

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF AUGUST 16, 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 16, 2011 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor D. Michael Barber; R. Cord Hall, Steve Huppert, D. Henry Showalter; Bradford J. Stipes, James H. Vanhoozier;

ADMINISTRATION: PRESENT: Interim Town Manager Barry D. Helms; Interim Town Clerk Amber S. Beasley; Assistant to the Town Manager Adam Carpenetti; Engineering Director Wayne Nelson; Planning Director Randy Wingfield; Finance Director/Treasurer Valerie Tweedie; Town Attorney Jim Guynn.

PLANNING COMMISSIONERS: PRESENT: Joe Powers; Meghan Dorsett. ABSENT: Chairperson Craig Moore; Barry Akers; Mark Caldwell; Jennifer Sowers; Ann H. Carter; Kevin Conner.

PLEDGE OF ALLEGIANCE.

**JOINT PUBLIC HEARING**

1. A proposed ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for urban agriculture including the keeping of chicken hens, chicks and beehive stands, and provisions for agriculture and forestry uses in the R-1A Rural Residential District including the keeping of horses. Ms. Carol Lindstrom of Depot Street is in favor of this amendment but requests that storm water issues be resolved in her neighborhood to ensure the safety of her livestock.

**REGULAR MEETING**

MAYOR RICHARD G. BALLENGE called the Regular Meeting of Council to order.

COUNCILMAN BARBER made a motion to amend the agenda to include a Closed Meeting to discuss personnel, specifically the Town Manager Candidates and to include a discussion about the Aquatic Center's Fee Structure. The motion was seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

MAYOR RICHARD G. BALLENGE asked if there were any additions or corrections to the Minutes of August 2, 2011. There being no corrections, Councilman Vanhoozier made a motion to approve the minutes, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CITIZEN HEARINGS:

1. Aquatic Center Update by Aquatics Director Terry Caldwell. Ms. Caldwell presented a slideshow and handed out a packet showing the previous years' total of residential and non-residential memberships, total number of swim meets, and birthday parties. She read several positive comments from swim meet participants and guests of the Aquatic Center. Ms. Caldwell presented the schedule for the upcoming year's swim meets and expected number of visitors. Ms. Caldwell commented that she would continue to increase marketing and strive to increase revenue in the upcoming year. She thanked her staff, town employees and Town Council for their support.
2. Presentation by the Parks and Recreation Department-2011 Dixie Boys and Junior Boys State Tournament. Mr. Art Price, Director of Parks and Recreation, thanked his staff and Tournament Manager, Chuck Muncy for a successful event. Mr. Price reported that there were a total of twenty-one teams in the tournament, largest in the history of the state tournament. Adding that this was the first year they left the tournament open to include out of district teams and despite his initial

concerns of hosting an event that large, he feels they will host again in the future. Mr. Price asked for prayers and thoughts for a young participant in the tournament who fell ill and could not participate and was currently in UVA Medical Center. Mr. Price introduced Mr. Chuck Muncy to speak offering more information on the tournament. Mr. Muncy handed out programs and Direct Spending reports. Councilman Hall commented on how smoothly the tournament went and asked Mr. Muncy if he felt they would leave the tournament open in the future and Mr. Muncy thought they would and that he foresaw the tournament doubling in the future. Mayor Ballengee congratulated the recreation staff for a successful event. Mr. Muncy thanked the volunteers as well. Councilman Huppert requested an expenditure / revenue report of the tournament.

3. Planning Commission's recommendations on:

- a. 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. The Planning Commission's Acting Chairperson, Joe Bowers, presented the Planning Commission's Resolution recommending Town Council issue the Conditional Use Permit with four (4) conditions. A copy of the Conditional Use Permit and conditions is attached herewith.

4. Citizen's Comments.

- a. Mr. Roger McCauley, Woodenshoe Ct., stated that he would like to see an electronic billboard on Franklin Street in front of the Aquatic Center to promote upcoming events within the Town of Christiansburg. He added that with the upcoming increase of traffic due to Virginia Tech football season it would increase awareness.
- b. Mrs. Elizabeth McCauley, Woodenshoe Ct., suggested that there be signs placed in the Town showing the tourist destinations and historical landmarks. Councilman Showalter stated that there is a pilot program of blue wayfinding signs along Main Street and North Franklin Street, showing the exact miles & directions toward such destinations.
- c. Mr. Richard Shelton, Montgomery Co. Treasurer, spoke to promote Mr. Barry Helms as the next Town Manager. Mr. Shelton spoke of Mr. Helms' experience and knowledge of the Town's business and feels that Mr. Helms is the best candidate for the job.
- d. Mr. Bob Poff, expressed his concerns regarding the proposed Clandestine Lab (Methamphetamines) Policy. He stated that his main concerns were regarding 5 and 8 under Section IV of Remediation Requirements. As a rental property owner, Mr. Poff expressed that he is concerned about the time limit of sixty (60) days for the property owner to remediate and have such property incompliance with all building codes after a property is deemed unsafe for human habitation. He also expressed concerns about obtaining a "Certified Industrial Hygienist" as required in Section 8 and questioned if there was such in this area and if not what other options does he have. Councilman Showalter questioned Mr. Poff of his opinion on if one-hundred twenty (120) days would be an appropriate time frame for clean-up and inspections. Mr. Poff agreed with Councilman Showalter. Mr. Poff also stated that he recommends Mr. Barry Helms for the Town Manager position.
- e. Ms. Carol Lindstrom, Depot Street, promoted Mr. Barry Helms for the Town Manager's position.
- f. Ms. Connie Turner, Alleghany Street, expressed thanks to the Town Council and to Interim Town Manager Helms for their support of the Christiansburg Alumni Return Concert. Adding that it was a good turn out and that scholarship money was raised. Ms. Turner also commented that they were planning for the event next year scheduled for the second Saturday in August 2012 and encouraged the community to come.
- g. Councilman Hall, Sage Lane, spoke as a citizen expressing his concerns with the lack of attendance of the Planning Commission members at Council meetings, adding that there were only two (2) out of the nine (9) members present. Councilman Stipes pointed out that there were only four (4) voting members, with four (4) absent during the vote for the recommendation of the amendment to the Conditional Use Permit before Council today. Councilman Showalter agreed and asked that Planning Commission Member attendance increase.

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 approve the request, seconded by Councilman Stipes. Councilman Vanhoozier stated that he would like to see Condition #1 be more date specific in regards to the "Revised Suggested Amendments to CUP at Cambria Crossing, Phase I, Lot 33-46" and Mr. Randy Wingfield, Planning Director, suggested that today's date of August 16<sup>th</sup>, 2011 be used. Councilman Hall added that he commended the Planning Commission and the developers in their regards to finding satisfaction to all parties involved in this permit. Councilman Hall withdrew his original motion and moves to accept the amendment with the date revisions included, adding that he appreciates the detail and compromise used in

coming to this amendment. Councilman Stipes seconded the motion. Interim Town Clerk Beasley polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. NAYS: None

2. Student Representative Recreation Advisory Commission Appointee. Mayor Ballengee introduced Miss Morgan Fenton as the current Student Representative to the Recreation Advisory Commission and made a motion to appoint Miss Fenton as the Student Representative for another one (1) year appointment. Councilman Hall stated that he would like to see both a male and female representative in the future. Councilman Barber thanked Miss Fenton for her previous year service on the Commission adding that she was one of the most active members he had seen and appreciated the fact that she attended many of the meetings. Councilman Hall seconded the motion. Council voted on the motion as follows AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
3. Methamphetamine Lab Clean-up Policy. Mayor Ballengee asked Council's action on the policy. Interim Town Manager Helms stated that there was no need to take action, adding if there was a change to be made regarding the time frame, that the Town ordinance would have to be changed as well. Councilman Showalter questioned Mr. Jerry Heinline, Town Building Official, as to where the sixty (60) day time frame originated. Mr. Heinline answered that it was in the Town Code. Adding that in cases where an extension was necessary that he would be willing to extend that time frame as long as it was apparent that progress was being made, on a case to case basis. Councilman Hall questioned Mr. Heinline if there was a Certified Industrial Hygienist in the area. Mr. Heinline answered that he had contacted Blacksburg Environmental and was awaiting their response. Councilman Showalter stated that he felt there was no reason to change the sixty (60) time frame set as long as the Building Official was willing to extend that in special circumstances. Councilman Hall questioned the Town Attorney, Mr. Jim Guynn, who decides who is in violation of proposed maintenance code. As to which he answered, a judge would be. Councilman Hall asked Mr. Jerry Heinline if any other localities had such proposal and Mr. Heinline replied that there were no other surrounding areas that have such a policy that he was aware of. Councilman Hall applauded the Towns efforts for being the first in the area to propose such a policy. Mr. Heinline expressed the need, since there was a surge in Meth lab busts in the last few months. Interim Town Manager Helms added that there were no longer federal grants that once assisted in clean-up costs. Councilman Stipes suggested this be tabled until Mr. Heinline can gather more information regarding renters' rights, property owners and business perspectives, and obtaining a Certified Industrial Hygienist. Mr. Heinline agreed to bring more information and present it to Town Council on September 6th, 2011.
4. VPI Water Authority Appointment. Mayor Ballengee stated that the current appointee, Mr. Lance Terpennys, term will be ending soon, adding that Mr. Wayne O. Nelson, Town Engineering/Public Works Director, volunteered to replace Mr. Lance Terpenny when his term ends. Councilman Stipes supports Mr. Nelson and suggests that he also be on the Montgomery Regional Solid Waste Authority Board also. Councilman Vanhoozier requested that Mr. Nelson make regular updates to Council. Councilman Vanhoozier made the motion to appoint Mr. Wayne O. Nelson to the Blacksburg, Christiansburg VPI Water Authority for the remaining three years of the four (4) year term. Councilman Barber Seconded the motion. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, and Vanhoozier. NAYS: None.
5. Farmer's Market Update. Councilman Huppert stated that the Farmer's Market opened at the beginning of May 2011 on Radford Rd, in Corrine's parking lot. Adding that it was open from 8am-2pm every Saturday and 9am-1pm on Wednesdays. Councilman Huppert commended the owners of Corrine's for the space assistance. He reported that there was no charge to vendors, adding that the Farmer's Market hadn't cost the Town any money but wanted to encourage more vendors and more customers to participate to make the market more successful. Councilman Huppert reported that they would like to keep the Farmer's Market open until the first of November 2011.
6. Aquatic Fee Structure. Councilman Vanhoozier reported that Councilman Showalter brought to the Council's attention two issues that needed to be presented to the Aquatic Advisory Board for their recommendation. The first issue being with the Daily Passes. Daily passes are the same rate for non-residents as it is for Town residents, adding that it is the only fee that is structured that way. The main issue being that the burden of proof falls on the Town residents, not the non-residents. Therefore, if a Town resident came in without proof, they would have to leave to obtain proof to receive the lower rate. The conflict at the front desk became so that the Aquatic Advisory Board unanimously decided to have one daily rate regardless of residency. Since then Ms. Terry Caldwell, Aquatic Director, reported that there have been no complaints regarding that fee. The second issue involved a Dry Pass Fee that Councilman Showalter brought to their attention after he received several complaints. The Dry Pass Fee was included in the Aquatic Center Fee Structure that was approved by Town Council in September 2009. The Dry Pass is \$2.00 and is charged for a non-swimming customer. The privileges that come with paying that fee include the use of the Cardio-room, the patio, Free Wi-Fi use, restrooms, heated showers, etc. The Dry Pass Fee is only assessed if you leave the lobby area. Safety control would be

a concern if the Dry Pass is removed, as the public would not be checking in at the front desk and staff would need to supervise those attendants. The Aquatic Advisory Board recommended that they continue to charge the Dry Pass Fee, as other local waterparks charge a General Admission Fee. Councilman Hall stated that his most reoccurring complaint received was regarding the Dry Pass, as parents who are bringing their children there to swim are being charged that fee, but do not swim themselves. Councilman Vanhoozier replied the Dry Pass included use of the rest of the facility. Councilman Hall doesn't feel that it is fair to charge parents that Dry Pass Fee and not spectators who come to swim meets. Mayor Ballengee questioned if parents are staying in the lobby or if they are going to the pool area during their children's swimming class. Councilman Stipes commented that he usually goes down to the pool area when his children are attending swim class. Councilman Showalter added that the spectators are most likely using the entire facility and not just staying in the competitive pool area, therefore, feels that they should be charged a Dry Pass Fee. Councilman Stipes commented that the other aquatic facilities in the area charge a general admission fee to all attendees and agrees with Councilman Hall, that parents watching their children swim should not be charged a fee. In addition, Councilman Stipes stated that the Aquatic Center Board is quite capable and suggests that Council trust their recommendations. Councilman Hall stated that he would like to see the Aquatic Center Committee meet at a more convenient time (rather than 4pm) to be more accessible to the public. Councilman Hall also questioned what is included when the facility is rented for a swim meet. Interim Town Manager Helms answered that swim clubs rent the entire facility and those attendees pay the club fees since they are members of such clubs that rent the facility. Councilman Barber explained that during swim meets the majority are spectators and questioned if the aquatic employees would be able to decipher between spectators and those who have paid a Dry Pass, adding the question if Council would rather support a General Admission fee across the board, rather than trying to determine between a spectator/dry pass customer. Councilman Showalter questioned the Town Attorney, Mr. Jim Guynn, if the Aquatic Center could charge spectators and a Dry Pass Fee along with the club facility rental fees. Mr. Guynn responded that the rental fees are for the whole facility regardless of the amount of people who come and there would have to be an agreement between all parties that there would be an admission or Dry Pass Fee to all the spectators, in addition to the facility rental fees. Councilman Hall strongly disagrees with charging a Dry Pass fee to parents who are only there to watch their children swim and feels that spectators should be charged an admission fee and is concerned about the 1.7 million dollar deficit in the Aquatic Center Budget, suggesting tax rates may need to increase to cover that deficit. Mayor Ballengee suggests that Councilman Vanhoozier express the concerns of Council at the next Aquatic Center Committee meeting and see if they could possibly change the meeting time so that the public can attend and voice their opinions. Councilman Stipes wanted clarification of the difference between a spectator and a Dry Pass customer. Councilman Hall doesn't feel that it should be reviewed by the Aquatic Advisory Board any further, that Council should take action. Councilman Huppert feels that the committee should be given this information first. Councilman Hall made a motion to amend the agenda to eliminate the Dry Pass Fee of \$2.00, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Hall, Showalter. NAYS: Barber, Huppert, Stipes, Vanhoozier.

Councilman Huppert excused himself from the meeting due to a family emergency.

#### TOWN MANAGER REPORTS:

INTERIM TOWN MANAGER HELMS ask Council if they would like a briefing from AEP on the Falling Branch-Merrimac 138 kv Transmission Line. Council agreed that the September 6, 2011 Council meeting would be a good time for the briefing.

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

#### September 20, 2011

1. Town Council's intent to adopt a state required Water Supply Plan.
2. Town Council's intent to adopt an ordinance that implements a Drought Response and Contingency Plan.

On motion by Councilman Barber, seconded by Councilman Hall, Council voted to set the Public Hearings for September 20, 2011. Council voted on the motion as follows: AYES: Barber, Hall, Showalter, Stipes, Vanhoozier. NAYS: None.

INTERIM TOWN MANAGER HELMS reported that the VML conference is scheduled for October 4, 2011, which is a scheduled Council meeting, suggesting that the Council meeting be cancelled.

On motion by Councilman Barber, seconded by Councilman Showalter, Council voted to cancel the Council meeting scheduled for October 4, 2011. Council voted on the motion as follows: AYES: Barber, Hall, Showalter, Stipes, Vanhoozier  
NAYS: None

INTERIM TOWN MANAGER HELMS reported a portion of the minutes from the July 21, 2011 meeting of the Fire & Rescue Commission stating that the Montgomery County Fire and Rescue Commission will entertain proposed "Fee for Service" only upon receipt of a formal study of the proposal. There will be no endorsement or rejection of the proposal until this is delivered to the commission. Council will take no action at this time.

#### **CLOSED MEETING**

MAYOR BALLENGEE called the Closed Meeting of Council to order.

COUNCILMAN BARBER made a motion to enter into a Closed Meeting under Section 2.2-3711(A)(1), for the discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. The Closed Meeting is being held for discussion of personnel, specifically the search for a new Town Manager. Councilman Stipes seconded the motion. Town Council voted as follows: Barber – Aye; Hall – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. NAYS: None

RECONVENE IN OPEN MEETING. Councilman Barber made a motion to reconvene in Open Meeting, seconded by Councilman Vanhoozier. Council voted on the motion as follows: Barber – Aye; Hall – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

CERTIFICATION. Councilman Barber 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. Interim Town Clerk Beasley polled Council as follows: Barber – Aye; Hall – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. NAYS: None.

COUNCIL ACTION IN THE MATTER – Mayor Ballengee reported that Council will take no action on the matter discussed in Closed Meeting.

Councilman Hall noted that he would like Council to move forward on the "Fee for Service" for the Fire & Rescue services.

**ADJOURN:**

There being no further business to bring before Council the meeting was adjourned at 10:27 P.M.

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Amber S. Beasley, Interim Clerk of Council

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Richard G. Ballengee, Mayor