

CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF SEPTEMBER 4, 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 SEPTEMBER 4, 2012 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor James W. Vanhoozier; D. Michael Barber; R. Cord Hall; Steve Huppert; D. Henry Showalter; Bradford J. Stipes.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Town Clerk Michele Stipes; Town Attorney Jim Guynn.

PLEDGE OF ALLEGIANCE.

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 August 21, 2012. There being none, Councilman Vanhoozier made a motion to approve the Minutes as presented, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CITIZEN HEARINGS:

1. Mr. Andy Schack to address Council regarding noise concerns. Mr. Andy Schack brought his concerns to Council regarding noise generated by Chandler Concrete, specifically the noise disruptions from concrete runs after midnight. Mr. Schack provided an aerial map of Chandler Concrete's location and the surrounding residential streets, noting that the operation has expanded from when it operated as Marshall Concrete bringing the operation closer to residential zoning. Mr. Schack explained that Chandler Concrete operates three to four nights during the week that include mixing, loading, and transporting concrete after midnight, and often until 3:00 a.m., without regard to neighboring residences. Mr. Schack said he understands the nature of concrete and the importance of air temperature in providing a good product, but the noise levels are such that they disrupt his children's ability to sleep through the night. When operating as Marshall Concrete, the plant ran approximately eight nights during the summer months, and the owners would provide notification to area residents of the schedule and offer a hotel room to avoid night time disruptions. Mr. Schack stated that he has spoken with the owners of Chandler Concrete regarding his concerns and they sent Mr. Brent Queen to meet with him as a representative of the company. The telephone conversations and meetings with Mr. Queen and the company owners have not resulted in changes to the operation, and Mr. Schack said he felt he had no choice but to meet with Police Chief Sisson and the Town's Planning Department for resolution. Mr. Schack said it was then that he realized an amendment to the ordinance was necessary to provide restrictions on the operation, and he is proposing changes to the Town ordinance that would allow for restrictions on noise in the industrial zoning district. Mr. Schack suggested limiting hours of operation or placing a sound barrier wall around the concrete truck loading zone.

To support his proposal, Mr. Schack provided Council with a copy of the Council minutes of October 6, 2009, that include comments by Mr. Dan Canada, former owner of Marshall Concrete, who spoke against allowing Boxley Concrete to locate in the Christiansburg Industrial Park because of the impact the noise and dust from the operation would have on nearby homes and businesses. Mr. Schack said he spoke to several of his neighbors regarding his concerns, many of whom were present as a show of support for amending the noise ordinance. Other concerns that were brought to Council regarding Chandler Concrete were speeding along Cambria Street by concrete truck drivers and the heavy use of jake braking, which causes loud rumbling noises and is indicative of excessive speed when used on a flat road like Cambria Street. Councilman Barber said he recalls the same concerns with jake braking behind Hans Meadow Inn during construction and asked what measures were taken to deter that problem. Town Manager Helms replied that no formal regulations were put into place at that time, but that the construction contractor was able to resolve the issue with his drivers. Assistant Town Manager Wingfield reported that the Town's ordinance specifically exempts industrial zoning from noise guidelines, and there is no recommendation from the Planning Commission regarding this concern at this time.

Mr. Brett Queen, General Manager of Chandler Concrete, spoke to Council regarding the hours of operation which, he said, are dictated by the specifications of each project and are not flexible in most cases. Mr. Queen explained the nature of concrete and the importance of timing in meeting the specifications of each project, noting that the company provides concrete for jobs in Blacksburg, Christiansburg, Montgomery County, and for Virginia Tech and VDOT. Mr. Queen

said he met with Mr. Schack at this home and on the telephone to discuss his concerns and to find ways to minimize the noise disruptions. As a result, he has spoken with many of the truck drivers about observing the speed limit along Cambria Street and Block Lane, and has placed signs prohibiting jake braking along Cambria Street and Yellow Sulpher Road. In addition to this, operation changes at the loading tower were made to help eliminate the noise of loading concrete during the night. Mr. Queen agreed that the operation has grown in recent years and that project specifications were tighter and harder to maintain. He also agreed that the night runs have been consistent throughout the summer months, averaging three to four operating nights per week because of temperature sensitive projects. Chandler Concrete wants to be a good neighbor and Mr. Queen apologized for the disturbances caused by the operation. Mr. Queen said he will address speed issues with the managers to ensure that speed limit is observed at all times, commenting that the company has done all it can to minimize noise disruptions. Councilman Barber stated that Chandler Concrete needs to be prepared to force speed limit observation and jake braking restrictions by its employees, suggesting he also contact the vendors that serve Chandler and make them aware of these issues. Councilman Hall asked if the company would be willing to erect sound barrier walls near the concrete loading tower. Mr. Queen responded that the company has not considered this measure, but he would bring this to the owners for discussion. It was noted that Chandler Concrete has a second operation site in Dublin, but Mr. Queen said that the Dublin plant is inadequate as a main supplier for many of the night runs because the longer haul time would prevent the company from meeting job specifications. Council discussed the proximity of the operation to the nearby residential zonings in relation to the proximity Boxley Concrete would have been to the closest nearby residential zoning. Councilman Stipes suggested Mr. Queen take the information discussed to the owners of Chandler Concrete for discussion and report to Council in three or four weeks on the measures the company is willing to take to minimize noise disturbances and speeding/jake braking concerns. Councilman Showalter agreed, stating that he would like to see Chandler Concrete resolve this matter without the involvement of Council. Mr. Queen agreed to meet with the owners of Chandler Concrete next week and report back within six weeks. Councilman Barber said this is an important issue and he would like to have a notice of intent from the company in writing much sooner than six weeks from now, especially if they plan to meet next week. Mr. Queen noted that, until tonight, Mr. Schack was the only resident who had placed a complaint regarding noise levels from the operation. Mayor Ballengee thanked Mr. Queen for coming before Council as a representative of Chandler Concrete. Mayor Ballengee directed Town Manager Helms to notify the Police Department regarding speeding along Cambria Street and Yellow Sulpher Road.

2. CITIZEN COMMENTS.

There were no citizen comments.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Proposed amendment to the *Employee Handbook*. Town Manager Helms explained that the proposed amendment to the Employee Handbook would clarify certain areas of the handbook and would authorize the Town to perform criminal background checks on certain prospective employees. Virginia law requires that localities adopt a background check ordinance in order to conduct these checks as a condition of employment. Background checks would be done for every position regardless of the level of employment, including volunteer positions. After reviewing the draft ordinance, Councilman Hall recommended that the ordinance allow for a comprehensive background check, rather than a criminal background check. Councilman Hall explained that a comprehensive background check would authorize the Town to check beyond "criminal" issues and would provide other information on prospective employees that would be equally important. Attorney Guynn said there could be some disadvantages to authorizing a comprehensive background check, including the expense. It could also result in discrimination lawsuits. Councilman Barber stated that consistency in the hiring process would help avoid potential problems. Councilman Vanhoozier stated that the wording on employment applications should match the wording in the handbook and ordinance in order to avoid misleading potential employees. Attorney Guynn said he would review the draft ordinance and consider the comments and concerns of Council.
2. Proposed Commercial Alarm Registration and False Alarm Ordinance update. THIS IS A CARRYOVER ITEM FROM AUGUST 7, 2012. Mayor Ballengee reported that the committee met on August 29, 2012 and is currently putting together information regarding this proposal. The committee will provide the information to Council once it is complete.
3. COUNCIL TO SET THE PERSONAL PROPERTY TAX RELIEF PERCENTAGE AT 40.54% AS REQUIRED BY THE PERSONAL PROPERTY TAX RELIEF ACT. COUNCIL MUST SET THE PERSONAL PROPERTY RELIEF PERCENTAGE EACH YEAR. Councilman Vanhoozier made a motion to set the Personal Property Tax Relief Percentage at 40.54% as required by the Personal Property Tax Relief Act. Councilman Hall seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

4. MR. STIPES AND MR. VANHOOZIER – STREET COMMITTEE RECOMMENDATION ON:
 - a. Plat Showing Vacation of Lot Lines between Lots 13, 14, and 15 of Rose Hill Addition; creating 1 lot; located at 235 Rose Hill Drive. Councilman Stipes reported that the Street Committee has reviewed this request for a simple internal lot line vacation. The request conforms with the Subdivision Ordinance and 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.
5. CLOSED MEETING:
 - a. Request for a Closed Meeting under 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 CLOSED MEETING IS TO DISCUSS THE PURCHASE OF PROPERTY. Councilman Barber made a motion to enter into a Closed Meeting for the purpose stated above, 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.
 - b. Reconvene in Open Meeting. Councilman Hall made a motion to reconvene in open meeting, seconded by Councilman Barber. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. Motion by Hall, second by Barber. All ayes.
 - c. Certification – Councilman Vanhoozier 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 Barber. 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 MATTERS – There was no action taken by Council on this matter.

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 September 7, 2012, in the amount of \$1,516,681.09. 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 requests and recommended setting the Public Hearings as indicated:

October 2, 2012

1. Request to vacate the unused portion of Locust Street.

On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to set the Public Hearing for October 2, 2012. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

October 16, 2012

1. Rezoning request for a lot on Somerset Drive from R-1 Single-Family Residential to B-3 General Business District.

On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to set the Public Hearing for October 16, 2012. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

COUNCILMAN BARBER asked that the Planning Department provide Town Council with the details of each Public Hearing once available.

TOWN MANAGER HELMS provided Council with an update on the progress of the Huckleberry Trail extension. The asphalt bid has been awarded to Norwood Development, Inc. for the section on Cambria Street. Also, VDOT has

agreed to provide approval for advertising for Phase 2A behind Walmart. Mr. John Neel of Gay and Neel, Inc. reported that revenue sharing funds are being used to fund the extension of the trail currently under construction along Cambria Street, and he explained the environmental clearance needed to obtain a right-of-way easement from Norfolk and Southern. According to Mr. Neel, bridge construction over Route 114 is scheduled to begin next summer.

TOWN MANAGER HELMS reported that he would be contacting the Finance Committee to schedule a meeting to discuss water billing practices.

MAYOR BALLENGEE reported that VDOT has requested Council appoint a representative to serve on an existing committee to study the Route 8 and Route 11 corridors. The representative must be appointed before October 2012.

ADJOURN:

There being no further business to bring before Council, the meeting was adjourned at 9:07 PM.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor