

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF AUGUST 19, 2008 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 19, 2008 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Canada, Carter, Huppert, Stipes, and Wade. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenny, Assistant Town Manager Helms, Town Clerk Stipes, Town Planner Hair, and Town Attorney Representative Erin Hapgood.

MAYOR BALLENGEE stated there was a quorum present of Council Members.

PLEDGE OF ALLEGIANCE led by Assistant Town Manager Helms.

NEW COUNCIL MEMBERS' OATH OF OFFICE – Mayor Ballengee introduced Clerk of Circuit Court, Erica Williams, who administered the Oath of Office to re-elected Councilmember Mike Barber, and newly elected Councilmember Jim Vanhoozier. Judge Joey Showalter then administered the Oath of Office to his brother and newly elected Councilmember Henry Showalter.

REGULAR MEETING

MAYOR BALLENGEE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of August 5, 2008. Councilman Wade made a motion to approve the minutes as presented, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

CITIZEN HEARINGS:

MAYOR BALLENGEE opened the Citizen Hearings for those desiring to address Council.

RECOGNITION OF DIXIE YOUTH BASEBALL STATE CHAMPIONS. Mayor Ballengee introduced Councilman Barber who presented to the members and coaches of the All-Stars Dixie Youth Baseball "O-Zone" team, on behalf of Town Council, a resolution recognizing the team's accomplishment in participating in the World Series and winning the State Championship. Coaches Steve Orndorf, Tony Huddleston, and Tom McPhee thanked Council for the recognition and thanked the parents for their dedication to their children and the team. They also thanked the members of the baseball team for their hard work, determination, and sportsmanship in making the team a State Champion team. The coaches presented Council with a baseball signed by each of the team members. Councilman Barber recognized those who worked behind the scenes to make this championship possible: Brian Lanford, Art Price, Nick Yopp, and Chuck Muncy, all of the Parks and Recreation department. Mr. Leroy Floyd, Virginia Director for Dixie Youth Baseball, thanked Council for its time and praised the coaches, players, and parents of the "O-Zone" team for a job well done. He then recognized team member Seth Wills for a batting championship. Seth batted 700 during the World Series. Mayor Ballengee thanked the team, coaches, and supporters for attending tonight's meeting and announced a brief recess to allow Council to meet and congratulate the players. A copy of the Resolution is attached herewith and made a part of these minutes.

PLANNING COMMISSION'S RECOMMENDATION ON PLANNING COMMISSION APPOINTMENT. At Chairperson Simmon's request, Secretary Terpenny reported that the Planning Commission recommends Town Council appoint Dan Canada to serve a four year term on the Planning Commission. Mr. Canada served on the Planning Commission for several years before being appointed to fill a vacancy on Town Council in 2006.

REPRESENTATIVES FROM PROPOSED CHRISTIANSBURG SOCCER CLUB TO ADDRESS COUNCIL. Mr. Dennis Nagel and Mr. Perry Cox addressed Council regarding soccer opportunities for girls in Christiansburg. Mr. Cox, a soccer parent and head coach of the girls soccer team at Christiansburg High School, said that Christiansburg is in one of the toughest soccer districts in Virginia and it is his observation that many of the other soccer teams in our district are more advanced than us. He believes that to be a true competitor, Christiansburg must begin offering soccer programs for girls in the eight and nine year age group. Most girls entering the soccer program as juniors and seniors in high school will not gain the experience and knowledge necessary to compete at higher levels. Mr. Cox commented that Blacksburg will begin fielding a middle school boys team this

fall, as will Roanoke. Ms. Renee Poff spoke as a soccer parent and forty year resident of Christiansburg. Ms. Poff's ten year old daughter is an avid soccer player with hopes of eventually playing at a college level. Ms. Poff said it is frustrating as a parent because there is no cost option for soccer locally that is feasible. Ms. Poff said she wants to see the girls soccer program expand. Mr. Dennis Nagel, a Christiansburg business owner and former NRUSA coach explained that NRUSA costs are extremely high, and currently NRUSA is the only option available for girls wanting to play soccer in Christiansburg. Mr. Nagel wants to form a local girl's soccer team, on a much tighter budget, but this is not allowable under the present NRUSA contract. Christiansburg currently has a ten year contract with NRUSA to play on Christiansburg fields. Mr. Nagel said it would cost Christiansburg nothing to say NRUSA is not meeting the Town recreational needs, thereby nullifying the contract. If NRUSA is given a six month notice, a local Christiansburg team can be formed and ready to play for the Spring season. Mr. Nagel asked Council to review the contract and consider terminating the agreement which would allow Mr. Nagel to form a soccer program similar to Radford's, which is promoted through the school system. The Director of NRUSA was present and available to answer questions. Mayor Ballengee turned this request over to the Recreation Commission for review and recommendation. Parks and Recreation Director, Art Price, who was in the audience, commented that NRUSA has an agreement to utilize Montgomery County school property and the recreation department has no authority in this matter. Mr. Price suggested Mr. Nagel meet with Dan Berenato of Montgomery County. Mr. Price suggested adding a second soccer program rather than cancelling the NRUSA contract and preventing girls from playing under NRUSA. Councilman Barber asked Mr. Price if he could schedule a special meeting for Thursday to discuss this matter. The Recreation Commission will bring a recommendation to Council at the September 2, 2008 Town Council meeting.

KEVIN STONER TO ADDRESS COUNCIL REGARDING PROPOSED MAIN STREET PARTY. Mr. Kevin Stoner, Christiansburg resident and organizer of the annual Backyard Brawl basketball tournament, presented to Council his concept for a Tech-Tech Tailgate party to be held September 12th from 6:00 P.M. until 10:00 P.M. The party will be held on downtown Main Street and Mr. Stoner plans to shut down Main Street from North Franklin Street to Hickok Street. A stage will be set up near Hickok Street for a live band and alcohol will be served in a roped off area. He showed Council a map of his layout of the event. Mr. Stoner said he is partnering in this event with the Montgomery Museum with proceeds from admission and alcohol sales benefiting the museum and next year's Backyard Brawl event. Admission is five dollars. Mr. Stoner said that he will rope off an area for alcohol consumption with each person entering the roped off area being identified and given a bracelet with a predetermined beer limit. Mr. Stoner said he is targeting fans and family visiting the area for Saturday's Virginia Tech game, as well as Town residents, and hopes for up to one thousand attendees. WDBJ has agreed to sponsor the party with free advertising. At the Mayor's asking, Mr. Stoner said he has no security plans at this time, but will speak with the Police Department. Mr. Stoner also commented that he hasn't worked out the details for parking, but is thinking of possibly providing bus service. Employees from the Parks and Recreation Department will assist with set-up. Mayor Ballengee noted the short time-frame to prepare for this party. Councilman Huppert said Mr. Stoner has attended the last two Central Business meetings and seems to be well organized. Mr. Huppert noted there is no high school football game that night, and he said this party will be a plus for Christiansburg. Councilman Wade agreed that Mr. Stoner is well organized and well planned. Councilman Wade stated his willingness to support this request. Councilman Barber agreed with Councilmen Huppert and Wade and compared this request to Radford's Friday night get-togethers. Councilman Canada said when he first heard about this idea he met with several downtown business owners to get their thoughts. Councilman Canada said the downtown merchants he spoke with support the party and several mentioned involving their businesses. Councilwoman Carter mentioned that the museum will benefit from the profit. Councilman Stipes said when Mr. Stoner contacted him regarding this request he was impressed by Stoner's personality and tract record. Councilman Stipes said he supports the request and has full faith in Mr. Stoner's ability to organize a successful party. Councilman Wade made a motion to approve Mr. Stoner's request including blocking off a portion of Main Street from North Franklin Street to Hickok Street; providing police support; and providing labor by Parks and Recreation Department employees. Councilman Huppert seconded the request, and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

ERIK OLSEN, BLACKSBURG TRANSIT, MASS TRANSIT SURVEY RESULTS. Mr. Erik Olsen briefed Council on a pending survey, MPO funded, conducted by CSR, to receive feedback from the community for extended transit service in Christiansburg. Eleven thousand households will be surveyed via U.S. Mail. Mr. Olsen requested a cover letter from the Town signed by the Mayor and Town Manager to lend credibility to the survey. A Town cover letter may encourage a higher response rate. Mr. Olsen briefly reviewed the content of the survey, via powerpoint, which focuses on destinations including areas outside Christiansburg. Distribution date is set for late September or early October, with a final report ready by early 2009. Mayor Ballengee commented that he has received many requests from elderly residents wanting transit service in residential neighborhoods. Councilwoman Carter commented that she has received inquiries as well, and that the survey is a good idea. Mr. Olsen said that Town Planner Nichole Hair has helped facilitate the survey with businesses, and Councilman Barber recommended utilizing the senior center at the recreation center.

LISA LUCAS GARDNER addressed Council saying she had a long list of complaints, but due to the late hour, she would only remark on one. Ms. Gardner, once again, expressed her desire for a Town policy requiring a thirty day response time for citizen comments, complaints, and questions. She insisted that the Town adopt such a policy and wanted spoken confirmation of Council's agreement immediately. Mayor Ballengee commented that the Town is, and has been, committed to responding to citizens as quickly as possible. Ms. Shirley Hallock, an audience member and town resident, commented that the Town responded to a recent concern of hers within five days. Ms. Gardner also commented that there are many residents of Christiansburg with concerns and complaints who are afraid to come before Council, so they are coming to her asking that she represent them. Town resident Carol Lindstrom agreed that there are a small number of folks in Town who are intimidated by Council and she asked that Council find ways to encourage those folks to come forward with their concerns. Council informed Ms. Gardner and Ms. Lindstrom that each Councilmember has a telephone number(s) listed on the current website, email address through the Town, and mailing addresses, either home or town hall, by which citizens can contact them. There are numerous contact options available for those who are interested in contacting Council. Mayor Ballengee commented that he became aware that some of his comments to Ms. Lucas at the August 5, 2008 meeting may have offended her and he apologized for those comments saying that he intended no offense.

There being no one else to address Council, MAYOR BALLENGEE closed the Citizen Hearings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

COUNCIL ACTION ON PLANNING COMMISSION APPOINTMENT. Councilman Barber made a motion to accept the Planning Commission's recommendation to appoint Dan Canada to serve the vacant seat on the Planning Commission for the term beginning September 1, 2008 and ending February 7, 2010. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

SET PERSONAL PROPERTY TAX RELIEF RATE. Town Manager Terpenny explained that the annual personal property tax relief rate change is a result of legislative action in 2004. In 2004, legislature capped the dollar amount each locality is entitled to receive, and as a result, the Town can not bring in more personal property tax dollars than what was established by the General Assembly. This year the rate will be set at 55.13%. This action is part of the phase out of the car tax relief imposed several years ago and applies to personal vehicles only. Councilwoman Carter made a motion to set the personal property tax relief rate at 55.13% for the year 2009, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCILMAN BARBER'S REPORT FROM NRV COMPETITIVENESS CENTER. Councilman Barber reported that the Competitiveness Center has operated as an incubator for start up businesses for the past twenty-five years. The business, located in Fairlawn, has an approximately ninety percent occupancy rate. Because of the economic down turn in 2001, right after the Competitiveness Center expanded, the occupancy rate fell below 50% and remained there for an extended period of time. This impacted the cash flow because the debt service still had to be met. Refinancing the debt would reduce the monthly payment, and improve the Center's cash flow. The center is in a position to consolidate that debt in a low rate, long-term loan through VML/VACO. Virginia's First Regional Industrial Facilities Authority (VFRIFA) plans to meet to create a committee that will sponsor the loan (the loan would be in VFRIFA's name). Per VML/VACO requirements, the center needs the consensus of eight governing bodies to move forward with this plan. If supportive, the Town would be committing to a moral and financial obligation if the loan falls through. If the center defaults on the loan, ownership would be divided among the number of participants. Councilman Wade questioned the time frame and the possibility of obtaining financial information from the center. Councilman Stipes asked Councilman Barber, who is Town Council representation on VFRIFA, what he recommends. Councilman Barber commented that at this time, the Town has nothing invested in this matter. However, with proper restructuring of debt, the center has a high probability of succeeding. Councilman Wade asked if there is a written agreement in place at this time. Assistant Town Manager Helms reported that there are plans to draw up a contract next week if there are enough participants. Councilman Wade remarked that the cause is good, but there is too little information to make an informed decision. He would like to review present and past financials, future plans, and the number of participants. Councilman Stipes commented that this facility is too important to the region to lose. Mayor Ballengee directed Assistant Town Manager Helms to pursue this matter further and report back to Council at the next Town Council meeting.

AD HOC COMMITTEE REPORT ON LOW SPEED VEHICLE USE IN TOWN. Councilman Stipes reported that the Ad Hoc Committee, consisting Planning Commissioner Wayne Booth, Police Chief Mark Sisson, and himself, met to discuss low-speed vehicle use in Christiansburg. Chief Sisson briefed the committee on the strict specifications set forth in the State Code that define a low-speed vehicle. These include: Safety belts, functional headlights/tailights, windshield wipers, mirrors, speedometer, and operational speeds of 20-25 mph. The vehicles must be registered through DMV and the operator must hold a valid, unrestricted Virginia Driver's License. The Code of Virginia presently allows low speed vehicles to operate freely on state

roads with posted speeds up to 35 mps. The vehicles may cross roads of higher speeds. Councilman Stipes reported that the Committee unanimously recommends Town Council take no restrictive action against low-speed vehicles at this time; encourage the Police Department to vigorously enforce the provisions outlined in State Code and the reconvene at the Mayor's discretion in the future to consider and/or modify Town Code as it relates to low-speed vehicles. Councilman Barber voiced his opposition to allowing low-speed vehicles in Town and would consider heavier restrictions for mopeds and motorcycles because of the dangerous nature of these vehicles. Councilman Canada said these vehicles, which have been allowed by State Code for many years, are not heavily used in this area, but with rising fuel prices he believes people should be allowed this option. Councilman Huppert commented that he does not support usage of these vehicles in Town, and that he has had several residents voice their opposition to him, as well. Councilwoman Carter agreed with Councilmen Barber and Huppert, commenting that she, too, has heard from many folks in opposition to the idea. Councilman Wade commented that he agrees with both parties that it is an option to conserve fuel, but that there are hazards involved, too. Councilman Canada made a motion to approve the Ad Hoc Committee's recommendation, seconded by Councilman Stipes. Town Clerk Stipes polled Council as follows: Barber – NAY; Canada- AYE; Carter – NAY; Huppert – AYE; Stipes – AYE; Wade – AYE.

APPOINTMENT OF STUDENT REPRESENTATIVE TO RECREATION ADVISORY COMMISSION. Councilman Barber reported that it is the consensus of the Recreation Advisory Commission to recommend Town Council appoint Nathaniel W. Hiner to serve as Student Representative to the Recreation Advisory Commission. Mr. Hiner is a junior at Christiansburg High School. Councilman Canada made a motion to appoint Nathaniel W. Hiner as Student Representative to the Recreation Advisory Commission, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

REPORT FROM LEGAL COUNCIL ON USE OF UNIMPROVED RIGHT-OF-WAY. Due to the Town Attorney's absence, Mayor Ballengee postponed this matter until further notice.

MR. STIPES AND MR. CANADA – Street Committee Recommendation on:

1. Subdivision Plat of Sturgill Estates, creating 38 lots, located on Stafford Drive, N.W. Councilman Canada reported that the Street Committee has reviewed this plat and found it to be compliant with the Town's subdivision ordinance. Councilman Canada made a motion to approve the plat, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCILMAN CANADA stated that, since this is his last meeting serving on Council, he would like to continue the Street Committee's discussion on the downtown parking matter. Councilman Canada reported that the committee previously recommended a two-hour parking limit for the downtown area effective September 1, 2008. However, upon further research and discussion with downtown business owners, the Street Committee is amending its recommendation. The Street Committee recommends enforcing a three hour time limit for all downtown areas between the hours of 8:00 a.m. and 5:00 p.m., except for the currently posted post office parking spaces, effective November 1, 2008, to be reviewed in six months. The Street Committee recommends a violation fine of ten dollars. The extra two months provided by changing the effective date will allow the Town and the police department to be better prepared to implement this change. Councilman Stipes said it is important to note that the request for limitations on downtown parking did not come from a downtown business owner and that the Street Committee's recommendations are based on information gathered from downtown business owners. Councilman Canada put the Street Committee's recommendations in the form of a motion, which was seconded by Councilman Huppert. Town Clerk Stipes polled Council on the motion as follows: Barber – AYE; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE; Wade – AYE.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUEST – Town Manager Terpenny presented the following request and recommended setting the Public Hearing for September 16, 2008:

1. Conditional Use Permit request, towing service at 1750 Depot Street, B-3 General Business District.

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to set the Public Hearing for September 16, 2008. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

AT A PREVIOUS TOWN COUNCIL MEETING, Council asked that Sandy Bennett of S.B. Holdings, LLC attend the August 19th meeting to discuss with Council his request for an extension on his Conditional Use Permit. Town Manager Terpenny

reported that due to a death in the family, Mr. Bennett was unable to appear before Council. Manager Terpenny will reschedule at the first available opportunity.

MAYOR BALLENGEE reported that Town Council will observe a moment of silence at the September 2, 2008 Town Council meeting in honor of local soldier, Sergeant Kenneth Gibson. Sergeant Gibson, a Christiansburg resident and 2001 Christiansburg High School graduate, was killed in the line of duty in Iraq last week. Councilman Barber said that he understands that Sergeant Gibson received honors as a fallen hero.

COUNCILWOMAN CARTER asked Town administration to consider moving the Town's information bulletin board to the first level entrance area of Town Hall, and possibly outside in a protected area. Mayor Ballengee said he would take this request under advisement.

COUNCILMAN HUPPERT announced Saturday's Heritage Day events to be held at the Montgomery Museum from 10:00 a.m. to 3:00 P.M; and the last Cruisin' Christiansburg event this year. Councilman Huppert remarked that, since this is his last meeting serving on Council, he won't be present when the Chamber of Commerce gives his semi-annual report in September. He strongly urged Council to consider capping the tourism funding distributed to the Chamber, which would provide additional funding for Town events and functions. Mayor Ballengee commented that he and Town Manager Terpenny met with the Tourism Development Commission and the Chamber of Commerce officers and proposed an eighty-five percent cap. Town Council will not act on this matter until the Chamber of Commerce report at the September 16 Town Council meeting.

MAYOR BALLENGEE reported that this is Councilman Huppert's and Councilman Canada's last meeting serving on Town Council. Mayor Ballengee thanked both men, on behalf of Council, for their involvement and commitment to the Town.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:14 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor