

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF AUGUST 2, 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 AUGUST 2, 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; Finance Director/Treasurer Val Tweedie; Public Relations Officer Becky Wilburn.

**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 Regular Meeting Minutes of July 19, 2011. Councilman Vanhoozier made a motion to approve the Minutes as presented, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

MAYOR BALLENGEE amended the agenda to include a quarterly report from Blacksburg Transit. The matter will be placed as item number three under the Citizen's Hearings.

**CITIZEN HEARINGS:**

1. The Operating Manager for Big Oak ChuckWagon, LLC to address Council concerning temporary events in the Town. Mrs. Margaret Smith, along with her husband, Jerry, are seeking assistance from the Town in resolving difficulties they are having with the Montgomery County Health Department concerning their roadside business, Big Oak ChuckWagon, LLC. Mrs. Smith presented Council with a letter and drawing explaining the situation at hand. Big Oak ChuckWagon, LLC operates as a temporary food stand, located at 302 Radford Road, serving organic grassfed beef hotdog and chili, along with other organic, homemade food/beverage items. Mrs. Smith explained that they are at an impasse with Montgomery County Health Department over the definition or classification of their business for licensing purposes. Mrs. Smith said she believes they operate as a temporary event because they simulate a 19<sup>th</sup> century traveling show with costumes and stage props. They comply with temporary event regulations by setting up and tearing down each day, and by operating no more than two consecutive days at a time. The food facility is in operation from June through October. Big Oak ChuckWagon, LLC applied for, and was issued, a temporary food services license in 2010. The business was issued that same license for 2011, but the Health Department has now determined that the business does not fit the guidelines for a temporary event, but instead meets the classification of a temporary food facility. Temporary food facilities are not permitted at this location, and Mrs. Smith expects the Health Department to close the business. The alternative suggestions given by the Health Department were unsatisfactory to her and her husband. Mrs. Smith said she has not received anything in writing from the Montgomery County Health Department, but has learned of this issue through verbal contact with numerous staff members of the Health Department. She does expect written correspondence of a decision by the Health Department soon, because of state code mandate. Mrs. Smith asked the Town to consider providing an endorsement declaring the food facility a temporary event, which she hopes would help the Health Department in its decision. During Council discussion, it was determined that the Town's Events Policy does not address this type of situation, nor does Town Code. Councilman Hall asked Town Attorney Jim Guynn what the Town's options are in this situation. Attorney Guynn stated that he read Mrs. Smith's letter and studied sections of Town Code that he thought may apply; however, he found no definitions that apply to this situation. Town Attorney Guynn cautioned Council to be mindful of setting precedence for the future. Town Attorney Guynn further commented that the Town and the Health Department are two separate entities, with two separate jobs, and he questioned the impact the Town's support would have on the

Health Department's decision. Town Attorney Guynn said that the Town could provide Mrs. Smith with a Resolution of Support for her business and the positive impact it has on the Town of Christiansburg. Councilman Stipes asked why the Health Department is questioning the business now after issuing previous vendor licenses. Mrs. Smith said she was told that the matter was brought to the attention of the Health Department through auditing procedures. Councilman Hall noted that the Town acknowledges recognition of the operation by issuing a peddler's license to the owners, and suggested the Town provide a letter of support for the unique business and its benefit to the community. Ms. Smith asked that Town state that business is a benefit to the community. On the advice of Town Attorney Guynn, Town Council agreed to withhold involvement until a decision in writing is received from the Health Department. Mrs. Smith agreed to provide the Town Manager with the letter upon receipt. Mrs. Smith thanked Town Council for its support.

2. Planning Commission recommendation on:
  - a. Conditional Use Permit amendment request by Cambria Crossing, L.L.C. for property on the eastern side of Phoenix Boulevard (tax parcels 465 – ((38)) – 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District. This matter was tabled by Council, at the recommendation of the Planning Commission, at the July 19, 2011 Regular Town Council meeting. Interim Town Manager Helms reported that the Planning Commission is recommending that the request be tabled for another two weeks; the recommendation is supported by the developer. Councilman Vanhoozier added that additional renderings will be provided at that time.
3. Blacksburg Transit, Quarterly Report. Ms. Becky Martin provided Council with a Blacksburg Transit quarterly report dated August 2, 2011. Ms. Martin reviewed changes to the ridership charts which include yearly progression, and year-to-year monthly comparisons, noting that the Commuter ridership chart will not include a yearly comparison due to lack of information. Ms. Martin explained each ridership chart, reviewed current fares and passes, and answered questions of Council. She then reported on the expanded route, effective August 1, 2011, explaining that the expansion provides greater connectivity with the town and with other public transportation options. The bus system also provides courtesy stops which deviates from planned routes. Ms. Martin thanked the Council members who attended the Blacksburg Transit celebration yesterday, and she showed video clips of comments from Christiansburg bus riders. Councilman Showalter asked about extending the service down Radford Road because of the high volume of housing along that route. Ms. Martin said she will consider this suggestion and will continue to seek new route possibilities. Councilman Showalter then asked that future BT reports include bus stops and the number of riders per bus stop. Mayor and Council thanked Ms. Martin for the quarterly report and for hosting the Christiansburg bus system celebration event yesterday.
4. Citizens Comments:
  - a. Mr. Deveron Milne, Tranquility Via, addressed Council regarding the Rescue Captain's resignation earlier this summer, and the Town's response in this matter. Mr. Milne said he takes issue with the Town's hiring/appointment process, but not with individuals involved in the process, and he specifically mentioned the hiring of the Police Chief and the Fire Chief. Mr. Milne said he understands that the Rescue Squad Captain would not be chosen from within the Department, and he suggested that the Town is not in compliance with EEOC guidelines. Mr. Milne asked that the new Town Manager, once hired, be made aware of the timing of this matter. Councilman Huppert and Councilman Stipes both stressed that the town takes its hiring process seriously and is diligent in its process, not simply "going through the motions" as mentioned by Mr. Milne. Mayor Ballengee commented that he chaired the hiring committee for the Police Chief, and a number of candidates were interviewed, and each interview was diligently considered. Councilman Stipes said Council is fully aware that the selection of the next Rescue Squad Captain won't be pleasing to everyone, but that the steps taken have been in the interest of a better future for the Rescue Squad.
  - b. Ms. Connie Turner, Alleghany Street, commented on the beautiful flower baskets and planters throughout town, tended by Public Works crews. Ms. Turner also reported that the recent speed limit reduction on Alleghany Street has positively impacted speeding through the construction zone. On behalf of the Christiansburg Alumni Return, Ms. Turner reported that on August 12, 2011 the Pan Jammers steel drum band will perform at the Christiansburg High School. There is no cover charge, but donations are welcome and support the establishment of a scholarship fund. Reunion events are planned for Saturday, August 13, 2011 at the Christiansburg Recreation Center, with a ten dollar cover charge. Ms. Turner provided information on a fundraiser cruise planned for April, 2012, which will also support the scholarship fund. Councilman Huppert commented on the flowers in downtown Christiansburg, stating his support for the staff and crews who are diligently tending the flowers.

- c. Mrs. Lynn Baluh, Tranquility Via, thanked Council for supporting the TriAdventure Fitness in Action triathlon held in Christiansburg on June 26, 2011. Ms. Baluh, who participated in the event, said she looks forward to next year's triathlon.
- d. Mayor Ballengee, at the request of Mr. Wayne Booth, relayed Mr. Booth's support for appointing Interim Town Manager Helms to serve as Town Manager.

#### DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

- 1. Town Council action on:
  - a. Conditional Use Permit amendment request by Cambria Crossing, L.L.C. for property on the eastern side of Phoenix Boulevard (tax parcels 465 – ((38)) – 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46) for a planned housing development in the MU-1 Mixed Use: Residential - Limited Business District. Councilman Hall made a motion to accept the Planning Commission's recommendation to table the request for a period of two weeks. Councilman Vanhoozier seconded the motion. Councilman Stipes suggested Councilman Hall amend the motion to reflect tabling the request with an indefinite limitation period. Councilman Hall so amended the motion and Councilman Vanhoozier seconded the amended motion. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
- 2. Resolution of Request for Recreation Access Program Funds. Councilman Vanhoozier made a motion to adopt the Resolution of Request, seconded by Councilman Showalter. Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Ayes; Vanhoozier – Ayes. A copy of the Resolution is attached herewith and made a part of these minutes.
- 3. A proposed ordinance to reduce the speed limit on Alleghany Street and Miller Street during construction for longer than sixty days. Councilman Barber made a motion to adopt the ordinance, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. A copy of the ordinance is attached herewith and made a part of these minutes.
- 4. A proposed ordinance authorizing the Town Manager to reduce the speed limit on roads in Town on which work is being done or which are under construction or repair for up to sixty days. Councilman Barber made a motion to adopt the ordinance, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. A copy of the ordinance is attached herewith and made a part of these minutes.
- 5. Discussion and Council action on Town employee life insurance benefits. Interim Town Manager Helms reported that six bids were received for providing group life insurance for full-time employees. According to the Interim Town Manager Helms, the Town currently provides group life insurance for all full-time employees at no cost to the employee, and the amount of life insurance is equal to one year's salary, rounded to the nearest thousand dollar, with double indemnity in the event of work-related fatality. Council reviewed and discussed the information provided. Council action was not required in this matter, but Council requested that Interim Town Manager Helms ask the low bidder if employees could be offered an additional year of coverage, at their own expense, at the low bid rate.
- 6. Recommendation for re-appointment to the Board of Zoning Appeals. On motion by Councilman Barber, seconded by Councilman Stipes, it was resolved to recommend and request the reappointment by the Circuit Court of Montgomery County, Virginia, of Tacy Newell-Foutz to the Board of Zoning Appeals of said Town for a five year term beginning September 1, 2011 and expiring August 31, 2016. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Interim Town Manager Helms noted that Ms. Newell-Foutz currently serves as secretary of the Board of Zoning Appeals and has completed the required certification program.
- 7. Reappointment of Student Representative to the Christiansburg Parks and Recreation Advisory Commission. Mayor Ballengee reported that the student under consideration for reappointment was unable to attend tonight's meeting and, therefore, the reappointment will be postponed until the next regular Town Council meeting. Councilman Hall suggested that two students be appointed, one male one female, for different perspectives. Councilman Vanhoozier suggested that it go before the Recreation Advisory Commission for discussion.

8. Appointment of Tourism Council representatives. Interim Town Manager Helms presented the names and terms of the representatives as follows: Mr. Scott Sink - 2 years; Mr. Tom Norman - 2 years; Ms. Kathy Drummond - one year; Mr. Zach Kennedy - one year; Ms. Connie Hale - one year; and Council representative Councilman Showalter. Mayor Ballengee noted that these voting representatives will be required to come before the Montgomery County Board of Supervisors, and the Towns of Blacksburg and Christiansburg. The Tourism Council will include a representative member from each local council. Councilman Barber made a motion to appoint the members as presented, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
9. Proposed meeting with the Rosa Peter's Park Board of Trustees. Mayor Ballengee reported that a meeting with the Rosa Peter's Park Board of Trustees has been set for August 9, 2011, at 6:00 p.m., at the park, to discuss a possible partnership between the Town and the Board of Trustees for usage and maintenance of the Rosa Peter's Park, working together to enhance the park and maximize usage. Councilman Showalter said it is important that all Council attend the meeting, if possible. Town Attorney Jim Guynn will attend the meeting. Councilman Vanhoozier and Councilman Stipes are both unable to attend the meeting because of scheduling conflicts. In preparation for the meeting, Councilman Showalter asked that the Treasurer's Department provide the amount of investment the Town has in the property through mowing and maintenance over the years. Council agreed to invite Director of Parks and Recreation Art Price to attend the meeting. Councilman Barber suggested that Mr. Bob Dobson, who chairs the Board of Directors, be contacted, prior to the meeting, with Council's ideas and intentions. Mayor Ballengee said he will contact Mr. Dobson.
10. Mr. Stipes and Mr. Vanhoozier – Street Committee report/recommendation on:
  - a. Plat Showing Lot Line Vacation for Roger Maddy, lots 1 - 7, 0.560 acres; Property of Kristie Akers Jearls and David Mitchell Jearls; creating 2 lots; located on Simmons Road. Councilman Stipes reported that this simple request is for property located off Roanoke Road. The property is zoned B-3 General Business, and the request is to reduce seven lots to two lots. The plat complies with the subdivision ordinance and 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.

#### TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Vanhoozier, Council voted to approve the monthly bills to be paid on August 10, 2011, in the amount of \$1,989,428.21. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

PUBLIC HEARING REQUEST(S) – Interim Town Manager Helms presented the following request and recommended setting the Public Hearing for September 6, 2011.

1. Conditional Use Permit request for a commercial garage in the I-1Limited Industrial District, 845 Radford Street.

On motion by Councilman Barber, seconded by Councilman Showalter, Council voted to set the Public Hearing for September 6, 2011. Council voted on the motion as follows: AYES: Barber, Hall, Showalter, Stipes, Vanhoozier. NAYS: None.

INTERIM TOWN MANAGER HELMS reported that he expects to bring to Council a proposed Methamphetamine Lab Clean-up Policy at the next regular Town Council meeting.

INTERIM TOWN MANAGER HELMS reported that the State Bridge Engineer has approved the Huckleberry Trail Bridge design plan, and that construction of the bridge will be included in the next phase of the Route 114 widening project. This project is set for advertisement in November 2011, and bridge construction is set to begin in spring 2012.

INTERIM TOWN MANAGER HELMS reported that a request has been received for a traffic calming device along the 25 mph zone on South Franklin Street, near the bridge over I-81, and that the Engineering Department has begun studying the request. Mayor Ballengee turned the matter over to the Street Committee for a review and recommendation. Councilman Vanhoozier suggested placing the Police Department speed buggy in this area in the mean time.

MAYOR BALLENGEE presented a request to hold a Special Meeting of Council to discuss capital needs, revenue sources, and other budget matters. Councilman Stipes suggested scheduling the meeting for after an announcement is made on the new Town Manager. Councilman Showalter agreed, but recommended postponing the meeting no later than September. Finance Director/Treasurer Val Tweedie recommended budget discussions begin in late September or early October. Mayor Ballengee said he will schedule the Special Meeting at a later date.

INTERIM TOWN MANAGER HELMS reported that the Alleghany Street construction continues and crews are finishing up the water and sewer lines on the west end. Crews will soon begin Phase II along Miller Street starting at Roanoke Street. Alleghany Street will be surface treated with paving next spring.

INTERIM TOWN MANAGER HELMS reported that the Rescue Squad Captain position was offered to an applicant and was accepted today. An announcement is expected within the next two days. Twenty-six applications were received, five from the current rescue crew. A team of three members, one from the Blacksburg Fire and Rescue Squad, and one the retired Emergency Services Coordinator for Pulaski County, and the last a former Fire Chief in Hillsdale, narrowed the applicants down to three. The Operating Medical Director for Christiansburg, Interim Town Manager Helms, and Public Relations Officer Becky Wilburn conducted interviews, and reference checks were performed by HR Director Ashley Ferguson. An emphasis on management was a priority throughout the hiring process.

COUNCILMAN SHOWALTER said he sent each Councilmember emails regarding an events application and process details to be used for future events funding requests. He asked that each member review the information and provide thoughts and suggestions. Interim Town Manager Helms commented that the application has been slightly modified since being sent to Council and the changes can be made to the application.

COUNCILMAN STIPES stated that the Finance Committee recommends that a grant request form be created and used for all future grant requests. Interim Town Manager Helms said that the process has begun to develop such a form, and he will present the form to Council upon completion.

ADJOURNMENT:

There being no further business to bring before Council, the meeting was adjourned at 9:55 PM.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor