

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
DECEMBER 8, 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 DECEMBER 8, 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, Town Attorney Reid Broughton; Clerk of Council Michele Stipes; Deputy Clerk of Council Tracy Heinline; Treasurer/Finance Director Valerie Tweedie; Director of Engineering Wayne Nelson; Parks and Recreation Director Brad Epperley; Police Chief Mark Sisson; Fire Chief Billy Hanks; Assistant Engineering Director for Land Development & Operations Mike Kelley.

REGULAR MEETING

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

- A. Councilwoman Hicks made a motion to amend the consent agenda to allow for discussion of the Minutes of November 10, and stated she wanted greater details of the citizen comment period included in the minutes. Councilman Bishop seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.
- B. Councilwoman Hicks made a motion to remove Item G from VIII. Discussions by Mayor and Council due to the pandemic. The motion died for lack of a second.

III. PUBLIC HEARINGS

- A. Rezoning request by Balzer and Associates, Inc., on behalf of RWW36, LLC (applicant), for an approximately 4.306 acre property owned by Mary Maxie Jewell Trust, Mary Stewart, Janet Epperly, Bill Jewell, Trustees, located west of Weddle Way, N.W. (tax map no. 435-A-13). The request is to rezone the property from R-1A, Rural Residential to R-2, Two-Family Residential with proffers in order to create 7 two-family dwelling lots for a total of 14 units as well as a lot designated for stormwater management. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Ken White, 350 Weddle Way, noted that the Planning Commission vote on the rezoning request was not unanimous and announced that he had started a petition opposing the development. Mr. White stated safety, traffic, density, overdevelopment, and threat to existing residents, as reasons for his opposition to the development and referred to the rezoning request as unacceptable. Mr. White commented that he was disappointed that emailed citizen comments were not included in the minutes and added that the circulating petition would be submitted to the Town once completed. Councilman Stipes said he wanted to acknowledge that Mr. White's wife was treated poorly during a previous Council meeting when she was prevented from fully conveying her concerns for a prior rezoning application.

Don Conner, 250 Slate Creek Drive, expressed opposition to the speed at which the Town had chosen to develop the northwest section of Town (Virginia Route 114/Peppers Ferry Road Corridor), and noted that several of the residential and commercial developments approved had not yet gone to construction. Mr. Conner requested Council allow time for some of the approved developments to occur before approving any more development requests.

Steve Semones, Balzer and Associates, explained the details of the proposed development and the layout of the surrounding area, and highlighted features of the duplex units that would have a starting price point of approximately \$250,000. Mr. Semones noted that management of the neighborhood would be overseen by a property management company. Public utilities were currently accessible to the site, and Mr. Semones added that all zoning requirements for R-2 developments would be met, including stormwater facilities. He then asked Council to review the staff report provided to the Planning Commission that provided additional engineering thoughts on the width of Weddle Way, which did not meet current road width standards. Mr. Semones commented that the proposed development met the Town's goals for additional housing, and that diverse housing types were important in offering housing opportunities to people.

Councilman Huppert addressed Mr. Don Conner's comments about the rapid development of the Virginia Route 114/Peppers Ferry Road Corridor by adding that Town Council understood the current and projected growth of Christiansburg and had a responsibility to provide a variety of housing options to meet demand. Mr. Huppert added that one of his reasons for supporting the proposed Town park was due to the fast-paced growth of the Town and the overall "big picture" of the quality of life in Christiansburg.

Councilwoman Hicks said voting on the request during the Planning Commission meeting was difficult because she understood the difficulties with ongoing construction. She noted that she supported development along Vinnie Avenue due to the connectivity it would bring to the surrounding areas, but that the current request had been a more difficult decision due to proposed street width and layout that could hinder emergency vehicles from accessing certain properties. Mrs. Hicks asked for a guarantee that parking would be prohibited in the proposed cul-de-sac to alleviate concerns regarding emergency vehicle access and expressed appreciation for the citizens who came out to speak on the request. Mrs. Hicks thanked Town employees involved in providing information to the Planning Commission with regards to traffic concerns, and she outlined Town proposed traffic control measures.

Bryan Rice, owner of the adjacent property, addressed Council in favor of the proposed development, and commented that the majority of the surrounding neighbors were

supportive of the proposed development, including adjacent homeowners who were selling the land to the developer with the understanding it would be developed residential. Mr. Rice noted that the land had been specified for future residential growth in the Town's Comprehensive Plan and explained how the proposed access points would alleviate traffic issues in the area.

- B. Public Hearing for a proposed ordinance to amend Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of clarifying the allowance of structural projections such as awnings, canopies, roof eaves, gutters, architectural features, porches, and decks into minimum required yards.

Assistant Town Manager Andrew Warren explained the amendment that would clarify several definitions and interpretations in the Town Code at that request of the development community. The proposed amendment had been recommended by the Planning Commission on a vote of 8-0, and Mr. Warren noted that the Planning Commission Development Sub-Committee had assisted with drafting the amendment.

- C. Public Hearing in accordance with Code of Virginia § 15.2-2606, as amended, with respect to the adoption by the Council of a resolution or resolutions, as may be necessary or convenient, regarding the proposed financing of the development of a multi-use and multi-purpose park on Peppers Ferry Road in Christiansburg, Virginia. The Town proposes to fund the project in part by the issuance of a general Obligation bond to be issued in a principal amount not to exceed \$9,300,000.

Chris Waltz, 1370 Rigby Street NE, said he did not care if the Town built a park, but took issue with the closed meetings of council. Mr. Waltz said the Town had the option to put the park on the ballot for public vote and questioned the accuracy of the park construction costs as noted in the bond resolution. Mr. Waltz said that Councilman Stipes once said that the Town should not vote on a matter the same night as its Public Hearing and questioned why that was occurring at tonight's meeting. Mr. Waltz deferred to Town Attorney Broughton on his statement regarding the Town's option to place the park on the ballot.

Angela Akers, 345 Howery Street SE, said she was frustrated and embarrassed during the citizen comment period on November 10, when she tried to speak out about the park due to the \$9.3M debt during the pandemic, but was prevented because the public hearing had been closed. Mrs. Akers said she believed Council was committed to the betterment of the Town and asked that the park decision be reconsidered.

Yoshi Koeda, owner of Kabuki Japanese Steakhouse, 120 Arbor Drive NE, questioned why the Town was in a hurry to approve the park in the middle of a pandemic, and stated the Town needed to financially protect its residents and businesses. Yoshi referred to a former meeting when a Council member suggested raising meals tax to pay for the park and stated a meals tax increase would be difficult for restaurants to support, and he asked Council to postpone the vote until after the pandemic.

Rose Martin, 1070 W. Main Street, thanked Council for the opportunity to speak and said the conduct at recent meetings had upset her, specifically, the lack of support for requests by Councilwoman Hicks. Ms. Martin emotionally urged Council to unite and to consider the

financial struggles within the community before voting on the proposed Town park. Ms. Martin spoke in opposition to the debt incurred through the aquatic center and disagreed with the Town's contract with Radford City for use of the aquatic center. She cautioned against incurring additional debt by building a park and questioned the overall safety of parks due to the pandemic and society in general.

Jeff Akers, 345 Howery Street SE, stated he did not like Mayor Barber's decision to prevent citizens from speaking on the proposed Town park at the November 10th meeting, after the public hearing had been closed, and claimed Council wanted to push through the budget amendment that included the proposed Town park and a \$20,000 pay raise for individual employees. Mayor Barber asked Mr. Akers to clarify his statement regarding a \$20,000 raise in the budget amendment, and Mr. Akers commented he was sure it was in there.

Alecia Vaught, 2594 Den Hill Road, clarified she lived in the county outside of the Town's jurisdiction, but that she was speaking on behalf of everyone who was unable to pay their bills. Ms. Vaught claimed there was a disconnect between what Council wanted and what the community wanted, and a divisiveness on Council that prevented it from working together. Ms. Vaught recalled that the majority of Town voters had voted for Councilwoman Hicks and were all watching the meetings, and further, were opposed to the park process, and she encouraged Council to unite and work together.

Councilwoman Hicks thanked those who came out to speak and talked about businesses that were suffering due to the pandemic. Mrs. Hicks said she was not against parks but was against a non-essential expenditure of \$18M during a pandemic and she claimed discrimination by Council based on citizen opinions. Councilwoman Hicks stated the park should be included on the election ballot to let the voters decide, and pointed out that the Town had nine parks, and that the proposed park would destroy the environment and a beautiful piece of land. She added that, with the debt incurred by the aquatic center, the proposed park debt would be too much for citizens, and she asked Council to listen to those who have spoken.

IV. CONSENT AGENDA

- A. Minutes of November 10, 2020.
- B. Monthly bill list.
- C. Approval of contract for professional communications for simulcast radio in the amount of \$123,866 (Cares Act).
- D. Approval of contract with Friendship Ford of Bristol, Tennessee for two Ford F-550 XL four-wheel drive trucks with crew cabs and special utility bodies in the amount of \$149,118.
- E. Approval of contract with Johnson Controls for purchase and installation of York HVAC (heating, ventilation and air conditioning) unit with an 80-ton capacity for the Recreation Center in the amount of \$228,847.
- F. Approval of Amendment to the Professional Services Engineering Contract with Mattern and Craig, Inc., for additional services for easement and right-of-way acquisition for the Hickok Street Drainage Project in the amount of \$132,315.
- G. Resolution recognizing January 9, 2021 as National Law Enforcement Appreciation Day.

Councilman Showalter made a motion to approve the consent agenda, minus the minutes of November 10, 2020, seconded by Councilwoman Sachs. Councilwoman Hicks asked questions about several bills and items on the consent agenda, which were answered to her satisfaction by Town Manager Wingfield and Finance Director Tweedie. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

Minutes of November 10, 2020. Councilman Stipes made a motion to approve the minutes of November 10, 2020, seconded by Councilman Huppert. Councilwoman Hicks said that the Citizen Comment portion of the meeting was for citizens to address any topic they wanted, and stated she wanted the minutes changed to reflect the interaction between Mayor Barber and citizens who attempted to speak on the proposed park after the Public Hearing on the matter had been closed. Council reviewed the Citizen Comment minutes that reflected the opposition or support for the park by those who spoke, and Councilman Stipes noted that it was not the purpose of minutes to capture every comment, sentiment, or emotion expressed during meetings and that the minutes accurately reflected the discussion. Council voted on the motion as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

V. INTRODUCTIONS AND PRESENTATIONS

A. Assistant Engineering Director for Land Development & Operations Mike Kelley to provide an update on College Street Stormwater Study.

Mr. Kelley reported that funding for the College Street Stormwater Study had been included in the recently approved Budget Amendment #1, and that a drainage study contract with A. Morton Thomas and Associates, Inc. (AMT) had been signed on October 15. Meetings have been held between Town staff and the consultant to discuss design aspects of the project, and public input is being sought online and through a display at the recreation center. The field study is expected to begin this week, with completion of the full study expected in Spring 2021. Mr. Kelley offered to answer questions of Council.

B. Finance Director Valerie Tweedie and Scott Wickham with Robinson, Farmer, Cox to present the 2020 Annual Audit.

Finance Director Val Tweedie and Scott Wickham of Robinson, Farmer, Cox Associates, PLLC, presented the 2019-2020 Annual Audit Report and auditor opinion as required by the Commonwealth of Virginia's Auditor of Public Accounts. Mr. Wickham provided an overview of the independent audit report and noted that no internal control weaknesses or compliance issues were found during the audit, and that the Town was determined to be financially sound. Management recommendations in the report included a closer review of annual Statement of Economic Interest forms by filers to prevent incomplete forms noted during the audit; the need for upgraded accounting software, which the Town is in the process of addressing; and the recommendation that staff create a list of operating leases to be included in financial statements going forward. Mr. Wickham talked about the financial impacts of the pandemic, including the CARES Act and FEMA funding received by the Town. Mrs. Tweedie provided a breakdown of the budget details in the audit and strongly encouraged Council read the first twenty-nine pages of the audit that included the Letter of Transmittal and a summarized version of the audit.

C. Town Manager Randy Wingfield and Assistant Town Manager Andrew Warren to provide year-end review presentation.

Town Manager Randy Wingfield and Assistant Town Manager Andrew Warren provided a year-end review that highlighted impacts of the COVID 19 pandemic, and measures taken by the Town and the region to address the crisis and mitigate exposure risk, along with a breakdown of CARES Act funding distribution. Mr. Wingfield presented a detailed overview of the proposed Town park planning process to date, highlighted design elements of the park, and outlined current and upcoming capital projects that included total cost and funding sources. Also reviewed was the current Annual Budget and the recently approved Budget Amendment #1. Mr. Wingfield talked about staffing concerns within the Public Works Department, and concerns within the business and residential communities regarding broadband service, noting the Town continued to study strategies to meet the demand for improved service. Mr. Warren presented information on the Christiansburg Placemaking Plan that included details on developing the plan and its compatibility with the Town's Comprehensive Plan, and offered a detailed overview of ongoing plans to enhance the Farmers' Market gathering area, which received funding through the Appalachian Regional Commission Planning Grant of \$275,000 for construction. Mr. Warren reported that the Town would assist the New River Health District Task Force with the transition to vaccine distribution, and talked about the Town's involvement in helping the community cope and recover from the pandemic in a variety of ways, including through CARES Act Grant support for local small businesses. Councilman Huppert expressed appreciation for the presentation and for the staff's dedication to the continued growth and enhancement of the Town. Councilwoman Sachs expressed appreciation for the year-end review and said the numbers presented were encouraging in spite of the pandemic, including the continuity of government during the crisis, which she attributed to Mr. Wingfield and his staff. Council commended Town staff for coming together during the pandemic to continue meeting the needs of the community.

VI. CITIZEN COMMENTS

A. Chris Waltz, 1370 Rigby Street, encouraged Council to look into software programs that transcribed meetings using audio.

VII. COMMITTEE REPORTS

A. Stipes and Bishop – Street Committee Report/Recommendation on:

1. Lot Line/Public Utility Vacation Plat for Community Health Center of the New River Valley Combining Lot 4 and Lot 5 of New River Medical Associates, LLC on Akers Farm Road N.E.

Councilman Stipes reported on the request to reduce two lots to one, and to vacate the centerline public utility easement, to accommodate a larger building footprint for the NRV Free Clinic. The Street Committee has reviewed the request and recommended approval. Councilman Stipes made a motion to approve the request, seconded by Councilman Bishop.

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

2. Subdivision Plat for NRV Marketplace, LLC creating Parcel Q and dedicating Private and Public Access/Utility Easements at 2705 Market Street, N.E. (creating 1 new lot).

Councilman Stipes reported that the request would create an outparcel around the perimeter of the existing Harbor Freight building and would provide for access and utilities to the parcel. The Street Committee has reviewed the request and recommended approval. Councilman Stipes made a motion to approve the request, seconded by Councilwoman Sachs. Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

3. Subdivision Plat for JW Radford Contracting, LLC of Sherwood Drive Townhomes creating 34 townhome lots and one “common area” lot of Tax Parcel #499-11-3 and dedicating Public and Private Access/Utility Easements situated on Sherwood Drive, N.E. (creating 35 lots).

Councilman Stipes reported that the Street Committee had reviewed the request for a private townhome development on Sherwood Drive and found it to conform to R-3 Multi-Family Residential zoning and recommended approval. Councilman Stipes made a motion to approve the subdivision plat, seconded by Councilman Bishop. Councilwoman Hicks requested Council be provided a copy of subdivision maps for review prior to taking action on matters, and Councilman Huppert stated that Street Committee meetings were open and offered a good understanding of the requests before Council if people cared to attend. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

4. Subdivision Plat for DVD Properties, LLC of Tax Parcel # 527-16-31 through 38 to create 4 townhome lots and dedicate Public and Private Access/Utility Easements. Also, a dedication of .009 acres along Economy Street NE and .017 acres along Craig Street N.E. as Public Right-of-Way to the Town of Christiansburg (creating 4 lots).

Councilman Stipes explained the request that would reconfigure the lot lines to run parallel to the road for townhome development in the R-3 Multi-Family zoning district, with right-of-way donation on both sides of the property. Town staff supported the request, and Councilman Stipes made a motion to approve the request, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

5. Subdivision Plat for F & B Land, LP of Kensington Phase X showing lots 1 thru 56 and a “common area” lot on an 8.376-acre portion of 525-A-4 off Aldwych Avenue NW and dedicating Public and Private Access/Utility Easements. Also, a dedication of 1.773 acres for a new street--Holland Loop N.W.—as Public Right-of-Way to the Town of Christiansburg (creating 57 lots).

Councilman Stipes reported that the request was consistent with Planned Housing Development requirements and included two future entrance connections. Councilman Stipes made a motion to approve the subdivision plat, seconded by Councilwoman Hicks.

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

Later in the meeting, Councilman Showalter questioned Councilwoman Hicks' *second* and *aye* on the motion due to her past abstention on a residential development by Robert Fralin, based on a business relationship with him. To be consistent in her voting, and due to the potential direct benefit to her real estate business through the sale of single-family homes, Councilman Showalter asked Councilwoman Hicks if she wanted to reconsider her vote. Councilwoman Hicks clarified she did not have current business dealings with Mr. Fralin but agreed to withdraw her *second* and *aye* on the motion, and to abstain from voting on the matter. Councilman Stipes renewed his motion to approve, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Hicks – Abstain; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

6. Subdivision Plat for Rocco Capozzi Trust of Tax Parcel #527-A119 at 201 East Main Street (creating 1 new lot).

Councilman Stipes reported that Mr. Capozzi received a variance granted by the Board of Zoning Appeals for setback distance and density for his request to partition off a four-unit apartment building onto one lot. The subdivision plat was recommended for approval by Town staff, and Councilman Stipes made a motion to approve the request, 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. Council Certification of Fire Officers.

Mayor Barber presented the 2021 Fire Officers as elected by members of the Fire Department: Assistant Chief Danny Yopp, Captain Gratton Thompson, 1st Lieutenant Forest Redd, 2nd Lieutenant Brandon Turner, Secretary/Treasurer Donnie Reed, Asst. Secretary/Treasurer David Akers. Councilman Showalter made a motion to certify the officers as presented, seconded by Councilwoman Hicks. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Reappointment of Jennifer Sowers, Ashley Briggs, Mark Curtis, Jeananne Knies, and Thomas Bernard to the Christiansburg Planning Commission. The terms are from January 1, 2021 through December 31, 2024.

Councilman Stipes made a motion to reappoint Jennifer Sowers, Ashley Briggs, Mark Curtis, Jeananne Knies, and Thomas Bernard to the Christiansburg Planning Commission for a term from January 1, 2021 through December 31, 2024. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Reappointment of John Neel and Robin Boyd to the Parks and Recreation Advisory Commission. The terms are from January 1, 2021 through December 31, 2024.

Councilman Showalter made a motion to reappoint John Neel and Robin Boyd to the Parks and Recreation Advisory Commission for a term from January 1, 2021 through December 31, 2024. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye. Mr. Neel and Ms. Boyd were both present and Council thanked them for their service to the Town.

D. Resolution in support of the Limited Access Control Changes for the Arbor Drive-Peppers Ferry Road Intersection Project.

Director of Engineering Wayne Nelson explained the existing configuration of the intersection as compared to the proposed revised configuration that would expand the road to allow for a thru lane and right-turn lane, along with sidewalks that conform with ADA standards. The proposed street widening encroaches on the existing VDOT limited access line, and a resolution of Council is a required part of the process to request the limited access change. Mr. Nelson noted that the Engineering Department recommended approval of the resolution. Councilman Stipes made a motion to approve the Resolution in Support of the Limited Access Control Changes, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

E. Resolution to Petition the Virginia Department of Transportation for Maintenance Payments for Certain Streets in the Urban Maintenance Inventory System.

Director of Engineering Wayne Nelson explained the required resolution for VDOT annual street maintenance payments that included additional maintenance payments of \$120,000 for new streets: John Adams Drive NW, Jefferson Circle NW, and Diana Drive NW. Based on a comprehensive review of street changes using a map created by Dayton Poff(GIS Coordinator), also included in the annual maintenance payments for 2021 are additional travel lanes on Peppers Ferry Road, additional road length on Mud Pike Road, and additional road length on Parkway Drive. Councilwoman Sachs made a motion to approve the Resolution to Petition the Virginia Department of Transportation for Maintenance Payments, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

F. Approve a Resolution of Town Council of the Town of Christiansburg, Virginia declaring its intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures in connection with design, acquisition, construction, expansion, renovation and equipping of a park project and related facilities.

Town Manager Wingfield explained that the resolution would allow for bond financing for the Town park up to \$9.3M, and Town Attorney Reid Broughton clarified that this was not the actual bond issuance, but denoted an intent to obtain a bond, and that the resolution would allow bond proceeds to pay for past and current debts incurred for park development. Finance Director Tweedie concurred that the resolution would allow funds approved for use of the park to be reimbursed out of bond funds if necessary. Councilman Stipes made a motion to approve the resolution as presented, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

G. Authorization for Town Manager to enter into Signature Park Comprehensive Agreement with Faulconer Construction Company, Inc. for construction of a park on Peppers Ferry Road, N.W. for \$16,988,627.

Director of Engineering Wayne Nelson provided a brief history of the park planning process with Virginia PPEA beginning in September 2018, and highlighted aspects of the design contract and scope of the park design, as approved by Council, noting that park design was more than 80% complete, and offered additional highlights of park design elements. Construction is scheduled to begin in March 2021, with a completion date of November 2022, and at a cost of \$16,998,627, broken down into phases and cumulative billing, which was outlined by Mr. Nelson. Finance Director Val Tweedie estimated that loans would be obtained in August/September 2021 to begin payment on park construction. Councilwoman Sachs noted that the Parks and Recreation Advisory Commission recommended the park plans approved by Council based on extensive study and community input, and requested an overview of the advisory committee members, and committee review processes in developing the recommendation of approval presented to Council. Town Manager Wingfield provided an overview of the park planning process to date that included the Parks and Recreation Advisory Commission study, the PPEA Review Committee study, and assistance by a third-party consultant that refined and reduced initial projected costs. Councilwoman Hicks commented that the PPEA Review Committee was created by the government body with only one citizen member. Councilman Showalter pointed out that the PPEA Review Committee, like all Council appointed committees, was only responsible for making recommendations to Council, and that only Council had the governing power to decide on the details of the park. Councilman Huppert made a motion to approve authorizing the Town Manager to enter into Signature Park Comprehensive Agreement with Faulconer Construction Company, Inc. for construction of a park on Peppers Ferry Road, N.W. for \$16,988,627. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

H. Discussion of Code of Ethics/Report from Town Attorney.

Town Attorney Reid Broughton reported that he had been asked to look at two complaints based on zoning issues. The first was for 600 Roanoke Street (owned by Councilwoman Sachs) in the B-3 General Business District, where residences were not permitted without a Conditional Use Permit, except if the owner or an employee resides at the business. Mr. Broughton reported that the upstairs of the building was rented as office space to local writer, Jiffy Day, and that there was no evidence the space was used as a residence but noted Mr. Day's brother had occasionally stayed there. No notice of violation had been issued for the property, and no zoning violation had been found.

The second complaint was for property at 103 College Street (owned in part by Councilwoman Hicks), in the B-2 General Business District. Mr. Broughton determined renter Greg Revin had been living in the building at some point, and that a notice of zoning violation had been issued for the property in August 2020, which had not been appealed and had been finalized. Assistant Town Manager Andrew Warren inspected the property in September and determined evidence of the residence had been eliminated and the property was no longer in violation. Councilwoman Hicks claimed this matter had never had anything to do with her, and that the issue was between her husband and Mr. Revin. Mrs. Hicks stated she had no understanding of

the relationship between her husband and Mr. Revin, and further stated that she did not rent to Mr. Revin and that her husband did not have a lease with him. Mrs. Hicks said the issue had gone on for too long, at taxpayer expense, and she felt harassed in this matter. Mrs. Hicks called attention to a letter from Mr. Warren noting that the property was no longer in violation and stressed that the questioning and harassment had to stop. Town Attorney Broughton noted that Councilwoman Hicks had not been involved with the email conversations between her husband and Mr. Revin but had been included in the Notice of Violation as part owner of 103 College Street and of Summit Ridge Realty. Councilman Showalter noted that both complaints had been received from a third party, and that it was typical for the Town to follow up on zoning violation complaints. Additionally, Councilman Showalter expressed concern with a Facebook post by Councilwoman Hicks to Yoshi, owner of Kabuki, in which Mrs. Hicks states that she contacted Finance Director Val Tweedie about the Budget Amendment #1 and was advised by Mrs. Tweedie to vote *no* on the amendment. Mr. Showalter said he has never known Mrs. Tweedie to advise a council member how to vote on an issue, and stated the claim was a serious offense, if true, based on Mrs. Tweedie's position as an officer appointed by Council. Finance Director Val Tweedie stated that she did not advise Mrs. Hicks how to vote on Budget Amendment #1. Councilwoman Hicks insisted that her Facebook comment had been taken out of context, and after much contention, acknowledged that Mrs. Tweedie had not advised her how to vote on the budget amendment, and she apologized to Mrs. Tweedie for making an incorrect statement about her on social media. Councilwoman Sachs disputed Councilwoman Hicks' claim during the November 8th meeting that the proposed Town park was required to go to referendum if costs exceeded \$10 million, and her Facebook comment that the Town was being "shady" in keeping the cost under \$10 million to avoid a referendum. Ms. Sachs clarified that both the statement and the statement and insinuation were not factual, and voiced concern that Ms. Hicks was misleading the public. Councilwoman Hicks said she thought her comments about the referendum were true and that she was being discriminated against and harassed in this matter. Councilman Stipes referred to the confidential information provided by Mr. Broughton on the ethics concerns, and requested Council take time to review it and prepare to continue the discussion at the January 12 meeting.

IX. STAFF REPORTS

A. Town Manager:

- Mr. Wingfield verified with Virginia Municipal League that Virginia local governments are receiving internet sales tax from the state. The funding is being distributed to Montgomery County and the two towns based on the distribution formula established by the state.
- Radford City was agreeable to renewing the contract for use of the aquatic center at \$6,000/year for 200 visits, and \$5.00 per visit over 200. Town Manager Wingfield said he intended to renew the contract unless there were objections by Council.
- Blue Ridge Church has requested the Town close Main Street for up to three hours on December 14 to video for a church service program. It is estimated to cost the Town approximately \$2,000 for use of Police Department and Parks and Recreation staff, and Town Manager Wingfield stated that the Events Committee recommended not funding the closure if approved. After brief Council discussion, Councilman Stipes made a motion to approve closing the street as requested, with expenses covered by the applicant. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye. It was noted that Blue Ridge Church would need to obtain liability insurance prior to the closure.

B. Town Attorney: No report.

C. Other Staff: No report.

Finance Director Val Tweedie reported the Town was notified yesterday that it had been awarded CARES Utility Debt Relief Funds, to be used for water and sewer payments more than thirty days in arrears. The Town will establish a Utility Debt Relief Program with the funds, and letters will be sent to individuals who would benefit from the program. Information about the program will be put on the Town's website.

IX. COUNCIL REPORTS

- A. Councilman Stipes offered recognition to Clerk of Council Stipes for her service to the Town for the past twenty-one years and commended her professional and committed service to the Town. Mayor Barber presented the Clerk with additional words of recognition and a clock commemorating her service to the Town.
- B. Councilwoman Hicks thanked Fire Department staff for the Santa visits to neighborhoods in Christiansburg, and commended Public Works staff for a great job this year. She then asked if the Town could recognize the Eagle Scouts who have built kiosks in several locations around town and wished everyone a Merry Christmas and Happy New Year.
- C. Councilman Huppert shared good wishes from a Christmas card he received that Christmas 2020 might be a turning point in the crisis faced this year, and Mr. Huppert said he hoped for a better 2021.
- D. Councilman Showalter wished everyone Happy Holidays.
- E. Mayor Barber wished everyone Happy Holidays and noted that the virtual Town Christmas events seemed to be well received by the community.

XI. OTHER BUSINESS

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 10:58 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor