

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF FEBRUARY 1, 2011 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 FEBRUARY 1, 2011 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor Michael D. Barber; R. Cord Hall; Steve Huppert; Henry D. 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; Assistant to the Town Manager Adam Carpenetti; Human Resource Director Clay McCoy; Finance Director/Treasurer Valerie Tweedie.

MAYOR BALLENGEE announced there was a quorum of Council present and opened the meeting with the Pledge of Allegiance.

AGENDA AMENDMENT – Mayor Ballengee recommended Town Council amend the agenda to include a Resolution of Recognition for Debra Akers, and a report from the Central Business Committee. Councilman Barber made a motion to amend the agenda as recommended, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES; Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

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 January 18, 2011. 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. CITIZENS' COMMENTS:

- a. Mr. Art Hamrick, a Christiansburg resident, asked about the Town's policy for existing structures that do not have an issued zoning or building permit. An example according to Mr. Hamrick is the American Electric Power substation that is located in an area not zoned for business and does not have a permit issued by the Town of Christiansburg. Interim Town Manager Helms reported that all of the Town's zoning districts allow public utilities as a by-right use, and that building permits are not issued for substations or power lines. For assurance, Mayor Ballengee asked Interim Town Manager Helms look into this matter. Mr. Hamrick voiced his concern that the AEP substation had been built on a cave, and the potential for disaster if the cave collapsed. Mayor Ballengee referred to a letter received from the Department of Conservation addressing concerns with the substation location.
- b. Mr. Jim Stewart referenced a notice in the New River Valley Current advertising the Town's intent to hire a professional firm to assist in hiring a Town Manager at a cost up to thirty thousand dollars. Mr. Stewart commented on the budget cuts made by Council last year that included employee cuts and supports the Town hiring a Town Manager on its own, saving the added expense of professional help from a firm that knows very little about the needs of Christiansburg. Mr. Stewart also voiced his concerns with a lack of transparency in the hiring process due to Council's discussions in Closed Meetings, and he suggested community representatives assist in hiring process. Mr. Stewart said the proof of success will be known in the future with the performance of the chosen Town Manager.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. RECOGNITION OF RETIRED PLANNING COMMISSION MEMBERS, MR. WAYNE BOOTH, MR. MICHAEL BYRD, MR. STEVE SIMMONS. Mayor Ballengee thanked Mr. Booth, Mr. Byrd, and Mr. Simmons for their time of

service on the Planning Commission and for their efforts in helping to make Christiansburg a better community. Mayor Ballengee then recognized Mr. Byrd, who was in attendance with his wife, and presented him with a Certificate of Appreciation. Mr. Booth and Mr. Simmons will be recognized at a future meeting.

2. REAPPOINTMENT OF MARK M. CALDWELL, III TO SERVE A FOUR YEAR TERM ON THE PLANNING COMMISSION BEGINNING FEBRUARY 2, 2011. Councilman Stipes made a motion to reappoint Mr. Mark Caldwell to serve a four year term on the Planning Commission, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
3. COMMUNITY GARDEN – FOLLOW-UP BY INTERIM TOWN MANAGER HELMS ON GUIDELINES FOR COMMUNITY GARDENS. Interim Town Manager Helms reviewed the established guidelines which include: (1) The Town of Christiansburg will only provide a space for the community garden and will not provide maintenance or upkeep; (2) Coordination between gardeners will be provided by a volunteer; (3) The town will not be responsible for any plants; (4) Herbicides are prohibited; (5) Care must be taken when using pesticides as to not allow them to affect another gardener's plants; (6) Each gardener will be responsible for tilling the plot and clearing the plot at the end of the growing season; (7) The Town will designate the area to be used for gardening; (8) Electric or barbed wire fencing is prohibited; (9) A Permission, Release, Assumption of the Risk and Indemnification Agreement must be signed by each participant and the original copy be placed at the Town Offices. Interim Town Manager Helms reported that several residents have come forward with interest in acting as a coordinator, and two suitable locations have been chosen for consideration. Interim Town Manager Helms recommended adopting the guidelines and proceeding with the project, which will be based on a first come first serve basis. Councilman Stipes asked if the rules for participation will not indemnify the Town, and if the rules will be posted for public viewing. Interim Town Manager Helms said each participant will receive a copy of the rules and will sign a waiver stating such. Councilman Vanhoozier stated his support of the project, but said he wants to review the finalized documentation. Councilman Showalter recommended adding that the community garden is for Town resident use only, and Councilman Huppert recommended a one year review. Councilman Hall recommended adding a maximum space allowed for each participant. Councilman Vanhoozier made a motion to approve the guidelines and to include the recommendations of Council, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
4. DISCUSSION AND ADOPTION OF THE PERSONNEL HANDBOOK. Mayor Ballengee reported that modifications made by Council during its work session have been made and are noted in red on the review copy received by each Council member. Council discussed the definition of "extraordinary situation" for compensatory time guidelines as outlined in the handbook. Councilman Showalter suggested that "exempt" employees attending Town meetings and work sessions not be considered an extraordinary situation for compensatory time, but should be considered part of the job. Councilman Stipes said he believes it is not necessary to define compensatory time for senior level staff professionals in the handbook, and supports authorizing the Town Manager to decide when compensatory time should be allowed for those employed at an administrative level. Councilman Hall said he believes attendance at Town meetings is a part of administrative level of employment, but most important believes that the guidelines set forth should be clear with no ambiguity in the handbook. Councilman Vanhoozier agreed with Councilman Stipes that adding "extraordinary situation" clarifies that employees attending Town meetings are not entitled to receive compensatory time. Councilman Hall asked for Interim Town Manager Helms position on employees receiving compensatory time. Interim Town Manager Helms responded that he believes employees who are expected to attend meetings of Council should receive compensation for their time. If an employee is only occasionally expected to attend for a specific purpose, that would be considered part of the job and not entitled to compensation time. Interim Town Manager Helms said he is not aware of any abuse of compensatory time benefit by employees. Councilman Barber said approximately sixteen employees have been hired to do specific jobs and they do show a high level of professionalism, and he believes if Council asks a particular employee to attend a specific meeting, then compensation time should not be given. But, if one of those employees is in regular attendance, then compensation time should be given. Councilman Barber said the Town Manager understands the guidelines surrounding compensatory time and can make a good call on what applies for compensatory time and what does not. Mayor Ballengee asked if the Town has a system for documenting compensatory time for individual employees. Interim Town Manager Helms said compensatory records are kept individually by employees, and is taken at employees' discretion. Councilman Hall stated that because of higher salaries that come with high level positions, compensatory time should not be given to those employees. Councilman Showalter said he agrees with Councilman Hall, but will concede to Council. Councilman Vanhoozier said compensatory time should not be given for employees to attend meetings at the discretion of Council and this should be outlined in handbook. Councilman Vanhoozier said it is important to state expectations to avoid ambiguity. Councilman Huppert supports Councilman Vanhoozier's

comments. Councilman Stipes also agreed with Councilman Vanhoozier, stating he trusts the Town Manager and Assistant Town Manager to make fair and consistent decisions. Councilman Stipes noted that this matter can be revisited if there appears to be abuse. Councilman Showalter pointed out that "extraordinary circumstances" can be interpreted many ways and should be defined in the handbook for clarity. Human Resource Director Clay McCoy reviewed other changes made at the recommendation of Town Council and Town Attorneys. After further discussion by Council, Councilman Barber made a motion to approve the handbook, 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.

5. RESOLUTION FOR DEBRA AKERS – Mayor Ballengee presented for Council's consideration a Resolution of Appreciation for Ms. Debra Akers' service to the community as a former member of the Rescue Squad. Councilman Vanhoozier made a motion to adopt the Resolution, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. A copy of the Resolution is attached herewith and will be presented to Ms. Akers at the February 15, 2011 Town Council meeting.
6. COUNCILMEN SHOWALTER AND HUPPERT - CENTRAL BUSINESS COMMITTEE REPORT:
 - a. Wayfinding Signs. Councilman Showalter and Councilman Huppert presented the following information to Council for its consideration: Two maps that were include in the agenda packet - Wayfinding Signs, which shows the entire Town; and Wayfinding Signs, Trial Locations, which zooms in on the area picked for the trial program. A list of the proposed signs, and the sign specifications as governed by the Manual on Uniform Traffic Control Devices. The Central Business Committee is recommending a "Trial Program" that includes installation of seven signs and will last for a minimum of one year. The program will be evaluated at three month intervals throughout the trial period. If the evaluation clearly shows the program should be expanded prior to the end of the trial, a recommendation will be made to Council for installation of the remaining signs. Otherwise, evaluations will be compiled after one year to make a final recommendation on the benefits of continuing or expanding the program. The estimated cost for Trial Program is \$1500 and the estimated cost for the entire program is \$5440. Councilman Showalter said town staff and members of the community were integral in bringing forth this initiative, and the proposed signage will assist visitors with finding key locations within the community. Councilman Huppert asked that examples of the proposed signage be presented at the next Town Council meeting. Council discussed various details of the signage such as color, font, and possibly recognition of local athletic championships. Councilman Showalter made a motion to approve the trial Wayfinding Signage program, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

MAYOR Ballengee noted interest by Council and the community to recognize the Christiansburg High School twice regional championship and undefeated season. Mayor Ballengee suggested if Council chooses to recognize these accomplishments, that it do so in the community room of the Aquatic Center on March 15, 2011. Councilman Barber made a motion to honor the Christiansburg High School football team's regional championship and undefeated season, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Councilman Barber made a motion to move the March 15, 2011 Regular Town Council meeting to the community room at the Christiansburg Aquatic Center, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

7. ORGANIZATIONAL COOPERATIVE AGREEMENT BETWEEN MONTGOMERY COUNTY AND THE TOWNS OF BLACKSBURG AND CHRISTIANSBURG FOR THE CREATION AND IMPLEMENTATION OF A JOINT TOURISM PROGRAM. Councilman Vanhoozier made a motion to adopt the Organizational Cooperative Agreement between Montgomery County and the Towns of Blacksburg and Christiansburg for the creation and implementation of a Joint Tourism Program. 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.
8. MR. STIPES AND MR. VANHOOZIER – STREET COMMITTEE REPORT/RECOMMENDATION ON:
 - a. Plat Showing Relocation/Vacation of Lot Lines and Relocation of Public Utility & Drainage Easement, Lots 25 & 26 Hans Meadow, Phase II; creating 2 lots; located on Hans Meadow Road, N.E. Councilman Stipes reported that the Street Committee has reviewed this request and found it conforms to Town Code. Councilman Stipes made a motion to approve the plat, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

b. Route 114, Phase II Update. Councilman Stipes reported that the Route 114, Phase II project that will ultimately connect the presently improved Route 114 to Franklin Street, is on the Governor's list of priority projects that will be funded if the General Assembly adopts the Governor's Transportation Plan, which is presently being considered by the General Assembly.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to approve the monthly bills to be paid on February 10, 2011, in the amount of \$1,502,106.30. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CLOSED MEETING:

1. Request for a Closed Meeting under Section 2.2-3711 A(1), *Code of Virginia*, for the discussion of personnel matters regarding the appointment of a Town Manager. Councilman Barber made a motion to enter into a Closed Meeting, seconded by Councilman Showalter. Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
2. Reconvene in Open Meeting. Councilman Hall made a motion to reconvene in Open Meeting, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
3. Certification. Councilman Stipes moved to certify that the Town Council of the Town of Christiansburg, meeting in Closed Meeting, to the best of each member's knowledge, discussed only the matters lawfully exempt from open meeting requirements by Virginia Law and only such matters as are identified in the Resolution to enter into Closed Meeting. Councilman Barber seconded the certification and Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
4. Council Action on the Matter. Councilman Barber made a motion to engage a professional firm to aid in the handling of hiring a Town Manager. Councilman Hall seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Nay; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. Mayor Ballengee called a work session for Tuesday, February 8, 2011 at 6:00 P.M. to negotiate a contract in Closed Meeting. Mayor Ballengee excused Interim Town Manager Helms from the work session.

ADJOURNMENT:

There being no further business to bring before Council, the meeting was adjourned at 10:00 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor