

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
AUGUST 26, 2014 – 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, VA, ON AUGUST 26, 2014 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor James W. Vanhoozier; Samuel M. Bishop; R. Cord Hall; Steve Huppert; Bradford J. Stipes; Henry D. Showalter. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield, Clerk of Council Michele Stipes; Town Attorney Theresa Fontana; Planning Director Nichole Hair; Building Official Jerry Heinline; Director of Aquatics Terry Caldwell; Parks and Recreation Director Brad Epperley; Treasurer/Finance Director Valerie Tweedie.

PLEDGE OF ALLEGIANCE

REGULAR MEETING

I. CALL TO ORDER:

MAYOR BARBER called the regular meeting of Council to order and asked if there were any additions or corrections to the meeting minutes of August 12, 2014. Councilman Hall requested that the last sentence of Item #4 under III. Discussions by Mayor and Council Members be stricken from the record; he then made a motion to adopt the minutes with the correction, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

II. CITIZEN'S HEARING:

1. CITIZEN COMMENTS:
 - a. No comments.

III. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. REPORT FROM TOWN ATTORNEY REGARDING THE INSTALLATION OF SIGNAL LIGHTS. Town Attorney Theresa Fontana provided Council with a memo that explained the latitude of discretion and limits of liability for installation of traffic control devices. Upon her review of Virginia law, Attorney Fontana advised that "it appears that the installation of a traffic control device is considered a governmental function and therefore, the town is immune from liability for negligence when exercising its discretion to install a traffic light". Also included in the memo was additional information regarding street maintenance for Council's future use. The memo provided was marked *Confidential – Attorney/Client Privilege*; however, Council waived the privilege and allowed for public circulation. Councilman Showalter expressed concern that for years when traffic light issues were discussed, the response from Town administration was always a concern about liability. Councilman Stipes replied that it is wise to use caution in matters concerning the installation of traffic control devices, because any interruption in the flow of traffic increases the chances for traffic incidences. Based on the information provided by the Town Attorney, Councilman Vanhoozier made a motion to authorize the Town Manager to contact VDOT, upon completion of the Route 114 road widening project, to request a signal warrant analysis for the intersection of Route 114 and Quin W. Stuart Boulevard, stating that it is his understanding that that the study would likely not start until a couple of months after completion of the road work. This would allow time to establish a traffic flow pattern for the new road configuration. The study would most likely not be completed before the end of March or April 2015. At that time, Council is to review the study findings and determine a course of action. The motion was seconded by Councilman Stipes. Town Attorney Fontana caution that placement of a signal light at Quin W. Stuart Boulevard may not be the best option, even with government immunity, because of the chance for an increase in the prevalence of accidents. Councilman Showalter reminded Council that VDOT has already pledged to do a traffic study upon completion of its road project, which may eliminate the Town's need to take action. Councilman Stipes agreed, reporting that the most recent study by VDOT in 2009 fell short of meeting traffic requirements by only thirty-percent. Council discussed various methods for addressing future requests for the installation of traffic control devices, determining

that each request would fall under a case review with recommendations provided by Town staff. Council was polled on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

2. COUNCIL ACTION ON:

- a. Council's intention to adopt an ordinance in regards to a rezoning request Stateson Homes for property located on the northern side of Quin W. Stuart Boulevard and at 745 Stafford Drive, N.W. (an approximately 27.8-acre portion of tax parcel 435 – ((A)) – 40, an approximately 6.2-acre portion of tax parcel 405 – ((A)) – 28 and tax parcel 405 – ((A)) – 9B) from A Agricultural to R-1 Single Family Residential with proffers. The property contains 35.4 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Public Hearing was held July 22, 2014. Councilman Huppert reiterated his support for the builder and the proposed subdivision of seventy-four single-family homes, noting that the developer has pledged to wait to begin construction until October 2015, allowing time to address traffic concerns. Councilman Huppert made a motion to approve the rezoning as requested, seconded by Councilman Stipes. Councilman Hall asked that his understanding that the submitted subdivision plans did not provide for an ingress/egress connection off Stafford Drive, only Quin W. Stuart Boulevard, be confirmed, and Councilman Huppert replied that his understanding was correct. Council was polled on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. (Note: Councilmen Hall and Stipes stated that they voted in favor of the rezoning because of the information provided by the Town Attorney concerning the Town's options for the installation of traffic control devices.)
- b. Contingent of Item a, a Conditional Use Permit request by Stateson Homes for property on the northern side of Quin W. Stuart Boulevard and at 745 Stafford Drive, N.W. (an approximately 27.8-acre portion of tax parcel 435 – ((A)) – 40, an approximately 6.2-acre portion of tax parcel 405 – ((A)) – 28 and tax parcel 405 – ((A)) – 9B) for a planned housing development in the R-1 Single Family Residential District. The Public Hearing was held July 22, 2014. Town Manager Helms read the Planning Commission resolution recommending Town Council approve the request with eight conditions. Councilman Stipes made a motion to accept the Planning Commission's recommendation to issue the CUP with eight conditions, seconded by Councilman Huppert. Council was polled on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. A copy of the resolution is attached herewith.
- c. Council's intention to adopt an ordinance amending Chapter 10 "Buildings and Building Regulations", Chapter 18 "Finance and Taxation" and Chapter 36 "Utilities" of the Christiansburg Town Code in regards to a fats, oils and grease program including provisions for reporting and penalties including fines. Councilman Vanhoozier made a motion to adopt the ordinance amendment as recommended, and to implement an effective date of September 1, 2014, as recommended by the Building Official. Councilman Hall seconded the motion and Council was polled as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. Information regarding the amended ordinance will be posted on the building inspections page of the Town's website.

3. REAPPOINTMENT OF CRAIG MOORE, JOE POWERS, AND STEVE HUPPERT, COUNCIL REPRESENTATIVE, TO THE PLANNING COMMISSION, WHO'S TERMS EXPIRE AUGUST 31, 2014. Councilman Hall made a motion to reappoint Craig Moore, Joe Powers, and Steve Huppert to serve another term on the Planning Commission, seconded by Councilman Vanhoozier. Council expressed appreciation for each member's service on the Planning Commission and voted on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Vanhoozier – Aye. Mr. Moore, Mr. Powers, and Mr. Huppert were each present and thanked Council for the reappointment. .
4. REVISIT THE AMENDMENT TO CHAPTER 30 "ZONING" OF THE CHRISTIANSBURG TOWN CODE PERTAINING TO DOWNTOWN PARKING. (COUNCIL APPROVED THE AMENDMENT IN NOVEMBER 2013). Council approved the amendment in November 2013 with a directive for a six month review. Town Manager Helms reported that Virginia Tech intends to present its parking study and recommendations to the Planning Commission in November. Council decided to postpone this issue until comments and recommendations have been provided by the Planning Commission.
5. CONSIDERATION OF THE PROPOSED PARKS AND RECREATION MASTER PLAN. The proposed Parks and Recreation Master Plan was presented to Council during the June 24, 2014 regular meeting, but formal action to

adopt the plan has not been taken. Councilman Hall made a motion to adopt the Parks and Recreation Master Plan as presented during the June 24, 2014 meeting, seconded by Councilman Vanhoozier who suggested that the adoption date be noted on the document prior to distribution. Council voted on the motion as follows: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

6. VOLUNTEER PROCLAMATION PRESENTED BY MAYOR BARBER. Councilman Hall made a motion to adopt the proclamation as presented by Mayor Barber, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Ayes; Stipes – Ayes; Vanhoozier – Aye. A copy of the proclamation is attached herewith. At Council's recommendation, Mayor Barber offered to follow-up on development of a banner announcing November 1, 2014 as Extra Mile Day and November 1 – November 7, 2014 as Extra Mile Week.
7. MR. STIPES AND MR. VANHOOZIER – STREET COMMITTEE RECOMMENDATIONS/REPORTS:
 - a. Plat from Records for F & B Land, L.P. creating “New Lot A” as part of the Kensington Subdivision; located at 1585 Diana Drive, N.W.; creating 1 new lot. Councilman Stipes reported that the Street Committee has reviewed this request, which is the first lot of the next phase of Kensington. The plat conforms with the subdivision ordinance and the Street Committee recommended approval. Councilman Stipes made a motion to approve the plat, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - b. Upgrading of Oakland Drive. Councilman Stipes provided the Street Committee recommendation based on a two month review, along with a spreadsheet indicating Town staff's prioritization of the Town's gravel streets. The Street Committee recommended that Oakland Drive be upgraded to a twelve-foot stabilized access with stone prime and double-seal at a cost of \$2500.00 for Town grading and preparation and \$4000.00 for contracted surfacing. This type of surfacing can be expected to last approximately ten to fifteen years with light traffic. The Street Committee deferred to Council as to who should bear the costs to upgrade to the recommended standard. According to the spreadsheet, several streets in town are of similar nature to Oakland Drive, with two prioritized as high maintenance (Perry Street and Clark Street). The Town has received upgrade requests for those two streets and the Street Committee recommended reviewing the requests on a case-by-case basis. Councilman Vanhoozier noted a cost of approximately \$100,000.00 to upgrade the eight streets prioritized by Town staff. Councilman Stipes made a motion to upgrade Oakland Drive as recommended by the Street Committee, seconded by Councilman Bishop. Councilman Huppert expressed support for shared costs in upgrading streets according to the prioritization schedule, but Councilman Stipes cautioned that some residents may not support the paving of their street, making it difficult to require financial assistance in those cases. Council considered requesting shared costs in the Oakland Drive upgrade and Town Attorney Fontana said she would research the limitations per state code and provide an opinion to Council as to the Town's options. Councilman Hall spoke in opposition to shared costs, preferring instead that the Town cover the costs in its annual budget. Council further discussed developing a program to upgrade the gravel public streets on a three year timeline using Town staff's prioritization schedule and providing for the costs each year in the budget. Councilman Stipes again cautioned against assuming that everyone who lives on a gravel road wants the road paved and suggested addressing upgrades as requests are received. Councilman Huppert questioned if a systematic gravel road upgrade program is the best use of Town funds, especially when sidewalks are an ongoing concern. Council discussed the costs for street maintenance versus the costs for street upgrades, along with other options for addressing unpaved streets, including street vacation. Upon further discussion, Councilman Hall made a motion to prepare, prime, and double seal the eight streets identified by Town staff for upgrades, and to defer to Town staff to establish a policy to address the upgrades over a four-year period at two streets per year, seconded by Councilman Vanhoozier. Councilman Stipes said he would vote against the motion because he did not agree with paving a street where no request for paving had been made, or spending Town money on unnecessary paving. Councilmen Showalter and Huppert both supported the Street Committee recommendation to upgrade the three streets for which requests have been received, but not with moving forward with a program to systematically upgrade the eight streets identified by Town staff. Town Manager Helms suggested establishing a paving policy to be used as requests for paving are received. Councilman Hall withdrew his motion and Councilman Vanhoozier withdrew his second. Councilman Hall then made a motion to approve the three paving requests that have been received by the Town, and to upgrade the streets according to Staff recommendations, seconded by Councilman Stipes. The three streets to be upgraded are Oakland Drive, S.W., Clark Street, N.E., and Perry Street, N.E. Council was polled on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. Town staff was directed to determine the order in which the streets would be paved.

8. CLOSED MEETING:

- a. Councilman Vanhoozier made a motion to enter into a Closed Meeting for the following purposes, seconded by Councilman Stipes: (1) Request for a Closed Meeting under Virginia Code Section 2.2-3711(A)(3), for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The purpose of the discussion is to consider the possible acquisition of right-of-way for a future road. And, (2) Request for a Closed Meeting under Virginia Code Section 2.2-3711(A)(4) for the protection of the privacy of individuals in personal matters not related to public business. The purpose of the discussion is to consider requests for leave without pay. Council was polled on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
- b. Reconvene in Open Meeting.
- c. Certification. Councilman Vanhoozier 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. Councilman Hall seconded the certification and Council was polled as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
- d. Council action on the matters:
 1. Councilman Vanhoozier made a motion to grant Employee A an additional three months leave, without pay, with the option to renew on a three month basis for a period not to exceed one year. Councilman Hall seconded the motion and Council was polled as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
 2. Councilman Vanhoozier made a motion to grant Employee B seven and one-half hours of unpaid leave. Councilman Bishop seconded the motion and Council was polled as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.

IV. COUNCIL REPORTS:

- a. Councilman Huppert referenced a letter published in the Roanoke Times regarding an upcoming eight-mile walk after the Huckleberry Trail Bridge is completed. He urged each Council member to participate as a show of support.
- b. Councilman Bishop reported that he attended an informative leadership course on August 21, 2014 at the Montgomery County Government Center, along with Town Manager Helms.
- c. Councilman Hall reported that the Parks and Recreation Advisory Commission meeting scheduled for September 1, 2014 has been postponed in observance of Labor Day. He will notify Council once a new meeting date has been scheduled.
- d. Councilman Vanhoozier expressed appreciation for Town Manager Helm's willingness to meet with him last week to discuss several issues of concern.

IV. TOWN MANAGER'S REPORTS:

1. MONTHLY BILLS: Councilman Hall made a motion to approve the monthly bills to be paid September 10, 2014 in the amount of \$2,433,754.78, seconded by Councilman Vanhoozier. Councilman Huppert questioned the charges for five police rifles, expressing concern that the amount may exceed the budget allotment. Town Manager Helms offered to look into this and provide a response via email. Council voted on the motion as follows: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
2. PUBLIC HEARING REQUEST: Town Manager Helms presented the following requests and recommended setting the Public Hearings as indicated:

September 23, 2014:

- a. An easement vacation request for 1170 Juniper Drive.

October 14, 2014:

- a. A Conditional Use Permit request for residential use at 150 Arrowhead Trail in the B-3 General Business District.
- b. A Conditional Use Permit request for residential use at 201 Roanoke Street in the B-3 General Business District.

On motion by Councilman Hall, seconded by Councilman Bishop, Council voted as follows to set the Public Hearings for the dates indicated above: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

2. PROGRESS REPORTS AND ANNOUNCEMENTS:

- Town Manager Helms reported that the owners of Wells Fargo Bank are selling the property in its entirety and are uninterested in selling it in portions.
- The Planning Commission has been approached with a request to study cash proffers and Town Manager Helms asked for Council's thoughts on this topic. Neither Blacksburg nor Montgomery County has a cash proffer policy. This request has resulted from the recent Stateson Homes rezoning and Conditional Use Permit requests and Councilman Hall stated his support for study the matter, noting that it could be an avenue to get builders to assist with roadway improvements. Councilman Vanhoozier recommended that cash proffer policies established by surrounding localities be researched as a basis the Christiansburg study. Town Attorney Theresa Fontana advised that state code limitations on cash proffers must be included in the study. The consensus of Council was to support a study by the Planning Commission and to consider recommendations provided through the study.
- The first regular meeting of Council in November is scheduled for Veterans Day. Noting that two members of Council plan to be absent at the second regular meeting of Council in November, Council decided to move both meeting dates to November 18, 2014 at 7:00 P.M. Carryover items would be address during the first regular meeting in December.
- Assistant Town Manager Wingfield and Police Chief Sisson plan to address Town Hall parking concerns during the next regular meeting of Council.

V. ADJOURNMENT:

There being no further business to bring before Council, the meeting was adjourned at 9:31 P.M.

Michele M. Stipes, Clerk of Council

D. Michael Barber, Mayor