman Showalter requested Council be provided an update on the distribution once more information is available.

IV. CONSENT AGENDA

- A. Approval of Minutes of June 9, 2020.
- B. Authorization for renewal of Landfill Professional Services contract with SCS Engineers in the amount of \$120,000.
- C. Award Contract to Mendon Pipeline, Inc. in the amount of \$517,115.00 for Construction of the Silver Lake Interceptor, Phase I project.
- D. Resolution Recognizing Al Bowman for his service on the Montgomery Regional Solid Waste Authority Board and Virginia Tech - Montgomery Regional (Executive) Airport Authority Board.

Councilwoman Sachs made a motion to approve the consent agenda, seconded by Councilman Showalter. Councilwoman Hicks asked why several of her comments from the June 9 meeting regarding disputes between members of Council were not included in the minutes. Clerk of Council Stipes so noted the question and will amend the minutes to reflect a summary of the comments in question. Councilwoman Sachs amended her motion to include approval of the amended minutes, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

V. INTRODUCTIONS AND PRESENTATIONS

- A. Update on Business Technology Assessment.

Finance Director Val Tweedie provided a follow-up presentation on the business technology assessment, previously presented to Council during the February 2020 Council Retreat. Ms. Tweedie talked about the limitations of the current town software and explained the software needed to provide an efficient, integrated system for department communication and reporting. Through the RFP process, assisted by Berry Dunn, two vendors had been selected and a breakdown of both were provided for Council consideration. Mr. Craig Hatmaker provided Council with the software financial impact models and explained the details of the software fees. Ms. Tweedie noted that, per the financial impact models, in four years, the Town would be spending less money than now with the proposed combined integrated software. Ms. Tweedie noted that the business technology assessment had been a collaborative effort between Town Departments, and she expressed appreciation to everyone who contributed to the process. According to Ms. Tweedie, the next step in the process was to obtain approval from Town Council to move forward with contract negotiations, then to obtain approval from Council on the final contract. Implementation was expected to take approximately 2 to 2 ½ years. Ms. Tweedie expressed confidence in the selected companies

and noted that funding for software had been budgeted for FY 2019 – 2020. Councilwoman Hicks made a motion to approve contract negotiations on the software system as described by Ms. Tweedie, seconded by Councilman Stipes. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

VI. CITIZEN COMMENTS

- A. Matthew Hicks 607 ½ South Franklin Street, addressed Council as a concerned citizen, and husband of Councilwoman Hicks, regarding the reserves for infrastructure budgeted during the years of service of Mayor Richard Ballengee, and expressed various complaints against the priorities of the current council. In regards to Councilwoman Hicks, Mr. Hicks commented that she was honest and fair, and had been elected by voters wanting change, and he urged Mayor Barber to get a hold of Council.
- B. Grayce Woodrum, College Street, on behalf of herself and her husband, thanked the fire department and first responders who came to their home to assist them during the recent flooding that resulted in their basement collapsing. Mrs. Woodrum also thanked her husband's co-workers at the sheriff's department for their assistance and concern.
- C. Alecia Vaught, Den Hill Road, addressed Council regarding her support for Councilwoman Hicks, and concern with government overreach that led to her creating "Second Monday Constitution Group" along with Marie March. Ms. Vaught complained about ongoing Facebook disputes with a person named Jennifer Martin, who she claimed she believed was an alias of Councilwoman Sachs. Ms. Vaught noted that Councilwoman Sachs said her Facebook account may have been hacked, but questioned how that could have happened and why she wouldn't report it to the police. Ms. Vaught provided Council with a handout of her complaint.
- D. Chris Waltz, 1370 Rigby Street, called attention to the agenda item to discuss the Town's Code of Ethics, and suggested Council also discuss Councilman Stipes, who Mr. Waltz accused of violating the Code of Ethics by taking part in closed meeting discussions regarding Clerk of Council Stipes' salary. Councilman Stipes replied that that had never happened, and Mr. Waltz responded by voicing his accusation again. Mr. Waltz also criticized Councilman Stipes for spamming his emails. Mr. Waltz then accused Councilwoman Sachs of receiving business advertising on the privately sponsored banner recognizing Christiansburg High School 2020 graduates, and questioned her claims that her Facebook account had been hacked. Councilwoman Sachs, Councilman Showalter, and Councilman Huppert each refuted Mr. Waltz' accusation of impropriety by Councilman Stipes by noting that Mr. Stipes always left the room when Council discussion was held regarding Clerk of Council Stipes, and that he had never participated in any vote or discussion pertaining to his wife.

VII. COMMITTEE REPORTS

- A. Stipes and Bishop – Street Committee Report/Recommendation on:
Street vacation request by Gay and Neel, Inc. for an ordinance to vacate an approximately 0.12 acre portion of right-of-way along the east side of N. Franklin Street, located adjacent to the intersection of N. Franklin Street and Akers Farm Road, N.E.

Councilman Stipes reported on the request to vacate a small portion of the right-of-way along North Franklin Street, for the purpose of enhancing future development potential. Mr. Stipes explained that Town staff noted no anticipated uses for that portion of the property, however, the request to vacate would also include the Town retaining easement interests across the entire parcel for utilities. Councilman Stipes made a motion to approve the right-of-way vacation 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.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

A. Monthly Bill List.

Town Manager Randy Wingfield noted that a bill had been received from Logo Hub, the business owned by Councilwoman Sachs, for \$101.96, which was under the \$500 threshold for required sealed bids. Mr. Wingfield noted that this was the first time a bill had been received from Logo Hub since Ms. Sachs took her council seat, and that this could not be considered contract stacking with the bill. Councilwoman Hicks asked if it was legal for the Town to pay a bill from a company owned by an elected official. Town Attorney Reid Broughton advised that it was legal for the Town to pay the bill received from Logo Hub for the noted amount. Councilman Showalter made a motion to pay the bill from Logo Hub for the noted amount, seconded by Councilman Stipes. Council voted on the motion as follows: Bishop – Aye; Hicks – Abstain; Huppert – Aye; Sachs – Abstain; Showalter – Aye; Stipes – Aye.

B. Town of Christiansburg Community Development Block Grant Substantial Amendment to the 2019 Annual Action Plan in response to the COVID-19 pandemic.

Councilman Stipes made a motion to approve the CDBG Substantial Amendment to the 2019 Annual Action Plan, seconded by Councilwoman Hicks. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

C. Budget Modification #4 for Cares Act Funding for FY 2019 - 2020.

Councilwoman Sachs made a motion to approve the Budget Modification #4 for Cares Act Funding for FY 2019 – 2020, seconded by Councilwoman Hicks. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

D. Resolution to approve the Budget Modification #4 for FY 2019 - 2020.

Councilman Bishop made a motion to adopt the resolution to approve the Budget Modification #4 for FY 2019 – 2020, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

E. Resolution to appropriate the funds in Budget Modification #4 for FY 2019 - 2020.

Councilman Showalter made a motion to adopt the resolution to appropriate the funds in Budget Modification #4 for FY 2019 – 2020, seconded by Councilman Stipes. Council voted on

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

F. Discussion of Code of Ethics.

Mayor Barber provided background on the Town's Code of Ethics adopted in 2007, and readopted by Council in 2020, and stated that the Code of Ethics was readopted on a 5-1 vote and is applicable to all members regardless of whether or not they voted for it.

Councilman Huppert said he became aware that he was infringing on the Code of Ethics by signing his name as a member of Town Council on his letters in the Roanoke Times, and has since modified his letters to reflect they are his own personal opinion and not that of Council.

Mayor Barber reported on his investigation in response to Code of Ethics violation complaints and further reported that the matter had been forwarded to Attorney Reid Broughton for a Letter of Opinion that advised that, from a legal standpoint, the social media posts in the complaint could be considered to be protected by the First Amendment, though it would not cover false or misleading statements. Mayor Barber then presented his opinion that a councilmember had violated the first term of the Town's Code of Ethics through social media post innuendos, disturbing attacks on fellow council members, and by announcing on social media that they had violated the Town's Building Code by having construction done on her property without first obtaining a building permit (although the permits were obtained after the Town staff contacted the owners). Mayor Barber recommended legal options for addressing the violations, as detailed to him by Town Attorney Reid Broughton. Mayor Barber opened the floor for discussion.

Councilman Stipes stated his concern with the recent erosion of integrity and public trust of Council, and noted his additional concerns with the effect the erosion was having on town staff, and the ability of Council to effectively serve the community. Mr. Stipes stated that it was important that Council find a way to restore its integrity and the public's trust.

Councilman Showalter talked about the importance of Council integrity and the public's trust in its elected officials, and agreed that measures needed to be taken to restore both aspects of public service. Mr. Showalter stressed that members of Council were responsible for managing themselves, while at the same time, holding each other accountable, and further stressed that action needed to be taken to address the Code of Ethic violations.

Councilman Huppert said during his eleven years of service on Council he often saw occasions when council members did not agree, but still worked together to serve the community. However, Mr. Huppert said he has observed that for the past four or five months, Council has not been effective in working together, and he expressed concern for the current state of Council and questioned its ability to effectively serve the community.

Councilman Bishop said he ran for council because he wanted to serve the citizens of Christiansburg, and as an elected official, held himself to a high standard of ethics. Mr. Bishop said it appeared there were personality conflicts among members of Council that needed to be addressed outside of Council, and he stressed that each member should hold themselves to a high standard of ethics to protect the integrity of Council.

Councilwoman Sachs had no comment at this time.

Councilwoman Hicks claimed she had been under attack by Council since she was elected, starting with the request that she sign a Non-Disclosure Agreement as a condition to attending a closed meeting prior to taking office, and questioned if Councilmen Showalter and Stipes had been asked to sign NDA forms. Town Manager Wingfield noted that Mrs. Hicks was asked to sign an NDA prior to attending the closed meeting because she had not yet taken her seat and oath as an elected official. Mrs. Hicks continued that she felt verbally attacked and discriminated against by members of Council, and stated that her business, and her friends, had come under attack by Council members and others in the community. Mrs. Hicks then spoke about a Facebook account by Jennifer Martin and asked Councilwoman Sachs who Ms. Martin was, and further stated she had seen Mayor Barber or Councilman Showalter meeting with Ms. Sachs on several occasions at Ms. Sachs' business on Roanoke Street, and asked what they were discussing. Mrs. Hicks then addressed the lack of building permit for the enclosure of a garage as living space on her house on White Pine Drive, and stated that the repairs were minor. Councilman Huppert expressed concern that Councilwoman Hicks' service on Council was negatively impacting her personal life and suggested she consider resigning. Councilman Bishop questioned Councilwoman Hicks about her general accusations against Council and questioned what he had done to offend her. Councilwoman Hicks said he had not done anything, but had always been kind to her. However, she stressed that she had made sacrifices to be a member of Council and deserved respect.

IX. STAFF REPORTS

A. Town Manager:

- Water shut off letters for March past due bills were sent after the June 9th council meeting and after that meeting the State Corporation Commission issued a mandate that private utilities must continue without shutoffs (but that this did not apply to the town as the town is not governed by SCC provisions). Water shut-off will only affect residents who have not paid or arranged a payment plan. Councilwoman Hicks asked if the CBDG Covid-19 funding could be used to assist individuals with utility payments. Town Manager Wingfield replied that the funding would be distributed to needs based programs. It was the consensus of Council to proceed with water cut-offs.

B. Town Attorney:

C. Other Staff:

- Fire Chief Hanks updated Council on continued efforts of the New River Valley Public Health Task Force to address the Covid-19 pandemic, and reported that the New River Valley Health District had reported 170 positive cases, which included 26 new cases in the past 10

days. Mr. Hanks provided updates on each test site and testing results, and expressed appreciation for community efforts to slow the spread of the virus. Ms. Hanks noted that due to low infection rates, the task force was cutting back testing at each site to one day per week. Councilwoman Hicks thanked the fire department for its presence on College Street during the recent flooding.

X. COUNCIL REPORTS

- A. Councilwoman Sachs reported on the first Christiansburg Public Art Advisory Board meeting, which focused on developing the foundation of the group and its priorities. Ms. Sachs said the arts council was expecting a great year.
- B. Councilman Huppert reported that the aquatic center was now open on a reservation basis for use of the competition pool, workout room, and swim camp with limited capacity.
- C. Councilman Stipes reported that the Virginia Tech Montgomery Executive Airport was actively working to hire a replacement for retiring director Michael St. Jean, but at this time, had no announcement to make. Mr. Stipes acknowledged the accomplishments of retiring at-large member Al Bowman, and noted he was happy to honor Mr. Bowman with the resolution approved by Council earlier in the meeting. Mr. Stipes intends to bring a replacement name before Council for consideration, which must be approved by all four jurisdiction members. Mr. Stipes noted that the airport was currently closed for construction with an anticipated re-opening date of July 11.
- D. Showalter, no report.
- E. Bishop, no report.
- F. Councilwoman Hicks reported on the recent Planning Commission discussion regarding a request from Montgomery County Public School to rezone property at 208 College Street for use as a mechanical/maintenance shop for county school buses. Mrs. Hicks commented there was a large response from the public against the request due to the visible location, and she noted that the Montgomery County Board of Supervisors had stated it was open to bids for selling the land. Mrs. Hicks talked about the lack of greenspace in the downtown area, and described her vision for the property as a downtown establishment, with the right investors, whether private or government, or both. Mrs. Hicks encouraged Council to visit the county's school bus station on Cambria to gain insight into what the property could look like if the county's request was approved. Councilman Showalter asked Mrs. Hicks to clarify her comments about investing in the property, whether private or government, including her comment about the county's interest in selling the property. Mrs. Hicks said it would be in the best interest of the Town to invest in the downtown area, and that the town could partner with other investors to obtain a portion of the property for its use. Councilman Stipes said he would like to see the property converted to the private sector, but noted that in order for that to happen, the county would need to declare the property surplus, and that had not happened. Councilwoman Hicks asked about that process, and commented that Council knew rich people they could encourage to invest in the property. She then questioned why relocation of the bus station was proposed for Christiansburg and not Blacksburg, and stated that Christiansburg deserved a nice downtown area, too. Mrs. Hicks asked Council to assist her in addressing the school board on this issue.

Town Manager Wingfield noted that he and County Administrator Craig Meadows had discussed organizing a joint retreat with Council and the County Board and possibly School Board. Councilman Showalter commented that he would like to see the property on the tax rolls as a developed property, but had concerns from the Planning Commission meeting that Councilwoman Hicks was hinting at the Town purchasing the property and he could not support that idea.

G. Councilwoman Sachs addressed accusations by Councilwoman Hicks regarding her having seen Mayor Barber enter Ms. Sachs' business on Roanoke Street on two occasions. Ms. Sachs stated that she has done personal business with Mayor Barber and his wife for years, and was concerned with Mrs. Hicks' accusations and possible stalking of her business. Councilwoman Hicks replied that she had received complaints against her business, too, and that she just happened to see Mayor Barber enter her business as she was driving along Roanoke Street. Councilwoman Hicks stated that the attacks needed to stop and Mayor Barber agreed and stated that this is a two-way street.

XI. OTHER BUSINESS

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 9:10 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor