

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JANUARY 25, 2022 – 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 JANUARY 25, 2022, AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Henry Showalter; Samuel M. Bishop; Johana Hicks; Tanya Hockett; Casey Jenkins; Tim Wilson.

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren; Town Attorney Reid Broughton; Executive Assistant/Clerk of Council Tracy Heinline; Deputy Director of Finance Deanna Cox; Chief of Police Mark Sisson.

REGULAR MEETING

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

- A. Separate the January 11, 2022, minutes from the consent agenda.
- B. Table the discussion concerning the Emergency Operations Plan from the consent agenda.
 - 1. Councilman Showalter made a motion to separate the January 11, 2022, Minutes from the consent agenda to request two corrections. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.
 - 2. Councilman Wilson made a motion to table the Emergency Operations Plan from the Consent Agenda to request administrative changes. Councilman Showalter seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

III. PUBLIC HEARINGS

- A. Fiscal Year 2021-22 Budget Amendment #7

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

IV. CONSENT AGENDA

- A. Approval of Minutes of January 11, 2022
- B. Monthly Bill List
- C. Resolution for Adoption of the Emergency Operation Plan (EOP)
- D. Reschedule Town Council Public Hearing for February 8, 2022, for a Resolution for the Disposition of a Town-owned lot at the intersection of West Street and Johnston Street (Tax Parcel 497-((12 Sec 3)) – 16A; Parcel ID 070451)

Councilman Bishop made a motion to approve items B. and D. of the Consent Agenda as presented. Councilman Wilson seconded the motion.

Councilwoman Hicks questioned the \$5,400 charge to Norfolk Southern under the Monthly Bill List. Town Manager Wingfield explained the \$5,400 charge was Norfolk Southern's one-time application fee for the quiet zone at Chrisman Mill Road, and that the application would not be considered without payment. Mr. Wingfield noted that he did not anticipate any other fees from Norfolk Southern concerning the quiet zone.

Councilwoman Hicks also questioned an interest charge for land for Carter Bank and Trust in the amount of \$8,988. Deputy Director of Finance Deanna Cox explained this was a normal interest payment for the semi-annual loan and stated that it was not a new loan.

Council voted to approve items B. and D. of the Consent Agenda as presented: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

Councilman Showalter made a motion to correct two items from the January 11th meeting Minutes. Councilwoman Hicks seconded the motion. Mr. Showalter stated that under section VIII. the Council vote was for reaffirmation of the Town Attorney Engagement Policy, not the hourly rate increase proposed by Sands Anderson. Mr. Showalter also noted that under section VII. the discussion of Town Council reaffirmation of the Code of Ethics the meeting Minutes should reflect that he disagreed with Councilwoman Hicks opinion that she had been ostracized last year on Council.

Councilwoman Hicks addressed Mr. Showalter's vote at the January 11th Council meeting and stated that in her opinion, he should have abstained from voting for the bill list due to charges for Virginia Tech and the fact that he was employed by the Virginia Tech Bursar's Office. Mr. Showalter expressed that he could not change his vote from the last meeting but would be more aware of future bills for Virginia Tech. He did note that most bills from Virginia Tech were not affiliated with his office. Mr. Wingfield explained that the charge for Virginia Tech was a charge for an internship program.

Council voted to approve the January 11th meeting Minutes with the two corrections presented: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

V. INTRODUCTIONS AND PRESENTATIONS

No introductions or presentations

VI. CITIZEN COMMENTS

Paul Leichner, 160 Alexa Lane, questioned the quiet zone fee and asked if Council could clarify what it pertained to. Mayor Barber explained it was for the restriction of whistle blowing at the Chrisman Mill Road train crossing. Councilman Showalter asked Mr. Wingfield for more information on the whistle blowing at train crossings and inquired if the quiet zone fee was an annual fee. Mr. Wingfield explained the whistle ban application fee was not an annual fee, but the application was a next step after the sight distance issues at the Chrisman Mill crossing have been addressed. He explained that since staff believes that the sight distance issues and improvements to the crossing have been adequately addressed, the Town is now eligible to apply for the quiet zone. Councilwoman Hicks questioned if Norfolk Southern could impose other restrictions for the crossing, such as metal rails, lights, etc. Mr. Wingfield explained that Norfolk Southern could possibly impose those upgrades if they deemed them appropriate, but he felt the Town had made several needed improvements at the site in past years.

Mr. Leichner also inquired if Councilwoman Hicks still opposed closed meetings. Mrs. Hicks answered that she had not changed her opinion of closed meetings and felt they were not always needed.

Chris Waltz, 1370 Rigby Street, talked about Norfolk Southern and the quiet zone crossing. He expressed that Norfolk Southern does not approve the quiet zone crossing and stated there was not a single class one railroad that approved of a no whistle blowing crossing in the United States due to safety issues. Mr. Waltz explained that laws have been passed that allow no whistle blowing and that the Cambria Crossing quiet zone was grandfathered in. He also stated that the Federal Railroad Administration ultimately approved the no blow crossings. Mr. Waltz mentioned a national number that had to be utilized on the application if filling out online on the FRA website. He explained that during the application process a national average of the traffic patterns, accidents at railroad crossings, etc. is formulated and the numbers change every year. Councilman Showalter inquired how the train engineers know to refrain from whistle blowing at train crossings. Mr. Waltz explained that the information is given to them and there are boards with the letter "W" that are taken down near the crossings that notify the engineers of a no blow crossing. Councilwoman Hicks questioned Mr. Wingfield if the application was for a 24-hour no whistle blow zone. Mr. Wingfield stated he would inquire within the Engineering department and report back to Council.

VII. COMMITTEE REPORTS

A. Bishop/Hockett – Street Committee Report/Recommendation

1. Plat showing right of way dedication and public utility easements for Magnolia Point on Tax Map Number 434-((A))-8A located on Peppers Ferry Road N.W. and New Village Drive N.W.

Assistant Town Manager Andrew Warren explained the plat for Magnolia Point was following up on a previously Council approved rezoning and a conditional use permit for additional townhomes and for apartment buildings on the corner of Peppers Ferry Road and New Village Drive. He stated the plat also provided for public utility easements as well as the right-of-way for the Bozeman Trail extension. Mr. Warren referenced the new street that would connect to the existing townhome development. He explained the proposal included the dedication of the new road as well as the public utility easements, and as part of site plan process, the developer would build a right turn lane off New Village Drive to go towards the Radford area.

Councilman Bishop made a motion to approve the plat showing right of way dedication and public utility easements for Magnolia Point as recommended by the Street Committee. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

2. Plat of subdivision of Campbell Town Green on the Depot Street, N.E. and Harless Street, N.E. creating 10 townhome lots and 2 open space lots.

Mr. Warren explained this was a subsequent plat following Council's previously approved rezoning from General Business to R-3 Multi-Family Residential. He stated the developer was proposing to build ten townhome lots on the corner of Depot Street and Harless Street. Mr. Warren explained there would be seven lots on Harless Street and three additional townhomes facing Depot Street. He mentioned there would also be two open space lots that would be owned and maintained by a Homeowners Association.

Councilman Bishop made a motion to approve the plat of subdivision of Campbell Town Green on the Depot Street, N.E. and Harless Street, N.E. for creation of townhome lots and open space lots at the recommendation of the Street Committee. Councilwoman Hockett seconded the motion and Council voted as follows: Bishop - Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

3. Exhibit from records showing new public utility easements on Tax Map #406-((2))-10 on Midway Plaza Drive, N.W.

Mr. Warren explained this subdivision plat is connected to an older standing site plan that was revised this past year for forty-six townhomes. He noted there would be three entrances from Midway Plaza Drive and there would be townhomes placed on each side. Mr. Warren explained there would be public utility easements dedicated that would allow utilities to be built and maintained. Councilwoman Hicks noted that the Norfolk and Southern Railway Tunnel was near the site referenced.

Councilman Bishop made a motion to approve the exhibit from records showing new public utility easements on Midway Plaza Drive, N.W. at the recommendation of the Street Committee. Councilwoman Hockett seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

A. Town Attorney Engagement Agreement (contract)

Mayor Barber explained that the Engagement Agreement pertained to Sands Anderson requesting an increase of five dollars an hour for their attorneys, legal assistants, and law clerks.

Councilwoman Hicks made a motion to approve a five dollar an hour increase for Sands Anderson attorneys, legal assistants, and law clerks. Councilman Bishop seconded the motion.

Mr. Showalter noted that it was decided a few years ago that Town attorneys and auditors were bid out every five years. He questioned Mr. Wingfield how long the Town had been using Sands Anderson's services. Mr. Wingfield stated that it had been two years. Mr. Showalter noted that although there had been no issues with the services provided, he would vote nay for the firm's increase due to pending budget numbers. Attorney Reid Broughton explained the firm had proposed this increase and there would be another proposed increase July 1, 2022. He explained that Sands Anderson wished to give the Town the opportunity to budget for it. Mr. Wingfield stated that the increase could be approved either by agreeing to six months or one year. Mr. Broughton suggested that Council wait to vote on the increase until July 1, 2022 and make the decision then to increase attorney fees by ten dollars an hour.

Councilwoman Hicks withdrew her motion to approve a five dollar an hour increase for Sands Anderson attorneys, legal assistants, and law clerks and to revisit the item in July of 2022.

Councilman Wilson made a motion to deny the action to approve a five dollar increase for Sands Anderson. Councilman Showalter seconded the motion. Councilman Showalter asked if Council could table the item instead since there was no performance issue with Sands Anderson.

Councilman Wilson withdrew his motion to deny the action to approve a five dollar increase for Sands Anderson. Councilman Showalter withdrew his previous second motion.

Councilman Wilson made a new motion to table the five dollar an hour increase until July 1, 2022. Councilman Showalter seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

B. Resolution for Adoption of FY 2021-22 Budget Amendment #7

Mr. Wingfield explained the amendment was due to making some adjustments for additional revenues that were projected and received. He noted that there had been a reading of the budget at the last Council meeting.

Councilwoman Hicks made a motion to approve the Resolution for Adoption of FY 2021-22 Budget Amendment #7. Councilman Jenkins seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

C. Resolution to Appropriate the Funds Approved in FY 2021-22 Budget Amendment #7

Mr. Wingfield explained the Resolution to Appropriate the Funds Approved in FY 2021-22 Budget Amendment #7 aligns with the budget amendment.

Councilman Bishop made a motion to approve the Resolution to Appropriate the Funds Approved in FY 2021-22 Budget Amendment #7. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

IX. STAFF REPORTS

A. Town Manager

Mr. Wingfield referenced several handouts he shared with Council concerning the College Street stormwater improvement alternatives. He explained the information did illustrate several descriptive alternatives. Mr. Wingfield explained that one of the options was the potential to “do nothing” which he did not believe was a desired option, be it would be an option if the Town would experience resistance from property owners in terms of needed easements or property acquisition. Mr. Wingfield spoke about option A, which included buying five affected properties and demolishing the houses. He explained that with option A there would be no other improvements planned. He also mentioned option B, buying the five affected homes, demolish those houses and build a pond in the area. Mr. Wingfield added option C, which involved building a pond in the upper reach of the basin and replacing a pipe downstream to Depot Street. He concluded with option D, buying the five affected properties, demolish the houses, and then build the pond in the upper reach of the basin, while installing pipes downstream to Depot Street. Mr. Wingfield spoke about upgrades to the other side of College Street, which included piping portions of College Street and Best Management Practices (BMP) optimization upstream. He mentioned that this extra upgrade could benefit the above options but did not necessarily contribute as much to reducing flooding at the vulnerable properties. Mr. Wingfield explained the estimates were more than the assessments regarding potential property acquisition for purchase of the affected homes. Councilwoman Hicks raised concern that in previous presentations she had not heard the word demolish when referring to homes on College Street and expressed that most of the residents had lived there for many generations and would not want to sell their property. Mayor Barber explained that demolishing meant, with the property owner’s consent, purchasing the houses and then demolishing. Mr. Wingfield explained that looking at the

basin and the natural design, that is the low point for a very large drainage base, he could not guarantee those homes that were susceptible to flooding would not flood again.

Councilwoman Hicks expressed concern that Council had approved more development to take place further up the street in the neighborhood. Mrs. Hicks inquired if the property near Main Street that was for sale was something the Town could buy and use for stormwater ponds in that area. Mr. Wingfield noted that the Town had spoken to the property owner off Main Street and if bought, the property could be partially used under option C. as an upstream basin option moving forward. Councilman Showalter asked how many property owners had agreed to give the Town easements if option C was chosen. Mr. Wingfield answered that everyone in the channel way and upstream in the pond area, except for one property owner in the channel way. Councilman Showalter questioned if the project would not move forward if the property owners did not agree to Town easements. Mr. Wingfield noted that Council could pass this information to the Water and Waste Committee and have discussions at that level. Councilman Showalter recommended that discussion.

Councilwoman Hicks agreed and expressed that she would like to see several meetings with homeowners to discuss these options. Councilman Showalter stated his appreciation that the information was brought to Council to discuss and asked about the timeline for the College Street project. Mr. Wingfield explained the Town would like to seek grants for this project, which included resiliency grants for potential purchase of homes and revenue sharing from VDOT. He stated the application process could take basically a year and the project could start the following year with the direction of Council (but that this may be without grant funding). Councilwoman Hockett questioned how much of the ARPA funds could be placed towards this project. Mr. Wingfield explained that the Town does have a two-year period to spend the ARPA dollars and the total spent on the project would depend on grants, etc. Councilman Showalter asked what the eligibility criteria was for the ARPA funds to be used for this project. Mr. Wingfield explained that the funds would need to be paid to the contractors in a timely manner due to the ARPA funds needing to be spent within a two-year period. Councilman Showalter inquired which of the options that had been presented would be the shortest amount of time to complete. Mr. Wingfield answered that if the Town started one of the alternatives above and decided to forego a grant then the project could potentially start next fiscal year. Councilwoman Hicks stated that she felt the Town was closer to a decision and wanted to make sure the College Street residents were taken care of if there were another large storm. Councilman Showalter responded that until you have the project contracted out and started then it would be hard to guarantee the area would not flood again.

Mr. Wingfield noted a revised handout for Council for the boards and commissions list and pointed out the list had been updated since the last Council meeting. Mr. Wingfield also talked about the new park naming and explained that Council needed to consider a name, with potential for a sponsor name with it. Mr. Wingfield explained that currently it is being referred to as the Christiansburg Signature Park, but that direction was needed from Council on how they would like to proceed. Mr. Wingfield offered that Council could refer the naming to the Parks and Recreation Commission or form a committee as well. Councilwoman Hicks questioned if the Town was planning on sponsors helping with the naming of the park. Mr. Wingfield stated that a corporate sponsor's name could be included but questioned if Council would want a sponsor name along with the name of the park. For example: ABC Corporation Christiansburg Signature Park. Mayor Barber stated that he would like to turn it over to the

Parks and Recreation Committee to discuss and they could come forward with suggestions to Council. Councilwoman Hicks expressed the need to bring in sponsors as soon as possible for help with funding of the park. Councilman Showalter requested an update from Brad Epperley, Director of Parks and Recreation and expressed he would like to have community involvement in the naming of the park.

B. Town Attorney

C. Other Staff

X. COUNCIL REPORTS

Councilman Showalter
No report.

Councilman Bishop
No report.

Councilwoman Hicks
Mrs. Hicks reminded everyone there would be a Central Business District meeting January 26th at noon and expressed that the public was welcome to attend. She also mentioned a representative from the New River Valley Agency on Aging would present at the February 22nd Council meeting. Councilman Showalter inquired if the Central Business District meeting would be available online. Mrs. Hicks explained it would be held at Town Hall in person.

Councilwoman Hockett
No report.

Councilman Jenkins
No report.

Councilman Wilson
No report.

Mayor Barber
Mr. Barber mentioned the Virginia Board of Elections complaint that was filed against him by Councilwoman Hicks was dismissed earlier in the week and noted that the complaint was related to the newspaper not including all the verbiage in the ad as it was sent to them.

XI. OTHER BUSINESS

A. Closed Meeting

1. Councilman Showalter made a motion to enter into a Closed Meeting under Code of Virginia § 2.2-3711(A)(7), Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the

public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. The Closed Meeting is being held for discussion of pending litigation filed by Alleghany Construction Company, Inc. against the Town and by the Town against McCormick Taylor, Inc. Councilman Bishop seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

2. Reconvene in Open Meeting.

Councilman Wilson made a motion to reconvene in Open Meeting, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

3. Certification.

Councilman Showalter 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 Councilwoman Hicks. Council voted on the motion as follows: Bishop – Aye; Hicks – Aye; Hockett – Aye; Jenkins – Aye; Showalter – Aye; Wilson – Aye.

4. Council action on the matters.


No action taken on Closed Meeting.

Councilwoman Hicks stated she would like to see more new hires for the Town. Mayor Barber explained that the subject of new hires would be brought up at the upcoming budget session. Councilwoman Hicks questioned if Council would be planning a work session soon. Mr. Wingfield explained there would be a Finance Committee meeting on February 7, 2022, and that the work session would hopefully follow that meeting. Councilwoman Hicks stated that she appreciated the Public Works employees hard work especially since they were down close to thirty-six employees. Mayor Barber explained that the Town had worked hard to promote employment, but every business was having the same difficulty. Councilman Showalter noted that Public Works crews had showed great respect recently when he had attended a funeral in Town. He stated that the family had been impressed with the Town employees standing with hats off and facing them as the procession passed by. Mr. Showalter also expressed thanks to the Police Department for their support during that time.

XII. ADJOURNMENT

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:38pm.


Tracy Heinle, Clerk of Council


D. Michael Barber, Mayor