

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF OCTOBER 18, 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 OCTOBER 18, 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: Town Manager Barry D. Helms; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn; Assistant to the Town Manager Adam Carpenetti; Engineering Director Wayne Nelson; Town Planner Nichole Hair; Finance Director/Treasurer Valerie Tweedie; Public Relations Officer Becky Wilburn.

PLEDGE OF ALLEGIANCE.

**JOINT PUBLIC HEARING**

1. A Conditional Use Permit request by Jim and Linda Salyers for a bed and breakfast inn at 115 Lester Street (tax parcel 527 – ((A)) – 169) in the R-3 Multi-Family Residential District. The Salyers' were present to answer any questions. Town Manager Helms read a letter from a citizen, Mr. Reggie Jones, regarding his concerns as an adjoining property owner. Mr. Jones' concerns were with privacy fencing, parking, special events, and the overall potential for a decline in property values, if a business is allowed in a residential neighborhood. Mr. Jones requested a follow-up from the town on this matter. Copies of Mr. Jones' letter were distributed to Council members.

**PUBLIC HEARING**

1. The Consolidated Annual Performance and Evaluation Report (CAPER) - The Town of Christiansburg, as a recipient of Community Development Block Grant (CDBG) funding, is required by the U.S. Department of Housing and Urban Development (HUD) to prepare the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER is an evaluation and performance report detailing accomplishments toward meeting the goals outlined in the 2010-2014 Consolidated Plan. The CAPER compares the actual performance measures with the performance measures listed in the 2010 Annual Action Plan. Town Planner, Nichole Hair, prepared the Consolidated Annual Performance and Evaluation Plan and she reported that the 2011 Annual CAPER details funds expended for engineering for the recently implemented sidewalk plan. Ms. Hair reported that the 2012 Annual CAPER will be more extensive with details of future downtown sidewalk placement and renovation. The CAPER was provided to Council in the agenda packet and is available for viewing on the Town's website.

**REGULAR MEETING**

MAYOR BALLENGE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of September 20, 2011. Councilman Vanhoozier 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.

COUNCILMAN SHOWALTER made a motion to amend the agenda to include a Closed Meeting pursuant to Virginia Code 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 requested for the discussion of two separate personnel matters, specifically: a) an employee request for a thirty day leave of absence; and b) retirement notices. Councilman Hall seconded the motion and Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Mayor Ballengee reported that the Closed Meeting will be held immediately before the Town Manager's Reports.

**CITIZEN HEARINGS:**

1. Christiansburg Comprehensive Plan update by Meghan Dorsett. This matter was postponed at the request of Ms. Dorsett.
2. Planning Commission recommendation on:
  - a. Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District. Planning Commission Chairperson Craig Moore read the Planning Commission's Resolution recommending Town Council approve the Conditional Use Permit with fourteen (14) conditions. The Planning Commission vote was seven ayes, one nay, and one absent. A copy of the Resolution is attached herewith.
  - b. Adoption of a proposed ordinance amending Chapter 28 "Traffic and Motor Vehicles" of the Christiansburg Town Code in regards to provisions for idling vehicles. Planning Commission Chairperson Craig Moore read the Planning Commission's Resolution recommending Town Council adopt the ordinance amendment as proposed. The Planning Commission vote was eight ayes, and one absent. Chairperson Moore clarified that the changes made to the originally proposed ordinance involve severity of penalties and the inclusion of stipulations for construction. A copy of the Resolution is attached herewith.
3. Christiansburg Planning Commission Representative – Request for authorization to hold separate Public Hearings during regular Planning Commission meetings. This request was first presented to Council at the September 20, 2011 Town Council meeting. Planning Commission Chairperson Moore said the Planning Commission had discussed this matter at length and would like to pursue this new process beginning January 1, 2012. Mr. Moore then outlined the proposed process for Council. Mr. Moore provided Council with a cost estimate and a time table indicating the steps within the process. Mr. Moore said the Planning Commission would leave the minor details to the discretion of Council. Mr. Moore stressed that this plan is a good opportunity to improve the Town Public Hearing process. Councilman Huppert spoke of his concerns with the length of time the process will require for each rezoning or Conditional Use Permit request. Councilman Huppert said he is aware, from his time of service on the Planning Commission that the current length of time is a concern for many developers, and the proposed process would add approximately four weeks to the current timeframe. Mr. Moore again stressed that the additional time allows an opportunity to improve the process and provides time for public input and Planning Comission analysis. The new process would add approximately two weeks to the current timeframe, according to Mr. Moore. Councilman Vanhoozier referred to a chart prepared by the Planning Commission indicating the length of time estimated and how other localities handle the increased duration. Planning Commissioner Powers added that surrounding localities are using processes similar to the one proposed, but that Christiansburg's proposed process will still be quicker than our surrounding localities. Councilman Showalter asked if there will be additional costs to the applicants. Mr. Moore said that there would be additional costs for applicants, but he is unsure of the exact amount at this time. There will be some savings to the Town in payments to Planning Commissioners for meeting attendance. Councilman Hall asked if the additional fees will bring Christiansburg in line with fees typical for this type of process; Mr. Moore replied that they would. Councilman Showalter expressed concern with applicants attending Planning Commission meetings, but not Town Council Public Hearings. Councilman Vanhoozier stated that information presented at Planning Commissions can be obtained through the meeting Minutes.
4. Regional Bikeway, Walkway, Blueway Plan. Mr. Elijah Sharp, representative from the New River Valley Planning District Commission, presented Council with the 2011 Bikeway, Walkway, Blueway Plan, along with a map indicating the various pathways planned (the document can be viewed online). Mr. Sharp explained that the plan was originally a recreational document, but has evolved into a multijurisdictional alternative transportation, with input from each community. Mr. Sharp reviewed the planning process and the 2011 plan objectives. Mr. Sharp then explained the five priorities set for the Montgomery County area. Mr. Sharp stated that the plan is in VDOT's regional plan, but that there is no commitment from the State for funding.
5. Citizens' Comments.

- a. Parents who wish to speak concerning the Parks and Recreation Center. Town Attorney Guynn, at the request of Mayor Ballengee, cautioned the audience to be mindful of a Supreme Court ruling last year that allows speakers at public meetings to be subject to defamation laws.
  1. Ms. Sherri Blevins, a Christiansburg resident, addressed Council regarding her concerns with the athletic youth programs at the Christiansburg Recreation Center. Ms. Blevins said her concerns were primarily with a lack of management and organization, poor communication between Recreation Center staff and parents of participants, and a lack of safety measures including first aid kits, incomplete injury reports, and lack of background checks for staff and volunteers. Ms. Blevins has two children involved in recreation league programs and she said the disorganization within the programs affects the children. Ms. Blevins said she has become aware of several issues involving the Department of Parks and Recreation in the past two weeks and she said she is speaking on behalf of many parents who believe change at the facility is needed. Ms. Blevins said she took her concerns to town officials and she believes the situation has become a battle. Ms. Blevins said she has been bullied and threatened by the Director of Parks and Recreation over her concerns and she is asking Town Council to become involved in solving the issues at hand. Ms. Blevins said she is concerned with the behavior of the Parks and Recreation staff and stated that the employees are public servants and should exhibit appropriate behavior. Ms. Blevins also expressed her concern with the Minutes of the meetings of the Recreation Advisory Commission recorded and distributed by the Director of Parks and Recreation, which she believes could result in a lack of "checks and balances". Ms. Blevins stated that the Department of Parks and Recreation, and Town Council, are accountable to the citizens and she is hoping for action to address these concerns.
  2. Ms. Dorothy McFee, Evergreen Drive, addressed her concerns to Council regarding the Parks and Recreation Department. Ms. McFee asked how much time was needed to instill change, noting the Recreation Advisory Commission met to discuss some of the recent concerns of parents regarding the youth athletic programs on October 3, 2011. Ms. McFee said nothing has been addressed and the issues continue. Councilman Barber said that a committee has been formed and is working on the issues discussed at the October 3, 2011 meeting. Members of the newly formed committee are Mike Harris, Diane Fenton, Nick Yopp and Brian Lambert. Ms. Fenton said the committee will be prepared to present in November. Ms. McFee echoed Ms. Blevins concerns with the behavior of Parks and Recreation staff.
  3. Ms. Amelia Foster, whose daughter is in the cheerleading program through the Recreation Center, expressed her concern with the behavior of Mr. Brian Lambert, an employee of the Parks and Recreation Department. Ms. Foster said that the cheerleading program is understaffed and disorganized, and during a particular meeting of the cheerleaders Ms. Foster said she overheard Mr. Lambert telling another individual that she was causing trouble. Ms. Foster said her frustration at that meeting was because of the disorganization and inappropriate sizing of the girls for uniforms. Ms. Foster said she confronted Mr. Lambert later in his office, and the two worked out their differences. Ms. Foster said she will be helping to lead the cheerleading program next year, and she asked for Town Council's support in organizing the Department of Parks and Recreation.

Councilman Showalter asked Town Manager Helms if he could address some of the concerns voiced, out of consideration for those who came out to speak. Town Manager Helms said that steps have begun towards resolution, including the scheduling of conflict management and customer service classes for all staff, including employees of the Parks and Recreation Department. Town Manager Helms said some of the information was heard for the first time tonight and he will promptly look into those unfamiliar situations. Town Manager Helms reported that Town administration and Recreation staff are currently working on basketball issues and will address each particular sport as it comes into season. Communication improvement is a focal point according to Town Manager Helms. Mayor Ballengee commented that Town Council doesn't micro-manage department programs and he recommended that the Recreation Advisory Commission meet, in a forum, with the Parks and Recreation Director and staff to determine the changes and improvements needed, and possibly form a committee to work with the Advisory Commission. As for some of the issues heard for the first time tonight, Mayor Ballengee stated that issues with disrespect and employee behavior will be promptly addressed by the appropriate supervisor. Mayor Ballengee suggested that Councilman Barber, liaison to the Recreation Advisory Commission, meet with Ms. Blevins to discuss in depth the issues brought forth tonight. Councilman Barber agreed to meet with Ms. Blevins, and he asked her for a copy of her list of grievances. Councilman Barber apologized for missing the

October 3, 2011 Recreation Advisory Commission meeting, due to the annual VML conference, and he stated that he takes these concerns seriously. Councilman Hall questioned the need for another committee, noting that the Recreation Advisory Commission and the parents of the athletic participants have already been involved with the recent issues, with no success or resolution. Councilman Hall said he is concerned that opinions aren't being expressed due to fears of the citizens. Councilman Huppert suggested that the Director of Parks and Recreation address Council with solutions/plans to address the mentioned issues, stating that the community deserves to know what steps are being put into place to ensure these issues don't continue. Council discussed the role and authority of the Recreation Advisory Commission, which was called into question. Mayor Ballengee stated that the Recreation Advisory Commission, appointed by Council, plays an important role in the operations of the Department of Parks and Recreation and acts as an advisor to the department, and if the Commission has concerns with the Parks and Recreation Department, it has authority to bring concerns to Council. Council discussed the lack of trust the citizens have in the Recreation Department and determined a focus needs to be on rebuilding the public's trust. Mayor Ballengee recommended Council appoint a commission to work with the Recreation Advisory Commission in reviewing the policies and procedures, and working on solutions to the voiced concerns. Councilman Vanhoozier recommended the Town work towards building a good relationship between the citizens and the Recreation Department through customer service training and through efforts to change the atmosphere of the Recreation Center. Councilman Hall questioned the necessity of customer service training for all employees of the Department of Parks and Recreation. He also stated that the concerns voiced are specific in nature and should be dealt with in a specific manner. Councilman Showalter supported the customer service training initiatives, noting that even the best employees can still gain something from the training. Ms. Carol Lindstrom, Depot Street, suggested that the Town implement a structured process in which citizen complaints are received in a recorded manner and provided an appropriate and recorded response. Councilman Stipes asked Ms. Blevins to elaborate on the nature of the threats she has received. Ms. Blevins responded that she has been threatened with legal action.

4. Mr. Roger McCauley, Wooden Shoe Court, said action on the serious complaints heard tonight regarding the Parks and Recreation Department needs to be immediate and not through time consuming committees. Mr. McCauley urged the Town Manager to meet with the Director of Parks and Recreation tomorrow morning to discuss the concerns of the citizens that spoke tonight.
5. Ms. Mona DiGuilian of NRV Cares, thanked Council for its annual support of NRV Cares, a non-profit organization dedicated to preventing child abuse in the New River Valley. Ms. DiGuilian provided Council with a handout outlining how the Town's funds were distributed. In 2010, NRV Cares served 1,152 citizens in Christiansburg, including forty parents participating in parenting classes, and twelve children advocated for in court.

### III. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS

1. Town Council action on:
  - a. Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District. Councilman Barber made a motion to issue the Conditional Use Permit with fourteen conditions as recommended by the Planning Commission, and Councilman Huppert seconded the motion. Council discussed the greenspace requirements of 2,000 square feet, which would bring Lenzkes Clamping Tools, Inc. into compliance with the zoning ordinance. Councilman Vanhoozier said he does not support the greenspace requirement as a condition of the CUP, and Councilman Hall doesn't support issuing the CUP because the Town has no one to monitor the issued CUP's for compliance on a regular basis. Council voted on the motion as follows: Town Clerk Stipes polled Council on the motion: Barber – Aye; Hall – Nay; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Nay.
  - b. Action on the proposed ordinance amending Chapter 28 "Traffic and Motor Vehicles" of the Christiansburg Town Code in regards to provisions for idling vehicles. Councilman Barber made a motion to adopt the proposed ordinance, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

- c. The Consolidated Annual Performance and Evaluation Report (CAPER). Councilman Stipes made a motion to adopt the Consolidated Annual Performance and Evaluation Report (CAPER), seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
2. Request by the Planning Commission to hold separate Public Hearings. Councilman Hall made a motion to approve the request of the Planning Commission, seconded by Councilman Barber. Councilman Stipes said he supports the motion with reservation because of his experience serving on the Planning Commission. Councilman Stipes said the Town has a strong Planning Commission, but attendance is a concern. Councilman Huppert said he, too, has concerns with the time constraints, but trusts the Planning Commission will keep the process moving smoothly. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
3. Adoption of the Water Supply Plan (the Public Hearing was held on September 20, 2011). Councilman Barber made a motion to approve the adoption of the Water Supply Plan as presented at the September 20, 2011 Town Council meeting. Councilman Hall seconded the motion and Town Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
4. Adoption of an ordinance implementing the Drought Response and Contingency Plan (the Public Hearing was held on September 20, 2011). Councilman Stipes made a motion to adopt an ordinance amending Chapter 29 "Water and Sewer" of the Christiansburg Town Code in regards to provisions for warning and emergency water conservation. Councilman Huppert seconded the motion and Town Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
5. Resolution in support of a TEA-21 Downtown Grant application. Councilman Barber made a motion to adopt the Resolution in support of a TEA-21 Downtown Grant application. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. A copy of the Resolution is attached herewith.
6. Endorsement of a Regional Bikeway, Walkway, Blueway Plan. Councilman Barber made a motion to support the endorsement of a Regional Bikeway, Walkway, Blueway Plan, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
7. Truck weight change. Town Manager Helms reported that the State is recommending changing truck weight, which could cause potential damage to local roadways. After Council discussion on the matter, Councilman Vanhoozier made a motion to send a letter to the State opposing the proposed truck weight change. Councilman Stipes seconded the motion. Councilman Showalter and Councilman Barber recommended the Town develop a plan to reroute trucks away from certain streets in Town in the event that the proposed change is approved by the State. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
8. Mr. Barber and Mr. Stipes – Finance Committee recommendation on:
  - a. Planning Commission's request to hire a professional consultant to assist in the Historic Districts. Councilman Barber reported that the Finance Committee met this afternoon with Town Manager Helms to review this request. According to the Planning Commission, nine hundred dollars is the immediate cost for the preliminary information form to be submitted to the Department of Historic Restoration for qualification of buildings in the historic district in the downtown area. The Planning Department will be paying the initial nine hundred dollar fee out of its existing annual budget. There is also a nomination packet fee of up-to forty-five hundred dollars. The Finance Committee asked if Town staff could find these funds in existing budgets and, if not, suggested that property owners located in the proposed district could be approached first to help finance the nomination packet, as they will benefit from tax incentives for property improvements if the nomination is accepted. Councilman Barber suggested that if funds needed to be taken from reserves, they could be drawn from undesignated funds in the amount of one

thousand dollars per category. Tourism Funding is also a possibility, if funds aren't available elsewhere. Councilman Barber recommended the Town pursue the preliminary information form. Councilman Showalter made a motion to approve the recommendation and to provide funding up to fifty-four hundred dollars, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

9. Mr. Stipes and Mr. Vanhoozier - Street Committee report/recommendation on:

- a. Boundary Line Adjustment & Vacation of a portion of lot 3 & Triple "M" Subdivision & Tax Parcels 496 - ((A)) - 2 & 496 - ((A)) - 3; creating 2 lots; located on N. Franklin Street. Councilman Stipes reported that this request is to adjust the boundary lines creating two lots from three. The property is zoned business and conforms with the Subdivision Ordinance. An easement is provided to address drainage issues. Councilman Barber made a motion to approve the subdivision request, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

10. CLOSED MEETING:

COUNCILMAN BARBER made a motion to enter into a Closed Meeting pursuant to Virginia Code 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 requested for the discussion of two separate personnel matters, specifically: a) an employee request for a thirty day leave of absence; and b) retirement notices. Councilman Showalter seconded the motion and Town Clerk Stipes polled Council as follows: Barber – AYE; Hall – AYE; Huppert – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier - AYE.

RECONVENE IN OPEN MEETING. Councilman Barber made a motion to reconvene in Open Meeting, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

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, with the exception that item #2 identified in the motion to enter into Closed Meeting was determined to not comply with the legal boundaries for a Closed Meeting discussion, and therefore Council only discussed the matter identified as item #1 in the motion to enter into a Closed Meeting. Town Clerk Stipes polled Council on the motion as follows: Barber – AYE; Hall – AYE; Huppert – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE.

COUNCIL ACTION IN THE MATTER – Councilman Hall made a motion to grant an additional sixty (60) day employee leave of absence, to take effect when the current sixty days expires. Councilman Vanhoozier seconded the motion and 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 Stipes, seconded by Councilman Barber, Council voted to approve the monthly bills to be paid on November 10, 2011, in the amount of \$713,186.27. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

TOWN COUNCIL authorized the Town Manager to begin the bidding process for the annual employee Christmas gift certificates given each year to full-time, salaried employees. The bid requests are sent to Christiansburg grocery stores for certificates in the amount of \$50.00. Councilman Barber made the motion, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

TOWN MANAGER HELMS reported that the Town's leaf collection will begin October 31, 2011 and run through the end of November, or until all the leaves are collected. The collected leaves will be taken to a composting facility in Floyd, Virginia.

TOWN MANAGER HELMS reported that the Town has received a request to review the parking on Oak Tree Boulevard. Mayor Ballengee turned this matter over to the Street Committee for review and recommendation.

TOWN MANAGER HELMS reported that the Board of Supervisors is planning to discuss the possible demolition of the Phlegar Building at its next meeting and a concerned citizen wants to come before Council to discuss the building before any decisions are made. Councilman Barber said he wants to take the position that the Town doesn't agree with tearing down the building and suggested the building would be a good location for the Director of the regional tourism initiative. The Phlegar Building is listed on the Historic Register and is the oldest commercial building left in Montgomery County, according to Ms. Carol Lindstrom. Mayor Ballengee said he would convey Council's position in writing to the Chairman of the Board of Supervisors. Councilman Barber suggested discussing this matter at the next monthly liaison meeting.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:06 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor