

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF NOVEMBER 2, 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 NOVEMBER 2, 2010 AT 7:30 P.M.

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

ADMINISTRATION PRESENT: Interim Town Manager Barry Helms; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn; Town Planner Nichole Hair; Public Relations Officer Becky Wilburn; Finance Director/Treasurer Val Tweedie; Human Resource Director Clay McCoy; Aquatics Director Terry Caldwell.

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

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 Special Meeting Minutes of October 12, 2010. There being none, Councilman Stipes made a motion to approve the Minutes as presented seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

MAYOR BALLENGEE asked if there were any additions or corrections to the Regular Meeting Minutes of October 19, 2010. There being none, Councilman Barber made a motion to approve the Minutes as presented seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

**CITIZEN HEARINGS:**

1. Planning Commission recommendations on:
  - a. 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. Planning Commission Chairman Moore read the Planning Commission's resolution recommending Town Council issue the Conditional Use Permit with twelve (12) conditions. Planning Commission voted on the request as follows: 5 Ayes; 0 Nays; 0 Absence/Abstention.
2. Mr. Art Price, Director of Parks and Recreation - Update on 2012 Jr. Dixie Boys World Series. Mr. Art Price and Mr. Chuck Muncy provided Council with an update on the beginning plans for the 2012 Jr. Dixie Boys World Series, asking for ideas and suggestions from Council and those who attended the 2010 Dixie Boys World Series in August. Councilman Hall said he attended and enjoyed the baseball event in August and asked what additional field improvements are planned for the upcoming 2012 event. Mr. Muncy said the field improvements made for the 2010 event are permanent, leaving only the need for safety netting over the bleachers, which will be installed before the 2012 event. Other areas to be improved upon are signage, driving directions to the ball field, and concessions. Mr. Muncy said the 2010 event was a learning experience that will make the 2012 event even more successful. Mr. Price said it is hard to make a profit with this service type of an event, but rather that it is an economic engine for Christiansburg and the surrounding areas. Mr. Price stated that it is an honor to be chosen to host two Dixie World Series within two years. Mr. Price presented to Council a press release that includes a statement from J. Sandy Jones, Commissioner/CEO of Dixie Baseball, announcing the selection of Christiansburg as host of the 2012 Jr. Dixie Boys World Series. A copy of the press release is attached herewith. Mr. Price and Mr. Muncy said they will bring future updates to Council as plans are made and implemented. Councilman Barber announced that Mr. Art Price has been elected into the Roanoke Salem Baseball Hall of Fame and will be inducted on February 13, 2011.

Councilman Barber said Mr. Price has done a lot for the Town of Christiansburg and he is well respected by those in the athletic profession. Councilman Barber, along with Town Council, congratulated Mr. Price for this accomplishment and thanked him for his service to the Town. Mr. Price thanked Council for the acknowledgement and said that the Lord has blessed him with a great family, a great job, great co-workers, and support from the Town of Christiansburg. For this, Mr. Price said he is grateful and he thanked the Town for the opportunities Council and administration have given him in the field of athletics.

3. Citizen's Comments.

- a. Ms. Meghan Dorsett, President of the Christiansburg Civic League, updated Council on two events recently hosted by the Christiansburg Civic League. The first event, sponsored by the Montgomery-Floyd Regional Library, was a public information meeting at which Christiansburg Police Chief Mark Sisson spoke about the community policing programs offered by the Police Department. Ms. Dorsett said to visit the Civic League's website [www.christiansburgcivicleague.org](http://www.christiansburgcivicleague.org) for more information on this meeting. The second event was the first annual Ghost/History Ride around Christiansburg. Six Blacksburg Transit buses were utilized and the tour included historic districts and national registered historic sites. Ms. Dorsett said this event would not have been possible without the Christiansburg buses provided by Blacksburg Transit. Ghost stories narrated by several storytellers, including Ms. Ann Carter, were written by Christiansburg High School creative writing students. The Christiansburg Civic League partnered with Christiansburg High School, Blacksburg Transit, and Montgomery-Floyd Regional Library, along with a variety of local small businesses, to make this event a success. Ms. Dorsett thanked the Christiansburg Police Department and Blacksburg Transit for support during the event. Ms. Dorsett then asked the Town Council to offer a plaque to the Christiansburg High School Glee Club recognizing a major award recently presented to the Club.
- b. Ms. Elizabeth McCauley addressed Council regarding her desire for sidewalks, open space, and playgrounds in residential neighborhoods. Ms. McCauley said these facilities are built for the cohesiveness of communities and the pay-off is immediate, extending well into the future. Ms. McCauley asked that these facilities be considered by Council when amending the zoning ordinance.
- c. Mr. Jason Calvert asked Council to consider allowing chickens in residential neighborhoods. Mr. Calvert said the chickens would be for personal egg consumption and would be considered family pets. Interim Town Manager Helms said the Planning Commission discussed this request at its November 1, 2010 meeting and will further review and bring a recommendation to Council at a future meeting.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council action on Planning Commission recommendations:

- a. 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. Councilman Vanhoozier made a motion to approve the Planning Commission's recommendation to issue the CUP with twelve (12) conditions, seconded by Councilman Huppert. Councilman Barber noted that the conditions set forth in the CUP are standard for this type of business in the B-3 General Business District, but he has concerns with waiting six months for a compliance review and suggestion a shorter review period. Councilman Vanhoozier said the review period is typically ninety days, but was set for six months because with this type of business there is a required holding period of thirty days once a vehicle is towed, and if not picked up during those thirty days, the business must petition the Department of Motor Vehicles in order to dispose of the vehicle. Mr. Anderson stated that if a vehicle is not picked up during the thirty day period, he must notify the owner of the vehicle ten days after the thirty day period, before petitioning DMV, creating a long process before an unclaimed vehicle can be auctioned. Mr. Anderson noted that this process is for out of State vehicles only, with the process for in-state being shorter. Mr. Anderson expects this process to apply to one to two vehicles monthly. Once an auction is posted for a vehicle, the vehicle is sold quickly. Mr. Anderson said all tow information and dates are posted on the vehicle's tow card, and vehicles will be kept on a gravel lot screened by fencing. The lot capacity is approximately one hundred cars. Councilman Stipes said he has concerns with this request, but will support the CUP if it is brought back before Council in six months, and Councilman Barber requested a compliance report from the Planning Commission in six months. Councilman Hall suggested that Council require staff to log review dates and note their findings. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

2. Consideration of Kevin Stoner's request to hold the Taste of the New River Valley Downtown on April 30, 2011. Mr. Stoner's original request was on September 7, 2010. Councilman Barber made a motion to approve the request, seconded by Councilman Showalter. Councilman Huppert reported that Mr. Stoner asked him to bring this request back to Council for consideration. The event is scheduled for 10:00 AM to 3:00 PM on April 30, 2011 and will include eating contests, food and wine vendors, possibly a classic car show, and beer and wine gardens on a private downtown business parking lot. Councilman Huppert said he isn't aware of any problems resulting from alcohol sales during the year Mr. Stoner has been holding these types of events. Police Chief Sisson confirmed that the police handled one alcohol related incident at an earlier event, but none since then. Councilman Huppert noted that Mr. Stoner provides his own security, portajohns, and clean-up service for the events. Councilman Huppert said that Mr. Stoner intends to make a charitable contribution for the benefit of diabetes research from the proceeds of the event, and he has a working agreement with the Montgomery Museum regarding the proceeds from his downtown events. Councilman Vanhoozier stated his support of the request since the alcohol sales will be held on private property, with tables and chairs set up near the beer and wine gardens. Councilman Stipes said he fully supports downtown events, with the exception of the events that provide the open sale and consumption of alcohol, further stating that he doesn't believe this activity reflects the majority of Christiansburg. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Nay; Huppert – Aye; Showalter – Aye; Stipes – Nay; Vanhoozier – Aye.
3. Virginia Tech Police Agreement - This Agreement authorizes the Town Attorney to request the Circuit Court to grant concurrent jurisdiction with the Virginia Tech Police Officers as authorized by Virginia Code §23-234 and as specifically authorized in the Petition and Order Establishing Concurrent Jurisdiction. Police Chief Sisson explained that Virginia Tech Police Department currently has concurrent jurisdiction with the Town of Christiansburg and this document is requested because of a change in legislation that now requires each locality to petition the Circuit Court for concurrent jurisdiction. Blacksburg and Montgomery County currently participate in concurrent jurisdiction with Virginia Tech. Police Chief Sisson stressed that this concurrent jurisdiction will not be used for traffic enforcement, but will be used in emergency situations only. Police Chief Sisson noted that Christiansburg's Police Department has worked with Virginia Tech's Police Department through the Mutual Aid Agreement and he has no reservations or hesitations about participating in concurrent jurisdiction with Virginia Tech. Town Attorney Jim Guynn said he reviewed the document and one noted caveat is that there is no stated limitation that the concurrent jurisdiction is for emergency situations only and that this should be noted in the wording of the document. Councilman Barber asked if Christiansburg would have authority over Virginia Tech officers while they are in Christiansburg. Police Chief Sisson replied that Christiansburg would have standing jurisdiction over any visiting officers, but that they would not answer to Christiansburg's Police Chief. Councilman Barber noted his concerns with situations that could arise from a concurrent jurisdiction agreement and said he would support the request if opt-out provisions are included in the agreement. Police Chief Sisson said an opt-out provision is provided for, reassuring Council that it is common practice for college campuses to have concurrent jurisdiction with its surrounding localities. Councilman Hall said he fully supports the Agreement if it is recommended by Police Chief Sisson, and Councilman Showalter asked Police Chief Sisson to notify Council of any changes between the Police Departments that causes concern with respect to the concurrent jurisdiction. Councilman Hall made a motion to adopt a resolution authorizing Town Attorney Jim Guynn to petition the Circuit Court to grant concurrent jurisdiction with Virginia Tech Police Office as authorized by Virginia Code Sec. 23-234. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
4. Joint 911 Regional Authority MOU - This Memorandum of Understanding would make Christiansburg a member of the Authority, but it would not require Christiansburg to participate in the regional 911 center when it is established. The cost of participation in the Authority is an equal split of the operating cost of the Authority. This would be about \$50-\$55K per year each once operating (assuming 4 members) and would pay for the Executive Director, an assistant and some operating dollars. The Authority (through the Executive Director) will then establish the budget, staffing, procedures etc. for the regional 911 call center. At that point each member entity will make a second decision as to participation in the 911 center. Interim Town Manager Helms presented to Council a Resolution reflecting the Memorandum of Understanding for its consideration, noting that Virginia Tech, Montgomery County, and the Town of Blacksburg have adopted a Memorandum of Understanding regarding and supporting the formation of the New River Valley Emergency Communication Regional Authority. Provisions are included that allow cancellation of participation, and Interim Town Manager Helms recommends Council adopt the Resolution as presented, noting funding for participation in the Authority would come from the community development portion of the budget. Councilman Vanhoozier said he attended the meetings on formation of a Joint 911 Regional Authority and he was pleased with the discussions stating that he believes each locality will benefit from participating in the Authority once it is formed. Councilman Stipes said he, too, attended the meetings on this matter and agrees with Councilman Vanhoozier's comments that the community will benefit from participation in this Authority, further noting that Police Chief Sisson supports the formation of this Authority. Councilman Barber made a motion to adopt the

Resolution and Memorandum of Understanding, seconded by Councilman Stipes. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. A copy of the Resolution is attached herewith and made a part of these minutes.

5. Event Guidelines - Discussion of the Proposed Christiansburg Special Events Policy and Grant Program. The purpose of this document to establish a process for permitting Special Events conducted on Town streets, public property, parks or facilities. The Grant Program is to provide funding assistance to Christiansburg based non-profit organizations or Town agencies that wish to host a Special Event. During Council discussion on this matter, Council agreed to amend the document to reflect a forty-five to sixty day notice of events, and that the document should define expenses incurred by the Town to be reimbursed. It was noted that the Town has no equivalent document to date. Mayor Ballengee asked Council to further review the document and be prepared to discuss and amend at the December 7, 2010 Town Council meeting.
6. Consideration of procuring the services of a professional firm to assist in hiring a Town Manager. This is a carryover item from October 19, 2010. Mayor Ballengee reported that Town Council has discussed options for hiring a Town Manager that include in-house hiring and retaining the assistance of a professional firm, noting there are advantages and disadvantages to both options, noting that Council has the ultimate decision in who is hired no matter which option is chosen. Discussions at VML made several Council members realize that retaining the assistance of a professional firm adds integrity to the process and will ensure ample community involvement, while other Council members maintain the Town is capable of handling the hiring process itself, along with community involvement through an appointed Community Committee. Each Council member agreed with the importance of being cost conscience no matter which option is chosen, discussing various ways to cut costs through the hiring process. After further discussion by Council, Councilman Barber made a motion to authorize the Town to submit a RFP for the assistance of a Professional Services Firm in the hiring of a Town Manager. Councilman Showalter seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Nay; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
7. Proposed amendment to the *Christiansburg Town Code* to require mandatory campaign financing in an effort to increase government transparency. The Public Hearing was held October 19, 2010. Councilman Barber made a motion to adopt an ordinance to provide that the provisions of the Campaign Finance Disclosure Act of 2006 be applicable to the elections for Town offices in the Town of Christiansburg pursuant to Code of Virginia Section 24.2-945 effective for the 2011 Town Council election. Councilman Showalter seconded the motion and Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
8. Bus system update by Councilman Jim Vanhoozier. Councilman Vanhoozier reported to Council on his attendance at the Blacksburg Transit meetings concerning the Christiansburg Bus System. Councilman Vanhoozier took Council's questions regarding new routes and detailed ridership to BT for answers. Concerning concise ridership numbers, BT reported that it is waiting for implementation of the new routes before compiling this information. This compilation is done at the beginning of each month and ridership numbers will be presented to Council at its second meeting of the month. Councilman Vanhoozier then showed Council examples of the numerous advertisements posted in the NRV Current, The News Messenger, and flyers posted at the Recreation Center, New River Community College, on residential water bills, and on each bus regarding the bus system's new routes, fares, and hours of operation. The bus system changes have also been announced on local radio stations and on the Town's website. New routes will be implemented the Friday before Thanksgiving. Councilman Vanhoozier reported that BT's next meeting will address ridership numbers. A commuter link to Blacksburg is also being developed by BT with the intent to implement the route the beginning of 2011. BT received a high response to a survey it sent to Blacksburg and Virginia Tech businesses regarding a commuter link from Christiansburg, and other businesses will be surveyed during the planning process. Councilman Vanhoozier said he believes BT is making progress with the Christiansburg Bus System. Mayor Ballengee thanked Councilman Vanhoozier for addressing some of Council's concerns, and remarked he is pleased with BT's marketing efforts. Mayor Ballengee said being interconnected with Blacksburg is crucial to the success of the bus system and that there is need for this commuter link in Christiansburg.
9. Tax relief for the elderly. This ordinance will update the annual income limits for exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, § 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled. This ordinance will also make our limits the same as Montgomery County and is an annual action item by Council. Councilman Vanhoozier made a motion to adopt this ordinance amendment, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. A copy of the ordinance amendment is attached herewith and made a part of these Minutes.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Hall, Council voted to approve the monthly bills to be paid on November 10, 2010, in the amount of \$1,873,679.79. AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

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

December 7, 2010

1. Request by Verizon to amend the *Christiansburg Town Code* to allow communication structures in the B-3 General Business District.
2. Contingent upon the above request, a Conditional Use Permit request for a 125 foot monopole in the B-3 General Business District.
3. Conditional Use Permit request for the manufacture of pipes and accessories at 3145 North Franklin Street in the B-3 General Business District.

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

INTERIM TOWN MANAGER HELMS recognized and thanked Town Planner Nichole Hair for her work on the 2010 Census, which resulted in an eighty percent return rate for Christiansburg.

INTERIM TOWN MANAGER HELMS reported that the Town was approved for Community Development Block Grant funding in the amount of \$113,195, for the Fiscal Year 2011 – 2012.

INTERIM TOWN MANAGER reported that VDOT has requested the Town lower the speed limit to twenty miles per hour on Marshall Drive as part of VDOT's widening of State Route 114. Mayor Ballengee turned this request over to the Street Committee for review and recommendation.

INTERIM TOWN MANAGER HELMS reported that Community Housing Partners (CHP), which purchased the Takoa property on Depot Street, is interested in refinancing its mortgage loan through a different mortgage broker for the benefit of a lower mortgage interest rate. CHP is requesting the bank refinance \$2,750,000, but the bank will only agree to refinance \$1,763,750, unless the Town of Christiansburg were to subordinate \$750,000. Councilman Barber reported that this would be a contingent liability and if the first loan defaulted the Town would have to purchase the Takoa property or lose the \$750,000. Councilman Barber said he is uncomfortable with this situation due to the possible financial impact it could have on the Town. Mr. Jeff Reed, President of Community Housing Partners, said the reason for the refinancing request is to obtain a lower interest rate on the mortgage, and there is no immediate rush to the situation. Councilman Barber said he would like time to review the financing documents and property appraisal before making a decision. Councilman Barber said his concern is because of recent mortgage trends and he questioned if the bank would allow the Town to drop its moral obligation from \$750,000 to \$350,000. Mayor Ballengee turned this request over to Councilman Barber and Interim Town Manager Helms for review. Councilman Stipes recommended that Councilman Showalter be involved in the review process because of his strong background in the mortgage industry.

COUNCILMAN STIPES commended and thanked Interim Town Manager Helms and his staff for their dedication and continued attention to Sunset Cemetery, including addressing the recent issue of run-off onto neighboring properties. Councilman Stipes said he spoke with the resident who brought the run-off concern to Council and the resident is completely satisfied with the resolution provided by town staff.

COUNCILMAN VANHOOZIER said he has had several opportunities to communicate with Interim Town Manager Helms regarding Town business and he is pleased with, and appreciates, the response he has received each time from Mr. Helms.

COUNCILMAN BARBER, along with Councilman Hall, proposed that Council consider expanding the number of members serving on the Recreation Advisory Commission to nine. Currently, six members are appointed to the Commission along with one high school student representative and one Town Council representative, with meetings held the first Monday of every month at 6:00 P.M. Councilman Barber explained that one long-time member of the Commission is seriously ill, but the Commission does not want to replace his seat. The Recreation Advisory Commission has had several well qualified

individuals apply to serve, and appointing three additional members will expand valuable input and provide better attended meetings. Councilman Barber noted that the Commission operates under by-laws, which can be amended if desired. Parks and Recreation Director, Art Price, agreed with the proposal to expand the number of members serving on the Recreation Advisory Commission to nine, offering to prepare a draft amendment to the by-laws and present it to Council for adoption. Councilman Vanhoozier made a motion expand the number of members serving on the Recreation Advisory Commission to nine and to amend the by-laws accordingly. Councilman Showalter seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

MAYOR BALLENGEE reported that Mr. Mike Byrd has resigned from his position on the Planning Commission leaving a vacancy for a total of four vacancies to be filled on the Commission. From the six individuals interviewed on October 12, 2010, each Council member recently selected by ballot, in priority order, their choice of four individuals to be appointed to the Planning Commission. Interim Town Manager Helms tallied the ballots and reported the results in priority order as follows:

Meghan Dorsett  
Barry Akers  
Joe Powers  
Mark Caldwell

Mayor Ballengee noted that two of the seats to be filled are the unexpired terms of Mr. Simmons and Mr. Byrd. Council directed that the two individuals receiving the least number of ballots (Powers and Caldwell) will serve the unexpired terms with Mr. Powers serving the seat with the longest remaining term, and Mr. Caldwell serving the seat with the shortest remaining term.

Councilman Vanhoozier made a motion to confirm the selection of Planning Commission appointees as voted by ballot, and further that Mr. Powers and Mr. Caldwell will serve the unexpired terms as directed above. 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.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:56 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor