

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF SEPTEMBER 2, 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 SEPTEMBER 2, 2008 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenney, Assistant Town Manager Helms, Town Clerk Stipes, and Town Attorney Memmer.

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

PLEDGE OF ALLEGIANCE led by Mayor Ballengee.

MAYOR BALLENGEE called a moment of silence in honor of Christiansburg resident, Sgt. Kenneth Gibson, who was recently killed in the line of duty in Iraq.

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 19, 2008. Councilman Barber made a motion to approve the minutes as presented, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

CITIZEN HEARINGS:

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

PLANNING COMMISSION'S RECOMMENDATION ON PLANNING COMMISSION APPOINTMENT. Mayor Ballengee reported that the Planning Commission is still accepting applications for this seat and are unprepared at this time to make a recommendation to Council. Therefore, this matter has been postponed until further notice.

REPRESENTATIVES FROM PROPOSED CHRISTIANSBURG SOCCER CLUB TO ADDRESS COUNCIL. Councilman Barber reported that at the request of Council the Recreation Advisory Commission met on August 27th with Mr. Dennis Nagel and representatives of NRUSA. It was the conclusion of the Recreation Advisory Commission that it is not justifiable to terminate the existing contract between NRUSA and Montgomery County Schools, since terminating the contract would result in the loss of use of all Montgomery County school fields for sandlot games. The Recreation Advisory Commission, therefore, recommends that the existing NRUSA contract remain in place, further recommending that Mr. Nagel contact Dan Berenato of Montgomery County School System to see what options are available for the soccer club. During Council discussion it was mentioned that there is a field in Depot Park that, if minor improvements are made, may be usable as a practice field for Christiansburg Soccer Club.

MS. BETTY PHILLIPS of Republic Road thanked Councilman Stipes for his involvement in rectifying a drainage problem in her neighborhood caused by nearby construction.

MS. TACY NEWELL-FOUTZ asked Council to consider changing the dates of Regular Town Council meetings to avoid a conflict with Montgomery County School Board meetings. Mayor Ballengee thanked Ms. Newell-Foutz. Council will take her suggestion under advisement.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

GO GREEN VIRGINIA INITIATIVE. Mayor Ballengee presented each Councilmember with a copy of the Energy Efficiency Plan prepared for review. After reviewing, modifications will be made as necessary. A copy of the Energy Efficiency Plan is attached and made a part of these minutes.

RESOLUTION FOR OUTGOING COUNCILMAN STEVE HUPPERT. Mayor Ballengee asked Council for the approval to prepare a resolution recognizing former Councilman Huppert's devotion to the Town while serving as a member of Council. Councilman Huppert served on Council from 2004 to 2008. Mayor Ballengee also asked for Council approval to prepare resolutions recognizing former Councilmember Dan Canada, who was appointed by Council in 2006 to serve an unexpired term; and Sergeant Kenneth Gibson, a Christiansburg soldier who lost his life in Iraq in the line of duty. Councilwoman Carter made a motion to authorize preparation of the resolutions, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

DISCUSSION REGARDING S.B. HOLDINGS, LLC CONDITIONAL USE PERMIT. Mr. Sandy Bennett of S.B. Holdings, L.L.C. was present. Council questioned Mr. Bennett's request for a third extension on his Conditional Use Permit for his business on Scattergood Drive. S.B. Holdings, L.L.C. has been operating at a temporary site on Scattergood Drive during the construction of his permanent facility in the Christiansburg Industrial Park. The lot in the Industrial Park was originally sold to Mr. Bennett in 2000 with a five year reversion clause. This was amended and he was granted a CUP for temporary operation at the Scattergood site for six months to allow completion of the Industrial Park lot. His six month CUP has been renewed twice and Council is anxious for Mr. Bennett to complete the site development and make the move. Mr. Bennett explained that he plans to move to his permanent location in the next six to eight weeks, and is in the process of minimizing his operation on Scattergood Drive. Mr. Bennett said some of the delay has been caused by the necessity to shutdown operations in order to move to the new site. It is the consensus of Council to accept the Planning Commission's recommendation, based on its review, to require Mr. Bennett to submit a plan outlining his efforts to complete the site, and to begin business operations in the Christiansburg Industrial Park by the end of a six month extension. The recommendation by the Planning Commission was discussed at the July 15, 2008 regular Town Council meeting.

MR. RANDY WERTZ, COUNTY REGISTRAR, TO ADDRESS COUNCIL REGARDING LOCAL ELECTION DATES. Councilman Showalter, who organized this presentation, introduced County Registrar, Mr. Randy Wertz. Mr. Wertz presented to Council, via powerpoint, information pertinent to changing local election dates from May to November. A copy of Mr. Wertz's presentation is attached herewith and made a part of these minutes. During Council discussion, Mr. Wertz pointed out that a change in date must go before the General Assembly for approval. Councilman Barber asked Mr. Wertz how many localities in Virginia still hold May elections (which Councilman Barber commented he believes is a high percentage). Mr. Wertz commented that he did not know. Mr. Wertz commented that, at this time, the trend is to move elections to November, but that some localities actually switch back and forth from May to November. It was noted during the presentation, that to change the election dates from May to November would result in significant costs to the Town of Christiansburg, and when questioned about the total costs, Mr. Wertz said he did not have a definitive answer for Council. It was also noted during discussion that new voter cards would be needed at a cost of approximately \$4,000.00 to the Town. Mayor Ballengee, who said he is proud of the Town's nonpartisanship, questioned the necessity to declare a political party if elections were moved to November. Mr. Wertz commented that Christiansburg candidates could run as independents. Councilman Showalter said he believes this is an important issue because it was mentioned in every forum he attended during his campaign. Councilman Barber stated he will not support changing the dates to November, further commenting that the May elections belong to our Town, and that every effort is made by candidates to inform citizens of the May election date through signage, and newspaper advertisements and articles. Councilman Barber commented that the citizens who want to come out and vote, do so. Mr. Wertz noted that, once the Town's population reaches twenty-five thousand, it will be required that the Town create a second precinct to handle voter turn-out, which Mr. Wertz said can cause confusion among voters. Mr. Wertz pointed out that citizens can petition the courts for a referendum on this matter. Mayor Ballengee stated that the Town Attorneys were directed to study this matter in the past and he asked that the attorney's review and resubmit the information to the Town.

ORGANIZATION FOR FISCAL YEAR 2008 – 2009:

- (a) ELECTION OF VICE-MAYOR. Councilwoman Carter made a motion to nominate Councilman Stipes for Vice-Mayor for the Fiscal Year 2008-2009, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.
- (b) SET REGULAR MEETING DATES OF COUNCIL. Councilman Barber made a motion to set the regular meeting dates as the first (1st) and third (3rd) Tuesday of each month at 7:30 p.m., seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

- (c) AUTHORIZE VICE-MAYOR, ASSISTANT TOWN MANAGER, AND ASSISTANT TREASURER TO SIGN TOWN CHECKS. On motion by Councilman Barber, seconded by Councilman Stipes, Council approved the authorization for the Vice-Mayor, Assistant Town Manager, and Assistant Treasurer to sign Town checks. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.
- (d) APPOINTMENT OF COMMITTEES OF COUNCIL. Mayor Ballengee appointed members of Committees of Council for the Fiscal Year 2008-2009 as follows:

Committees of Council

Water, Sewer, and Solid Waste Committee: Barber and Wade

Street Committee: Stipes and Vanhoozier

Finance Committee: Carter and Barber

Fire and Rescue Committee: Carter and Vanhoozier

Public Health and Welfare Committee – Ad hoc

Central Business District Committee: Wade and Showalter

Cemetery Committee: Barber and Stipes

Council on Human Relations Committee: Police Chief Sisson and Showalter

- (e) APPOINTMENT OF TOWN OFFICERS – Mayor Ballengee recommended Town Council appoint Town Officers as follows:

Town Manager: R. Lance Terpenney

Town Treasurer: Marie Howard

Police Chief: Mark Sisson

Clerk of Council: Michele M. Stipes

Town Attorney: Guynn, Memmer & Dillon, P.C.

Councilman Barber made a motion to reappoint R. Lance Terpenney as Town Manager for the Fiscal Year 2008-2009, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

Councilman Barber made a motion to reappoint Marie Howard as Town Treasurer for the Fiscal Year 2008-2009, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

Councilman Barber made a motion to reappoint Mark Sisson as Police Chief for the Fiscal Year 2008-2009, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

Councilman Barber made a motion to reappoint Michele M. Stipes as Clerk of Council for the Fiscal Year 2008-2009, at an increased salary of \$8,000, with the future option to consider expanding the Clerk duties to include webmaster. Councilwoman Carter seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, and Wade. NAYS: None. ABSTAIN: Stipes.

Councilman Barber made a motion to reappoint Guynn, Memmer & Dillon, P.C., as Town Attorney for the Fiscal Year 2008-2009, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

MAYOR BALLENGEE requested a Closed Meeting under Section 2.2-3711 A(1), *Code of Virginia*, for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel regarding the use of unimproved right-of-way. On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to enter into a Closed Meeting. Town Clerk Stipes polled Council as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

MAYOR BALLENGEE declared Council out of Closed Meeting and into Regular Session.

CERTIFICATION – Councilwoman Carter 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 personnel matters lawfully exempt from open

meeting requirements by Virginia Law and only such matters as are identified in the Resolution to enter into Closed Meeting. Councilman Barber seconded the certification and Town Clerk Stipes polled Council as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

COUNCIL ACTION ON THE MATTER – Mayor Ballengee reported that there will be no action taken by Council at this time.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Wade, seconded by Councilman Stipes, Council voted to approve the monthly bills to be paid 10 September, 2008, in the amount of \$1,859,293.89. AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

TOWN MANAGER TERPENNY pointed out that each Councilmember received, at their seat, information gathered by Assistant Town Manager Helms regarding the NRV Competitiveness Center presentation held at the August 15, 2008 Regular Town Council meeting. At that meeting, Town Council requested this information for further review and future discussion.

TOWN MANAGER TERPENNY informed Council that the Annual Virginia Municipal League Conference is scheduled for October 19 through 21, with the annual banquet on the night of October 21. October 21 is a regular Council meeting night and, typically, when a VML function conflicts with a Town Council meeting, Council votes to cancel the meeting, with the option to meet on an as-needed basis. Councilman Barber made a motion to cancel the October 21 regular Town Council meeting, with the option to meet on an as-needed basis. Councilwoman Carter seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

MAYOR BALLENGEE reported that a Cemetery Committee meeting is scheduled for 3:00 P.M. on September 17, 2008, at the Christiansburg Town Hall.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:00 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor