

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JULY 28, 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 JULY 28, 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 Michael Bedsaul; Public Relations Director Melissa Demmitt; Public Relations Specialist Amy Southall; Engineering Director Wayne Nelson; Fire Chief Billy Hanks; Rescue Chief Joe Coyle; Police Major Chris Ramsey; Planning Director Will Drake; Finance Director Val Tweedie; Parks and Recreation Director Brad Epperley.

I. CALL TO ORDER

- A. Moment of Reflection. Mayor Barber asked those present to reflect on Morgan Harrington, a Virginia Tech student who was abducted and murdered in 2009, in honor of her birthday on July 24. The tragedy awakened Help Save the Next Girl, a national movement to fight violence and predatory danger through activism and education, victim support, legislation, and through partnerships with law enforcement and media.
- B. Pledge of Allegiance.

II. ADJUSTMENT OF THE AGENDA

Councilwoman Hicks asked why the written citizen comments received at the July 14, 2020 meeting had not been attached to the agenda and requested the comments be read aloud during the meeting. Mayor Barber noted that the comments received would be attached to the minutes and would become a part of the official record. Noting some confusion with what Mrs. Hicks was requesting, Councilman Showalter told her she could request an amendment to the minutes during the consent agenda, if she wished.

III. PUBLIC HEARINGS

- A. Street vacation request by Gay and Neel, Inc. for an ordinance to vacate Scattergood Drive, N.W. right-of-way, (approximately 1.3 acres) from its western terminus at Diamond Hills Park and along the full portion of the right-of-way adjoining the property located at 680, 690, and 700 Scattergood Drive, N.W. (tax map no. 495-1-1C).

John Neel, Gay and Neel, Inc., explained that the Scattergood Drive right-of-way was not a developed street, but had been used as an access to the vacant C&S Door property, and dead-ended at the Diamond Hills Park. The proximity of the right-of-way to the C&S Door building, and the width of the right-of-way, were both obstacles in making additional improvements to the property, and the request would allow for the redevelopment of the property for commercial use. Mr. Neel noted that the main concern of the Street Committee was that the Town maintain public access to the Diamond Hills Park, and he reassured that would be done.

- B. Rezoning request by Caldwell Construction (applicant) for property owned by Sandra Hawks and Janice Blevins et al, located between the eastern and western terminus of Vinnie Avenue, N.W. (100 Vinnie Avenue N.W., tax map no. 435-A-45). The request is to rezone the approximately 4.52 acre parcel from R-1A Rural Residential to R-1 Single-Family Residential with proffers. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Steve Semones of Balzer & Associates, Inc. provided an overview of the proposed development that would include the construction of eighteen patio style homes. The property currently has sanitary sewer lines, and an approved 2012 subdivision plat included a 50' ingress/egress for development through Vinnie Drive, which would be built to Town standards. Mr. Semones noted that the development would be similar to previous Caldwell/Rice construction, and he described the amenities planned for the neighborhood that the developer believed would appeal to individuals aged fifty and older. Mr. Semones said the applicants met with surrounding neighbors prior to the Planning Commission meeting and has offered four proffers that addressed voiced concerns. Councilman Huppert raised concern with recent flooding issues, and Mr. Semones noted that the lowest point of the property would be constructed for stormwater management, which should help mitigate flooding concern in the area. Councilwoman Sachs said that she had heard from several residents of Vinnie Drive and Slate Creek Drive who were concerned that proposed density and proximity to existing homes would negatively impact surrounding property values, and asked if the applicant would be willing to reduce the number of proposed homes. Mr. Semones noted they had studied the area carefully and determined that the proposed development would not negatively impact the surrounding area. In addressing concern with the proximity to an existing home on Vinnie Drive, Mr. Semones pointed out that by right a house in the R1-A Rural Residential could be built fifteen-feet from the property line and they have proposed a setback of fifteen-foot setback on the Carma Heights subdivision side of the development, and he described the house design measurements would limit the visual impact between the specific existing home on the south side of Vinnie Drive and the closest new construction to that home. Councilwoman Hicks commented that this was a difficult decision and expressed appreciation that the proposed plan had been modified to address concerns. She talked about the differences in neighborhood construction styles throughout the years, which has been a primary concern with the proposed development in the proposed location, and talked about concerns with additional traffic and an existing blind spot on Stafford Drive at Vinnie Drive. Mr. Semones noted that it was expected that the neighborhood would appeal to retired individuals who generate less traffic, and additionally, the traffic would use already established roadways and that there were existing plans to widen Stafford Drive. Mr. Semones has also talked with the Town about clearing the vegetation at the blind spot to improve visibility. Mr. Semones further noted that the proposed development would meet the Town's Comprehensive Plan goals to create neighborhood interconnectivity and affordably priced housing.

Denise Basham, whose father's property at 90 Vinnie Avenue adjoins the property that would be rezoned, opposed the request as presented due to the proposed density and next to her father's larger lot property. Ms. Basham stated she was a realtor and an auctioneer, and she questioned the developer's claim that the development would attract mainly retired individuals. Ms. Basham also questioned the impact construction would have on the surrounding area, and the overall impact on surrounding property values. Ms. Basham referenced an email between developer Bryan Rice and Councilman Stipes, in which Mr. Stipes questioned the impact of the proposed neighborhood on the quality of life in Christiansburg, and stressed the importance of the wishes of citizens when considering requests.

Don Conner, 250 Vinnie Avenue, voiced opposition to the rezoning request due to the proposed high density that would generate significant traffic flow through the Slate Creek neighborhood. Mr. Conner noted the disrepair of Stafford Drive and the sight distance concerns from Vinnie Avenue to Stafford Drive. Mr. Conner also expressed concern with potential construction runoff to his property due to topography, and requested Council follow-up on the Clifton Homes development and Stafford Drive improvement before approving more development in the area.

I-Ping Fu, 50 Weddle Way, thanked Council for taking the time to listen to residents' concerns, and noted that she was not against development, but did oppose the proposed density. She stated that she visited Wynwood Estates, a similar development, and found the development to be beautiful, but too crowded, and a mismatch for the Vinnie Avenue and Slate Creek area. Ms. Fu encouraged Council to consider the potential impacts to surrounding areas when voting on the request.

Dennis Smith, 70 Vinnie Avenue, echoed the comments of those who have spoken, and added his concerns related to increased traffic, sight distance, and the three-year construction plan. Mr. Smith encouraged Council to delay any further construction in the area until improvements had been made to Stafford Drive.

Ken White, 50 Weddle Way, whose property adjoins the property in the request, voiced his concerns regarding the proposed density and the potential for the developer to install a privacy fence in the area adjoining his property. Mr. White disagrees with the developer's claim that the proposed development would increase property values in the surrounding areas, and stated that the proposed development did not match the style of the existing neighborhoods. Mr. White thanked Council for listening to the residents' concerns and asked Council to consider comments voiced before taking action.

Sheryl Anderson, 70 Vinnie Drive, said she has seen much change along Stafford Drive over the past 28-years, but had not seen any improvements to Stafford Drive, in response to increased development. Ms. Anderson asked Council to tour the Stafford Drive area and pay close attention to the sight distance when leaving Vinnie Avenue onto Stafford Drive prior to taking action. Mayor Barber noted that several years ago the Town asked Stafford Drive residents for easements to widen Stafford Drive, but was turned down by all but one property owner. Councilman Stipes noted that improving Stafford Drive has been a priority for the Town for several years and was a condition for the Clifton development.

Lisa Dalton, 30 Weddle Way, noted her concern that, if approved, she expected the land behind the property in the request to also eventually be developed residential, since Mr. Rice recently purchased both lots, which would lead to high residential density in the area and increased roadway safety concerns. Ms. Dalton asked to be provided information on construction hours if the request was approved.

Mayor Barber referred to a letter received from Joan Mills, 295 Slate Creek Drive, which she requested be read publicly. In the letter, Mrs. Mills expressed opposition to constructing Vinnie Avenue as a thoroughfare to the proposed development due to the disruption to existing neighborhoods and anticipated three-year construction process, as well as the current condition of Vinnie Avenue that may make it unsuitable to handle the weight of heavy construction vehicles. Mrs. Mills talked about the tranquil nature of Vinnie Drive and surrounding streets, and stressed that existing residents have a right to a peaceful, safe, community, and she requested Council consider the impact on existing residents and stated that the proposed development would not be beneficial to surrounding neighborhoods. Mrs. Mills' letter is attached to these minutes for reference.

Two additional citizen comments were received via email and are attached to the minutes for reference.

Councilman Showalter noted that one of the written citizen comments referred to concerns with standing water, and he requested Town staff look into the matter.

- C. Conditional Use Permit request – contingent on the preceding request – by Caldwell Construction (applicant) for property owned by Sandra Hawks and Janice Blevins et al, for a planned housing development to consist of single-family homes at a density of development not to exceed 4.3 units per acre located between the eastern and western terminus of Vinnie Avenue, N.W. (100 Vinnie Avenue N.W., tax map no. 435-A-45) in the R-1, Single-Family Residential District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. Comments above apply to the CUP request.

IV. CONSENT AGENDA

- A. Approval of Minutes of July 14, 2020.
- B. Monthly Bill List.
- C. Resolution Recognizing August 2 – 8 as National Farmers Market Week.
- D. Resolution in Support of the New River Valley Metropolitan Planning Organization's Virginia Department of Transportation Smart Scale Application for Interchange Improvements at I-81 Exit 114.
- E. Resolution in Support of the New River Valley Metropolitan Planning Organization's Virginia Department of Transportation Smart Scale Application for a Park and Ride Lot at I-81 Exit 114.
- F. Resolution in Support of the New River Valley Metropolitan Planning Organization's Virginia Department of Transportation Smart Scale Application for U.S. Route 460 Widening and Operational Improvements in the Town of Christiansburg and Montgomery County.
- G. Reappointment of Richard Ballengee as Representative, and Steve Huppert as Alternate Representative, to the Board of Directors for the New River Valley Agency on Aging with terms from October 1, 2020 through September 30, 2021.

- H. Approval of purchase for 4 police vehicles from Haley Ford, through state contract in the amount of \$157,924.64
- I. Licensing and Implementation of a 3-year enterprise software contract with Tyler Technologies for \$1,406,254.
- J. Commitment to accept two FY 2021-22 VDOT Transportation Alternative funded projects, the N. Franklin Street / Wades Lane Pedestrian Improvement Project and the S. Franklin Street / First Street Pedestrian Improvement Project (which will require 20% Town matches of \$41,943 and \$40,659 respectively and inclusion in a future budget amendment).

Councilman Showalter made a motion to approve the Consent Agenda, and to include the written citizen comments as an attachment to the minutes as requested by Councilwoman Hicks (which has been a practice). Councilwoman Sachs seconded the motion. Councilman Huppert noted his long-term service on the New River Agency on Aging and offered to step down if another member of council was interested in serving. However, Council expressed the desire for Councilman Huppert to continue his effective service in this capacity. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes - Aye.

V. INTRODUCTIONS AND PRESENTATIONS

VI. CITIZEN COMMENTS

- A. Victor Dritselis, owner of 201-207 W. Main Street, addressed Council with his opposition to the rezoning request by Montgomery County Public Schools out of concern for the nature of the work performed and the potential impact on the beautification of the downtown area. Mr. Dritselis is a Blacksburg resident who owns a property in downtown Christiansburg, and whose mother lives in Christiansburg. Mr. Dritselis noted that the request barely passed the Planning Commission, and that he understood this was a tough decision for both the County and the Town, and recommended possibly an industrial zoned property as a more appropriate location.
- B. Robert Waschler, representing GFL Waste Industries, addressed Council regarding a recent incident with Fralin & Associates regarding dumpster service. The gentleman assured Council that the matter was rectified quickly, apologized for the incident, and assured Council the company was committed to working effectively with the Town.
- C. Alecia Vaught of Den Hill Road, addressed Council with a follow-up on her comments in June regarding a social media identity she claimed was Councilwoman Sachs. Mayor Barber advised Ms. Vaught that he had addressed her comments via email, which advised that the matter was protected under the First Amendment. Ms. Vaught claimed she had been harassed on social media by the individual and offered Council a packet of information on the matter if they were interested.

VII. COMMITTEE REPORTS

- A. Stipes and Bishop – Street Committee Report/Recommendation on:
 - 1. Street vacation request by Gay and Neel, Inc. for an ordinance to vacate Scattergood Drive, N.W. right-of-way, (approximately 1.3 acres) from its western terminus at Diamond Hills Park

and along the full portion of the right-of-way adjoining the property located at 680, 690, and 700 Scattergood Drive, N.W. (tax map no. 495-1-1C).

Councilman Stipes reported that the applicant had submitted a revised plat on July 27, which was currently under review by Town staff, and that the Street Committee would provide a recommendation at the August 11, 2020 council meeting.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

A. Council action on:

1. 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. The Public Hearing was held June 23, 2020 and the matter tabled July 14, 2020.

Councilman Stipes made a motion to approve the rezoning request with proffers, seconded by Councilman Huppert. Councilman Huppert noted that his previous concerns had been mitigated by the builder's proffers to build the connection to Walters Drive prior to the completed construction of one-half of the homes, and that the property would be managed on site once completed. Mr. Huppert stated his expectation of quality construction of the development. Councilman Stipes talked about his initial concerns with neighborhood connectivity and noted that the applicant has since shown a good faith effort to make a street connection to Walters Drive prior to completion of one-half of development construction. Mr. Stipes noted that the proposed development met a documented need for affordable housing, and approval was recommended by a majority of the Planning Commission. Councilman Showalter noted he had visited a similar Fralin development in Roanoke, which he found to be nice, and he understood that previous housing studies recommended high density developments, however, his primary concern was with the left turn of New River Village Drive, which studies have shown 90% of vehicles turn left off the street towards Christiansburg. Mr. Showalter expressed concern the probable bottlenecking would create an unwanted and unsafe situation for motorists, and he was unable to support the request for that reason. Councilwoman Hicks agreed with Councilman Showalter's concerns regarding traffic volume and flow, and noted that she intended to abstain from the vote due to her business relationship with Mr. Fralin. Mayor Barber added that he had concerns with the overall project, especially in light of the construction issues with past projects by the developer, and he noted the project would be closely monitored by the Town, if approved. Council voted on the request as follows: Bishop – Aye; Hicks – Abstain; Huppert – Aye; Sachs – Nay; Showalter – Nay; Stipes – Aye.

2. 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. The Public Hearing was held June 23, 2020 and the matter tabled July 14, 2020.

Councilman Stipes made a motion to issue the Conditional Use Permit as recommended by the Planning Commission, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Hicks – Abstain; Huppert – Aye; Sachs – Nay; Showalter – Nay; Stipes – Aye. Mr. Fralin offered to meet with Council and Town staff to discuss his current construction standards.

3. Rezoning request by the Montgomery County School Board (applicant/owner) for an approximately 16.66 acre property located at 208 College Street NW (tax map no. 526- A – 175). The request is to rezone the property from the R-2, Two-Family Residential District to the B-3, General Business District. The property is designated as Downtown/Mixed-Use on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held July 14, 2020.

It was noted the Planning Commission recommended approval on a vote of 5 Ayes, 4 Nays, 1 Abstention. Councilman Showalter made a motion to approve the rezoning as requested, seconded by Councilman Huppert. Councilman Huppert noted that this was not an education matter, but rather a land use matter, and he talked about potential long-term uses for the property, which would not be possible if the rezoning was approved, and he questioned if approval was the right decision. Mr. Huppert expressed appreciation for the restrictions recommended by the Planning Commission, but noted no timeframe for improvements was added to the CUP. He added that he had spoken with the single resident on Sheltman Street that lives next to the potential garage side of the school property, who expressed no opposition to the rezoning request. Mr. Huppert then questioned if buses would be fueled on site, and if so, what were the hazards of doing so. Mr. Tommy Kranz, Assistant Superintendent of Operations for MCPS, replied that school buses were only fueled at commercial gas stations.

Councilwoman Hicks referenced the CUP condition of a one-year review with the option to revoke for noncompliance, and questioned the likelihood of Council to follow through with revoking the CUP if noncompliance was determined, since the County would financially invest in the property based on Council approval. Ms. Hicks said she supported the Town working with the school system, and she supported the office aspect of the school property, but had concerns with the bus lot, and noted that the Town's 2013 Comprehensive Plan did not include a bus depot in the downtown area. She questioned if motor oil would be changed at the garage. Mr. Kranz replied that it would, but that MCPS had never had a problem with water contamination due to garage oil changes. Councilman Showalter asked Councilwoman Hicks to clarify her concerns regarding the one-year review included in the CUP, and asked if she questioned Town enforcement of the CUP, if non-compliance was found. After being pressed to clarify her comment for understanding, Mrs. Hicks stated that she did not think Council and the Planning Commission would revoke the CUP if non-compliance was found. Councilman Stipes commented that he did not appreciate the vague threats attached to the request with

respect to funding for Christiansburg schools. He added that he had received many comments from the community both for and against the request, and referred to the vote as a no-win situation. However, after expressing appreciation for Dr. Mear and Mr. Kranz being present, and noting his site visit, Mr. Stipes stated that the bus garage was a distinct community need and he appreciated the adaptive reuse of the former middle school property. He further pointed out the controls placed in the CUP for environmental protection, and beautification of the property that would improve its current aesthetics. Councilwoman Hicks questioned the bus ingress/egress, and Mr. Kranz explained that buses would use Shelton Street to access College Street. Mr. Kranz corrected rumors as to the number of buses that would be kept on the lot by noting that only during the summer months would 130 buses be stored on the property. During the school year, 65 buses would be parked on the property, with the remaining county-wide buses parked at school sites and bus driver residences, with only 28 buses assigned to the Christiansburg strand. Dr. Mear pledged that MCPS would beautify and maintain the property in accordance with the Conditional Use Permit, and that the buses on site would be parked in an organized fashion. Council voted on the motion as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

4. Conditional Use Permit request – contingent on the preceding item - by the Montgomery County School Board (applicant/owner) for a commercial garage/maintenance shop and contractor storage yard on property located at 208 College Street NW (tax map no. 526- A – 175) in the B-3, General Business District. The property is designated as Downtown/Mixed-Use on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held July 14, 2020.

Councilman Showalter made a motion to issue the Conditional Use Permit with conditions, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

5. Rezoning request by Golden Triangle Development LLC (applicant/owner) for an approximately two acre property located north of Glade Drive SE and south of Interstate 81, adjacent to the Reagan’s Pointe Subdivision (tax map no. 530- 2- 87C). The request is to rezone the property from the A, Agricultural District to 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. The Public Hearing was held July 14, 2020.

The Planning Commission recommended approval on a vote of 9-0, with 1 absent. Councilwoman Sachs made a motion to approve the rezoning request, seconded by Councilman Showalter. Council voted on the matter as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

6. Conditional Use Permit request – contingent on the preceding item – by Golden Triangle Development LLC (applicant/owner) to amend the approved Planned Housing Development for the Reagan’s Pointe Subdivision, located at the western end of Giles Drive SE and Glade Drive SE. The request is to include tax map no. 530- 2- 87C in the Planned Housing Development and to modify the approved development plan and regulations in order to add nine additional single-family units within the development at an approximate density of development of 4.4 units per acre and to reconfigure the open

space and stormwater management facility. The portion of affected property includes tax map nos. 530-2-87C, 530-18-A-E, 530-18-34, and 530-18-46 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. The Public Hearing was held July 14, 2020.

Councilwoman Sachs made a motion to issue the Conditional Use Permit with conditions, seconded by Councilman Showalter. Council voted on the motion as follows: Council voted on the matter as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

B. Discussion of Town Freedom of Information Act (FOIA) Policy.

Public Relations Director Melissa Demmitt presented Council with an updated FOIA Charging Policy, based on comments at the July 14 council meeting, and reviewed the overall purpose of the policy and the changes. Mrs. Demmitt clarified that the policy was not meant to deter FOIA requests, but noted that the Town had progressively received frequent large document and search requests, and had in fact received seventeen FOIA requests in the first 19 days of FY 2021. After discussing the proposed policy, Council agreed that FOIA requests by members of Council would be subject to charges, and Councilman Showalter, for simplification, proposed an across the board charge of the State of Virginia's minimum wage, which is currently \$7.25, to begin after the first 15 minutes of the FOIA search, rather than basing charges on the lowest possible rate of employee compensation, as proposed. Councilwoman Hicks said she wanted proof of identity included in the policy, and a higher fee for requests by non-residents. Town Attorney Bedsaul explained that all Virginians had the same rights under Virginia FOIA and he did not recommend charging fees based on location or requiring proof of identity for Virginia residents. Mr. Bedsaul explained state guidelines for charging fees, and noted the only issue with charging minimum wage was that the Town would end up subsidizing FOIA requests. Mrs. Demmitt noted that the FOIA Charging Policy did not supersede State Code, and Mr. Bedsaul said he reviewed the policy and found it to be well written.

Councilwoman Sachs asked if exceptions were in place for individuals who were not able to pay the fee. Mrs. Demmitt explained that when a FOIA request is received, she works with the requester to narrow down the specifics of what they are seeking to minimize costs. Ms. Sachs then questioned the intent to answer professional journalists' requests free of charge, since newspapers were a profitable entity. However, Councilman Stipes noted that news media was the biggest source of public transparency for local governments and should not be charged for requests, when possible. Councilwoman Hicks said the Town had authority to require proof of identity and she again requested it be added to the policy to minimize potential harassment. However, Councilman Showalter pointed out that only factual information was provided through FOIA and was a right of all Virginians, regardless of who they were or where they lived. In response, Ms. Hicks insisted that it be added to the policy. Mr. Bedsaul advised that proof of identity was at the discretion of Council, and there was a lack of Council support for adding the requirement to the policy. Mrs. Demmitt recapped the policy changes that included charging Council for FOIA requests, answering requests of professional journalists free of charge when possible, charging a flat rate of \$7.25 (minimum wage) after the first 15 minutes of research, and clarifying that the response time mentioned

in the policy is “working days” and not “calendar days.” Councilman Huppert made a motion to approve the FOIA Charging Policy with the changes as recapped by Melissa Demmitt, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Consideration of Resolution for Acceptance of Virginia Department of Transportation Property Located between N. Franklin Street and Palmer Street, N.W. (Tax Parcel 436 – ((A)) – 25C; Parcel ID 071280).

Town Manager Wingfield reported VDOT has offered the approximately 2 acres of property to the Town for a specific use to be determined by the Town. Mr. Wingfield recommended use as a community garden or open space and landscaped area. The Parks and Recreation Department would be responsible for maintenance and upkeep of the property and Director Brad Epperley expressed support for both uses presented by Mr. Wingfield. The property would revert back to VDOT if the Town discontinued its stated use of the property. Councilman Stipes made a motion to accept the approximately 2-acre lot offered by VDOT, seconded by Councilwoman Hicks. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye. Councilman Showalter recommended the matter go to the Recreation Advisory Commission for a recommendation on use of the property, which was supported by Council.

IX. STAFF REPORTS

A. Town Manager:

- The contractor set the footbridge at the aquatic center near the skate park area today for the Depot Park trail.

B. Town Attorney:

C. Other Staff:

- Major Chris Ramsey, Chief Billy Hanks, and Chief Joe Coyle were present to report on the ongoing efforts of the New River Valley Public Health Task Force to address the Covid-19 pandemic. The group currently meets three days per week, with testing two days per week on a location rotation. Major Ramsey recognized the efforts of Curtis Whitt and Billy Hanks for handling the testing site logistics, and reported that 9,877 lab tests had been done, with 407 confirmed positive, for a positive rate of 4.1% for the health district. Major Ramsey talked about computer issues that prevented the areas’ negative results for being shown on the State database, which resulted in inaccurate numbers for this area. Major Ramsey talked about preparations being made with the school systems to address cases once school opens, and noted that both local universities had robust plans in place to address Covid-19 cases. An extensive media campaign has been developed for public information on back-to-school safety.

X. COUNCIL REPORTS

- A. Councilwoman Sachs requested that the Water, Sewer, Stormwater, and Solid Waste Committee research the possibility of testing for PFOA in our local water sources, and provided background on PFOA contamination. Town Manager Wingfield noted that he mentioned the testing to Superintendent of Utilities Don Cole, who said he would research if testing was available for this area. Councilman Showalter recommended Council authorize Mr. Wingfield to take the matter to the Water Authority Board for study, and Council agreed. Mr. Wingfield will report back to Council on this matter.
- B. Councilman Huppert reported on aquatic center activities and noted the installation of the footbridge connecting the skate park and Depot Park.
- C. Councilman Stipes, no report.
- D. Councilman Showalter asked if the Water, Sewer, Stormwater, and Solid Waste Committee was continuing to aggressively address stormwater concerns on College Street, and noted his expectation of a progress report in early fall. Mr. Showalter recalled claims of fencing issues that contributed to the recent flooding on College Street voiced at the last council meeting, and recommended the Planning Commission review the Town's fencing regulations. Town Manager Wingfield noted that Engineering Director Wayne Nelson spoke with the property owners about their fencing that was obstructing the flow of stormwater, but the issue currently has not been addressed by the owner. Councilman Showalter requested this matter be placed on the agenda for discussion at the next council meeting. Councilwoman Hicks commented that the property in question was expected to sell this week and she urged Council to notify the potential buyers that the fence was defective and required repair. In response, Councilman Showalter noted that at this time the Town did not have enforceable fencing guidelines in place specific to the situation on College Street.
- E. Councilman Bishop reported that the Central Business District Committee met yesterday to discuss the Placemaking Plan for downtown, Cambria, and midtown areas that encouraged property owners to take an interest in maintaining and beautifying their properties in those areas. Council will be receiving a copy of the plan for review.
- F. Councilwoman Hicks said she did not appreciate the manner in which Mayor Barber used the gavel to get the attention of Council during a dispute earlier in the meeting, or the way he cut off her argument, and she said she hoped he would not do that again. Mrs. Hicks then opposed meeting in Closed Meeting with the PPEA Committee to discuss development of the Town park. Mrs. Hicks also expressed opposition to building a park during a pandemic, and considering other issues in Town.

Councilman Stipes noted the late hour and made a motion to table the Closed Meeting under Code of Virginia § 2.2-3711(A)(1) until the August 11, 2020 council meeting. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

XI. OTHER BUSINESS

A. Request for a Closed Meeting in accordance with:

- 1. Councilwoman Sachs made a motion to enter into a Closed Meeting Code of Virginia § 2.2-3711(A) (29), for 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 purpose of the meeting is

discussion of the Guaranteed Maximum Price for development of a park on the former Truman Wilson property on Peppers Ferry Road, N.W. Councilman Stipes seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes - Aye. Councilwoman Hicks voiced opposition to holding a Closed Meeting for this matter.

2. **Code of Virginia § 2.2-3711(A)(1)**, for the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. **The Closed Meeting is for Council review of Town Manager.** This matter was tabled until August 11, 2020.

B. Reconvene in Open Meeting.

C. Certification.

Councilwoman Sachs 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 Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes - Aye.

D. Council action on the matters. No action was taken by Council.

XII. ADJOURNMENT

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 10:56 P.M.

Michele M. Stipes, Clerk of Council

D. Michael Barber, Mayor