

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF JUNE 1, 2010 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 1, 2010 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor Ann H. Carter; D. Michael Barber; Bradford J. Stipes; D. Henry Showalter; James H. Vanhoozier; H. Earnest Wade. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager R. Lance Terpenny; Town Clerk Michele M. Stipes; Assistant Town Manager Helms; Finance Director/Treasurer Val Tweedie; Public Relations Officer Becky Hawke; Town Attorney Susan Waddell.

PLANNING COMMISSIONERS PRESENT: Chairperson Craig Moore; Ann H. Carter; Steve Huppert. ABSENT: Wayne Booth; Mike Byrd.

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

**PLEDGE OF ALLEGIANCE.**

**PUBLIC HEARING**

1. Proposed Fee Increases for Fiscal Year 2010 – 2011. Mayor Ballengee read the proposed fee and tax rate changes as itemized in the Budget for Fiscal Year 2010 – 2011 that included a one-percent increase to the meals tax, and a slight increase in the water and sewer fees. It was noted that the water fee increase is a pass-through fee in response to a fee increase to the Town by the Water Authority.

Ms. Carol Lindstrom, Depot Street, said she does not support fee and tax increases when she believes there are still expenses in the budget that can be cut. Ms. Lindstrom questioned the cost of filling swimming pools, not only the Aquatic Center pools, but privately owned pools, too, and whether or not the Fire Department filled private pools. Manager Terpenny replied that the Town paid for the water in the Aquatic Center pools, and that he is unaware of any private pools being filled by the Fire Department in recent years.

**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 18, 2010. Councilman Barber made a motion to approve the minutes as presented, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

**CITIZEN HEARINGS:**

1. Aquatic Center Update. Mr. Sam Lionberger, III, Mr. Glenn Reynolds, and Mr. Butch Osbourne, provided an update to Council on the final construction of the Aquatic Center site. Mr. Lionberger announced that the aquatics staff has recently occupied the facility, and final approval of electrical and mechanical systems were recently received. Several indoor details are awaiting completion, such as a spiral staircase and various glass railings. Bleachers continue to be delayed due to manufacturing issues, but will have no bearing on the opening of the center. If necessary, temporary bleachers can be set up to accommodate seating as needed during swim meets. Bleachers for the mezzanine will be installed in July. Councilman Vanhoozier asked if there is a date identified that the pool is expected to open to the public. Mr. Reynolds said that some site work is in need of completion, sidewalks are not complete, and the final coat of paving is expected once all other construction is complete. Because of the incomplete site work, the lower level exits do not qualify as true emergency exits. These things will impact public occupancy. Mr. Reynolds said that the opening date of the aquatic center will be set by the aquatic staff, not by the contractor or architect. Aquatic staff is currently training in the meeting rooms. Pool heaters are scheduled to be turned on by the manufacturer this Friday. Exterior of the facility is slated for completion June 18. On June 12, the facility will be turned over to the aquatic staff for full training. It is expected that the staff will train for two to four weeks before opening the facility to the public. Councilman Barber commented that safety must come first and that the facility should not open until the staff is fully trained and ready for the public. Mr. Butch Osbourne dispelled rumors of a

crack in the pool. Upon inspection, it was realized there was a leak in a pipe leading to one of the pools. Mr. Osbourne said that pipe is currently being fixed. Lisa Gardner asked if there were provisions in the original contract concerning the completion date. Mr. Reynolds clarified that there are no liquidated damage provisions in the contract because the plans have changed numerous times since the original contract was drawn. Mayor Ballengee thanked the gentlemen for their time and the update.

2. Mr. Roger Woody to address Council. Mr. Woody addressed Council with his concern regarding the Holiday Inn Express slated for construction along Peppers Ferry Road next to Walmart, in which the Board of Zoning Appeals granted a parking variance for fifty-two parking spaces. Mr. Woody pointed out a discrepancy in the number of parking spaces required by zoning, the actual number of parking spaces planned by the developer, and the amount of space available on the site for parking. Mr. Woody disputed the number of parking spaces based on his belief that there is simply not enough acreage to support the planned hotel with conference center and restaurant, and the number of required parking spaces. Mr. Woody provided Council with a packet of information regarding this concern at the May 18 Town Council meeting. He urged Council to visit the site, as stakes have been placed, to judge for themselves the feasibility of the plans. Mr. Woody mentioned the necessity of sidewalks for this development and noted that to his knowledge the contract has not obtained permits for the site. Mr. Woody said he would fight this development because the site is too small to adequately accommodate the planned hotel. Mayor Ballengee questioned the Town's authority to overturn a decision made by the Board of Zoning Appeals. Manager Terpenny said the Town can challenge the decision through the Courts, if it so desires. Manager Terpenny noted that the builder obtained a setback variance and a height variance through the Board of Zoning Appeals. Councilman Barber commented that he agrees that the site does appear too small to accommodate the type of business to be constructed, noting the large retention pond on the site. Manager Terpenny commented that the stakes placed on the property may be offset stakes, not building stakes. A retaining wall is planned for the site and that design of the wall is creating delays in the site work. The proposed hotel is a by-right development in accordance with the zoning, and it is critical to understand that the developer can begin construction as long as it does not decrease the volume of the retention pond. To address the parking concern, Manager Terpenny stated that neighboring Walmart has a surplus of parking on its property and can grant additional parking to the development. Councilman Wade said that based on the provided information it seems the developer will come up short on the required number of parking spaces. Manager Terpenny said that the developer will not get approval for the site if the parking doesn't comply with Town Code.
3. Planning Commission recommendation on:
  - a. A Conditional Use Permit request by Jason M. Underwood and Brian C. Litton for property on the southern side of Liberty Street (tax parcels 528 – ((2)) – 46A and 50A) for residential use in the B-3 General Business District. Planning Commission Chairperson Craig Moore read the Planning Commission's resolution recommending Town Council issue the CUP with one (1) condition. The Planning Commission vote was Aye – 5, Nay – 1. A copy of the resolution is attached herewith and made a part of these minutes.
4. Citizen's Comments.
  - a. Carol Lindstrom, Depot Street, appealed to Council that it find resolution to the increasing stormwater issues in the Cambria area of Town. Ms. Lindstrom said that during the recent rainstorm a resident had to clear the storm drains near her business in order to prevent flooding. Ms. Lindstrom said this is her last appeal at this level for solution. Ms. Lindstrom mentioned her health concerns that are impacted by this situation.
  - b. Terry Ellen Carter spoke in opposition to the \$2.2M proposed to be taken from reserves to balance the budget. She mentioned various ways other localities are saving costs on staffing and suggested doing away with step increases for employees. She also suggested a five-percent cut in expenditures across the board.
  - c. Mr. Jeff Hahn, Sherwood Drive, spoke to Council regarding stormwater management concerns in his neighborhood. Mr. Hahn said the culverts in Hans Meadow can not adequately hold stormwater and the area very quickly floods. The rushing water is often filled with debris, causing further hazards. Mr. Hahn said there are approximately three retention ponds in the area that are inadequate. Mr. Hahn asked that the Town perform a stormwater management review for the Hans Meadow Subdivision.
  - d. Lisa Lucas Gardner told Council she drove through Cambria during Friday's rainstorm and noted flooding near the railroad tracks. She asked Council to find a solution to this problem. She then commented on the budget, stating that she believes more can be trimmed from the budget including take-home police cars, and the requested Crime Prevention Officer. She said the Fire Department and Rescue Squad should also be reviewed for further cuts. Councilman Barber noted that thirteen police vehicles are take-home cars and these are by lieutenants and first responders.

- e. Mr. Craig Moore thanked Councilman Barber for clarifying the number and need for take-home police cars. Mr. Moore said he was directly impacted by the April 16 shootings at Virginia Tech and fully understands the need for first responders to have an emergency vehicle at all times. Mr. Moore stressed that preparedness is key and must not be compromised. Concerning past comments that employee overtime be cut, Mr. Moore said that while some waste might be found in this area, much good can be found in many town employees, including the Public Works crews that can be found fixing emergency repairs during the night, or responding to Town emergencies from storms or flooding at anytime needed. If these types of costs are to be cut, the citizens of Christiansburg should expect a cut in services, as well.
- f. Mr. Wes Atkinson, Lucky Lane, complained to Council about the new sidewalk construction in the downtown area, including at the Post Office. Mr. Atkinson said the new sidewalks have cut the number of available parking spaces downtown. He also said he does not support police take-home vehicles. Mr. Atkinson said the Town needs to attract people to fill the empty homes in town and raising taxes isn't the answer.

#### DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

- 1. Budget for Fiscal Year 2010 – 2011. Mayor Ballengee reminded Council that this is the second reading of the budget and that action must be taken on the budget by July 1. Councilman Wade began the discussion by stating that he does not approve of the budget as it is presented. Much of his concern surrounds the expense of the newly expanded bus service. Councilman Wade stressed the importance of learning to live within means, and that raising taxes isn't the answer to generating revenue. Councilman Wade said he believes the economic problems faced by the Town are long-term issues and he advised against borrowing from reserves. Councilman Showalter expressed his concerns with the financial impact the newly constructed Aquatic Center has on the budget. Councilwoman Carter said that several other localities in Virginia are focusing on the area of recreation as a place to cut costs and suggested the Town review its recreation budget for possible cuts. Councilman Barber talked about County and Town real estate taxes, noting that when residents of the town pay town taxes they receive town services in return. Councilman Barber further commented on his concerns with the worsening economy suggesting that the Town should have considered raising real estate taxes this year in order to offset probable financial shortage next year. Councilman Barber said he expected a significant increase in revenues over the next twelve months because of Aquatic Center events and he asked Financial Director/Treasurer Val Tweedie if she could track revenues during aquatic events for Council's information. Ms. Tweedie said she had limited capabilities for tracking this information, but that she could track monthly revenues for comparison with previous years. Councilman Showalter suggested the Town consider partial elimination of employee overtime, and also to look at expenses line by line for areas to cut, giving as an example the five hundred thousand dollars allotted to snow removal. Councilman Showalter said he hopes the Aquatic Center will be successful and will have a positive financial impact during events. He suggested tracking the operating expenses of the Aquatic Center on a monthly basis. Councilman Stipes said in reviewing the budget the obvious difference between this year's budget and last's is the Aquatic Center operations. Councilman Stipes said the Town won't be able to see the economic impact of the Aquatic Center until next year. Councilman Wade remarked that the Aquatic Center operations is a big part of the shortfall, but pointed out that overall revenue is down \$2.4 million dollars, which significantly impacts the budget. Councilman Stipes commented that he is not pleased with the budget as presented, but will support it because he believes it is the best balance of cutting costs without cutting services. Councilman Barber agreed with Councilman Stipes. Councilman Vanhoozier said he doesn't want to see the Town borrow from reserves to balance the budget, but believes it is unavoidable at this time. Mayor Ballengee said that during budget preparation significant effort went into preserving personnel and services this year. Each Council member noted the \$2.2M deficit. Councilman Barber made a motion to adopt the Budget for Fiscal Year 2010 – 2011 as presented, seconded by Councilman Stipes. Town Clerk Stipes polled Council on the motion as follows: Barber – AYE; Carter – NAY; Showalter – NAY; Stipes – AYE; Vanhoozier – AYE; Wade – NAY. Hearing a tie vote of three to three, Mayor Ballengee voted AYE to approve the budget as presented, noting that he has been involved with the budget preparation process from the beginning and believes any further cuts will affect services provided to citizens.
- 2. Proposed Fee Increases for Fiscal Year 2010 – 2011. Councilwoman Carter said she does not support the proposed 1% meals tax increase, but understands the necessity of the water and sewer rate increase. She would support a 0.5% meals tax increase. Councilman Stipes said he too is not in support of a 1% increase to the meals tax and suggested an alternative plan to raise the meals tax 0.5% and to raise the retail business license fee \$.03 from \$.15/\$100 to \$.18/\$100., which he noted is the same rate used by Blacksburg. These two smaller increases would generate the same income as a 1% increase to the meals tax. Councilman Barber made a motion to approve the fee and tax increases as proposed for the Fiscal Year 2010 – 2011, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – NAY; Showalter – NAY; Stipes – NAY; Vanhoozier – AYE; Wade – NAY. With a vote of four to three the proposed fee and tax

increases were denied. Attorney Waddell noted the inconsistent rulings between adopting the budget and denying the fee and tax increases on which the budget is supported. Because of this inconsistency, Attorney Waddell recommended Town Council go into work session to determine a way to raise the revenue needed to support the approved budget. It was determined that Councilman Stipes voted inconsistently on the budget and the fee and tax increases due to confusion caused by the order in which the two items were discussed. Councilman Stipes said he is in support of the budget, and of raising revenue, but would like revenue to be raised in a different manner. At Attorney Waddell's request, Councilman Stipes said he is willing to reverse his vote to approve the proposed fee and tax increases since he didn't realize the impact his vote of Nay would have on the budget. Attorney Waddell advised Council that it could re-vote on the original motion. Mayor Ballengee asked Town Clerk Stipes to poll Council. Council was polled as follows: Barber – AYE; Carter – NAY; Showalter – NAY; Stipes – AYE; Vanhoozier – AYE; Wade – NAY. Upon hearing a tie vote of three to three, Mayor Ballengee voted AYE to approve the fee and tax increases as proposed, noting that while he doesn't like the increases he does understand the necessity of raising revenues.

3. Town Council action on:
  - a. A Conditional Use Permit request by Jason M. Underwood and Brian C. Litton for property on the southern side of Liberty Street (tax parcels 528 – ((2)) – 46A and 50A) for residential use in the B-3 General Business District. Councilman Wade made a motion to approve the Conditional Use Permit with one (1) condition, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
4. Councilwoman Carter and Councilman Vanhoozier – Fire and Rescue Committee Report:
  - a. Councilwoman Carter reported that the Fire and Rescue Committee met with members of the Rescue Squad to discuss future changes within the Squad. The Town has received no definite retirement date from the Captain, and Councilwoman Carter asked that the Committee be allowed to continue working on a job description for the position of Rescue Squad Captain for future use. Mayor Ballengee thanked the Committee for its continued efforts, and Council gave the Committee approval to proceed with development of a job description for Rescue Squad Captain.
5. Councilman Stipes and Councilman Vanhoozier – Street Committee Report:
  - a. Sketch of revised lane markings on North Franklin Street at StellarOne. Councilman Stipes apologized on behalf of the Street Committee for not having the requested sketch prepared for tonight's meeting. A sketch will be drawn and presented at the next regular Town Council meeting.
  - b. VDOT Revenue Sharing Program. Councilman Stipes presented to Council for adoption a letter of intent to VDOT to participate in the Revenue Sharing Program for the Fiscal Year 2010 – 2011 that includes a commitment of \$1,000,000.00 for the proposed Huckleberry Trail project. In addition to the letter of intent, a resolution of commitment, required by VDOT, has been prepared and submitted to Council for adoption. A copy of the letter and resolution is attached herewith for reference. After Council discussion, Councilman Showalter made a motion to approve the letter of intent and adopt the resolution to participate in the VDOT Revenue Sharing Program and to commit \$1,000,000.00 to the proposed project of extending the Huckleberry Trail, including a walking bridge over Route 114. Councilwoman Carter seconded the motion and Council voted on the motion as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE. Councilman Wade noted that with the amount of funding available for the Huckleberry Trail extension, some of the funding could be used to hire a contractor which would free up the in-kind labor, allowing town crews to work on other projects in Town such as sidewalk repair.

#### TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Wade, Council voted to approve the monthly bills to be paid 10 June, 2010, in the amount of \$1,195,827.85. AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

PUBLIC HEARING REQUEST(S) – Town Manager Terpenny presented the following request(s) and recommended setting the Public Hearing(s) as indicated:

July 7, 2010

1. Jet Broadband Contract.
2. Conditional Use Permit, Family Day Home, Stafford Drive, R-1 Single-Family Residential zoning district.

On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to set the Public Hearing(s) as indicated. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

TOWN MANAGER TERPENNY reported that Blacksburg Transit will present an update on the results of a recent survey at the July 6 Regular Town Council meeting.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:45 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor