

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF JUNE 19, 2007 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 19, 2007 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 Terpenney, Assistant Town Manager Helms, Town Clerk Stipes, and Town Attorney Guynn.

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

PLEDGE OF ALLEGIANCE led by Assistant Town Manager Helms.

**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 June 5, 2007. Town Manager Terpenney made one correction as follows: Public Hearing; Fiscal year 2007 – 2008 Proposed Real Estate Tax Rate discussion; third sentence; changed “11.26%” to “11.26 cents per \$100”. The minutes were approved with this change.

**CITIZEN HEARINGS:**

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

PRESENTATION OF AWARD TO CHRISTIANSBURG POLICE DEPARTMENT. Christiansburg Police Chief Mark Sisson introduced Mr. Monty Mills of the Department of Motor Vehicles and Mr. Don Allen of the Virginia Association of Chiefs of Police, both members of the Highway Safety Committee. Mr. Allen thanked Council and presented to Chief Sisson a first place Governor’s Transportation Safety Award for the police department’s efforts in impaired driving in 2006. Chief Sisson accepted the prestigious award on behalf of the entire police department. Chief Sisson recognized Lieutenant Donnie Cromer and Lieutenant Barry O’Rourke for their diligence and dedication to the traffic safety program. He also thanked the hard working and dedicated personnel of the police department and promised to continue the efforts in traffic safety. Mayor Ballengee thanked Mr. Mills, Mr. Allen, and Chief Sisson and said the award exemplifies the diligent efforts of the police department to ensure the safety of our community.

ABIGALE CONVERY OF NEW RIVER VALLEY PLANNING DISTRICT COMMISSION TO ADDRESS COUNCIL REGARDING GREEN INFRASTRUCTURE PLAN. Town Planner Nichole Hair introduced Ms. Abigale Convery. Ms. Convery thanked Council for the opportunity to speak. Ms. Convery explained that the Green Infrastructure Plan was developed to guide the growth and development of environmental infrastructure. One of the goals of the Green Infrastructure Project is to provide integrated greenway planning among state agencies at the local level through the Planning District Commissions. Greenway infrastructures, she explained, require planning the same as built infrastructures. The New River Valley Planning District Commission is applying for a grant through the Federal Highway Administration to help fund the proposed project. Ms. Convery said the New River Valley Planning District Commission wants the localities to support this effort and become involved with the growth in the New River Valley. A copy of the New River Valley Green Infrastructure Initiative, along with the funding opportunity request, is attached herewith and made a part of these minutes.

TERRY ELLEN CARTER TO ADDRESS TOWN COUNCIL REGARDING NOISE ORDINANCE. Ms. Terry Ellen Carter said it has recently come to her attention that the Town does not have an ordinance governing noise and she believes the Town would benefit from clear guidelines concerning loud noise generated by construction equipment, car radios, mufflers, etc. Noise from construction equipment is her concern; however, in speaking with others, Ms. Carter said she discovered that there are a range of noise concerns within the community. She asked that the Town adopt a comprehensive noise ordinance. Ms. Carter thanked Council for its time and consideration.

LARRY MIDDLETON TO ADDRESS TOWN COUNCIL. Mr. Middleton was not present to address Council.

PRESENTATION BY SUNSET CEMETERY BOARD OF TRUSTEES. Councilwoman Carter addressed Council as Chairman of the Board of Trustees for Christiansburg Cemetery Corporation and introduced Scott Weaver, Treasurer of the Corporation. The third member, Mary Ann Henshelwood was unable to attend tonight's meeting. Ms. Carter gave some background on the non-profit organization and how it came to be formed in 1988. The volunteer board members, who are elderly, have provided cemetery services for Sunset Cemetery for seventeen years and are now ready to dissolve the Board. For some time, Ms. Carter has encouraged the Town to assume ownership of the cemetery and realizes the Town's reluctance. Ms. Carter noted a Town study done in 1989 indicating, at that time, that the Town may want to consider taking over the cemetery and that the time may come when the Town would have no choice but to assume ownership. The Town recently tried to find new members for the board, but received no response. Ms. Carter said she is not asking for a vote by Council tonight. She said that the cemetery is self-supporting and asked that Council review the financial records before making a decision. There is so much Town history in the cemetery and Ms. Carter said she does not want to see it become neglected. She will recuse herself when Council decides to vote on the matter. Ms. Carter took issue with a cemetery information packet she received from the Town yesterday, specifically a research report by an intern on municipally owned cemeteries. The report, Ms. Carter said, was inaccurate and biased, with omitted information. Ms. Carter contacted the two members of the cemetery committee in Blacksburg and both said they did not provide the information stated in the report for Blacksburg. The cemetery committee was not aware that this information was being solicited by Christiansburg. Mayor Ballengee thanked Ms. Carter and the Board of Trustees for their upkeep of Sunset Cemetery over the years. The Town has received many compliments on the cemetery from the community.

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

#### DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

RESOLUTION FOR GREEN INFRASTRUCTURE GRANT. Councilman Stipes made a motion to adopt a resolution encouraging the New River Valley Planning District Commission to seek a U.S. Department of Transportation Federal Highway Administration Grant to develop a Green Infrastructure Plan. The motion was seconded by Councilman Wade and voted upon by Council 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.

RESOLUTION APPROVING JET BROADBAND FRANCHISE. Councilman Barber made a motion to adopt a resolution approving the assignment of the cable television franchise, seconded by Councilman Huppert. The resolution is necessary because of a cable company merger. Town Attorney Jim Guynn has reviewed the merger contract and has no opposition to the transaction. 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.

CHRISTIANSBURG POLICE DEPARTMENT STATEMENT OF INTENT TO BECOME A CERTIFIED CRIME PREVENTION COMMUNITY. Police Chief Sisson provided to Council for adoption a Resolution of Participation which will allow Christiansburg to participate in the Certified Crime Prevention Community Program. The program was developed by the Department of Criminal Justice Service to foster the development of community safety initiatives at the local level and to recognize those communities dedicated to crime prevention and community safety. Chief Sisson explained that one of the requirements of the program is the designation of a community safety council. The resolution designates the existing Christiansburg Police Department Citizens Support Group to act as community representation. The police department has six months to comply with the program guidelines in order to become certified. Councilwoman Carter suggested that the police department occasionally provide a progress report to Council. Councilman Barber made a motion to adopt the resolution, seconded by Councilman Wade. Town Clerk Stipes polled Council as follows: Barber – AYE; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE; Wade – AYE.

CONSTRUCTION CONTRACT FOR CHRISTIANSBURG AQUATIC CENTER. Town Manager Terpenney reported that the construction contract for Phase I of the project for ten million seven hundred eighty-five dollars is ready to be executed. Phase II, of three million six hundred ninety-seven dollars, is not included in this contract, but is expected to begin within twelve months. The total cost of the project is fourteen million four hundred eighty-two dollars, with twelve million three hundred currently in reserves. Two million dollars is still needed for Phase II and can be bonded through VML/VACO. The two million dollars will retire at the end of the twenty year commitment by Virginia Tech, leaving approximately ninety-five thousand dollars per year after the debt service, to apply towards operations. Councilman Wade asked what the total increase is to the project as a result of meeting Virginia Tech's standards. Manager Terpenney replied that the project increased by approximately two million dollars. Councilman Barber stated that the Town has spent a long-time planning for this facility and the community has looked forward to it for years. Now is the time to

begin, said Councilman Barber, and he made a motion to approve the construction contract and allow the construction company to begin building. The motion was seconded by Councilman Huppert. Councilman Canada asked if the quoted cost is firm. Manager Terpenney said yes. Manager Terpenney also said that a formal business plan for the aquatic center will be put in place for Council's review. Councilman Canada asked about the operational costs of the facility and if it will be self-supporting. Manager Terpenney said annual operational costs will be approximately one and one half million dollars, with a return of approximately fifty to sixty percent through membership and other fees. Town Manager Terpenney said that he interviewed other localities with aquatic facility and there are none in this region with a competition sized pool of this magnitude. Manager Terpenney has already received calls pertaining to the 50 meter pool and he believes there will be no problem booking the pool for major events. This will also result in increased revenue from meals and lodging tax. As a comparison, Manager Terpenney pointed out that the Recreation Center is not self-supporting. Councilman Huppert commented that the aquatic center will increase the value of living in Christiansburg in ways that can't be measured in dollars and cents. Councilman Barber said that aquatic center has been discussed and planned at length and now it is time to make the facility a reality. Council voted on the motion and second as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: Canada.

**COUNCILMAN HUPPERT'S REQUEST FOR AMENDMENT TO SIGN ORDINANCE.** Councilman Huppert asked Council to consider adopting guidelines governing the increasing number of electronic/digital signs in town. Sonic's new, unusually bright electronic sign brought this matter to his attention. He is concerned that the sign, with its extreme brightness and flashing wording, may be a distraction for drivers on North Franklin Street. Manager Terpenney said he has received calls regarding the Sonic sign and the Town's Planning Director, Randy Wingfield, spoke with the owner about dimming the sign. The sign ordinance allows electronic signs up to thirty-two square feet per business, one sign per site. The ordinance prohibits signs that impede other signs, scroll, or impedes the safety of drivers. Councilman Barber commented that the electronic signs are more attractive than some of the older signs in Town. Councilman Wade pointed out that amending the sign ordinance to govern electronic signs would have an impact on the signs at banks and stores, such as CVS which has had an electronic sign for years, with no complaints. Councilman Canada said he would consider discussing this matter in the future if the police department determined that a sign impeded the safety of drivers. Manager Terpenney pointed out that any existing signs at the time of an amendment would be grandfathered. Town Attorney Jim Guynn said that sign issues can be handled through the zoning ordinance or as a violation to the sign ordinance. Sonic's sign could possibly be addressed as a nuisance issue, and according to the ordinance the Town Manager has the right to determine what is considered a nuisance. Councilman Stipes suggested having the Planning Commission review sign issues in the future.

**REQUEST TO TAKE OVER SUNSET CEMETERY.** Councilman Barber said he wants to review the financial statements for the cemetery before further discussing, and Councilman Wade said he wants to review all financial aspects of the cemetery. Councilwoman Carter said she would be happy to provide this information. Councilman Canada commended Ms. Carter and Scott Weaver for their energy and efforts in managing the cemetery for seventeen years, but he is concerned that the cemetery may not be as profitable as it has been alluded to. Council Canada asked why the Town is being asked to assume ownership when it doesn't want it, and what are the other options available for managing the cemetery. He suggested that a funeral home may become involved if the cemetery is solvent and there was a paid employee to act as manager. Sunset Cemetery Treasurer, Scott Weaver, said the board members have put in so much time, energy, and money into the cemetery over the past seventeen years and now they are tired and ready to dissolve the corporation. The cemetery will freeze until someone takes ownership and he does not want to see that happen. Councilman Stipes said Sunset Cemetery is the Town cemetery. It is rich in heritage and has the most open space in Christiansburg, with thirty-three acres. The Town, he said, is basically facing voluntary versus involuntary acquisition of the property. Councilman Stipes said Former Town Manager Lemley's quote, "How a Town takes care of its dead is a good indication of how it takes care of its living", continues to resonate with him, and he supports voluntary acquisition unless a compelling reason not to is brought to his attention. Councilman Barber commented that the cemetery is important to Christiansburg, and the cemetery flagpole, visible from Interstate 81, is almost considered a landmark for the Town. Councilman Barber pointed out that an interim manager may be necessary in order to keep up the property until an owner is found. It is important, he said, to not allow the property to become neglected. Councilman Wade is concerned this may set a precedent. Mayor Ballengee said he will get the financial information for Council's review and stated that action needs to be taken before the board is dissolved. Mayor Ballengee appointed Councilmen Barber and Stipes to a Cemetery Committee to gather additional information for Council's review. Mayor Ballengee will act as an ex officio member, with Councilwoman Carter representing the cemetery board.

**COUNCILMAN CANADA REQUEST FOR AD HOC COMMITTEE TO CONSIDER ALTERNATIVES FOR RAISING TOWN REVENUE.** At the last regular Town Council meeting, Councilman Canada suggested appointing a committee to review various ways to generate future Town revenue without raising real estate taxes. Mayor Ballengee

agreed that planning for the future is crucial. Councilman Canada said that he believes there are additional ways to generate revenue without increasing real estate taxes, and Councilman Barber suggested the possibility of additional or increased “user” taxes. Mayor Ballengee agreed with the idea of looking into other ways to generate additional revenue and will do so on an “as-needed” basis. Mayor Ballengee noted that the Finance Committee reviews and makes recommendations concerning financial matters that come before the Town, and future financial matters will be referred to the Finance Committee as necessary.

MAYOR BALLENGEE said that former Councilman Dale Ashworth, who lost his life in a motorcycle accident on June 8<sup>th</sup>, represented the Town on the New River Valley Airport Commission and the Virginia Tech Airport Authority. As a result of this loss, Councilwoman Carter volunteered to serve the unexpired terms. Mayor Ballengee appointed Councilwoman Carter to serve Dale’s unexpired term on the Virginia Tech Airport Authority and commented that he has not been contacted by the New River Valley Airport Commission regarding its vacancy.

#### TOWN MANAGER REPORTS:

MANAGER TERPENNY reported that his secretary, Jessica Belcher, gave birth to a baby girl today. As of right now, he doesn’t have any of the details on the baby, except that both baby and mom are doing well.

TAXI CAB LICENSE APPLICATION – Town Manager Terpenney submitted to Council a taxi cab license application for Dan Truman to drive for Christiansburg Cab. The Police Department has investigated the applicant and recommends approval. On motion by Councilman Barber, seconded by Councilman Huppert, Council voted to approve the taxi cab license application for Dan Truman as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

PUBLIC HEARING REQUEST – Town Manager Terpenney presented the following request and recommended setting the Public Hearing for July 17, 2007:

1. Conditional Use Permit request, Hans Meadow Road, major home occupation, moving service.

On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to set the Public Hearing for July 17, 2007. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

MANAGER TERPENNY submitted to Council a request by Mark and Patricia Salman to upgrade and widen Stafford Drive for safety purposes. Mayor Ballengee turned the request over to the Street Committee for its review and recommendation.

MANAGER TERPENNY reported that the Industrial Park Committee has reviewed a request by Shah Development to purchase a lot in the Christiansburg Industrial Park for race car development, a frame fabrication shop, and construction equipment sales. The lot is located behind Christiansburg Printing and Shah Development has submitted a building rendering for review. The zoning is in compliance and noise issues have been addressed; however, the request does require approval by Town Council. The Industrial Park Committee was assured by Shah Development that the race car will not be driven on the property or on the street. Councilman Wade is on the Industrial Park Committee and said he was impressed with the Shah’s presentation and also took into consideration its owners good business history in Christiansburg. Councilwoman Carter said she has reservations about voting on this matter without hearing the presentation and made a motion to table the request for further review. Councilman Wade said that Shah Development has a buyer for their current building located outside Radford and will need a place to relocate soon. Councilman Canada mentioned that the site is basically a field and will require much work to make it usable. According to Councilman Canada Shah Development plans to use money from the sale of its Radford building to develop this lot. Several Council members expressed concern regarding possible noise issues and were reassured by Thom Rutledge, representative of Shah Development, that noise will not be an issue. Councilman Stipes asked Town Manager Terpenney if he was involved with the request review and asked if he recommends approval. Manager Terpenney said he was present at the meeting and does recommend approval. Mayor Ballengee said it is the recommendation of the Industrial Park Committee to approve the request. Councilwoman Carter withdrew her motion to table the request. Councilman Barber made a motion to approve the request, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Canada, Huppert, Stipes, and Wade. NAYS: Carter.

TOWN MANAGER TERPENNY asked Council to consider granting four months unpaid leave to a long-term valued employee with major health complications. Manager Terpenney is authorized to only grant thirty days. This long-term employee is having complications from surgery but expects to fully recover within four months. Councilman Stipes made a motion to grant the requested four months unpaid leave, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY reported that he, Town engineers, and consultant engineers have studied the issue brought before Council by Mr. Gus Camodus at the June 5<sup>th</sup> meeting regarding a storm sewer system that runs under his Main Street building. Mr. Camodus had asked Council to consider condemning his property and purchasing it at fair market value. After reviewing, the engineers recommended the Town leave the drainage system as it is and continue with the original renovation plans. Mr. Camodus said he counted more than thirty drop inlets that run under his store and the pilings are beginning to wash out. Councilman Wade asked if he has had engineers review the matter. Mr. Camodus said Balzer and Associates suggested that he concrete the pilings, but he is not sure of the cost. Mr. Camodus said he wants the Town to either pay for the damages or buy the building. Councilman Stipes has been involved with this issue and he said he would have liked to have seen some effort from Mr. Camodus to repair the damages since it is his property. Instead, Mr. Camodus has made demands of the Town. Councilman Stipes said he supports the recommendation of the engineers to leave the drainage system as it is.

TOWN MANAGER TERPENNY reported that if Council agrees to a two million dollar bond for Phase II of the aquatic center, a bond application needs to be submitted to VML/VACO. The bond company sells bonds in July. The Town would receive its funds at 4.4% interest, maturing on August 1, 2027. The annual debt service is one hundred fifty-five thousand eight hundred eighty-five dollars, and will come out of Virginia Tech's five million dollars. The bond approval requires a public hearing, which can be set for July 17, 2007. Councilman Barber made a motion to set the public hearing for July 17, 2007, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCILMAN STIPES made a motion to adopt a Resolution recognizing Virginia Tech Police Chief Wendell Flinchum for his service and leadership during the Virginia Tech tragedy on April 16, 2007. Chief Flinchum is a resident of Christiansburg. Councilwoman Carter seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

ADJOURN:

There being no further business to bring before Council, Mayor Ballengee declared the meeting adjourned at 10:07 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor