

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

Prior to calling the meeting to order, Mayor Ballengee introduced Mrs. Erica Williams, Clerk of Court, and invited her to administer the Oath of Office to Councilmen-Elect Cord Hall and Steve Huppert, re-elected incumbent Brad Stipes, and himself as re-elected Mayor. Surrounded by family, Mr. Hall, Mr. Huppert, Mr. Stipes, and Mr. Ballengee took the Oath of Office pledging to serve the Town of Christiansburg to the best of their ability.

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 SEPTEMBER 7, 2010 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; D. Michael Barber; Cord Hall; Steve Huppert; Bradford J. Stipes; D. Henry Showalter; James H. Vanhoozier. ABSENT: None.

ADMINISTRATION PRESENT: Interim Town Manager Barry Helms; Planning Director Randy Wingfield; Town Clerk Michele M. Stipes; Public Relations Officer Becky Wilburn; Finance Director/Treasurer Val Tweedie; Town Attorney Jim Gynn.

PLANNING COMMISSIONERS PRESENT: Kevin Conner. ABSENT: Wayne Booth; Mike Byrd; Chairperson Craig Moore.

PLEDGE OF ALLEGIANCE.

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 the Special Meeting of August 11, 2010 and Regular Meeting August 17, 2010. Councilman Showalter requested the following changes to the Minutes of August 17, 2010: (1) Item #6 under Discussions by Mayor and Council Members, Councilman Showalter voted Nay on the motion. Councilman Showalter asked that it be reflected in the Minutes that he stated during this discussion that he believes more can be done by Town Departments to further reduce the budget deficit. (2) Under Town Manager's Report, discussion regarding tourism brochures, the cost of \$1,800.00 is approximate, and the number of brochures to be printed is 20,000. Councilman Barber made a motion to approve the minutes with the requested changes, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CITIZEN HEARINGS:

1. Christiansburg Police Department Oath of Honor. Christiansburg Police Chief Mark Sisson administered the Oath of Honor to newly hired Patrol Officers Travis Sawyers and Mark Reynolds, and Dispatcher Sonya Rowe. Officer Sawyers worked as a security guard for Virginia Tech before becoming a Patrol Officer for Christiansburg. Officer Reynolds holds a Bachelor's Degree in Criminal Justice from Radford University and served eight years in the Marine Corps Reserves. Dispatcher Rowe holds a Bachelor's Degree in Criminal Justice and a Master's Degree in Strategic Intelligence. Chief Sisson said he is confident that these three individuals will be an asset to the Police Department and the community as a whole for many years to come. Mayor Ballengee thanked Chief Sisson and welcomed the three new members of the Police Department to Christiansburg.
2. Kevin Stoner – The Taste and Treats of the NRV event. Mr. Stoner reported on the recently held Taste and Treats of the NRV and announced he would like to hold this event again in the Spring in downtown Christiansburg. Mr. Stoner said he has spoken with Dale Echols, coordinator of the Cruisin' events, about organizing a joint event for April 30, 2011. Beer sales and consumption would not be limited to a private parking lot as with previous events, and Mr. Stoner said he intends to expand this feature to include wine vendors. Mr. Stoner asked that Main Street, College Street, and Hickok Street be closed for the Spring event in the same manner as the Fall event, with a few minor changes. After some discussion by Council, Mayor Ballengee asked Mr. Stoner to put his complete request in writing for Council to review and discuss at a future meeting. Mr. Stoner then addressed a second request that pertains to the recently approved Kiwanis Club/United Way tailgate event that was cancelled by the hosts. Mr. Stoner expressed interest in holding this event in place of the Kiwanis Club and United Way and asked for Council approval to do so. For the tailgate event, Mr. Stoner said he wants to block

Main Street from Stellar One to Hickok Street, and because of limited space, does not want to limit alcohol sales and consumption to a private parking lot. Mr. Stoner said beer sales and consumption are controlled by armbands and individuals are limited to five beers. Security is provided by Mr. Stoner at his events, and there has only been one incident at past events involving an intoxicated individual. Mr. Stoner said he has received no complaints from area churches because of alcohol sales. Mr. Stoner described the event as a fun, family environment providing ice cream and free popcorn. Councilman Hall said he disagrees that this is a family environment because of the open sale and consumption of alcohol, and because of such, Councilman Hall said he will not support the request. Councilman Vanhoozier said, while he supported past events that offered the sale/consumption of alcohol on private property, he will not support the request if it includes alcohol sales/consumption in the streets. Councilman Stipes said he appreciates Mr. Stoner's efforts, but as in the past, he will not support the request because of the open sale and consumption of alcohol, commenting that he does not believe this type of activity reflects the majority of Town. Councilman Stipes asked Mr. Stoner if he could find a way to separate alcohol sales from the event. Mr. Stoner said that alcohol sales are necessary to making these events successful and that downtown businesses are bolstered by the events and the people the events draw to the downtown area. Councilman Showalter said he and his family have attended several of Mr. Stoner's events and that it is an enjoyable and controlled environment.

3. Citizen's Comments.

- a. Elizabeth McCauley of Wooden Shoe Court spoke of excessive growth and housing in Christiansburg. Ms. McCauley said she would like to see a change in the way things are built through stricter regulations for developers. And further, she asked Council to control the amount of development in Christiansburg.
- b. Marissa Sacks, owner of Marketing on Main, spoke in support of Kevin Stoner's downtown events. Ms. Sacks agreed with Mr. Stoner that the sale of alcohol is necessary to the success of the events, and that it is important to close the streets during the events for safety reasons. Ms. Sacks said these events are bringing people to the downtown area and boosting downtown business.
- c. David Mitchell of Howerly Street asked Council to consider changing its Regular Meeting dates to avoid a conflict with regularly scheduled Montgomery County School Board meetings. Mr. Mitchell said that per Town Charter Section 2.18, Town Council has the authority to set the meeting dates by majority vote.
- d. Roger McCauley brought several complaints to Council including the lack of Planning Commission meeting minutes on the Town's website, and the format of Town Council agendas, which he believes discourages participation. Mr. McCauley asked that Mr. Lance Terpenney be removed from the Blacksburg-Christiansburg-VPI Water Authority, and that Councilman Barber be removed from the Town Council Finance Committee. Mr. McCauley asked that the Town Attorney be directed to provide a report proving the legality of the severance package offered to former Town Manager Terpenney.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Aquatic Center. Councilman Huppert requested that the Aquatic Center Director, Terry Caldwell, come before Council with a bi-annual report to provide information and an opportunity to answer questions. Councilman Huppert further suggested that each Department Head come before Council annually to report on the status of each individual department. Councilman Showalter suggested, as an alternative to the Department Heads presenting directly to Council, the Town featuring a different department each month on its website. Mayor Ballengee said he will discuss these suggestions with the Department Heads at the next staff meeting.
2. Councilman Hall asked for an update on the status of the sidewalk ordinance the Planning Commission was directed to draft approximately six months ago. Councilman Vanhoozier, who regularly attends the Planning Commission meetings, reported that the Planning Commission has been diligently working on a recommendation to bring before Council since being directed to do so in March 2010. A Public Hearing was held on this matter earlier this month. Councilman Vanhoozier said the draft is almost complete, but expects it may take one or two more meetings to finalize the recommendation. The specifics of the ordinance include two options for developers, which are trails or sidewalks, and the details of those options will be presented to Council with the recommendation. Planning Director Wingfield said the Planning Commission will bring its recommendation to Council at the October 19, 2010 Town Council meeting.
3. Campaign Finance Reporting. Councilman Showalter said he realized during his Town Council election campaign that State Code does not require Christiansburg candidates to report campaign finances because its population is less than 25,000. However, Councilman Showalter recommended Town Council amend the Town Code to require mandatory campaign financing in an effort to increase government transparency. Councilman Hall said this action would require a Public

Hearing, but would not need approval from the General Assembly. Councilman Hall said this is an important step for Council to take as it adds to the transparency of our Town government. Several Council members and Mayor Ballengee said they have kept personal record of their election campaign finances, even though it is not a requirement. Councilman Showalter made a motion to set a Public Hearing for October 19, 2010 to consider requiring mandatory campaign finance reporting for all candidates running for elected office effective for the November 2011 campaign season. Councilman Hall seconded the motion and Town Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

4. Budget Addendum. Councilman Showalter suggested that Council consider placing a freeze on employee step increases until the budget can be balanced without borrowing from reserves. Councilman Showalter said he knows that the step increases are moral builders for employees, but is concerned that the Town is being fiscally irresponsible by continuing to offer these increases while operating at a deficit. Councilman Hall commented that the Town is doing a disservice to employee by continuing the step increases while borrowing from reserves because it could eventually lead to employee lay-offs. Councilman Showalter and Councilman Hall said their goal is to preserve jobs in the future and are willing to freeze step increases to reduce the risk of future lay-off; both are willing to support reinstating the step increases once the budget can be balanced without borrowing from reserve funds. Councilman Huppert expressed his support for Councilman Showalter's comments, noting the budget may be even tighter next year. If Council votes to freeze the step increases, upon reinstatement the step increases will resume at the point they were at when frozen. After further discussion by Council, Councilman Showalter made a motion to freeze employee step increases effective September 15, 2010, and to re-evaluate this measure during the budget planning for FY 2011-2012. Councilman Hall seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. Mayor Ballengee cautioned that this action by Council may not set well with Town employees.
5. Kevin Stoner's request regarding a tailgate event on September 17, 2010. Councilman Barber made a motion to approve Mr. Stoner's request for the tailgate event on September 17, 2010, including the requested street closings from just below the StellarOne entrance on Main Street to Phlegar Street, and sale of alcohol on public property. Councilman Showalter seconded the motion, commenting that if problems arise from the consumption of alcohol, he won't support future requests of this kind. Councilman Hall said he believes the events held by Mr. Stoner are well run, but he won't support the request because of the open sale and consumption of alcohol. Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Nay; Huppert – Aye; Showalter – Aye; Stipes – Nay; Vanhoozier – Nay. Mayor Ballengee voted Aye on the motion, breaking the tie and approving the request. Mayor Ballengee commented he voted in favor of the request in keeping with his philosophy to allow these events, with alcohol, unless problems arise.
6. Organization for FY 2010 – 2011.
 - (a) ELECTION OF VICE-MAYOR. Councilman Huppert made a motion to nominate Councilman Barber for Vice-Mayor for the Fiscal Year 2010-2011, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - (b) SET REGULAR MEETING DATES OF COUNCIL. Councilman Barber made a motion to set the regular meeting dates as the first (1st) and third (3rd) Tuesday of each month at 7:30 p.m., seconded by Councilman Showalter. Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Nay; Huppert – Nay; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
 - (c) AUTHORIZE VICE-MAYOR, ASSISTANT TOWN MANAGER, ASSISTANT TO THE TOWN MANAGER, AND ASSISTANT TREASURER TO SIGN TOWN CHECKS. On motion by Councilman Barber, seconded by Councilman Showalter, Council approved the authorization for the Vice-Mayor, Assistant Town Manager, Assistant to the Town Manager, and Assistant Treasurer to sign Town checks. Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - (d) APPOINTMENT OF COMMITTEES OF COUNCIL. Mayor Ballengee appointed members of Committees of Council for the Fiscal Year 2010-2011 as follows:

Committees of Council

Water, Sewer, and Solid Waste Committee: Barber and Huppert

Street Committee: Stipes and Vanhoozier

Finance Committee: Barber and Stipes

Emergency Services Committee: Hall and Vanhoozier

Public Health and Welfare Committee – Ad hoc
Central Business District Committee: Showalter and Huppert
Cemetery Committee: Stipes and Showalter
Council on Human Relations Committee: Police Chief Sisson and Hall

7. CLOSED MEETING:

- a. Councilman Showalter made a motion to enter into a Closed Meeting under Section 2.2-3711 A(1), *Code of Virginia*, for the discussion of personnel matters regarding appointment of officers for the Fiscal Year 2010-2011; and Section 2.2-3711A(7), *Code of Virginia*, for consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel. The legal advice will pertain to the severance package offered to the former Town Manager. Councilman Hall seconded the motion and Town Clerk Stipes polled Council on the motion as follows: Barber – Aye, Hall – Aye, Huppert – Aye; Showalter – Aye, Stipes – Aye, Vanhoozier – Aye.
- b. Reconvene in Open Meeting.
- c. Certification – Councilwoman Showalter 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 personnel 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 Barber seconded the certification and Town Clerk Stipes polled Council as follows: – Aye, Stipes – Aye, Vanhoozier – Aye Barber – Aye, Hall – Aye, Huppert – Aye; Showalter.

8. APPOINTMENT OF TOWN OFFICERS – Mayor Ballengee recommended Town Council appoint Town Officers as follows:

Interim Town Manager: Barry Helms
Town Finance Director/Treasurer: Valerie Tweedie
Police Chief: Mark Sisson
Clerk of Council: Michele Stipes
Town Attorney: Guynn, Memmer & Dillon, P.C.

Councilman Barber made a motion to reappoint Barry Helms as Interim Town Manager, for the Fiscal Year 2010-2011, until a Town Manager is appointed by Council. Councilman Huppert seconded the motion and Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

Councilman Barber made a motion to appoint Valerie Tweedie as Town Finance Director/Treasurer for the Fiscal Year 2010-2011, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

Councilman Barber made a motion to reappoint Mark Sisson as Police Chief for the Fiscal Year 2010-2011, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

Councilman Barber made a motion to reappoint Michele Stipes as Clerk of Council for the Fiscal Year 2010-2011, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Vanhoozier. NAYS: None. ABSTAIN: Stipes.

Councilman Barber made a motion to reappoint the law firm Guynn, Memmer & Dillon, P.C., to provide legal representation as Town Attorney for the Fiscal Year 2010-2011, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

9. Appointment to the Planning Commission to fill an unexpired term. Mayor Ballengee reported that Steve Huppert's seat on the Planning Commission became open when he took his Oath of Office to sit as an elected member of Council. Mayor Ballengee reminded Council that there is also a vacant seat on the Planning Commission from Steve Simmon's retirement. Council can elect to fill both seats if desired. After Council discussion, Councilman Vanhoozier made a motion to appoint Ann Carter to fill Councilman Huppert's unexpired term on the Planning Commission, which will expire August 31, 2012. Councilman Stipes seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye, Hall – Aye, Huppert – Aye; Showalter – Aye, Stipes – Aye, Vanhoozier – Aye. Council further decided to schedule a work session to interview the eight applicants who responded to the recent advertisement for a Planning Commission vacancy; the date and

time of the work session to be organized and scheduled by Mayor Ballengee. Council recommended increasing the number of members to no less than seven, and also to consider the various districts within Town during the appointment process. Councilman Showalter recommended a meeting time of 5:30 P.M. for all Planning Commission meetings, and Councilman Barber stressed the importance of involving the Planning Commission members in setting meeting dates and times. Mayor Ballengee said he will notify Ann Carter of her appointment and will also organize a work session date for Council to begin interviewing the Planning Commission applicants.

10. Appointment of Town Council liaison to the Planning Commission. Mayor Ballengee reported that the Planning Commission liaison seat became vacant when Ann Carter's term on Town Council expired August 31, 2010, and that both Councilman Huppert and Councilman Vanhoozier have expressed interest in serving in this capacity. Councilman Stipes commented that both Councilman Huppert and Councilman Vanhoozier have served on the Planning Commission and that both would serve well as a liaison to the Planning Commission; however, only one can be appointed to this seat and Councilman Stipes recommended Councilman Vanhoozier because of his seniority on Town Council. Councilman Barber seconded the motion noting that both Councilmen are viable candidates for this position. Councilman Showalter recommended the liaison be a non-voting member, but the Town Attorney advised that is not statutorily possible. Town Clerk Stipes polled Council as follows: Barber – Aye, Hall – Aye, Huppert – Aye; Showalter - Aye, Stipes - Aye, Vanhoozier – Abstain.
11. Councilman Stipes and Councilman Vanhoozier – Street Committee Report:
 - a. The posting of a portion of College Street from the intersection of Depot Street, N.W. (located between W. Main Street and Hillcrest Drive) to the intersection of Moose Drive as "Thru-Trucks Restricted to 4-Tons Maximum". Councilman Stipes reported that the Street Committee, with the help of Wayne Nelson, Director of Engineering and Public Works, was able to identify that an out of town mulch company is using College Street as a truck route to Mudpike Road. Councilman Stipes further reported that the mulch company has been notified of the concern caused by its trucks traveling College Street, and will be notified of the sign posting that will restrict this practice. Once posted, the authorities will have the ability to enforce the restriction and Councilman Barber recommended the maximum fine for violations. It was determined that approximately twenty logging trucks travel College Street each day. Councilman Stipes made a motion to post a portion of College Street from the intersection of Depot Street, N.W. (located between W. Main Street and Hillcrest Drive) to the intersection of Moose Drive as "Thru-Trucks Restricted to 4-Tons Maximum". Councilman Vanhoozier seconded the motion and Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - b. Speed Study update for Route 114. Councilman Stipes reported that the Town has requested VDOT to perform a speed study of the improved roadway section to determine if reducing the speed limit is advisable to enhance safety and vehicular access from connecting roadways. Councilman Stipes then recognized Mr. David Mitchell and the employees of Branch Highways, Inc., for their excellent work in constructing the recently completed Route 114 improvement project.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Vanhoozier, Council voted to approve the monthly bills to be paid 10 September, 2010, in the amount of \$769,589.31. AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

INTERIM TOWN MANAGER HELMS reported that the Town has received a request to post Park Street in the same manner as the recently posted College Street, due to heavy cattle trucks traveling Park Street to the livestock market. Mayor Ballengee turned this request over to the Street Committee for review and recommendation.

INTERIM TOWN MANAGER HELMS reported that Mr. Joe Simmons, Executor of the Renva Knowles Estate, has requested \$11,500 payable to Gay and Neel, Inc. for schematic design of the Huckleberry Trail bridge. Town Council previously authorized the availability of \$275,000 from the Renva Knowles Estate bequest to fund the Huckleberry Trail extension, which includes a foot bridge over Route 114. The \$11,500 will be deducted from the approved \$275,000. Councilman Vanhoozier made a motion to approve the request, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

DUE TO A CONFLICT WITH THE ANNUAL VML CONFERENCE, Councilman Barber made a motion to cancel the October 5, 2010 Regular Town Council meeting, seconded by Councilman Vanhoozier.

Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier.
NAYS: None.

MAYOR BALLENGEE notified Council that during the Annual VML Conference in Hampton, Virginia, an informal meeting of Council will be held at the Embassy Hotel on Sunday, October 3, 2010, the time and exact location to be announced at a later date. Notification of this meeting will be posted in accordance with the Freedom of Information Act.

INTERIM TOWN MANAGER HELMS provided Council with a draft copy of an ordinance amending Chapter 17 "Offenses – Miscellaneous" of the *Christiansburg Town Code* with regard to noise provisions. Interim Town Manager Helms asked Council to review the draft and be prepared to take action at the next Town Council meeting. Town Attorney Guynn noted that the draft is the result of action taken by the Supreme Court requiring that the ordinance be more objectible and that the types of noises included in the ordinance be well defined.

PUBLIC RELATIONS OFFICER BECKY WILBURN explained to Council that she is interested in creating a Facebook page for the Town of Christiansburg. Mrs. Wilburn explained that the social network site is a popular method of communication, and she has experience working with Facebook for the City of Radford. Comment controls would be in place on the site, and Mrs. Wilburn said she would post information and responses to comments from citizens. Councilman Barber made a motion to authorize Mrs. Wilburn to create and maintain a Facebook page for the Town of Christiansburg, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

COUNCILMAN SHOWALTER requested \$150.00 from the Tourism budget to purchase brochure racks for the tourism brochures approved by Council at the August 17, 2010 Council meeting. Council agreed to the request noting it previously authorized the use of tourism funds up to \$2500.00, for the brochures.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:52 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor