

CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF MAY 1, 2012 AT 7:30 P.M.

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON MAY 1, 2012 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor James W. Vanhoozier; D. Michael Barber; Cord Hall; Steve Huppert; D. Henry Showalter; Bradford J. Stipes. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Town Clerk Michele Stipes; Town Attorney Theresa J. Fontana; Town Planner Nichole Hair; Aquatics Director Terry Caldwell; Director of Engineering and Public Works Wayne Nelson; Finance Director/Treasurer Val Tweedie.

PLEDGE OF ALLEGIANCE.

PUBLIC HEARING

1. The Town of Christiansburg Virginia as a recipient of block grant funding is required by the U.S. Department of Housing and Urban Development (HUD) to prepare and adopt a multiyear Consolidated Plan and Annual Action Plans that solicit citizen views on proposed Community Development Block Grant (CDBG) program activities contained in these documents. The plan outlines proposed activities for CDBG funding and specific activities for this program year beginning July 1, 2012. The 2012-2013 Annual Action Plan details the continuation of sidewalk and infrastructure projects in Census Block 02-0800-02, commonly referred to as the Park District. The funds received this year will be used to repair and maintain sidewalks. There was no one to speak for or against this Public Hearing.
2. Proposed Water and Sewer fee increases for the Fiscal Year 2011 – 2012, effective June 1, 2012, and in accordance with *Code of Virginia 15.2-2119*, as follows:

Water fees-

Minimum bill from \$16.00 to \$17.00 for the first 4000 gallons.
The next 96,000 gallons from \$4.40 to \$4.60 per 1000 gallons
The next 5,900,000 gallons from \$2.40 to \$2.60 per 1000 gallons

Sewer fees-

Minimum bill from \$ 26.00 to \$27.00 for the first 4000 gallons
All above 4000 gallons from \$7.00 to \$7.20 per 1000 gallons

There was no one to speak for or against this Public Hearing.

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 April 17, 2012. There being none, Councilman Barber made a motion to approve the Minutes as presented, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CITIZEN HEARINGS:

1. Planning Commission recommendation on:
 - a. A Conditional Use Permit request by Cook's Auto Upgrades (acting as agent for property owner MTS Associates) for an automobile upholstery shop at 575 N. Franklin Street (tax parcels 496 – ((8)) – 51 and 52) in the B-3 General Business District. The Public Hearing was held on April 17, 2012. Planning Commission Chairperson Craig Moore read the Planning Commission's Resolution recommending Town Council issue the Conditional Use Permit with eleven conditions. A copy of the Resolution with conditions is attached herewith. The Planning Commission vote was unanimous with four absences. Councilman Huppert commented that the applicant was in attendance at the Planning Commission meeting and has agreed with the eleven conditions set forth in the CUP. Councilman Barber c

ommented that the Cook's Auto Upgrades is currently operating its business at Precision Upholstery and is moving to the 575 N. Franklin Street location.

1. Radford University student, Will Solis, to address Council regarding a class art project. Miss Megan Zolesky addressed Council on behalf of Will Solis who was unable to attend. Miss Zolesky thanked the Town for displaying the Christiansburg themed art work by Radford University art students in the Council chambers. Miss Zolesky said that the initial idea for the exhibition was to get to know Christiansburg and its history. The art students visited the Montgomery Museum for inspiration and the resulting art work is a collection of collages of different impressions expressed by the students. Miss Zolesky said that the best part of the art project was the increased interaction between the communities and that the project has been a valuable experience for the artists. Mayor Ballengee thanked Miss Zolesky and the Radford University art students for choosing to focus on the Town of Christiansburg and for sharing their art work with the Town.
2. Presentation on Joinder Study by Jerry Higgins, Director of the Blacksburg, Christiansburg, VPI Water Authority, and Rick DiSalvo of Draper Aden & Associates. Mr. Rick DiSalvo and Mr. Jerry Higgins addressed Council on behalf of the team organized to work on the Joinder Study including Mr. Wayne Nelson, Adele Schirmer, Sherwin Wilson, Gary McCollum, and the attorneys from the Water Authority, the three member entities, and the County. Attorney Sam Darwin was invited to participate because of his unbiased experience in water authority matters. Mr. DiSalvo provided background into the Study, which was initiated and funded by Montgomery County's desire to become a member of the existing water authority, and focused on assessing how the County could become a member of the Water Authority, and how the Water Authority could continue to provide a long-term, safe, and affordable, water supply to County residents, without negatively impacting the rates of the existing members. Mr. DiSalvo noted that the water plant is currently producing 6.56 Million Gallons per Day, and has the capability of producing 12.4 Million Gallons per Day. If the Joinder is adopted, two legal documents would be required by the members, the Joinder Agreement, and the Water Agreement. Mr. DiSalvo reported that the attorneys involved in the Joinder process eventually agreed to all the terms set forth in the Joinder and Water Agreements. Mr. Jerry Higgins spoke to two concerns raised by Christiansburg at the last Joinder Study meeting as to the impact the Joinder would have on customer rates, and the timing on long-term projects. Mr. Higgins reported that the Water Authority had a financial plan prepared in 2008, which was updated to include the Joinder and project rates through 2025. The updated financial plan indicates that rates from 2013 to 2017 are projected to increase from \$1.68 per 1000 gallons to \$2.34 per 1000 gallons over the five year period. According to the financial plan, after 2017, the impact of the Joinder is a net reduction in the level of projected rates, and the rate for 2025 is shown as \$3.98 without the Joinder, and \$3.83 with the Joinder. Council will be provided a copy of this financial plan. Mr. Higgins then reviewed with Council the projected time frame for adding County water systems that would include Prices Fork, Plum Creek, and Riner.

Council discussed with Mr. Higgins and Mr. DiSalvo the terms of the County's buy-in rate of \$1.3 Million paid over forty years at a rate of two-percent, and would include two sewer connections to the water treatment plant, and the surcharge, or "wheeling" rate, that would cover expenses related to normal water loss and depreciation. Councilman Barber clarified his understanding that Montgomery County can not raise taxes to support the Public Service Authority, and Mr. Higgins stated that understanding is correct and is outlined in the financial plan. Councilman Barber, basing his concerns on past partnerships with Montgomery County, was generally opposed to the low buy-in costs, and to allowing the County full voting privileges before making payment in full. Councilman Barber said that overall he has many concerns with this request by the County and the resulting Joinder Study report. Councilman Stipes asked Mr. Higgins if he is confident that the financial report referenced is completely reliable, and Mr. Higgins replied that he is confident with the report. Mayor Ballengee noted that the County had the option to participate in the membership sixty years ago and declined. Since that time, the water plant was built, transmission lines were laid, and pump stations were built. Mr. Higgins responded that the buy-in rate has not been committed to at this point by the existing members, but he believes the 1.3 Million is the most the Authority can expect to receive from the County. Mr. Higgins further commented that if the County can't afford the BCVPI buy-in rate, it has the option of purchasing water from Radford or Roanoke. Councilman Hall asked if there is a guarantee that the County can afford to join the Water Authority, and if it can't, is there any recourse for the Authority. Mr. Higgins replied that there is no guarantee, and that legal action would be one course to be considered. Council Vanhoozier pointed out that approving the Joinder would benefit Christiansburg by having a second option for providing water to citizens, and, according to Mr. Higgins, another benefit is assistance in meeting contamination levels through lower water age. Councilman Stipes said the Town is already participating in multiple ventures with Montgomery County and Blacksburg, and, stressing the importance of participating regionally in utility services, said this is a logical move to make for the Town and is an important point of division for economic development. Councilman Stipes stated that the fall-out from denying the Joinder is far greater than any other concerns expressed. Mayor Ballengee stated that the Town has a good working relationship with Montgomery County, Blacksburg, and Virginia Tech, and wants to see that working relationship continue for the good of the communities involved. Mr. Jerry Higgins offered to give members of Council a tour of the water plant. This matter will be discussed in further detail by Council during the Closed Meeting.

3. Report by Fire Chief Billy Hanks on the 501(c)(3) status for the Christiansburg Volunteer Fire Department. Fire Chief Hanks presented Council with a request for approval to seek 501C(3) status for fundraising activities. Chief Hanks explained that the Fire Department holds one fundraising event annually, which supplements the funds received from the Town. Currently, the fundraising funds are held under the Town's tax identification number in the Town's special revenue fund. After seeking advice from legal and financial council on this matter, it was recommended that the Fire Department obtain non-profit status and have existing funds transferred from the Town to the Fire Department. A Certified Public Accountant would conduct an audit each year separate from the Town's annual audit, and an audit report would be provided to the Town. The audit would be performed at the Fire Department's expense. Chief Hanks reported that 501(c)(3) status is not uncommon for State organizations, including Fire Departments. Mayor Ballengee stated that the citizens of Christiansburg appreciate the work of the Fire Department, acknowledging that many out-of-pocket expenses are met by the volunteers. Councilman Barber said he appreciates and supports Chief Hanks' request.
4. Mr. Craig Moore, Chairman of the Planning Commission, to address Council on payment for subcommittee meetings of the Planning Commission. Mr. Moore provided a handout to Council outlining his request for Planning Commission member compensation for subcommittees for FY 2012 – 2013, and reviewed the current subcommittees, noting that the Historical District subcommittee is expected to phase out soon. The Planning Commission would be conservative in forming subcommittees with efforts made to phase out a subcommittee when one is created; the Chair would not be compensated for serving on a subcommittee. Subcommittees work closely with the community and Town staff, and meetings are usually held during the work day, but do vary according to the schedules of those on the subcommittee. Council discussed the frequency and length of the subcommittee meeting. Councilman Stipes applauded Mr. Moore and the Planning Commissioners for time spent meeting on important issues and supports this request without reservation. Mayor Ballengee expressed concern that this would open the door for the Town's advisory commissions to develop subcommittees. Town Manager Helms replied that it could, but that Council could review requests for compensation on a case by case situation. Councilman Hall said he agreed with Councilman Stipes, recognizing the diversity among the members serving on the Planning Commission, and stressing that Council relies heavily on the Planning Commission. Councilman Vanhoozier said he supports compensating members of Planning Commission subcommittees, but said it is important to ensure that each meeting is fully productive with all materials available needed to carry on a meeting; Councilman Showalter agreed. Councilman Huppert said he has been involved with the Planning Commission for many years and he values Mr. Moore and the members of the Planning Commission, however, he isn't in support of pay increases in the FY 2012 – 2013 because of budget constraints. Mayor Ballengee turned this request over to the Finance Committee for review and asked that the Finance Committee be prepared to bring a recommendation to Council at the May 15, 2012 Council meeting due to budget time constraints.

5. Citizens' Comments:

- a. Carol Lindstrom, Depot Street, complimented the Town on its willingness to work with Montgomery County to resolve water issues. However, she noted that with four members on the Water Authority the potential exists for tie votes and Ms. Lindstrom recommended Montgomery County's vote be proportionate to its buy-in amount.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Town Council action on:
 - a. A Conditional Use Permit request by Cook's Auto Upgrades (acting as agent for property owner MTS Associates) for an automobile upholstery shop at 575 N. Franklin Street (tax parcels 496 – ((8)) – 51 and 52) in the B-3 General Business District. Councilman Stipes made a motion to approve the Planning Commission's recommendation to issue the CUP with eleven conditions, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Councilman Hall asked if active Conditional Use Permits are now available for viewing on the Town's website. Assistant Town Manager Wingfield replied that the process is approximately fifty-percent complete.
2. Appointments to the Aquatic Advisory Board: Amelia Tuckwiller and Mark Layne to fill the unexpired terms of Bert Locklin and Michael St. Jean. The terms will expire December 31, 2014. Councilman Barber made a motion to appoint Amelia Tuckwiller and Mark Layne to fill the unexpired terms of Bert Locklin and Michael St. Jean, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Ms. Tuckwiller was present; Mr. Layne was unable to attend, but will come before Council at a later date.
3. Discussion regarding the 501(c)(3) status for the Christiansburg Volunteer Fire Department. Councilman Hall made a motion to allow the Christiansburg Fire Department to seek 501(c)(3) status, and that existing Fire Department fundraising funds be transferred from the Town to the Fire Department once 501(c)(3) status is obtained. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

4. Recommendation on change to Special Event Grant Program concerning grant eligibility requirements. This request was brought to Council by Megan Dorsett at the April 17, 2012 meeting. Councilman Stipes clarified that this matter is a result of Ms. Dorsett's request for tourism funding for the annual Depot Days festival. This year's festival will be sponsored by local businesses, which doesn't meet the requirements of the Special Event Grant Program eligibility requirements. The policy was put into place by Council with the knowledge that modifications may be necessary in the future. Town Manager Helms commented that Council could require a report on the festival from the event organizers as an accounting. Councilman Barber said he supports making changes to accommodate the festival, but that Council needs to see something in writing before taking action on this request. Town Planner Nichole Hair asked if changes made to the policy would only apply to Christiansburg based applicants; Mayor Ballengee replied yes, including Christiansburg sponsored events. The consensus of Council was to table the request to allow the Town time to write the requested change and present it to Council for consideration. Councilman Barber asked that the wording changes be sent to Council prior to the May 15, 2012 meeting to allow for ample review time.
5. Resignation of Mr. Mark Caldwell from the Planning Commission. Mr. Caldwell's term will expire in February, 2015. Councilman Barber made a motion to accept Mr. Caldwell's resignation, seconded by Councilman Hall. Mayor Ballengee noted that in Mr. Caldwell's resignation he expressed concerns with time conflicts with work. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Councilman Vanhoozier recommended the Town send Mr. Caldwell a letter of appreciation for his service on the Planning Commission.
6. Council action to approve the submittal of the Town's Annual Action Plan to receive funds under HUD CDBG. Councilman Stipes made a motion to approve the submitted Annual Action Plan, seconded by Huppert. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
7. Mr. Stipes and Mr. Vanhoozier - Street Committee report/recommendation on:
 - a. Plat Showing Harless Corner; creating 3 lots; located at the corner of Depot Street, N.E. and Harless Street, N.E. Councilman Stipes reported that this request is to subdivide one lot into three lots, with the dedication of a right-of-way along Depot Street for a future road. The property is zoned B-3 General Business. Councilman Stipes said the request conforms with the Subdivision Ordinance and he made a motion to approve the request as presented. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - b. Update on Traffic Calming Devices by Stipes. Councilman Stipes reported that the Street Committee has met twice to discuss this matter and is in the midst of developing a consistent guideline for responding to citizen requests regarding traffic calming issues. Councilman Stipes said the Street Committee will provide complete details of the guidelines within thirty days.
 - c. Councilman Stipes reported that during the recent Street Committee meeting, Wayne Nelson, Director of Engineering and Public Works, presented a five hundred thousand dollar annual paving program for the Fiscal Year 2012-2013, through the assistance of VTTI. Details of the areas of focus can be obtained from Mr. Nelson.
8. Closed Meeting:
 - a. Councilman Barber made a motion to enter into a Closed Meeting under Virginia Code Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel specific to contract negotiations regarding the Joinder Study; and, Virginia Code Section 2.2-3711(A)(3), for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The purpose of the meeting is to discuss the possible purchase of property. Councilman Vanhoozier seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
 - b. Reconvene in Open Meeting. Councilman Hall made a motion to reconvene in Open Meeting, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - c. Certification. Councilman Stipes 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, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

- d. Council action on the matter. No action taken by Council on these issues.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Vanhoozier, seconded by Councilman Barber, Council voted to approve the monthly bills to be paid on May 10, 2012, in the amount of \$1,340,720.58. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

PUBLIC HEARING REQUEST(S) – Town Manager Helms presented the following request and recommended setting the Public Hearing for June 19, 2012:

1. Request for a Planned Housing Development along Depot Street and Harless Street in the B-3 General Business Zoning District.

On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to set the Public Hearing for June 19, 2012. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

SEVERAL EMPLOYEES OF THE TOWN'S PUBLIC WORKS department participated in the Public Works Rodeo held in Salem, placing first in many of the categories.

THE TOWN HAS RECEIVED A LETTER from the State Department of Motor Vehicles, Governor's Board of Transportation Safety, announcing that the Christiansburg Police Department has been awarded the 2012 Governor's Transportation Safety Award in the category of Occupant Protection.

THE TOWN HAS RECEIVED A REQUEST from Paul A. Duncan to open Red Oak Drive through to Pear Street to aid in his development of property on Red Oak Drive. This request has been given to the Street Committee to study and provide a recommendation to Council.

THE MONTGOMERY REGIONAL SOLID WASTE AUTHORITY Households Hazardous Waste event will be held on May 19, 2012 from 8:30 A.M. to 11:30 A.M. This event is for the disposal of wastes labeled toxic, poisonous, corrosive, reactive, flammable, or combustible.

COUNCILMAN HUPPERT reported that the Christiansburg Farmer's Market is scheduled to begin May 5, 2012 at Corrine's. There are currently eight vendors registered to participate.

COUNCILMAN HUPPERT commented on the Montgomery County School Board meeting being held at this time, suggesting the Town change the meeting date of Council to allow members of Council and citizens to attend School Board meetings without the time conflict with Town Council meetings. Councilman Huppert requested that this matter be placed on a Council agenda for discussion.

COUNCILMAN HALL suggested that the Town consider a study to determine if it is feasible for the Town to obtain city status, expressing concern that he is not sure the Town's best interest is being served by the Montgomery County Board of Supervisors or the School Board. Councilman Showalter supported this suggestion, commenting that he believes the Town is not adequately represented on the Montgomery County Board of Supervisors or the School Board.

ADJOURN:

There being no further business to bring before Council, the meeting was adjourned at 10:46 PM.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor