

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
MARCH 9, 2021 – 7:00 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON MARCH 9, 2021 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Samuel M. Bishop; Johana Hicks; Steve Huppert; Merissa Sachs; Henry Showalter; Bradford J. Stipes. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren, Town Attorney Reid Broughton; Executive Assistant/Clerk of Council Tracy Heinline; Finance Director Valerie Tweedie; Engineering Director Wayne Nelson.

REGULAR MEETING

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

None.

III. PUBLIC HEARINGS

- A. Conveyance of an access easement from the Town of Christiansburg over and across a portion of Tax Parcels 435 - ((A)) -1, 2, 2A and 3 to benefit Tax Parcel 435 - ((A)) - 34 (owned by Jalaledin and Joni L. Dadras).

Joni Dadras, 450 Peppers Ferry Road, N.W., expressed concern for not being made aware of the Public Hearing. She explained she found the Public Hearing by accident on the Town's website and inquired if property owners were usually made aware of these hearings beforehand. She also expressed that she had not seen the proper documents supporting the conveyance of an access easement. Town Manager Wingfield explained there had been negotiations with the Dadras' attorney concerning the agreement and understood the proposal was agreeable for everyone involved. He also mentioned that the Town would not use the entrance driveway as access to the new park but instead it would be a driveway for the Dadras family which meant the Dadras family would maintain the entrance. Councilwoman Hicks questioned if there had been any documents signed by the Dadras family concerning an agreement with the Town. Mr. Wingfield explained there had been no documents signed at this point. Attorney Broughton explained the Town has had substantial contact with the Dadras' attorney and he believed a signed agreement was forthcoming.

Councilwoman Hicks expressed her concern that a property owner should not feel their property is being taken away and questioned if Mrs. Dadras had expressed what she needed to. Mrs. Dadras explained that the property had been sold at least five times in the past and that someone had failed to put in an easement at that time and felt their property should be grandfathered in. She also expressed that the area had “fallen through the cracks” and they were being taken advantage of in this situation and mentioned that if the Town needed this road for an access to the new park then her family should be compensated. Mr. Wingfield explained that if this proposal was not signed then the Town had the right to pursue condemnation or eminent domain for the connector route as it was needed for the public good. Mr. Broughton explained there was no recorded easement, but the Town had the right to take the easement if necessary but instead had tried negotiating with the property owners. Mr. Broughton also informed Council that this was a voluntary conveyance and the Town was not required to alert the property owners of a public hearing. Councilwoman Hicks questioned when the drawings for this property were completed by Gay and Neel, Inc. and inquired if they were part of the master plan for the park. She expressed that it was her understanding that Gay and Neel would receive no funding from the development of the park. Mayor Barber explained that the surveying was separate from the park construction. Councilwoman Hicks responded that the Town needed this easement to move forward with the park. Mr. Wingfield stated that the entrance would need to be relocated and that at this time the Dadras property did not have their own entrance. Mayor Barber suggested that Town Council table items B, C, D, and E until there was a settlement. Mr. Broughton explained the settlement agreement was conditioned on approval of Town Council.

- B. Conveyance by quitclaim of any interest of the Town in approximately 0.093 acres of the abandoned right-of-way of Route 658 adjacent to Tax Parcel 435 - ((A)) - 34 (owned by Jalaledin and Joni L. Dadras).

The public hearing was opened. With no speakers on the item, the public hearing was closed.

- C. Conveyance to Miller Land Company, Inc. by quitclaim and boundary line adjustment of approximately 0.089 acres consisting of (a) the abandoned right-of-way of Route 658 adjacent to Tax Parcel 435 - ((A)) - 39A (owned by the Miller Land Company, Inc.), and (b) a portion of Tax Parcel 435 - ((A)) - 1, 2, 2A, and 3.

Councilwoman Hicks expressed concern for the above conveyance and made a motion to table items A, B, C, D, & E until the next Council meeting. There being no second, Mayor Barber proceeded.

The public hearing was opened. With no speakers on the item, the public hearing was closed.

- D. Conveyance of a stormwater management easement from the Town of Christiansburg on Tax Parcel 435 - ((A)) - 1, 2, 2A, and 3 for the benefit of Tax Parcel 435 - ((A)) - 39A owned by the Miller Land Company, Inc., et al.

The public hearing was opened. With no speakers on the item, the public hearing was closed.

- E. Dedication of a conservation easement on approximately 0.868 acres of Tax Parcel 435 - ((A)) - 1, 2, 2A, and 3 (proposed park on Peppers Ferry Road, N.W.).

Assistant Town Manager Warren explained this would be a dedication by the Town that allows the Town to claim water quality credits towards the Town's stormwater quality requirements that are state requirements. And for each of the conservation easements, there would be a declaration of easement that would be recorded and would restrict how the property could be used in the future.

The public hearing was opened. With no speakers on the item, the public hearing was closed.

- F. Dedication of a conservation easement on approximately 5.018 acres of portions of Tax Parcel 495 - ((2)) - A. (Diamond Hills Park).

The public hearing was opened. With no speakers on the item, the public hearing was closed.

- G. Dedication of a conservation easement on Tax Parcel 496 - ((A)) - 101A (approximately 10.406 acres adjacent to closed Wades Lane Landfill).

The public hearing was opened. With no speakers on the item, the public hearing was closed.

IV. CONSENT AGENDA

- A. Approval of Minutes of February 23, 2021 and Work Session Minutes of March 2, 2021.

Councilman Showalter requested to separate the minutes of February 23rd from the March 2nd minutes under the Consent Agenda since he could not attend the work session on March 2nd.

Councilwoman Sachs made a motion to approve the Minutes of February 23, 2021.

Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Abstain; Stipes – Aye.

Councilman Stipes made a motion to approve the Work Session Minutes of March 2, 2021.

Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Abstain; Stipes – Aye.

- B. Resolution Recognizing March 21, 2021 as Down Syndrome Awareness Day.

- C. Schedule public hearing on March 23, 2021 for an Ordinance amending Sec. 18-204 of Article VII. Transient Lodging Tax of Chapter 18 Finance and Taxation of the Christiansburg Town Code in regards to the lodging tax penalty.

- D. Schedule public hearing on April 27, 2021 for a Conditional Use Permit request by Sareh Ostadhosseinkhayyat (applicant) for a family day home serving up to 12 children at property owned by Helen Sedigh and Mohammadreza Ostadhosseinkhayyat located at 1265 Flint Drive S.E., (Tax Parcel 529 - ((21)) - 9) in the R-1, Single Family Residential zoning district. The

property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

- E. Schedule public hearing on April 27, 2021 for a Rezoning request from A, Agriculture zoning district to B-3, General Business zoning district by the Trinity Community Church Trustees located at 1505 N. Franklin Street (Tax Parcel 466 - ((A)) - 20A). The property is designated as Business/Commercial on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Councilman Showalter made a motion to approve items B, C, D, & E of the Consent Agenda. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

V. INTRODUCTIONS AND PRESENTATIONS

VI. CITIZEN COMMENTS

Steve Semones, Executive Vice President of Balzer & Associates, updated Council that Balzer & Associates had met with SHAH Development and Town staff concerning the conditional use permit requests located at 1145 W. Main Street that were on the agenda for action. Mr. Semones explained the purpose of the meeting was to discuss the ongoing stormwater management study and the drainage basin in that area. He expressed that the conditional use permit requests were separate from the concerns of the stormwater management but wanted to assure Council they are continuing to discuss this concern.

Trevor Kimzey, Director of Engineering at Gay and Neel offered to answer questions concerning the action request to vacate the right-of-way from the Town to the Montgomery County School Board for the Christiansburg High School “bus loop” at 100 Independence Boulevard.

VII. COMMITTEE REPORTS

Councilman Stipes reported that the Virginia Tech - Montgomery Regional Airport had another good month with jet fuel sales. He explained the new director, Keith Holt was integrating with the community and doing a fantastic job bringing in outside activities with the Aviation Mobile STEM Lab. Mr. Stipes explained the airport also had received \$23,000 of CARES Act money and said this was going to partially help upgrade jet fuel access. Councilwoman Hicks questioned if the airport would ever be self-sufficient. Councilman Stipes answered that possibly, yes, it could with the new director and hopefully receiving the type of market for charter services.

Councilman Showalter
No report.

Councilman Huppert reported on the Recreation Center and stated that the Recreation Center would have a food truck every Friday beginning in April. He also mentioned the Farmers Market would be at the Recreation Center parking lot every Thursday from May 20th – October 28th. Mr.

Huppert noted that citizens are now able to sign up for spring sports and mentioned the annual Shred-a-thon had been postponed to April 27th from 3pm – 6pm. Mr. Huppert also reported that several meetings ago Council had decided to name the Connector Route to the park, Booker T. Washington Parkway and referenced another smaller road that would connect into the park; suggesting the name be Truman Wilson Road. He also reported that every Friday, the Recreation Center would double as a vaccine center. Mr. Huppert expressed that the Aquatic Center has had numerous high school and college swim meets and had issues with bad weather but meets have gone well considering. Mr. Huppert also reported that Aquatics Director Terry Caldwell made a few changes to the hours and the lane usage at the Aquatic Center and passed along the additional need for lifeguards.

Councilwoman Hicks expressed that Parks and Recreation was doing well preparing for the Easter Egg Hunt at the Recreation Center and also that the Depot Park in Christiansburg was very well used and would encourage citizens that use the park to continue to clean up after themselves. Mr. Wingfield explained the Parks and Recreation employees inspect the Depot Park at least five times a week and that the park is used a great deal. Councilwoman Hicks requested that Mr. Wingfield investigate who is responsible for cleaning up around the small creek at the Depot Park.

Councilman Bishop
No report.

Councilwoman Sachs reported that there were a few days left for the Regional Commission Awards and expressed that if citizens wanted to nominate someone they felt has made a difference in the community, they could find the link on her Town Council Facebook page. Mrs. Sachs reported that the Pocket Park meeting was continuing to make progress with plans on the park on W. Main Street and that Downtown Christiansburg Inc. was looking for citizen input. She also explained that the Arts Committee was close to finishing paperwork and would start on upcoming projects soon.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

- A. Request to vacate the right-of-way from the Town to the Montgomery County School Board for the Christiansburg High School “bus loop” at 100 Independence Boulevard N.W. (Tax Parcel 466 - ((2)) - 11A) (.954 acres).

Councilman Stipes made a motion to approve the request to vacate the right-of way for the Christiansburg High School “bus loop”. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Request to authorize the conveyance from the Town to the Montgomery County School Board for the Christiansburg High School “bus loop” at 100 Independence Boulevard N.W. (Tax Parcel 466 - ((2)) - 11A) (.954 acres).

Councilwoman Sachs made a motion to approve the request to authorize the conveyance from the Town to the Montgomery County School Board for the CHS “bus loop”. Councilman Huppert seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Rezoning request by Gay and Neel, Inc. (applicant), for an approximately 1.38 acre property owned by Depot Street Development LLC, located at the intersection of Depot Street, N.E. and Harless Street, N.E. (Tax Parcels 497 - ((A)) - 288, 497 - ((A)) - 288A, 497 - ((A)) - 288C, 497 - ((A)) - 285, 497 - ((A)) - 286, 497 - ((13)) - 3, and 497 - ((13)) - 1E). The request is to rezone the property from B-3, General Business 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.

Councilman Huppert encouraged Gay and Neel to reach out to the Greater Mount Zion United Holiness Church before starting development. Councilwoman Hicks questioned if Council could work with the Bikeway Walkway Committee for a way to include crosswalks from this subdivision to the Depot Park. Mr. Wingfield explained that staff was currently looking into crosswalks for the area.

Councilwoman Sachs made a motion to approve the rezoning request by Gay and Neel, Inc. located at the intersection of Depot Street and Harless Street. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- D. Two Conditional Use Permit requests by Balzer & Associates, Inc., on behalf of SHAH Development, LLC (applicant/owner), for a 3.2 acre parcel located at 1145 West Main Street (Tax Parcel 556 - ((A)) - 39) in the B-3, General Business District:

Councilwoman Hicks expressed concern with the above conditional use permit and encouraged Town Council to concentrate on the stormwater issues on College Street before they allow this development. Mrs. Hicks expressed she had seen the issues with College Street and hated to see the suffering with the water damage. Mr. Semones agreed there was drainage issues outside of the property that needed to be taken care of and that the Town had walked the property with the consultant and the applicant had communicated several ways they could help with the stormwater issue. He explained that Balzer and Associates would assist as much as possible and noted they had to meet state and local standards and mentioned those standards were more stringent than they used to be in the past. He also expressed that DEQ and the Town were more diligent about stormwater plans and maintenance agreements and explained he would like for everyone to work together to remedy the stormwater issue. Mr. Wingfield explained that after the general stormwater study that a more detailed design of stormwater projects that may entail stormwater ponds, widening channelization and piping would be looked at. He also mentioned that the easements the Town would pursue would require designs before the Town could say where the easements were needed. Mr. Semones explained that if Town Council approved this development, that this would not close the door on anything to do with stormwater assistance and that the stormwater issue would have to be addressed no matter what.

1. A conditional use permit request for residential uses as permitted in the R-3, Multi-Family Residential District. Residential uses as permitted in the R-3, Multi-Family Residential District include single-family dwellings, two-family dwellings, townhouses, and multiple-family dwellings at a density of development of up to 20 units per acre.

Assistant Town Manager Andrew Warren explained that this item carries with it conditions as part of the Planning Commission recommendation. One condition would limit the density to 10 units per acre which is a reduction from a maximum of 20 units per acre allowed for residential development in the B-3 zoning district. Mr. Warren informed Council that the two CUP items do stand alone, however as proposed, both items would be limited to 10 units per acre. Mr. Semones explained the allowance was for residential and the PHD would also be limited to 10 acres per unit, so they were proposing about half of what was allowed for residential development in the B-3 district without any conditions restricting the density.

Councilman Stipes made a motion to approve item 1 conditional use permit request for residential uses. Councilman Bishop seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

2. A conditional use permit request for a proposed Planned Housing Development (PHD) to consist of single-family, two-family, and multiple-family dwellings at a density of development not to exceed 7.8 units (advertised as 10 units) per acre. The property is partially designated as Business/Commercial and partially designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Mr. Warren explained that the Planning Commission had reviewed and recommended approval at a density of 10 units per acre for the PHD. The 7.8 units per acre was the original density proposed by the applicant and changed at the Planning Commission level. The agenda should note 10 units per acre as was advertised for the Council public hearing.

Councilwoman Hicks made a motion to approve item 2 conditional use permit for a proposed Planned Housing Development. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

E. Updates to the Employee Handbook.

Mr. Wingfield informed Council that Sands Anderson Attorneys had reviewed the Employee Handbook changes. He explained the Human Resources department had added in new policies, clarifications, and items to comply with Code of Virginia changes.

Councilwoman Sachs made a motion to approve the updates to the Employee Handbook. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- F. Resolution Authorizing the Issuance and Sale of Town General Obligation Refunding Bond, Series 2021 in an Aggregate Principal Amount Not to Exceed \$3,090,000, and the Execution and Delivery of Certain Related Documents. This is in regard to the refinancing of a Carter Bank & Trust 2014 bond.

Councilwoman Hicks made a motion to approve the above resolution regarding the refinancing of a Carter Bank & Trust 2014 bond. Councilman Stipes seconded the motion and Council voted

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

IX. STAFF REPORTS

A. Town Manager

Mr. Wingfield reminded Council of the upcoming Work Sessions set for March 16th and March 18th at 6pm. He also noted a scheduling of a Public Hearing on April 27th for rezoning from I-2 and B-3 to B-3 General Business for the Christiansburg High School property. Mr. Wingfield also noted a request from Fire Chief Billy Hanks to sell the Town's 1988 ladder truck to the Town of Keysville fire department for \$55,000. Mr. Hanks had expressed that normally the Town places these items on GovDeals.com, a government auction site, but was concerned the Town would not do as well. Councilwoman Sachs expressed confidence that Chief Hanks had vetted potential buyers and was agreeable to sell to the Town of Keysville. Mr. Wingfield explained once the truck was sold, the \$55,000 would be placed in the Fire reserve fund.

B. Town Attorney

No report.

C. Other Staff

Finance Director Valerie Tweedie updated Council that the Town has been allocated \$22,000 of the CARES Utility Relief Funds to apply to water and wastewater accounts that have been past due more than 30 days. She explained that the applications are due by 5 pm on Monday, April 5th. Councilwoman Hicks questioned how many responded to the last debt relief offer from the Town. Mrs. Tweedie answered that there were only about 10% that were returned, and she was hoping this would be a better response. Councilwoman Sachs expressed thoughts on having Public Relations create something to get the word out. Mrs. Tweedie suggested getting with Public Relations and placing the application on the Town's website.

X. COUNCIL REPORTS

Councilman Stipes

No report.

Councilman Showalter

No report.

Councilman Huppert reported that the general assembly had banned guns at both the Capitol and legislative office buildings.

Councilman Bishop

No report.

Councilwoman Sachs

No report.

Councilwoman Hicks informed the public that recently she had attended a meeting with the Marketplace developer concerning the possibility of development of apartments. She also expressed she had met with Colonial Downs about Rosie's gaming facility in another meeting. She reported that she did not feel like the decision to make an allowance for gambling in the Town was a decision for just her and wanted the public to be informed. Mrs. Hicks explained this decision could be something for the citizens on this year's election ballot. She invited the public to send Town Council emails to let them know how they feel about the subject. Councilman Showalter expressed that Council would not be voting on this subject. Councilwoman Hicks expressed that it was presented and so she wanted the citizens to be made aware. Councilman Huppert explained there would be extensive information given out to public when they held the presentation. He explained there would be pros and cons but that everyone should keep a positive attitude about it at this point because it had the potential to bring in revenue.

Mayor Barber reported that March 29th is National Vietnam Veteran's Day and would like a resolution brought to Council for the next meeting. He also expressed the need to place banners at the Town Square. All Town Council agreed.

XI. OTHER BUSINESS

XII. ADJOURNMENT

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:32pm.

Tracy Heinline, Clerk of Council

D. Michael Barber, Mayor