

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF JUNE 3, 2008 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT THE CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON JUNE 3, 2008 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Canada, Carter, Huppert, Stipes, and Wade. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenny, Assistant Town Manager Helms, Town Clerk Stipes, Planning Director Wingfield, and Town Attorney Dillon.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Booth, Byrd, Carter, Moore, Poff, Simmons, and Vanhoozier. PLANNING COMMISSION MEMBERS ABSENT: None.

MAYOR BALLENGEE stated there was a quorum present of Council Members and Planning Commission Members.

PLEDGE OF ALLEGIANCE led by Planning Commissioner Craig Moore.

JOINT PUBLIC HEARING

1. A rezoning request by Stephen L. Myers, D.M.D., L.L.C. for property at 103 College Street (tax parcel 526 – ((A)) – 217) from R-2 Two-Family Residential to B-2 Central Business. The property contains 0.64 acres and is scheduled as Central Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. There was no one to speak for or against this request.
2. Contingent upon approval of item 1 above, a Conditional Use Permit request by Stephen L. Myers, D.M.D., L.L.C. for property located at 103 College Street (tax parcel 526 – ((A)) – 217) for a dental laboratory in the B-2 Central Business District. Town Manager Terpenny reported that a letter was received from C.W. Smith, an adjoining property owner, in support of the CUP request by Dr. Stephen Myers.

PUBLIC HEARING

1. Fee increases for Fiscal Year 2008 – 2009 Budget. There was no one to speak for or against this request.

REGULAR MEETING

MAYOR BALLENGEE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of May 20, 2008. Councilman Barber made a motion to approve the minutes as presented, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

MAYOR BALLENGEE asked if there were any additions or corrections to the Minutes of the Special Work Session May 7, 2008. Councilman Huppert made a motion to approve the minutes as presented, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

CITIZEN HEARINGS:

MAYOR BALLENGEE opened the Citizen Hearings for those desiring to address Council.

PLANNING COMMISSION'S RECOMMENDATIONS ON THE JOINT PUBLIC HEARING REQUESTS:

1. A rezoning request by Stephen L. Myers, D.M.D., L.L.C. for property at 103 College Street (tax parcel 526 – ((A)) – 217) from R-2 Two-Family Residential to B-2 Central Business. The property contains 0.64 acres and is scheduled as Central Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. At Chairperson Simmons' request,

Secretary Terpenny read the Planning Commission's resolution recommending Town Council approve the rezoning as requested. The Planning Commission voted unanimously on this recommendation.

2. Contingent upon approval of item 1 above, a Conditional Use Permit request by Stephen L. Myers, D.M.D., L.L.C. for property located at 103 College Street (tax parcel 526 – ((A)) – 217) for a dental laboratory in the B-2 Central Business District. Secretary Terpenny read the Planning Commission's resolution recommending Town Council issue the CUP with three conditions. A copy of the resolution is attached herewith and made a part of these minutes.

LISA LUCAS GARDNER addressed Council with her concerns over gas usage by Town personnel in Town vehicles. She suggested ways to conserve energy such as bicycle and scooter usage, and walking. She also suggested saving gas by placing two police officers in one patrol car, rather than running individual patrol vehicles. She asked Town Council and the Police Chief to consider these suggestions. Mayor Ballengee commented that the Town is registered in the Go Green Virginia program and will soon begin discussions on ways to conserve energy within the Town.

There being no one else to address Council, MAYOR BALLENGEE closed the Citizen Hearings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

COUNCIL ACTION ON THE PLANNING COMMISSION'S RECOMMENDATIONS ON THE JOINT PUBLIC HEARING REQUESTS:

1. A rezoning request by Stephen L. Myers, D.M.D., L.L.C. for property at 103 College Street (tax parcel 526 – ((A)) – 217) from R-2 Two-Family Residential to B-2 Central Business. The property contains 0.64 acres and is scheduled as Central Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. Councilman Wade made a motion to approve the rezoning as requested, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Contingent upon approval of item 1 above, a Conditional Use Permit request by Stephen L. Myers, D.M.D., L.L.C. for property located at 103 College Street (tax parcel 526 – ((A)) – 217) for a dental laboratory in the B-2 Central Business District. Councilman Barber made a motion to issue the Conditional Use Permit with three conditions, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON FEE INCREASES FOR FISCAL YEAR 2008 – 2009 BUDGET. Councilman Stipes made a motion that Council adopt a BPOL rate increase of 0.39/\$100, rather than the proposed increase of 0.45/\$100, for professional services. Councilman Canada seconded the motion. Town Manager Terpenny reported that he received comments from Janet Anderson, a town resident, concerning water usage tiers. She asked that the Town consider a tier for usage below 4,000 gallons. Ms. Anderson said she has made a conscious effort to conserve water, and as a result uses less than the 4,000 gallon minimum. Councilman Wade commented that Christiansburg is fortunate to have many professionals locate in town, and that may be contributed to Christiansburg's low tax rates. Continual tax increases may discourage further professional growth. Manager Terpenny pointed out that this BPOL tax increase only applies to businesses categorized as "professional", which includes businesses such as financial planners, advisors, lawyers, dentist, etc. Most businesses in the "professional" category receive state accreditation. According to Town Manager Terpenny, reducing the BPOL tax increase from 0.45/\$100 to 0.39/\$100 will result in a \$45,000 loss of revenue, which will be covered by reserve funds. Lisa Lucas Gardner objected to the reduction of the proposed BPOL tax increase, because of the loss of revenue and subsequent loss of reserve funds. Town Clerk Stipes polled Council on the motion to change the proposed BPOL tax rate increase from \$0.45/\$100 to \$0.39/\$100, as follows: Barber – NAY; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE; and Wade – AYE. Councilman Barber made a motion to approve the proposed fees for FY 2008 – 2009, including the reduction in BPOL tax increase from \$0.45/\$100 to \$0.39/\$100, seconded by Councilman Canada. Town Clerk Stipes polled Council on the motion to approve the proposed fees, including the BPOL tax rate increase of \$0.39/\$100, as follows: Barber – AYE; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE; and Wade – AYE.

FISCAL YEAR 2008 – 2009 BUDGET – SECOND READING. Councilman Huppert mentioned Council's previous discussion to place a cap on the amount of lodging tax contributed to the Chamber of Commerce for tourism development. Town Attorney Dillon has reviewed the Town's contract with the Chamber of Commerce and reported that there is a provision for modification, however, it is not unilateral, but must be agreed upon by both parties. The Town can attempt to renegotiate the contribution amount, or if that fails, can choose to terminate the contract with 180 days notice to the Chamber of Commerce. Councilman Huppert suggested a \$100,000 cap. He stated that the funds retained by the Town would provide a way for the Town to work in conjunction with the Chamber on tourism development. Mayor Ballengee suggested that Council approve the budget and give notice of termination with hopes of renegotiating the contract. Councilman Wade suggested setting public hearing for public

input on how the remaining tourism funds will be used. Councilman Canada said he would like to know the impact on the Chamber of Commerce if the funding is reduced, and he wants to see an audit of the funds contributed to date to the Tourism Development Commission. Councilman Barber pointed out that local restaurants and hotels will benefit from strong marketing of the aquatic center, and would probably provide a financial boom for all local merchants. Councilwoman Carter made a motion to approve the budget, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

RESOLUTION TO THE GENERAL ASSEMBLY REGARDING TRANSPORTATION FUNDING. Councilman Barber made a motion to adopt a Resolution to the General Assembly regarding Transportation Funding, as presented by Councilman Wade. Councilman Huppert seconded the motion and Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. A copy of the Resolution is attached herewith and made a part of these minutes.

MR. STIPES AND MR. CANADA – Street Committee Recommendations on:

1. Plat showing division of property for Dennis Bartley & Vanessa Bartley; creating 2 lots; located at Shaffer Drive & Shaffer Street. Councilman Stipes explained that a CUP was issued for this property in 2005, and the owner now wants to divide the lot into two lots for duplex construction. All is in order with the plat and Councilman Stipes made a motion to approve as presented. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Plat showing subdivision and lot line adjustment 59.872 ac. (total) property of the Estate of Margaret Akers Moles; creating 3 lots; located on Roanoke Street. Councilman Stipes explained that this request is to adjust the existing lot line to create two lots from three lots. All is in order with the plat and Councilman Stipes made a motion to approve as presented. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Wade, seconded by Councilman Barber, Council voted to approve the monthly bills to be paid 10 June, 2008, in the amount of \$1,712,176.84. AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY reported that Norfolk and Southern will close the railroad crossing in Cambria on June 9 and June 10 for repairs. The Town will take this opportunity to make storm drainage repairs near the crossing on those same days. Mayor Ballengee asked for newspaper notice of the closing to alert citizens.

MAYOR BALLENGEE reminded everyone of the June 14th Grand Re-opening of Downtown Christiansburg, and invited everyone to join the festivities.

MAYOR BALLENGEE introduced Town Attorney Elizabeth Dillon who, at the request of the Mayor and Town Council, will present a training session on the Freedom of Information Act. Before Ms. Dillon began, Mayor Ballengee commented that all elected officials receive information on FOIA through the Virginia Municipal League when elected, and he received information on the Act when he attended the Mayor's Institute after being elected Mayor in 2006. It is this information he has referenced when making decisions regarding matters governed by FOIA. Mayor Ballengee commented that the Town has never intentionally, or blatantly, violated the Freedom of Information laws, and there have been no secret meetings held by the Town as recently stated in the local newspaper. Mayor Ballengee then turned the floor over to Ms. Dillon. Ms. Dillon thanked Council for requesting the training session and provided Council with a handout outlining FOIA laws. She then introduced Frosty Landon, retired executive director of the Virginia Coalition for Open Government. Mr. Landon spoke briefly about the importance of open government, and commended Council for requesting the training session in order to better understand FOIA laws. Ms. Dillon then reviewed the information provided in the handout. A copy of the handout is attached herewith and made a part of these minutes.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:54 P.M.

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Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor