

CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF MAY 15, 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 15, 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; Aquatics Director Terry Caldwell; Assistant to the Town Manager Adam Carpenetti; Finance Director/Treasurer Val Tweedie.

PLEDGE OF ALLEGIANCE.

At the recommendation of Town Manager Helms, Councilman Barber made a motion to amend the agenda to add proposed tax increases for FY 2012 – 2013 to Public Hearing number four, which will make the Public Hearing description consistent with the Public Hearing advertisement. Councilman Stipes seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier.

PUBLIC HEARING

1. Council's intention to adopt an ordinance in regards to a request by Kelly Stanley to vacate an unbuilt portion of Red Oak Drive extending from the built portion of Red Oak Drive to Pear Street (40 feet in width by 200 feet in length). Attorney Chris Tuck, representation for Mr. Paul Duncan, submitted to Council photographs of the unbuilt portion of Red Oak Drive and its surrounding area, which includes property owned by Mr. Duncan. Mr. Tuck explained that several years ago Mr. Duncan purchased several lots that would be negatively impacted if Red Oak Drive was closed. Furthermore, in May, Mr. Duncan committed to upgrading the road to further improve the area and to assist in developing his real estate. Mr. Tuck stated that Mr. Duncan is opposed to the closing of the unbuilt portion of Red Oak Drive.

Councilman Barber asked about the development plans Mr. Duncan has for his property. Mr. Tuck replied that Mr. Duncan does not have specific development plans in place for his property at this time. However, the surrounding area is mainly developed residentially, but since it is zoned B-3 General Business District, the potential is there for commercial development. Closing Red Oak Drive would dead end the street, effectively limiting development options for the property. Mr. Tuck pointed out that when Mr. Duncan purchased the land, the unbuilt portion of Red Oak Drive was a dedicated right-of-way, and needs to remain as such.

Ms. Kelly Stanley, 3070 Pear Street, applicant in this request, gave a brief history of the land usage in this area and stated she is requesting that the right-of-way be vacated mainly as a way to control the development in the area and to protect the value of their property. Mr. Duncan would have continued access to his property according to Ms. Stanley.

Mr. Phil Reed, father of Ms. Stanley, a resident of Blacksburg, provided a brief history of Mr. Duncan's land usage in this area and how it has negatively affected Ms. Stanley's property and quality of life. Mr. Reed stated he sees no benefit to the neighborhood to leave the right-of-way open and he asked Council to approve Ms. Stanley's request to vacate the unbuilt portion of Red Oak Drive.

Mr. Tuck responded to the comments by submitting a copy of the plat showing the dedicated right-of-way that is significant to future land purchasers in this area. Mr. Tuck stated that the Stanley's were provided legal notice of the dedicated right-of-way and of Mr. Duncan's intent to build a garage several years ago. Mayor Ballengee asked if this is the exclusive access to Mr. Duncan's property. Mr. Tuck replied that this right-of-way is not exclusive, but it is a main point of access.

Mr. Joseph Stanley, Pear Street, pointed to the area in question on a map provided in the Council chambers. Mr.

Stanley noted that many unbuilt roads and rights-of-way, initially planned for future development, were eventually vacated by Council. Mr. Stanley commented that Mr. Duncan is no longer a resident of Montgomery County and that this should be taken into consideration by Council.

2. A Conditional Use Permit request by PR Financing Limited Partnership for a carnival at 100 New River Road (tax parcel 435 – ((A)) – 41) in the B-3 General Business District. Town Manager Helms clarified that this is the New River Valley Mall property and that the mall is sponsoring the carnival. Councilman Huppert said that the Planning Commission has spent significant time considering this request and that the applicant attended the Planning Commission meetings and agreed to the conditions set forth in the Conditional Use Permit. Assistant Town Manager Wingfield read the Planning Commission's resolution recommending Town Council issue the C conditional Use Permit with sixteen (16) conditions. A copy of the resolution with conditions is attached herewith. The Planning Commission vote was seven ayes; zero nays, two absent. Councilman Hall stated his concern that two uniformed officers, as required by the CUP, may not be adequate law enforcement for the number of attendees expected. Assistant Town Manager Wingfield reported that two uniformed officers was the recommendation of Police Chief Sisson. Ms. Carol Lindstrom, Depot Street, said that the Planning Commission thoroughly reviewed this request, but that it would be wise to get clarification on who is liable if problems arise or violations occur.
3. Proposed Budget for FY 2012 – 2013. Town Manager Helms reported that the proposed FY 2012 – 2013 Budget was submitted to Council for review at the last budget work session of Council . Town Manager Helms reviewed the proposed fees and taxes outlined in the budget and offered to answer any questions.

Mr. Harold Shelton of Christiansburg expressed his concern with the proposed increase in taxes and fees. Mr. Shelton spoke about the budget to reserve ratio and questioned the necessity for the proposed increases.

Ms. Susan Bricken, Country Meadow Drive, spoke on favorably of the Christiansburg Aquatic Center (CAC) referring to it as the jewel of Christiansburg. Ms. Bricken said the well-managed CAC represents the best Christiansburg has to offer and she hears many favorable comments about the facility from visitors.

Ms. Carol Lindstrom, Depot Street, thanked Council and town staff for the time spent preparing the proposed budget. Ms. Lindstrom said she is concerned that there is a general fear of raising taxes and fees, but commented that increases to taxes/fees are necessary for the progression of the town.

Mr. Anthony Needham, a Christiansburg resident, spoke favorable of the Christiansburg Aquatic Center, but expressed concerns with the proposed increase in water rates, mainly the impact the increase will have on those with a fixed income. The gentleman said he was interested to know how much revenue would be generated with the proposed new fees, and he questioned the necessity of another increase in meals tax. He questioned if there was something more driving the need to raise taxes, something the residents were unaware of. Mayor Ballengee commented that Council is struggling to balance the budget and couldn't consider raising real estate taxes due to Montgomery County's real estate tax increase.

4. Proposed fee increases for FY 2012 – 2013. Town Manager Helms read the various proposed fee and tax increases included in the proposed FY 2012 – 2013 budget, which also included new fees as recommended by Town administration. Comments regarding the proposed tax and fee increases for FY 2012 – 2013 can be found above.

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 May 1, 2012. There being none, Councilman Hall made a motion to approve the Minutes as presented, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CITIZEN HEARINGS:

1. Citizens' Comments: There were no citizen comments.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Town Council action on:
 - a. Proposed Water and Sewer fee increases for the Fiscal Year 2012 – 2013, effective June 1, 2012, and in accordance with *Code of Virginia 15.2-2119*, as follows (The Public Hearing was held on May 1, 2012):
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

Councilman Vanhoozier made a motion to approve the proposed water and sewer fee increases for FY 2012 – 2013, seconded by Councilman Stipes. Councilman Barber noted that the rate increases are a pass through resulting from rate increases to the Town from the Water Authority. Council voted on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

2. Proposed amendment to Special Event Grant Program concerning grant eligibility requirements. Mayor Ballengee provided background into this request which was initially brought before Council on April 17, 2012. Councilman Vanhoozier explained that the Town Attorneys have worked with Town Manager Helms to re-written the Special Event Grant Program policy, specifically to broaden the scope to allow consideration for events hosted/sponsored by for-profit businesses. Councilman Vanhoozier read a portion of the changed wording to Council. Councilman Showalter asked for clarification regarding use of grant proceeds. Town Manager Helms replied that grants are offered to encourage events that promote the Town and encourage tourism, with funds being used to pay for law enforcement, street closings, and various other costs associated with organizing and holding events. Councilman Barber made a motion to approve the amendments as written and presented, seconded by Councilman Showalter. Council voted on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
3. Resolution to VDOT for Street Maintenance Payments for new streets. Mayor Ballengee reported that the resolution is a request to add 1.18 lane miles of Peppers Ferry Road to the annual maintenance payments program. Councilman Stipes made a motion to approve the Resolution, seconded by Councilman Showalter. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. A copy of the Resolution is attached herewith.
4. Mr. Barber and Mr. Stipes – Finance Committee report/recommendation on:
 - a. Request for compensation of Planning Commission subcommittees. Councilman Barber reported that the Finance Committee recommends that the Town grant up to \$5,400 for subcommittee meeting compensation, which is approximately twenty-five dollars per person, per meeting, with a review in six months. Councilman Vanhoozier made a motion to accept the Finance Committee recommendation, seconded by Councilman Hall. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
5. Mr. Stipes and Mr. Vanhoozier – Street Committee report/recommendation on:
 - a. Plat Showing Relocation/Vacation of Lot Line Between Tax Map 496-((A))-1E and 495-((1))-1c; consists of 2 lots; located on Scattergood Drive N.W. Councilman Stipes reported that one lot is the C&S Door property on Scattergood Drive and the request is for a lot line adjustment to rectify an existing encroachment. The property is zoned I-2 General Industrial and is in compliance with the subdivision ordinance. Councilman Stipes made a motion to approve the plat as presented, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
6. Discussion regarding monthly meeting dates of Town Council. Mayor Ballengee, noting that this matter is voted upon annually at each organizational meeting, and the fact that Council voted unanimously in January 2012 to hold its meetings the 1st and 3rd Tuesday of each month, suggested that this discussion be held during the next organizational meeting in January 2013. Councilman Huppert spoke in favor of changing the monthly Council meeting dates to avoid the existing conflict with meetings held by Montgomery County School Board, suggesting Council change its meeting dates to the 2nd and 4th Tuesday of each month. Councilman Huppert said he emailed a member of the Montgomery County School Board regarding the meeting date conflict and was told that the Board of Supervisors has considered this matter over the years with no action to change its meeting dates. Councilman Hall agreed that the vote in January 2012 to keep the meeting dates of Council the 1st and 3rd Tuesday was unanimous, but noted that at the time of the vote there was a debate about the conflict with Montgomery County School Board meetings. Councilman Hall said that Council owes a change to the citizens, also commenting that he doesn't believe that Christiansburg has good representation on the School Board. Councilman Hall stated he supports Councilman Huppert's suggestion to change Council's meeting dates to the 2nd and 4th Tuesday, effective July 1, 2012. Town Manager Helms commented that Town Code may need to be amended if the meeting dates are changed because of the bill payment schedule. Councilman Barber spoke in favor of leaving the Council meeting dates the 1st and 3rd Tuesday of each month, noting that Town Council has met on these

dates each month for many years. Councilman Barber commented that recent controversial issues discussed by the School Board seems to have started this debate, but that controversies with the School Board don't happen often. Councilman Stipes stated he doesn't feel strongly one way or another on this issue, but said that he has scheduled various personal activities around these dates and recommended an effective date in the fall, if Council decides to change the meeting dates. Councilman Vanhoozier agreed with Councilman Stipes' comments. Councilman Showalter recommended asking the Montgomery County School Board to provide in writing the reasons for not changing its meeting dates during past discussions regarding this matter, and to table this request for two weeks to allow time to obtain additional information. Councilman Hall made a motion to reconsider the action taken regarding the meeting dates at the January 2012 organizational meeting, for the purpose of not conflicting with Montgomery County School Board meetings. Councilman Huppert seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Nay; Hall – Aye; Huppert – Ayes; Showalter – Aye; Stipes – Nay; Vanhoozier – Nay. Upon hearing a tie vote, Mayor Ballengee voted Nay on the motion, stating that this matter can be revisited at the organizational meeting in January 2013.

7. Discussion regarding the scheduling of a work session to consider declaring city status. Mayor Ballengee reported that Councilman Hall requested that this matter be included on the agenda for discussion, but due to the complexity of this matter, Mayor Ballengee said he recommends Council schedule a work session to discuss the issue. Councilman Hall said he believes it is appropriate to discuss the matter during this time of budget preparation, and he asked that Council look into the viability and feasibility of declaring city status. Council briefly discussed the advantages and disadvantages of city status versus town status and what each means for Christiansburg. Councilman Stipes said that as an elected body, Council is obligated to serve the best interest of the Town's citizens and he supports further discussion of this matter in a work session. However, Councilman Stipes recommended that Council have someone present who can provide information and answers as to what declaring city status would mean for Christiansburg and he recommended that Town Manager Helms locate a consultant with expertise in this area to guide the discussion. Councilman Barber recommended waiting until after the budget is completed to focus on this matter. Town Manager Helms said he will gather the information requested by Council and will present it at the next Council meeting.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUEST(S) – Town Manager Helms presented the following request and recommended setting the Public Hearing for June 5, 2012:

1. For a public utility easement vacation at 690 Radford St.

On motion by Councilman Barber, seconded by Councilman Vanhoozier, Council voted to set the Public Hearing for June 5, 2012. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

COUNCILMAN BARBER made a motion to set a work session for June 12, 2012 at 6:00 p.m. to discuss the Joinder Study progress. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

TOWN MANAGER HELMS reported that four of the art students from Radford University that have artwork on display in the Council Chambers are willing to donate their art pieces to the Town or Montgomery Museum. Councilman Vanhoozier made a motion to accept the donated pieces, seconded by Councilman Hall. Councilman Stipes suggesting displaying the pieces with appropriate name recognition.

TOWN MANAGER HELMS reported that the Montgomery Regional Solid Waste Authority will hold its spring Household Hazardous Waste Event on May 19, 2012 from 8:30 a.m. to 11:30 a.m.

TOWN MANAGER HELMS reported that Mayor Ballengee received a letter from Home Emergency Insurance Solutions informing him that the company will be mailing a solicitation for Water Line Insurance Protection to residents of Christiansburg starting in May. Town Manager Helms said he is providing this information to inform Council of this solicitation and stated that the Town is not endorsing or encouraging the purchase of insurance through this company.

TOWN MANAGER HELMS reported that a Street Committee meeting will be held at Town Hall on May 22, 2012 at 7:30 a.m.

TOWN MANAGER HELMS reported that a letter from Appalachian Power detailing expected changes facing the electric

utility industry and how those changes might affect Christiansburg was provided to Council in the agenda packet for informational purposes.

MAYOR BALLENGEE reminded Council that the Town picnic will be held at Kiwanis Park on June 2, 2012 at 4:00 p.m.

ADJOURN:

There being no further business to bring before Council, the meeting was adjourned at 9:20 PM.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor