

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF OCTOBER 19, 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 OCTOBER 19, 2010 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Cord Hall; Steve Huppert; Bradford J. Stipes; D. Henry Showalter. ABSENT: D. Michael Barber; James W. Vanhoozier.

ADMINISTRATION PRESENT: Interim Town Manager Barry Helms; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn; Planning Director Randy Wingfield; Town Planner Nichole Hair; Public Relations Officer Becky Wilburn; Finance Director/Treasurer Val Tweedie; Director of Engineering and Public Works Wayne Nelson.

PLANNING COMMISSIONERS PRESENT: Chairman Craig Moore, Ann H. Carter; Kevin Conner. ABSENT: Wayne Booth; Mike Byrd.

PLEDGE OF ALLEGIANCE.

JOINT PUBLIC HEARING

1. A Conditional Use Permit request by Jeff Anderson (acting as agent for property owner L & R Burch Properties LLC) for a towing service at 2000 Roanoke Street (tax parcel 499 –(A)) – 14) in the B-3 General Business District. Mr. Jeff Anderson explained that he wants to tow and park cars in an official capacity, but that the State Police will not consider placing him on the tow list until he obtains a Conditional Use Permit that allows him to tow and park cars under Town guidelines.

PUBLIC HEARING

2. Proposed amendment to the *Christiansburg Town Code* to require mandatory campaign financing in an effort to increase government transparency. Mayor Ballengee reported that State guidelines provide that localities with a population less than 25,000 are not required to report campaign financing; however, this proposed amendment would mandate campaign finance reporting for all candidates running for public office. Former Council member Ann Carter addressed Council noting that in 2009, the General Assembly passed a law that any locality with a population less than 25,000 can choose to report campaign finances. Ms. Carter urged Council to adopt this amendment in an effort to increase transparency in local government. Mayor Ballengee clarified that the amendment would mandate that all candidates running for public office would report campaign contributions and expenditures. Councilman Stipes noted that the guidelines outlined on the State Board of Elections website is a good measure to use in preparing for this amendment. Councilman Showalter thanked Ms. Ann Carter for her leadership in getting this matter before Council for consideration.

REGULAR MEETING

MAYOR BALLENGE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of September 21, 2010. Councilman Showalter and Councilman Huppert requested minor amendments which were made before the distribution of the official Minutes of September 21, 2010. Councilman Hall made a motion to approve the Minutes with the requested changes/corrections, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.

MAYOR BALLENGE asked if there were any additions or corrections to the Special Meeting Minutes of October 3, 2010. There being none, Councilman Hall made a motion to approve the Minutes, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.

CITIZEN HEARINGS:

1. Planning Commission recommendations on:
 - a. Rezoning request by Jeffrey C. and Teresa W. Stump for property located at 400 Starlight Drive (tax parcels 529 – ((A)) – 16 and 17) from R-2 Two-Family Residential to B-3 General Business. The property contains 0.596 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Planning Commissioner Conner asked Secretary Wingfield to read the recommendation. Secretary Wingfield read the Planning Commission's resolution recommending Town Council deny the rezoning request. Planning Commission vote was Ayes: 3; Nays: 1; Abstain: 0.
 - b. Consideration of amendment to Chapter 26 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to sidewalk requirements and open space requirements in Residential Districts. Council was previously provided a copy of the draft ordinance and Planning Director Wingfield reviewed the amendments in detail with Council. After reviewing the proposed amendments, Councilman Stipes expressed disappointment commenting that it appears the amendment would allow "business as usual" for new developments. Councilman Stipes further commented that the amendment does not reflect Council's intention or direction to the Planning Commission, and that it still does not provide for bicycle and pedestrian facilities. Councilman Hall agreed with Councilman Stipes, further commenting on an "opt-in" option outlined in the amendment that allows developers to continue with development as usual. Mayor Ballengee noted that a Public Hearing must be scheduled for this ordinance amendment, and Councilman Hall replied that Town Council should agree with the draft ordinance before it is presented to the public. Councilman Hall stated he is not looking for a compromise, but a mandate for future development and this appears to be lacking in the proposed amendments. Councilman Huppert said he spent a great deal of time working on these amendments as a member of the Planning Commission. He is concerned that Council is simplifying an issue that involves the consideration of many pros and cons. Noting the absence of two Council members, and the necessity for further discussion on this matter, Council chose to hold a work session which was scheduled for November 9, 2010 at 7:00 PM. It was noted that Council will also discuss the proposed *Employee Handbook* revisions at the work session, if time permits. Councilman Huppert requested that the Planning Commission participate in the work session.
2. Mr. Joe Simmons to address Council regarding the Renna Knowles Estate. Mayor Ballengee reported that Mr. Simmons requested that this item be postponed until the November 16, 2010 meeting.
3. Citizen's Comments.
 - a. Mona DeGuilian of NRV Cares in Christiansburg thanked Council for the budget consideration and reported that in 2009, NRV Cares served over 1,000 Christiansburg residents. Ms. DeGuilian provided Council with a financial report and informational literature about NRV Cares and the services it provides to the community. Council thanked Ms. DeGuilian and expressed its appreciation for NRV Cares.
 - b. Ms. Carol Lindstrom, Depot Street, commended and thanked Public Relations Officer Becky Wilburn for her efforts to get information to the public via the website and Facebook.
 - c. Ms. Connie Turner, Alleghany Street, thanked the Town for a letter she received in the mail notifying her that upgrades to the sewer system along her street will soon begin.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council action on Planning Commission recommendations:
 - a. Rezoning request by Jeffrey C. and Teresa W. Stump for property located at 400 Starlight Drive (tax parcels 529 – ((A)) – 16 and 17) from R-2 Two-Family Residential to B-3 General Business. The property contains 0.596 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Councilman Hall made a motion to accept the Planning Commission's recommendation to deny the rezoning request, stating that he has spoken with many members of the Starlight Drive community and has come to realize this rezoning would have a great and continuing negative impact on the community as a whole. Councilman Hall stated that the members of the community made the vote for him and he is squarely against this request. Councilman Stipes seconded the motion and Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.
2. PPEA guideline revisions. The Public-Private Education Facilities and Infrastructure Act has been revised. The Town's guidelines for processing proposals must be approved by Town Council in order to process any proposals

received. A draft revision of the guidelines was provided in the agenda packet for Council's consideration. Council reviewed the draft revision and Councilman Stipes made a motion to adopt the revisions as proposed, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.

3. Discussion concerning the Town's representative to the Montgomery Regional Solid Waste Authority and Blacksburg, Christiansburg, VPI Water Authority. The current representative's terms expire July 2014 for the Montgomery Regional Solid Waste Authority and August 2011 for Blacksburg, Christiansburg, VPI Water Authority (this is normally a four year term). Attorney Jim Guynn, referencing a memo he sent to Council, said he has found no authority allowing Town Council to remove an appointee in the absence of malfeasance or dereliction of duties. Furthermore, neither Authority has requested a replacement of the Town's representative. Council's only recourse is to ask the Town's representative, Lance Terpenny, to resign from his positions on the two Authorities. Council directed Town Attorney Guynn to notify Mr. Terpenny of Council's wishes and to ask for his resignation.
4. VFRIFA excess dues preference. The Virginia's First Regional Industrial Facility Authority has declared \$40,000 in dues excess per member locality. For the excess dues to be distributed all fifteen member governments must give unanimous consent. Interim Town Manager Helms explained that the Virginia's First Regional Industrial Facility Authority is comprised of fifteen localities and each locality pays annual dues of five thousand dollars. The Authority has few disbursements and has accumulated six hundred thousand dollars in excess funds. This would amount to a refund to each locality of forty thousand dollars. The By-Laws of the Authority requires a unanimous vote from each locality before refunds can be disbursed. Refunds can be used as seen fit by each locality. Interim Town Manager Helms said he is asking Council for the authority to submit a resolution of request for Council adoption at the November 2, 2010 regular Town Council meeting. The anticipated refund is projected as revenue in the current fiscal year budget. Interim Town Manager Helms said he and Planning Director Randy Wingfield are representatives on the VFRIFA. Councilman Stipes made a motion to authorize Mr. Helms and Mr. Wingfield to prepare, on behalf of Town Council, a resolution of request for distribution of excess dues paid into VFRIFA. Councilman Showalter seconded the motion and Town Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.
5. Resolution for Stream Bank Restoration & Stabilization Grant through Department of Conservation and Recreation for the improvement of Town Branch in the Depot Street Park. Interim Town Manager Helms presented to Council for consideration a Resolution of Intent to seek funding from the 2010 Virginia Water Quality Improvement Fund – Funding for Nonpoint Source Water Quality Improvement Grants for the Depot Street Park Stream Restoration Project (Town Branch). The Resolution further authorizes the Christiansburg Town Manager to sign any and all documents to pursue such funding and that the Town of Christiansburg will allocate funds to assist with costs associated with completion of the project. Councilman Showalter made a motion to adopt the Resolution, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None. A copy of the Resolution is attached herewith and made a part of these minutes.
6. Proposed amendment to the Noise Ordinance. The proposed amendment will make the Noise Ordinance less subjective. Councilman Hall made a motion to adopt the amendment to the Noise Ordinance as proposed, seconded by Councilman Huppert. Council voted on the motion as follows: Barber – Absent; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Absent.
7. Joint Tourism Cooperative Agreement. The Cooperative Agreement is between Montgomery County and the Towns of Blacksburg and Christiansburg for the creation and administration of a jointly sponsored tourism program under the provisions of Section 15.2-1300 and Section 15.2-940 of the *Code of Virginia*. Councilman Showalter is Council's liaison on the Cooperative Agreement and has been working with Montgomery County and Blacksburg to create an effective tourism program that will jointly benefit each locality. Councilman Showalter reported to Council that he has recommended that a representative from Virginia Tech serve on the tourism board as a voting member. Councilman Showalter said he believes a representative from Virginia Tech will bring valuable experience to the entity. Councilman Showalter said he is open to any other suggestions. Councilman Huppert said he supports fifteen-percent (15%) of the tourism monies staying in Christiansburg in a specific fund reserved for tourism support. Councilman Huppert recommended a Town staff member be appointed as a contact person to oversee tourism funding. Mayor Ballengee noted that it may not be possible to set up tourism funding as a separate account, but that tourism funding is reflected as an individual line item with separate accounting in the General Fund. Mayor Ballengee recommended that members from the Recreation Department and the Aquatics Department be considered for the tourism committee, along with no less than one member of the community. Mayor Ballengee reported that members of this committee will be appointed in the near future. Finance Director/Treasurer Val Tweedie said she can create a year-end report indicating

how much funding is reserved for tourism. Mayor Ballengee noted that the Central Business Committee is also a resource to consider utilizing when deciding tourism matters in Christiansburg.

8. Consideration of procuring the services of a professional firm to assist in hiring a Town Manager. Councilman Hall made a motion to table this matter until all members of Council are present and have the opportunity to vote. Councilman Showalter seconded the motion and Council voted as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.
9. Appointment to the Recreation Advisory Commission. Councilman Stipes made a motion to reappoint Doris Oliver, Mike Sayers, and Jim Williamson to serve another term on the Recreation Advisory Commission. Councilman Showalter seconded the motion, and Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None. Mayor Ballengee noted that Kevin Stoner requested that he not be reappointed to the Recreation Advisory Commission, thus creating a vacancy. Mayor Ballengee submitted to Council a list of individuals who have expressed interest in serving in this capacity, asking that each member consider the list and be prepared to make an appointment at the November 2, 2010 Town Council meeting. Councilman Hall requested that Ms. Tonya Winn be added to the list of those to be considered for this Commission.
10. Mr. Stipes and Mr. Vanhoozier – Street Committee report/recommendation on:
 - a. Subdivision of Property for Gregory D. Duncan & Marvi D. Stine; creating 4 lots; located on Hagan Street, N.E., Craig Street, N.E. and Roanoke Street, N.E. Councilman Stipes reported that this request is to subdivide one large lot into four lots for development, noting that this property, adjacent to Wades Supermarket on Roanoke Street, came before Council last year to obtain a Conditional Use Permit. All is in order with the plat, which conforms to the subdivision ordinance, and Councilman Stipes made a motion to approve the plat as presented. Councilman Huppert seconded the motion and Town Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.
 - b. Councilman Stipes provided a brief update on the expansion of the Huckleberry Trail. Councilman Stipes reported that he and Interim Town Manager Helms met with Bill Elinbogen of Friends of the Huckleberry Representative of Montgomery County, and Dana Martin of the Commonwealth Transportation Board regarding the TEA-21 funding program. Councilman Stipes said continued funding for the trail is encouraging and that the construction of the bridge crossing Route 114 should hopefully be completed by this time next year.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Hall, seconded by Councilman Huppert, Council voted to approve the monthly bills paid in October 2010, in the amount of \$862,139.42. AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.

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

November 16, 2010

1. Rezoning request for property along South Franklin Street from A Agricultural to R-1 Single Family Residential.
2. Rezoning request, 2845 Roanoke Street, A Agricultural to B-3 General Business.
3. Zoning permit request, Park Street, I-2 General Industrial.
4. Conditional Use Permit request for a recreation facility, 215 and 219 County Drive, B-3 General Business District.

On motion by Councilman Showalter, seconded by Councilman Huppert, Council voted to set the Public Hearing(s) as indicated. Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.

PUBLIC RELATIONS OFFICER BECKY WILBURN presented and reviewed with Council a quote for equipment and installation of audio and visual facilities in the Council Chambers, a goal outlined in Council's Vision 2020. Based on her research, the presented quote is Ms. Wilburn's recommendation to Council. The quote, which includes lowest cost for microphones, speakers, cables and installation (received from Hook-Ups Plus of Christiansburg), and lowest cost for PEG Central postings to web/cable television and includes the server, cables, one-year of PEG Central, and installation (received from Technical Video Systems of Cary, NC) totals \$21,495 (this quote includes cost of on-site training for herself and the IT Department). In addition, services with Montgomery County, which will include a videographer, video equipment, use of video equipment, and video production, total \$4,200 annually. Council was presented the option to upgrade the microphones to "gooseneck" style at an additional cost, but after discussing the pros and cons, declined choosing to use the

"boundary" style microphones included in the package from Hook-Ups Plus. Ms. Wilburn reported that if the presented information is approved, the audio can be installed within two weeks, with video to begin once signatures are received from Montgomery County. It was noted that this cost is not budgeted in the current fiscal year budget. After discussion by Council, Councilman Stipes made a motion to accept the presented audio/visual quote of \$25,795, without the optional gooseneck microphones, and to proceed with the goal of providing audio/visual facilities in the Council Chambers. Councilman Showalter seconded the motion and Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.

INTERIM TOWN MANAGER HELMS reported that Municode is the company that responded to the Town's RFP for recodification of the Town Code. Interim Town Manager Helms said recodification is expected to take up to two years to complete, but he is happy to report that work has begun on the long anticipated project.

INTERIM TOWN MANAGER HELMS reported that patriotic flags have been ordered for the banner holders along Main Street. The flags are expected to be displayed before Veteran's Day.

INTERIM TOWN MANAGER HELMS reported that the Town has received a partnership proposal to upgrade the stream in Diamond Hill Park as part of a mitigation project at no cost to the Town. Interim Town Manager Helms asked for permission to proceed. Councilman Stipes said as an engineer he understands this common practice and he recommended the Town take advantage of this opportunity. Councilman Stipes made a motion to authorize Interim Town Manager Helms to proceed with the partnership under mitigation guidelines. Councilman Showalter seconded the motion and Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes. NAYS: None.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:03 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor