

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF JUNE 22, 2010 AT 7:30 P.M.**

A SPECIAL 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 22, 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 Jim Guynn.

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

PLEDGE OF ALLEGIANCE.

Councilman Showalter made a motion to amend the agenda to remove the personnel matter to be discussed during the Closed Meeting, seconded by Councilwoman Carter. Town Clerk Stipes polled Council as follows: Barber – Nay; Carter - Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Nay; Wade – Nay. Mayor Ballengee voted Nay to break the tie vote and the motion to amend the agenda was denied.

WORK SESSION

1. Budget for Fiscal Year 2010 – 2011. Town Council and Town Administration entered into a work session to discuss the adopted budget, and proposed changes resulting from discussions during the Special Meeting of June 8, 2010 and the work session of June 15, 2010.

Councilman Barber made a motion to close the work session and enter into a Special Meeting, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

SPECIAL MEETING

MAYOR BALLENGEE called the Special Meeting of Council to order.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Budget for Fiscal Year 2010 - 2011. Councilman Barber made a motion to immediately advertise a Public Hearing for a proposed 1% increase to the meals tax, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Carter – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye; Wade – Aye. Council agreed to review other areas of revenue throughout the year, and to continue budget cut discussions in July. At Council's request, Mayor Ballengee set the budget cut discussion for July 20, 2010.
2. Closed Meeting:
Councilman-Elect Cord Hall requested the opportunity to speak regarding the scheduled Closed Meeting. Mr. Hall requested he be allowed to attend the Closed Meeting. He then questioned the legality of the posted Closed Meeting due to lack of descriptive information required by FOIA, citing a Supreme Court case he believes is similar to this situation. Mr. Hall said, while he understands confidentiality, the matter must be identified in order to prevent excluding the public, noting that employee contracts do not qualify as personnel matters as defined in FOIA guidelines.

Councilman Stipes expressed doubt that the matter described as "personnel matters" under the Closed Meeting request may not constitute an emergency, and if it does not, then FOIA guidelines have not been met with respect to proper notification.

Attorney Guynn addressed both of these concerns by noting that the personnel matter is in regards to the employment of the Town Manager and that he can not, by law, discuss attorney/client matters, or disclose enough information to

validate the urgency, during open session. Proper notification of tonight's meeting of Council was provided last week, well within the three day requirement by FOIA.

Councilman Showalter, Councilman Stipes, and Councilwoman Carter each expressed their desire to postpone the discussion involving the employment of the Town Manager until after the newly elected Council members have taken seat in September 2010.

- a. Mayor Ballengee requested a Closed Meeting under Section 2.2-3711 A(1), *Code of Virginia*, for the discussion of personnel matters; and Section 2.2-3711 A(7), *Code of Virginia*, for the discussion and consideration of probable litigation requiring the provision of legal advice by legal counsel. Councilman Barber made a motion to enter into a Closed Meeting, seconded by Councilman Wade. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Carter – Aye; Showalter – Nay; Stipes – Aye; Vanhoozier – Aye; Wade - Aye.
- b. Councilman Barber made a motion to come out of Closed Meeting and enter into Special Meeting, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
- c. Certification – Councilman Barber 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 Wade seconded the certification and Council voted as follows: AYES: Barber; Carter; Showalter; Stipes; Vanhoozier; Wade. NAYS: None.

ADJOURN:

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

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor