

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF NOVEMBER 16, 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 16, 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; Planning Director Randy Wingfield; Public Relations Officer Becky Wilburn; Finance Director/Treasurer Val Tweedie; Director of Engineering and Public Works Wayne Nelson; Assistant to the Town Manager Adam Carpenetti.

PLANNING COMMISSIONERS PRESENT: Chairman Craig Moore; Ann H. Carter; Kevin Conner; Meghan Dorsett; Joe Powers. ABSENT: Barry Akers; Wayne Booth; Mark Caldwell.

PLEDGE OF ALLEGIANCE.

**JOINT PUBLIC HEARING**

1. A rezoning request by Douglas Wayne Sink for property at 2845 Roanoke Street (tax parcel 501 – ((A)) – 15) from A Agricultural to B-3 General Business. The property contains 0.502 acres and is scheduled as MU-1 Mixed Use: Residential - Limited Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. Interim Town Manager Helms submitted to Council proffers offered for this request by Mr. Douglas Sink shortly before tonight's meeting began. Mayor Ballengee read the proffers, a copy of which is attached to these Minutes. Planning Commissioner Dorsett asked about the intended use for this property if rezoned as requested. Mr. Sink said he would adhere to the businesses allowed in the B-3 General Business District, noting that his proffers are allowances in the B-3 zoning that he will not permit on this property if rezoned.
2. A rezoning request by Douglas Wayne Sink for property located on the western side of Jones Street, S.E. (tax parcel 558 – ((9)) – 4A) from A Agricultural to R-1 Single-Family Residential. The property contains 2.43 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Mr. Douglas Sink explained to Council that he has a potential buyer for this property and he believes the property will be more useful if rezoned R-1 Single-Family Residential like the areas surrounding this property.
3. A Conditional Use Permit request by Tech Sports Plex, LLC (acting as agent for property owners Loy and Mary Burch) for a private recreational facility at 215 County Drive (tax parcel 406 – ((4)) – 115) in the B-3 General Business District. Mr. Quinton Nottingham, one of four managing partners of Tech Sports Plex, LLC, explained that the group's focus was to build a quality, safe sports facility that offered advanced athletic opportunities. Included in the facility are batting cages, strength training equipment and instructional services. Also planned are multi-purpose court rentals, and nutrition education classes. Mr. Nottingham said the partners expect the facility to open for business within four weeks. Councilman Huppert said he is familiar with the building and that there is ample parking on the site. Councilman Stipes said he, too, is familiar with the building, and with the managing partners, and he believes this is a good facility plan.

**PUBLIC HEARING**

1. A Zoning Permit request by Rick Howell (acting as agent for property owners Phillip M., Donna F. and John R. Hambrick) for a commercial garage and towing service at 850 Park Street (tax parcel 498 – ((6)) – 3A) in the I-2 General Industrial District. There was no one to speak for or against this request, and Interim Town Manager Helms stated the Town has not received correspondence concerning this request.

### **REGULAR MEETING**

MAYOR BALLENGEE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Regular Meeting Minutes of November 2, 2010. There being none, Councilman Barber 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.

### **CITIZEN HEARINGS:**

1. Mayor Ballengee introduced and welcomed Ms. Jeana Moore, a grandmother who embarked on a cross country walk to raise awareness of the importance of joining the National Bone Marrow Registry after her own granddaughter, three year old Jada Bascom, was born with leukemia and whose life was saved through a bone marrow transplant. Ms. Moore said she began her "Steps to Marrow" cross country journey to New York from Seattle, Washington in October 2009 and has covered more than thirty-nine hundred miles on foot raising awareness through the Jada Bascom Foundation. Along the way, Ms. Moore said she has relied on the generosity of others, and that the staff members of the Christiansburg Town Hall and the Christiansburg Police Department warmly welcomed her to town and were helpful in getting her story to the public, along with assisting in arranging her lodging. Through her journey, Ms. Moore said she has met many families affected by diseases that result in the need of a bone marrow transplant and she is encouraged by the many donors she has gathered during her walk. To further her cause, Ms. Moore said she has asked each municipality she has visited to consider providing a Proclamation of Bone Marrow Awareness to further the cause. Mayor Ballengee presented to Ms. Moore a Proclamation by the Town of Christiansburg recognizing the efforts of the Jada Bascom Foundation and Ms. Moore to raise awareness for the National Bone Marrow Donor Program, and declaring November 2010 to be Bone Marrow Awareness Month in the Town of Christiansburg. Councilman Barber made a motion to adopt the Proclamation, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. More information can be obtained at [www.stepstomarrow.com](http://www.stepstomarrow.com).
2. Mr. Jerry Higgins, Executive Director of the Blacksburg, Christiansburg, Virginia Tech Water Authority, to provide the background on The Montgomery County PSA's request to join the Water Authority. Mr. Higgins provided Council with the background of the Blacksburg, Christiansburg, Virginia Tech Water Authority, beginning with its inception in 1954, so that it might better understand the request at hand, clarifying that it is Montgomery County requesting to join the Water Authority, not the Public Service Authority (PSA). Mr. Higgins explained that Montgomery County was given several opportunities over the years to join the Water Authority, but each time deemed it unnecessary and declined. In April 2001, the Montgomery County Administrator asked what it would cost to join the Water Authority, noting that the members of the Authority decide who joins, not the Authority Board. At this request, the Authority asked Montgomery County to design a comprehensive plan for joining the Water Authority and as a result entered into a contract in 2005, which began the Phase I Study. Mr. Higgins noted that the members of the Authority asked the Board to do the study and to develop a contract, but the members remained in control of the final decisions concerning the cost to join. According to the study, Montgomery County would use approximately seven to twelve percent of the water output. The Water Authority's facilities on Route 114 have a real estate value of sixty-six million dollars, with a depreciative replacement value of eighteen million dollars. The noted benefits to the County joining the Authority are lower rates for customers, assured water quality, and regional cooperation. Through the study, it was determined that the buy-in amount for the County was 4.3 million, which was reached by considering the middle range of asset values (from sixty-six million to eighteen million) of forty-four million dollars, with a ten percent estimate for water output, which equals 4.3 million. The Water Authority would finance the 4.3 million for forty years. Once presented with this amount, Montgomery County responded that it was unable to meet this dollar amount, and the County was asked what it could pay to join. Mr. Higgins reported that the Montgomery County Board of Supervisors has asked that the joinder study cease until discussions are had with the Town of Christiansburg. Mayor Ballengee noted that a decision is to be made on this matter in January 2011. Councilman Huppert clarified that the discord between Montgomery County and the Town of Christiansburg results from an agreement the County has with the PSA to serve water to the Shawsville area. Mr. Higgins agreed explaining that, shortly after execution of the agreement, the Health Department condemned the water well in the Shawsville necessitating an unexpected increase in the amount of water needed in Shawsville. Interim Town Manager Helms is currently in negotiations with Montgomery County regarding the Shawsville contract, which is to be renewed in January.
3. Mr. Joseph Simmons to address Council regarding the Renva W. Knowles Estate. Mr. Joe Simmons voiced his frustration with the Town over several situations that have resulted from the monetary bequest to the Town by the Renva Knowles Estate. Mr. Simmons explained his role as Executor of the Renva Knowles Estate, as well as Executor of her husband's Estate years ago. Mr. Simmons said he believes the Town does not have faith in him in his role as Executor and he believes the Town has questioned his handling of the Estate funds. Ms. Knowles' bequest to the Town was directed to be used for

recreation/beautification projects and has been slated to be used for the Huckleberry Trail Bridge over Route 114, with an appropriate memorial to Ms. Knowles. Mr. Simmons said when he realized tension was arising between himself and the Town over the use of the bequest, he hired Mr. Peter Richardson as attorney representation for the Estate. Mr. Peterson was present at tonight's council meeting. Mr. Simmons stressed numerous times that no member of Council had anything to do with the Town of Christiansburg being named a beneficiary in Renva Knowles' will. Mr. Simmons provided Council with a copy of Ms. Knowles' death certificate and his qualification as Executor of the Estate. Mr. Simmons reminded Council that he came before them in January 2008 to discuss the bequest and what Council could expect from being named a beneficiary in the will. Mr. Simmons explained that Ms. Knowles' Estate was complicated by the death of her brother who left his Estate to Ms. Knowles shortly before she passed away. Mr. Simmons said he believes some of the doubt in his handling of the Estate is related to the handling of some of the assets that came to the Estate from Ms. Knowles' brother. Mr. Simmons claimed he met with then Town Manager Terpenney and Mayor Ballengee several times to discuss appropriate usage of the funds, and Estate transactions and activities, which Mr. Simmons said have been reviewed by Commissioner of Accounts, Mr. Dan Hamrick. Mr. Simmons stated that the conversations turned contentious and personal and he was accused of breach of fiduciary among other things. According to Mr. Simmons, the idea of a Huckleberry Trail Bridge memorializing Ms. Knowles came about through casual conversation with Mr. John Neel. Once mentioned, Mr. Simmons said Councilman Brad Stipes began working with Mr. Peter Richardson and Mr. Bill Ellenbogen to move this plan forward, taking the lead role. Mr. Simmons said he was directed by Council at the May 6, 2010 Town Council meeting to pay Gay and Neel, Inc. to produce a plan for the bridge, and that the Town Attorney and Mr. Peter Richardson would work together to develop a plan to transfer the funds for the project. This is when he believes doubt was raised in his abilities to manage the Estate and Mr. Simmons said he feels he has come under attack numerous times by the Town and he wants this to end. Mr. Simmons said he hopes that the bridge will be built as planned, but being disappointed in the situation, said he no longer wants to be involved. With that, Mr. Simmons gave Mayor Ballengee a check for the remaining full balance of the bequest, thereby releasing all funds due the Town of Christiansburg by the Renva Knowles Estate. Mayor Ballengee turned the check over to Finance Director/Treasurer Val Tweedie and thanked Mr. Simmons for the update, apologizing for any misunderstandings or disagreements that resulted in hard feelings.

4. Citizens' Comments.

- a. Mr. John Neel of Gay and Neel, Inc., addressed Council regarding comments made during Mr. Joe Simmons' discussion. Mr. Neel said he was initially hired by Friends of the Huckleberry to design the Huckleberry Trail Bridge over Route 114. In addition to this service, Mr. Neel said he also donated his services to complete several TEA Fund grant applications, which were successful and awarded approximately three hundred thousand dollars toward the project. Schematic designs of the bridge were presented to Council in 2008. Mr. Neel explained that he was then approached by Mr. Simmons and asked to provide and upgraded design of the bridge and was paid two payments of approximately two thousand dollars each. After that time, due to various differences, they stopped working together on this project, with the exception of the preparation of TEA grant applications, and Gay and Neel, Inc. submitted its last invoice to the Renva Knowles Estate in July 2010. Mr. Neel said he hopes the Town will continue with the bridge design he prepared. Councilman Stipes reinforced that Gay and Neel, Inc. had a working relationship with Friends of the Huckleberry before becoming involved with Mr. Simmons as Executor of the Renva Knowles Estate. Councilman Stipes commented that he abstained from voting on the matter of Gay and Neel's involvement with the design of the Huckleberry Trail Bridge specifically because of his professional relationship with the company and the potential risk of the appearance of impropriety. Mayor Ballengee asked Mr. Neel to provide Council with an update on the Huckleberry Trail Bridge design at a future meeting.
- b. Roger McCauley of Wooden Shoe Court said he wants documentation on the background of the Renva Knowles Estate, as it relates to the Town of Christiansburg, to further understand the comments made by Mr. Joe Simmons, and so he can make his own judgments on the situation.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Consideration of amending Section 2-166 of the *Christiansburg Town Code* to allow between six and nine members on the Christiansburg Recreation Advisory Commission. Councilman Barber made a motion to amend Section 2-166 of the *Christiansburg Town Code* to allow the appointment of six to nine members to the Christiansburg Recreation Advisory Commission. Councilman Hall seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
2. RAAP Mutual Aid Agreement. Consideration of a Mutual Aid Agreement with the Radford Army Ammunition Plant for fire fighting support. Interim Town Manager Helms reported that this is not a new Agreement, but a periodic update by the Radford Army Ammunition Plant. Fire Chief Hanks reported that this is a standard agreement with the same wording as the

previous RAAP Mutual Aid Agreement. Fire Chief Hanks reported that Christiansburg has had few calls to assist RAAP and that Christiansburg would not deplete its emergency resources to assist RAAP, stating that Christiansburg takes precedence over mutual aid. Fire Chief Hanks noted that RAAP also has Mutual Aid Agreements with Montgomery County and the Town of Blacksburg. Councilman Barber made a motion to adopt the RAAP Mutual Aid Agreement, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

3. Discussion concerning adoption of VDOT minimum requirements as pertaining to pedestrian accommodations (sidewalks/walking paths/bicycle paths) – Requested by Councilman Hall. Councilman Hall, recognizing that the Planning Commission expects to bring a recommendation to Council on the sidewalk matter in January, recommended, and made a motion, that Council, in the mean time, set a Public Hearing for December 7, 2010 to adopt the minimum requirements for pedestrian accommodations as set forth by VDOT, which was seconded by Councilman Barber. Councilman Hall urged Council to adopt these VDOT guidelines as a basis for the Town's guidelines, noting that the Planning Commission could modify the guidelines to meet the needs of Christiansburg. Councilman Stipes said he supports Councilman Hall's recommendation do adopt VDOT guidelines as a minimum. Councilman Stipes said, in response to concerns raised during the work session regarding the impact to Town revenue for secondary streets less than thirty-feet wide, that he received confirmation earlier today from VDOT that adoption of the VDOT minimum requirements would not impact Town funds. Councilman Stipes explained the guidelines set forth in State Code, the intent of which is to provide flexibility in sidewalk and secondary road design. Councilman Hall asked if there were provisions for non-linear spaces on sections of road twenty-four feet wide. Councilman Stipes replied that the Town would need to consider an ordinance change reflecting requirements for two linear off street parking spaces in residential areas. Councilman Vanhoozier said the Planning Commission has studied this matter in depth and also contacted VDOT to address concerns regarding the financial impact to the Town. Councilman Vanhoozier also stated that the Planning Commission is holding its next meeting on November 29, 2010 to expedite bringing a recommendation to Council. Based on the discussion, Councilman Hall amended his motion to set a Public Hearing for December 7, 2010 to adopt the minimum requirements for pedestrian accommodations as set forth by VDOT, and to include a provision for the necessity of two linear off street parking spaces. Councilman Barber seconded the amended motion, and Town Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
4. Mr. Barber and Mr. Stipes - Finance Committee report/recommendation on:
  - a. Consideration of implementation of Priority-Based Budgeting. This process could help articulate the details of the various programs offered by the Town, including the value to citizens, benefits to the community, financial cost or benefit, and program objectives. Mrs. Val Tweedie, Financial Director/Treasurer, presented to Council for consideration a priority-based budgeting system provided by The Center for Priority-Based Budgeting, the non-profit organization that created the concept of priority-based budgeting. Interim Town Manager Helms was introduced to this concept through the ICMA, and gathered further information at various conferences. Mrs. Tweedie said she is confident this system will provide Christiansburg with a healthier budget process, resulting in a healthier budget and a healthier town. Mrs. Tweedie stated that the Town's temporary measures to reduce costs can not be sustained long-term, and that the Town must find an effective way to balance the budget without resorting to short-term measures. Mrs. Tweedie explained in detail the methodologies included in the priority-based budgeting system, which are designed to provide long-term fiscal health. She also explained how the system works through inventory scorecards and surveys, which enlists citizen involvement in the process. Priorities are created through this data and divided into four quartiles for further use in the budget process. Mrs. Tweedie stated that this process will provide better tools for management to evaluate the needs of the Town, and is driven by strategic goals and objectives. The system is currently being implemented in sixteen localities around the Country. Mrs. Tweedie said the estimated cost of the system is twenty to twenty-two thousand dollars, which includes program start-up and extensive training for Town administration and departments. Mrs. Tweedie noted that this is not an annual fee, but a one time initial fee; the funds would come from Town reserves. Mrs. Tweedie asked for Council's authorization to proceed with this process and to contract with The Center for Priority-Based Budgeting. Mrs. Tweedie stressed that the first year of the program will focus on putting the elements into place and will improve, thereafter, by modifying the program to suit Christiansburg's needs. Mrs. Tweedie said work is already underway on next year's budget and she plans to have a draft of the FY 2011-2012 budget to Council for review by April 2011. After Council discussed the information provided by Mrs. Tweedie, and noting the information conforms to goals set forth in the Vision 2020, Councilman Barber made a motion to hire the consulting firm, The Center for Priority-Based Budgeting, at a cost of twenty to twenty-two thousand dollars to begin implementing the priority-based budgeting process. Councilman Vanhoozier 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. Councilman Huppert requested an update report on this system once it has been implemented.

5. Mr. Stipes and Mr. Vanhoozier - Street Committee report/recommendations on:
  - a. Marshall Drive Speed Limit. VDOT is willing to improve the vertical alignment of Marshall Drive as part of the State Route 114 project if the speed limit is lowered to twenty miles per hour. Councilman Stipes reported that the vertical alignment of Marshall Drive is in need of improvement for safety due to limited visibility. A speed limit is not posted on Marshall Drive which means the speed limit defaults to twenty-five miles per hour; however, the present design speed is thirteen miles per hour. Councilman Stipes made a motion to lower and post a speed limit of twenty miles per hour along Marshall Drive in anticipation of improvements to be made by VDOT. Councilman Vanhoozier seconded the motion and Town Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
  - b. Subdivision for the Commonwealth Assisted Living of Wheatland Hills Christiansburg; creating 2 lots; located on Wheatland Court, N.E. Councilman Stipes reported that this request has been withdrawn by the applicant.

TOWN MANAGER REPORTS:

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

January 18, 2011

1. Consideration of amendment to Chapter 26 “Subdivisions” and Chapter 30 “Zoning” of the Christiansburg Town Code in regards to sidewalk requirements and pedestrian facilities in Residential Districts.

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 reported that the Town received five responses to the RFP sent out for professional design services for the Huckleberry Trail Bridge to be built over Route 114. Two of the responses have been chosen for interview and those interviews will be held within the next two weeks.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:11 P.M.

---

Michele M. Stipes, Clerk of Council

---

Richard G. Ballengee, Mayor